



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

**October 29, 2015**  
**10:00 a.m.**

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# CONVOCATION MATERIAL

*PUBLIC COPY*

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**CONVOCATION AGENDA**  
**October 29, 2015**

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**Convocation Room – 10:00 a.m.**

**Treasurer's Remarks**

**Consent Agenda - Motion [Tab 1]**

- **Confirmation of Draft Minutes of Convocation** – September 24, 2015 and October 15, 2015
- **Motions** – [Committee and Other Appointments](#)
  - By-Law Committee Appointments
  - [In Camera Appointments](#)
- **Report of the Director of Professional Development and Competence - Deemed Call Candidates**
- **Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report** – [Amendments to Guidelines for Lawyers Acting in Aboriginal Residential School Cases](#)

**Audit and Finance Committee Report (C. Bredt, P. Wardle) [Tab 2]**

- 2016 LibraryCo Inc. Budget
- 2016 Law Society Budget

*For Information:*

- Other Committee Work

**Secretary's Report (S. McGrath) [Tab 3]**

- Amendments to By-Law 6

*REPORTS FOR INFORMATION ONLY*

**Chair's Update on Task Force to Create a Strategy to Promote Wellness and Address Mental Health and Addictions Issues (W. McDowell)**

**Federation of Law Societies of Canada Update (L. Pawlitzka) [Tab 4]**

**Compliance-Based Entity Regulation Task Force Report (R. Earnshaw) [Tab 5]**

- Status Report

**Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report [Tab 6]**

- Paralegal Change of Status Survey
- Equity Legal Education and Rule of Law Series Calendar 2015/2016

**Report from The Action Group on Access to Justice (TAG) (H. Goldblatt) [Tab 7]**

**Priority Planning Committee Report (C. Hartman) [Tab 8]**

- Convocation's Priority Planning

Lunch – Benchers' Dining Room

**THE LAW SOCIETY OF UPPER CANADA**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 29, 2015

MOVED BY:

SECONDED BY:

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

DRAFT

MINUTES OF CONVOCATION

Thursday, 24<sup>th</sup> September, 2015  
9:00 a.m.

PRESENT:

The Treasurer (Janet E. Minor), Anand, Armstrong (by telephone), Banack (by telephone), Beach, Bickford, Boyd, Braithwaite, Bredt, Callaghan, Chrétien (by telephone), Clément, Conway, Cooper, Corbiere, Corsetti, Criger, Donnelly (by telephone), Earnshaw, Epstein, Evans (by telephone), Falconer, Finkelstein (by telephone), Furlong, Galati, Go (by telephone), Goldblatt, Gottlieb, Groia, Haigh, Hartman (by telephone), Horvat, Krishna, Lawrie, Leiper, Lerner, Lippa, MacLean, McDowell, McGrath, Merali, Mercer, Millar, Murchie, Murray, Nishikawa, Papageorgiou, Pawlitza, Potter (by telephone), Richardson (by telephone), Richer, Rosenthal, Ross, Ruby (by telephone), Schabas, Spence, Spurgeon, St. Lewis, C. Strosberg, H. Strosberg, Swaye (by telephone), Troister, Udell, Vespry, Wardle and Wright.

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Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

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TREASURER'S REMARKS

The Treasurer welcomed those joining Convocation by public webcast.

The Treasurer thanked Elder Cat Criger for performing the smudging ceremony to open Convocation this morning.

The Treasurer informed benchers of the event focussing on the Truth and Reconciliation Commission of Canada report on September 10, 2015.

The Treasurer welcomed The Honourable James Spence, former Treasurer, back to Convocation.

The Treasurer welcomed Gisèle Chrétien, a newly appointed lay bencher, to Convocation. Ms. Hartman also extended a welcome.

The Treasurer welcomed to Convocation former Treasurer Thomas Conway in his capacity as Federation of Law Societies of Canada President.

The Treasurer welcomed Ian Hull, Chair of the Law Society Foundation, for his address today to Convocation about the Lawyers Feed the Hungry Program.

The Treasurer welcomed LAWPRO guests Kathleen Waters and Duncan Gosnell.

The Treasurer announced the appointment of Lesley Cameron as new Acting Executive Director, Professional Regulation Division.

The Treasurer, on behalf of Convocation, expressed deepest condolences to the family of The Honourable Marc Rosenberg who passed away on August 27, 2015.

The Treasurer reminded benchers of the call to the bar September 25, 2015 at which The Honourable Russell G. Juriansz will receive an honorary LL.D.

The Treasurer informed Convocation of her attendance at the swearing in of former Treasurer, The Honourable E. Susan Elliott in Ottawa, as a judge of the Federal Court.

The Treasurer informed Convocation of the Law Society of Upper Canada's booth at the Canadian National Exhibition, as part of the Law Society's access to justice and outreach initiative.

The Treasurer informed Convocation of a number of events and activities she attended, and upcoming public events for the information of benchers.

The Treasurer reminded benchers of the opening of the courts today, and noted special guests for lunch including members of the judiciary, the Lieutenant Governor and Attorney General.

The Treasurer announced that Jerry Udell and Sidney Troister have been appointed by her to the Real Estate Issues Working Group.

#### MOTION – CONSENT AGENDA

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

Carried

#### DRAFT MINUTES OF CONVOCATION – Tab 1.1

##### Re: Tab 1.1.1:

The draft minutes of Convocation of June 25, 2015 were confirmed.

Re: Tab 1.1.2:

The draft minutes of Convocation of September 10, 2015 were confirmed.

MOTIONS – Tab 1.2

Re: Tab 1.2.1

THAT Convocation approve the following appointments:

THAT the following be appointed to the Alternative Business Structures Working Group:

Susan McGrath (Co-Chair)  
Malcolm Mercer (Co-Chair)  
Marion Boyd  
Janis Criger  
Carol Hartman  
Jacqueline Horvat  
Brian Lawrie  
Jeffrey Lem  
Jan Richardson  
Joanne St. Lewis

THAT Jack Braithwaite be reappointed as the Law Society's representative on the Canadian National Exhibition Association for a term of one year commencing October 22, 2015.

THAT Gisèle Chrétien be appointed to the LibraryCo Inc. Board of Directors to replace E. Susan Elliot who has resigned.

THAT Joanne St. Lewis be removed from the Mentoring and Advisory Services Proposal Task Force at her own request.

THAT Michael Lerner and Andrew Spurgeon be appointed to the Real Estate Issues Working Group.

THAT Robert Burd be appointed to the Task Force on Compliance-Based Entity Regulation.

Carried

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REPORT OF THE EXECUTIVE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND  
COMPETENCE – Tab 1.3

THAT the Report of the Executive Director of Professional Development and  
Competence listing the names of the call to the bar candidates be adopted.

Carried

LAWYERS FEED THE HUNGRY PROGRAM

Mr. Lerner introduced Ian Hull, Chair of the Law Society Foundation Board of Trustees.

Mr. Hull addressed Convocation on the Lawyers Feed the Hungry Program.

The Treasurer thanked Mr. Hull for his dedication to this initiative.

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. Mercer presented the Report.

Re: Proposed Amendments to the *Rules of Professional Conduct* on Language Rights

It was moved by Mr. Mercer, seconded by Ms. Richer, that Convocation approve the  
amendments to the *Rules of Professional Conduct* as set out in Tab 2.1.1.

An amendment was accepted to move the comma in the second line of rule 3.2–2B to  
after the word “choice”.

The motion as amended carried.

Re: New Process for Administrative Surrender of Licence

It was moved by Mr. Mercer, seconded by Ms. Richer, that Convocation approve in  
principle a new process which would permit a licensee to surrender their licence in the face of a  
Law Society investigation or discipline proceeding.

Carried

Re: 2015 Lawyer Annual Report

Mr. Mercer presented the report for information.

Re: Professional Regulation Division Quarterly Report

Mr. Mercer presented the report for information.

Re: Alternative Business Structures Working Group Report

Mr. Mercer presented the report for information.

*For Information:*

- 2015 Lawyer Annual Report
- Professional Regulation Division Quarterly Report
- Report of the Alternative Business Structures Working Group

AUDIT & FINANCE COMMITTEE REPORT

Mr. Bredt presented the Report.

Re: Law Society of Upper Canada Financial Statements for the Six Months Ended June 30, 2015

Mr. Bredt presented the report for information.

LAWPRO REPORT

Ms. McGrath presented the Report.

It was moved by Ms. McGrath, seconded by Ms. Murchie, that Convocation approve the program of insurance offered by LAWPRO for 2016 as set out in the Report at Tab 4.

Carried

PARALEGAL STANDING COMMITTEE REPORT

Ms. McGrath presented the Report.

Re: Amendments to *Paralegal Rules of Conduct*: Transferring Paralegals

It was moved by Ms. McGrath, seconded by Ms. Corsetti, that Convocation approve the amendments to the Paralegal Rules regarding Transferring Paralegals shown at Tab 3.2.1, to be consistent with the rule changes for lawyers approved by Convocation in June 2015.

Carried

*For Information:*

- Amendments to the Paralegal *Guidelines* - Limited Scope Retainers
- 2015 Paralegal Annual Report
- Other Committee Work

REPORT FROM THE FEDERATION OF LAW SOCIETIES OF CANADA

Thomas Conway, President of the Federation of Law Societies of Canada, addressed Convocation with a report on the Federation.

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

Ms. Leiper presented the Report.

Re: Report of the Activities of the Discrimination and Harassment Counsel January 1 – June 30, 2015

Ms. Leiper presented the report for information.

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AUDIT AND FINANCE COMMITTEE REPORT

- Law Society of Upper Canada Financial Statements for the Six Months ended June 30, 2015
- LibraryCo Inc. Financial Statements for the Six Months ended June 30, 2015
- LAWPRO Financial Statements for the Six Months ended June 30, 2015
- In Camera Item
- Performance of Investment Manager
- Investment Compliance Reports
- Other Committee Work

TRIBUNAL COMMITTEE REPORT

- Tribunal 2015 First and Second Quarter Statistics

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

- Discrimination and Harassment Counsel Semi-Annual Report
- Appointments to the Equity Advisory Group
- Public Education Equality and Rule of Law Series Calendar 2015 – 2016

REPORT FROM THE ACTION GROUP ON ACCESS TO JUSTICE

CONVOCATION ROSE AT 12:35 P.M.

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## THE LAW SOCIETY OF UPPER CANADA

### MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 29, 2015

THAT Gavin MacKenzie be appointed as Vice-Chair of the Task Force on Compliance-Based Entity Regulation.

THAT Peter Wardle be appointed to the Professional Development and Competence Committee.

THAT the following benchers be appointed to the committee of benchers described in s. 40(7) of By-Law 4 [Licensing]\*:

Peter Beach  
Jack Braithwaite  
Jacqueline Horvat  
Michael Lerner

THAT the following benchers be appointed to the committee of benchers described in s. 40(17.2) of By-Law 4 [Licensing]\*:

Cathy Corsetti  
Janis Criger  
Seymour Epstein  
Barbara Murchie

THAT Peter Wardle be appointed as the bencher described in s. 38 of By-Law 11 [Regulation of Conduct, Capacity and Professional Competence].\*

THAT the following benchers be appointed as the panel of benchers described in s. 42(1) of By-Law 11 [Regulation of Conduct, Capacity and Professional Competence]\*:

Michelle Haigh  
Carol Hartman  
Jan Richardson

#### \*Explanatory Notes:

The committee of benchers appointed under s. 40(7) of By-Law 4 deals with applications arising from the Society's refusal to grant to a person prior permission to practise law in the context of the interprovincial practise of law.

The committee of benchers appointed under s. 40(17.1) of By-Law 4 deals with applications from a person whose prior permission to practise law has been withdrawn for public interest reasons for a determination of whether the permission was properly withdrawn.

The bencher appointed under s. 38 of By-Law 11 is authorized, on application of the Law Society, to make an order that a licensee who was subject to an audit under s. 49.2 of the *Law Society Act* pay the cost or part of the cost of that audit.

The panel of benchers appointed under s. 42(1) of By-Law 11 hears appeals from the decision of the bencher appointed under s. 38.



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Tab 1.3

To the Benchers of the Law Society of Upper Canada Assembled in Convocation

The Executive Director of Professional Development and Competence reports as follows:

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CALL TO THE BAR AND CERTIFICATE OF FITNESS

Licensing Process and Transfer from another Province – By-Law 4

Attached is a list of candidates who have successfully completed the Licensing Process and have met the requirements in accordance with section 9.

All candidates now apply to be called to the bar and to be granted a Certificate of Fitness on Thursday, October 29<sup>th</sup> 2015

ALL OF WHICH is respectfully submitted

DATED this 29<sup>th</sup> day of October, 2015

**CANDIDATES FOR CALL TO THE BAR**  
**October 29<sup>th</sup> 2015**

**Transfer from another province (Mobility)**

Charles Desmeules  
Érik Ferguson Labelle Eastaugh  
Brian Hyunhoo Koh  
Alastair Donald Lachlan Mackinnon  
Anushua Nag  
Alanna Dawn Robinson  
Karen Ruth Segal  
Teresa Maria Tomchak

**L3**

Angely Mary Pacis

**Licensing Process**

John Michael Agozzino  
Marie-Claire Choueiri  
Noah Benjamin Stewart-Ornstein

**TAB 1.4**



## **Report to Convocation October 29, 2015**

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### **Equity and Aboriginal Issues Committee/ Comité sur l'équité et les affaires autochtones**

#### **Committee Members**

**Julian Falconer, Co-Chair**

**Janet Leiper, Co-Chair**

**Dianne Corbiere, Vice-Chair**

**Sandra Nishikawa, Vice-Chair**

Raj Anand

Fred Bickford

Suzanne Clément

Teresa Donnelly

Robert Evans

Avvy Go

Howard Goldblatt

Marian Lippa

Isfahan Merali

Barbara Murchie

Gina Papageorgiou

Susan Richer

Raj Sharda

**Purpose of Report: Decision**

**Prepared by the Equity Initiatives Department  
(Josée Bouchard – 416-947-3984)**

## TABLE OF CONTENTS

*Amendments to Guidelines for Lawyers Acting in Aboriginal Residential School Cases* ..... **TAB 1.4.1**

## COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Committee") met on October 13, 2015. Committee members bencher Julian Falconer, Chair, bencher Dianne Corbiere, Vice-Chair, bencher Sandra Y. Nishikawa, Vice-Chair and chair of the meeting, and benchers Fred Bickford, Robert Evans, Avvy Go, Howard Goldblatt, Barbara Murchie, Gina Papageorgiou and Susan Richer attended. Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario, and Paul Saguil, Chair of the Equity Advisory Group, also participated. Staff members Josée Bouchard, Ekua Quansah, Marisha Roman and Grant Wedge also attended.

FOR DECISION

**AMENDMENTS TO GUIDELINES FOR LAWYERS ACTING IN  
ABORIGINAL RESIDENTIAL SCHOOL CASES**

**Request to Convocation**

2. That Convocation approve the amendments proposed to the *Guidelines for Lawyers Acting in Aboriginal Residential School Cases* (the “Guidelines”) presented at [TABS 1.4.1.1 \(tracked\)](#) and [1.4.1.2 \(untracked\)](#).

**Rationale**

3. On October 13, 2015, the Equity and Aboriginal Issues Committee approved amendments to the Guidelines to reflect changes to the *Rules of Professional Conduct* and other minor editorial changes. The amended Guidelines are presented at Tabs 1.4.1.1 and 1.4.1.2.
4. It is anticipated that a more substantial review of the Guidelines, to take into account emerging developments in this area, will be conducted once an Aboriginal advisory group has been created.

TAB 1.4.1.1

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**GUIDELINES FOR LAWYERS ACTING IN  
ABORIGINAL RESIDENTIAL SCHOOL CASES**

**Preamble**

These Guidelines are provided as a tool primarily to assist ~~lawyers members of the Law Society of Upper Canada (“the Law Society”)~~ who act for claimants in cases involving Indian residential schools (“the residential schools”), including claims which may be commenced or are already proceeding through legal processes established by the May 8, 2006 Indian Residential Schools Settlement Agreement (“IRSSA”). While the word “Indian” is the title used by government and in laws or other official documents to refer to the Aboriginal people of Canada, the term “Aboriginal” will be used in the context of these Guidelines.

The Guidelines were prepared in the context of the Aboriginal community’s unique experience and history with the residential schools across Canada. The Guidelines reflect a response to calls from the Assembly of First Nations, ~~Rotio~~ <sup>tates</sup> Aboriginal Advisory Group, the Law Commission of Canada, and the Canadian Bar Association for law societies to implement safeguards for Aboriginal claimants engaged in legal processes. These Guidelines are in keeping with the spirit and letter of the *Rules of Professional Conduct* (“the Rules”). In particular, Rule ~~2.1-1 Commentary paragraph [4.1] 4.03(1)(b)~~ recognizes that lawyers have a special responsibility to recognize the diversity of the Ontario community, to protect the dignity of individuals, and to respect human rights law in force in Ontario.

While these Guidelines address issues relating specifically to claimants in legal matters involving the residential schools, the principles in the Guidelines may apply to lawyers acting in cases involving other claims of institutional abuse or other vulnerable clients. The Guidelines also provide guidance of a general nature, which lawyers acting on behalf of individual defendants, churches or government will find useful in their representations.

The Guidelines, advisory in nature, are meant to be educational and should be read in conjunction with the Rules. A lawyer will not be subject to discipline by the Law Society for a breach of the Guidelines, but may be subject to discipline for a breach of the standards of professional conduct found in the Rules, some of which are referenced in these Guidelines. The Guidelines have been created to identify appropriate practices in the area of residential school litigation with a view to ensuring the competence and professional conduct of ~~lawyers –the Ontario Bar~~ in providing legal services and non-discriminatory access to legal services in Ontario for claimants in these actions.

In these Guidelines, words such as “respect” and “healing” are used throughout. These words have significant meaning in an Aboriginal world-view. For the purposes of these Guidelines, “respect” reflects either an acceptance of the importance of the issue referred to, or polite, honourable, kind and careful consideration of the person referred to. “Healing” refers to the claimant’s emotional, psychological, physical and spiritual journey towards health and wellness in his or her life, and in his or her relationships with family and community.

Background information on the residential school experience and a list of resources for lawyers acting for claimants may be obtained through the Law Society's website ([www.lsuc.on.ca](http://www.lsuc.on.ca)) or through the Law Society's [Equity Initiatives-area](#) or [Resource Centre-Practice-Advisory-areas](#).

#### General

1. Given the specific knowledge required to responsibly serve the legal needs of Aboriginal Peoples or represent other parties to these claims, the special nature of residential school cases, and the various legal processes that exist in those cases, including legal processes established by the IRSSA, lawyers should ensure they are competent to act prior to accepting clients in these matters. Rule ~~2.01(1)~~[3.1-1](#) provides a definition of a "competent lawyer". Rule [3.1-1\(h\)](#) ~~2.01(1)(h)~~ states that being a competent lawyer includes "recognizing limitations in one's ability to handle a matter, or some aspect of it, and taking steps accordingly to ensure the client is appropriately served." Competence also involves "performing all functions conscientiously, diligently, and in a timely and cost-effective manner" (Rule [3.1-1\(e\)](#), ~~2.01(1)(e)~~). Lawyers should avoid unnecessary delay and encourage clients to pursue expeditious resolution of these claims, with particular care to avoid delays in cases involving ill or aging claimants.
2. Recognizing that this type of litigation creates additional demands for lawyers and their staff, lawyers should be aware of the possible need for training for law office personnel to effectively manage the practice and maintain competent legal service to clients. Lawyers acting in residential school cases are encouraged to ensure that employee assistance programs and counselling are available for law office lawyers and staff.
3. Lawyers should recognize and respect that claimants may be seriously damaged from their experiences, which may include cultural damages resulting from being cut off from their own society, culture and traditions and removed from their parents. These experiences may be aggravated by claimants having to relive their childhood abuse, and healing may be a necessary component of any real settlement for claimants. Accordingly, lawyers should take into account that any redress provided to claimants may include a broader range beyond the monetary. Lawyers should endeavour to understand and respect claimants' cultural roots, customs and traditions.

#### Guidance for Claimants' Counsel

4. Lawyers should recognize and respect the unique nature of residential school cases and appreciate claimants' need for "healing" in the legal process. Lawyers should recognize and respect the special nature of claimants' cases and should assist in facilitating their client's healing process through, where possible:
  - a) identifying and providing referrals to appropriate community resources, including counselling resources, to assist the client;
  - b) referring their client to treatment programs, if appropriate;
  - c) for lawyers acting for a client pursuing a claim within the processes established by the IRSSA, referring their client to the mental health and emotional services available through the IRSSA, if appropriate; and,
  - d) recognizing and respecting the need for the client to develop a personal support network.

Lawyers should review these options with the client at the beginning of and throughout the retainer.

5. Lawyers should recognize and respect that residential school cases place unique demands on the lawyer and other law office staff by virtue of the complicated legal issues, the emotional nature of such cases, the additional amount of time and resources required for each case, the special needs of claimants, the potential need for crisis intervention and management, and the lawyer's role in facilitating the claimant's healing process. Lawyers should recognize and respect that these demands may place a practical limit on the number of cases which they can competently and responsibly take on at any one time. Lawyers must also remember that they must act consistent with their responsibilities to their clients.
6. Lawyers should ensure that new claimants are aware of the IRSSA, including the legal processes established by the IRSSA, the deadlines established by the IRSSA for new claims, and the claimants' available legal options in light of the IRSSA. Although most claims being pursued by ~~Ontario~~ lawyers are or will proceed through legal processes established by the IRSSA, if lawyers pursue claims through a class action, lawyers should ensure that the claimants understand the impact of participating in the class on other legal rights which may be available to the them, including the impact on potential claims available through legal procedures established by the IRSSA, the nature of a class action, and the need for a representative group of claimants from whom the lawyer will take instructions. The lawyer should also implement appropriate information distribution systems for the benefit of all claimants.
7. Lawyers should appreciate the need for the utmost sensitivity in dealings with claimants. Lawyers should ensure that the methods they employ in making legal services available to claimants are culturally appropriate and comply with Rule ~~4.1-1, 3-01~~, in particular Rule ~~4.1-2(c) 3-01(2)(e)~~ which prohibits unconscionable or exploitive means in offering legal services to vulnerable persons or persons who have suffered a traumatic experience and have not yet had a chance to recover. Lawyers should make reasonable efforts to ensure that initial communications offering legal services to claimants are welcomed and respectful. Care should be taken to ensure that these communications will not result in further trauma to the claimant. Subject to protecting and advising the client with respect to solicitor and client privilege, lawyers may wish to consider having community support people available at the initial meeting with the client and should recognize that claimants may require support people to be present throughout various stages of the legal retainer.
8. Lawyers should ensure that advertising aimed at soliciting claimants is in good taste, is not false or misleading, and complies with Rule ~~3.04- 4.2-1~~.
9. Lawyers acting on behalf of claimants must comply with ~~Rule 2.08-Section 3.6~~ and ensure that all fees and disbursements are clearly communicated to the claimant in a way that is understandable. Lawyers acting for claimants within the Independent Assessment Process established by the IRSSA should additionally communicate the IRSSA provisions related to the claimant's legal fees and disbursements in a manner that is clear and understandable. Given the unique nature of residential school cases and needs of claimants, lawyers should make reasonable efforts to ensure that there is clear and understandable communication regarding the lawyer and client relationship, the legal process including settlement and alternative dispute resolution processes, responsibilities of lawyer and client, and fees and disbursements.

Accordingly, lawyers should, whenever possible, meet in person with the claimant before establishing a lawyer and client relationship or accepting retainers from residential school claimants.

10. Lawyers may enter into an arrangement with a claimant for a contingency fee provided the arrangement is in accordance with [Rule 2.08](#), [Rule 3.6-2](#).

11. Lawyers acting for claimants should ensure that they are accessible to claimants for whom they are acting and that clear lines of communication exist with the claimants. Lawyers should recognize and respect the special communication needs that some claimants may have including language barriers, cultural barriers, and limited access to telephone service. [Rule 3.2-2A](#) requires that a lawyer advise a client of their language rights, including the right to use the official language of the client's choice, and a language recognized in provincial or territorial legislation as a language in which a matter may be pursued, including, where applicable, aboriginal languages.

[12.](#) Lawyers may be required to consider the services of interpreters, as necessary. Lawyers' written communications to claimants should be in an understandable and accessible format and lawyers should make reasonable efforts to follow up to ensure client comprehension. Lawyers should also communicate at all stages of the matter in a timely and effective manner ~~that is appropriate to the age and abilities of the client~~, in accordance with [Rule 3.1-1\(d\)](#), ~~2.01(1)(d)~~. This also involves being clear with the client about what the legal system can and cannot deliver, and, depending on the circumstances, involving the client in determining the approach to gathering information relevant to the claim. Lawyers should also be prepared to deal with a claimant's progressive disclosure of issues related to the claim, given the emotional restraints that many claimants may experience.

[13.](#) Sensitivity to the emotional, spiritual and intellectual needs of claimants is necessary in the provision of legal services to claimants. Lawyers acting for claimants should recognize and respect that many claimants have had control taken from their lives and were victims of child and sexual abuse and therefore, as clients, should be routinely informed about and consulted as much as possible on the direction of their case. Lawyers should ensure that they obtain instructions from claimants at every stage of the legal process. Lawyers should also recognize and respect that for claimants, interaction with lawyers and the legal process can be extremely stressful and difficult.

[14](#)

Lawyers should recognize and respect that claimants are often at risk of suicide and/or violence toward themselves and others, and should seek appropriate instruction and training for all law office staff to deal with such occurrences. Lawyers should be aware of available and appropriate resources and supports in order to make referrals when crisis intervention is warranted.

*Passed by Convocation on October 23, 2003; amended February 23, 2012.*

**GUIDELINES FOR LAWYERS ACTING IN  
ABORIGINAL RESIDENTIAL SCHOOL CASES**

**Preamble**

These Guidelines are provided as a tool primarily to assist lawyers who act for claimants in cases involving Indian residential schools (“the residential schools”), including claims which may be commenced or are already proceeding through legal processes established by the May 8, 2006 Indian Residential Schools Settlement Agreement (“IRSSA”). While the word “Indian” is the title used by government and in laws or other official documents to refer to the Aboriginal people of Canada, the term “Aboriginal” will be used in the context of these Guidelines.

The Guidelines were prepared in the context of the Aboriginal community’s unique experience and history with the residential schools across Canada. The Guidelines reflect a response to calls from the Assembly of First Nations, Rotiio>taties Aboriginal Advisory Group, the Law Commission of Canada, and the Canadian Bar Association for law societies to implement safeguards for Aboriginal claimants engaged in legal processes. These Guidelines are in keeping with the spirit and letter of the *Rules of Professional Conduct* (“the Rules”). In particular, Rule 2.1-1 Commentary paragraph [4.1] recognizes that lawyers have a special responsibility to recognize the diversity of the Ontario community, to protect the dignity of individuals, and to respect human rights law in force in Ontario.

While these Guidelines address issues relating specifically to claimants in legal matters involving the residential schools, the principles in the Guidelines may apply to lawyers acting in cases involving other claims of institutional abuse or other vulnerable clients. The Guidelines also provide guidance of a general nature, which lawyers acting on behalf of individual defendants, churches or government will find useful in their representations.

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In these Guidelines, words such as “respect” and “healing” are used throughout. These words have significant meaning in an Aboriginal world-view. For the purposes of these Guidelines, “respect” reflects either an acceptance of the importance of the issue referred to, or polite, honourable, kind and careful consideration of the person referred to. “Healing” refers to the claimant’s emotional, psychological, physical and spiritual journey towards health and wellness in his or her life, and in his or her relationships with family and community.

Background information on the residential school experience and a list of resources for lawyers acting for claimants may be obtained through the Law Society’s website ([www.lsuc.on.ca](http://www.lsuc.on.ca)) or through the Law Society’s equity area or Resource Centre.

## General

1. Given the specific knowledge required to responsibly serve the legal needs of Aboriginal Peoples or represent other parties to these claims, the special nature of residential school cases, and the various legal processes that exist in those cases, including legal processes established by the IRSSA, lawyers should ensure they are competent to act prior to accepting clients in these matters. Rule 3.1-1 provides a definition of a “competent lawyer”. Rule 3.1-1(h) states that being a competent lawyer includes “recognizing limitations in one’s ability to handle a matter, or some aspect of it, and taking steps accordingly to ensure the client is appropriately served.” Competence also involves “performing all functions conscientiously, diligently, and in a timely and cost-effective manner” (Rule 3.1-1(e)). Lawyers should avoid unnecessary delay and encourage clients to pursue expeditious resolution of these claims, with particular care to avoid delays in cases involving ill or aging claimants.
2. Recognizing that this type of litigation creates additional demands for lawyers and their staff, lawyers should be aware of the possible need for training for law office personnel to effectively manage the practice and maintain competent legal service to clients. Lawyers acting in residential school cases are encouraged to ensure that employee assistance programs and counselling are available for law office lawyers and staff.
3. Lawyers should recognize and respect that claimants may be seriously damaged from their experiences, which may include cultural damage resulting from being cut off from their own society, culture and traditions and removed from their parents. These experiences may be aggravated by claimants having to relive their childhood abuse, and healing may be a necessary component of any real settlement for claimants. Accordingly, lawyers should take into account that any redress provided to claimants may include a broader range beyond the monetary. Lawyers should endeavour to understand and respect claimants’ cultural roots, customs and traditions.

## Guidance for Claimants’ Counsel

4. Lawyers should recognize and respect the unique nature of residential school cases and appreciate claimants’ need for “healing” in the legal process. Lawyers should recognize and respect the special nature of claimants’ cases and should assist in facilitating their client’s healing process through, where possible:
  - a) identifying and providing referrals to appropriate community resources, including counselling resources, to assist the client;
  - b) referring their client to treatment programs, if appropriate;
  - c) for lawyers acting for a client pursuing a claim within the processes established by the IRSSA, referring their client to the mental health and emotional services available through the IRSSA, if appropriate; and,
  - d) recognizing and respecting the need for the client to develop a personal support network.

Lawyers should review these options with the client at the beginning of and throughout the retainer.

5. Lawyers should recognize and respect that residential school cases place unique demands on the lawyer and other law office staff by virtue of the complicated legal issues, the emotional

nature of such cases, the additional amount of time and resources required for each case, the special needs of claimants, the potential need for crisis intervention and management, and the lawyer's role in facilitating the claimant's healing process. Lawyers should recognize and respect that these demands may place a practical limit on the number of cases which they can competently and responsibly take on at any one time. Lawyers must also remember that they must act consistent with their responsibilities to their clients.

6. Lawyers should ensure that new claimants are aware of the IRSSA, including the legal processes established by the IRSSA, the deadlines established by the IRSSA for new claims, and the claimants' available legal options in light of the IRSSA. Although most claims being pursued by lawyers are or will proceed through legal processes established by the IRSSA, if lawyers pursue claims through a class action, lawyers should ensure that the claimants understand the impact of participating in the class on other legal rights which may be available to the them, including the impact on potential claims available through legal procedures established by the IRSSA, the nature of a class action, and the need for a representative group of claimants from whom the lawyer will take instructions. The lawyer should also implement appropriate information distribution systems for the benefit of all claimants.
7. Lawyers should appreciate the need for the utmost sensitivity in dealings with claimants. Lawyers should ensure that the methods they employ in making legal services available to claimants are culturally appropriate and comply with Rule 4.1-1, , in particular Rule 4.1-2(c) which prohibits unconscionable or exploitive means in offering legal services to vulnerable persons or persons who have suffered a traumatic experience and have not yet had a chance to recover. Lawyers should make reasonable efforts to ensure that initial communications offering legal services to claimants are welcomed and respectful. Care should be taken to ensure that these communications will not result in further trauma to the claimant. Subject to protecting and advising the client with respect to solicitor and client privilege, lawyers may wish to consider having community support people available at the initial meeting with the client and should recognize that claimants may require support people to be present throughout various stages of the legal retainer.
8. Lawyers should ensure that advertising aimed at soliciting claimants is in good taste, is not false or misleading, and complies with Rule 4.2-1.
9. Lawyers acting on behalf of claimants must comply with Section 3.6 and ensure that all fees and disbursements are clearly communicated to the claimant in a way that is understandable. Lawyers acting for claimants within the Independent Assessment Process established by the IRSSA should additionally communicate the IRSSA provisions related to the claimant's legal fees and disbursements in a manner that is clear and understandable. Given the unique nature of residential school cases and needs of claimants, lawyers should make reasonable efforts to ensure that there is clear and understandable communication regarding the lawyer and client relationship, the legal process including settlement and alternative dispute resolution processes, responsibilities of lawyer and client, and fees and disbursements. Accordingly, lawyers should, whenever possible, meet in person with the claimant before establishing a lawyer and client relationship or accepting retainers from residential school claimants.
10. Lawyers may enter into an arrangement with a claimant for a contingency fee provided the arrangement is in accordance with Rule 3.6-2.

11. Lawyers acting for claimants should ensure that they are accessible to claimants for whom they are acting and that clear lines of communication exist with the claimants. Lawyers should recognize and respect the special communication needs that some claimants may have including language barriers, cultural barriers, and limited access to telephone service. Rule 3.2-2A requires that a lawyer advise a client of their language rights, including the right to use the official language of the client's choice, and a language recognized in provincial or territorial legislation as a language in which a matter may be pursued, including, where applicable, aboriginal languages.
12. Lawyers may be required to consider the services of interpreters, as necessary. Lawyers' written communications to claimants should be in an understandable and accessible format and lawyers should make reasonable efforts to follow up to ensure client comprehension. Lawyers should also communicate at all stages of the matter in a timely and effective manner, in accordance with Rule 3.1-1(d). This also involves being clear with the client about what the legal system can and cannot deliver, and, depending on the circumstances, involving the client in determining the approach to gathering information relevant to the claim. Lawyers should also be prepared to deal with a claimant's progressive disclosure of issues related to the claim, given the emotional restraints that many claimants may experience.
13. Sensitivity to the emotional, spiritual and intellectual needs of claimants is necessary in the provision of legal services to claimants. Lawyers acting for claimants should recognize and respect that many claimants have had control taken from their lives and were victims of child and sexual abuse and therefore, as clients, should be routinely informed about and consulted as much as possible on the direction of their case. Lawyers should ensure that they obtain instructions from claimants at every stage of the legal process. Lawyers should also recognize and respect that for claimants, interaction with lawyers and the legal process can be extremely stressful and difficult.
14. Lawyers should recognize and respect that claimants are often at risk of suicide and/or violence toward themselves and others, and should seek appropriate instruction and training for all law office staff to deal with such occurrences. Lawyers should be aware of available and appropriate resources and supports in order to make referrals when crisis intervention is warranted.

*Passed by Convocation on October 23, 2003; amended February 23, 2012.*



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

**TAB 2**

**Report to Convocation  
October 29, 2015**

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## **Audit & Finance Committee**

### **Committee Members**

**Christopher Bredt (Co-Chair)**

**Peter Wardle (Co-Chair)**

**Michelle Haigh (Vice-Chair)**

John Callaghan

Suzanne Clément

Paul Cooper

Teresa Donnelly

Seymour Epstein

Rocco Galati

Vern Krishna

Janet Leiper

Catherine Strosberg

**Purpose of Report: Decision and Information**

**Prepared by the Finance Department  
Wendy Tysall, Chief Financial Officer, 416-947-3322 or wtysall@lsuc.on.ca**

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**For Information:**

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## COMMITTEE PROCESS

1. The Audit & Finance Committee (“the Committee”) met on October 13, 2015. Committee members in attendance were Christopher Bredt (Co-Chair), Peter Wardle (Co-Chair), Michelle Haigh (Vice-Chair), Suzanne Clement, Paul Cooper (phone), Seymour Epstein and Vern Krishna.
2. Law Society staff in attendance: Robert Lapper, Wendy Tysall, Fred Grady and Andrew Cawse.

**FOR DECISION  
2016 LIBRARYCO INC. BUDGET**

**Motion**

3. **That Convocation approve the LibraryCo Inc. budget for 2016 incorporating Law Society funding of \$7,662,150.**

**Rationale**

4. Under the terms of the Unanimous Shareholders Agreement, the draft 2016 LibraryCo budget is being presented to Convocation, along with the Law Society's 2016 budget.
5. The Law Society levies and collects funds for county and district law library purposes and transfers these funds to LibraryCo. Convocation internally restricts these funds for use by county and district law libraries to carry out their annual operations and any special projects approved by Convocation.
6. LibraryCo's draft budget for 2016 is attached and factors that have affected the drafting of the 2016 budget are summarized below.

<b>Income / Expense</b>	<b>Draft 2016 Budget</b>	<b>Discussion</b>
Library System Expense  (row 1 and Attachment A)	\$6,476,764	In recent years, the board's budget instructions to the libraries have included a cap on expense increases of 1% to 3%, based on inflation, unless libraries submit an acceptable business case supporting increases above the benchmark. The current amount is based on a 2% increase.  The \$6.5 million for county libraries is approximately split into \$3 million for salaries, \$2.8 million for collections and \$0.7 million for operating expenses.

Convocation - Audit and Finance Committee Report

Special Needs Grants (row 2)	\$44,400	This amount comprises a provision of \$20,000 primarily used for the computer refresh program and \$24,400 in bursaries for staff education.
Electronic Products Expenses (row 3)	\$339,000	In 2016, LibraryCo will be in the second year of a two year agreement for the provision of electronic products.
Transition Expenses (row 4)	\$84,986	The resources required for the transition process in 2016 are difficult to predict at this time. The current draft budget maintains a similar contingency amount as 2015.
Delivery of Administrative and Centralized Services (row 5 and Attachment B)	\$860,000	The breakdown of these expenses is on Attachment B of the budget together with brief explanations. This amount is \$123,000 less than 2015.  The main change is a \$125,000 reduction in the Administrative Services Fee paid to the Law Society.
Law Society Revenue (row 7)	\$7,662,150	The 2015 amount reduced by the overall reduction in budgeted expenses  Another potential source of funding is the Reserve Fund. The Reserve Fund had a balance at the end of 2014 of \$500,000 comprising a general component of \$200,000, a capital and special needs component of \$150,000, and a staffing and severance component of \$150,000 in accordance with Board policy. The 2015 budget does not use the Reserve Fund.

Use of General Fund  (row 8)	\$143,000	The 2015 budget includes funding of \$100,000 from the General Fund. Mid-year results for 2015 have not used this funding and the fund balance available will depend on expenditures in the second half of 2015.
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7. At the September Law Society Audit & Finance Committee, the Committee requested that LibraryCo resubmit a budget eliminating a \$75,000 contingency for personnel needs. The LibraryCo board met and approved the current budget which complies with this request.
8. Stakeholder responses are assessed as part of the ongoing budget and financial reporting cycle.
9. LibraryCo, a wholly-owned, not-for-profit subsidiary of the Law Society, was established to develop policies, procedures, guidelines and standards for the delivery of county law library services and legal information across Ontario and to administer funding on behalf of the Law Society. The Law Society holds all of the 100 common shares. Of the 100 special shares, 25 are held by the Toronto Lawyers Association ("TLA") and 75 are held by the County and District Law Presidents' Association ("CDLPA"). The Law Society may appoint up to four directors, CDLPA may appoint up to three directors and TLA may appoint one director.
10. Under the Unanimous Shareholders Agreement for LibraryCo:
 

“at least ninety days prior to the commencement of each financial year of the Corporation the Board shall oversee the preparation and approve a detailed operating plan and budget for the operation of the Corporation for the coming fiscal year. The budget shall include the request from the Corporation in respect of the library levy for the next ensuing fiscal year. Once approved, the budget shall be forthwith presented to LSUC for its approval. If LSUC does not approve the budget as presented, the board and LSUC shall cooperate in good faith to resolve any disputes with a view to developing a budget that is mutually acceptable, prior to the commencement of the fiscal year. In the event a mutually acceptable budget is not developed within a reasonable period of time, nothing herein shall fetter the budgetary discretion of LSUC to determine the level of funding for the Corporation.”



## LIBRARYCO INC. DRAFT 2016 BUDGET

	<b>2015</b>	<b>2016</b>
	<b>Approved</b>	<b>Draft</b>
<b>Expenses</b>	<b>Budget</b>	<b>Budget</b>
	<b>\$</b>	<b>\$</b>
1 Library System (Attachment A)	6,343,739	6,476,764
2 Special Needs Grants	44,400	44,400
3 Electronic Products	339,000	339,000
4 Transition Expenses	85,541	84,986
	6,812,680	6,945,150
Delivery of Administrative and Centralized		
5 Services (Attachment B)	983,320	860,000
6 <b>Total Expenses</b>	<b>7,796,000</b>	<b>7,805,150</b>
<b>Revenue</b>		
7 Law Society Grant	7,696,000	7,662,150
8 Use of General Fund	100,000	143,000
9 <b>Total Revenue</b>	<b>7,796,000</b>	<b>7,805,150</b>
10 <b>Surplus / (Deficit)</b>	<b>0</b>	<b>0</b>

**Convocation - Audit and Finance Committee Report**

<b>LIBRARYCO INC.</b>		<b>ATTACHMENT A</b>
<b>GRANTS TO COUNTY LIBRARIES</b>		
<b>Association</b>	<b>Approved 2015 LibraryCo Grant (\$)</b>	<b>Draft 2016 LibraryCo Grant (\$)</b>
Algoma District Law Association	134,266	136,951
Brant Law Association	99,742	101,737
Bruce Law Association	55,630	56,742
County of Carleton Law Association	614,682	626,976
Cochrane Law Association	48,326	49,293
Dufferin Law Association	46,349	47,276
Durham County Law Association	129,443	132,032
Elgin Law Association	75,996	77,516
Essex Law Association	279,630	285,223
Frontenac Law Association	130,556	134,667
Grey Law Association	65,872	67,190
Haldimand Law Association	29,739	30,334
Halton Law Association	138,774	141,549
Hamilton Law Association	446,740	455,675
Hastings Law Association	84,375	86,063
Huron Law Association	75,492	77,002
Kenora Law Association	86,811	88,547
Kent Law Association	70,096	71,498
Lambton County Law Association	74,536	76,027
County of Lanark Law Association	39,069	39,851
Leeds & Greenville Law Association	71,441	72,870
Lennox & Addington Law Association	26,458	26,987
Lincoln Law Association	177,535	181,086
Manitoulin Law Association	2,525	2,576
Middlesex Law Association	360,548	367,759
Muskoka Law Association	64,197	65,481
Nipissing Law Association	85,767	87,482
Norfolk Law Association	70,118	71,521
Northumberland County Law Assoc.	76,504	78,035
Oxford Law Association	70,772	72,187
Parry Sound Law Association	39,179	44,612
Peel Law Association	295,780	301,696
County of Perth Law Association	54,506	55,596
Peterborough Law Association	131,936	134,575
Prescott & Russell Law Association	13,835	14,112
Rainy River Law Association	26,832	27,368
Renfrew County Law Association	123,546	126,017
County of Simcoe Law Association	139,687	142,481
Stormont,D.& G. Law Assoc.	77,168	78,711
Sudbury District Law Association	186,380	190,108
Temiskaming Law Association	42,989	43,848
Thunder Bay Law Association	169,454	172,843
Toronto Lawyers Association	585,114	596,816
Victoria Haliburton Law Association	87,163	88,906
Waterloo Law Association	238,456	243,225
Welland Law Association	93,371	95,239
Wellington Law Association	75,347	76,854
York Region Law Association	231,003	235,623
	<b>6,343,739</b>	<b>6,476,764</b>

ATTACHMENT B**DELIVERY OF ADMINISTRATIVE AND CENTRALIZED SERVICES**

	<b>Approved 2015 \$</b>	<b>Draft 2016 \$</b>
<b>Head Office</b>		
1 Insurance	4,725	5,000
2 Publications	5,000	4,000
3 Professional & Consulting Fees	36,000	30,000
4 Administrative Services	430,000	305,000
5 Web Initiatives	3,000	3,000
6 Board of Directors	24,000	20,000
7 Courier and Postage	20,650	21,000
8 Miscellaneous	6,000	6,000
9 <b>Total Head Office Expenses (A)</b>	<b>529,375</b>	<b>394,000</b>
<b>Law Libraries Centralized Purchasing</b>		
10 County Library Benefit Plan	250,000	255,000
11 COLAL Education and Meetings	35,600	36,000
12 Publications County Libraries	62,000	64,000
13 Insurance - Counties	87,345	90,000
14 CDLPA Meeting Expense	9,000	10,000
15 1-800 Phone Lines	10,000	11,000
16 <b>Total Centralized Expenses (B)</b>	<b>453,945</b>	<b>466,000</b>
17 <b>Total Expenses (Total of A and B)</b>	<b>983,320</b>	<b>860,000</b>

**FOR DECISION  
LAW SOCIETY BUDGET**

**Motion:**

11. That Convocation approve the Law Society’s 2016 Budget including the following annual fee amounts:

**For lawyers:**

General Fee	1,371
Compensation Fund	254
LibraryCo	194
Capital	47
Total	\$1,866

**For paralegals:**

General Fee	810
Compensation Fund	139
Capital	47
Total	\$996

**Budget Material**

12. A full discussion can be found in the Society’s draft 2016 budget materials presented as:
- 2016 Draft Budget Summary
  - 2016 Draft Budget Detail (in camera)
13. The Law Society's draft 2016 budget was presented to benchers for input at a budget information session on September 25, 2015.

**Key Issues and Considerations**

14. Under S.50 of By-Law 2:
- a. The annual budget shall be presented to Convocation for final approval not later than November 30 each year.
  - b. The budget shall be consistent with the activities planned by Convocation for the next financial year.
  - c. The budget shall include a reasonable projection of all expenses and revenues.

- d. The use of reserve funds to supplement estimated revenues requires the express approval of Convocation.
- e. Where Convocation has approved a budget that provides for the continuation of a program, activity or service, any significant reduction or cancellation of that program, activity or service during the financial year requires the express approval of Convocation.

**Law Society of Upper Canada  
2016 Draft Budget and 2017-2018  
Financial Projections Summary**



The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

**October 29, 2015**

**Convocation**

**Law Society of Upper Canada  
2016 Draft Budget and 2017-2018  
Financial Projections Summary  
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2016 Budget Overview

The annual fees for lawyers and paralegals are maintained at the 2015 level:

	2015		2016	
	Lawyers	Paralegals	Lawyers	Paralegals
<b>General Fee</b>	\$ 1,370	\$ 804	\$ 1,371	\$ 810
<b>Compensation Fund</b>	225	123	254	139
<b>Capital</b>	69	69	47	47
<b>LibraryCo Inc.</b>	202	0	194	0
<b>Total</b>	\$ 1,866	\$ 996	\$ 1,866	\$ 996

To maintain the paralegal fee at the same level as 2015, the 2016 budget uses \$340,000 from the paralegal General Fund balance to mitigate the annual fee. The paralegal annual fee has remained constant since 2013. The forecast maintains the 2016 annual fee for lawyers at the same level as 2015 and 2014 without the use of fund balances. Philosophically, the Audit and Finance Committee has been committed to achieving a budget that does not rely on the use of fund balances to mitigate fees. While this is a worthwhile objective, the projected balance of the paralegal General Fund (\$3.5 million) is at a size that virtually compels its use for fee mitigation. This budget utilizes a relatively small portion of the paralegal General Fund balance to hold the fee at the 2015 level.

## The Law Society of Upper Canada

### 2016 Budget Planning Assumptions

- Increase in Full Fee Paying Equivalent members: 1,400 for lawyers to 39,500 and 350 for paralegals to 5,050
- 2% provision for salary and benefits
- Provision for routine grant claims in the lawyer compensation fund set at \$2.3 million plus a provision of \$700,000 to increase the fund balance
- Non-salary expenses projected to increase at 1% annual rate
- CPD revenues projected to remain flat for 2016
- Allocation of \$1.2 million from the accumulated surplus investment income in the E&O Fund to mitigate fee increase for lawyers (2015: \$1.5 million)
- Investment income in the General Fund and Compensation Fund reduced by a total of \$150,000 to \$1,550,000
- \$340,000 of the paralegal General Fund Balance used to mitigate fee increase in 2016
- Capital levy reduced from \$69 to \$47
- LibraryCo funding increased overall by \$91,000 with a per lawyer levy of \$194 in 2016 compared to \$202 in 2015
- Contingency maintained at \$1 million, plus \$200,000 in consulting for studies resulting from strategic planning
- Contribution to Parental Leave Assistance Plan reduced to \$200,000 from \$300,000 in 2015 reflecting declining utilization of program
- Licensing Process fees unchanged

## 2017-2018 Budget Projection Assumptions

- Annual increase in Full Fee Paying Equivalent members: 700 for lawyers and 350 for paralegals
- 2% provision for salary and benefits
- Provision for routine claims in the lawyer compensation fund maintained at \$2.3 million plus a provision increasing to \$900,000 by 2018 to restore the fund balance to approximately \$16 million by the end of 2018
- Non-salary expenses projected to increase at 1% annual rate
- CPD revenues projected to remain flat through 2018
- Allocation of \$1.2 million from the accumulated surplus investment income in the E&O Fund in 2017 and 2018
- \$227,000 of the paralegal General Fund Balance used to mitigate fee increase in 2017, \$0 in 2018
- LibraryCo funding maintained at 2016 level
- Contingency reduced in 2018 to \$250,000
- Contribution to PLAP maintained at 2016 level
- Licensing Process fees unchanged

**Law Society of Upper Canada  
2016-2018 Budget Scenario  
Lawyers and Paralegals**

	<b>Approved 2015 Budget</b>	<b>Projected 2016 Budget</b>	<b>Projected 2017 Budget</b>	<b>Projected 2018 Budget</b>
1 Annual fee revenue	75,766,315	78,727,700	80,401,290	82,036,700
2 Licensing process	11,618,300	12,168,300	12,168,300	12,168,300
3 CPD	8,477,000	8,477,000	8,277,000	8,077,000
4 E&O surplus investment income	1,500,000	1,200,000	1,200,000	1,000,000
5 Other revenue	9,687,000	9,777,000	9,726,310	9,725,700
6 <b>Total Funding</b>	<b>107,048,615</b>	<b>110,350,000</b>	<b>111,772,900</b>	<b>113,007,700</b>
7 Salaries and benefits	57,454,465	58,379,700	59,988,600	61,223,800
8 Operating	3,899,150	4,020,100	4,050,100	4,090,200
9 Program	34,353,000	35,297,700	35,737,200	35,376,500
10 <b>General fund</b>	<b>95,706,615</b>	<b>97,697,500</b>	<b>99,775,900</b>	<b>100,690,500</b>
11 <b>Capital fund</b>	<b>2,953,200</b>	<b>2,084,500</b>	<b>1,314,500</b>	<b>1,408,000</b>
12 <b>LibraryCo</b>	<b>7,696,000</b>	<b>7,662,000</b>	<b>7,662,000</b>	<b>7,662,000</b>
13 <b>Compensation Fund</b>	<b>2,658,400</b>	<b>3,246,000</b>	<b>3,247,200</b>	<b>3,247,200</b>
14 <b>Total Expenditures</b>	<b>109,014,215</b>	<b>110,690,000</b>	<b>111,999,600</b>	<b>113,007,700</b>
15 <b>Deficit - funded from Fund Balances</b>	<b>1,965,600</b>	<b>340,000</b>	<b>226,700</b>	<b>-</b>

**Law Society of Upper Canada  
2016-2018 Budget Scenario  
Lawyers**

	<b>Approved 2015 Budget</b>	<b>Projected 2016 Budget</b>	<b>Projected 2017 Budget</b>	<b>Projected 2018 Budget</b>
1 Annual fee revenue	71,084,640	73,697,000	75,016,880	76,300,180
2 Licensing process	9,766,700	10,216,700	10,216,700	10,216,700
3 CPD	7,743,700	7,743,700	7,561,000	7,378,300
4 E&O surplus investment income	1,500,000	1,200,000	1,200,000	1,000,000
5 Other revenue	8,958,360	8,958,000	8,994,220	8,994,320
6 <b>Total Funding</b>	<b>99,053,400</b>	<b>101,815,400</b>	<b>102,988,800</b>	<b>103,889,500</b>
7 Salaries and benefits	52,429,300	53,115,600	54,489,600	55,620,800
8 Operating	3,555,700	3,671,400	3,698,800	3,735,200
9 Program	31,554,600	32,406,000	32,866,000	32,521,500
10 <b>General fund</b>	<b>87,539,600</b>	<b>89,193,000</b>	<b>91,054,400</b>	<b>91,877,500</b>
11 <b>Capital fund</b>	<b>2,628,900</b>	<b>1,847,100</b>	<b>1,157,900</b>	<b>1,235,500</b>
12 <b>LibraryCo</b>	<b>7,696,000</b>	<b>7,662,000</b>	<b>7,662,000</b>	<b>7,662,000</b>
13 <b>Compensation Fund</b>	<b>2,536,400</b>	<b>3,113,300</b>	<b>3,114,500</b>	<b>3,114,500</b>
14 <b>Total Expenditures</b>	<b>100,400,900</b>	<b>101,815,400</b>	<b>102,988,800</b>	<b>103,889,500</b>
15 <b>Deficit - funded from Fund Balances</b>	<b>1,347,500</b>	-	-	-
<b>Annual Fee</b>				
16 <b>General Fund</b>	1,370	1,371	1,395	1,397
17 <b>Compensation Fund</b>	225	254	251	252
18 <b>Capital Fund</b>	69	47	29	30
19 <b>LibraryCo</b>	202	194	191	187
20 <b>Annual Fee</b>	<b>1,866</b>	<b>1,866</b>	<b>1,866</b>	<b>1,866</b>
21 <b>Full Fee Paying Equivalent Lawyers</b>	<b>38,100</b>	<b>39,500</b>	<b>40,200</b>	<b>40,900</b>

## Law Society of Upper Canada

## 2016-2018 Budget Scenario

Paralegals

	Approved 2015 Budget	Projected 2016 Budget	Projected 2017 Budget	Projected 2018 Budget
1 Annual fee revenue	4,681,675	5,030,700	5,384,410	5,736,520
2 Licensing process	1,851,600	1,951,600	1,951,600	1,951,600
3 CPD	733,300	733,300	716,000	698,700
4 Other revenue	728,640	819,000	732,090	731,380
5 <b>Total Funding</b>	<b>7,995,215</b>	<b>8,534,600</b>	<b>8,784,100</b>	<b>9,118,200</b>
6 Salaries and benefits	5,025,165	5,264,100	5,499,000	5,603,000
7 Operating	343,450	348,700	351,300	355,000
8 Program	2,798,400	2,891,700	2,871,200	2,855,000
9 <b>General fund</b>	<b>8,167,015</b>	<b>8,504,500</b>	<b>8,721,500</b>	<b>8,813,000</b>
10 <b>Capital fund</b>	<b>324,300</b>	<b>237,400</b>	<b>156,600</b>	<b>172,500</b>
11 <b>Compensation Fund</b>	<b>122,000</b>	<b>132,700</b>	<b>132,700</b>	<b>132,700</b>
12 <b>Total Expenditures</b>	<b>8,613,315</b>	<b>8,874,600</b>	<b>9,010,800</b>	<b>9,118,200</b>
13 <b>Deficit - funded from Fund Balances</b>	<b>618,100</b>	<b>340,000</b>	<b>226,700</b>	<b>-</b>
<b>Annual Fee</b>				
14 <b>General Fund</b>	804	810	841	838
15 <b>Compensation Fund</b>	123	139	126	128
16 <b>Capital Fund</b>	69	47	29	30
17 <b>Annual Fee</b>	<b>996</b>	<b>996</b>	<b>996</b>	<b>996</b>
18 <b>Full Fee Paying Equivalent Paralegals</b>	<b>4,700</b>	<b>5,050</b>	<b>5,400</b>	<b>5,750</b>

## **Summary of Significant Budget Changes**

### **Professional Development and Competence (PD&C)**

#### **Continuing Professional Development (CPD)**

In the PD&C Division's CPD area, the recommendation for 2016 is to add additional staffing to address the increasing use of webcast services both within the CPD department as well as across the organization. With the Law Society engaging in enhanced consultation efforts, many Committees/Task Forces/Working Groups are also seeking support through webcast interactions with stakeholders or with program delivery for stakeholders. One webcast technician was added in 2015 to cope with the significant increase in webcast service hours. The position replaces what was previously provided by an external provider.

In addition, CPD needs one additional counsel and one program coordinator to support the development of new learning programs focused on curriculums of knowledge and skill in defined areas of practice, to address the ability of the Society to better support licensees in the early years of practice with more significant focus on skills necessary for managing a practice. The transition to curriculums of learning addresses strategic priorities and activities focused on enhanced knowledge and skills training required for practitioners to maintain their competence.

The increase in costs related to the additional staff in CPD is offset by a reduction in expenses of \$300,000 as a result of moving the technical webcast and other services in-house, and the decreasing number of in-person attendees (reduces catering and paper production) as the webcast option continues to increase.

As a cost recovery program within the Society, the CPD increase in costs related to new hires will continue to be fully covered by revenue generated from the significant number of attendees whose preference is for the Society programming.

#### **Licensing and Accreditation Department**

Licensing is seeking additional staff in both the lawyer and paralegal licensing processes. For paralegal licensing, there is need for one counsel and one coordinator. Recent policy changes to the paralegal licensing platform, approved by Convocation, include expansion of the paralegal licensing examinations to include substantive areas of law and new standards for the accreditation of

college programs. A new counsel is required to support the annual review and update of the expanded paralegal examination study materials in conjunction with approximately 50 authors, and to participate in the increased monitoring activities and processes that will be required under the new system.

In the lawyer licensing area, there is need for one coordinator who will focus on the special needs and accommodations requirements of candidates. The number of candidate requests for special accommodations during the licensing examinations has nearly doubled in the case of lawyer candidates, and has more than tripled in the case of paralegal candidates, in the past 5 years. In order to properly manage the legal and reputational risk associated with requests for accommodation in a high stakes examination context, each candidate file must be analyzed carefully by a cross-functional team of administrators and counsel, and appropriate follow-up and documentation standards and processes must be followed. Implementation of approved accommodations must be arranged on an individualized basis, often involving external vendors and services, the total cost of which was approximately \$550,000 in 2014. This is a time consuming and resource-intensive activity, which has been supported by one full-time staff member to date. In light of the increase in volume and complexity of such requests, an additional position is sought to ensure appropriate service levels are maintained and processes are followed.

Also in lawyer licensing, there is need of one client services representative to support candidates on the phone and online. The number of candidates in the licensing process continues to increase by 5% or more per annum, or an additional approximately 100+ candidates, or over 500 additional candidates in the past 5 years. The current complement of staffing in the licensing services team has been maintained despite that increase. The team has now reached the point where additional staffing is required to sustain the services and administration of the licensing system.

The increase in costs related to additional staff will be offset by the increasing revenues received from the increasing number of candidates in both the lawyer and paralegal licensing processes with licensing process fees remaining unchanged.

### **Legal Information – Library Services**

The Great Library is anticipating continued increases in the cost of the print collections, of between 5% and 15% based on early indicators received from the commercial publishers. At the high end, this will equate to approximately \$240,000 more in expenses in 2016 for both print and electronic publications (including both research licences and software maintenance for digital supports). In 2015, the Great Library budgeted approximately \$1.5 million on collections costs. Since 2008, the Great Library has removed in

excess of \$700,000 in publications costs from what would have been spent had modifications to the collection not been made, and decreased staffing by approximately 40%.

The collection is now down to the “bare necessities” based on user preferences and usage across the Province. The Great Library is a significant conduit and provider of publications to lawyers and paralegals across the Province and is responsible for sending those publications out and providing responses to over 25,000 research support requests on the phone and online using those publications. Given the importance of many of these legal research titles, it is recommended that the organization support the increase in costs up to the maximum anticipated commercial increase of 15% on the current collection titles. The team will then manage those amounts to ensure that most important titles, paper and digital, are properly maintained for users.

### **Practice Review**

Expenses will decline as a result of Convocation’s decision to discontinue the desk audits of CPD compliance among other house-keeping items and will allow for a reduction in expenses of approximately \$57,000.

### **Communications and Marketing**

Communications and Marketing is proposing the addition of one administrator to support the smooth functioning of processes within the Communications & Marketing Department including: budgeting, vendor contracts and invoices, human resources administrative functions, administration of Ontario Reports, Law Society advertising, bookings process, distribution of daily media clippings, blast emails and brochures, monitoring of department email, project tracking, and other administrative duties as required. The lack of an administrator in the group has meant that more senior staff time is taken up by the tasks detailed above and away from higher level projects that require strategic planning and implementation, such as improving the corporate website and other corporate priorities.

This department will also begin the work on revising the website, in a two-year incremental project, moving to a more user-friendly information provision environment and will require additional external contract support estimated at \$100,000 per year for 2016 and again in 2017.

## **Professional Regulation**

### **Key trends affecting resources**

The 2016 budget request is based on emerging and ongoing trends in Professional Regulation which affect productivity and resources. The key trends to note are the following:

#### **New regulatory cases**

The incoming caseload has been stable over a number of years, with a slight downward trend since 2013. It is expected that this trend will continue, and that the number of regulatory complaints received by the Society will be stable. This allows the Division to absorb some of the other pressures that have developed recently.

#### **Increasing case complexity and a reduction in the number of service related complaints**

Professional Regulation is receiving fewer cases that are amenable to early resolution or resolution through a short investigation in Complaints Resolution. This puts increased pressure on the Complaints Resolution and Investigations departments because of the need to carry out more complex investigations requiring greater time per case. The increased complexity is observed in both the volume of information per complaint, as well as the higher level of risk attached to more cases at the outset. Another feature of complexity is the increase in the number of cases where there is monetary loss alleged, and also an increase in the quantum of the amounts missing. This has put special pressure on the forensic auditors whose workloads have increased significantly.

#### **Increased expectation that cases presenting risk will be addressed early and quickly in the public interest**

This has led to a greater focus by all staff at all stages to early intervention to prevent loss or harm. The interventions include interlocutory suspension applications and undertakings to limit or cease practice. They may also require coordination for trusteeships. With the increase in interim activities to address risk, each of these cases has required significant additional work to the usual investigation.

### **Reporting to police and other public authorities**

The Society has developed a more rigorous approach to reporting appropriate cases to authorities. This has meant that all staff identify these cases and Senior Counsel, Professional Regulation manage the reports where necessary. These reports are typically made in cases that are identified as high risk for other reasons. They require significant work on the part of investigative staff and counsel to identify the information that can be shared, to obtain waivers and consents, and to communicate as required with authorities. The number of such reports has increased significantly based on the expectation set out in the Society's 2015 public statement on reporting and disclosure. In addition, the Society maintains ongoing contact with key police services and this has also added to the support requirements for these cases.

### **First Nations Metis and Inuit (FNMI) cases**

With its increased focus on FNMI individuals and communities, the Society is receiving increased numbers of cases from these communities, including large numbers of complaints related to lawyers' services in the Indian Residential Schools adjudication process. The focus on these communities has required a cross departmental team of experts in this type of complaint and issue. These cases have demanded significant time in addition to what is usually expected in investigations due to the personal vulnerability of some of the complainants, language and literacy issues and the distances required for travel due to remote locations. The additional travel, translation, and support necessary for these cases has been significant for the intake, investigations, case resolution and Senior Professional Regulation counsel.

### **Complaints related to refugee redetermination**

In the recent past the Society has received significant numbers of complaints against a small number of lawyers alleging serious conduct issues when representing refugee claimants. These cases involve large numbers of complaints by vulnerable individuals who may not speak English and who are often hard to locate after the complaint is made. These cases also carry a reputational risk as the legal community practicing in this area as well as lobby groups are watching the Society's response closely and providing information on this to media where it is helpful to them and their clients. For the reasons set out, these cases have also required significant additional work by the investigators as well as counsel.

### **Mental health and addictions issues**

Responding appropriately to complainants and licensees with mental health and addictions issues is a priority of the Society, and has recently become the subject of a Treasurer's Task Force. Over the past few years, the Professional Regulation Division has developed extensive resources and processes to assist in the response to these issues. There are a number of options and supports available to staff to identify, assess and resolve cases but these cases take time and additional resources to manage.

### **Administrative Compliance**

The volume of activity in this area has increased by almost 30% since 2012. This increased volume has reached the point where it is necessary to add an additional law clerk to support operations particularly relating to the applications and renewals of certificates of authorization for professional corporations. The cost of the additional staff will be largely offset by the increase in the annual renewal fee for the certificates of authorization.

### **General Counsel**

The Office of General Counsel is proposing an increase in outside counsel fees of \$400,000 to \$750,000 for costs related to Trinity Western University litigation.

### **Information Technology (IT)**

IT is proposing to add an additional helpdesk technician to replace a service currently provided by an external contractor on a fee for service basis. Given the ongoing need for helpdesk support, it is proposed that the position be added, offset by a reduction in consulting costs within the department. In addition, the department is in need of an administrative coordinator to support the Senior Manager Information Technology. This position would support the helpdesk function by reading email requests, doing initial ticket

triage and ticket assignment, ticket follow up and reporting to the Senior Manager Information Technology. Other increases in the department are primarily for the increasing costs of software licences.

### **Access to Justice**

There has been some consolidation of Access to Justice program expenses in the Policy, Equity, Public Affairs Executive Director's office with \$134,000 transferred from Communications, \$62,000 from Public Affairs and \$30,000 from Equity.

### **Support to External Organizations**

Current estimates include:

- Support for Pro Bono Law Ontario (PBLO) decreasing from \$125,000 to \$50,000 as requested by PBLO;
- Support for the Ontario Justice Education Network (OJEN) decreasing from \$75,000 to \$60,000 as part of their five year funding plan;
- Support for the Law Commission of Ontario static at \$138,000 as part of the Law Society's support for their second mandate;
- Funding for the Federation of Law Societies and CANLII budgeted at \$1,120,000 (2015:\$1,180,000) and \$1,345,000 (2015: \$1,345,000) respectively.
- A minor increase in support for CDLPA to \$255,000, significantly in line with their request;
- LibraryCo support effectively increasing by \$91,000 with a grant of \$7,662,000 in line with the budget resubmitted by LibraryCo's board.

### **Corporate Revenues**

Late payment fee revenues have been increased by \$200,000, to \$600,000, as the number of lawyers and paralegals paying their annual fees, reporting CPD and filing the annual returns late shows no signs of abating.

Economic growth, both in Canada and worldwide has lagged expectations. This is having a negative impact on investment returns both in the Society's General and Compensation Funds as well as the E&O Fund. For 2016 investment income is budgeted to decline

by \$150,000 from the 2015 budget and surplus investment income in the E&O Fund is budgeted to decline by \$300,000 to \$1.2 million.

## **Other Issues for Consideration**

### **Bencher Remuneration**

As part of the budget process, bencher remuneration is adjusted in line with the annual change in the CPI. Currently, the annual year over year change in CPI is approximately 1%. If sustained, the rate for bencher remuneration will increase from \$580 per full day to \$585 and from \$350 to \$355 per half day. The current budget projections reflect this proposed change.

### **Three Year IT Capital Plan**

The approved three year plan was to be completed in 2016. Based on what will be completed by the end of 2016, there will be sufficient resources remaining to fund IT capital spending in 2017 and 2018. This will have a significant moderating effect on the annual fee in those years.

### **Cost Awards**

As noted in the Society's 2014 audited financial statements, the Society may be liable for costs awarded for defense costs regarding Law Society professional misconduct proceedings. The awards could, at the upper end of the range, approach \$5 million. If so, the General Fund balance would be seriously eroded as a result. A charge of that size would eliminate the Society's ability to mitigate fee increases in the future. A second complicating factor is the timing of the awards as the final quantification of any awards will not be known before the budget is approved.

### **Revenue Enhancements**

Departments have continued to seek opportunities to enhance non-annual fee revenues. For 2016, after reviewing the charge for the renewal of professional corporation fees charged by other law societies, the fee will be increased to \$100 from \$75. This is forecast to increase professional corporation renewal revenue by \$50,000 in 2016 with additional revenue generated in the future as growth in the number of professional corporations continues.

## **2016 Budget Planning Options**

### **2016 Fee Held at 2015 Levels – Lawyers \$1,866 – Paralegals \$996**

#### **Use of Fund Balances**

The projected paralegal General Fund balance at the end of 2015 is approximately \$3.5 million representing close to six months of operating expenses. To mitigate the annual fee for paralegals and maintain it at the 2015 level, \$340,000 of the paralegal General Fund balance (less than 10% of the projected balance) has been utilized to maintain the fee at its current level. The fund balance policy that was put in place for the lawyers' General Fund three years ago would mandate such an option if applied to the paralegal General Fund. At this point in time, the policy will be applied to the paralegal General Fund for 2016 and beyond.

The lawyer General Fund is projected to end 2015 with a balance of approximately \$20 million. This balance is within the policy mandated range of two months operating expenses. The current budget projections do not include the use of the fund balance to mitigate the annual fee. This is a prudent position given the uncertainty around potential cost awards.

#### **Compensation Fund**

The lawyer Compensation Fund experienced two major defalcations in 2014 that, in combination with routine claims will reduce its fund balance from \$15.6 million at the end of 2014 to a projected balance of \$13.6 million at the end of 2015. This is below the minimum balance of approximately \$16 million required by policy. There has been an increase in the value of routine claims in the past two years but the average of the last ten years remains at just over \$2 million. The current budget proposal is for a provision for routine claims of \$2.3 million and a provision of \$700,000, increasing to \$900,000 by 2018, to restore the fund balance to approximately \$16 million by the end of 2018.

The paralegal Compensation Fund balance is projected to end 2015 with a fund balance of \$426,000. The budget projection includes a provision for grants of \$122,000. Since inception in 2008, the annual provision for grants has been from zero to a high of \$144,000 in 2014. At this point in time, the budget of \$122,000 would appear to be on the high end of what could be considered normal. For that reason there does not appear to be any reason to change that provision for 2016.

## **Capital Fund**

In 2014, \$8 million was approved to finance a three year IT upgrade plan. The plan was to be completed by the end of 2016. Some projects will not be completed by the end of 2016, some projects have been reevaluated and will not proceed and some projects are under budget and the funding can be directed to other IT requirements. The net result of this is that at the end of 2016, of the remaining balance of the \$8 million approved, approximately \$4 million, will be available to meet the Society's IT capital requirements through 2018. This will have a significant impact on the capital levy requirement over the next three years and is a significant contributor to fee reductions in years 2017 and 2018. This should be looked at annually, to ensure that 2019 capital requirements do not create a "fee shock" that requires a significant increase in the annual capital levy at that time. If it appears that capital requirements will necessitate a significant increase in 2019 there will be the option of increasing the levy in 2017 and 2018 without necessarily increasing the total annual fee for lawyers and paralegals.

## **Other Law Societies**

Comparing the Law Society of Upper Canada's membership fee to other Law Societies is of limited use because of the difference in size and scope of activities. However, the 2015 annual fee at the Nova Scotia Barristers' Society is \$1,940, the Law Society of British Columbia is \$1,992 and the Law Society of Alberta is \$2,620.

## **Conclusion**

The 2016 budget and 2016-2017 financial projections are intended to ensure operational sustainability and ongoing support of the Law Society's core functions and the priorities of Convocation.

## **Historical Budget Metrics**

A ten year historical summary of changes to spending, staffing and annual fees from 2007 – 2016 is provided for information and comparative purposes.

Convocation - Audit and Finance Committee Report

THE LAW SOCIETY OF UPPER CANADA  
 Fund Balance Projections  
 For years 2015-2018  
 (\$000's)

	General Fund		Compensation Fund		Capital Fund
	Lawyer	Paralegal	Lawyer	Paralegal	
1 <b>Balance December 31, 2014</b>	<b>18,507</b>	<b>2,974</b>	<b>15,618</b>	<b>426</b>	<b>8,100</b>
2 Projected surplus (deficit) 2015	2,000	500	(2,000)	-	(2,000)
3 <b>Projected December 31, 2015*</b>	<b>20,507</b>	<b>3,474</b>	<b>13,618</b>	<b>426</b>	<b>6,100</b>
4 Projected surplus (deficit) 2016	-	-	700	-	(2,000)
5 Proposed 2016 fee mitigation	-	(340)	-	-	-
6 <b>Projected December 31, 2016</b>	<b>20,507</b>	<b>3,134</b>	<b>14,318</b>	<b>426</b>	<b>4,100</b>
7 Projected surplus (deficit) 2017	-	-	800	-	(2,000)
8 Proposed 2017 fee mitigation	-	(227)	-	-	-
9 <b>Projected December 31, 2017</b>	<b>20,507</b>	<b>2,907</b>	<b>15,118</b>	<b>426</b>	<b>2,100</b>
10 Projected surplus (deficit) 2018	-	-	900	-	(2,000)
11 Proposed 2018 fee mitigation	-	-	-	-	-
12 <b>Projected December 31, 2018</b>	<b>20,507</b>	<b>2,907</b>	<b>16,018</b>	<b>426</b>	<b>100</b>

\* when the Compensation fund balance is this low action must be taken to restore the balance to approximately \$16 million within three years.

Convocation - Audit and Finance Committee Report

THE LAW SOCIETY OF UPPER CANADA  
 Draft Budget Lawyers and Paralegals  
 For the year ending December 31, 2016  
 Budget Summary

	Professional Regulation/Tribunal and Compliance		Professional Development & Competence		Convocation, Policy and Outreach		Services to Members and Public		Corporate Services & Administration		Capital Allocation Fund	2016 Draft Budget		2015 Approved Budget	
1 Total Employees/FTE	212.0	206.8	158.0	149.2	25.0	24.6	38.0	28.0	149.0	146.3		582.0	554.9	573.0	545.9
2 Operating Revenues	1,238,500		21,103,300		425,000		3,520,000		5,335,500		-	31,622,300		29,782,300	
3 Fund Balance Utilized	-		-		-		-		340,000		-	340,000		3,465,600	
4 Total Operating Revenue and Fund Balance Utilized	1,238,500		21,103,300		425,000		3,520,000		5,675,500		-	31,962,300		33,247,900	
5 Salaries & Benefits	23,322,000		14,893,100		3,354,500		2,224,100		14,586,000		-	58,379,700		57,454,465	
6 Dept. Operating Expenses	1,766,900		1,033,100		240,100		182,600		797,400		-	4,020,100		3,899,150	
7 Total Sal., Ben. & Oper. Exp.	25,088,900		15,926,200		3,594,600		2,406,700		15,383,400		-	62,399,800		61,353,615	
8 Program Expenses	3,804,500		12,177,900		6,206,700		14,092,000		9,924,600		2,084,500	48,290,200		47,660,600	
9 Total Direct Expenses	28,893,400		28,104,100		9,801,300		16,498,700		25,308,000		2,084,500	110,690,000		109,014,215	
10 Allocated Expenses	11,891,000		7,618,800		(1,860,600)		1,478,800		(19,128,000)		-	-		-	
11 Allocated to Compensation Fund	(2,049,800)		(5,903,300)		-		7,953,100		-		-	-		-	
12 Total Expenses	38,734,600		29,819,600		7,940,700		25,930,600		6,180,000		2,084,500	110,690,000		109,014,215	
13 Annual Fee Requirement	37,496,100		8,716,300		7,515,700		22,410,600		504,500		2,084,500	78,727,700		75,766,315	

**Convocation - Audit and Finance Committee Report**

THE LAW SOCIETY OF UPPER CANADA  
 Draft Budget Lawyers and Paralegals  
 For the year ending December 31, 2016  
 Professional Regulation, Tribunal and Compliance

	Executive Director of Professional Regulation		Disclosure Unit		Case Management		Investigations		Complaints Resolution		Complaints Resolution Commissioner		Intake		Monitoring and Enforcement		Trustee Services		Discipline		Complaints Services		Admin Compliance		By-Law Administration		Tribunal		2016 Total		
	6.0	6.0	4.0	4.0	5.0	5.0	57.0	56.5	24.0	23.7	4.0	3.7	10.0	10.0	5.0	5.0	12.0	12.0	35.0	33.8	14.0	13.2	12.0	11.2	10.0	9.2	14.0	13.5	212.0	206.8	
1 Total Employees/FTE	6.0	6.0	4.0	4.0	5.0	5.0	57.0	56.5	24.0	23.7	4.0	3.7	10.0	10.0	5.0	5.0	12.0	12.0	35.0	33.8	14.0	13.2	12.0	11.2	10.0	9.2	14.0	13.5	212.0	206.8	
2 Revenues	-	-	-	-	-	-	-	-	-	-	-	-	-	-	400,000	200,600	-	-	-	-	-	-	572,700	-	65,200	-	-	-	-	-	1,238,500
3 Salaries & Benefits	1,127,100	464,300	586,900	6,219,300	2,659,100	430,100	1,082,800	524,500	1,136,000	4,776,200	1,215,700	888,200	714,000	1,497,800	23,322,000																
4 Dept. Operating Expenses	180,300	150,700	26,100	445,900	158,400	24,000	41,900	21,900	51,700	328,300	80,500	71,000	83,000	103,200	1,766,900																
5 Total Sal., Ben. & Oper. Exp.	1,307,400	615,000	613,000	6,665,200	2,817,500	454,100	1,124,700	546,400	1,187,700	5,104,500	1,296,200	959,200	797,000	1,601,000	25,088,900																
6 Program Expenses	2,050,600	-	103,000	258,500	46,800	175,600	2,500	41,800	147,300	209,900	6,300	13,300	13,000	735,900	3,804,500																
7 Total Direct Expenses	3,358,000	615,000	716,000	6,923,700	2,864,300	629,700	1,127,200	588,200	1,335,000	5,314,400	1,302,500	972,500	810,000	2,336,900	28,893,400																
8 Allocated to Compensation Fund	-	-	-	(1,730,900)	-	-	-	-	-	(318,900)	-	-	-	-	(2,049,800)																
9 Allocated Expenses	1,384,900	252,000	293,200	2,855,200	1,182,800	257,900	461,500	240,800	546,600	2,196,100	533,500	398,300	331,700	956,500	11,891,000																
10 Total Expenses	4,742,900	867,000	1,009,200	8,048,000	4,047,100	887,600	1,588,700	829,000	1,881,600	7,191,600	1,836,000	1,370,800	1,141,700	3,293,400	38,734,600																
11 Annual Fee Requirement	4,742,900	867,000	1,009,200	8,048,000	4,047,100	887,600	1,588,700	429,000	1,681,000	7,191,600	1,836,000	798,100	1,076,500	3,293,400	37,496,100																

Convocation - Audit and Finance Committee Report

THE LAW SOCIETY OF UPPER CANADA  
 Draft Budget Lawyers and Paralegals  
 For the year ending December 31, 2016  
 Professional Development & Competence

	Licensing Process		Quality Assurance		Competence		2016 Total	
1 Total Employees/FTE	35.0	35.0	49.0	47.8	74.0	66.4	158.0	149.2
2 Revenues	12,168,300		-		8,935,000		21,103,300	
3 Salaries & Benefits	3,016,400		5,567,500		6,309,200		14,893,100	
4 Dept. Operating Expenses	163,500		562,100		307,500		1,033,100	
5 Total Sal., Ben. & Oper. Exp.	3,179,900		6,129,600		6,616,700		15,926,200	
6 Program Expenses	8,007,400		129,200		4,041,300		12,177,900	
7 Total Direct Expenses	11,187,300		6,258,800		10,658,000		28,104,100	
8 Allocated to Compensation Fund	-		(5,903,300)		-		(5,903,300)	
9 Allocated Expenses	2,154,600		2,410,900		3,053,300		7,618,800	
10 Total Expenses	13,341,900		2,766,400		13,711,300		29,819,600	
11 Annual Fee Requirement	1,173,600		2,766,400		4,776,300		8,716,300	

Convocation - Audit and Finance Committee Report

THE LAW SOCIETY OF UPPER CANADA  
 Draft Budget Lawyers and Paralegals  
 For the year ending December 31, 2016  
 Quality Assurance

	Practice Review		Spot Audit		2016 Total	
	15.0	15.0	34.0	32.8	49.0	47.8
<b>1 Total Employees/FTE</b>						
<b>2 Revenues</b>	-	-	-	-	-	-
<b>3 Salaries &amp; Benefits</b>	1,738,300		3,829,200		5,567,500	
<b>4 Dept. Operating Expenses</b>	145,500		416,600		562,100	
<b>5 Total Sal., Ben. &amp; Oper. Exp.</b>	1,883,800		4,245,800		6,129,600	
<b>6 Program Expenses</b>	79,200		50,000		129,200	
<b>7 Total Direct Expenses</b>	1,963,000		4,295,800		6,258,800	
<b>8 Allocated to Compensation Fund</b>	-		(5,903,300)		(5,903,300)	
<b>9 Allocated Expenses</b>	803,400		1,607,500		2,410,900	
<b>10 Total Expenses</b>	2,766,400		-		2,766,400	
<b>11 Annual Fee Requirement</b>	2,766,400		-		2,766,400	

Convocation - Audit and Finance Committee Report

THE LAW SOCIETY OF UPPER CANADA  
 Draft Budget Lawyers and Paralegals  
 For the year ending December 31, 2016  
 Competence

	Office of Executive Director		Practice Management		Certified Specialist		Continuing Professional Development		Communications and Marketing		Archives		Great Library		2016 Total	
1 Total Employees/FTE	6.0	4.0	5.0	5.0	1.0	1.0	33.0	29.7	7.0	7.0	5.0	3.5	17.0	16.2	74.0	66.4
2 Revenues	-		-		270,000		8,477,000		-		-		188,000		8,935,000	
3 Salaries & Benefits	855,400		473,000		67,900		2,551,800		670,300		292,600		1,398,200		6,309,200	
4 Dept. Operating Expenses	33,600		42,800		7,200		118,600		29,500		14,100		61,700		307,500	
5 Total Sal., Ben. & Oper. Exp.	889,000		515,800		75,100		2,670,400		699,800		306,700		1,459,900		6,616,700	
6 Program Expenses	53,000		37,600		51,800		1,853,700		234,700		40,200		1,770,300		4,041,300	
7 Total Direct Expenses	942,000		553,400		126,900		4,524,100		934,500		346,900		3,230,200		10,658,000	
8 Allocated Expenses	385,900		226,600		52,200		1,852,400		(934,500)		142,200		1,328,500		3,053,300	
9 Total Expenses	1,327,900		780,000		179,100		6,376,500		-		489,100		4,558,700		13,711,300	
10 Annual Fee Requirement	1,327,900		780,000		(90,900)		(2,100,500)		-		489,100		4,370,700		4,776,300	

**Convocation - Audit and Finance Committee Report**

THE LAW SOCIETY OF UPPER CANADA  
 Draft Budget Lawyers and Paralegals  
 For the year ending December 31, 2016  
 Convocation, Policy and Outreach

	Executive Director PEPA		Policy Secretariat		Treasurer/Bencher		Communications		Public Affairs		Federation of Law Societies	Equity		Contingencies	2016 Total	
	3.0	3.0	7.0	7.0	1.0	1.0	3.0	3.0	3.0	3.0		8.0	7.6		25.0	24.6
<b>1 Total Employees/FTE</b>																
<b>2 Revenues</b>	400,000		-		-		-		-			25,000				<b>425,000</b>
<b>3 Salaries &amp; Benefits</b>	536,800		1,074,000		100,100		368,900		369,000			905,700				<b>3,354,500</b>
<b>4 Dept. Operating Expenses</b>	45,500		50,400		20,200		23,400		51,000			49,600				<b>240,100</b>
<b>5 Total Sal., Ben. &amp; Oper. Exp.</b>	582,300		1,124,400		120,300		392,300		420,000			955,300				<b>3,594,600</b>
<b>6 Program Expenses</b>	308,300		93,200		2,937,700		101,100		249,600	1,120,000		396,800	1,000,000			<b>6,206,700</b>
<b>7 Total Direct Expenses</b>	890,600		1,217,600		3,058,000		493,400		669,600	1,120,000		1,352,100	1,000,000			<b>9,801,300</b>
<b>8 Allocated Expenses</b>	364,500		498,500		(3,058,000)		(493,400)		274,200	-		553,600	-			<b>(1,860,600)</b>
<b>9 Total Expenses</b>	1,255,100		1,716,100		-		-		943,800	1,120,000		1,905,700	1,000,000			<b>7,940,700</b>
<b>10 Annual Fee Requirement</b>	855,100		1,716,100		-		-		943,800	1,120,000		1,880,700	1,000,000			<b>7,515,700</b>

**Convocation - Audit and Finance Committee Report**

THE LAW SOCIETY OF UPPER CANADA  
 Draft Budget Lawyers and Paralegals  
 For the year ending December 31, 2016  
 Services to Members and Public

	Catering		LSRS		Compensation Fund		OJEN, ProBono & LCO	Cty. & Dist. Law Presidents Assoc.	CANLII	County Libraries	MAP	PLAP	2016 Total	
	29.0	19.0	5.0	5.0	4.0	4.0							38.0	28.0
<b>1 Total Employees/FTE</b>														
<b>2 Revenues</b>	1,735,000		325,000		1,275,000				-		185,000	-	<b>3,520,000</b>	
<b>3 Salaries &amp; Benefits</b>	1,231,000		460,800		532,300				-		-	-	<b>2,224,100</b>	
<b>4 Dept. Operating Expenses</b>	41,700		58,300		20,800		61,800		-		-	-	<b>182,600</b>	
<b>5 Total Sal., Ben. &amp; Oper. Exp.</b>	1,272,700		519,100		553,100		61,800		-		-	-	<b>2,406,700</b>	
<b>6 Program Expenses</b>	773,800		24,000		3,246,000	248,000	193,200	1,345,000	7,662,000	400,000		200,000	<b>14,092,000</b>	
<b>7 Total Direct Expenses</b>	2,046,500		543,100		3,799,100	248,000	255,000	1,345,000	7,662,000	400,000		200,000	<b>16,498,700</b>	
<b>8 Allocated Expenses</b>	838,200		222,300		254,500	-	-	-	-	163,800		-	<b>1,478,800</b>	
<b>9 Allocated to Compensation Fund</b>	-		-		7,953,100	-	-	-	-	-		-	<b>7,953,100</b>	
<b>10 Total Expenses</b>	2,884,700		765,400		12,006,700	248,000	255,000	1,345,000	7,662,000	563,800		200,000	<b>25,930,600</b>	
<b>11 Annual Fee Requirement</b>	<b>1,149,700</b>		440,400		10,731,700	248,000	255,000	1,345,000	7,662,000	<b>378,800</b>		<b>200,000</b>	<b>22,410,600</b>	

Convocation - Audit and Finance Committee Report

THE LAW SOCIETY OF UPPER CANADA  
 Draft Budget Lawyers and Paralegals  
 For the year ending December 31, 2016  
 Corporate Services and Administration

	CEO/ Finance		Facilities		Client Service Centre		Information Technology		Human Resources		Corporate Resource Centre		General Counsel		Corporate	2016 Total	
1 Total Employees/FTE	29.0	28.2	25.0	24.1	36.0	35.2	40.0	40.0	8.0	7.8	5.0	5.0	6.0	6.0		149.0	146.3
2 Revenues	391,000		-		37,500		12,000		-		-		-		4,895,000	5,335,500	
3 Fund Balance Utilized	-		-		-		-		-		-		-		340,000	340,000	
4 Total Operating Revenue and Fund Balance Utilized	391,000		-		37,500		12,000		-		-		-		5,235,000	5,675,500	
5 Salaries & Benefits	3,549,900		1,744,500		2,866,200		4,143,800		812,800		558,000		910,800		-	14,586,000	
6 Dept. Operating Expenses	245,300		67,900		178,900		121,900		77,800		26,500		79,100		-	797,400	
7 Total Sal., Ben. & Oper. Exp.	3,795,200		1,812,400		3,045,100		4,265,700		890,600		584,500		989,900		-	15,383,400	
8 Program Expenses	623,000		3,667,000		36,300		1,779,700		953,800		18,100		787,700		2,059,000	9,924,600	
9 Total Direct Expenses	4,418,200		5,479,400		3,081,400		6,045,400		1,844,400		602,600		1,777,600		2,059,000	25,308,000	
10 Allocated Expenses	(4,027,200)		(5,479,400)		1,261,600		(6,033,400)		(1,844,400)		(602,600)		(1,777,600)		(625,000)	(19,128,000)	
11 Net Expenses	391,000		-		4,343,000		12,000		-		-		-		1,434,000	6,180,000	
12 Annual Fee Requirement	-		-		4,305,500		-		-		-		-		(3,801,000)	504,500	

THE LAW SOCIETY OF UPPER CANADA  
 Draft Budget Lawyers and Paralegals  
 For the year ending December 31, 2016  
 Client Service Centre

	Corporate Services		Administration		Call Centre		Client & Member Services		2016 Total	
<b>1 Total Employees/FTE</b>	3.0	3.0	3.0	3.0	11.0	11.0	19.0	18.2	36.0	35.2
<b>2 Revenues</b>	-	-	-	-	-	-	37,500	-	37,500	37,500
<b>3 Salaries &amp; Benefits</b>	544,700	-	361,600	-	795,200	-	1,164,700	-	2,866,200	2,866,200
<b>4 Dept. Operating Expenses</b>	66,600	-	28,000	-	22,600	-	61,700	-	178,900	178,900
<b>5 Total Sal., Ben. &amp; Oper. Exp.</b>	611,300	-	389,600	-	817,800	-	1,226,400	-	3,045,100	3,045,100
<b>6 Program Expenses</b>	1,200	-	-	-	18,900	-	16,200	-	36,300	36,300
<b>7 Total Direct Expenses</b>	612,500	-	389,600	-	836,700	-	1,242,600	-	3,081,400	3,081,400
<b>8 Allocated Expenses</b>	250,900	-	159,500	-	342,500	-	508,700	-	1,261,600	1,261,600
<b>9 Total Expenses</b>	863,400	-	549,100	-	1,179,200	-	1,751,300	-	4,343,000	4,343,000
<b>10 Annual Fee Requirement</b>	863,400	-	549,100	-	1,179,200	-	1,713,800	-	4,305,500	4,305,500

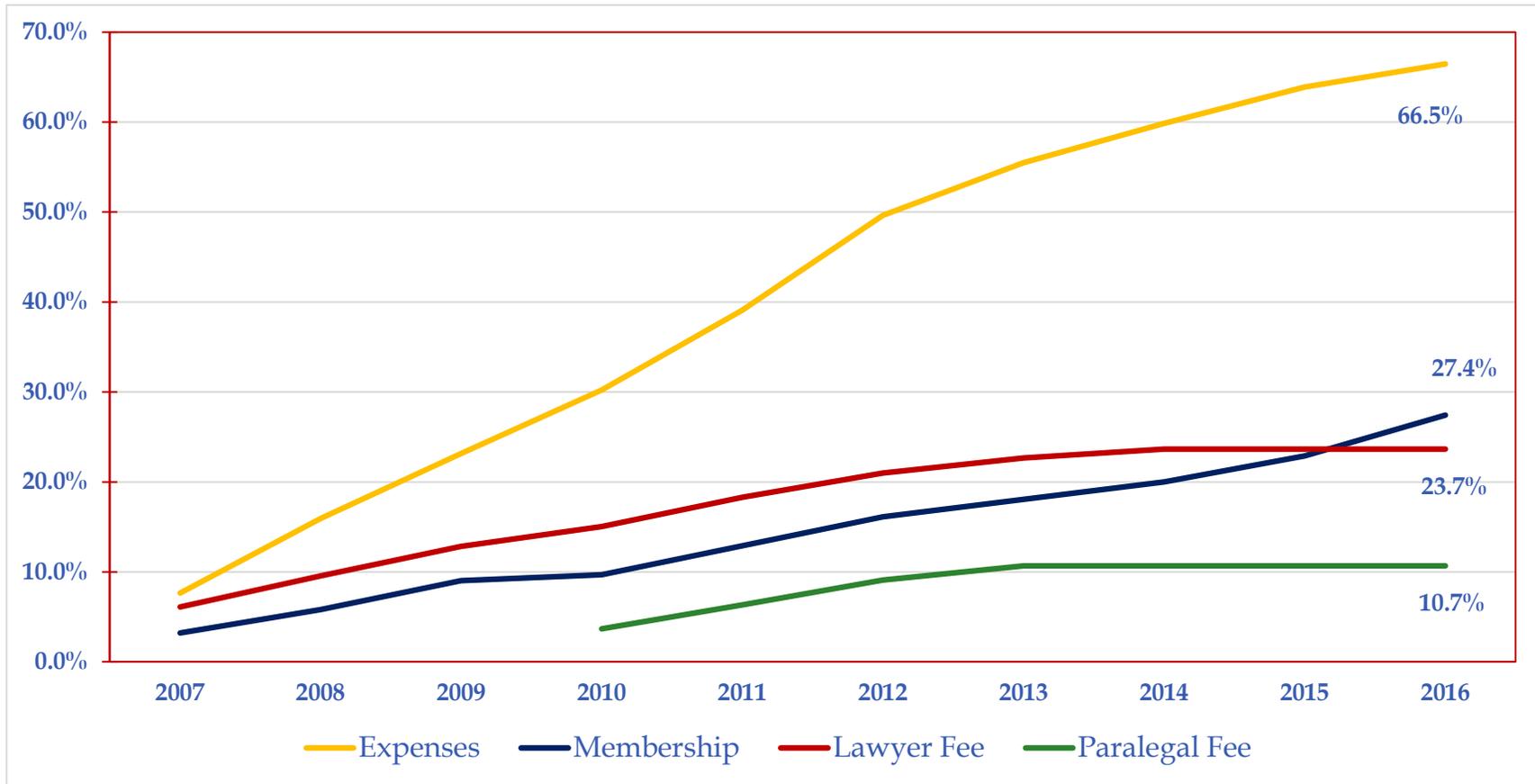
## THE LAW SOCIETY OF UPPER CANADA

### Budget History 2007-2016

	2016 Draft Budget	2015 Budgeted Expenditures	2014 Budgeted Expenditures	2013 Budgeted Expenditures	2012 Budgeted Expenditures	2011 Budgeted Expenditures	2010 Budgeted Expenditures	2009* Budgeted Expenditures	2008 Budgeted Expenditures	2007 Budgeted Expenditures
1 Total Expenditures ( 000's)	\$ 110,690	\$ 109,014	\$ 106,273	\$ 103,444	\$ 99,482	\$ 92,514	\$ 86,615	\$ 81,918	\$ 77,122	\$ 71,593
2 Full Time Equivalent Employees (FTE)	554.9	545.9	552.2	558.6	552.2	523.7	493.1	466.0	434.3	419.0
3 FTE Annual Change	9.0	(6.3)	(6.4)	6.4	28.5	30.6	27.1	31.7	15.3	
4 FTE Accumulated Change	135.9	126.9	133.2	139.6	133.2	104.7	74.1	47.0	15.3	-
5 Full Fee Equivalent (FFE) Lawyers	39,500	38,100	37,200	36,600	36,000	35,000	34,000	33,600	32,800	32,000
6 FFE Paralegals	5,050	4,700	4,350	4,050	3,400	3,200	2,800	2,400	-	-
7 Total FFE Licencees	44,550	42,800	41,550	40,650	39,400	38,200	36,800	36,000	32,800	32,000
8 General Lawyer Fee	\$ 1,371	\$ 1,370	\$ 1,376	\$ 1,340	\$ 1,326	\$ 1,292	\$ 1,211	\$ 1,212	\$ 1,143	\$ 1,102
9 Library/Co Fee	194	202	202	205	203	196	203	220	235	224
10 Compensation Fund	254	225	238	221	222	222	257	226	200	200
11 Capital Fund	47	69	50	85	75	75	65	45	75	75
12 Total Other Fees	\$ 495	\$ 496	\$ 490	\$ 511	\$ 500	\$ 493	\$ 525	\$ 491	\$ 510	\$ 499
13 Total Lawyer Fee	\$ 1,866	\$ 1,866	\$ 1,866	\$ 1,851	\$ 1,826	\$ 1,785	\$ 1,736	\$ 1,703	\$ 1,653	\$ 1,601
14 General Paralegal Fee	\$ 810	\$ 804	\$ 796	\$ 758	\$ 693	\$ 711	\$ 685	\$ 710		
15 Compensation Fund	139	123	150	153	214	171	183	145		
16 Capital Fund	47	69	50	85	75	75	65	45		
17 Total Other Fees	\$ 186	\$ 192	\$ 200	\$ 238	\$ 289	\$ 246	\$ 248	\$ 190		
18 Total Paralegal Fee	\$ 996	\$ 996	\$ 996	\$ 996	\$ 982	\$ 957	\$ 933	\$ 900		

\* 2009 first full year of paralegal regulation - 2008 and prior represent lawyers only

# Growth Trends

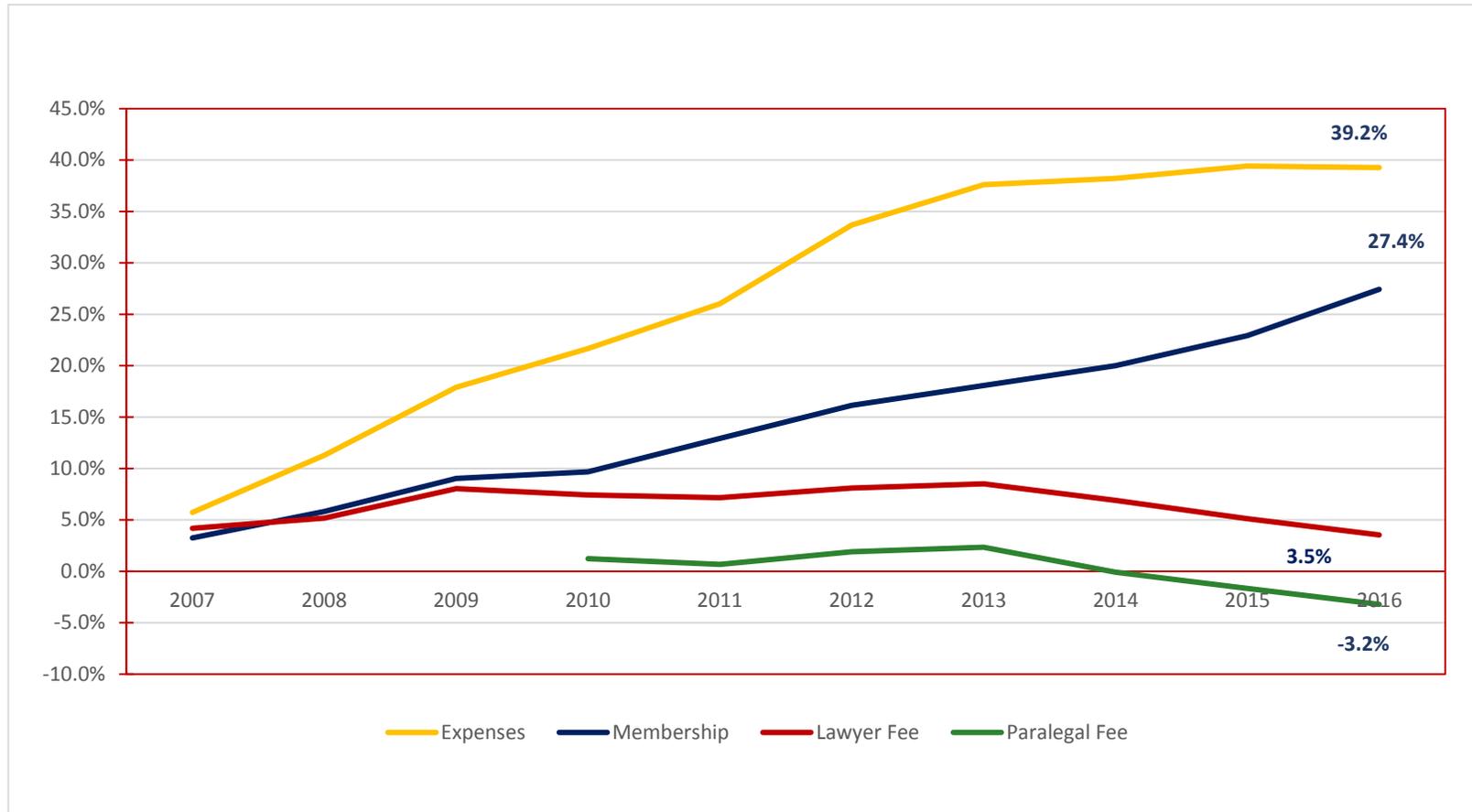


**Over the past 10 years since 2006, expenses have increased by approximately 66%**

**The annual fee for lawyers has increased by almost 24% and for paralegals 11% since its inception in 2009**

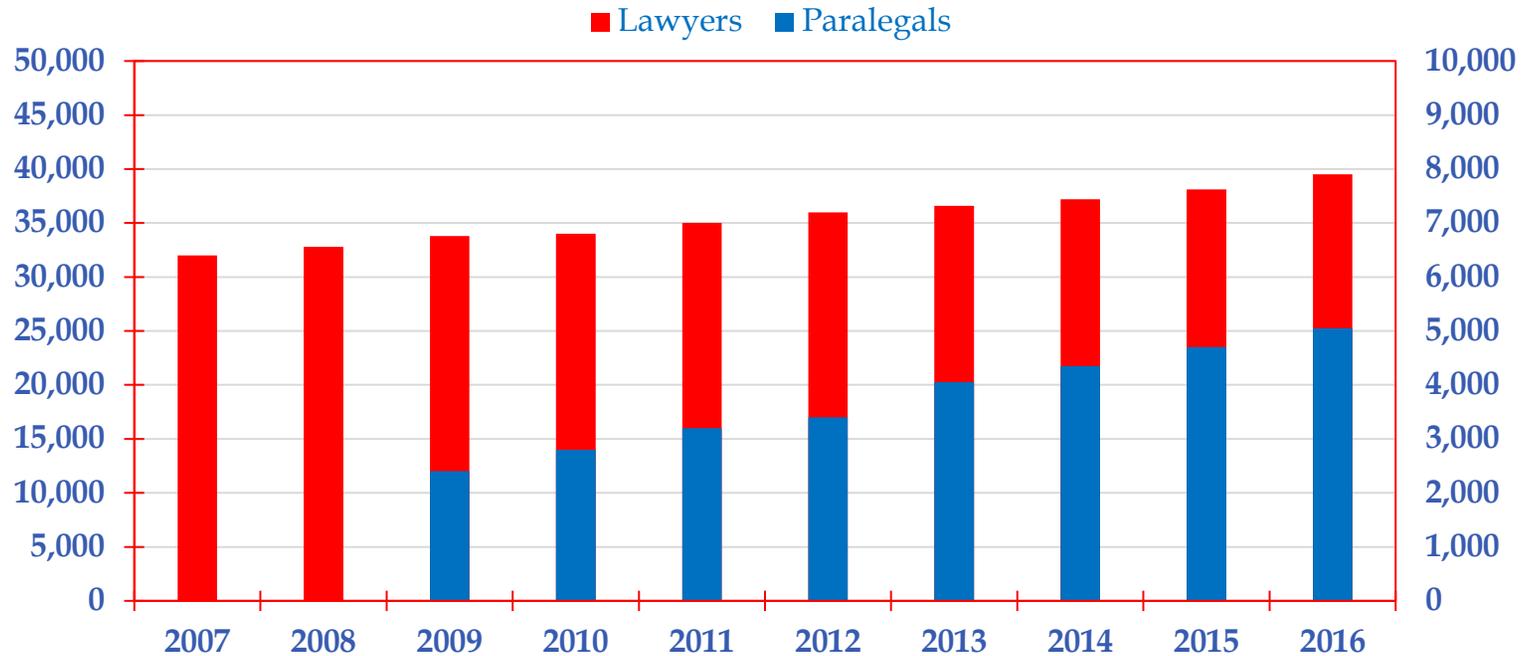
**The increase in the annual fees does not track closely to the growth in expenditures as the growth in membership numbers spreads the operating costs of the Society over an ever increasing membership base**

# Growth Trends Adjusted for Inflation



**On an inflation adjusted basis expenditures have increased by 39% much more in line with membership growth while the annual fee for lawyers has increased by just 3.5% and the annual fee for paralegals has declined by 3.2%**

# Membership History

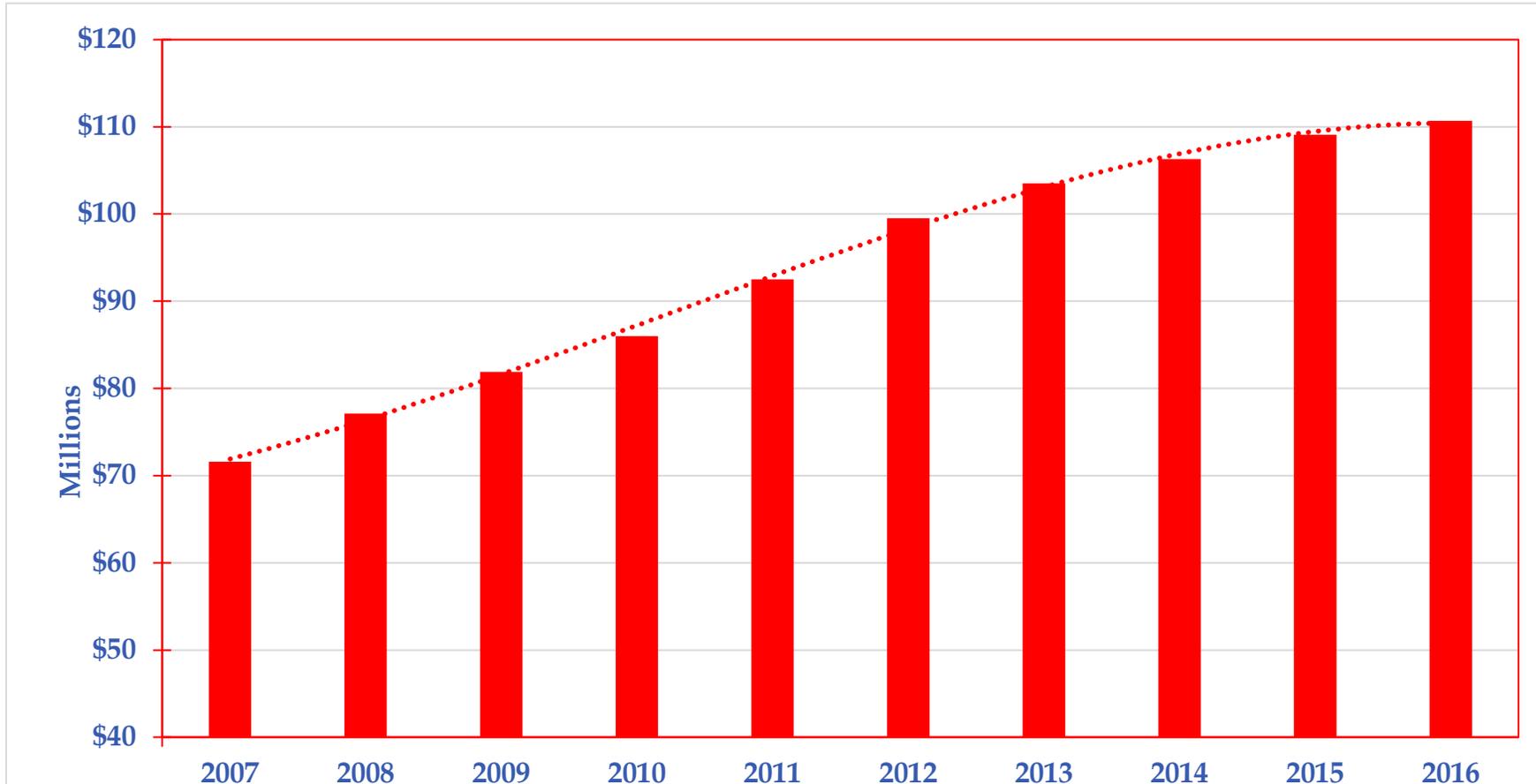


**This chart shows the growth in both lawyers and paralegals over the past ten years.**

**The number of lawyers has grown from 32,000 in 2007 to 39,500 in 2016 up 23%. Paralegals have increased from 2,400 in 2009 to 5,050 in 2016 up 110% in only 7 years**

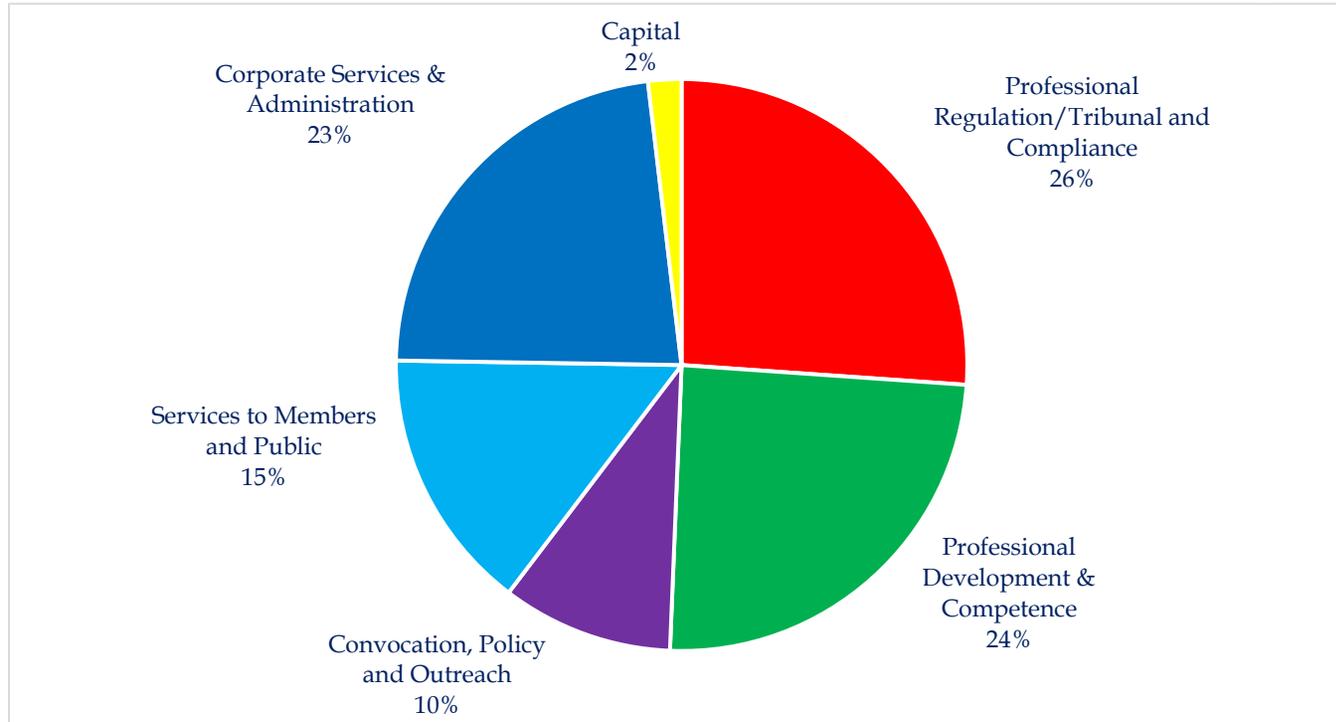
**Both of these figures are based on Full Fee Equivalents. In actual numbers the projected total for lawyers and paralegals in 2016 will be approximately 53,000.**

# Expenditure History



**This chart shows the growth in expenses over the last 10 years increasing from just under \$72 million in 2007 to just under \$111 million in 2016.**

# Expenditures By Category



**This chart displays how the Law Society allocates its resources with 26% of expenses directly related to professional regulation and 24% related to licensing and professional competence.**

**10% of expenses relate to the governance and outreach activities of Convocation including membership in the Federation of Law Societies.**

**15% is for services to members and the public including LibraryCo and CANLII. And 25% to corporate services and administration including facilities and lease costs, Finance, HR, IT, Legal etc.**

*THIS SECTION CONTAINS  
IN CAMERA MATERIAL*

**TAB 2.3**

**FOR INFORMATION  
OTHER COMMITTEE WORK**

15. The Committee reviewed the working draft budget for the general operations of the Federation of Law Societies and the National Committee on Accreditation for their 2016-2017 financial year. Law Society funding of \$1,120,000 has been incorporated into the Law Society's 2016 budget, a reduction of \$60,000.



**Tab 3**

**Secretary's Report  
October 29, 2015**

---

**Amendment to By-Law 6**

**Purpose of Report:      Decision**

**Prepared by the Policy Secretariat  
Jim Varro (416-947-3434)**

**FOR DECISION**

**AMENDMENT TO BY-LAW 6**

**Motion**

1. That Convocation make the amendments to By-Law 6 [Professional Liability Insurance] as set out in the motion at [Tab 3.1](#) respecting professional liability insurance coverage for professional corporations of lawyer and licensed paralegal shareholders.

**Issue for Consideration**

2. Amendments are proposed to By-law 6 to make it clear that paralegal shareholders of combined licensee professional corporations (i.e. with both licensed paralegal and lawyer shareholders) are to be insured through LawPRO.
3. This form of insurance was approved by Convocation on September 24, 2015 when it approved LawPRO's program of insurance for 2016. The Program offered by LawPRO was amended to include this coverage. The LawPRO Program Report included the following at paragraph 8(v):

To better avoid the possibility of duplication of claims, overlapping coverage and potential stacking of policy limits with paralegal insurer policies, for 2016 the Program policy will be amended to insure all licensee shareholders (i.e., including paralegal shareholders) of combined licensee professional corporations that are duly authorized by the Law Society. To assist in avoiding possible costs of cancellation of insurance, any such paralegal shareholders whose existing insurance expires mid-year in 2016 will not be required to carry the Program insurance until expiry of their existing insurance in 2016...

4. As a result, amendments to By-Law 6 are required to reflect this change.
5. The amendments prepared by the Law Society's Office of General Counsel, in consultation with operational staff who deal with licensees who establish professional corporations, appears at [Tab 3.2](#), in both track changes and clean versions.

THE LAW SOCIETY OF UPPER CANADA

**BY-LAWS MADE UNDER  
SUBSECTIONS 62 (0.1) AND (1) OF THE LAW SOCIETY ACT**

**BY-LAW 6  
[PROFESSIONAL LIABILITY INSURANCE]**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 29, 2015

MOVED BY

SECONDED BY

THAT By-Law 6 [Professional Liability Insurance], made by Convocation on May 1, 2007 and amended by Convocation on June 28, 2007, February 21, 2008, September 24, 2009, November 24, 2011, September 27, 2012, April 25, 2013, and October 24, 2013, be further amended as follows:

- 1. Effective January 1, 2016, subsection 12(1.1) of the English version of the By-Law is revoked and the following substituted:**

**Insurance to be maintained under policy issued by the Lawyers' Professional Indemnity Company**

(1.1) A licensee who holds a Class P1 licence shall maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company if,

- the licensee is a partner in a partnership where licensees who hold a Class L1 licence are also partners and the business of the partnership is the practice of law in Ontario or the provision of legal services in Ontario; or
- the licensee is a shareholder in a professional corporation where licensees who hold a Class L1 licence are also shareholders and the business of the professional corporation is the practice of law in Ontario and the provision of legal services in Ontario.

- 2. Effective January 1, 2016, subsection 12(1.1) of the French version of the By-Law is revoked and the following substituted:**

**Assurance à maintenir en vertu de la police émise par l'Assurance responsabilité civile professionnelle des avocats**

(1.1) Un ou une titulaire de permis de catégorie P1 souscrit une assurance responsabilité civile professionnelle émise par l'Assurance responsabilité civile professionnelle des avocats:

- a) si la ou le titulaire de permis est associé d'une société en nom collectif qui exerce le droit ou offre des services juridiques en Ontario et que les titulaires de permis de catégorie L1 y sont également associés;
- b) si la ou le titulaire de permis est actionnaire d'une société professionnelle qui exerce le droit et offre des services juridiques en Ontario et que les titulaires de permis de catégorie L1 y sont également actionnaires.

**3. Effective January 1, 2016, section 12 of the English version of the By-Law is amended by adding the following subsection:**

**Transition**

(1.2) Despite subsection (1.1), a licensee described in subsection (1.1) whose existing insurance policy expires in 2016 shall not be required to maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company until the expiry of her or his existing insurance policy in 2016.

**4. Effective January 1, 2016, section 12 of the French version of the By-Law is amended by adding the following subsection:**

**Transition**

(1.2) Malgré le paragraphe (1.1), la ou le titulaire de permis décrit au paragraphe (1.1) dont la police d'assurance arrive à échéance en 2016 n'est pas tenu de souscrire une assurance responsabilité professionnelle émise par l'Assurance responsabilité civile professionnelle des avocats jusqu'à l'échéance en 2016 de son assurance responsabilité professionnelle existante.

**5. Effective January 1, 2017, subsection 12(1.2) of the By-Law is revoked.**

Tab 3.2

PROPOSED AMENDMENTS TO BY-LAW 6

CURRENT VERSION

**Insurance to be maintained under policy issued by the Lawyers' Professional Indemnity Company**

12. (1.1) A licensee who holds a Class P1 licence and who is a partner in a partnership that includes licensees who hold a Class L1 licence, where the business of the partnership is the practice of law in Ontario or the provision of legal services in Ontario, shall maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company.

REVISED VERSION - MARKED

**Insurance to be maintained under policy issued by the Lawyers' Professional Indemnity Company**

12. (1.1) A licensee who holds a Class P1 licence shall maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company if,

(a) and who the licensee is a partner in a partnership that includes where licensees who hold a Class L1 licence are also partners, and the business of the partnership is the practice of law in Ontario or the provision of legal services in Ontario; or

(b) the licensee is a shareholder in a professional corporation where licensees who hold a Class L1 licence are also shareholders and the business of the professional corporation is the practice of law in Ontario and the provision of legal services in Ontario, where the business of the partnership is the practice of law in Ontario or the provision of legal services in Ontario,

~~shall maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company.~~

Transition

(1.2) Despite subsection (1.1), a licensee described in subsection (1.1) whose existing insurance policy expires in 2016 shall not be required to maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company until the expiry of her or his existing insurance policy in 2016.

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**REVISED VERSION - CLEAN**

**Insurance to be maintained under policy issued by the Lawyers' Professional Indemnity Company**

12. (1.1) A licensee who holds a Class P1 licence shall maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company if,

- (a) the licensee is a partner in a partnership where licensees who hold a Class L1 licence are also partners and the business of the partnership is the practice of law in Ontario or the provision of legal services in Ontario; or
- (b) the licensee is a shareholder in a professional corporation where licensees who hold a Class L1 licence are also shareholders and the business of the professional corporation is the practice of law in Ontario and the provision of legal services in Ontario.

**Transition**

(1.2) Despite subsection (1.1), a licensee described in subsection (1.1) whose existing insurance policy expires in 2016 shall not be required to maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company until the expiry of her or his existing insurance policy in 2016.

**MATERIALS TO FOLLOW WHEN AVAILABLE**



























**TAB 5**

## **Report to Convocation October 29, 2015**

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### **Compliance-Based Entity Regulation Task Force**

**Task Force Members**  
**Ross Earnshaw (Chair)**  
**Gavin MacKenzie (Vice-Chair)**  
Raj Anand  
Robert Burd  
Teresa Donnelly  
Howard Goldblatt  
Joseph Groia  
Carol Hartman  
Malcolm Mercer  
Peter Wardle

**Purpose of Report: Information**

**Prepared by the Policy Secretariat  
Margaret Drent (416-947-7613)**

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FOR INFORMATION

**COMPLIANCE-BASED ENTITY REGULATION TASK FORCE**

1. The Compliance-Based Entity Regulation Task Force is providing this status report following its meetings on August 12, 2015, and on September 24, 2015. The members of the Task Force are Ross Earnshaw, (Chair), Gavin MacKenzie (Vice-Chair), Raj Anand, Robert Burd, Teresa Donnelly, Howard Goldblatt, Joseph Groia, Carol Hartman, Malcolm Mercer, and Peter Wardle.
2. The Task Force was established by Convocation on June 25, 2015 pursuant to terms of reference approved by Convocation.<sup>1</sup>
3. As indicated in the June 2015 Report establishing the Task Force, compliance-based regulation (which is also referred to as outcomes-based or proactive regulation) is an approach to professional regulation that is based on the encouragement and support of improved practices by the regulator. These improved practices are based on goals and expectations set by the regulator, which provides support and information as needed to law firms and legal practices.
4. Entity regulation refers to the regulation of entities that provide legal services (firms) in addition to individual licensees.
5. Among the issues which the Task Force is considering are:
  - a. the value and merits of a compliance-based entity regulation scheme;
  - b. how demographic information regarding Ontario lawyers and paralegals can be used to assist this review;
  - c. the extent to which the impact of compliance-based entity regulation would be justified by the resources which would be required to implement it;
  - d. the implementation of compliance-based entity regulation by other regulators;
  - e. the range of possible approaches to compliance-based entity regulation; and
  - f. the cost of compliance-based entity regulation.
6. At the August 12 meeting, the Task Force received an overview of research and analysis on compliance-oriented entity regulation, discussed a schedule for future meetings and began to consider how a consultation phase should be framed. The Task Force's terms of reference include consultation with the professions which will take place at the appropriate time.

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<sup>1</sup> The report may be accessed at [http://www.lsuc.on.ca/uploadedFiles/For\\_the\\_Public/About\\_the\\_Law\\_Society/Convocation\\_Decisions/2015/convocation-june-2015-treasurer.pdf](http://www.lsuc.on.ca/uploadedFiles/For_the_Public/About_the_Law_Society/Convocation_Decisions/2015/convocation-june-2015-treasurer.pdf) for the terms of reference (beginning at paragraph 24).

7. Jill Perry, President, Nova Scotia Barristers Society (NSBS) and Darrel Pink, CEO, NSBS attended the September 24 Task Force meeting to discuss the Nova Scotia Transforming Regulation project. Entity regulation is one component of this initiative.
8. NSBS Council approved guiding principles for the Society's regulatory framework which were framed as Regulatory Objectives. Council has also approved a series of policies which provide, among other things, that the Society's role is to undertake public interest regulation of the delivery of legal services. In doing so, the Society will qualify and authorize lawyers and legal entities to deliver legal services. The Society will promote access to legal services in a way that encourages innovation in legal service delivery by legal entities and lawyers.
9. NSBS's Transforming Regulation initiative includes the development of a Management System for Ethical Legal Practice, a document that identifies ten core elements for effective and ethical practice management. Lawyers and legal entities will be required to have all of the elements in place that apply to the specific legal entity in order to have an effective management system for ethical legal practice.
10. The Task Force will continue to speak with other Canadian Law Societies in order to formulate a proposal for consultation with the professions. The Task Force is also considering elements of compliance-based entity regulation in other jurisdictions and assessing whether they might have some merit in Ontario.
11. The Task Force will continue to report to Convocation on the status of its work from time to time in the months that follow.

TAB 6



## Report to Convocation October 29, 2015

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### Equity and Aboriginal Issues Committee/ Comité sur l'équité et les affaires autochtones

#### Committee Members

**Julian Falconer, Co-Chair**

**Janet Leiper, Co-Chair**

**Dianne Corbiere, Vice-Chair**

**Sandra Nishikawa, Vice-Chair**

Raj Anand

Fred Bickford

Suzanne Clément

Teresa Donnelly

Robert Evans

Avvy Go

Howard Goldblatt

Marian Lippa

Isfahan Merali

Barbara Murchie

Gina Papageorgiou

Susan Richer

Raj Sharda

**Purpose of Report: Information**

**Prepared by the Equity Initiatives Department  
(Josée Bouchard – 416-947-3984)**

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## COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Committee") met on October 13, 2015. Committee members, bencher Julian Falconer, Chair, bencher Dianne Corbiere, Vice-Chair, bencher Sandra Y. Nishikawa Vice-Chair and chair of the meeting, and benchers Fred Bickford, Robert Evans, Avvy Go, Howard Goldblatt, Barbara Murchie, Gina Papageorgiou and Susan Richer attended. Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario, and Paul Saguil, Chair of the Equity Advisory Group, also participated. Staff members Josée Bouchard, Ekua Quansah, Marisha Roman and Grant Wedge also attended.

TAB 6.1

## FOR INFORMATION

### CONTINUING THE PARALEGAL CHANGE OF STATUS STUDY

2. In 2008, the Retention of Women in Private Practice Working Group of the Law Society of Upper Canada (“the Law Society”) conducted a consultation to better understand differences in the experiences of men and women lawyers in private practice. The Final Consultation Report of the Working Group put forth a series of recommendations to promote the advancement of women lawyers in the private practice of law, including a recommendation to study gender-based movements and changes in the lawyer profession.
3. In order to better understand and begin benchmarking gender-based movements and changes within the paralegal profession, the Law Society decided to conduct a similar study with paralegals to understand the factors that lead to paralegals’ decisions to change their status.
4. The Law Society, through an external consulting firm, surveyed paralegals who changed their status between 2012 and 2014. The analysis presented gender-based trends and is used to inform the Equity and Aboriginal Issues Committee (“EAIC”) in the development of initiatives to support and retain women and men in the paralegal profession.
5. In May 2015, the Law Society released the first report in this study, available at <http://www.lsuc.on.ca/with.aspx?id=2147487014>. It was the first study of its kind with paralegals and provided very useful information about the profession.
6. On October 13, 2015, the EAIC approved a proposal to continue the study with paralegals who change their status in 2015 and 2016.

TAB 6.2

## FOR INFORMATION

### EQUITY LEGAL EDUCATION AND RULE OF LAW SERIES CALENDAR Fall 2015-Summer 2016

#### WOMEN IN THE LEGAL PROFESSION – HOW TO BE SUCCESSFUL

On October 29, join the Law Society, the Ontario Bar Association (OBA) and the Women's Law Association of Ontario (WLAO) to celebrate and learn from women leaders in the profession.

- Date:** October 29, 2015
- Where:** Osgoode Hall, 130 Queen St. W., Toronto
- Presentations:** 5:30 p.m. to 7:30 p.m. (registration begins at 5:15 p.m.)  
in the Lamont Learning Centre\*
- Treasurer's Reception:** 7:30 p.m. to 8:30 p.m. in Convocation Hall

Refreshments will be served at the reception.

\*This program is also available via simultaneous webcast

#### Program Description

**Program Chair:** Audrey Ramsay, Lawyer, Blouin Dunn LLP and Board Member, Ontario Bar Association

#### Part I: A Conversation with the Judiciary

**Moderator:** Pascale Daigneault, Fleck Law and former President, OBA

#### Panelists:

- The Honourable Heather Forster Smith, Chief Justice of the Superior Court of Justice
- The Honourable Lise Maisonneuve, Chief Justice of the Ontario Court of Justice

## Part II: On Rainmaking and Business Development

**Moderator:** Patricia Gillette, Senior Counsel, Employment Law, Orrick, San Francisco

**Panelists:**

- Laurie Pawlitzka, Partner, Family Law Group, Torkin Manes LLP
- Lisa A. Borsook, Executive Partner, Weir Foulds LLP
- Dorothy Quann, Vice President and General Counsel, Xerox Canada
- May M. Cheng, Partner, Trade-mark Agent, Fasken Martineau



This program contains 2 Professionalism Hours

**Please note that space is limited, and benchers are asked to register in advance at:** [equityevents@lsuc.on.ca](mailto:equityevents@lsuc.on.ca) | 416-947-3413 | 1-800-668-7380

## ESTABLISHING, THRIVING AND EXITING THE PRACTICE OF LAW

Organized in partnership with the Women's Law Association of Ontario.

**Date:** November 9, 2015

**Time and Location**

Panel Discussion: 8:00 to 11:00 a.m.  
Location: CaesarsWindsor, Ontario  
377 Riverside Drive East, Windsor, Ontario  
Windsor, Ontario

### AGENDA

**Section 1: ESTABLISHING A LAW PRACTICE (9:00am)**

- Denise Hrastovec, C.A.: What Should Your Business Structure Be?
- Melanie Gardin, Windsor lawyer: Building Your Brand
- Kaitlyn McCabe, Director General, Legal Aid Ontario: Connecting With Legal Aid

**Section 2: THRIVING (9:45am)**

- Mary Fox, Windsor lawyer: Handling the Complex Client
- Justice S. Bondy, Ontario Court of Justice: How to Not Bore a Judge
- Caterina Galati, The Law Society of Upper Canada: Practical Tips for Staying Out of Trouble
- Wira Vendrasco, City of Windsor Legal Department: Is In-House Counsel for You?
- Ronda Bessner: Health and Wellness As a Priority

**Section 3: EXITING THE PRACTICE OF LAW (10:15am)**

Justice P. Hebner, Ontario Superior Court of Justice: Are You Ready for the Bench?

Ray Leclair, LawPRO: Protecting Your Retirement: Run off insurance

The Honourable M. J. Nolan (retired Superior Court of Ontario): Enriching Your Retirement



This program contains 1.5 Professionalism Hours, and 0.5 Substantive Hours. Please note that space is limited, and benchers are asked to register in advance at: [wlaocogeco.ca](mailto:wlaocogeco.ca)

When registering, please indicate that you are a Law Society bencher.

**LOUIS RIEL EVENT - RECONCILIATION WITH THE MÉTIS: THE ROAD AHEAD**

**Date:** November 16, 2015

**Time and Location:**

Roundtable Discussion: 4:00 to 6:00\* p.m. in the Lamont Learning Centre  
Reception: 6:00 to 8:00 p.m. in Convocation Hall

\*This program is also available via simultaneous webcast

**Description:** You are invited to join the Law Society of Upper Canada and our partner, the Métis Nation of Ontario, for an event to mark the 130th anniversary of the execution of Louis Riel on November 16. Members of the Métis community traditionally join together on this day to honour and commemorate the life and work of their founding leader.

The event, *Reconciliation with the Métis: The Road Ahead*, will feature a discussion exploring the current inter-governmental discussions regarding a Métis land claims process. A reception with light refreshments will follow.

## **BLACK HISTORY MONTH EVENT**

**Date:** February 9, 2016 (TBC)

**Time and Location:**

Panel Discussions: 4:00 to 6:00\* p.m. in the Lamont Learning Centre

Reception: 6:00 to 8:00\* p.m. in Convocation Hall

\*exact time to TBC

**Description:** The Law Society of Upper Canada and the Canadian Association of Black Lawyers (CABL) will be hosting their annual celebration in honour of Black History Month. Additional details will follow closer to the event date.

## **INTERNATIONAL WOMEN'S DAY EVENT**

**Date:** March 8, 2016

**Time and Location:**

Panel Discussions: 4:00 to 6:00\* p.m. in the Lamont Learning Centre

Reception: 6:00 to 8:00\* p.m. in Convocation Hall

\*exact time to TBC

**Description:** The Law Society of Upper Canada, The Barbara Schlifer Clinic, The Women's Law Association of Ontario, The Women Lawyers' Forum of the Ontario Bar Association and the Women's Legal Education and Action Fund will be hosting their annual event in honour of International Women's Day. Additional details will follow closer to the event date.

## **JOURNÉE INTERNATIONALE DE LA FRANCOPHONIE**

**Date:** March 22, 2016

**Time and Location:** 5:00-7:00\* p.m. in Convocation Hall

\*exact time to TBC

**Description:** The Law Society of Upper Canada, the Ontario Bar Association and the Association of French Speaking Jurists of Ontario (AJEFO) will be hosting their annual event celebrating the International Day of the Francophonie. Additional details will follow closer to the event date.

## **DIVERSE CAREERS FOR WOMEN IN LAW EVENT**

**Date:** April 19, 2016

**Time and Location:** 4:00-8:00\* p.m. Panel discussion and reception in Convocation Hall

\*exact time TBC

**Description:** The Women's Law Association of Ontario and the Law Society of Upper Canada will present their annual panel discussion and reception to promote diverse careers for women in the legal profession. Additional details will follow closer to the event date.

## **MENTAL HEALTH AWARENESS EVENT**

**Date:** May 3, 2016

**Time and Location:**

Panel Discussion: 4:00 – 6:00\* p.m. in the Lamont Learning Centre

Reception: 6:00 – 8:00\* p.m. in Convocation Hall

\*exact time to TBC

**Description:** In honour of Mental Health Week, the Law Society will be hosting a panel discussion and reception focused on mental health and fostering wellness in the legal profession. Additional details will follow closer to the event date.

## **HOLOCAUST REMEMBRANCE DAY EVENT**

**Date:** May 5, 2016

**Time and Location:**

Panel Discussion: 4:00 – 6:00\* p.m. in the Lamont Learning Centre

Reception: 6:00 – 8:00\* p.m. in Convocation Hall

\*exact time to TBC

**Description:** The Law Society, the Human Rights League of B'nai Brith and the Canadian Race Relations Foundation will be hosting their annual event to commemorate Yom HaShoa, or Holocaust Remembrance Day. Additional details will follow closer to the event date.

## **ASIAN AND SOUTH ASIAN HERITAGE MONTH EVENT**

**Date:** May 17 or 19, 2016 (TBC)

**Time and Location:**

Panel Discussion: 4:00 – 6:00\* p.m. in the Lamont Learning Centre

Reception: 6:00 – 8:00\* p.m. in Convocation Hall

\*exact time to TBC

**Description:** The Law Society, the Canadian Association of South Asian Lawyers, the Federation of Asian Canadian Lawyers and the South Asian Bar Association of Toronto will be hosting their annual event in celebration of Asian and South Asian Heritage Month. Additional details will follow closer to the event date.

## **ACCESS AWARENESS EVENT**

**Date:** May 31, 2016

**Time and Location:**

4:00 – 8:00\* p.m. Panel discussion and reception in the Lamont Learning Centre

\*exact time to TBC

**Description:** The Law Society and the ARCH Disability Law Centre will be hosting their annual event in honour of Access Awareness Week. Additional details will follow closer to the event date.

## **ABORIGINAL HISTORY MONTH EVENT**

**Date:** June 23, 2016 (TBC)

**Time and Location:**

Panel Discussion: 4:00 – 6:00\* p.m. in the Lamont Learning Centre

Reception: 6:00 – 8:00\* p.m. in Upper and Lower Barristers Lounges

\*exact time to TBC

**Description:** The Law Society will be hosting its annual event in honour of National Aboriginal History Month. Additional details will follow closer to the event date.

## **PRIDE WEEK EVENT**

**Date:** June 28, 29, or 30, 2016 (TBC)

**Time and Location:**

Panel Discussion: 4:00 – 6:00\* p.m. in the Lamont Learning Centre

Reception: 6:00 – 8:00\* p.m. in Convocation Hall

\*exact time to TBC

Description: The Law Society and the Sexual Orientation and Gender Identity Section (SOGIC) of the Ontario Bar Association will be hosting their annual Pride Week discussion and reception. Additional details will follow closer to the event date.

**NOTE:** A number of the above events will also be available via simultaneous webcast. Additional information will be sent to benchers within 1-2 months of the event date, and will be posted here: <http://www.lawsocietygazette.ca/events/>

# Women in the Legal Profession – How to be Successful

On October 29, join the Law Society, the Ontario Bar Association (OBA) and the Women's Law Association of Ontario (WLAO) for a webcast to celebrate and learn from women leaders in the profession.



## Program Description

Program Chair: Audrey Ramsay, Lawyer, Blouin Dunn LLP and Board Member, Ontario Bar Association

## Part I: A Conversation with the Judiciary

**Moderator:** Pascale Daigneault, Fleck Law and former President, OBA

**Panelists:**

- The Honourable Heather Forster Smith, Chief Justice of the Superior Court of Justice
- The Honourable Lise Maisonneuve, Chief Justice of the Ontario Court of Justice

## Part II: On Rainmaking and Business Development

**Moderator:** Patricia Gillette, Senior Counsel, Employment Law, Orrick San Francisco

**Panelists:**

- Laurie Pawlitzka, Partner, Family Law Group, Torkin Manes LLP
- Lisa A. Borsook, Executive Partner, Weir Foulds LLP
- Dorothy Quann, Vice President and General Counsel, Xerox Canada
- May M. Cheng, Partner, Trade-mark Agent, Fasken Martineau



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BARREAU DE L'ONTARIO  
Une division de l'Association  
du Barreau canadien



Women's Law  
Association of Ontario

# Women in the Legal Profession – How to be Successful

**accredited**  
**cpd** This program contains  
2 Professionalism Hours.

The OBA has been approved as an Accredited Provider of Professionalism Content by the Law Society of Upper Canada.



**October 29, 2015**

5:30 p.m. to 7:30 p.m.

## RSVP

To register for the webcast, please refer to the following link:  
[www.oba.org/womenleaderswebcast](http://www.oba.org/womenleaderswebcast)

If you have any questions, please contact:  
[paulam@oba.org](mailto:paulam@oba.org) | 416-869-1047, ext. 304 | 1-800-668-8900, ext. 304

**Cost** (plus HST):  
General Admission: \$35.00  
Law Student Rate: \$25.00



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**Women's Law**  
Association of Ontario



The Law Society of Upper Canada | Barreau du Haut-Canada

# Establishing, Thriving and Exiting the Practice of Law

As part of the Women's Law Association of Ontario regional outreach, in partnership with the Law Society of Upper Canada, **November 9, 2015** will be an exciting opportunity to hear Judges, Law Society of Upper Canada speakers and prominent women in the legal and accounting professions discuss "**Establishing, Thriving and Exiting the Practice of Law.**" The program is co-chaired by Ronda Bessner, President of the WLAO and Avril A. Farlam, Barat Farlam Katzman.

Food, fun, networking, education, and inspiration await you.



This program contains 1.5 Professionalism Hours, and 0.5 Substantive Hours.

## November 9, 2015

Location: Caesars Windsor  
377 Riverside Drive East, Windsor, Ontario  
Time: 8:00 – 11:00 a.m.  
Fees: Members and non-members \$50 plus HST.  
Includes breakfast and free valet parking.

## RSVP

Space is limited.

Registration is available online through [www.wlao.on.ca](http://www.wlao.on.ca) or email [wlao@cogeco.ca](mailto:wlao@cogeco.ca).

For additional information, please contact Avril A. Farlam at [aafarlam@bfklaw.ca](mailto:aafarlam@bfklaw.ca).

EQUITY LEGAL EDUCATION SERIES



## Join us for Louis Riel Day 2015

You are invited to join the Law Society of Upper Canada and our partner, the Métis Nation of Ontario, for an event to mark the 130<sup>th</sup> anniversary of the execution of Louis Riel on November 16. Members of the Métis community traditionally join together on this day to honour and commemorate the life and work of their founding leader.

The event, *Reconciliation with the Métis: The Road Ahead*, will feature a roundtable exploring the current inter-governmental discussions regarding a Métis land claims process. A reception with light refreshments will follow.

## Save the Date Monday, November 16, 2015

Roundtable: 4:00 to 6:00 p.m.\*

Reception: 6:00 to 8:00 p.m.

Osgoode Hall, 130 Queen St. W., Toronto

Please enter through the east-side doors facing Nathan Phillips Square.

**\*This program is also available via simultaneous webcast**

## RSVP

This public event is free, but space is limited for in-person attendance. Please register by November 12 at the following link:

<http://www.lawsocietygazette.ca/event/louis-riel-day-2015/>

equityevents@lsuc.on.ca | 416-947-3413 | 1-800-668-7380, ext. 3413.

*Photographs taken at this public event will be used in Law Society and partner organization print and online publications.*

Métis Nation  
of Ontario 



Tab 7

October 29, 2015

Update Report

TAG – The Action Group on Access to Justice

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## **RECENT ACTIVITIES**

### **Reference Group**

The tenth meeting of the Reference Group was held on September 17<sup>th</sup>. The meeting was an opportunity to review TAG's first activity report to the Law Foundation of Ontario. This report was filed in August and approval for 2016 funds was granted in September. Other cluster and communications activities were also discussed.

### **Innovation in Access to Justice Conference**

TAG was pleased to participate in the recent Innovation in Access to Justice held in Montreal from October 1-2. TAG and Community Legal Education Ontario (CLEO) gave a joint presentation about Steps to Justice (formerly Shared Steps), an innovative digital family law resource that brings together the Ontario Ministry of the Attorney General, the Ontario Superior Court of Justice, the Ontario Court of Justice, Social Justice Tribunals of Ontario, the Ontario Bar Association, Legal Aid Ontario, The Law Society of Upper Canada and a number of community legal clinics and as well as growing list of community groups. The initiative was well received for bringing together many institutional collaborators. The conference was a great opportunity to learn about the access to justice initiatives in progress across Canada.

### **Newsletter**

TAG has a monthly newsletter. To join the mailing list please visit [http://eepurl.com/bzh\\_cX](http://eepurl.com/bzh_cX).

## **CLUSTERS**

### **Public Legal Education & Information (PLEI)**

On October 5 members of the PLEI Cluster, which includes representatives from Social Justice Tribunals, the Law Foundation of Ontario, Pro Bono Ontario and other organizations, held their first meeting. Community Legal Education Ontario's Mapping Public Legal Information in Ontario report, which will be released in 2016, will inform activities within this cluster. The key aims are to enhance the impact of existing PLEI resources and find ways to reduce duplication. If you would like to join this cluster email us at [tag@theactiongroup.ca](mailto:tag@theactiongroup.ca).

## Opening Minds to Mental Health

Panellists for the November 20 Opening Minds to Mental Health conference are now confirmed:

### Panel 1

#### Responding to Users' Mental Health Challenges: Ensuring Access to Justice

Justice Edward Kelly (Ontario Court of Justice)

Dr. Graham Glancy (University of Toronto)

Steve Lurie (Canadian Mental Health Association, Toronto Branch)

Anita Szigeti (Anita Szigeti Advocates)

*Moderator: David Wright (Law Society Tribunal)*

### Panel 2

#### Maintaining Mental Health for Justice System Professionals

Dr. Deborah Goodman (Children's Aid Society of Toronto)

Michael Maclean (Court Services, Ministry of the Attorney General)

Nadia Liva (Nadia Liva, Barrister and Solicitor)

Orlando da Silva (Ministry of the Attorney General)

Jay Sengupta (Human Rights Tribunal of Ontario)

*Moderator: Lucy McSweeney (Office of the Children's Lawyer)*

This event is co-organized with the Canadian Institute for the Administration of Justice. The focus is on exploring issues of access and ethics with emphasis on how justice system professionals can respond to the mental health challenges of justice system users and establish self-care habits in ethically challenging and emotionally demanding work environments. Dr. David Goldbloom from the Centre for Addiction and Mental Health will be the keynote speaker. This event is open to all justice system professionals and there is no cost to attend. Register online at [www.openingmindstomentalhealth.eventbrite.com](http://www.openingmindstomentalhealth.eventbrite.com).

## Inclusive Technology

A new cluster is in development that will address access to justice and the digital divide. Cluster members are currently researching use of technology in other sectors. A symposium that identifies solutions and develops technology use principles for Ontario is being considered for late winter/early spring. To get involved with this cluster please email [tag@theactiongroup.ca](mailto:tag@theactiongroup.ca).

## Rural and Remote Libraries

The October 29 day of discussion with librarians and legal professionals from rural and remote communities is fully subscribed. Speakers include Chris Bentley (Executive Director of Ryerson University's Legal Innovation Zone and Law Practice Program) and Janet Freeman (Community Outreach Librarian at Courthouse Libraries BC). A facilitated session will engage representatives from public libraries, courthouse libraries, law associations and legal clinics to develop innovative solutions to rural and remote access to justice challenges. This event is co-organized with the Community Advocacy & Legal Centre, Community Legal Education Ontario (CLEO), the Boldness Project: Rural and Remote Access to Justice.



**Tab 8**

**Report to Convocation  
October 29, 2015**

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**Priority Planning Committee**

**Committee Members:**

Janet Minor (Chair)  
Raj Anand  
Marion Boyd  
Christopher Bredt  
John Callaghan  
Cathy Corsetti  
Ross Earnshaw  
Julian Falconer  
Howard Goldblatt  
Michelle Haigh  
Carol Hartman  
Jacqueline Horvat  
Janet Leiper  
William McDowell  
Susan McGrath  
Malcolm Mercer  
Barbara Murchie  
Julian Porter  
Paul Schabas  
Peter Wardle

**Purpose of Report: Information**

**Prepared by the Policy Secretariat  
(Jim Varro 416-947-3434)**

FOR INFORMATION

CONVOCATION'S PRIORITY PLANNING

Introduction

1. In keeping with Convocation's process for prioritizing and planning its policy agenda for a benchers term, benchers engaged in a strategic planning exercise following the 2015 benchers election at a Strategic Planning Session held on October 14 and 15 in Niagara-on-the Lake.
2. Through the Strategic Planning Steering Group of the Priority Planning Committee, a process was developed to obtain the input of benchers and senior staff on strategic priorities for the Law Society to prepare for the Session.
3. For approximately six months in advance of the Session, benchers and senior staff completed a series of surveys and attended meetings, facilitated by a consultant, that resulted in the information that was used to prepare a draft strategic plan for 2015 to 2019, including prioritized goals, for consideration by the benchers at the Session.

**The Law Society's Strategic Plan for 2015-2019**

4. At the Session, following discussions, benchers confirmed a Strategic Plan, which was built on the Law Society mission, mandate and principles for governance found in the *Law Society Act*.<sup>1</sup> The Plan covers a number of areas that include professional

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<sup>1</sup> Function of the Society

4.1 It is a function of the Society to ensure that,

- (a) all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide; and
- (b) the standards of learning, professional competence and professional conduct for the provision of a particular legal service in a particular area of law apply equally to persons who practise law in Ontario and persons who provide legal services in Ontario. 2006, c. 21, Sched. C, s. 7.

Principles to be applied by the Society

4.2 In carrying out its functions, duties and powers under this Act, the Society shall have regard to the following principles:

1. The Society has a duty to maintain and advance the cause of justice and the rule of law.
2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario.
3. The Society has a duty to protect the public interest.

competence, professional conduct, access to justice initiatives, Law Society communication and outreach initiatives and governance.

5. The Plan was formulated in the knowledge that a number of initiatives that relate to areas described above will continue in the new bench term. They include:
  - a. the Pathways Pilot Project on transitional training;
  - b. the work of the Mentoring and Advisory Services Proposal Task Force, the Task Force to Create a Strategy to Promote Wellness and Address Mental Health and Addictions Issues and the Compliance-Based Entity Regulation Task Force,
  - c. the work of the Challenges Faced by Racialized Licensees Working Group and the Alternative Business Structures Working Group;
  - d. the Tribunal Three Year Review project; and
  - e. the project to renew the Law Society's Aboriginal Initiatives Strategy.
  
6. The following were chosen by benchers as the priority areas for the 2015-2019 bench term:
  - a. Evaluation and enhancement of the current licensing standards and requirements for lawyer and paralegal licensees;
  - b. Guided by the duty to protect the public interest, a review and revision as appropriate of the Law Society's policy-making process;
  - c. An exploration of ways to:
    - i. improve and increase practice supports for lawyers and paralegals; and
    - ii. provide better mentoring for licensees;
  - d. Improvements and adjustments to the Law Society's regulatory process, with a particular focus on developing mental health initiatives and equity-based principles in the regulatory process;
  - e. In continuing the Law Society's focus on access to justice:
    - i. improved planning and assignment of Law Society resources, and establishing a leadership role for the Law Society with a concrete action plan to achieve access to justice goals;
    - ii. increased collaboration outside the Law Society with stakeholders to promote better access to justice;
  - f. With respect to Law Society communications:
    - i. enhancing communication to the public through Law Society outreach and other efforts, to enhance public perception of and education on the role of the Law Society, with a focus on key messages;

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4. The Society has a duty to act in a timely, open and efficient manner.
  5. Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized. 2006, c. 21, Sched. C, s. 7.

- ii. enhancing communication to lawyers and paralegals as a matter of accountability, transparency, and better enabling input from and engagement with the professions;
- g. Improvements to the efficiency of the Law Society, with a focus on improved measurements and more robust assessment of current and proposed activities;
- h. Improvements to the governance of the Law Society, including better education for members of Convocation.

### **Next Steps**

7. The Priority Planning Committee will provide a more detailed report on the Plan for the December 4, 2015 Convocation, including discussion of work anticipated to be done to implement it, as appropriate.
8. As the Plan is implemented, pursuant to its mandate, the Priority Planning Committee will
  - a. periodically review the priorities established by Convocation through the Plan,
  - b. consider any new policy issues that may arise that may be added to the Plan, and
  - c. recommend appropriate action to Convocation on an ongoing basis to achieve the goals under the Plan.
9. The Committee will also report annually to Convocation on the status of Convocation's priorities.