



The Law Society of
Upper Canada

Barreau
du Haut-Canada

June 26, 2014
9:00 a.m.

CONVOCATION MATERIAL

PUBLIC COPY

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CONVOCATION AGENDA
June 26, 2014

Convocation Room – 9:00 a.m.

Election of Treasurer

Election of Benchers [Tab 1]

Treasurer's Remarks

Consent Agenda - Motion [Tab 2]

- **Confirmation of Draft Minutes of Convocation** – May 22, 2014
- **Motion**
 Appointments
- **Report of the Director of Professional Development and Competence** – Deemed Call Candidates
- **Audit and Finance Committee Report** – J. Shirley Denison Fund Applications (in camera)

Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report (*P. Schabas*) [Tab 3]

- Human Rights Monitoring Group Requests for Intervention
- For Information*
- Report on the Justicia Project
 - Report on the Status of the Parental Leave Assistance Program
 - Development of a Law Society Aboriginal Strategy
 - Public Education Equality and Rule of Law Series Calendar 2014

Professional Regulation Committee Report (*M. Mercer*) [Tab 4]

- Amendments to By-Law 11 Respecting Enforcement of Costs Orders
- For Information*
- Update on Work of the Alternative Business Structures Working Group
 - Analysis of Complaints Received by the Professional Regulation Division in 2013

Benchers Election Working Group Report (*J. Leiper*) [Tab 5]

- Proposed Amendment to By-Law 3 Related to the Benchers Election Process

Address by Bâtonnière Marie-Claude Bélanger-Richard, Q.C., President of the Federation of Law Societies of Canada

Tribunal Committee Report (*R. Anand*) (in camera) [Tab 6]

Report of the LL.D. Advisory Committee (*P. Schabas*) (in camera) [Tab 7]

Report of the Chief Executive Officer (*R. Lapper*) (in camera) [Tab 8]

REPORTS FOR INFORMATION ONLY

Access to Justice Committee Report [Tab 9]

- Report on Next Steps on the Law Society's Access to Justice Initiative

Audit & Finance Committee Report [Tab 10]

- Other Committee Work

Priority Planning Committee Report [Tab 11]

- Convocation's Priority Planning - Status of Work on Convocation's Priorities

Lunch – Benchers' Dining Room

*MOTION TO BE DISTRIBUTED
AT CONVOCATION*

Tab 2

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 26, 2014

MOVED BY:

SECONDED BY:

THAT Convocation approve the consent agenda set out at Tab 2 of the Convocation Materials.

Tab 2.1

D R A F T

MINUTES OF CONVOCATION

Thursday, 22nd May, 2014
9:00 a.m.

PRESENT:

The Treasurer (Thomas G. Conway), Anand, Backhouse, Boyd, Braithwaite, Bredt, Burd, Callaghan, Campion, Copeland (by telephone) Corsetti, Dickson, Doyle, Earnshaw, Epstein, Elliott, Eustace, Evans, Falconer (by telephone), Ferrier, Festeryga (by telephone), Furlong, Go, Gottlieb, Goldblatt, Haigh, Hartman, Horvat, Krishna, Lawrie, Leiper (by telephone), Lerner, Lippa, MacLean, Marmur, McDowell, McGrath, Mercer, Minor, Murchie, Murray (by telephone), Pawlitz, Pustina, Rabinovitch, Richardson (by telephone), Richer, Ruby (by telephone), Sandler, Scarfone (by telephone), Sikand, Silverstein, C. Strosberg, H. Strosberg (by telephone), Sullivan, Swaye (by telephone), Symes, Wardle, Wardlaw.

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Secretary: James Varro

The Reporter was sworn.

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TREASURER'S REMARKS

The Treasurer commented on the recent media coverage of the Law Society's investigative and discipline functions, to which the Law Society has responded.

The Treasurer expressed condolences to the family of former Law Society Under-Treasurer Archibald Rendall Dick, Q.C., LSM, who passed away on May 2, 2014.

The Treasurer congratulated the recipients of the Law Society Awards, which were bestowed at a ceremony on May 21, 2014: Law Society Medalists Frank E. P. Bowman, Clare E. Lewis, O.Ont, Q.C., W. A. Derry Millar, Sandra R. Stephenson and William M. Trudell, Nigel G. Gilby who received the Lincoln Alexander Award, Susan E. Opler who received the Laura Legge Award and Paula Stamp who received the Law Society Distinguished Paralegal Award. The Treasurer also thanked Marni Alexander, wife of the late Lincoln Alexander, for participating in the ceremony.

The Treasurer reported on the County and District Law Presidents' Association (CDLPA) Plenary and related meetings and events which he attended with benchers and staff in London, Ontario last week. The Treasurer thanked Janet Whitehead, immediate past chair of CDLPA, for her support and service to CDLPA and the profession.

The Treasurer advised Convocation about the dedicated Alternative Business Structures web page on the Law Society's website.

The Treasurer announced the celebration of the official release of the Law Society's Justicia Project resources at a Symposium to be held at the Law Society on May 28, 2014, with a reception following the event.

The Treasurer announced the official launch of The Action Group on Access to Justice at an event scheduled for June 3, 2014.

The Treasurer announced the recipients of the Law Society LL.D. at upcoming Call to the Bar ceremonies in Toronto, Ottawa and London in June: David F. Smye, Q.C. at the London Call on June 16, The Honourable Stephen T. Goudge of the Court Of Appeal for Ontario at the Toronto Call on June 19, Professor Martin Friedland at the Toronto Call on June 20, Laurie H. Pawlitza at the Toronto Call on June 20 and John H. Sims, Q.C. at the Ottawa Call on June 23.

The Treasurer was pleased to acknowledge the proposal in today's agenda to rename the Law Society Distinguished Paralegal Award as the William J. Simpson Distinguished Paralegal Award.

The Treasurer announced that Adam Foley and Minh Luu will be guests today at Convocation lunch.

SECRETARY'S ANNOUNCEMENT

The Secretary announced the following nominees for the office of the Treasurer:

Raj Anand – nominated by Jennifer Halajian and Dow Marmur

Christopher Bredt – nominated by Carol Hartman and William C. McDowell

Janet Minor – nominated by Howard Goldblatt and Susan Richer.

MOTION – CONSENT AGENDA

The Treasurer advised that the items at Tab 1.1 and Tab 1.3 will be removed from the Consent Agenda and dealt with separately.

DRAFT MINUTES OF CONVOCATION – Tab 1.1

The draft minutes of Convocation of April 24, 2014, amended on the advice of the Treasurer to reflect the “yes” vote of Mr. Strosberg to the question on the Trinity Western University (TWU) matter, were confirmed.

MOTION – RENAMING OF THE LAW SOCIETY DISTINGUISHED PARALEGAL AWARD – Tab 1.3

It was moved by Mr. Falconer, seconded by Ms. Hartman, that the Law Society Distinguished Paralegal Award be renamed the William J. Simpson Distinguished Paralegal Award, in honour of Mr. Simpson's outstanding contribution to the implementation of paralegal regulation by the Law Society of Upper Canada.

An amendment to the motion, moved by Mr. Lawrie and seconded by Ms. Corsetti, was accepted to add the words “and that the renaming be retroactive to the creation of the Award by Convocation on September 22, 2011. “

The motion as amended carried unanimously.

It was moved by Mr. Falconer, seconded by Ms. Hartman, that Convocation approve the remaining items under the Consent Agenda set out under Tab 1 of the Convocation Materials.

Carried

MOTION – APPOINTMENTS – Tab 1.2

THAT Robert P. Armstrong and Lee K. Ferrier be appointed to the Appeal and Hearing Divisions of the Law Society Tribunal for a term ending May 28, 2015.

THAT Marian Lipka be appointed to the Hearing Division of the Law Society Tribunal for a term of two years.

THAT the term of appointment of John E. Callaghan to the Hearing Division of the Law Society Tribunal made by Convocation on April 24, 2014 for two years be amended to a term ending on May 28, 2015.

Carried

REPORT OF THE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND COMPETENCE – Tab 1.4

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

Carried

TRIBUNAL COMMITTEE REPORT – Tab 1.5

Re: Housekeeping Amendments to Implement Tribunal Related Provisions of the *Modernizing Regulation of the Legal Profession Act, 2013* (Bill 111)

THAT Convocation approve housekeeping amendments to the Hearing Division Rules of Practice and Procedure and Forms and the Appeal Divisions Rules and Forms, as set out in the motion at Tab 1.5.1.

Carried

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

Mr. Goldblatt presented the Report.

Re: Proposed By-Law on Law Society Services in French and English

It was moved by Mr. Goldblatt, seconded by Ms. Backhouse, that Convocation

- a. amend By-Law 2 [Corporate Provisions] as set out in the motion at Tab 2.1.1., to establish the right of a person to receive services from the Law Society of Upper Canada in French and English; and
- b. revoke the French Language Services Policy set out at Tab 2.1.2., approved by Convocation on June 23, 1989.

Carried

Re: Human Rights Monitoring Group Requests for Intervention

It was moved by Mr. Goldblatt, seconded by Mr. Falconer, that Convocation approve the letters and public statements in the cases as set out at paragraph 27 of the Report.

Carried

Mr. Lerner abstained

For information

- Public Education Equality and Rule of Law Series Calendar 2014

AUDIT & FINANCE COMMITTEE REPORT

Ms. Hartman presented the Report.

Re: Updated Investment Policy

It was moved by Ms. Hartman, seconded by Mr. Bredt, that Convocation approve the updated Investment Policy as set out in the Report.

Carried

Re: Retention of Investment Manager and Custodian

It was moved by Ms. Hartman, seconded by Mr. Bredt, that Convocation approve the continued retention of the Investment Manager, Foyston and Payne and the Custodian, CIBC Mellon Global Securities Services Company.

Carried

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REPORT FOR INFORMATION ONLY

Tribunal Committee Report

- Tribunals Office Quarterly Statistics for the Fourth Quarter 2013

CONVOCATION ROSE AT 1:19 P.M.

Tab 2.2

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 26, 2014

MOVED BY:

SECONDED BY:

THAT the following be reappointed to the Proceedings Authorization Committee for a one year term:

Paul Schabas (Chair)

Michelle Haigh

Jacqueline Horvat

Gerald Sheff

Alan Silverstein

Peter Wardle

Tab 2.3

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

The Director of Professional Development and Competence reports as follows:

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, June 26th, 2014

ALL OF WHICH is respectfully submitted

DATED this 26th day of June, 2014

CANDIDATES FOR CALL TO THE BAR
June 26th, 2014

Transfer from another province (Mobility)

Fraser Mark Bush
Nadia Conforti
John Alexander Groves
Elinor Caitlin Holton Ireland
Shahla Khan
Awesta Masshoor
Kelsey Alberta McLaren
Kristopher Sol Ryder Harry Miks
Donald Kenneth Piragoff
Saarah Mansur Shivji

Licensing Process

Andrew John Hope
Ji-Eun Joo
Karl Johan Gustaf Bjurström
Tomas Olivier Maria van der Heijden
Jeanne Lichterman

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Tab 3

Report to Convocation

June 26, 2014

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

Committee Members

Howard Goldblatt, Chair
Julian Falconer, Vice-Chair
Susan Hare, Vice Chair
Raj Anand
Constance Backhouse
Mary Louise Dickson
Avvy Go
Michelle Haigh
Janet Minor
Judith Potter
Susan Richer
Paul Schabas
Baljit Sikand
Beth Symes

Purposes of Report: Decision and Information

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

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Development of an Aboriginal Strategy

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The Justicia Project – Overview and Next Steps

Human Rights Monitoring Group Report *Facilitating International Access to Justice through Intervention*

Challenges Faced by Racialized Licensees Project - Update

COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Equity Committee") met on June 12, 2014. Committee members Howard Goldblatt, Chair, Julian Falconer, Vice-Chair, Susan Hare, Vice-Chair, Raj Anand, Constance Backhouse, Mary Louise Dickson, Avvy Go, Janet Minor, Susan Richer and Beth Symes participated. Bencher Marion Boyd also participated. Paul Saguil, Vice-Chair of the Equity Advisory Group, also participated. Staff members Josée Bouchard, Diana Miles, Zeynep Onen, Marisha Roman, Ekua Quansah, and Grant Wedge also attended.

TAB 3.1

FOR DECISION

HUMAN RIGHTS MONITORING GROUP REQUESTS FOR INTERVENTIONS

MOTION

2. **That Convocation approve the letters and public statements in the following cases:**
 - a. **lawyer Mahienour El-Massry – Egypt – letters of intervention and public statement presented at [TAB 3.1.1](#);**
 - b. **lawyer Rashid Rehman – Pakistan - letters of intervention and public statement presented at [TAB 3.1.2](#).**

MANDATE OF THE HUMAN RIGHTS MONITORING GROUP

3. The mandate of the Human Rights Monitoring Group is,
 - a. to review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
 - b. to determine if the matter is one that requires a response from the Law Society; and,
 - c. to prepare a response for review and approval by Convocation.
4. The mandate further states that where Convocation's meeting schedule makes such a review and approval impractical, the Treasurer may review such responses in Convocation's place and take such steps as he or she deems appropriate. In such instances, the Human Rights Monitoring Group shall report on the matters at the next meeting of Convocation.

5. On September 20, 2007, Convocation expanded the mandate by adopting the following recommendation: That the Monitoring Group explore the possibility of developing a network of organizations, and work collaboratively with them, to address human rights violations against judges and lawyers.

EGYPT – DETENTION AND SENTENCING OF MAHIENOUR EL-MASSRY

SOURCES OF INFORMATION

6. The background information for this report was taken from the following sources:
 - a. The Observatory for the Protection of Human Rights Defenders;¹
 - b. The Daily News Egypt;²
 - c. Cairo Institute for Human Rights Studies;³ and
 - d. International Federation for Human Rights.⁴

BACKGROUND

7. On May 20, 2014, the Sidi Gaber Misdemeanour Court in Alexandria, Egypt rejected the objection filed by Manhienour El-Massry, a human rights lawyer, regarding the sentence issued against her in absentia on January 2, 2014, convicting her to two years imprisonment and a fine of EGP 50,000 (approximately \$7,609 CAD).⁵ She was

1 The Observatory for the Protection of Human Rights Defenders is a joint International Federation of Human Rights (“FIDH”) and World Organization Against Torture (“OMCT”) program created in 1997. This unique collaboration is based on the complementarily approach of each organization and is based on their respective non-governmental organization (“NGO”) networks. One of the main objectives is to focus the international community’s attention on cases of harassment and repression of human rights defenders.

2 The Daily News Egypt is an independent English language daily newspaper established in 2005. The former owner was Egyptian Media Services. It was distributed with the International Herald Tribune as a supplement. In June 2012, The Business News for Press, Publishing and Distribution Company announced it would begin publishing a newspaper under the name Daily Egypt news. The paper claims to be independent and free from government censorship.

3 Cairo Institute for Human Rights Studies was founded in 1993 and is an independent regional non-governmental organization which aims to promote respect for the principles of human rights and democracy in the Arab region.

4 International Federation of Human Rights (FIDH) is an international non-governmental organization defending all civil, political, economic, social and cultural rights, set out in the Universal Declaration of Human Rights. Based in France, the FIDH is a non-partisan, non-religious, apolitical and non-profit organization.

5 FIDH, News Release, EGY 0001/0514/OBS 045, “Egypt: Arbitrary detention and confirmation of the sentencing of Ms. Mahienour El-Massry (22 May 2014) online: <<http://www.fidh.org/en/north-africa-middle-east/egypt/15366-egypt-arbitrary-detention-and-confirmation-of-the-sentencing-of-ms>>; The Observatory for the Protection of Human Rights Defenders, Urgent Appeal, EGY 0001/0514/OBS 045, “ Arbitrary detention/sentencing/Judicial harassment/ repression of peaceful protest” (22 May 2014); Aya Nader, “ AFTE condemns arrest of activist supporters”. Daily Egypt News (26 May 2014) online: <http://www.dailynewsegypt.com/2014/05/26/afte-condemns-arrest-activist-supporters/>; Cairo Institute for Human Rights Studies, Public Statement, “Confirmation of the

sentenced for “protest without a permit” and “assaulting security forces”. Manhienour El-Massry was immediately detained after the hearing.⁶

8. Manhienour El-Massry and seven other members of the political group “Revolutionary Socialists”, including human rights lawyer Hassan Mustafa, were charged after they organized a protest on December 2, 2013. The protest was related to Khaled Saeed’s murder retrial. Khaled Saeed became a symbol of police repression during the 2011 Egyptian Revolution when he was killed by police forces on June 6, 2012.⁷

THE MONITORING GROUP’S CONSIDERATION

9. The Monitoring Group considered the following when making a decision about the case:
 - a. There are no concerns about the quality of sources used for this report.
 - b. The arrest, detention and conviction of lawyers as a result of their human rights work falls within the mandate of the Monitoring Group. The Law Society has intervened in Egypt in the past where lawyers were being persecuted for representing clients accused of crimes against the state, terrorism and members of minority groups. Additional past interventions also include cases where lawyers were targeted for their human rights work and protesting.

PAKISTAN – MURDER OF HUMAN RIGHTS LAWYER RASHID REHMAN

SOURCES OF INFORMATION

10. The background information for this report was taken from the following sources:
 - a. The Observatory for the Protection of Human Rights Defenders;
 - b. The New York Times;⁸
 - c. Lawyers’ Rights Watch Canada (“LRWC”);⁹ and

Verdict against Mahienour El-Massry: A New Episode in the Series of Incarcerating Women Human Rights Defenders (WHRDs)...The Verdict Must be Renounced and the Law Needs to be Revised” (22 May 2014) online: <<http://www.cihrs.org/?p=8631&lang=en>>.

6 Aya Nader, “AFTE condemns arrest of activist supporters”. Daily Egypt News (26 May 2014) online: <<http://www.dailynewsegypt.com/2014/05/26/afte-condemns-arrest-activist-supporters/>>.

7 FIDH, News Release, EGY 0001/0514/OBS 045, “Egypt: Arbitrary detention and confirmation of the sentencing of Ms. Mahienour El-Massry (22 May 2014) online: <<http://www.fidh.org/en/north-africa-middle-east/egypt/15366-egypt-arbitrary-detention-and-confirmation-of-the-sentencing-of-ms>>.

8 The New York Times was founded in September 18, 1851. Its print edition is the largest local metropolitan newspaper in the United States of America. Its website receives more than 30 million visitors per month according to a report in January 2011. Over the years, it has won 112 Pulitzer Prizes.

- d. World Organization Against Torture (“OMCT”).¹⁰

BACKGROUND

11. On May 7, 2014, Rashid Rehman, a 53-year-old lawyer, was killed by two unidentified gunmen who walked into his office and shot him. He was shot five times. His colleague, Nadeem Parvaz and a client, Fazal Baloch were also shot and injured.¹¹ The gunmen escaped. The shooting follows a number of death threats directed at Rashid Rehman for representing a university lecturer and Fulbright scholar, Junaid Hafeez, who is charged with blasphemy. One of the death threats was made on April 9, 2012 in the Multan Central Prison courtroom in front of Judge Shahbaz Ali Paracha, who made no comment even after Rashid Rehman drew his attention to them. Rashid Rehman reported the death threats to the Punjab Chief Minister, the Inspector General of Punjab Police, the Multan City Police and the district Bar Association. However, no action was taken to protect Rashid Rehman.¹²
12. Rashid Rehman was a prominent human rights lawyer in Pakistan and the Regional Coordinator for the Human Rights Commission of Pakistan (“HRCP”) in the Punjab province. He headed the HRCP’s special task force office in Multan. He had been an advocate against Pakistan’s blasphemy laws and worked for religious freedom and also represented religious minorities.

9 Lawyers’ Rights Watch Canada (“LRWC”) is a committee of Canadian lawyers who promote human rights and the rule of law by providing support internationally to human rights defenders in danger. LRWC promotes the implementation and enforcement of international standards designed to protect the independence and security of human rights defenders around the world. It began in 2000 and is run by volunteers and funded by sole membership fees and donations from individuals.

10 World Organization Against Torture (“OMCT”) was created in 1985 to fight torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. Its focus is the protection and promotion of human rights. It is an international non-governmental organization based in Geneva with 311 affiliated organizations within its network. The OMCT enjoys a consultative status with the following institutions: ECOSOC (United Nations), the International Labour Organization, the African Commission on Human and Peoples’ Rights, the Organisation Internationale de la Francophonie, and the Council of Europe.

11 The Observatory for the Protection of Human Rights Defenders, New Release, PAK 001 / 0514/ OBS 040, “Assassination/Death threats Pakistan” (15 May 2014).

12 LRWC, “Pakistan: Murder of Rashid Rehman Khan and injury to Nadeem Parvaz and Afzal, Letter” (14 May 2014) online: < <http://www.lrwc.org/pakistan-murder-of-rashid-rehman-khan-and-injury-to-nadeem-parvaz-and-afzal-letter/>>; OMCT, News Release, PAK 001 / 0514/ OBS 040, “Pakistan: Assassination of MR. Rashid Rehman, a human rights lawyer and HRCP Regional Coordinator in Punjab” (15 May 2014) online: <<http://www.omct.org/human-rights-defenders/urgent-interventions/pakistan/2014/05/d22670/>>.

13. Rashid Rehman was the only lawyer Juanid Hafeez's father could find to defend his son. Juanid Hafeez's first lawyer, who represented him during his bail hearing withdrew after being threatened by extremist religious groups.¹³ Charges against Juanid Hafeez stem from an allegation made in 2013 by a student associated with Islami Jamiat Talaba, a wing of the hard-line Jammat-i-Islami party.¹⁴ The student accused Juanid Hafeez, a poet and a popular lecturer in the English Department at Bahauddin Zakariya University in Multan, of "insulting the Prophet Muhammad on Facebook". No evidence supporting the student's claim was produced. The police registered the case as blasphemy. However, they did not request cybercrime specialists to investigate and relied on a fatwa issued by a seminary.
14. The current blasphemy laws flow from a set of colonial laws that criminalized "insulting the religion of any class of persons" and were updated in the 1980s by General Muhammad Zia ul-Haq. The laws were originally established in the 19th century by the British government in an attempt to keep their subjects from different religious backgrounds from fighting each other. General Zia's amendments criminalized "the desecration of the Quran, any defiling of the name of the Prophet Muhammad, and disrespectful remarks about his companions" and "any attempt by members of the outlawed Ahmadi sect to refer to themselves as Muslims". Apparently, the updated blasphemy laws were meant to target Pakistan's Shiite minority. Those convicted of blasphemy may be executed or given a sentence of life imprisonment. Recently, the laws were expanded to include any criticism of the blasphemy laws themselves. In mid-May 2014, Punjabi police brought blasphemy charges against 68 lawyers.

THE MONITORING GROUP'S CONSIDERATION

15. The Monitoring Group considered the following when making a decision about the case:
 - a. There are no concerns about the quality of sources used for this report.

13 OMCT, News Release, PAK 001 / 0514/ OBS 040, "Pakistan: Assassination of MR. Rashid Rehman, a human rights lawyer and HRCP Regional Coordinator in Punjab" (15 May 2014) online: <<http://www.omct.org/human-rights-defenders/urgent-interventions/pakistan/2014/05/d22670/>>.

14 Ali Sethi, "Pakistan's Yranny of Blasphemy", *The New York Times* (20 May 2014) online: <http://www.nytimes.com/2014/05/21/opinion/pakistans-tyranny-of-blasphemy.html?_r=0>.

- b. The assassination of lawyers as a result of their human rights work falls within the mandate of the Monitoring Group. The Law Society has intervened in Pakistan in the past where lawyers were being persecuted for representing clients accused of crimes against the state, terrorism and members of minority groups. Additional past interventions also include cases where lawyers were targeted for their human rights work and protesting.

TAB 3.1.1

Proposed Letters of Intervention

[DATE]

President H.E. Adly Mansour
 President of the Arab Republic of Egypt
 Abedine Palace
 Cairo
 Egypt

Dear President Mansour:

Re: The Detention and Sentencing of Manhienour El-Massry

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the detention and sentencing of human rights lawyer Manhienour El-Massry. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

On May 20, 2014, the Sidi Gaber Misdemeanour Court in Alexandria rejected the objection filed by Manhienour El-Massry, a human rights lawyer, regarding the sentence issued against her in absentia on January 2, 2014. The court convicted her to two years imprisonment and a fine of EGP 50,000. She was sentenced for “protest without a permit” and “assaulting security forces”. Afterwards, Manhienour El-Massry was immediately detained.

Manhienour El-Massry and seven others, including human rights lawyer Hassan Mustafa, were charged after they organized a protest on December 2, 2013. The protest was related to Khaled Saeed murder’s retrial.

The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics”. Article 18 states “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions”.

The Law Society urges the government of Egypt to,

- a. guarantee all the procedural rights that should be accorded to Mahienour El-Massry and other human rights defenders in Egypt;
- b. guarantee in all circumstances the physical and psychological integrity of Mahienour El-Massry;

- c. put an end to all acts of harassment against Mahienour El-Massry and other human rights defenders in Egypt;
- d. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Thomas G. Conway
Treasurer

**The Law Society of Upper Canada is the governing body for more than 46,000 lawyers and 6,300 paralegals in the Province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

Proposed Public Statement

The Law Society of Upper Canada Expresses Grave Concerns about the Detention and Sentencing Human Rights Lawyer Mahienour El-Massry

The Law Society of Upper Canada is gravely concerned about the detention and sentencing of Mahienour El-Massry.

On May 20, 2014, the Sidi Gaber Misdemeanour Court in Alexandria, Egypt rejected the objection filed by Manhienour El-Massry, a human rights lawyer, regarding the sentence issued against her in absentia on January 2, 2014, convicting her to two years imprisonment and a fine of EGP 50,000 (approximately \$7,609 CAD). She was sentenced for “protest without a permit” and “assaulting security forces”. Manhienour El-Massry was immediately detained after the hearing.

Manhienour El-Massry and seven other members of the political group “Revolutionary Socialists”, including human rights lawyer Hassan Mustafa were charged after they organized a protest on December 2, 2013. The protest was related to Khaled Saeed murder’s retrial. Khaled Saeed became a symbol of police repression during the 2011 Egyptian Revolution when he was killed by police forces on June 6, 2012.

The Law Society is deeply concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics”. Article 18 states “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions”.

The Law Society urges the government of Egypt to,

- a. guarantee all the procedural rights that should be accorded to Mahienour El-Massry and other human rights defenders in Egypt;
- b. guarantee in all circumstances the physical and psychological integrity of Mahienour El-Massry;
- c. put an end to all acts of harassment against Mahienour El-Massry and other human rights defenders in Egypt;
- d. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and

- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

The Law Society of Upper Canada is the governing body for more than 46,000 lawyers and 6,300 paralegals in the Province of Ontario, Canada and the Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

The Law Society urges the legal community to intervene in support of members of the legal profession in Egypt in their effort to advance the respect of human rights and to promote the rule of law.

The Egyptian Bar Association
Chairman Sameh Ashour
Egyptian Bar Association
49a Ramses Street
Cairo
Egypt

Dear Chairman Ashour,

Re: Arbitrary Detention and Sentencing of Human Rights Lawyer Mahienour El-Massry

The Law Society of Upper Canada is the governing body for more than 46,000 lawyers and 6,300 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary, in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

I write to inform you that on the advice of the Human Rights Monitoring Group, the Law Society of Upper Canada sent the attached letter to the Egyptian government expressing our deep concerns for the circumstances faced by Mahienour El-Massry.

In view of the fact that your organization represents the interests of lawyers throughout Egypt, we would value the opportunity to communicate with you in regard to what problems, if any, lawyers or members of the judiciary may be experiencing in Egypt.

If you are willing and able to do so, we would be very interested in hearing from you concerning the situation noted in the attached letter. In particular, if we have any of the facts in the case wrong, it would assist us in our work to know that.

Please forward any further correspondence to the attention of Josée Bouchard, Equity Director, Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to jbouchar@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Paul Schabas
Chair, Human Rights Monitoring Group

TAB 3.1.2

Proposed Letters of Intervention and Public Statement

[Date]

Mr. Mamnoon Hussain
 President of Pakistan
 President's Secretariat
 Islamabad
 Pakistan
 PAKISTAN

Your Excellency President Hussain:

Re: The Murder of Human Rights Lawyer Rashid Rehman

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the murder of human rights lawyer Rashid Rehman. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

On May 7, 2014, Rashid Rehman, a prominent human rights lawyer and the Regional Coordinator for the Human Rights Commission of Pakistan ("HRCP"), was murdered in his office by two unidentified gunmen. The shooting and his death follow a number of death threats he received in connection to his work on behalf of Juanid Hafeez, a university lecturer and poet.

Rashid Rehman reported the death threats to the Punjab Chief Minister, the Inspector General of Punjab Police, the Multan City Police and the district Bar Association. However, no action was taken to protect Rashid Rehman. The murder of Rashid Rehman raises the issue of the safety of human rights lawyers in Pakistan, especially those who represent people charged under the blasphemy laws.

Protecting the lives as well as the personal and professional safety of lawyers in Pakistan is integral to ensuring all people in Pakistan have access to legal services and to justice. When lawyers have reported death threats to government officials, there is a duty to investigate and protect those lawyers who have been threatened.

The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states "governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and

ethics". Article 18 states "lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".

The Law Society urges the government of Pakistan to,

- a. guarantee all the procedural rights that should be accorded to human rights lawyers in Pakistan;
- b. put an end to all acts of harassment against human rights lawyers in Pakistan;
- c. ensure that all lawyers in Pakistan can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Thomas G. Conway
Treasurer

**The Law Society of Upper Canada is the governing body for more than 46,000 lawyers and 6,300 paralegals in the Province of Ontario, Canada. The Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.*

cc:

Mr. Mian Nawaz Sharif
Prime Minister
Prime Minister House
Islamabad
Pakistan

cc:

Mr. Shahbaz Sharif
Chief Minister
Government of Punjab Province
Chief Minister's Secretariat
5-Club Road, GOR-I,
Lahore, Punjab

Proposed Public Statement

The Law Society of Upper Canada Expresses Grave Concerns about the Murder of Rashid Rehman

The Law Society of Upper Canada is gravely concerned about the murder of prominent Pakistani human rights lawyer Rashid Rehman and the Regional Coordinator for the Human Rights Commission of Pakistan ("HRCP") in the Punjab province.

On May 7, 2014, Rashid Rehman, a 53-year-old lawyer, was killed by two unidentified gunman who walked into his office and shot him. He was shot five times. His colleague, Nadeem Parvaz and a client, Fazal Baloch were also shot and injured.

The shooting follows a number of death threats directed at Rashid Rehman for representing a university lecturer and Fulbright scholar, Junaid Hafeez, who is charged with blasphemy. One of the death threats was made on April 9, 2012 in the Multan Central Prison courtroom. Rashid Rehman reported the death threats to the Punjab Chief Minister, the Inspector General of Punjab Police, the Multan City Police and the district Bar Association. However, no action was taken to protect Rashid Rehman.

Rashid Rehman was the only lawyer Junaid Hafeez's father could find to defend his son. His son's first lawyer, who represented Junaid Hafeez during his bail hearing withdrew after being threatened by extremist religious groups. Charges against Junaid Hafeez stem from an allegation made in 2013 by a student associated with Islami Jamiat Talaba, a wing of the hard-line Jammat-i-Islami party.

A student accused Junaid Hafeez, a poet and a popular lecturer in the English Department at Bahauddin Zakariya University in Multan, of insulting the Prophet Muhammad on Facebook. No evidence was supporting the student's claim was produced. The police registered the case as blasphemy. However, they did not request cybercrime specialists to investigate

The Law Society is deeply concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states "governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics". Article 18 states "lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions".

The Law Society urges the government of Pakistan to,

- a. guarantee all the procedural rights that should be accorded to human rights lawyers in Pakistan;
- b. put an end to all acts of harassment against human rights lawyers in Pakistan;
- c. ensure that all lawyers in Pakistan can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and,
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

The Law Society of Upper Canada is the governing body for more than 46,000 lawyers and 6,300 paralegals in the Province of Ontario, Canada and the Treasurer is the head of the Law Society. The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

The Law Society urges the legal community to intervene in support of members of the legal profession in Pakistan in their effort to advance the respect of human rights and to promote the rule of law.

Mr. Kamran Murtaza
Supreme Court Bar Association of Pakistan
Supreme Court of Pakistan Building
Constitutional Avenue
Islamabad
Pakistan

Dear President Murtaza,

Re: Murder of Human Rights Lawyer Rashid Rehman

The Law Society of Upper Canada is the governing body for more than 46,000 lawyers and 6,300 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary, in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

I write to inform you that on the advice of the Human Rights Monitoring Group, the Law Society of Upper Canada has sent the attached letter to the government of Pakistan expressing our deep concerns over the murder of human rights lawyer Rashid Rehman.

In view of the fact that your organization represents the interests of lawyers in Pakistan, we would value the opportunity to communicate with you in regard to what problems, if any, lawyers may be experiencing in Pakistan.

If you are willing and able to do so, we would be very interested in hearing from you concerning the situation noted in the attached letter. In particular, if we have any of the facts in the case wrong, it would assist us in our work to know that.

Please forward any further correspondence to the attention of Josée Bouchard, Equity Director, Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to jbouchar@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Paul Schabas
Chair, Human Rights Monitoring Group

Mr. Salman Aslam Butt
Pakistan Bar Council
Supreme Court Building
Constitution Avenue
Islamabad, Pakistan

Dear Chairman Butt,

Re: The Murder of Human Rights Lawyer Rashid Rehman

The Law Society of Upper Canada is the governing body for more than 46,000 lawyers and 6,300 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary, in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

I write to inform you that on the advice of the Human Rights Monitoring Group, the Law Society of Upper Canada has sent the attached letter to the Pakistani government expressing our deep concerns over the murder of human rights lawyer Rashid Rehman.

In view of the fact that your organization represents the interests of lawyers in Pakistan, we would value the opportunity to communicate with you in regard to what problems, if any, lawyers may be experiencing in Pakistan.

If you are willing and able to do so, we would be very interested in hearing from you concerning the situation noted in the attached letter. In particular, if we have any of the facts in the case wrong, it would assist us in our work to know that.

Please forward any further correspondence to the attention of Josée Bouchard, Equity Director, Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to jbouchar@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Paul Schabas
Chair, Human Rights Monitoring Group

Commonwealth Lawyers Association
President Mark Stephens
Institute of Commonwealth Studies
17 Russell Square
London
WC1B 5DR, UK

Dear President Stephens,

Re: The Murder of Human Rights Lawyer Rashid Rehman

The Law Society of Upper Canada is the governing body for more than 46,000 lawyers and 6,300 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary, in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

I write to inform you that on the advice of the Human Rights Monitoring Group, the Law Society of Upper Canada sent the attached letter to the government of Pakistan expressing our deep concerns over the murder of Rashid Rehman.

In view of the fact that your organization represents the interests of lawyers throughout the Commonwealth, we would value the opportunity to communicate with you in regard to what problems, if any, lawyers or members of the judiciary may be experiencing in Pakistan.

If you are willing and able to do so, we would be very interested in hearing from you concerning the situation noted in the attached letter. In particular, if we have any of the facts in the case wrong, it would assist us in our work to know that.

Please forward any further correspondence to the attention of Josée Bouchard, Equity Director, Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to jbouchar@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Paul Schabas
Chair, Human Rights Monitoring Group

TAB 3.2

FOR INFORMATION

DEVELOPMENT OF AN ABORIGINAL STRATEGY

16. In February 2013, Justice Iacobucci released the *First Nations Representation on Ontario Juries* report, following a 2-year long independent review. He described the justice system as applied to First Nations as being in a state of crisis requiring immediate attention and action from the key stakeholders and decision-makers in the justice sector. In response to the report, the Ministry of the Attorney General sponsored the creation of an Implementation Committee and an Advisory Committee and, more recently, has approved the creation of the position of Assistant Deputy Attorney General, Aboriginal Justice. This report was previously presented to the Committee and is available on-line at http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/iacobucci/pdf/First_Nations_Representation_Ontario_Juries.pdf

17. In September 2013, the Treasurer opened Convocation with a smudging ceremony for the Law Society eagle feathers. Originally, these feathers were presented by Ojibway elder, Peter Kelly (Tobasonakwut Kinew), to Treasurer Strosberg in 1998. As part of the opening in September, lawyer Diane Kelly, Peter Kelly's daughter, spoke to the fact that the feathers symbolize connection and the relationship between the Law Society and the Aboriginal community. Their presence also places a responsibility on the people present to communicate in a respectful way with each other. Since September, the feathers have been present in Convocation at the meeting table. Since 2008, the feathers have been used at Law Society events, including the public legal education events for National Aboriginal History Month and the Call to the Bar ceremonies.

18. In November 2013, the Nishnawbe Aski Nation (NAN) and Nishnawbe Aski Legal Services Corporation hosted the NAN Wide Justice Summit. The conference was well-attended and included representatives from almost all of the NAN communities as well as representatives from the Aboriginal police, the regional Crown law offices, the private bar, the judiciary, the Ministry of the Attorney General, Legal Aid Ontario and the Law

Society. The final report of the conference was released in April 2014 and is available at <http://www.nanlegal.on.ca/article/11-237.asp>

19. In February 2014, the Law Society approved the final report of the working group on the Treasurer's Advisory Group on Access to Justice, now renamed The Action Group on Access to Justice (TAG). The report outlined a framework for the development of an access to justice strategy for the Law Society, which envisioned the development of an integrated Aboriginal Strategy.
20. In light of the above-mentioned developments, the Committee discussed on June 12, 2014, how to build on its Aboriginal strategy. In updating its strategy, the Committee relied on the Law Society's Aboriginal Bar Consultation report, received by Convocation on January 29, 2009. The report is available at <http://www.lsuc.on.ca/with.aspx?id=2147487014>. The Committee also considered a progress report, available at [TAB 3.2.1](#).
21. The Committee discussed moving forward with a two-pronged approach that would address the needs of Aboriginal lawyers and paralegals, and also the Aboriginal community. The following approaches were discussed:
 - a. to develop and implement a methodology for the second phase of the consultation with Aboriginal lawyers and paralegals that led to the 2009 Consultation report;
 - b. to consider developing an effective process for engaging in dialogue with Aboriginal lawyers and paralegals;
 - c. to enhance awareness in the Aboriginal community about the Law Society complaints process (3rd party complaints filing);
 - d. to develop an Aboriginal strategy that focuses on the needs of Aboriginal legal service consumers from the point of view of their access to the services of the Law Society and to legal services in general, and also in terms of ensuring their full access to justice;
 - e. to consider gathering Law Society data regarding the extent to which Aboriginal people access Law Society services. In light of the "Iacobucci" Report on

Aboriginal Justice, particular attention should be given to gathering data regarding the experience of First Nations people in Northern Ontario reserve communities.

22. As part of its approach to building on the existing strategy, the Law Society is consulting with external stakeholders beginning with a roundtable discussion with Aboriginal lawyers and paralegals on June 19, 2014. The purpose of the roundtable is to review the progress of implementation for the 2009 Aboriginal Bar Consultation report and to receive feedback on potential options for updating the Law Society's Aboriginal Initiatives Strategy.

PARENTAL LEAVE ASSISTANCE PROGRAM ("PLAP") – ADDITIONAL STATISTICAL INFORMATION

23. The Equity Committee presented an Information Report to Convocation in February 2014 that included statistical information about PLAP and a proposed assessment methodology of the means test. Members of Convocation requested further information, more specifically data about how many men and women PLAP recipients returned to practice.
24. The Equity Committee presents further statistical data about the PLAP program at [TAB 3.2.2](#). In addition to the statistical information, the Law Society will conduct telephone interviews with each PLAP recipient under the means test. The PLAP interview questionnaire is available at [TAB 3.2.3](#).

JUSTICIA PROJECT – OVERVIEW AND NEXT STEPS

25. The Equity Committee presents an overview of the Justicia symposium and the next steps in the Justicia project at [TAB 3.2.4](#).

HUMAN RIGHTS MONITORING GROUP REPORT *FACILITATING INTERNATIONAL ACCESS TO JUSTICE THROUGH INTERVENTION*

26. The Human Rights Monitoring Group presents a report of its interventions since its inception. The report provides an overview of its work from an access to justice perspective, by outlining the types of clients that those lawyers serve. Lawyers who are persecuted by authorities are often advocates for human rights. They also represent vulnerable clients who have no other access to legal services. Judges are also included in this report. Most often presiding judges who are persecuted in the course of their duties focus on facilitating access to justice by advocating for an independent judiciary and promoting the rule of law.
27. The report, presented at [TAB 3.2.5](#) is divided as follows:
- a. Mandate of the Monitoring Group;
 - b. United Nations' focus on access to justice;
 - c. An overview of access to justice trends internationally in relation to the Law Society's interventions;
 - d. International human rights advocates expanding access to justice; and,
 - e. Response to our interventions.

CHALLENGES FACED BY RACIALIZED LICENSEES PROJECT - UPDATE

28. In August 2012, Convocation created the Challenges Faced by Racialized Licensees Working Group (the Working Group).
29. The Working Group held informal meetings with individual and organizational stakeholders and formal consultations with the paralegal and lawyer professions. The formal consultations included key informant interviews, focus groups and a survey of the profession as a whole.

30. The Working Group will continue its work over the summer and will report back to Convocation in the fall.



Tab 3.2.1

Progress Report: Implementation of the Aboriginal Bar Consultation Report (2009)

June 11, 2014

Prepared by the Equity Initiatives Department

(Marisha Roman: (416) 947-3989)

PROGRESS REPORT: IMPLEMENTATION OF THE ABORIGINAL BAR CONSULTATION REPORT (2009)

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PROGRESS REPORT: IMPLEMENTATION OF THE ABORIGINAL BAR CONSULTATION REPORT (2009)

Summary of Aboriginal Initiatives Strategy and Report Implementation Status

Following the release of the Aboriginal Bar Consultation Report in 2009, the Law Society confirmed its Aboriginal Initiatives strategy as well as four proposals for action to implement that strategy.

Since 2009, the guiding principle of the Aboriginal Initiatives strategy has been the development of policy and implementation of programs designed to enhance access to and retention of Aboriginal lawyers in the legal profession in Ontario. As more Aboriginal paralegals have begun to enter the profession and have self-identified through the Paralegal Licensing process, the strategy has begun to adapt to include their participation.

The following summarizes the four proposals for action for implementing the Aboriginal Initiatives strategy, as they were stated in the Aboriginal Bar Consultation Report (the “2009 Report”), and their current development status:

Proposal for Action 1: “Expanding the Members’ Annual Report (MAR) practice categories to include Aboriginal Law.”

Current Status: Implemented in the 2009 Lawyer Annual Report (LAR) and included in ongoing LAR.

Proposal for Action 2: “[C]ontinued support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers”.

Current Status: Expanded as of 2009 and currently ongoing.

Proposal for Action 3: “[D]evelopment of a CLE (Continuing Legal Education) course in Aboriginal law and issues for lawyers/paralegals who provide legal services to Aboriginal clientele”.

Current Status: Initiated in 2011 and currently ongoing.

Proposal for Action 4: “[C]ontinued support of the Law Society for the development of a Certified Specialist program in Aboriginal Law and/or practice”.

Current Status: As of May 2014, the development process is underway through the Professional Development and Competence department. Anticipated completion is late 2015.

Background

On January 29, 2009, Convocation received the final report of the Aboriginal Bar Consultation project (the “2009 Report”) as an information item. This report, which outlines the purpose, methodology as well as the results of the consultation, is available on the Law Society website at <http://rc.lsuc.on.ca/pdf/equity/aboriginalBarConsultation.pdf>.

The Aboriginal Bar Consultation Project was identified as a priority project by the Equity and Aboriginal Issues Committee and was initiated in 2006. Throughout the project, the Committee relied on the advice of the Aboriginal Working Group (AWG), an external advisory group consisting of approximately 30 Aboriginal lawyers from throughout Ontario. Bencher Susan Hare is the chair of the AWG.

The research was carried out by staff in the Equity Initiatives Department with the assistance of Strategic Counsel in developing the survey instrument and the AWG as an advisory body and a roster of participants in the project.

Outcomes of the Aboriginal Bar Consultation Project

Prior to the release of the 2009 Report, the Law Society had limited access to quantitative information about Aboriginal lawyers in Ontario. The main available source of data was the self-identification information collected through the registration process for the Lawyer and Paralegal Licensing programs. Demographic data has been collected on a volunteer basis from Licensing program applicants since 2000. This information was the foundation for the creation of a contact database for recently called Aboriginal lawyers in Ontario. Through the Aboriginal Bar Consultation project, the Equity Initiatives department was able to build a comprehensive contact database that includes both established and recently called lawyers in Ontario as well as a demographic profile of the Aboriginal bar. As of 2013, there are close to 500 self-identifying Aboriginal lawyers and 60 self-identifying Aboriginal paralegals licensed in Ontario.

In addition, the report confirmed the Law Society’s Aboriginal Initiatives strategy and identified four proposals for action to implement the strategy. Specifically, the guiding principle of the strategy is the development of policy and implementation of programs designed to enhance access to and retention of Aboriginal lawyers in the legal profession in Ontario. As more Aboriginal paralegals have begun to enter the profession and have self-identified through the Paralegal Licensing process, the strategy has begun to adapt to include their participation.

The Aboriginal Bar Consultation Report proposals have provided the key components of the work plan for the Equity and Aboriginal Issues Committee and the Aboriginal Initiatives Counsel from 2009 to the present. A detailed summary of the proposals for action and their current development status is provided below.

Detailed Status of Proposals for Action

1. Expand the Lawyer Annual Report (LAR) practice categories to include Aboriginal Law

Following the introduction of the regulation of paralegals, the name of the annual report filed by members was changed to Lawyer Annual Report (LAR) and Paralegal Annual Report (PAR).

Aboriginal Law was added as a practice category in the mandatory section for the 2009 LAR. According to data results for the 2009, 2010, 2011 and 2012 LAR reports, there were 653, 731, 774, and 792 lawyers, respectively, who reported that they practised somewhere between 1% and 100% of their practice in Aboriginal law in Ontario. These results apply to Ontario lawyers in both private practice and the public sector as well as in all practice environments. For the 2013 LAR, the results of which were available in early 2014, 810 lawyers identified that they practice Aboriginal Law.

These reports have been used to establish a contact database for the promotion of Aboriginal Initiatives programming, including the Equity Public Legal Education events and Aboriginal Law Career Symposium programs.

2. Continue support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers

Programs for Law Students and Licensing Candidates

Below is a summary of the existing Law Society support programs for Aboriginal law students and Licensing candidates.

Aboriginal Law Career Symposium

The Aboriginal Law Career Symposium program has been an annual event since 2004. Benchers Susan Hare has participated in these events as moderator since 2007. The symposium events are held at the faculties of law at the University of Ottawa (since 2004) and University of Windsor (since 2008) as well as the Law Society (since 2004). For 2014, the event was also hosted at the faculty of law at Lakehead University, which launched its inaugural class in September 2013.

The format of the event is a 2-hour roundtable discussion on a practice or professionalism topic related to the practice of Aboriginal law and/or the provision of legal services to Aboriginal people. Since 2011, these programs have been CPD-accredited for professionalism hours.

Equity Initiatives staff work with the appropriate law school staff to promote the programs. Law students and Lawyer and Paralegal Licensing candidates are invited to attend. Specific focus is paid to encouraging Aboriginal students and those law students who are specifically interested in

practising in this area. Local Aboriginal lawyers and, more recently, paralegals are invited in order to provide an opportunity for the law students and Licensing candidates to interact with practitioners in the field.

Because of its location at the Law Society, the Toronto event has featured a networking reception since it started. Starting in 2011, the Ottawa and Windsor programs were expanded to include a networking reception. Feedback on the discussions and receptions is consistently positive, particularly from student participants. According to anecdotal responses from students and lawyers, connections leading to summer and articling positions have started at the Symposium events.

Licensing Candidate Support Program

The Law Society offers a Licensing Candidate support program, referred to as the Elders Program. This program has changed formats over the years as the Licensing program has changed. When the Licensing Program included an in-class component for the Skills and Professional Responsibility program (up to 2009), in-person orientation sessions were held in June at the course sites, Ryerson University and the University of Ottawa. Once the Licensing program transitioned to a self-study program, the Elders program was adapted to focus on establishing and maintaining communication through email.

Notwithstanding program changes, the main components of the program have remained the same and include the following:

- Access to local community Elders on an as-requested basis by Licensing candidates;
- Access to a contact list of Aboriginal lawyers from throughout Ontario who expressed interest in communicating with and mentoring Aboriginal Licensing candidates;
- Inclusion in the Aboriginal Initiatives' email-list to receive information about community events, employment opportunities and events offered through the Aboriginal Initiatives program;
- Access to the Aboriginal Initiatives Counsel for information and referrals with regard to the Licensing program; and
- An invitation to be acknowledged by a community Elder at the candidates' Call to the Bar ceremony.

In addition, starting in 2010, a LinkedIn group, "Canadian Aboriginal law students and lawyers" was established. LinkedIn is recognized as an effective social networking site in the professional setting. Through this group, lawyers and law students have the option of communicating directly with each. Currently, there are 190 members of this group.

A table outlining the participation numbers for the Aboriginal Law Career Symposium events as well as Licensing Program orientation events since 2009 is provided at **Appendix 1**. In considering the participation rates, the following changes are notable:

- The numbers of student participants at Ottawa and Windsor have increased sharply since 2013
- Paralegal Licensing candidate participants attended at the Toronto event in 2014 for the first time.

Networking Receptions – Formal and Informal

In 2009, following the release of the Aboriginal Bar Consultation report, a schedule of networking events to promote the Aboriginal Bar Consultation report was developed. Benchers Susan Hare has acted as chair for the majority of the formal networking receptions. Invited participants have included Aboriginal law students, lawyers, paralegals and judges, as well as non-Aboriginal law students in the case of the Aboriginal Law Career Symposium receptions.

Tables summarizing the formal and informal networking events that have been hosted by the Law Society since 2009 are provided in **Appendix 2**. In considering the listing of networking events, the events are differentiated as formal or informal. Formal events are those that are promoted as “networking” or “mentoring” receptions and are part of the regular programming of the Law Society. Informal events are primarily those that arise as a result of an external request for Law Society support for an event or occasion. In both cases, invitations are extended to local Aboriginal law students, lawyers, paralegals and Licensing candidates.

3. Develop a Continuing Professional Development (CPD) course in Aboriginal law and issues for lawyers/paralegals who provide legal services to Aboriginal clientele

Background

The Law Society Continuing Professional Development Requirement

At the time the 2009 Report was released, lawyers voluntarily reported on their annual Continuing Legal Education (CLE) activities. Since January 1, 2011, the Law Society has instituted a mandatory Continuing Professional Development (CPD) requirement for all lawyers and licensed paralegals. Under this CPD requirement, lawyers and licensed paralegals are required to complete 12 hours of CPD annually, including 3 hours in programs accredited for Professionalism and Practice Management.

The Equity Initiatives Department’s Equity Public Legal Education Series

The Equity Initiatives department hosts an annual Equity Public Legal Education (“Equity PLE”) program at the Law Society. This program consists of approximately 12 free-of-charge PLE events that coincide with national and international days of recognition and celebration. The Equity Initiatives department works in partnership with community and legal professional associations to create events that highlight legal issues that are relevant to equity-seeking

communities in Ontario. The events are recorded and the archived videos are available through the Law Society website.

The format for each event is similar: a 2-hour panel discussion on a topical legal issue followed by a reception. The panelists include legal, academic, community and political leaders. A reception will typically follow the panel discussion. On average, between 100 and 150 people attend the events in person in Toronto.

Two of the Equity PLE events focus specifically on Aboriginal issues. Each June since 1999 there has been an event to celebrate National Aboriginal History Month (formerly recognized as National Aboriginal Day). Each November 16 since 2003 (with the exception of 2008), there has been an Equity PLE event to recognize Louis Riel Day.

The National Aboriginal History Month events are organized with a variety of partners from the Aboriginal cultural as well as legal community. Previous partners have included Aboriginal Legal Services Toronto, the Aboriginal Law Section of the Ontario Bar Association, and the Indian Residential Schools Adjudication Secretariat. For 2014, the community partner is the Chiefs of Ontario. Since 2011, the National Aboriginal History Month events have focused their panel discussions on specific legal issues and have been CPD-accredited programs.

The Louis Riel Day events are hosted in partnership with the Métis Nation of Ontario (MNO). The Law Society event is scheduled as the last in a series of community events held throughout Toronto each year. The MNO's focus for the Law Society event is to provide information to both community members as well as the legal professions. For this reason, the MNO opts not to structure the program to qualify for accreditation for professionalism hours, but rather to focus on the historical and substantive legal issues that impact the Métis community broadly. Lawyer and paralegal participants may opt to claim substantive hour credits for attending the Louis Riel panel discussion. On average, between 80 and 120 people attend.

A listing of the free CPD-accredited programs offered through the Aboriginal Initiatives Program since 2011 is provided at **Appendix 3**. In considering the listing, the following should be noted:

- Attendance at the National Aboriginal History Month (NAHM) Equity PLE event was consistent between 2005 and 2011. On average, between 80 and 120 participants attended. Since 2011, when the NAHM was first accredited as a CPD program, attendance increased and the make-up of the audience has shifted from largely Aboriginal community members and members of the public to lawyers and, increasingly, paralegals.
- The inclusion of live webcasting as a feature of the NAHM program in 2013, resulted in a slight decrease in the number of in-person participants although overall participation numbers were higher. The location of webcasting participants was split almost evenly between local participants and those from outside the GTA.

4. Continued support of the Law Society for the development of a Certified Specialist program in Aboriginal Law and/or practice

Background

The Law Society's Certified Specialist program is designed to help lawyers achieve recognition as leaders in their field¹. The program enables lawyers to acquire the requisite skills and knowledge to qualify for certification as a specialist in a given practice area. Full details about the program are available at <http://rc.lsuc.on.ca/jsp/csp/index.jsp> and in a video at <http://www.lsuc.on.ca/with.aspx?id=2147491420>.

The 2009 Report identified the development of a Certified Specialist program in Aboriginal Law as a "future priority". Participants expressed support for this proposal but were also cognizant of potential challenges for the development process, including the breadth of this area of practice. In supporting this proposal, "[r]espondents generally agreed that more consultation and cooperation between the Law Society and the profession, in particular the Indigenous Bar Association and Aboriginal lawyers as well as the community, is [sic] required before a certified specialty could be created."

Approval Process for Development of a Certified Specialist program in Aboriginal Law

The inclusion of Aboriginal Law as a category of practice in the Lawyers Annual Report (LAR) provided the quantitative data required to establish the potential market should a Certified Specialist program in Aboriginal Law and/or Practice become available in Ontario.

This practice category was introduced with the 2009 LAR. As noted above, between the 2009 and 2013 LAR, the number of lawyers reporting that they practised Aboriginal law as a percentage of their practice, ranging from 1 per cent to 100 per cent, increased from 653 to 810 lawyers.

Between 2009 and 2013, awareness of this proposal for action was consistently promoted through distribution of the 2009 Report at the Aboriginal Law Career Symposium, Equity PLE events for National Aboriginal History Month and Louis Riel Day as well as external outreach opportunities undertaken by staff and benchers Susan Hare.

As part of taking concrete steps to determine the potential demand for a Certified Specialist program in this practice area, in January 2013, emails were sent out on behalf of benchers Susan Hare to the following groups:

- Members of the Aboriginal Working Group;

¹ Excerpted from the Law Society website, 'About the Certified Specialist Program' webpage at <http://www.lsuc.on.ca/For-Lawyers/About-Your-Licence/About-the-Certified-Specialist-Program/>.

- Lawyers included in the Equity Initiatives department's Aboriginal lawyers contact database; and
- Lawyers who had reported that they practised Aboriginal Law in their 2011 LAR (as available in 2012).

Approximately 900 emails were sent out to these groups, with some overlap between the Aboriginal lawyer group and the Aboriginal law practitioners groups. The email requested that the lawyer consider whether he or she would support the development of a Certified Specialist program in Aboriginal Law and whether he or she would be willing to participate in an advisory capacity through the process.

As of March 27, 2013, 58 letters and emails of endorsement were received from Ontario lawyers. Of those, 9 respondents endorsed the development of this proposal and 49 provided their endorsement as well as their willingness to participate in the development process for the proposal and/or apply to the program should it be approved.

The request for approval of development of a Certified Specialist program in Aboriginal Law was referred to the Certified Specialist Board for its consideration at its May 30, 2013 meeting. The Board approved the proposal and planning for development was initiated by Professional Development and Competence staff.

As of May 2014, the following steps have been initiated in relation to the development of this initiative:

- February 2014 - Aboriginal Law practitioners were retained to prepare first draft working copies of experience requirements for specialist certification in and learning criteria for the new specialty area.
- April 2014 – A working group of 8 Aboriginal Law practitioners with established experience in the specialty area and from varied jurisdictions, practice areas and practice environments was struck. The group met for the first time to begin development of a definition for the specialty area, sub-specialties, the experience component of the standards for certification, and learning criteria. The group was provided with sample standards from other specialty areas as well as the first-draft working copy of Aboriginal Law experience requirements and learning criteria.

At its first meeting the working group established a broad proposed scheme for subdividing the specialty area into sub-specialties. Development of experience requirements for each sub-specialty and a definition for the new specialty area is in progress. The working group will meet throughout 2014 to continue development of the new specialty area.

A second working group will be struck in 2015 to begin the validation stage of the development of the standards. It is anticipated that the development process could be completed in late 2015.

Other Services Available to Aboriginal Lawyers, Paralegals and the Public

In addition to implementing the proposals for action of the 2009 Report, the Law Society provides and is also developing programs and services to support Aboriginal lawyers, paralegals and the Aboriginal public specifically. A summary of these existing and developing resources is provided below.

Existing Resources

Guidelines for Lawyers Acting in Aboriginal Residential School Cases

These guidelines are available on the Law Society website at <http://www.lsuc.on.ca/with.aspx?id=2147487058>. They are intended to assist lawyers who act for claimants in cases involving Indian 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. Convocation passed similar Practice Guidelines in October 2003. The current version was approved by Convocation at its meeting in February 2012.

The Guidelines highlight a number of issues specific to representation of Aboriginal residential school abuse claimants and the professional conduct expectations for lawyers, with appropriate references to the *Rules of Professional Conduct*.

Adaptation of the Law Society Complaints Process for Indian Residential School Survivors

As of June 2013, the Law Society's Professional Regulation Division adapted its complaints process so as to meet the needs of members of First Nations communities, in particular the survivors of the Indian Residential Schools. This adaptation arose out of communication initiated by the Chief and Deputy Chief Adjudicators of the Indian Residential Schools Adjudication Secretariat (the "Secretariat") with the Director of the Professional Regulation Division around areas of concern with regard to services of counsel to survivor applicants in the Independent Assessment Process (IAP).

The adapted process allows for the Secretariat to file a complaint on behalf of a survivor with the Deputy Chief Adjudicator as the primary contact. The Director has designated specific Law Society staff for the intake, complaints resolution, investigation and prosecution components of the Law Society's complaints process. Specialized training is planned for Division staff in 2014.

Resources in Development

The release of the "*First Nations Representation on Ontario Juries*" report (the "Iacobucci Report")² in February 2013 highlighted the barriers facing Aboriginal people in Ontario, in

² *First Nations Representation on Ontario Juries - Report of the Independent Review Conducted by the Honourable Frank Iacobucci*, ("Iacobucci Report") February 2013 available online at

particular in the North and the Nishnawbe-Aski Nation (NAN) region, in participating in the jury process and also in accessing legal information and services. Recommendation 4 of the report referred specifically to the issue of the adequacy of legal representation for First Nations people in the North.³

Subsequently, in November 2013, the Law Society participated in the NAN-Wide Justice Summit on a panel discussing "Legal Representation in the North". The report of the conference⁴ also highlights the challenges faced by NAN members in accessing legal services and information.

Conclusion

As outlined in this progress report, the 2009 Report's 4 proposals for action have all been initiated. In the cases of proposal 1, the inclusion of Aboriginal law as a practice category in the LAR, and proposal 4, the development of a Certified Specialist program in Aboriginal Law, the proposals are fully implemented and well along the process of being fully implemented, respectively.

In considering proposal 2, the continuation of support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers, there remain opportunities to further explore and improve on existing programs.

Formalization of mentoring for Aboriginal law students, Licensing candidates and lawyers is a timely option for consideration. Additionally, advancing the integration of Aboriginal paralegals within the mentoring and networking program is another timely option.

In 2013, Convocation struck a Mentoring and Advisory Services Proposal Task Force. Among other tasks, this benchers task force will study and seek feedback on the relative success of various approaches to mentoring. Contemplation of mentoring as it applies to students, Licensing candidates, lawyers and paralegals from equity-seeking communities, including Aboriginal individuals, will inform the work of this task force. Future recommendations from this task force will influence the development of Law Society mentoring initiatives.

http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/iacobucci/pdf/First_Nations_Representation_Ontario_Juries.pdf.

³ Iacobucci Report at page 8: "RECOMMENDATION 4: the Ministry of the Attorney General carry out the following studies for eventual input by the Implementation Committee:

(a) a study on legal representation that would involve Legal Aid Ontario, particularly in the north, that would cover a variety of topics, including the adequacy of existing legal representation, the location and schedule of court sittings, and related matters."

⁴ NAN-Wide Justice Summit, November 19 to 21, 2013, Final Report available on-line at <http://www.nanlegal.on.ca/upload/documents/2014.03.25-reprinted-nan-wide-report-low.pdf>.

Similarly, in considering Proposal 3, the development of a CPD course in Aboriginal law and issues for lawyers or paralegals who provide legal services to Aboriginal clientele, there remain opportunities to explore options.

There are a number of external service providers who host and charge fees for CPD-accredited programs in Aboriginal law topics. The Law Society partnered with the Aboriginal Law Section of the Ontario Bar Association to co-host a two-part program on Aboriginal economic development in June and November 2011. For the November event, the OBA charged participants between \$210 and \$310 per person. Consistent attendance numbers at the free Equity PLE events has demonstrated that a demand for CPD courses in Aboriginal issues, particularly those that are accredited for professionalism, exists. Determining whether demand exists for a Law Society CPD-accredited program that carries a fee and, more particularly, options for content of such a program could be explored.

Law Society CPD programming in Aboriginal law and practice issues has focused on the legal services of lawyers. Exploring CPD opportunities for paralegals who provide legal services in Aboriginal law and/or for Aboriginal clients is another option.

APPENDIX 1

Proposal for Action 2: Continue support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers

The following table shows the participation numbers for the Aboriginal Law Career Symposium events since 2009. The table indicates that in Toronto, the events attract on average 17 lawyers, paralegals or judges and 11 students or Licensing candidates each year. At the University of Windsor, on average 4 lawyers and 6 students participate each year. At the University of Ottawa, on average 7 lawyers and 10 students participate. The Law Society held its first event in Lakehead in 2014 with 8 lawyers and 18 students participating.

	Numbers	2009	2010	2011	2012	2013	2014
Law Society⁵	Lawyers/paralegals	14	25 lawyers, 1 judge	13	15	15	11 lawyers, 9 paralegals
	Students/Licensing candidates	14	13	10	10	10	11
U of W⁶	Lawyers/Paralegals	4	4 in person, 3 by phone	2	4	4	4 lawyers, 1 paralegal
	Students/Licensing candidates	5	5	5	5	10	7
U of O⁷	Lawyers/Paralegals	9	40 ⁸	8	8	6	6
	Students/Licensing candidates	7	60	6	8	12	17
Lakehead⁹	Lawyers/Paralegals	N/A	N/A	N/A	N/A	N/A	8
	Students/Licensing candidates	N/A	N/A	N/A	N/A	N/A	18

⁵ Law Society of Upper Canada, Toronto

⁶ Faculty of Law, University of Windsor

⁷ Faculty of Law, University of Ottawa

⁸ The Law Society hosted the opening reception for the Kawaskimhon Moot in 2010 in lieu of the regular Aboriginal Law Career Symposium program.

⁹ Faculty of Law, Lakehead University

APPENDIX 2

Proposal for Action 2: Continue support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers

The following is a list of formal networking events hosted by the Law Society since 2009.

	Month	Event	Location
2009	March	Reception following Aboriginal Law Career Symposium	Law Society
	October	Reception for Indigenous Sovereignty Week	Law Society
2010	March	Opening reception of the Kawaskimhon Moot	U of Ottawa
	March	Reception following Aboriginal Law Career Symposium	Law Society
	June, July and November	Promotion of Aboriginal Bar Consultation Report	Thunder Bay, Sudbury and Rama
2011	March/April	Reception following the Aboriginal Law Career Symposium (Ottawa event – Roger Jones named recipient of National Aboriginal Achievement Award)	Ottawa, Windsor and Law Society
	September	IBA ¹⁰ luncheon, "Promoting Relations between First Nations and Industry: Energy, Mining & Claims", featuring National Chief Shawn Atleo	Law Society
2012	February/ March	Reception following the Aboriginal Law Career Symposium (Ottawa event - Violet Ford named recipient of National Aboriginal Achievement Award and recipient for Law and Justice. Windsor event - Mary Fox named as Law Society Medal recipient.	Ottawa, Windsor and Law Society
2013	March	Reception following Aboriginal Law Career Symposium	Ottawa, Windsor and Toronto
	October	Sponsorship of Student Day for IBA's Annual Conference	Rama
2014	February/ March	Reception following Aboriginal Law Career Symposium	Ottawa, Windsor, Thunder Bay and Toronto

¹⁰ Indigenous Bar Association ("IBA")

The following is a list of informal networking events hosted by the Law Society since 2010.

	Month	Event	Location
2010	June	Hosted with Justice Leonard Mandamin	Toronto
2011	June	Reception for David Nahwegahbow named as Law Society Medal recipient	Toronto
	December	Hosted with Justice Harry LaForme	Toronto
2012	February	In conjunction with Waterkeeper Alliance Toronto event	Toronto
	June	Reception in conjunction with Ottawa Call to the Bar.	Ottawa
	December	Hosted with Justice Leonard Mandamin	Toronto
2013	April	Reception for Delia Opekokew named as Law Society Medal recipient	Toronto
	September	Reception before the Opening Ceremony for the Faculty of Law at Lakehead University	Thunder Bay

APPENDIX 3

Proposal for Action 3: Develop a Continuing Professional Development course in Aboriginal law and issues for lawyers/paralegals who provide legal services to Aboriginal clientele

The following tables outline CPD-accredited programs in Aboriginal Law and practice issues.

2011

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
March/April	Career Symposium ¹¹	Criminal Practice Case Studies	1.5 professionalism	44
June	Equity PLE ¹²	Providing Legal Services and Doing Business with Aboriginal Peoples: What Lawyers Need to Know	1.5 professionalism	150
September	IBA event with Law Society support	Law Society Indian Residential Schools Guidelines and the Rules of Professional Conduct	0.75 professionalism	75

2012

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
February/March	Career Symposium	Discussion of updated Guidelines for Lawyers Acting in Aboriginal Residential School Cases	1.0 professionalism, 1.0 substantive	50
May	Equity PLE in partnership with Toronto events Committee of the Truth and Reconciliation Commission and Olthuis Kleer Townshend	Truth, Reconciliation and the Law: Practice Issues for Lawyers Representing Aboriginal Clients	0.5 professionalism, 2.5 substantive	100 in person, 75 webcast

¹¹ Aboriginal Law Career Symposium ("Career Symposium")

¹² Equity Public Legal Education program ("Equity PLE")

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
June	Equity PLE in partnership with the Aboriginal Law Section of the Ontario Bar Association	Aboriginal Economic Development: The Legal Toolbox – Theory and Practice (Part I)	1.0 professionalism, 3.0 substantive	120
November	Aboriginal Law Section of OBA with Law Society support	Aboriginal Economic Development: The Legal Toolbox – Theory and Practice (Part II)	4.0 substantive	50 ¹³

2013

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
March	Career Symposium	Leveraging Cultural Competence in providing legal services to Aboriginal clients	1.5 professionalism	57
June	Equity PLE	Aboriginal Children in Care: What are the implications for Aboriginal families and the legal profession?	0.75 hours professionalism, 1.25 substantive	80 in person, 80 webcast

2014

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
February/March	Career Symposium	Providing Public Legal Education (PLE) programs to Aboriginal audiences	1.0 professionalism	92

¹³ The OBA charged between \$210 and \$310 per person for this event.

TAB 3.2.2

Analysis of Law Society Data – Parental Leave Assistance Program (PLAP)

Executive Summary

1. The following tables provide an overview of statistical information about the PLAP since its inception in March 2009 until January 31, 2014.
2. The data show that a large proportion of recipients of PLAP benefits return to practice following their leave (88% of men and 79% of women). Only 2% of men and 12% of women were considered retired or in abeyance as of January 31, 2014. Of the 12% of women who were retired in the Law Society database, 7% were still within the one year leave of absence and may well return to practice.
3. The data indicate that most female recipients received the full three months of benefits (92%) while 67% of men received the full three months.
4. Eight-two percent (82%) of male recipients remained in the same status category, as sole practitioners or partners, before and after having received PLAP benefits, while 71% of women remained in the same status category as sole practitioners or partners.
5. Lawyers from across the province have benefited from the PLAP program.

Total recipients since inception: 240

24 women and 8 men received PLAP benefits for more than one leave –
Unless otherwise indicated, multiple recipients are counted as one
recipient in the charts

Men: 50

Table 1 – Status as of January 31, 2014 - Men

Type of departure	Number of lawyers (total)	% of men
Retired	1	2%
Practising out of province based on status	4 (UK, New Brunswick, Africa, Quebec)	8%
Government	2	4%
Still in practice	Sole = 32	88%
	Partner = 11	
	Employee = 0	
	Associate = 0	

Table 2 - Number of weeks of PLAP benefits – includes all leaves for those who have taken multiple leaves - Men

Number of weeks of paid benefits	Number of lawyers (total)	%
3 months	39	67%
2 months	6	10%
1 month	7	12%
Less than 1 months	6	10%

Table 3 - Positions before leave and as of January 31, 2014 - Men

Before leave	On January 31, 2014	Number of lawyers	%
Sole	Sole	29	64%
Partner	Partner	9	18%
Sole	Partner	2	4%
Sole	Government	2	4%
Not residing in Ontario	Not residing in Ontario	2	4%
Sole	Not in Ontario	2	4%
Partner	Retired	1	2%

Table 4 - Geographical location – For those who took more than one leave, only the latest leave is counted - Men

Region	Total	%
Toronto	24	48%
Peel region: Inglewood/Brampton/Mississauga	4	8%
York region: Richmond/Markham/Concordia	4	8%
Oxford region: Woodstock	3	6%
Ottawa	3	6%
Waterloo	2	4%
Essex region: Windsor	1	2%
Frontenac region: Kingston	1	2%
Wellington region: Guelph	1	2%
Halton region: Oakville	1	2%
Lennox	1	2%
Not residing in Ontario based on geographic location and not status	5	10%

Women: 190

24 women received PLAP benefits for more than one leave including one woman who received PLAP benefits 3 times. Unless otherwise indicated, multiple recipients are counted as one recipient in the charts

Table 5 – Status as of January 31, 2014 - Women

Type of departure	Number of lawyers (total)	%
Retired	8	4%
Retired still on leave	14 see below	7%
In abeyance	2	1%
Out of province	5 (US, Alberta)	3%
Government	4	2%
Legal clinic	3	2%
Corporate counsel	1	*%
Employed other	2	1%
Still in practice	Sole = 107	79%
	Partners = 30	
	Associates = 9	
	Employees = 5	

Of the women who received PLAP more than once, 19 remain in private practice, 2 are retired, 1 is in government, 1 is in abeyance and 1 is out of province.

As the maximum PLAP benefits are for a period of 3 months and some women take longer leaves than three months, we provide the following table that indicates how many women are still on leave but likely to return to practice.

Table 6 – Months on Leave since end of PLAP - Women

Months on leave since end of PLAP	Numbers
1 month	3
2 months	1
3 months	1
4 months	4

Months on leave since end of PLAP	Numbers
5 months	1
6 months	1
7 months	1
9 months	1
10 months	1

Table 7 - Number of weeks of paid benefits - – includes all leaves for those who have taken multiple leaves - Women

Number of weeks of paid benefits	Number of women lawyers	
3 months	199	92%
2.5 months	2	1%
2 months	6	3%
1.5 months	2	1%
1 month	3	1%
Less than 1 month	4	2%

Table 8 - Positions before and following leave – Women
For those who took more than one leave, only the latest leave is counted

Before leave	On January 31, 2014	Number of lawyers	%
Sole	Sole	104	55%
Partner	Partner	30	16%
Sole	Retired	19	10%
Sole	Associate	6	3%
Sole	Government	4	2%
Not residing in Ontario	Not in Ontario	4	2%
Partner	Sole	3	2%
Sole	Legal clinic	3	2%
Sole	Employee in firm	3	2%
Partner	Retired	3	2%

Sole	Partner	2	1%
Sole	Employee in firm	2	1%
Sole	Abeyance	2	1%
Sole	Employed other	2	1%
Sole	Corporate Counsel	1	*%
Partner	Associate	1	*%

Table 9 - Geographical location - Women

Region	Total	%
Toronto	87	44%
York region: Richmond/Markham/Concordia/Maple/Woodbridge/Vaughan/Aurora	21	11%
Peel region: Inglewood/Brampton/Mississauga/Orangeville	14	8%
Ottawa	11	6%
Durham region: Port Perry/Oshawa/Millbrook/Ajax	9	5%
Essex region: Leamington/Windsor/Tecumseh	7	4%
Simcoe region: Stayner/Barrie	6	3%
Waterloo region: Cambridge	4	2%
Hamilton	4	2%
Halton region: Oakville	4	2%
Dufferin region: Shelburne/Caledonia	3	2%
Lambton region: Point Edward/Sarnia	2	1%
Algoma region: Sault Ste. Marie	1	1%
Northumberland region: Cobourg	1	1%
Muskoka region: Keswick	2	1%
Kent	2	1%
Frontenac region: Kingston	1	*%
Middlesex region: London	1	*%
Renfrew region: Petawawa	1	*%
Hastings region: Bancroft	1	*%
Lanark	1	*%
Leeds	1	*%
Oxford	1	*%
Not residing in Ontario	5	2%

Interview Questionnaire (2014-15)

REVIEW OF THE PARENTAL LEAVE ASSISTANCE PROGRAM

INTERVIEW QUESTIONS

This interview questionnaire is for lawyers who began receiving PLAP benefits after January 1, 2014 and whose benefit period has ended. The interview results will be used to assess the effectiveness of PLAP since the means test was added and will form the basis of the recommendations to Convocation to continue the current PLAP, modify the existing PLAP, or discontinue PLAP. Findings will be reported in aggregate form without attribution. Your assistance is greatly appreciated.

What was your work status when you applied for PLAP benefits?

- Sole practitioner
- Partner in a small firm
- Independent contractor
- Other: please specify

When was your child born/came into your care for adoption?

How long did you plan to be away from practice?

How helpful was the PLAP program to you?

What did you use PLAP for?

- Overhead (rent, telephone, internet, salary of assistant, etc.)
- Pay a replacement lawyer
- Income replacement
- Other: please specify

How important a factor was PLAP in enabling you to take a leave and return to practice? On a range from not satisfied (1) to very satisfied (10)

What impact did PLAP have on your leave?

- Allowed me to take a longer leave
- Allowed me to keep my practice open during the leave
- Other: please specify

What would you have done if PLAP were not available?

Did it assist you in keeping your practice open?

How did you offer services to your clients during your leave?

- By another lawyer in my firm
- By a contract lawyer
- Hearing dates were deferred
- Other: please specify

How well do you feel your clients were served during your leave? On a range from not satisfied (1) to very satisfied (10)

Have you returned, or are you planning to return, to practice in a small firm or as a sole practitioner?

Did (or will) your practice change after your return? If so, how and why?

	Before Leave	After Leave
Main areas of law		
Working arrangements (e.g. joined or left a firm)		
Time commitment (full-time, part-time)		
Billable hours per week (approx.)		
Client base (e.g. businesses, not-for-profits, low-income or disadvantaged groups)		
% of clients that are low or middle income (less than \$75,000 per household)		
% of practice that is legal aid		
Location (urban/rural)		

Did you take advantage of the Law Society's Career Coaching Program to provide up to six hours of free coaching to women in small firms? If so, how helpful was the coaching before, during or after your leave? If not, why not?

Did you take advantage of the Law Society's Contract Registry to find a replacement while you were on leave? If so, how helpful was the replacement? If not, why not?

Why did you not take advantage of the EI Special Benefits Program instead of PLAP?

- I did not know they existed
- I determined that it was not cost effective to become eligible for EI benefits
- PLAP paid superior benefits than EI
- Other: please specify

What was your experience with the application process? On a range from not satisfied (1) to very satisfied (10)

Do you have suggestions on how to improve the application process?

Do you wish to make any further comments about the PLAP program?

TAB 3.2.4

FOR INFORMATION

JUSTICIA PROJECT – OVERVIEW AND NEXT STEPS

BACKGROUND

1. The Law Society's Justicia Project continues to lead the way in the retention and advancement of women lawyers in private practice in Ontario. Launched in November 2008, Justicia is the first project of its kind in Canada and has grown to include 57 participating law firms across the province, with one out-of-province firm.
2. Justicia firms worked together over the last five years to develop templates to track gender demographics and to identify and adopt principles and best practices regarding flexible work arrangements, networking and business development, and mentoring and leadership skills development for women. Justicia partners throughout Ontario developed 13 templates, guides and toolkits to help retain and advance women lawyers in private practice.
3. Several other provincial law societies are following Ontario's lead. More than 75 law firms across Canada — 15 national and 60 regional — have joined or are about to make a long-term commitment to Justicia
4. On May 28, 2014, the Law Society held its Justicia Symposium, which included workshops to focus on the retention and advancement of women and to celebrate Justicia founding firms. The symposium offered numerous workshops on leadership and mentorship skills, flexible work arrangements, leaves, advancing into partnership — and more.
5. Approximately 200 lawyers and paralegals attended the workshops in person and approximately 350 via webcast. The event also provided an opportunity for the official

release of the Justicia Project resources to the profession and public. The resources are available at http://www.lsuc.on.ca/justicia_project/.

6. Following the symposium, reception keynote speaker The Honourable Annemarie E. Bonkalo, Chief Justice of the Ontario Court of Justice, talked about the challenges and triumphs related to the retention and advancement of women in private practice. Approximately 150 individuals attended the reception, including members of the judiciary, managing partners, firm representatives, representatives of the Law Society of Alberta and the Barreau du Québec and members of the bar and the public.

MOVING FORWARD

7. The Justicia Project will continue to lead the way to the retention and advancement of women in private practice. For example, the Law Society will continue to promote the Justicia materials on its website, in its written materials, in CPD programs, in social media and at suitable events. The communications plan continues to be updated to identify opportunities to keep Justicia materials in the public eye.
8. The Law Society intends on continuing to meet with the Justicia law firms every two years to look at updating and ensuring the relevance of the Justicia materials.
9. Justicia has received national attention and has now been adopted by the Law Society of British Columbia, the Law Society of Alberta, the Law Society of Saskatchewan, the Law Society of Manitoba and the Barreau du Québec. The Law Society of Upper Canada will continue to work together with these law societies to ensure that Justicia is successful in their provinces.
10. The Law Society of Upper Canada will continue to collect data on women and men leaving private practice and will continue to monitor progress. The Law Society has recently completed a third survey with the Justicia law firms. It is anticipated that a report outlining the findings of the three surveys and the progress made through Justicia will be presented to Convocation in the fall. The Law Society will also continue to survey lawyers

about their movements in the profession through the Change of Status survey and to survey firms on their policies and practices.

11. The Law Society currently analyzes the data from the Lawyer and Paralegal Annual Reports in order to create snapshots of the profession. This practice will also continue.
12. The Law Society will report to Convocation on the change of status of women and men and the self-identification data collected from the Lawyer and Paralegal Annual Reports at least every three years and will continue to monitor statistics, and commit to advising the firms that participated about this information, as well as publishing it on the website.
13. Through the Justicia Project, the Law Society, with the assistance of the firm representatives, has created templates for law firms to deliver continuing professional development programs on leadership, business development and career advancement. The Law Society will continue to promote and share the information in the Justicia resources through these CPD programs
14. The Law Society's work to retain and advance women in private practice also extends beyond the Justicia project. The Law Society will continue to provide support to sole practitioners and women in small firms through the Career Coaching Program, the Parental Leave Assistance Program, the Contract Lawyers' Registry and the Women's Online Resource Centre. Information about these initiatives is available on the Law Society's website.
15. Through the resources developed and changes initiated through Justicia, and the additional Retention of Women in Private initiatives, it is believed that the Law Society can continue to positively influence cultural change in the profession.

TAB 3.2.5



FACILITATING INTERNATIONAL ACCESS TO JUSTICE THROUGH INTERVENTION

Human Rights Monitoring Group

Monitoring Group Members
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Paul Copeland
Julian Falconer
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BACKGROUND

“Nothing is more important than justice and the just society. It is essential to flourishing of men, women and children and to maintaining social stability and security. You need only open your newspaper to the international section to read about countries where the rule of law does not prevail, where the justice system is failing or non-existent.”¹

— Right Honourable Beverley McLachlin, P.C.
Chief Justice Supreme Court of Canada

1. Basic human rights cannot be guaranteed by law in the absence of the rule of law. They are interdependent and bound together by justice. Safeguarding these rights requires vigilant advocates both at home and abroad. Only through an independent legal profession where lawyers and judges perform their legitimate professional duties without undue or illegal interference can human rights and the rule of law prevail.
2. Unfortunately, lawyers and judges around the world working to uphold the rule of law and defend human rights work under threat of not only professional sanctions, but also threats to personal safety. Yet, they continue their work to ensure that their communities can access justice, advance their legal rights and that right might prevail.
3. The Law Society has a duty to maintain and advance the cause of justice and the rule of law. Central to advancing both the cause of justice and the rule of law is ensuring access to justice for all.
4. While the *Law Society Act*² provides that the Law Society facilitate access to justice for Ontarians, the Law Society's commitment to access to justice issues not only focuses on a provincial level, but extends to the international community.

¹ Right Honourable Beverley McLachlin, P.C., “The Challenges We Face” (Speech delivered at the Empire Club of Canada, Toronto, 8 March 2007), online: <<http://www.scc-csc.gc.ca/court-cour/judges-juges/spe-dis/bm-2007-03-08-eng.aspx>>.

² *Law Society Act*, RSO 1990, c L8

5. This report provides an overview of the Human Rights Monitoring Group (the "Monitoring Group") work over the years, from an access to justice perspective, by outlining the types of clients that those lawyers serve. Lawyers who are persecuted by authorities are often advocates for human rights. They also represent vulnerable clients who have no other access to legal services. Judges are also included this report. Most often presiding judges who are persecuted in the course of their duties focus on facilitating access to justice by advocating for an independent judiciary and promoting the rule of law.
6. This report is divided as follows:
 - a. Mandate of the Monitoring Group;
 - b. United Nations' focus on access to justice;
 - c. An overview of access to justice trends internationally in relation to the Law Society's interventions;
 - d. International human rights advocates expanding access to justice; and,
 - e. Response to our interventions.

MANDATE OF THE MONITORING GROUP

7. In light of the Law Society's mandate to uphold the rule of law and facilitate access to justice, Convocation approved in March 2006, a policy "to systematically respond to the human rights violations that target members of the legal profession and judiciary in retribution for the discharge of their legitimate professional duties, and; that a group of benchers be charged with monitoring human rights violations that target members of the legal profession and judiciary in retribution for the discharge of their legitimate professional duties."³ The policy was based on a report of a working group chaired by bencher Paul Copeland and the initiative was championed by bencher Heather Ross through the Emerging Issues Committee.

³ Emerging Issues Committee, Law Society of Upper Canada, *Report to Convocation* (Toronto: Law Society of Upper Canada, 23 March 2006) online: < http://www.lsuc.on.ca/media/convmar06_emerging_issues.pdf > at 4.

8. The mandate of the Monitoring Group approved by Convocation is to,
 - a. review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
 - b. determine if the matter is one that requires a response from the Law Society; and,
 - c. prepare a response for review and approval by Convocation.
9. The Monitoring Group is also mandated to explore the possibility of developing a network of organizations, and work collaboratively with them, to address human rights violations against judges and lawyers.

UNITED NATIONS' FOCUS ON ACCESS TO JUSTICE

10. The United Nations Development Program ("UNDP") has stated that "[i]n the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable."⁴
11. Globally, there is an increasing focus on access to justice issues. Without access to justice the larger movement towards eradicating poverty, promoting equality, increasing educational outcomes, ensuring environmental sustainability, improving health by combating HIV/AIDS, malaria and other diseases suffer. These are just a few of the United Nations Millennium Development Goals. International human rights standards are integral in protecting vulnerable populations such as women, persons with disabilities and minorities.⁵
12. Although the UNDP's report, *Strengthening Judicial Integrity through Enhanced Access to Justice*, focused on access to justice issues for women, persons with

⁴ UNDP, *Fast Facts: Justice and Security*, UN Doc, July 2011, online:

<http://www.undp.org/content/undp/en/home/librarypage/results/fast_facts/fast_facts_justiceandsecurity/>.

⁵ UNDP, *Strengthening Judicial Integrity through Enhanced Access to Justice*, UN Doc, 2013 at 8 – 9.

disabilities and minorities, they observed a number of factors barred vulnerable persons and groups from accessing justice. These factors ranged from “discrimination, poverty, low institutional trust or confidence in the process, lack of capacity, language barriers, weak access to information, or living in remote areas with a lack of judicial facilities.”⁶

OVERVIEW OF ACCESS TO JUSTICE TRENDS – INTERNATIONALLY

13. We reviewed the Law Society’s more than 75 interventions on behalf of members of the legal profession and the judiciary from September 2007 to June 2014. Our findings show a trend – clients of persecuted lawyers are most often vulnerable with very limited access to legal representation and cases involving judges often challenge corruption or advocate for the rule of law.
14. Most lawyers in the more than 70 cases that involved the profession were persecuted, harassed, imprisoned and in some cases killed for their work in the following areas:
 - a. representing clients from religious and ethnic minority communities or vulnerable clients due to their socioeconomic, gender or ethnic situation;
 - b. challenging government actions on behalf of groups or human rights organizations;
 - c. defending clients involved in politically charged cases; and,
 - d. advocating for prisoners of conscience who were imprisoned for exercising their democratic rights.
15. In the few cases involving judges, the judges were,
 - a. advocating for judicial independence;
 - b. promoting the rule of law; and,
 - c. challenging corruption.

⁶ *Supra* note 5.

16. We have categorized the cases as best we could, even though some cases would fall under more than one rubric. The following outlines the cases based on the categories listed above.

Representing Clients from Religious and Ethnic Minority Communities and Vulnerable Clients Due to their Socioeconomic, Gender or Ethnic Status

17. There are numerous examples of lawyers, for whom the Law Society has intervened, who represented clients who are vulnerable because of their socioeconomic, gender or ethnic status. In some cases, clients from minority religious or ethnic communities are unable to secure legal representation.

China

18. The Law Society has intervened on numerous occasions in cases where lawyers are being persecuted while carrying out their legal duties in China. A number of these cases involved clients who, because of their poverty, ethnic or religious status, would not be represented.

Gao Zhisheng

19. In 2006, 2007 and 2014, the Law Society has intervened on behalf of Gao Zhisheng who is known for many things, but primarily for defending activists, religious minorities and documenting human rights abuses in China. For example, Gao Zhisheng has provided legal help for Falun Gong practitioners, including Huang Wei, who was illegally sentenced to three years of re-education through labor in Shijiazhuang. He has also provided legal help for an illegal Chinese house church pastor, Cai Zhuohua, who was sentenced to three years in prison for printing and distributing copies of the Bible.⁷

⁷ Law Society of Upper Canada, "Zhisheng Letters of Intervention and Public Statements" (October 2006, May 2007 and April 2014).

20. In addition, Gao Zhisheng has, over the years, focused his legal practice on advocating for the most vulnerable. He has advocated for fair compensation for a client whose home was expropriated for a building project connected to the Summer 2008 Olympics. He took on a land dispute case against Taishi village officials and also a class-action lawsuit against local authorities over coercion in implementation of China's family planning policies. He won a case for six factory workers from Guangdong province who were detained for protesting exploitation by their employer. He also worked to defend the right to free expression by appealing the sentence of Zheng Yichun, a journalist and former professor who was sentenced to seven years imprisonment in September for his on-line writings.⁸
21. Gao Zhisheng was imprisoned in the Shaya County Prison in a remote part of the Xinjiang Uyghur Autonomous Region in northwestern China. His brother asked for permission to visit him, but was denied by officials after traveling to the prison on January 10, 2012. Gao Zhisheng's wife, Geng He, was told by officials that he was undergoing a "three month period of education". On March 2012, his brother and father-in-law were permitted to visit and confirmed he was being held in the Shaya County Prison. Ten months later, on January 12, 2013, unidentified family members were permitted to visit Gao Zhisheng for a second time.
22. Gao Zhisheng was scheduled for release on August 22, 2013, but has again disappeared. In February 2014, his wife, Geng He, who lives with their children in the United States, testified in front of the United Nations Working Group on Enforced and Involuntary Disappearance. Her submissions highlighted that they do not know if Gao Zhisheng is alive.

Chen Guangcheng

23. In 2006, the Law Society intervened on behalf of Chen Guangchen, a human rights lawyer who is known for advocating for women's rights, land rights and the welfare of the poor. Chen Guangcheng is one of China's most prominent human

⁸ *Supra* note 7.

rights defenders. He organized a landmark class action suit against authorities in Linyi, Shangdong province for the excessive enforcement of the one-child policy.⁹

Ni Yulan

24. In 2013, the Law Society intervened on behalf of Ni Yulan, an outspoken human rights lawyer and activist. For many in China, the preparation for the 2008 Olympic Games brought about mass evictions and illegal demolitions. Since 2001, much of Ni Yulan's legal practice centered on defending persons who were forcibly evicted from their homes by housing developers across China.¹⁰ Ni Yulan has been beaten, imprisoned, harassed and threatened.
25. Many not only lost their homes through illegal expropriations or demolitions, but were never compensated.¹¹ Her advocacy gave voice to those people unable to challenge developers and authorities.

Lawyers Providing Legal Aid

26. Finally, in 2008 the Law Society intervened in favour of Chinese lawyers providing voluntary legal aid to the victims of contaminated milk powder products. On September 11, 2008, the first toxic milk powder case became public. Contaminated milk powder products placed over 50,000 infants at risk of contracting kidney stones and four children died. The powdered milk was tainted with melamine, a chemical used in making plastics.¹²
27. By September 24, 2008, about 124 lawyers offered pro bono legal services to the victims. Lawyers and law firms providing legal aid were intimidated and warned by Chinese authorities to not take these cases. At least two dozen lawyers

⁹ Law Society of Upper Canada, "Guangcheng Letter of Intervention and Public Statements" (October 2006).

¹⁰ Law Society of Upper Canada, "Ni Yulan Letter of Intervention and Public Statements" (September 2013).

¹¹ Lawyers for Lawyers (L4L), "China: Lawyer acting against illegal expropriation of homes severely mistreated and arrested and detained several times" (2013), online: <<http://www.advocatenvooradvocaten.nl/lawyers/ni-yulan>>.

¹² Austin Ramzay and Lin Yang, "Tainted-Baby-Milk Scandal in China" *Time.com* (16 September 2008), online: <<http://content.time.com/time/world/article/0,8599,1841535,00.html>>.

withdrew their services following governmental pressure. Without legal representation many victims would be unable to seek justice for their children.¹³

Honduras

28. The Law Society has intervened in Honduras in cases where lawyers were harassed, intimidated or murdered while representing their clients' interests. One of the vulnerable client groups involved are disadvantaged labourers.

Dionisio Diaz Garcia

29. In 2007, the Law Society expressed its concern over the assassination of labour and human rights lawyer, Dionisio Diaz Garcia. He worked as the lead labour lawyer for the Association for a More Just Society ("AMJS"). While working for the AMJS's Labour Rights for Vulnerable Populations program, Dionisio Diaz Garcia discovered routine labour violations in areas where security guards were employed by private security firms. In December 2006, two men pulled up alongside him as he walked to court and shot him.¹⁴ His assassination followed a two-year public trial.¹⁵

Iran

30. The Law Society has intervened in Iran in numerous cases where the lawyers representing clients who are journalists, human rights activists or women were imprisoned or harassed for providing legal services.

Farshid Yadoollahi and Imprisoned Human Rights Lawyers

31. Farshid Yadoollahi is a human rights lawyer who is known for representing dervishes and is also a member of the administration of the Majzooban.org, a community news website for Gonabadi Sufis. His arrest, in late 2011, is related to his successful representation of dervishes, who are Sufi Muslims and choose to live in poverty. They are a religious minority in Iran. He is currently serving seven and a half years in prison based on his representation of religious minorities.

¹³ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 30 October 2008) at 6 – 7.

¹⁴ Frontline Defenders, "Honduras: Dionisio Diaz Garcia" online: <<http://www.frontlinedefenders.net/node/1701>>.

¹⁵ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 January 2011) at 19 – 20.

32. Farshid Yadollahi along with four other lawyers and over 60 Sufis were arrested en mass. His arrest is seen as part of an ongoing campaign by Iranian authorities to harass lawyers representing dervishes.
33. Until recently, Farshid Yadollahi was serving his sentence in Iran's Evin prison. In March 2014, he was illegally transferred from the Evin prison to the Rajai-Shahr prison, west of Tehran. This transfer is considered to be an additional punishment. Prisoners in Rajai-Shahr prison have reported heavy-handed harassment. The illegal transfer of Farshid Yadollahi and the lack of medical treatment for imprisoned human rights lawyers, like him, along with other prisoners of conscience, have prompted protests.
34. In early March, Iranian protestors marched and called for access to medical treatment for imprisoned human rights defenders. Over Gonabadi 300 male and 26 female dervishes, who protested, were beaten, arrested on March 8th and 9th and later released.
35. The lack of medical treatment for imprisoned human rights lawyers is receiving increased attention in Iran. Several prisoners of conscience detained in Evin prison wrote an open letter to the head of the Iranian Judiciary to draw attention to the lack of medical treatment and facilities for sick prisoners. In the letter, the prisoners state that politically motivated judicial interference by Judge Salavati was responsible for the lack of access to medical treatment.
36. In July 2013, Judge Salavati ordered that Farshid Yadollahi not be transported outside the Evin Prison for much needed dental treatment. The judge also placed a condition on dervish community members being transferred outside of the prison for medical treatment which includes that they wear their prisoner uniforms and remain shackled.¹⁶

¹⁶ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 24 April 2014).

Houtan Kian

37. In 2010, the Law Society intervened on behalf of Houtan Kian, a human rights lawyer. He represented Sakineh Mohammadi Ashtiani, a 43 year old Iranian woman who was charged and convicted of adultery. She was sentenced to death by stoning. After international pressure, her death sentence was commuted to hanging. Sakineh Mohammadi Ashtiani's first lawyer, who represented her pro bono, was intimidated and exiled leaving her without legal representation.¹⁷ Afterwards, Houtan Kian took her case and ensured she had legal representation.
38. On October 10, 2010, Houtan Kian and two journalists who were looking to interview Sakineh Mohammadi Ashtiani's son were arrested. Houtan Kian was detained by Iranian officials on the suspicion of having involvement with anti-revolutionary groups abroad and forging/duplicating identity cards. His arrest and detention were an attempt to keep him from fulfilling his duties as Sakineh Mohammadi Ashtiani's defence council.¹⁸

Iran's Endangered Lawyers

39. At the end of 2010, The Law Society received nine separate requests to intervene on behalf of Iranian lawyers who were harassed, arrested and imprisoned. Both the intervention requests and reports pointed to a change in Iran's treatment of lawyers after the June 2009 presidential election. The cases showed signs of a systemic approach by the government towards singling out and persecuting lawyers based on their advocacy in helping their clients access the judicial system.
40. The lawyers' client cases ranged from defending women sentenced to death to representing journalists and women's rights activists. More than 90 lawyers have

¹⁷ Saeed Kamali Dehghan, "Iranian facing stoning speaks: 'It's because I'm a woman'" *The Guardian* (6 August 2010) online: <<http://www.theguardian.com/world/2010/aug/06/sakineh-mohammadi-ashtiani-iran-interview>>.

¹⁸ Law Society of Upper Canada, "Kian Letter of Intervention and Public Statement" (29 November 2010).

been sentenced to prison terms ranging from six months to 15 years or death as a result of performing their professional duties.

Maryam Karbasi, Maryam Kianersi and Sara (Hajar) Sabaghian

41. On November 12, 2010, three women human rights lawyers, Maryam Karbasi, Maryam Kianersi and Sara (Hajar) Sabaghian, were arrested at the Tehran airport. These three lawyers were known for defending journalists, bloggers and youths. They were also known for defending women who were sentenced to death. The arrest of all three women followed the publication of an open letter they signed calling for the release of fellow lawyer Nasrin Sotoudeh from prison.¹⁹

Shadi Sadr

42. Shadi Sadr is a prominent Iranian lawyer who has a long history of being intimidated by Iranian authorities for her advocacy on behalf of women. She co-founded a women's rights organization called *Zanan-e Iran* (Women of Iran) and launched several campaigns, including the "Stop Stoning Forever" campaign.
43. Shadi Sadr has been arrested twice for her advocacy on behalf of women and women's rights. She represented a number of women's rights activists and a journalist who were given death sentences. She also represented Shiva Nazar Ahari a human rights defender and member of the Committee of Human Rights Reporters. In July 2009, she was detained for 11 days by Iranian authorities. After her release, she fled Iran. Shadi Sadr was tried in absentia and sentenced to 6 years imprisonment and 74 lashes. Today, she still lives in exile.²⁰

Nasrin Sotoudeh

44. Nasrin Sotoudeh was sentenced to a total of 11 years in prison and banned from both practicing law and leaving Iran for 20 years. She was given three concurrent sentences. Five years imprisonment for "acting against national security",

¹⁹ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 January 2011) at 16 – 18.

²⁰ *Ibid.*

another five years for “not wearing a hijab during a videotaped message” and another year for “propaganda against the regime.”²¹

Malaysia

Hindraf Lawyers

45. In June 2008, the Law Society intervened in Malaysia on behalf of lawyers whose clients were part of the Indian minority. Malaysian lawyers P. Uthayakumar, M. Manoharan, R. Kenghadharan and V. Ganabati Rao provide legal counsel for the Hindu Rights Action Force (“Hindraf”). Hindraf is a coalition of various Hindu non-governmental organizations committed to preserving and defending the rights of Malaysia’s Hindu community. Hindraf emerged in response to the encroachment of Sharia based laws, demolition of Hindu temples and shrines and the alienation of the Hindu community in Malaysia.²²
46. Hindraf’s lawyers’ advocacy on behalf of the Indian community resulted in harassment, arrest and detention. M. Manoharan was elected to the Selangor State Assembly, but Malaysian authorities barred him from taking his seat. On October 30, 2007, P. Uthayakumar and V. Ganabati Rao were arrested and detained for organizing and participating in demonstrations against the demolition of a Hindu shrine in Kuala Lumpur. They were charged with sedition and incitement, but were released due to a lack of evidence. After organizing further peaceful demonstrations, P. Uthayakumar and V. Ganabati Rao were once again arrested on November 23, 2007 and charged under the *Sedition Act*.²³
47. On December 11, 2007, they were eventually released since the prosecutors could not prove that they had indeed incited racial hatred. The next day, the Malaysian Prime Minister, Abdullah Ahmad Badawi, signed detention letters allowing Malaysian authorities to detain all four of the Hindraf lawyers under the

²¹ *Supra* note 19.

²² Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto, Law Society of Upper Canada, 26 June 2008) at 13 – 16.

²³ *Ibid.*

provisions of the *Internal Security Act*. This allowed the government to detain individuals without trial on national security grounds for up to 2 years, after which the government may extend the detention for a further two years. This process can be repeated indefinitely.²⁴

48. Following the Prime Minister's authorization, P. Uthayakumar, M. Manoharan, R. Kenghadharan, V. Ganabati Rao and T. Vasanthakumar were arrested in Kuala Lumpur by the Special Branch police officers. Their arrests were grounded in their advocacy work on behalf of minority groups.²⁵

Nigeria

Lawyers Providing Legal Services to LGBTI clients

49. In February 2014, the Law Society intervened on behalf of lawyers providing legal services to Nigeria's lesbian, gay, bisexual, transgender and intersex ("LGBTI") communities. Lawyers serving LGBTI clients and organizations face stigmatization which is creating a chilling effect as fewer lawyers are willing to represent LGBTI persons, who are often marginalized and impoverished.
50. Lawyers working with Nigeria's LGBTI community or representing persons charged under the *Same Sex Marriage (Prohibition) Act* also may face harassment and arrest. Enacted on January 7, 2014, the *Act's* provisions prohibit any person or group from providing services to anyone perceived to be homosexual as well as supporting the registration, operation and support of gay clubs, societies, organizations, processions or meetings in Nigeria.
51. From the wording of the *Act* it appears that Nigerian and international human rights lawyers advocating for Nigeria's LGBTI community, non-governmental organizations and persons who are charged under the *Act* may also be charged and convicted for providing legal services. The *Act* limits the LGBTI community's access to justice as increasingly lawyers are frightened that they will be charged

²⁴ *Supra* note 22.

²⁵ *Supra* note 22.

under the *Act* or found guilty by association. By intervening on behalf of lawyers providing legal services to Nigeria's LGBTI communities, the Law Society is lending its voice in support of lawyers helping this vulnerable population access justice.²⁶

Saudi Arabia

Abdul Rahaman al-Lahem

52. The Law Society intervened on behalf of Abdul Rahaman al-Lahem in January 2008 after his licence to practice law was confiscated for representing a sexual assault victim.
53. In 2006, a 19 year-old woman, known as "al-Qatif Girl", and her male companion were convicted of "being alone in private with a member of the opposite sex who is not an immediate family member." They were each sentenced to six months in prison and 90 lashes.²⁷
54. In mid-2006, the young woman and her male companion were kidnapped. She was gang-raped by seven men. While the men who raped her were convicted of both kidnapping and rape in November 2006, Abdul Rahaman al-Lahem's client and her male companion were also arrested, prosecuted and convicted. The case was appealed. Abdul Rahaman al-Lahem represented her at the court of appeals. The "al-Qatif Girl" garnered national and international media attention and scrutiny.²⁸
55. At court, Abdul Rahaman al-Lahem successfully challenged the previous ruling and his client received a revised sentence. However, he was removed from the case and his license was revoked. He also faced a disciplinary hearing on

²⁶ Law Society of Upper Canada, "Abdul Rahaman al-Lahem Letters of Intervention and Public Statement" (February 2014).

²⁷ Ebtihal Mubarak, "Abullah Pardons 'Qatif Girl'" Arab News (18 December 2007) online: <<http://www.arabnews.com/node/306849>>; Law Society of Upper Canada, "Abdul Rahman al-Lehem Letter of Intervention and Public Statement" (Toronto: Law Society of Upper Canada, 29 January 2008).

²⁸ *Ibid.*

charges he allegedly advertised his services in violation of Saudi regulations. The charges apparently flowed from appearing in the media.²⁹

Turkey

Filiz Kalayci

56. In February 2010, the Law Society intervened in Turkey where the lawyers' clients were Turkish prisoners. The lawyers were associated with the *Insan Haklari Derneği* ("IHD"), a human rights association.
57. The lawyers who are associated with IHD were working on rights violations in prisons and improving prison conditions. They travelled to almost every prison in Turkey and listened to prisoners' complaints. On February 6, 2009, the IHD released its report on the human rights violations in Turkish prisons.³⁰
58. Filiz Kalayci, a lawyer and Executive Committee member of the IHD was arrested on May 12, 2009 along with three other human rights lawyers, Hasan Anlar, Halil Ibrahim Vargün and Murat Vargün. All three lawyers are associated with IHD, an organization that denounces human rights violations occurring while individuals are in detention. Two days later, all four lawyers were released. However, the Public Prosecutor appealed the decisions to release the lawyers. On May 25, 2009, a warrant was re-issued for Filiz Kalayci's arrest. She was arrested on May 28, 2009 for "aiding illegal organizations". The other three lawyers were not arrested.³¹
59. The purpose of Filiz Kalayci's of arrest, detention and prosecution was to prevent and punish her lawful and professional advocacy for prisoners' rights.

²⁹ *Supra* note 27.

³⁰ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 28 January 2010) at 25 – 26.

³¹ *Ibid.*

Vietnam

Bui Thi Kim Thanh

60. In February 2007, the Law Society intervened on behalf of lawyer Bui Thi Kim Thanh, who is known as an outspoken critic of Vietnam's land confiscation policies. Bui Thi Kim Thanh's clients included farmers whose land was expropriated. She also represented the Democratic Party of Vietnam as well as providing pro-bono defence work for low-income and impoverished people.³²
61. On November 2, 2006, police officials took Bui Thi Kim Thanh to a local psychiatric hospital where two doctors assessed her and found no evidence of mental illness. She was then taken to the Central Psychiatric Hospital in Bien Hoa, Saigon, where she was committed and forcibly confined, after being interrogated by the police. She has also been injected with unknown drugs although there is no medical basis for these injections. The result of the enforced drug treatment is that she cannot speak.³³
62. Bui Thi Kim Thanh has not been charged with an offence. The authorities offered to release her if she agreed not to talk about her treatment. She refused. As a result she is not allowed to receive visitors.³⁴

Challenging Government Actions on Behalf of Groups or Human Rights Organizations

63. Internationally, barriers to access to justice are sometimes the result of government actions, legislation or historical abuses. Many people seeking to access justice look to lawyers or advocacy groups to make their voices heard and seek redress.

³² Law Society of Upper Canada, "Bui Thin Him Thanh Letter of Intervention and Public Statement" (February 2007).

³³ *Ibid.*

³⁴ *Supra* note 32.

Algeria

Amine Sidhoum Abderramane and Hassiba Boumerdesi

64. Accessing legal services in cases involving disappeared persons is difficult as open talk about Algeria's disappeared is heavily discouraged. However, human rights lawyers Amine Sidhoum Abderramane and Hassiba Boumerdesi, working with the SOS Disappeared, took on cases. In February 2007, the Law Society intervened on behalf of these lawyers.
65. Amine Sidhoum Abderramane and Hassiba Boumerdesi represented the families through their work with SOS Disappeared, an Algerian group that represents more than 7,000 people who disappeared during the 1990s in the armed struggle between the government and Islamic groups in Algeria. Disappeared persons often were placed in facilities such as the special interrogation and rape center at the Chateaneuf barracks. In addition to journalists, judges and political opponents, the persons who were disappeared often came from marginalized groups such as religious minorities, women and LGBT persons.³⁵
66. Like those who disappeared, the families are a cross section of Algerian society and are often harassed by authorities. According to reports, hundreds of family members line up at the SOS Disappeared office and wait in long lines with pictures of their missing relatives.³⁶

China

Xu Zhiyong

67. Xu Zhiyong is a prominent legal scholar and human rights lawyer who was arrested and tried on criminal charges of "gathering crowds to disrupt public order". He was sentenced to four years in prison. The charges relate to a small scale peaceful street

³⁵ "The tragedy of Algeria's 'disappeared'", *The Independent* (20 December 2010) online: <<http://www.independent.co.uk/news/world/africa/the-tragedy-of-algerias-disappeared-2164859.html>>; "Families of Algeria's 'Disappeared' Search for Truth" *The Washington Post* (31 December 2004) online: <http://www.washingtonpost.com/wp-dyn/articles/A39033-2004Dec31_2.html>; Law Society of Upper Canada, "Abderramane and Boumerdesi Letter of Intervention and Public Statement" (February 2, 2007).

³⁶ *Ibid.*

protest by members of the New Citizens' Movement who were calling for educational equality and for government officials to declare their assets.

68. During Xu Zhiyong's trial, the court denied his defence counsel the right to call witnesses. The court also refused to summon prosecution witnesses to prevent Xu Zhiyong's defence counsel and the presiding judges from questioning them. Additionally, Xu Zhiyong was tried separately from his colleagues who were being prosecuted for the same offence. This contravened the Chinese *Criminal Procedure Law* requirement that persons charged with the same offence be tried jointly. These irregularities during Xu Zhiyong's trial raise questions regarding the fairness and due process of his trial.³⁷

Honduras

69. The numbers of lawyers killed for performing their legal duties prompted the Law Society to intervene in Honduras a number of times. According to the United Nations Office of the High Commissioner for Human Rights, between 2009 and 2012, 74 lawyers were killed.³⁸

Lawyers at Association for a More Just Society ("AMSJ")

70. The Law Society intervened in January 2011 on behalf of the Association for a More Just Society ("AMSJ"). This Honduras based organization is focused on improving access to justice for all sectors of society and working to promote human rights. In 2004, AMSJ began by investigating violations of labour rights by private security firms. Over the years AMSJ's work has expanded to include peace and public security, land rights, labour rights, anti-corruption, youth and family issues.³⁹
71. AMSJ Lawyers work under constant threats and intimidation. For example, in December 2006, Dionisio Diaz Garcia, a lawyer with AMSJ, was assassinated. On

³⁷ Law Society of Upper Canada, "Xu Zhiyong Letters of Intervention and Public Statement (February 2014).

³⁸ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 22 November 2012) at 80.

³⁹ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee, (Toronto: Law Society of Upper Canada, 27 January 2011) at 19 – 20.

December 7, 2006, Carlos Hernández, AMSJ President, received a text message threatening his life. That same day, he was pursued by a man on a motorcycle. The constant threats to AMSJ lawyers prompted the Inter-American Commission on Human Rights, in 2006, to request the Honduran government take measures to protect AMSJ lawyers such as providing police protection for AMSJ members.⁴⁰

72. On September 21, 2010, a woman who is both a lawyer and AMSJ member (her name was withheld) was in the offices of the Secretary of Labour to look at documents on labour laws that protect cleaners and security guards. She was approached by three different employees who advised her to drop the investigation into security companies due to the existing personal security risk.
73. A month later, on October 19, 2010, the same woman was abducted. Two men forced her into a taxi and barred her from leaving. They questioned her about her work and told her that they were paid to execute her. She was eventually released.
74. Then on November 3, 2010, two armed men on a motorcycle threatened another AMSJ lawyer, advising that the lawyer "Be careful with AMSJ and Transformemos Honduras [a Christian movement that AMSJ supports]." The ongoing harassment and intimidation of AMSJ lawyers is the result of their legal work, investigations of security companies and promotion of labour rights.⁴¹

Antonio Trejo Cabrera

75. Antonio Trejo Cabrera was a well respected lawyer and pastor. His legal work centered on representing a number of Honduran agrarian groups in disputes with large landowners. For years he had been subject to death threats related to his defense of the land rights of four campesino cooperatives over four farms, San Isidro, San Esteban, La Trinidad, and El Despertar which together form the Authentic Revindicative Campesino Movement of the Aguan (Authentic Peasant Reclamation Movement of Aguan), which is called MARCA.⁴²

⁴⁰ *Ibid.*

⁴¹ *Supra* note 39.

⁴² Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 22 November 2012) at 76 – 80.

76. On June 29, 2012, Antonio Trejo Cabrera's legal work resulted in the cooperative farmers recovering possession of three of the four farms from African palm oil corporations. He constantly faced harassment and death threats because of his work. Antonio Trejo Cabrera was murdered on September 22, 2012. He was officiating at a couple's marriage. When he left to retrieve the marriage certificate, he was shot five times. He died in hospital.⁴³

India

Leitanthem Umakanta Meitei

77. The Law Society intervened in November 2006 on behalf of Leitanthem Umakanta Meitei, a human rights lawyer working in India. Leitanthem Umakanta Meitei is also the Secretary General of the Threatened Indigenous Peoples' Society ("TIPS"). In 2006, he was arrested without a warrant at his home. The police officers seized CDs, books and information on TIPS and the International Labour Organization. He was detained at the Imphal Police Station where he was interrogated and tortured. Throughout his detention, he was denied a lawyer.⁴⁴
78. His arrest stemmed from his involvement in a protest against a bomb attack on a Hindu temple that killed five Hindus and injured over 40 people. Leitanthem Umakanta Meitei was charged with being a member of, and supporting terrorist organisations and accused of maintaining links with the illegal group "Organisation to Save the Revolutionary Movement in Manipur". On August 29, 2005, the Chief Judicial Magistrate ordered his release on bail due to lack of evidence. Charges were eventually dropped. The charges were fabricated. It appears that his torture and detention were linked to his legal work.

⁴³ *Supra* note 42.

⁴⁴ Law Society of Upper Canada, "Umakanta Meitei Letter of Intervention and Public Statement "(November 2007).

Nepal

Jitman Basnet

79. The Law Society intervened in October 2007 on behalf of Jitman Basnet, a lawyer and journalist. He is an advocate for victims of Nepal's armed conflict and has filed cases on behalf of the victims before Nepal's Supreme Court and the United Nations Human Rights Committee. He is also Secretary General of the Lawyer's Forum on Human Rights ("LAFHUR"), a pro-bono lawyers' network that works on transitional justice and human rights in Nepal.⁴⁵
80. In March 2007, Jitman Basnet published a book entitled *258 Dark Days*. The book recounted his experiences while he was detained in army custody. After his release he received threats from members of the military. In the book, he named government soldiers he claimed raped, tortured or unlawfully killed people during Nepal's armed conflict. Starting in August 2007, Jitman Basnet began receiving harassing telephone calls.⁴⁶ The callers threatened to kill both him and his wife. The ongoing harassment related to his advocacy and exposure of human rights abuses during Nepal's armed conflict.

Malaysia

Karpal Singh

81. Karpal Singh, a 73 year old human rights lawyer, remarked that the removal of Mohammad Nizar and the Sultan of Perak's appointment of Datuk Seir Dr Zambry Abdul Kadir as the new Menteri Besar, chief executive of Perak's state government, could be questioned in court. The Sultan's appointment was related to the 2009 Constitutional Crisis, which occurred after three Patyahn Rakyat party members crossed the floor to sit as pro-Barisan Nasional independents. Karpal Singh was responding to media questions about the constitutional crisis during a press conference at his law firm on February 6, 2009. However, his comment

⁴⁵Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 25 October 2007) at 6 –7.

⁴⁶ *Ibid.*

was considered seditious and he was charged under Section 4 (1) (b) of the *Sedition Act*, 1948.

82. On June 2012, the High Court acquitted and discharged Karpal Singh. The prosecution appealed his acquittal. The Court of Appeal granted the appeal on January 20, 2012 and ordered a new trial. The High Court found Karpal Singh guilty of sedition on February 21, 2014. He was then sentenced on March 11, 2014 to pay a fine of RM 4,000. The effect of this sentence meant that Karpal Singh could be disqualified and removed as a member of parliament for answering media questions.⁴⁷

Myanmar

83. Over the years, the Law Society has intervened on behalf of a number of lawyers in Myanmar who have represented individuals and groups in human rights challenges against government actions.

Nyi Niy Htwe and Saw Kyaw Kyaw Min,

84. Human rights lawyers Nyi Niy Htwe and Saw Kyaw Kyaw Min defended 11 young National League for Democracy protesters who were arrested in September 2008 for peacefully marching while wearing t-shirts depicting Daw Aung Sung Suu Kyi to mark her birthday.
85. On October 29, 2008, Nyi Niy Htwe was arrested by the police for his role in defending the 11 youth protesters. The next day, he was sentenced to six months in prison by the Rangoon Northern District Court for "interruption and insulting [a] judiciary proceeding".
86. A warrant for Saw Kyaw Kyaw Min's arrest was issued. However, he failed to appear at the police station on October 30, 2008. Fearing arrest and detention for political reasons, Saw Kyaw Kyaw Min fled Myanmar. However, he was found

⁴⁷ Law Society of Upper Canada, "Karpal Singh Letters of Intervention and Public Statement" (April 2014).

guilty in absentia for "interruption and insulting [a] judiciary proceeding" and sentenced to six months imprisonment. Saw Kyaw Kyaw Min's license to practice law was revoked due to this criminal conviction.

87. In 2012, Saw Kyaw Kyaw Min sought to have his license reinstated. He was one of 32 lawyers who had their licenses to practice law revoked.

U Aung Thein and U Khin Maung Shein

88. U Aung Thein and U Khin Maung Shein were also arrested following the submission of a written statement of their clients' desire to relinquish their power of attorney. The defendants stated that they no longer had "faith in the judicial processes," and therefore wished to dismiss their lawyers.
89. The court claimed that the lawyers' defendants did not state this and that this was their opinion as lawyers. However, reports showed that the defendants had expressed these wishes orally at the previous hearing, and that the court had then requested it from the lawyers in writing.
90. Both U Aung Thein and U Khin Maung Shein were convicted without a trial, and therefore, were not given the opportunity to defend the charges brought against them.⁴⁸

Lawyers Disbarred

91. In April 2012, the Law Society intervened on behalf of 32 lawyers who have had their licenses revoked following criminal convictions and were seeking to have their licenses reinstated. The use of criminal sanctions and subsequent disbarment of some or all of these lawyers is a tactic used to punish these lawyers for their political activities.⁴⁹ Eventually, 11 of the 32 lawyers who were disbarred had their licenses reinstated. The remaining lawyers who had their licenses revoked can apply to be considered for reinstatement.

⁴⁸ Law Society of Upper Canada, "U Aung Thein and U Khin Maung Shein Letters of Intervention and Public Statement" (January 2009, September 2012).

⁴⁹ Law Society of Upper Canada, "Lawyers Disbarred Letters of Intervention and Public Statement" (April 2012).

Sri Lanka

Dr. Nimalka Fernando

92. Dr. Nimalka Fernando is a 59 year old woman, a prominent human rights lawyer and activist. She is the president of the International Movement Against All Forms of Discrimination and Racism ("IMADR"). She has also actively participated in and contributed to the human rights work of the United Nations, including participating in treaty body committee meetings (committees of independent experts to monitor the implementation of treaties) and sessions of the Human Rights Council for over three decades.
93. During a November 4, 2013 radio program titled "The Way the Country is Moving (Rat Yana Atha)", death threats and derogatory comments were directed by callers toward Dr. Nimalka Fernando. The subtitle of the program was "Stoning the Sinner Woman". Most of the callers were men and some identified themselves as retired members of the armed forces.
94. The day before the radio show aired, Dr. Nimalka Fernando had given a television interview. Her interview was related to a larger public debate that was prompted by Dr. Nimalka Fernando calling for the abolition of Sri Lanka's abortion laws, the promotion of safer sex and a more protective reproductive health approach. She had also stated that she objected to the use of the word "prostitution". Her statements were broadcast on the radio program "The Way the Country is Moving (Rat Yana Atha)".
95. Dr. Nimalka Fernando lodged a complaint with the Human Rights Commission of Sri Lanka and the Inspector General of Police. However, this is not the first time she has faced harassment as a result of her human rights work.
96. In March 2012, Dr. Nimalka Fernando, along with three other human rights defenders, was accused of being a traitor and working against the interests of the

country to obtain “dollars”. Additionally, the Minister of Public Relations threatened to “break the limbs” of Dr. Nimalka Fernando and three other human rights defenders.⁵⁰

Turkey

Lawyers Protesting

97. On January 2013, 15 human rights lawyers were arrested. Nine of the lawyers are members of the Progressive Lawyers' Association (“ÇHD”), which is affiliated to the European Association of Lawyers for Democracy and World Human Rights (“ELDH”). The lawyers who were arrested are known for their work in representing persons accused of crimes against the state and terrorism and members of minority groups.
98. Some of the lawyers were released, however nine lawyers were imprisoned and awaiting trial: Güçlü Sevimli (member of the Istanbul Branch - Istanbul Bar Association), Barkın Timtik (member of Istanbul Bar Association), Şükriye Erden (member of Istanbul Bar Association), Naciye Demir (member of Istanbul Bar Association), Nazan Betül Vangölü Kozağaçlı (member of the Ankara Branch - Ankara Bar Association), Taylan Tanay (President of the Istanbul Branch - Istanbul Bar Association), Ebru Timtik (member of Istanbul Bar Association), Günay Dağ (member of Istanbul Bar Association) and Selçuk Kozağaçlı (National President of ÇHD - Ankara Bar Association).
99. The nine imprisoned lawyers were particularly active in working on human rights cases, especially in representing victims of police violence. The lawyers who were arrested were targeted for their human rights work.⁵¹

⁵⁰ Law Society of Upper Canada, “Dr. Nimalka Fernando Letters of Intervention and Public Statement” (February 2014).

⁵¹ Law Society of Upper Canada, “Turkey Lawyers Letters of Intervention and Public Statement” (February 2013).

Ramazan Demir

100. Ramazan Demir was arrested and charged with “insulting or (...) offending the dignity of a public authority in the performance of his duties” under section 125 of Turkey’s *Criminal Code*. If convicted, Ramazan Demir could face up to two years in prison. The charges and his arrest stem from his defence of journalists during the Koma Civakên Kurdistan (“KCK”) trials.
101. In 2012, 44 journalists were arrested on terrorist charges and accused of backing the illegal pan-Kurdish umbrella group KCK. Human rights groups consider the prosecution of these journalists to be part of the government's efforts to curb free speech in Turkey. Ramazan Demir was representing some of the journalists and lawyers arrested and involved in the KCK trials.
102. During his clients’ hearing in Silivri on November 16, 2012, Ramazan Demir rebutted the prosecutor’s allegation that the journalists on trial were not independent journalists. He challenged the capacity of the prosecutor to determine that the journalists were conducting activities that were not “normal” or “independent” journalistic activities and requested the court to call and hear expert testimony on the subject. Six months later, on May 13, 2012, the Special Prosecutor of the 15th Serious Crimes Court filed a complaint against Ramazan Demir regarding his submissions. On September 9, 2013, the Special Prosecutor was authorized by the Ministry of Justice to file an indictment against Ramazan Demir under s. 125 of Turkey’s *Criminal Code*.
103. In addition to defending journalists, Ramazan Demir is known for mobilizing support in favour of lawyers prosecuted in two mass anti-terrorism trials. Human rights groups view Ramazan Demir’s case as an example of ongoing judicial harassment of lawyers. They anticipate that similar charges and arrests against other defence lawyers involved in the KCK trials will be forthcoming.⁵²

⁵² Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 24 April 2014).

Uganda

Lawyers Challenging the Uganda's *Anti-Homosexuality Bill*

104. Lawyers and paralegals working with Uganda's lesbian, gay, bisexual, transgender and intersex ("LGBTI") community are stigmatized. As a result of the government's *Anti-Homosexuality Bill* there is a chilling effect as lawyers are refusing to represent LGBTI clients because of the fear of persecution.
105. Lawyers working with Uganda's LGBTI community and non-governmental organizations are looking to challenge the constitutionality of the *Bill*. Recently, a law firm retained by Fox Odoi, West Budama North Member of Parliament, and the Civil Liberties Organisation-Chapter Four, to provide a legal opinion on the constitutionality of the *Bill*. However, the law firm declined to be named.
106. While the *Bill's* provisions criminalize homosexuality, it also prohibits Uganda's Parliament from ratifying any international treaties, conventions, protocols, agreements and declarations that are contrary or inconsistent with the provisions of the *Bill*. This means that the international safeguards currently protecting lawyers may not shield those working on this issue from prosecution and harassment.⁵³

Defending Clients Involved in Politically Charged Cases

107. The political climate, negative perceptions or a client's past all play a role in barring clients from receiving adequate legal representation. The more unpopular the client, the harder it is for them to get a fair trial. Lawyers who represent unpopular clients are often targeted for their work.

⁵³ Law Society of Upper Canada, "Letters of Intervention and Public Statement" (February 2014).

Bahrain

Mohamed Issa Al Tajer

108. Mohamed Issa Al Tajer provided legal aid to protestors during the Arab Spring. The Law Society first intervened on behalf of Mohamed Issa Al Tajer in May 2011, and then again in September 2012, after learning he was targeted by authorities based on his legal work.
109. Bahrainian authorities are attempting to put pressure on those who provide legal and medical assistance to protesters. Further, the information received suggests that about 600 people, including human rights defenders, political leaders, trade unionists, doctors and paramedics and clerics have been arrested since February 2011.
110. On April 15, 2011, a group of more than 20 masked and armed plain-clothes men, belonging to security forces, burst into Mohamed Issa Al Tajer's home. After searching his house and office, they took computers and mobile phones. He was arrested and taken to an unknown destination.⁵⁴
111. In September 2012, the Law Society intervened again to voice its continued concern over the arbitrary detention of Mohamed Issa Al Tajer from April 14, 2011 to August 6, 2011. During his detention, he was subject to acts of torture and ill-treatment.
112. Mohamed Issa Al Tajer is closely monitored by Bahrain's National Security Intelligence and his clients have been pressured. He continues to be harassed and has received blackmail threats since January 2011.
113. In May 2012, he attended the United Nations Human Rights Council Universal Periodic Review ("UPR") of Bahrain. Following his participation in the UPR process, a video of Mohamed Issa Al Tajer being intimate with his wife was

⁵⁴ Law Society of Upper Canada, "Mohamed Issa Al Tajer Letters of Intervention and Public Statement" (27 May 2011).

released to the public. Mohamed Issa Al Tajer continues to be targeted because of his representation of the Arab Spring protestors and legal work.⁵⁵

Belarus

Emanuel Zeltser

114. In the late 1990s, Emanuel Zeltser, a U.S. national, represented a former Kremlin official, Pavel Borodin, who was charged by a Swiss court with money laundering. In addition to being a lawyer, Emanuel Zeltser is also a specialist on money laundering and organized crime. The Law Society intervened on behalf of Emanuel Zeltser in June 2008 after he was detained in Belarus in March 2008.
115. On March 12, 2008, Emanuel Zeltser was held in a state security services detention facility in Minsk, where he was interrogated, beaten and denied the medicine to treat his diabetes and arthritis. On March 21, 2008, he was charged with "use of forged documents." The U.S. Embassy was only allowed to visit him twice, on March 27 and April 25, 2008. After the second visit, the U.S. Consul reported that Emanuel Zeltser's health was failing. He had lost weight, was very weak and had difficulty walking and talking. He also reported he had been beaten two or three times while in custody.
116. In addition to representing, Pavel Borodin, a former Kremlin official, Emanuel Zeltser's work included testifying about a money laundering scheme at the Bank of New York Mellon. He also sued the bank for \$2 billion on behalf of depositors who had lost money in an affiliate.⁵⁶

China

117. Over the years, the Law Society has intervened on behalf of a number of lawyers in China who have provided legal services to protestors or politically unpopular clients.

⁵⁵ Law Society of Upper Canada, "Mohamed Issa Al Tajer Letters of Intervention and Public Statement" (27 September 2012).

⁵⁶ Law Society of Upper Canada, "Emanuel Zeltser Letter of Intervention and Public Statement" (27 June 2008).

Human Rights Violations against Lawyers

118. On October 31, 2007, the Law Society first intervened on behalf of human rights lawyers working in China. Increasingly, lawyers were being harassed and persecuted for merely performing their legitimate professional duties. Some of the lawyers harassed were Gao Zhisheng, Director of the Beijing-based Shengzhi Law office, who was again subjected to ill treatment. He went missing after ten plainclothes State Security Protection officers took him away on September 22, 2007. Another lawyer, Li Heping was abducted in the parking lot of his law office by a dozen plainclothes men. Finally, the Shandong Provincial Bureau of Judicial Affairs refused to renew Li Jianqiang's licence to practice law.⁵⁷ Revoking or refusing to renew the licence of lawyers representing unpopular clients is a common form of harassment.
119. Again, in April 2008, the Law Society intervened on behalf of lawyers in China. Human rights lawyers were subjected to an escalating pattern of persecution and harassment by authorities. Hundreds of Tibetans were arrested in connection with the March 14, 2008 unrest in Tibet and the violent crackdown on the protests by Chinese security forces. As a result, on April 2, 2008, 18 Chinese lawyers publically offered to provide legal assistance to the detained Tibetans.
120. Chinese authorities told the lawyers that they should not involve themselves in the "Tibet incident". Authorities questioned lawyers involved in providing legal representation to the Tibetan protestors and placed them under surveillance and tapped their phones.⁵⁸ The Law Society has consistently condemned the persecution and ill-treatment of lawyers in China.

Guo Feixiong (aka Yang Maodong)

121. The Law Society also intervened in China on behalf of Guo Feixiong (also known as Yang Maodong) in April 2007, January 2008 and again in January 2009. Guo

⁵⁷ Law Society of Upper Canada, "Violations Against Lawyers Letter of Intervention and Public Statement" (31 October 2007).

⁵⁸ Law Society of Upper Canada, "Violations Against Lawyers Letter of Intervention and Public Statement" (16 April 2008).

Feixiong is currently serving a five year sentence in Meizhou Prison, Guangdong Province.

122. Guo Feixiong is a self-taught legal defender based in Guangzhou and adviser with Gao Zhisheng's Beijing-based Shengzhi law firm. Guo's human rights work began in 2005, when he helped organize villagers in Taishi, Guangzhou protest against official corruption and land seizures. In 2006, Guo campaigned alongside prominent human rights lawyer, Gao Zhisheng, against a government crackdown on human rights activists. He was formally arrested in late 2006 on charges of "illegal business activity," based on a book he wrote about a political scandal in Liaoning Province. He was sentenced to five years in prison, where he was tortured.
123. Guo Feixiong's current detention followed his release in September 2011 from a five-year prison term for his earlier activism. According to police, Guo is now facing prosecution for the following acts: delivering a speech promoting press freedom during a protest in January 2013 by supporters of *Southern Weekly* journalists on strike, organizing campaigns in April 2013 calling for disclosure of officials' wealth, and urging the government to ratify the International Covenant on Civil and Political Rights, which China signed in 1998.
124. He was arrested again in August 2013 for his involvement in campaigns promoting press freedom, political rights, and transparency. On December 10, 2013, police from the Guangzhou Municipal Public Security Bureau concluded their investigation and submitted an "Indictment Opinion" to the District People's Procuratorate. They recommended that Guo Feixiong be indicted for "disrupting public order," a charge increasingly used against Chinese rights activists and which carries a maximum sentence of five years in prison. Chinese law requires that prosecutors decide within 30 days whether to issue an indictment. Although the 30-day limit passed, no announcement was made.

125. Authorities denied numerous requests from Guo Feixiong's lawyers to meet with him, permitting the first such meeting to occur in November, more than three months after he was taken into custody.

Colombia

126. Over the years, the Law Society has intervened on behalf of a number of lawyers and human rights organizations in Columbia who have represented political prisoners and groups. The Law Society is concerned about situations where lawyers who work to defend the rights of others are themselves targeted for exercising their freedoms and rights under the law.

William Cristancho Duarte

127. In January 2011, the Law Society intervened on behalf of William Cristancho Duarte, who is working on cases involving the extrajudicial executions of civilians murdered by military groups.
128. During Colombia's armed conflict, which has lasted over four decades, extrajudicial executions were carried out by the security forces in a widespread and systematic manner. These executions are part of the terror tactics used by the security forces as part of their counter-insurgency strategy. Columbia's Attorney General's Office is investigating more than 2,000 cases of extrajudicial executions.
129. William Cristancho Duarte's has received death threats, including an assassination attempt as a result of his work. In December 2010, shots were fired at his car. Repeatedly, lawyers like William Cristancho Duarte who campaign for justice for victims of extrajudicial executions have been threatened or killed by members of the security forces or paramilitaries working with security forces.⁵⁹

⁵⁹ Law Society of Upper Canada, "William Cristancho Duarte Letter of Intervention and Public Statement" (4 February 2011).

José Humberto Torres

130. After receiving reports of the bounty offered by paramilitary groups for the assassination of lawyer, José Humberto Torres, the Law Society intervened on his behalf in May 2012.
131. José Humberto Torres, a distinguished Colombian human rights defender, is known for defending political prisoners and fellow human rights defenders on behalf of the Fundación Comité de Solidaridad con los Presos Políticos (Political Prisoners Solidarity Committee). He was involved in a case against Jorge Noguera, former director of the Colombian Intelligence Agency, for his involvement in the assassination of professor Alfredo Correa de Andreis. He called for criminal investigation into the links between members of Congress and paramilitary groups and their alleged involvement in various crimes. He also participated in various cases against army leaders for alleged human rights violations.
132. An outspoken advocate for victims of extrajudicial killings, paramilitary groups have called for José Humberto Torres' assassination. These groups have publicized that they will pay a bounty equivalent to US \$120,000 to anyone who assassinates José Humberto Torres.⁶⁰

Congo

133. The Law Society has intervened on behalf of a number of lawyers and human rights organizations in the Congo who have represented former political leaders, persons considered undesirable or prisoners unable to get representation.

Marie-Thérèse Nlandu Mpolo-Nene

134. In February 2007, the Law Society intervened on behalf of Marie-Thérèse Nlandu Mpolo-Nene regarding her arrest and detention.

⁶⁰ Law Society of Upper Canada, "José Humberto Torres Letter of Intervention and Public Statement" (28 May 2012).

135. The highly charged political climate in the Congo made retaining legal representation difficult. Marie-Thérèse Nlandu Mpolo-Nene, a human rights lawyer, agreed to represent Jean-Pierre Bemba, the former Vice-President of Congo, in his appeal to the Supreme Court of Justice against the results of the second round of presidential elections in 2007.
136. On November 21, 2006, members of the Special Services police arrested Marie-Thérèse Nlandu Mpolo-Nene, at the Kin-Mazière police station, the Special Services police headquarters, where she went to visit six of her colleagues who were arrested the day before. She was charged with “organizing an insurrectionary movement” and with “illegal possession of firearms.”
137. The charge for organizing an insurrection movement related to a speech she made to supporters of Jean-Pierre Bemba outside the Supreme Court on November 20, 2006, in which she asked them to exercise their right to protest “in a disciplined way.” Marie-Thérèse Nlandu Mpolo-Nene is also the leader of the political party for peace. Her arrest and detention are a result of her representation of Jean-Pierre Bemba.⁶¹

Jean-Claude Mubalama and Charles Cubaka

138. Charles Cubaka and Jean-Claude Mubalama are Congolese lawyers who were involved in a high profile appeal of four civilian men who were appearing before a military court. They were sentenced to death in August 2007 for the murder of a radio journalist, Serge Maheshe. The investigators failed to pursue allegations of possible military involvement in their investigation of Serge Maheshe’s murder.
139. Charles Cubaka and Jean-Claude Mubalama both received a series of anonymous threats warning them to stop criticizing the conduct of the appeal

⁶¹Law Society of Upper Canada, “Marie-Thérèse Nlandu Mpolo-Nene Letter of Intervention and Public Statement” (2 February 2007).

hearing, to stop implicating the military in the murder, and to stop "tarnishing the image of the country".⁶²

Haiti

Mario Joseph, Newton St-Juste and André Michel

140. The Law Society intervened in both 2012 and 2013 on behalf of Mario Joseph, Newton St-Juste and André Michel.
141. Newton St-Juste and André Michel filed claims against both the wife and son of the President of the Republic of Haiti for corruption and embezzlement of public funds. Mario Joseph, a prominent human rights lawyer and head of the International Lawyers Office (Bureau des Avocats Internationaux), was involved in a number of political cases such as proceedings against former dictator Jean-Claude Duvalier. Another case was against the United Nations for their alleged involvement in spreading the cholera epidemic in Haiti as well as a case dealing with the forced evictions of people made homeless after the earthquake.
142. On September 28, 2012, the former Chief Prosecutor of Port-au-Prince, Jean Renel Sénatus, claimed that he had been dismissed by the Ministry of Justice because he refused to implement an order to arrest 36 people. On the list were lawyers Newton St-Juste and André Michel.
143. Mario Joseph, Newton St-Juste and André Michel have reported receiving anonymous telephone death threats in recent months. In addition, they have reported other acts of intimidation, including hostile graffiti painted on walls and police vigilance in proximity of their offices and homes. It is believed that the three lawyers are being targeted for their activism and criticisms against the Haitian government.⁶³

⁶² Law Society of Upper Canada, "Charles Cubaka and Jean-Claude Mubalama Letter of Intervention and Public Statement" (27 June 2008).

⁶³ Law Society of Upper Canada, "Mario Joseph, Newton St-Juste and André Michel Letters of Intervention and Public Statement s" (27 June 2008).

144. In November 2013, the Law Society intervened again on behalf of André Michel. On October 22, 2013, human rights lawyer André Michel was arbitrarily held for one night in police custody. While on his way home, André Michel's car was stopped by police officers who attempted to carry out a search of his vehicle. He refused to get out. He said he would only accept the search if a justice of the peace was called, a request which is in accordance with Haitian law. The search was eventually carried out in the presence of justice of the peace and no evidence of wrongdoing was found. However, he was held overnight in custody for the obstruction of justice.
145. In 2013, André Michel was still involved in legal proceedings against the wife and eldest son of Haiti's president. Since the beginning of this case, he stated that he has faced intimidation and has received threats. Shortly after André Michel's release on October 23, 2013, a member of the Office of the Prosecutor declared to the press that the July 2013 arrest warrant, which had never been executed, would be carried out. He continues to work under the risk of being arrested.
146. In July 2013, an arrest warrant was issued against André Michel for his alleged involvement in a murder. His client, the complainant in the corruption case, was arrested on the same charge and remains in detention.⁶⁴

India

Noor Mohammad, Muhammad Shoaib, Zayfarayab Jilani and A M Faridi

147. In November 2008, the Law Society intervened on behalf of four lawyers, Noor Mohammad, Muhammad Shoaib, Zayfarayab Jilani and A M Faridi, who were being harassed, intimidated and assaulted. The police were complicit in the attacks against lawyers. The lawyers defended Muslim clients accused of

⁶⁴ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 21 November 2013) at 143 – 147.

terrorist acts, despite the fact that some of India's bar associations implemented bans preventing lawyers from representing these clients.

148. These bans are contrary to the fundamental right to be considered innocent until proven guilty. Lawyers should not be intimidated by their colleagues in the course of the legitimate discharge of their professional duties.⁶⁵

Iran

149. Over the years, the Law Society has intervened on behalf of a number of lawyers and human rights organizations in Iran who have represented political prisoners and groups. In particular, the Law Society continues to intervene and monitor Nasrin Sotoudeh's case.

Nasrin Sotoudeh

150. In both September 2010 and October 2013, the Law Society intervened on behalf of Nasrin Sotoudeh.
151. On September 4, 2010, Nasrin Sotoudeh, a prominent human rights lawyer, was arrested. She is known for defending juveniles facing the death penalty, prisoners of conscience and children victims of abuse. Nasrin Sotoudeh also represented several political activists and protesters who were arrested in the aftermath of the disputed presidential election in Iran in 2009. She is also a member of the Iranian Women's Rights Movement "One Million Signature Campaign" which collects signatures from Iranians opposed to the country's discriminatory laws against women.
152. She chose to represent clients who many lawyers were afraid to defend. She represented several political activists and protesters who were arrested in the aftermath of the disputed presidential election in Iran in 2009. Her clients included journalist Isa Saharkhiz, Nobel Peace Prize laureate Shirin Ebadi, and

⁶⁵ Law Society of Upper Canada, "Letter of Intervention and Public Statement" (November 2008).

Heshmat Tabarzadi, head of the banned opposition group Democratic Front of Iran.

153. Nasrin Sotoudeh was sent to the Evin prison court, where she had been summoned by the Revolutionary Prosecutor's Office on charges of "propaganda against the State" and "collusion and gathering with the aim of acting against national security, and membership in the Centre for Human Rights Defenders". After her questioning by a magistrate, she was arrested. Her lawyer was not permitted to be present during the questioning.
154. In January 2011, she was sentenced to 11 years in prison, and given a 20 year ban on practicing law as well as a 20 year ban on foreign travel. An appeals court later reduced her sentence to 6 years.
155. A few days prior to her arrest, she had reported to the International Campaign for Human Rights in Iran that the Iranian authorities were using tax harassment against human rights lawyers in order to limit their working conditions. She gave the example of lawyer Shirin Ebadi, who was subjected to the payment of taxes of hundreds of thousands of dollars on the money she had been granted for her Nobel Peace Prize.⁶⁶

Kenya

Haroun Ndubi

156. The Law Society intervened on behalf of Haroun Ndubi after he received a death threat as a result of his criticism of the elections and his public interest work regarding the election's irregularities in Kenya.
157. On February 6, 2008, Haroun Ndubi lawyer and member of the Kenya Domestic Observers Forum received a death threat along with Muthoni Wanyeki, Executive Director of the Kenya Human Rights Commission ("KHRC"), Gladwell Otieno,

⁶⁶Law Society of Upper Canada, "Nasrin Sotoudeh Letters of Intervention and Public Statement" (September 2010, 30 October 2013).

Director of the Africa Centre for Open Government, Njeri Kabeberi, Executive Director of the Centre for Multi-Party Democracy/ the death threat was also directed at Maina Kiai, the former Chairman of KHRC and Chair of the Kenya National Commission on Human Rights, Ndung'u Wainaina, member of the National Convention Executive Council, James Maina, member of Bunge La Mwananchi (the People's Parliament), and David Ndii, co-founder and Director of the Kenya Leadership Institute, a non-profit organization that seeks to raise-awareness on public policy issues, and author of a report on the last elections' irregularities.

158. Haroun Ndubi received anonymous calls threatening to cut off his head if he did not stop talking about the results of the Kenyan general election, which was held on December 27, 2007. In addition to commenting on election irregularities, Haroun Ndubi also drew attention to the human rights abuses that occurred during the violence that followed the elections.⁶⁷

Peru

Francisco Soberon

159. The Law Society intervened on behalf of Francisco Soberon, a Peruvian human rights lawyer and recipient of the French National Order of Merit Award. He also established the Asociación Pro Derechos Humanos ("APRODEH"). The purpose of the APRODEH is to combat the continued human rights abuses, including routine beatings, torture, "disappearances" and arbitrary detentions, prevalent in Peru.
160. Francisco Soberon was involved in prosecuting former Peruvian President Fujimori for ordering two massacres that killed 25 people in the 1990s. Senior government officials threatened him and made derogatory remarks about him and the APRODEH. He was subjected to harassment. The Peruvian government

⁶⁷ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 March 2008) at 12–14.

attempted to have the APRODEH classified as a terrorist organization but the European Parliament refused the request.⁶⁸

Russia

Sapiyat Magomedova

161. The Law Society has intervened on behalf of Sapiyat Magomedova, a criminal and human rights lawyer, in November 2010, April 2012 and July 2013. Her law firm is known for taking on cases relating to abductions, torture and extrajudicial executions in the Northern Caucasus region of Dagestan in Russia.
162. Sapiyat Magomedova represents victims in highly sensitive cases. She has defended individuals suspected of involvement with the insurgency in Dagestan and who have been tortured by the police. As a result of discharging her professional duties, Sapiyat Magomedova has experienced a continued pattern of harassment and intimidation.
163. Sapiyat Magomedova was assaulted by police inside Khasavyurt town police station on June 17th, 2010. She traveled there to visit a client but was denied access. She was subsequently taken to a security checkpoint by four police officers from the special intervention unit. They then beat her until she was unconscious. As a result, Sapiyat Magomedova was hospitalized for several weeks.
164. In October 2010, Sapiyat Magomedova challenged the legality of the prosecutor's decision to open a criminal case against her. Reports indicated several procedural violations occurred during court hearings. For instance, the hearing of her application began later than is legally mandated and only after a lawyer representing Sapiyat Magomedova contacted the court about it. The first hearing on November 1, 2010 was adjourned and has since been delayed twice.

⁶⁸ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada 26 June 2008) at 18 –19.

165. On March 14, 2012, she learned that the criminal investigations against both her and the officers had been closed several months prior. However, she had not been notified. At that time, Sapiyat Magomedova and her colleague Musa Suslanov were working on a high profile criminal case, representing the families of five men who were killed. On May 19, 2013, Musa Suslanov received a text message from an unknown mobile phone number, telling him and his colleague to withdraw from the case if they wished to stay alive.⁶⁹

Sudan

166. The Law Society intervened in Sudan in October 2006 and November 2013. In both cases, the lawyers were working to defend their clients while they were harassed and, in some cases, detained.

Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat Dafaalla and Mohamed Badawi

167. Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat Dafaalla and Mohamed Badawi are lawyers and members of the Amel Centre for the Treatment and Rehabilitation of Victims of Torture. This organization provides legal aid to victims of torture and sexual violence. Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat Dafaalla and Mohamed Badawi have all been harassed, threatened and summoned to security offices and detained. Sometimes the detentions lasted hours, days and were also detentions incommunicado.
168. In May 2006, officers from the National Security Bureau ("NSB") in Nyala, Southern Darfur, summoned Mossaad Mohamed Ali for questioning. He was detained and remained in detention until May 20, 2006. He was denied access to his family and to legal counsel. Security officers denied the United Nations Mission in Sudan ("UNMIS") an opportunity to meet with him. No reason was

⁶⁹ Law Society of Upper Canada, "Sapiyat Magomedova Letters of Intervention and Public Statements" (November 2010, April 2012, July 2013).

given as to why Mossaad Mohamed Ali was summoned, arrested and held incommunicado.

169. On July 27, 2006, Mossaad Mohamed Ali and volunteer lawyers at the Amel Centre, Rasha Souraj and Ebtisam Alsemani were accused of sending false reports and of disclosing information of a military nature. They were then warned that their case had been given to the police and that they would likely be arrested following a police investigation.
170. On August 1, 2006, Mossaad Mohamed Ali and Najat Dafa Alla were accused of spreading false information and of being a threat to public security. It is believed that they were being investigated for their work in defending the rights of five individuals from the Otash camp, who were detained after participating in a demonstration against the Darfur Peace Agreement, on May 30 and 31, 2006.⁷⁰

Adam Sharief

171. Adam Sharief is a lawyer and the coordinator of the Darfur Bar Association in South Darfur. According to reports, he was arrested on September 26, 2013 and held without charge. Adam Sharief has not been granted access to a lawyer.
172. Six days before his arrest, Adam Sharief participated in an interview with independent radio station, Radio Dabanga. During this interview, he criticized the Governor of South Darfur for the lack of security in Nyala, the capital of South Darfur. His criticism was linked to the protests that broke out in Nyala on September 18, 2013, after Ismail Ibrahim Wadi, a prominent local businessman and the president of the local football team, his son and nephew were killed. Protestors said the militia employed by the local authorities were responsible for the killings. Adam Sharief also criticized the use of live ammunition by security

⁷⁰ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 26 October 2006) at 21– 24; Law Society of Upper Canada, "Letters of Intervention and Public Statement" (October 2006).

forces on September 19, 2013, to disperse demonstrators that gathered around the South Darfur government offices to call for the Governor to resign.

173. Adam Sharief's detention is linked to his advocacy on behalf of those at the protest and for exercising his right to freedom of expression.⁷¹

Syria

174. In both February 2010 and January 2011, the Law Society intervened in Syria on behalf of lawyers, who were providing legal services and challenging the government on its human rights record. In both cases, the lawyers were working to defend their clients while they were harassed and, in some cases, detained.

Haytham al-Maleh

175. Haytham al-Maleh is a 78 year old Syrian human rights lawyer who has been imprisoned by Syrian authorities for "weakening national sentiment", "spreading false information" and insulting the President and the judiciary. At the time of his arrest, Haytham al-Maleh was defending Muhannad al-Hassani, another human rights lawyer and President of the Syrian Human Rights Organization ("SHRO"), who was being tried on charges related to his work defending the rights of political prisoners.
176. On October 13, 2009, an officer from the Political Security, Syria's Intelligence Services, contacted Haytham al-Maleh, and told him to report to the Political Security's branch in Damascus. He refused to go. The next day he disappeared. Initially, Haytham al-Maleh's whereabouts were unknown, but on October 18, 2009 the Syrian authorities acknowledged they are holding him.
177. Haytham al-Maleh has been imprisoned and harassed by the Syrian authorities for his human rights work before. He was imprisoned from 1980-1986 for his

⁷¹ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada 21 November 2013) at 148.

work for the Freedom and Human Rights Committee of the Syrian Lawyers Union.⁷²

Radeef Moustafa

178. Radeef Moustafa is the president of the Kurdish Committee for Human Rights and coordinator of the Syria Coalition against Capital Punishment. He provides pro bono legal services to human rights defenders in Syria, such as Muhannad Al-Hassani.
179. In response to Radeef Moustafa's activities in support of human rights defenders and the Kurdish minority in Syria, he has experienced ongoing harassment from Syrian authorities. He has been subjected to travel restrictions and most recently was summoned for a disciplinary hearing on December 19th 2010 with the Syrian Bar Association. The grounds for referral include membership in a non-licensed organization, incitement against Syrian authorities through his writing and harming national unity by publishing unfounded news. He is also accused of committing crimes against state security.
180. Muhannad Al-Hassani was the target of similarly disputed procedures by the Syrian Bar Association. He was eventually disbarred and imprisoned. This disciplinary action against Radeef Moustafa is similarly viewed as an act of harassment by the Syrian Bar Association.⁷³

Tunisia

181. The Law Society intervened on behalf of a Tunisian lawyer who was exercising his right to freedom of expression.

Mohammed Abbou

182. Mohammed Abbou, a lawyer and member of the National Council for Civil Liberties in Tunisia, was arrested in March 2005 as a result of an article he

⁷² Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee, (Toronto: Law Society of Upper Canada, 28 January 2010) at 20 – 21.

⁷³ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 January 2011) at 22 – 23.

published online. In November 2005, the United Nations Working Group on Arbitrary Detention concluded that Mohammed Abbou's detention was arbitrary and in violation of international law.

183. In April 2006, Mohammed Abbou was sentenced to three years and six months in prison. While in detention, he undertook several hunger strikes in protest at the conditions of his detention. He continues to face harassment and ill treatment by the prison administration.⁷⁴

Thailand

184. The Law Society has previously intervened on behalf of human rights defenders in Thailand and is always concerned when lawyers face reprisals for representing clients in politically sensitive cases.

Robert Amsterdam

185. Robert Amsterdam has acted for many clients involved in politically sensitive circumstances. He was legal counsel to former Prime Minister of Thailand Thaksin Shinawatra, political prisoners like Eligio Cedeno of Venezuela and Singapore's Dr. Chee Soon Juan.
186. As a result of his work, Robert Amsterdam has been intimidated and harassed. He has threatened with legal action for representing former Prime Minister of Thailand Thaksin Shinawatra. Despite the outcome of the July 2011 general election in Thailand, there are still concerns for his personal safety.⁷⁵

Turkey

187. In both October 2012 and June 2013, the Law Society intervened on behalf of lawyers in Turkey who were facing reprisals for providing advice to their clients.

⁷⁴ Law Society of Upper Canada, "Mohammed Abbou Letter of Intervention and Public Statement" (October 2006).

⁷⁵ Law Society of Upper Canada, "Robert Amsterdam Letter of Intervention and Public Statement" (16 August 2011).

Lawyers Defending Kurdish Minority

188. Turkish lawyers who defend their client's civil and political rights in politically sensitive cases are subjected to judicial harassment. Defence lawyers representing imprisoned Kurdistan Workers Party ("PKK") leader, Abdullah Öcalan, have been particularly at risk. At least 68 lawyers have been the subject of more than one hundred criminal cases since 2005 that accuse them of violating Article 314 of the Turkish Penal Code ("TPC") and Articles 6 and 7 of the Anti- Terrorism Law ("ATL"), and of "complicity with a terrorist organisation."
189. In November and December 2011, a police operation aiming to dismantle an alleged terrorist network known as the Kurdish Communities Union started. The police operation targeted lawyers involved or believed to be providing legal services to Abdullah Öcalan. A total of 41 lawyers were arrested and subsequently charged as part of this police operation. Three persons employed by the accused lawyers were also arrested. The law offices and houses of the lawyers were searched. Confidential files were consulted by the police and some were sealed.
190. A total of 46 lawyers, including the lawyers previously detained, along with three legal workers and one journalist have been collectively charged and are being tried together. All the parties charged are either of Kurdish origin or represent clients in cases related to the Kurdish issue, and the accusations and charges are all founded on the legal representation of Abdullah Öcalan.
191. On November 26, 2011, the lawyers were brought before the court. Thirty-three of the detained lawyers were refused a provisional release. The others were released. However, the public prosecutor objected to the provisional release of lawyers, Mehmet Ayata and Mahmut Alınak. The court issued detention orders and these lawyers were re-arrested on December 8, 2011. Mehmet Sabir Tas, who was abroad when the arrests occurred, was arrested and detained when he

went to the public prosecutor to give his statement on November 30, 2011. On December 8, 2011, 36 lawyers and one journalist were still in custody.⁷⁶

Lawyers Denouncing Repression

192. More than 50 lawyers were arrested on June 11, 2013 for protesting at Caglayan Justice Palace to denounce the repression of the Occupy Gezi protestors. Reportedly, many of the lawyers were beaten and kicked on the ground by police and their clothes were torn.⁷⁷ Increasingly, lawyers in Turkey are being harassed for their advocacy and exercising their right to freedom of expression.

United Arab Emirates

193. The Law Society intervened in September 2012 and July 2013 on behalf of lawyers working in the United Arab Emirates ("UAE").

Mohamed 'Abdullah al-Roken, Dr. Mohamed al-Mansoori and Salem al-Shehhi

194. Dr. Mohamed 'Abdullah al-Roken acted as defence counsel for five UAE residents who were arrested in April 2011 for posting articles on an online forum that were critical of the UAE government and called for political reform. In retaliation, he was prevented from lecturing at University of Al Ain. On July 17, 2012, as Dr. al-Roken was driving to the police station in Dubai to tell the police that his son and brother-in law were missing, he was arrested by authorities. He learned that both his son and brother-in-law had also been detained.
195. Dr. Mohamed al-Mansoori is the former head of the UAE Jurists' Association. He was fired from his position as legal advisor to the government of Ras Al Khaimah in January 2012 after he criticized restrictions on freedom of speech in the UAE during a television interview. He has been barred from traveling since October 2007 and the government has refused to renew his passport. On July 16, 2012,

⁷⁶ Law Society of Upper Canada, *Report to Convocation*, Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 25 October 2012) at 196 – 198.

⁷⁷ Law Society of Upper Canada, "Turkey: Lawyers Letters of Intervention and Public Statement" (June 2013).

Dr. al-Mansoori left the house to run an errand when he was approached by plainclothes officers and taken into custody. Afterwards, 25 to 28 officers searched his house and seized laptops, an iPad and papers.

196. Salem al-Shehhi, a lawyer, was arrested on July 18, 2012, when he went to the State Security Prosecutor's office to ask about his clients, Dr. al-Mansoori and Dr. al-Roken.⁷⁸

Human Rights Lawyers Speaking Out

197. The Law Society intervened on behalf of 94 lawyers, activists and human rights defenders. Since March 4, 2013, 94 government critics, many of them lawyers, have been on trial for violating the Penal Code provision which prohibits founding, organizing, or operating a group that aims to overthrow the country's political system. Approximately 60 of those arrested are connected to the Reform and Social Guidance Association (al-Islah), a peaceful group that advocates for greater adherence to Islamic precepts. At least 64 of the defendants were arrested and held in undisclosed locations for up to a year prior to the trial, some in extended periods of solitary confinement. Reports indicate that at least some of them had also been subjected to torture and ill-treatment while in custody. Many of the defendants were also denied legal assistance for several months, and when they eventually did see a lawyer, it was done so in the presence of a representative of the State Security Prosecutor, contrary to Emirati law and international fair trial standards.
198. Independent observers and international media were barred from attending the trial, which has been plagued by allegations of unfairness and a lack of due process. The lawyers for the defendants further identified that their case files had

⁷⁸ Law Society of Upper Canada, "United Arab Emirates Letters of Intervention and Public Statement" (September 2012).

been tampered with. Relatives of the defendants were also barred from attending the trial. If convicted, the defendants could face up to 15 years imprisonment.⁷⁹

Vietnam

Nguyen Van Dai and Le Thi Cong Nhan

199. The Law Society intervened on the behalf of Nguyen Van Dai and Le Thi Cong Nhan in August 2007. Both these lawyers were known for defending protestors. On November 13, 2006, Nguyen Van Dai, reported that he had been interrogated by police for days in the run up to the Asia Pacific Economic Cooperation Leaders' Summit which was held in Hanoi, Vietnam, in November 2006. The next day, ten security police officers surrounded Nguyen Van Dai's home and posted signs marked 'No Foreigners.' He was prohibited from having visitors until the last day of the Summit.
200. Prior to his arrest in March 2007, Nguyen Van Dai started the blog "the Reporters without Borders Blog" where he posted his essay on political parties. On March 6, 2007, security forces raided his home and arrested him for "conducting propaganda against the Socialist Republic of Vietnam".⁸⁰
201. On May 11, 2007, Nguyen Van Dai and Le Thi Cong Nhan, a lawyer and spokesperson for the Progression Party, were sentenced in the Ha Noi People's Court. Nguyen Van Dai was sentenced to 5 years in prison and 4 years house arrest. Le Thi Cong Nhan was sentenced to 4 years in prison and 3 years house arrest, for "spreading propaganda against the State".

Zimbabwe

202. The Law Society intervened to promote the rule of law in Zimbabwe on July 26, 2001. The intervention was made shortly following the release of the *International*

⁷⁹ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 June 2013).

⁸⁰ Law Society of Upper Canada, "Nguyen Van Dai and Le Thi Cong Nhan Letters of Intervention and Public Statement" (7 August 2007).

Bar Association Report on Zimbabwe – 2001, which outlined the results of a fact finding mission organized by the Human Rights Institute of the International Bar Association. Since then, the Law Society has intervened on behalf of Beatrice Mtetwa and Arnold Tsunga.

Beatrice Mtetwa

203. Beatrice Mtetwa is a human rights lawyer and the former president of the Law Society of Zimbabwe. She also represented Prime Minister Morgan Tsvangirai, Zimbabwean President Mugabe's main political rival.
204. On March 17, 2013, Beatrice Mtetwa was arrested while attempting to assist her clients. The arrest took place on the day following Zimbabwe's constitutional referendum. The new constitution would curb the powers of the president and limit presidential power to two five-year terms. Both Zimbabwean President Robert Mugabe and his rivals were in favour of the new constitution.
205. The day after the referendum, police arrested four senior aides of President Mugabe's main political rival, Prime Minister Morgan Tsvangirai. When Beatrice Mtetwa was called to the home of Prime Minister Tsvangirai's chief legal advisor, where police were conducting a search, she was arrested and charged with "obstructing or defeating the course of justice". Beatrice Mtetwa asked the police officers to produce a search warrant and an inventory list of items that had been removed by the police. Officers accused her of trying to photograph security officers. She was handcuffed and forced into a police vehicle. Reports also state that police confiscated her mobile phone, which contains privileged solicitor-client information.
206. On March 25, 2013, a high court judge finally decided to grant bail to Beatrice Mtetwa under three conditions: that she post a \$500 bail, that she reside at a given address and that she not interfere with the ongoing investigations.

According to reports, at 1:40 p.m. on March 25, 2013, Beatrice Mtetwa was finally released from prison.⁸¹

Arnold Tsunga

207. The Law Society has followed Arnold Tsunga's career. He is the recipient of the Human Rights Watch award in 2006. In March 2007, the Law Society invited Arnold Tsunga, then Executive Director of the Zimbabwe Lawyers for Human Rights and Acting Executive Secretary of the Law Society of Zimbabwe, to make a presentation at the Law Society on the rule of law in Zimbabwe.
208. Arnold Tsunga met with the directors of the Law Society. The Law Society agreed to collaborate with the Law Society of Zimbabwe to assist it in strengthening its self-regulation capabilities and the independence of the legal profession in Zimbabwe.
209. As a human rights lawyer, Arnold Tsunga helped document human rights abuses in Zimbabwe and has brought them to the attention of the international community. He worked for the International Commission of Jurists and was elected a member of the Zimbabwean parliament in 2013.
210. Zimbabwean police arrested Arnold Tsunga around July 20, 2013. He was running for the Movement for Democratic Change of Prime Minister Morgan Tsvangirai in the eastern city of Mutare. He was detained at Dangamvura police station along with his campaign team for allegedly holding an unauthorised rally. Police have stated their intention to transfer Arnold Tsunga and his colleagues to Mutare Central Police Station. The Law Society of Zimbabwe has also indicated that another Movement for Democratic Change activist and lawyer, Jacob Mafume, was barred from holding a campaign rally in a Harare suburb.⁸²

⁸¹ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 25 April 2013) at 390 – 392.

⁸² Law Society of Upper Canada, “Arnold Tsunga Letters of Intervention and Public Statement” (July 2013).

Advocating For Prisoners of Conscience

211. Prisoners of conscience are confronted by systemic barriers to accessing justice. These individuals are imprisoned because of the non-violent expression of their consciously held beliefs. Other times they are imprisoned because of their race, sexual orientation, religion or political views.

Equatorial Guinea

Fabián Nsue Nguema

212. In November 22, 2012, the Law Society intervened on behalf of Fabián Nsue Nguema, a prominent lawyer and human rights defender. He has acted as defense counsel for a number of political opponents and prisoners of conscience. He is also a leading member of Unión Popular ("UP"), a political party that monitors and exposes human rights violations.⁸³
213. In March 2004, he represented a group of people accused of attempting a coup. He also represented Simon Mann, a British citizen who was jailed in 2008 for plotting to overthrow the President. He was defence counsel for four UP members who were accused of having attacked the Presidential Palace in February 2009.
214. Throughout his representation of prisoners of conscience, Fabián Nsue Nguema has been harassed, detained and arrested. In April 2002, he was arrested on his way to defend a group of political prisoners. A few months later, he was arrested and tried for defaming the President and given a one year prison sentence. In June 2005, the Bar Association in Equatorial Guinea arbitrarily suspended his license alleged misconduct. The International Bar Association issued a statement in July 2005 stating they believed Fabián Nsue Nguema's disbarment was politically motivated.⁸⁴

⁸³ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 22 November 2012) at 74 – 76.

⁸⁴ *Ibid.*

215. On October 22, 2012, Fabián Nsue Nguema received a call from the Inspector general of National Security notifying him he could visit an imprisoned client, Augustin Nzogo, who was connected to a non-governmental organization called Transparency International France. While at the prison, he disappeared. Later authorities confirmed he was in prison. Fabián Nsue Nguema has not been charged. He has no access to his lawyer or his family.⁸⁵

Iran

Saleh Kamrani

216. The Law Society intervened in February 2007 on behalf of Saleh Kamarani, an Iranian Azerbaijani lawyer who was harassed, arrested and imprisoned by Iranian authorities. Saleh Kamrani represented a number of Iranian Azerbaijanis who have been detained in connection with their political or cultural activities and has defended members of other ethnic groups. He defended high profile prisoners of conscience such as Iranian Arab writer Yusuf Azizi Bani Torof and Persian human rights defender Mohsen Sazegara.
217. Iranian security forces have continually harassed Saleh Kamrani. He has been threatened with arrest. His telephone conversations, correspondence and contacts were monitored. He was interrogated and threatened by security officials whenever he left or returned to Iran, was been prevented from leaving Iran on several occasions, and has also been detained.
218. On June 14, 2006, as Saleh Kamrani left his office to give an interview, he was accosted by three plain-clothes men. They handcuffed him and forced him into their car. He was then taken to Evin prison and neither his family nor his lawyer was notified. Four days later, the Ministry of Intelligence acknowledged Saleh Kamrani 's detention.

⁸⁵ *Supra* note 83.

219. While in prison, he was held in solitary confinement and subjected to psychological torture. He spent 97 days in solitary confinement. He went on a hunger strike for seven days.⁸⁶

Nasser Zarafshan

220. Lawyer Nasser Zarafshan's ongoing detention prompted the Law Society to intervene on his behalf in February 2007. He was imprisoned in Evin prison since August 2002 and released in March 2007.
221. Nasser Zarafshan is a human rights lawyer, an author and a translator. He is a distinguished member of the Iranian Writers' Association, Kanoon, a member of the Committee on Serial Killings in Iran and a member of the Iranian Bar Association. He represented families of two Iranian writers who were assassinated in November 1998. Nasser Zarafshan was charged with publishing information about the assassinations in December 2000 and was imprisoned. In February of 2002, he was tried in a closed door military court. While in prison he was severely beaten.⁸⁷

Abdolfattah Soltani

222. Abdolfattah Soltani is a well-known Iranian human rights lawyer. He represents the family of Zahra Kazemi, an Iranian-Canadian photojournalist murdered in Iran. In October 2003, the Iranian Parliament released its inquiry into the death of Zahra Kazemi and concluded that Saeed Mortazavi, Prosecutor General of Tehran, and other members of the judiciary were directly involved in her death.
223. On July 27, 2005, two warrants were issued for his arrest. Abdolfattah Soltani was charged with releasing "secret and classified national intelligence information" in connection with his work defending an espionage case. He was arrested on July 30, 2005 when he took part in a sit-in protest at the Bar of

⁸⁶ Law Society of Upper Canada, "Saleh Kamrani Letter of Intervention and Public Statement" (February 2007).

⁸⁷ Law Society of Upper Canada, "Nasser Zarafshan Letter of Intervention and Public Statement" (February 2007).

Tehran. When he was imprisoned, he was held in solitary confinement for three months.

224. After seven months in prison, Abdolfattah Soltani was released temporarily following a bail hearing. His bail had originally been set at 8 billion Rials (about \$870,000 US), an amount that far exceeded normal bail requirements, but it was later reduced to 1 billion Rials (about \$109,504 US) due to pressure from his lawyers. On April 5, 2006, Abdolfattah Soltani appeared in court for the first time. Leading up to his trial, his lawyers were barred from accessing his case file. In addition to the charge of espionage, he was also charged with 'insulting the regime', "propaganda against the regime", and 'acting against national security'.
225. On July 16, 2006, Iran's Revolutionary Court acquitted him of espionage but convicted him of "disclosing confidential documents" and sentenced him to four years in prison. He was also convicted of 'propaganda against the system' and given an additional one year prison sentence.
226. As a human rights lawyer, Abdolfattah Soltani represented Akbar Ganji, during the journalist's imprisonment and long hunger strike. He also represented the imprisoned Iranian-American academic Haleh Esfandiari.⁸⁸

Shirin Ebadi

227. In June 2008, the Law Society intervened on behalf of Shirin Ebadi, who was awarded the 2003 Nobel Peace Prize for her work promoting women's rights, children's rights and refugee rights.
228. In April 2008, Shirin Ebadi received death threats aimed at curtailing her human rights work. As a renowned human rights lawyer, she advocated on behalf of dissidents of the Iranian regime, and religious minorities such as the Baha'is. She

⁸⁸ Law Society of Upper Canada, "Abdolfattah Solanti Letter of Intervention and Public Statement" (February 2007).

was defence counsel in various child abuse cases and provided legal representation in censorship.

229. She often represented prisoners of conscience and their families. She represented the family of Dariush Forouhar, a dissident intellectual and politician who was found stabbed to death at his home. She also represented the family of Ezzat Ebrahim-Nejad, who was killed in the Iranian student protests in July 1999. Finally, Shirin Ebadi also represented the family of murdered Canadian-Iranian photojournalist, Zahra Kazemi.⁸⁹

Kyrgyzstan

Tahir Asanov

230. The Law Society intervened in November 2010 on behalf of Tahir Asanov, who was defending an Uzbek man charged with killing the driver of a murdered police chief in June 2010. Violence erupted between Uzbek and ethnic Kyrgyz people which lead to the displacement of about 400,000 people in June 2010.
231. During a trial hearing on September 30, 2010, Tahir Asanov called for an inquiry into allegations that his client, along with others, was assaulted while in custody. After the hearing, Tahir Asanov was beaten outside the courthouse. Although police were present at the scene, they failed to intervene. Moreover, the Prosecutor General's Office claims that all necessary security measures were taken to protect Tahir Asanov.⁹⁰

Syria

Anwar al-Bunni

232. The Law Society intervened several times on behalf of Anwar al-Bunni, who is a lawyer and founding member of the Syrian Human Rights Association. He is also the head of the Committee for the Defence of Prisoners of Conscience.

⁸⁹ Law Society of Upper Canada, "Shirin Ebadi Letter of Intervention and Public Statement" (27 June 2008).

⁹⁰ Law Society of Upper Canada, "Tahir Asanov Letter of Intervention and Public Statement" (29 November 2010).

233. In 2006, the Law Society first intervened when Anwar al-Bunni was arrested after signing the *Beirut-Damascus Declaration*. This petition, drawn up by 274 Syrian and Lebanese human rights activists, asked Syria to improve its diplomatic relations with Lebanon by respecting Lebanon's independence and sovereignty. He was charged with "undermining national pride", "incitement to racial and sectarian hatred", and "slander of public administrative and governmental bodies"⁹¹
234. In 2008, the Law Society intervened again over the treatment of Anwar al-Bunni while in detention and the lack of due process at his trial. He was prevented from talking to his lawyer. He was targeted in prison and was not allowed to receive food, clothes or books, and refused access to the prison library.⁹²
235. Anwar al-Bunni represented many Syrian prisoners of conscience including: Riad al-Turk, Riad Seif, the owner of the independent newspaper *The Lamplighter*, Kurdish protestors and Damascus Spring activist Aref Dalila.

Muhannad al-Hassani

236. In February 2010, the Law Society intervened on behalf of Syrian lawyer Muhannad al-Hassani. His work centered on defending Syrian political prisoners and exposing abuses in the Supreme State Security Court ("SSSC"), a special tribunal that handles politically sensitive cases and is not bound by a code of procedure. Although Muhannad al-Hassani was not representing a specific client at the proceedings, he attended and documented the SSSC proceedings. He was then charged with "weakening national sentiment" and "spreading false information" and arrested. Muhannad al-Hassani was both imprisoned and disbarred.⁹³

⁹¹ Law Society of Upper Canada, "Anwar Al-Bunni Letter of Intervention and Public Statement" (27 November 2006).

⁹² Law Society of Upper Canada, "Anwar Al-Bunni Letter of Intervention and Public Statement" (29 March 2008).

⁹³ Law Society of Upper Canada, "Muhannad al-Hassani Letter of Intervention and Public Statement" (2 February 2010).

Khalil Ma'touq

237. In July 2013, Khalil Ma'touq's ongoing imprisonment prompted the Law Society to intervene on his behalf. Khalil Ma'touq is a prominent human rights lawyer in Syria and Executive Director of the Syrian Centre for Legal Studies and Research. He provided legal services to victims of human rights violations in Syria, including the defense of hundreds of political prisoners, prisoners of conscience and journalists.
238. On October 2, 2012, Khalil Ma'touq, his assistant Mohammed Thatha and a friend left his home to go work. Khalil Ma'touq and Mohammed Thatha did not arrive for work. They disappeared. Since then, their families have been unable to obtain any information about their whereabouts. Although Syrian law only allows detention for the purposes of investigation for a maximum period of sixty days, Khalil Ma'touq has been in detention for more than 240 days. The ongoing silence of Syrian authorities heightens worries that the men are being subjected to torture. In late May 2013, people close to Khalil Ma'touq and Mohammed Thatha received a tip indicating that Khalil Ma'touq was indeed in detention and that his health was deteriorating. It is unknown whether Khalil Ma'touq is receiving any medical care for his lung condition.
239. The arbitrary arrest and detention of Khalil Ma'touq is part of a widespread pattern of enforced disappearance and repression of lawyers in Syria. It is estimated that at least 37 lawyers are currently detained in Syria. Since anti-government protests erupted in March 2011, upwards of 1,300 individuals have reportedly died in custody, and many more have been subjected to torture and ill-treatment in Syrian detention centres and prisons. Several human rights organizations have condemned Syria's ongoing persecution, harassment and imprisonment of human rights lawyers who are engaged in legitimate, peaceful legal duties and human rights work.⁹⁴

⁹⁴ Law Society of Upper Canada, "Khalil Ma'touq Letter of Intervention and Public Statement" (9 July 2013).

Razan Zaitouneh

240. Razan Zaitouneh is an award-winning human rights lawyer and writer who was abducted along with her husband, Wa'el Hamada, and two colleagues, Nazem Hamadi and Samira Khalil, by unknown individuals from a joint office of the Violations Documentation Centre ("VDC") and the Local Development and Small Projects Support ("LDSPS") in the Damascus suburb of Douma. (Douma is located in Eastern Ghouta, an area under the control of a number of armed opposition groups that is being besieged by government forces.) The VDC is an independent non-governmental organization that documents human rights abuses committed by the Syrian government. The LDSPS provides humanitarian assistance.
241. In 2011, Razan Zaitouneh was forced into hiding after receiving threats from the Syrian authorities. In recent months, she has received threats from at least one armed opposition group in Eastern Ghouta had.
242. Razan Zaitouneh has won several awards for her human rights work, including the 2013 International Women of Courage Award and the 2011 Sakharov Prize for Freedom of Thought. She largely defends political prisoners. Razan Zaitouneh is a co-founder of both the VDC and the LDSPS.⁹⁵

Vietnam

Le Quoc Quan

243. The Law Society intervened on behalf of Le Quoc Quan in February 2013, after learning he was subjected to arbitrary arrests, ongoing surveillance and harassment as a result of his human rights work. Le Quoc Quan writes a popular blog about human rights abuses. In 2007, Le Quoc Quan was disbarred following his return to Vietnam from the United States.

⁹⁵ Law Society of Upper Canada, "Razan Zaitouneh Public Statement" (February 2014).

244. On December 27, 2012, Le Quoc Quan was arrested while dropping his daughter off at school. The police advised his family that he would be charged under Article 161 of the Criminal Code, which relates to tax evasion.
245. On August 2012, Le Quoc Quan was beaten by two unidentified men with iron bars outside his home in Hanoi. In October 2012, security police and plain-clothed militia forced entry into the office of a firm that belongs to Le Quoc Quan and his two brothers. Police allegedly seized files and documents belonging to the firm, assaulted the staff and detained the brothers for interrogation. They returned at a later date and arrested Le Quoc Quan's brother, Le Dinh Quan, who is currently detained in Hoa Lo Prison No. 3.
246. On October 2, 2013, Le Quoc Quan was convicted. The entire trial took one day. He was sentenced to 30 months in prison and fined 1.2 billion dong (approximately \$59,000 USD), which was levied against the company where he is a director. The Hanoi Appeal Court upheld his conviction on February 18, 2014. Le Quoc Quan's conviction is believed to be politically motivated and intended to prevent him from continuing his legitimate human rights work.

Venezuela

Daniel Wilkinson

247. The Law Society intervened on November 7, 2008, after learning of the apprehension and deportation of lawyer Daniel Wilkinson, an American national and Managing Director of the Americas division at Human Rights Watch.
248. Daniel Wilkinson's deportation from Venezuela followed the release of a report by Human Rights Watch, entitled *A Decade under Chavez, Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*. He co-authored the report along with José Miguel Vivanco. Daniel Wilkinson's deportation is considered as

"evidence of the Venezuelan authorities' lack of tolerance for all forms of dissenting voices" and is linked to his work as a human rights lawyer.⁹⁶

Judges

Advocating For Judicial Independence

249. The judicial system cannot be subject to political pressures or influence. Citizens looking to the courts for remedies and justice must be confident the judiciary is free and independent.

Egypt

Hisham Bastawissi and Ashraf El-Baroudi

250. Human rights violations against judges in Egypt are not uncommon. In March 2008, the Law Society intervened on behalf of Justice Hisham Bastawissi and Justice Ashraf El-Baroudi. On February 7, 2008, reports indicated that restrictions had been placed on the freedom of movement of judges Hisham Bastawissi and Ashraf El-Baroudi. They were invited to attend a meeting on the independence of the judiciary organised by the Euro-Mediterranean Human Rights Network in Brussels from February 9 to 11, 2008. This event included a public seminar to be held at the European Parliament where both judges were expected to attend and speak. However, Egyptian authorities prohibited them from traveling.⁹⁷

Nauru

Magistrates

251. On January 19, 2014, Peter Law's, the Chief Magistrate and Supreme Court Register of Nauru, employment was terminated. The police then took him into custody and to the airport where he was deported. The Chief Justice of Nauru,

⁹⁶ Law Society of Upper Canada, "Daniel Wilkinson Letter of Intervention and Public Statement" (7 November 2008).

⁹⁷ Law Society of Upper Canada, "Hisham Bastawissi and Ashraf El-Baroudi Letter of Intervention and Public Statement" (March 2008).

Geoffrey Eames, issued an injunction preventing the removal of Peter Law from his position as Chief Magistrate and Supreme Court Register of Nauru. In response, Nauru's government revoked the visa of the Chief Justice and barred him from entering Nauru.

252. Both the removal and deportation of Peter Law and the revocation of the visa of the Chief Justice are linked to their administration and adjudication of asylum seeker cases. Prior to his removal and deportation, Peter Law was scheduled to hear the direction hearings of about 40 to 60 asylum seekers charged with rioting in 2013. As well, the revocation of the visa of Chief Justice Eames follows his issuance of an injunction stopping the Nauru government from removing and deporting Peter Law.⁹⁸

Spain

Justice Baltasar Garzón

253. The Law Society intervened on behalf of Justice Baltasar Garzón in April 2012. He was convicted of abuse of power on February 9, 2012 as a result of his involvement in a high-profile corruption case. Justice Garzón ordered that the monitoring of the conversations between detainees and their lawyers should be an exception to the rule protecting attorney-client privilege.
254. This is not the first time that Justice Garzón has been the subject of a criminal prosecution as a result of discharging his duties as a judge. Justice Garzón was recently acquitted of abuse of power for ordering an investigation of Franco-era human rights abuses.⁹⁹

⁹⁸Law Society of Upper Canada, "Nauru Letter of Intervention and Public Statement" (February 2014).

⁹⁹Law Society of Upper Canada, "Justice Baltasar Garzón Letter of Intervention and Public Statement" (30 April 2012).

Sri Lanka

Madam Justice Shirani Bandaranayake

255. In January 2013, the Law Society intervened on behalf of Madam Justice Shirani Bandaranayake, former Chief Justice of Sri Lanka. Justice Bandaranayake, the first female Chief Justice of Sri Lanka, was appointed on May 18, 2011. In October 2012, a parliamentary motion to impeach her was submitted.
256. President Mahinda Rajapaksa's United People's Freedom Alliance party had enough seats for the impeachment to succeed. The government declined to give full details of why it was moving against Justice Bandaranayake, but government spokesman Keheliya Rambukwella said Chief Justice Bandaranayake 's behaviour and conduct in the past year had "affected the sovereignty of the people", without giving further details. Critics say the move is evidence of the ruling party's attempt to stifle the courts' independence.
257. A large crowd gathered outside the Supreme Court in November 2012 denouncing what they see as President Rajapakasa's intention to cut the judiciary down. In October 2012, a judge was assaulted by a gang in Colombo after publicly saying that the government was putting direct pressure on the judiciary. Chief Justice Bandaranayake came under fire after delaying passage of a key bill, which would place previously devolved development funds under the minister of economic development, who is also one of the president's brothers. In December, a Parliamentary Select Committee found Chief Justice Bandaranayake guilty of professional misconduct, unexplained wealth and misuse of power.
258. Reports indicate that the case against Chief Justice Bandaranayake is part of a pattern of attacks and threats against members of the judiciary and lawyers and interference in their work. The steps that were taken towards impeaching the

Chief Justice appear to be the culminating point of a series of attacks against the judiciary for asserting its independence.¹⁰⁰

Venezuela

Justice Maria Lourdes Afiuni

259. The Law Society has intervened on behalf of Justice Maria Lourdes Afiuni in June 2010, January 2012 and July 2013. Justice Afiuni's case first gained international attention when she was arrested by Venezuelan intelligence officers, on December 9, 2009, after ordering the conditional release pending trial of Eligio Cedeño. Cedeño's detention was declared arbitrary in September 2009 by the United Nations Working Group on Arbitrary Detention, which cited violations of his right to a fair trial.¹⁰¹
260. Justice Afiuni released Cedeño because he had been in pre-trial detention for nearly three years, which was in violation of a two-year limit prescribed by Venezuelan law. As a result, Justice Afiuni was charged with corruption, being an accessory to escape, criminal conspiracy and abuse of power. In addition to these charges, she has been denied a public defender. Appearing before Government officials and broadcast on national television and radio, Venezuelan President, Hugo Chávez, demanded that Justice Afiuni be sentenced to a 30-year prison term, even if new legislation was required to achieve that result. He also suggested that he had instructed the Attorney General and the President of the Supreme Court to punish Justice Afiuni as severely as possible to prevent similar actions by other judges.¹⁰²
261. Justice Afiuni was imprisoned. She was given a conditional release by the Tribunal 17 de Juicio de Caracas on June 14, 2013. Reports indicate that her

¹⁰⁰ Law Society of Upper Canada, *Report to Convocation* (January 24, 2013) by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 24 January 2013) at 324 – 26.

¹⁰¹ Law Society of Upper Canada, "Justice Afiuni Letters of Intervention and Public Statements" (June 2010, January 2012 and July 2013).

¹⁰² *Ibid.*

conditional release was granted on health grounds, following a request from the Attorney General.

Promoting the Rule of Law

262. The rule of law is fundamental to creating an environment for peace, liberty and freedom. It is the foundation upon which the judicial system is built.

Colombia

Judge Diego Fernando Escobar Munera

263. The growing violence against judges prompted the Law Society to intervene on behalf of Justice Diego Fernando Escobar Munera who was murdered in broad day light in the city of Medellin while waiting for a taxi. Justice Munera spent 19 years in the judiciary. He was known for his transparency, honesty and dedication to justice. His death was linked to the systematic targeting of judges.¹⁰³

Pakistan

Asma Jahangir

264. On July 3, 2012, the Law Society intervened on behalf of Asma Jahangir, a prominent human rights lawyer. Persons within Pakistan's military and intelligence agencies plotted to kill her. As an advocate of the Supreme Court of Pakistan and President of Supreme Court Bar Association of Pakistan, Asma Jahangir tirelessly promotes the rule of law. She established an independent Human Rights Commission of Pakistan and AGHS Legal Aid, the first free legal aid centre in Pakistan.
265. In addition, she was the United Nations Special Rapporteur on Extrajudicial, Arbitrary and Summary Executions from 1998 to 2004 and the United Nations Special Rapporteur on Freedom of Religion or Belief from 2004 to 2010. Asma Jahangir acted as a defence lawyer for Husain Haqqani, Pakistan's ambassador

¹⁰³ Law Society of Upper Canada, "Justice Munera Letters of Intervention and Public Statement" (3 June 2010).

to the United States who was forced to resign by the Pakistani military. She was targeted because of her human rights work and dedication to promoting the rule of law in Pakistan.¹⁰⁴

Challenging Corruption

266. When judges challenge corruption, they are working to ensure the efficacy and integrity of the judicial system. There can be no access to justice if the judicial system is corrupt.

Brazil

Threats against Brazilian Judges

267. In November 2011, the Law Society intervened on behalf of Brazilian judges who face threats of violence, attempted assassinations, disappearances and assassination. Many of Brazil's judges are working under a climate of intimidation and insecurity. Justice Patricia Aicoli was murdered by masked assailants. She was shot 21 times in front of her home in Niteroi, Rio de Janeiro. Her murder is reported to be in retaliation for her adjudication in the trials and convictions of members of the "Milicias" and in particular the murder investigation of an 18 year-old man that involved several police officers. Justice Aicoli was known for her tough stance against police corruption.¹⁰⁵

Pakistan

Chaudhry Zulfiqar Ali

268. In July 2013, the Law Society sent a letter of intervention regarding the death of Chaudhry Zulfiqar Ali, Chief Prosecutor and former Deputy Director of the Federal Investigation Agency ("FIA"). He was shot in his car by unidentified assailants, near his home in Islamabad.¹⁰⁶

¹⁰⁴ Law Society of Upper Canada, "Asma Jahangir Letters of Intervention and Public Statement" (3 July 2012).

¹⁰⁵ Law Society of Upper Canada, "Judge Patricia Aicoli Letter of Intervention and Public Statement" (9 November 2011).

¹⁰⁶ Law Society of Upper Canada, *Report to Convocation*, by Equity and Aboriginal Issues Committee (Toronto: Law Society of Upper Canada, 27 June 2013) at 5 – 7.

269. Chaudhry Zulfiqar Ali had a reputation for determinedly pursuing cases against suspects with powerful and sometimes militant connections, despite receiving repeated death threats. In his roles both as deputy director and chief prosecutor at the FIA, he was heavily involved with several high profile and dangerous prosecutions. He acted as the government's lead prosecutor in the 2008 terrorist attack in Mumbai, India, which killed 166 people. The investigation into this case involved a probe into several members of the Lashkar-e-Taiba militant group, which was ongoing at the time of his murder.
270. He was also leading the prosecution against suspects in the 2007 assassination of former Pakistani Prime Minister, Benazir Bhutto. In connection with this case, the prosecutor was pursuing charges against several suspected Taliban militants, and had also recently ordered the arrest of former military ruler Pervez Musharraf. It is speculated in various news outlets that Chaudhry Zulfiqar Ali's killing may be connected to his involvement in these two particularly high profile cases.¹⁰⁷

¹⁰⁷ *Ibid.*

International Human Rights Advocates Expanding Access to Justice

271. Expanding access to justice is precarious work for many lawyers and judges in their countries. Tracking the whereabouts of human rights advocates and judges is difficult. Often these individuals go into hiding or have been disappeared. However, sometimes news reports or letters from the lawyers or judges families provide information into where the lawyers or judges are and how they are continuing their work of expanding access to justice.

China

Chen Guangcheng

272. In 2006, the Law Society intervened on behalf of Chen Guangchen, the human rights lawyer who is blind, who is known for advocating for women's rights, land rights and the welfare of the poor. Today, he is living outside of China. After escaping China to the American Embassy in Beijing, Chen Guangchen has been living in the United States where he has been granted asylum. For one year, he was a fellow at New York University and is now a visiting fellow at the Catholic University of America.¹⁰⁸ He continues to lecture and speak out on human rights issues and the need for legal reform in support of China's vulnerable populations.

Iran

Nasarin Sotoudeh

273. On January 13, 2013, Nasrin Sotoudeh, who was sentenced to a total of 11 years in prison and banned from both practicing law and leaving Iran for 20 years, was temporarily freed after spending more than two years in jail. She was reunited with her husband and two young children.¹⁰⁹ Nasarin Sotoudeh was among 11 political prisoners freed by the Iranian government. The year before,

¹⁰⁸ "Chen Guangcheng, Famed Activist, Says Shen Yun is Inspiring" *Epoch Times* (14 April 2014), online: <<http://www.theepochtimes.com/n3/620930-chen-quangcheng-famed-activist-says-shen-yun-is-inspiring/>>.

¹⁰⁹ "Iran: Nasrin Sotoudeh 'among freed political prisoners'", *The BBC* (18 September 2013), online: <<http://www.bbc.com/news/world-middle-east-24151298>>.

she was awarded the European Parliament's 2012 Sakharov Prize for Freedom of Thought.

274. On April 2, 2014, Iran's Intelligence Ministry summoned her in for questioning. This came days after a video of her voicing support for what she called "prisoners of conscience" was posted online. Nasarin Sotoudeh considers the summons to be illegal and has chosen not to comply at this time.¹¹⁰

Shirin Ebadi

275. In June 2008, the Law Society intervened on behalf of Shirin Ebadi. Four years later, she was awarded a degree of Doctor of Laws, *honoris causa* (LLD) by the Law Society during the June 15, 2012 Call to the Bar ceremony. Shirin Ebadi continues to speak out in defence of human rights and democracy.

Zimbabwe

Beatrice Mtetwa

276. In April 2013, The Law Society intervened on Beatrice Mtetwa's behalf. Beatrice Mtetwa, a prominent human rights lawyer and the former president of the Law Society of Zimbabwe, was arrested while attempting to assist her clients on March 17, 2013. She was released from prison on March 25, 2013.
277. In June 2013, she was tried for obstructing justice and being unruly to the police. Zimbabwe's prosecutors alleged that her shouting "'at the top of her voice,' saying what the police were doing was 'unconstitutional, illegal and unlawful,'" was preventing the police from doing their job. On November 26, 2013, the court dismissed the charges and stated that her presence did not prevent the police from doing their job.¹¹¹

¹¹⁰ "Iranian rights lawyer summoned by ministry", *Saudi Gazette* (2 April 2014), online: <<http://www.saudigazette.com.sa/index.cfm?method=home.regcon&contentid=20140402200547>>.

¹¹¹ "Beatrice Mtetwa: Zimbabwe lawyer acquitted", *BBC News* (26 November 2013), online: <<http://www.bbc.com/news/world-africa-25105987>>.

Responses to the Law Society's Interventions

278. From time to time, the Law Society receives responses to its intervention efforts.¹¹² Numerous lawyers from foreign countries have noted that public interventions from organizations such as the Law Society are helpful in informing the community that human rights violations of lawyers and judges do not go unnoticed.
279. The Law Society intervened in Justice Afiuni's case and received acknowledgements of the intervention. On December 9, 2009, Judge Maria Lourdes Afiuni was arrested by intelligence officers in Venezuela after ordering the conditional release pending trial of Eligion Cedeño. She was eventually committed to house arrest. The Law Society intervened in the case in May 2010 through a letter of intervention and a public statement. On December 13, 2011, a judge extended the measure of house arrest against Judge Afiuni by two years. The Law Society intervened again through a letter of intervention. There was a strong response to the Law Society's intervention. The public statement was released in newspapers in Venezuela and read on television. Justice Afiuni was also informed of the public statement and she expressed her gratitude for the Law Society intervention.
280. In 2012, the Law Society intervened in the case of lawyers in Myanmar who were disbarred as a result of their legitimate political and professional activities. These lawyers, who were reinstated to the practice of law, thanked the international community and the Law Society for their effort to assist them.

¹¹² To date, the Law Society has received four responses from foreign authorities to its letters of intervention. The Law Society sent an intervention letter dated November 27, 2006, to the government of the Philippines expressing concern over reports of attacks and killings of lawyers in the Philippines. The Law Society received a reply dated February 14, 2007, from the National President of the Integrated Bar of the Philippines, acknowledging receipt of the letter and thanking the Law Society for its concern. In February 2007, the Law Society sent a letter of intervention to the Georgian authorities in support of a lawyer who had been accused of corruption while he himself was investigating allegations of corruption in a prison. The Law Society received a reply dated March 28, 2007 from the Office of the Prosecutor General of Georgia assuring the Law Society that all necessary measures were being taken to ensure the interests of justice in this case. In 2011, the Law Society sent a letter of intervention to the President of the Republic of Colombia and received a letter indicating that the letter was sent to the Ministry of Foreign Affairs for their consideration. In July 2013, the Law Society intervened in the case of two lawyers in Russia and received a response from the General Investigative Directorate of the Investigative Committee of the Russian Federation for the North Caucasus Federal District indicating that they were considering the matter.

281. The Law Society has intervened a number of times in the cases of human rights lawyers in Iran who are facing harassment, arrest and imprisonment as a result of their work. When Dr. Shirin Ebadi was at the Law Society, she indicated to then Treasurer Pawlitza the importance of the Law Society intervening in support of lawyers in Iran.
282. More recently, the Law Society interventions in support of Madam Justice Bandaranayake in Sri Lanka received considerable media attention and were positively received.
283. The Law Society also received a response from the Law Society of England and Wales regarding its intervention in 2014 in the cases of lawyers who represent the LGBTI community in Uganda and Nigeria. The Law Society of England and Wales indicates its concern over the matter and has stated that it will monitor the situation. The Law Society has also been thanked by lawyers for its intervention in the case.



TAB 4

Report to Convocation June 26, 2014

Professional Regulation Committee

Committee Members

Malcolm Mercer (Chair)
Paul Schabas (Vice-Chair)
John Callaghan
Robert Evans
Julian Falconer
Janet Leiper
William C. McDowell
Ross Murray
Jan Richardson
Susan Richer
Peter Wardle

Purpose of Report: Decision and Information

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

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COMMITTEE PROCESS

1. The Professional Regulation Committee (“the Committee”) met on June 12, 2014. In attendance were Malcolm Mercer (Chair), John Callaghan, Robert Evans, Julian Falconer (by telephone), Janet Leiper, and Susan Richer. Brian Lawrie also attended the meeting.
2. Staff members attending were Elliot Spears, Zeynep Onen, Josée Bouchard, Naomi Bussin, and Margaret Drent.

FOR DECISION

AMENDMENT TO BY-LAW 11 TO ENFORCE PAYMENT OF COSTS

Motion:

3. That Convocation approve an amendment to By-Law 11, as set out in the motion at [Tab 4.1.1](#), to support the Law Society's authority to enforce the payment of costs under section 45.1 of the *Law Society Act*.

Introduction and Overview

4. On June 28, 2012, based on a report of the Joint Working Group on the issue of costs in regulatory proceedings, Convocation approved the authority for the Law Society to automatically suspend a licensee's licence for failure to pay costs within the time specified in an order until costs are paid in full, and the authority to permit licensees to apply for an extension of the time to pay costs.
5. The implementation of automatic suspension in the case of non-payment of a costs order made by a Law Society Tribunal required statutory as well as By-Law amendments. An amendment to the *Law Society Act* came into force on December 12, 2013 to add section 45.1 to the Act, which permits a licensee's licence to be automatically suspended if the licensee is ordered to pay costs and fails to comply with the deadline for payment provided for under the order or the by-laws.¹ The license is suspended until costs are paid in full.
6. New Section 45.1 of the *Law Society Act* is reproduced below.

Suspension for failure to comply with costs order

45.1 (1) A licensee's licence is suspended if the licensee is ordered to pay costs under section 49.28 and he or she fails to comply by the deadline for payment provided for under the order or the by-laws, as the case may be. 2013, c. 17, s. 12.

Non-application

¹ *Modernizing Regulation of the Legal Profession Act, 2013*, S.O. 2013, c. 17, online at http://www.e-laws.gov.on.ca/html/source/statutes/english/2013/elaws_src_s13017_e.htm.

(2) Subsection (1) does not apply unless the time for appealing the costs order has expired or, if an appeal of the costs order is commenced, unless the appeal is finally disposed of. 2013, c. 17, s. 12.

Start of suspension

(3) A suspension under subsection (1) begins on the following date:

1.If no appeal of the costs order is commenced, the later of the day after the time for commencing an appeal expires and the day after the deadline for payment.

2.If an appeal of the costs order is commenced and is finally disposed of, the day after the deadline for payment provided for on appeal or under the by-laws, as the case may be. 2013, c. 17, s. 12.

Notice

(4) The Society shall give notice of a suspension under subsection (1) to the licensee, and shall specify in the notice the date on which the suspension began. 2013, c. 17, s. 12.

Length of suspension

(5) A suspension under subsection (1) remains in effect until the licensee pays, to the satisfaction of the Society,

(a) the costs owing; and

(b) any other amount owed by the licensee to the Society under this Act. 2013, c. 17, s. 12.

Costs payable by instalment

(6) If costs are payable by instalment, a reference in this section to a deadline for payment of costs shall be read as a reference to a deadline for payment of any instalment of the costs. 2013, c. 17, s. 12.

7. In June 2014, the Professional Regulation and Paralegal Standing Committees reviewed and are recommending a draft amendment to By-Law 11 with regard to the provisions in s. 45.1. According to the amendment, the default deadline for payment of costs is one year from the date of the order (if not specified in the order). Further, the licensee may apply to the Executive Director, Professional Regulation to:
 - (a) extend the deadline for payment of costs
 - (b) set up payment plans for costs orders
 - (c) accept less than the full amount of cost ordered
 - (d) waive all or part of the interest due pursuant to an order.
8. As reported in the June 2012 report of the Joint Working Group on Costs, which included members of the Professional Regulation, Paralegal Standing, and Tribunals Committees,

the Law Society's objective in dealing with enforcement of costs is to enable the collection of costs owed pursuant to an Order of the Law Society Tribunal. Law Society jurisprudence is clear that the costs of discipline proceedings should not be borne by the professions at large. The new suspension provision creates a more effective process for regulation of licensees who fail to comply with these Orders. However, collection of costs remains the priority.

9. The Report acknowledged that in some cases, a licensee may be unable to comply with a costs order within a specified period for valid reasons.² For this reason, the By-Law grants flexibility to the Executive Director of the Professional Regulation Division to respond to applications by licensees regarding costs for the relief set out in the By-Law.

² June 2012 Professional Regulation Committee Report to Convocation (Report of the Joint Working Group on Costs), paragraphs 42 and 43.

Tab 4.1.1

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

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 26, 2014

MOVED BY

SECONDED BY

THAT By-Law 11 [Regulation of Conduct, Capacity and Professional Competence], made by Convocation on May 1, 2007 and amended by Convocation on June 28, 2007, February 21, 2008, April 24, 2008, October 30, 2008, January 29, 2009, October 28, 2010, April 25, 2013, May 30, 2013 and March 4, 2014, be further amended as follows:

1. The English version of the By-Law is amended by adding the following:

PART VII

DEADLINE FOR PAYMENT OF ORDERS FOR COSTS

Deadline for payment

58. (1) For the purposes of subsection 49.28 (3) of the Act, a licensee shall pay an order for costs, if not specified or otherwise provided for in the order, within one year of the date of the order.

Application by licensee

- (2) On application by a licensee in writing, the Executive Director, Professional Regulation may:
 1. Extend the deadline for paying costs provided for under an order for costs or under subsection (1).
 2. Establish a payment plan for the payment of an order for costs.
 3. Agree to accept an amount payable under an order for costs that, if paid by the licensee, satisfies the Society that the order for costs is paid in full.
 4. Waive all or a portion of the interest otherwise payable under an order for costs.

2. The French version of the By-law is amended by adding the following:

PARTIE VII

ÉCHÉANCE DE PAIEMENT DES ORDONNANCES D'ADJUDICATION DES DÉPENS

Échéance de paiement

58. (1) Pour l'application du paragraphe 49.28 (3) de la Loi, un titulaire de permis paie une ordonnance d'adjudication des dépens, sauf si l'échéance est précisée ou prévue autrement dans l'ordonnance, dans l'année qui suit la date de l'ordonnance.

Demande du titulaire de permis

(2) Sur demande écrite du titulaire de permis, la directrice ou le directeur administratif de la réglementation professionnelle peut :

1. Reporter l'échéance de paiement des frais fixée par une ordonnance d'adjudication des dépens ou fixée en vertu du paragraphe (1).
2. Établir des modalités de versement pour le paiement d'une ordonnance d'adjudication des dépens.
3. Accepter un montant payable en vertu d'une ordonnance d'adjudication des dépens qui, s'il est versé par le titulaire de permis, convainc le Barreau que l'ordonnance d'adjudication des dépens est payée en entier.
4. Supprimer en totalité ou en partie les intérêts par ailleurs payables en vertu d'une ordonnance d'adjudication.

FOR INFORMATION

ALTERNATIVE BUSINESS STRUCTURES WORKING GROUP STATUS REPORT

Introduction

10. This report provides an update on the recent activities of the Alternative Business Structures (ABS) Working Group, following Convocation's approval of the Working Group's report in February 2014.
11. The four initiatives approved by Convocation in February were:
 - a. consultation based on four ABS models and a subsequent report;
 - b. review by the ABS Working Group and the Professional Regulation Committee of Rules from the perspective of risk-based proportionality;
 - c. consideration of firm and entity regulation; and
 - d. consideration of compliance based regulation.
12. This report focuses on our ABS consultations, which have now begun. The first phase is an initial consultation which involves the preparation of additional written material and introductory meetings with stakeholder organizations. The second phase will be a more the formal Call for Input from a broader audience, based on written material to be prepared by the Working Group. The third phase is the Working Group's consideration of the results of the consultation and next steps, which may include recommendations to Convocation.
13. First phase meetings included Working Group presentations to the Treasurer's Liaison Group, the County and District Law Presidents Association plenary, the Ontario Trial Lawyers Association, the CBA First Annual Ethics Forum, the Ontario Bar Association Council, and an educational program for Ontario government lawyers. Other meetings with key organizations and interested stakeholders are being arranged.

14. The Law Society ABS web page is now live (www.lsuc.on.ca/abs/), and contains background materials available for public review. Additional resources will be added to the Law Society's web page over the course of the year.

Tab 4.3

FOR INFORMATION
REPORT OF THE EXECUTIVE DIRECTOR, PROFESSIONAL
REGULATION DIVISION, REGARDING COMPLAINTS
RECEIVED IN 2013

15. The report at [Tab 4.3.1](#) provides an analysis of the complaints against lawyers and paralegals received by the Professional Regulation Division in 2013.



PROFESSIONAL REGULATION

Report: Analysis of Complaints Received by Professional Regulation in 2013

Prepared by: Zeynep Onen
Date: June 12, 2014

This report provides an analysis of complaints against lawyers and paralegals received in the Professional Regulation Division (“Professional Regulation”) in 2013.

In **Section A**, all complaints against lawyers and paralegals received in Professional Regulation in 2013 are analyzed by

- a) the size of the firm in which the lawyers and paralegals practised; and
- b) the years the lawyers and paralegals had been in practice.

In **Section B**, the analysis focuses on the types of complaints against lawyers and paralegals received by Professional Regulation in 2013. The types of complaints received are analyzed by

- a) the size of the firm in which the lawyers and paralegals practised; and
- b) the years the lawyers and paralegals had been in practice.

In **Section C**, the analysis focuses on the area of law specified in the complaints against lawyers and paralegals received in Professional Regulation in 2013. The complaints listing an area of law are analyzed by

- a) the size of the firm in which the lawyers and paralegals practised; and
- b) the years the lawyers and paralegals had been in practice.

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

A. Complaints Received in 2013

In 2013, 5040 complaints were received in Professional Regulation. Of those complaints, 3896 were complaints against lawyers and 584 were complaints against licensed paralegals.

a) Complaints Received in 2013, according to Size of Firm

Lawyers

The following graphs analyze the complaints received against lawyers in 2013 according to the size of firm. For lawyers, firm sizes are defined as follows:

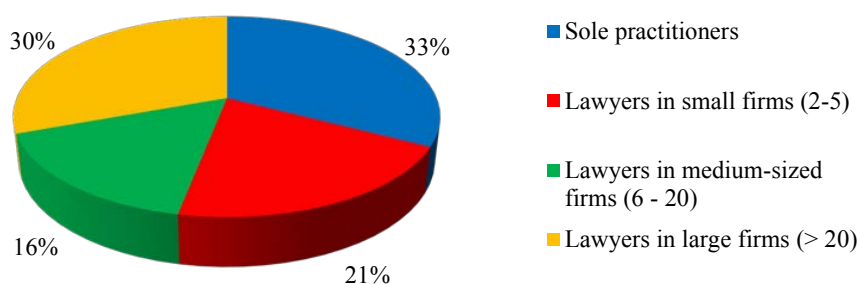
- Sole practitioner;
- Small firm (2 -5 licensees);
- Medium firm (6 – 20 licensees); and
- Large firms (> 20 licensees).

Findings

As at December 31, 2013¹, the Law Society's membership database listed the following number of lawyers in active practice with a firm size:

- 33% of lawyers were sole practitioners;
- 21% of lawyers were in small firms;
- 16% of lawyers were in medium-sized firms;
- 30% of lawyers were in large firms.

All Lawyers in practice (with firm size identified)

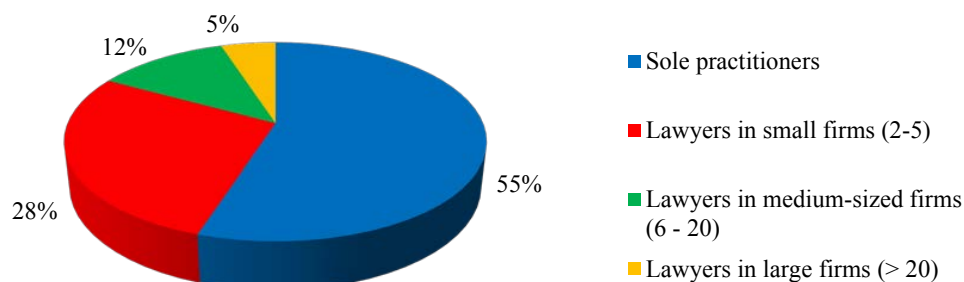


It is expected that the breakdown of lawyers who received complaints in Professional Regulation would mirror the above breakdown. However, as shown in the graph below, while sole practitioners and lawyers practising in small firms constitute 54% of all practising lawyers (i.e. 33% + 21%), over 80% of complaints against lawyers that are received in Professional Regulation involve lawyers practising in these two groups (i.e. 55% + 28%).

¹ As at December 31, 2013, there were 23,479 lawyers in active practice with a firm size designated in the Law Society's membership database

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

Lawyers in practice (with firm size identified) who received complaints in Professional Regulation in 2013



Paralegals

The following graphs analyze the complaints received against paralegals in 2013 according to the size of firm. For paralegals, firm sizes are defined as follows:

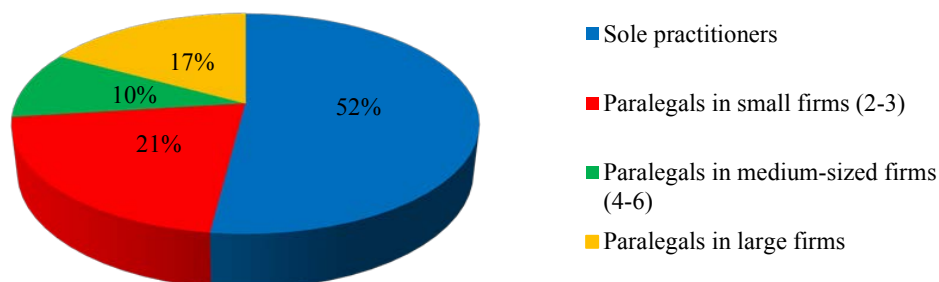
- Sole practitioner;
- Small firm (2 -3 licensees);
- Medium firm (4 – 6 licensees)
- Large firm (> 6 licensees).

Findings

As at December 31, 2013², the Law Society's membership database listed the following number of paralegals in active practice with a firm size:

- 52% of paralegals were sole practitioners;
- 21% of paralegals were in small firms;
- 10% of paralegals were in medium-sized firms;
- 17% of paralegals were in large firms.

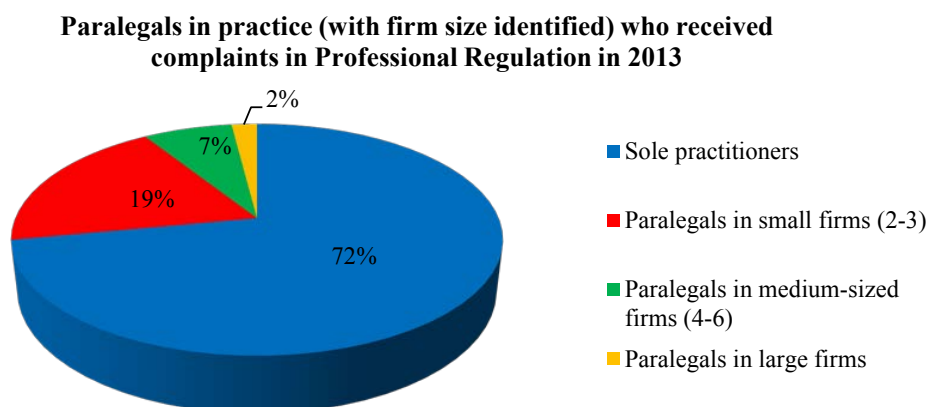
All Paralegals in practice (with firm size identified)



² As at December 31, 2013, there were 2,880 paralegals in active practice with a firm size designated in the Law Society's membership database.

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

It is expected that the breakdown of paralegals who received complaints in Professional Regulation would mirror the above breakdown. However, as shown in the graph below, while sole practitioners constitute 52% of all practising paralegals, over 70% of complaints against paralegals that were received in Professional Regulation involve paralegals practising in this group.



b) Complaints Received in 2013, according to Years in Practice

Lawyers

The following graphs analyze the complaints received against lawyers in 2013 according to the years in practice. For lawyers, the years in practice are grouped as follows:

- 0 – 5 years in practice;
- 6 – 10 years in practice;
- 11 – 15 years in practice;
- 16 – 20 years in practice;
- 21 – 25 years in practice;
- 26 – 30 years in practice; and
- Over 30 years in practice

Findings

As at December 31, 2013³, the breakdown of all lawyers in active practice by years of practice was:

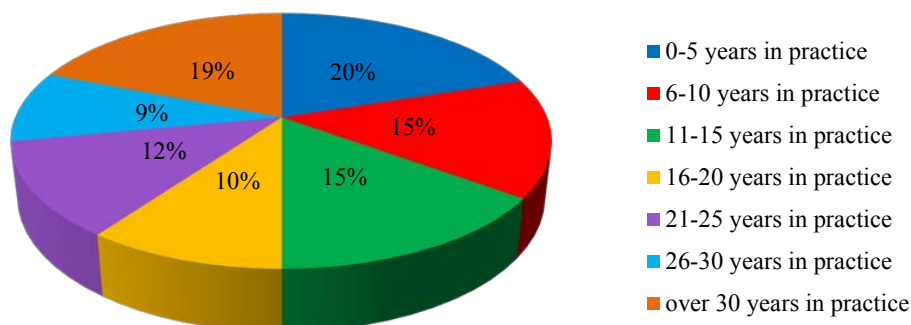
- 20% of all lawyers had been practising between 0 – 5 years;
- 15% of all lawyers had been practising between 6 – 10 years;
- 15% of all lawyers had been practising between 11 – 15 years;
- 10% of all lawyers had been practising between 16 – 20 years;
- 12% of all lawyers had been practising between 21 – 25 years;
- 9% of all lawyers had been practising between 26 – 30 years; and

³ As at December 31, 2013, there were 36,777 lawyers in active practice.

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

- 19% of all lawyers had been practising for more than 30 years.

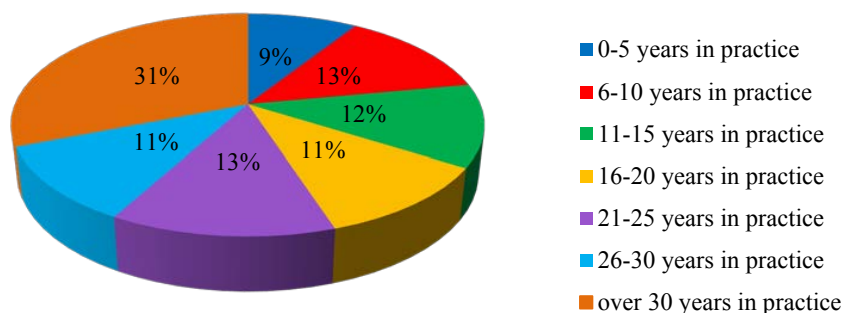
All Lawyers in practice (by years in practice)



It is expected that the breakdown of lawyers who received complaints in Professional Regulation would mirror the above breakdown. However, as shown in the graph below:

- Lawyers who have been in practice for up to 5 years make up 19% of all lawyers practising. However, this group only received 9% of all complaints received in Professional Regulation.
- At the other end of the spectrum, lawyers who have been in practice for more than 30 years received 31% of all complaints received in Professional Regulation. This group only constitutes 19% of all lawyers practising.

Lawyers in practice who received complaints in Professional Regulation in 2013, by years in practice



Paralegals

The following graphs analyze the complaints received against paralegals in 2013 according to the years since being licensed (i.e. years in practice). For paralegals, the years in practice are grouped as follows:

- 0 – 1 year;
- 2 – 3 years;

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

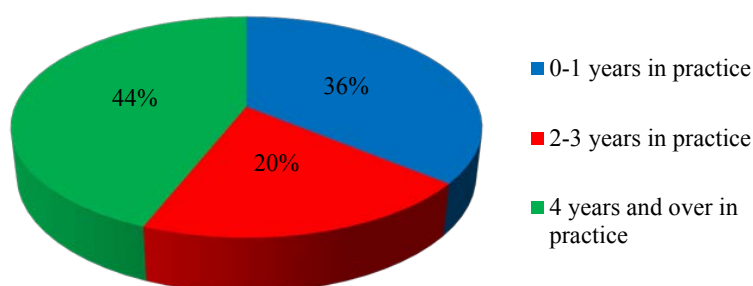
- 4 years and over.

Findings

As at December 31, 2013⁴, the breakdown of all paralegals in active practice by years of practice was:

- 36% of all paralegals had been licensed between 0 – 1 year;
- 20% of all paralegals had been licensed between 2 – 3 years;
- 44% of all paralegals had been licensed for 4 years or more.

All Paralegals in practice by years in practice



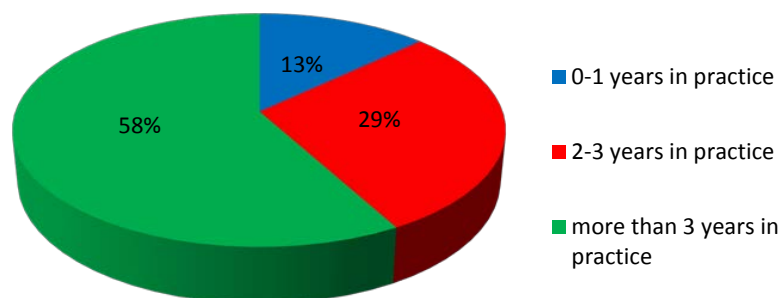
It is expected that the breakdown of paralegals who received complaints in Professional Regulation would mirror the above breakdown. However, as shown in the graph below:

- Paralegals who have been licensed to provide legal services for up to 1 year make up 36% of all licensed paralegals. However, this group only received 13% of all complaints received in Professional Regulation.
- At the other end of the spectrum, paralegals who have been licensed for 4 years or more received 58% of all complaints received in Professional Regulation while only constituting 44% of all paralegals.

⁴ As at December 31, 2013, there were 4,837 paralegals in active practice.

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

**Paralegals in practice who received complaints in
Professional Regulation in 2013, by years in practice**



Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

B. TYPES OF COMPLAINT

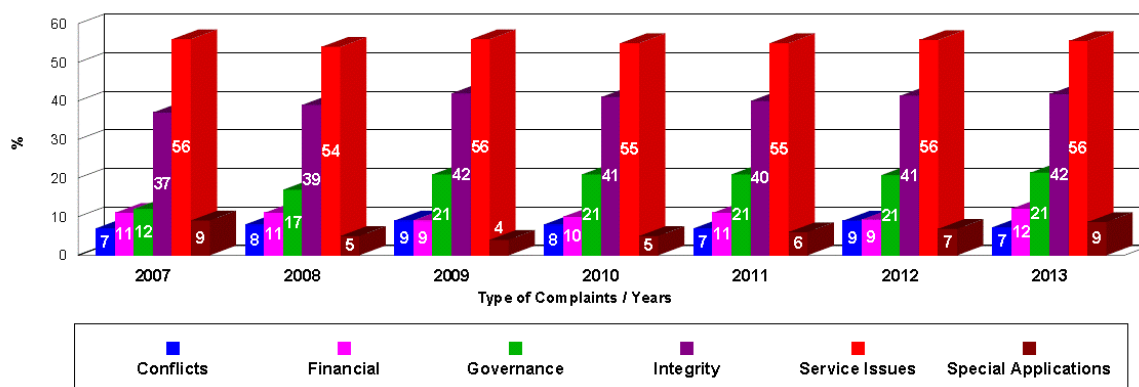
a) Complaints Received in 2007 to 2013 by Type of Complaint

Allegations raised in complaints received by Professional Regulation are classified according to a set of 6 case types. A list of these case types (and the corresponding allegations associated with the case types) is found at **Appendix A**.

The following chart and graph show the breakdown of complaints received in 2007, 2008, 2009, 2010, 2011, 2012 and 2013 by type of complaint. Note that one complaint can have more than one case type and, therefore, the percent for each year can total more than 100.

	2007	2008	2009	2010	2011	2012	2013
Total Number of Complaints received per year	6157	6796	6876	6762	6608	6528	6442
Total Number of Complaints listing a case type	4064	4094	4165	4210	4026	4138	4244
Conflicts	7% (287)	8% (328)	9% (354)	8% (327)	7% (306)	9% (372)	7% (309)
Financial	11% (427)	11% (455)	9% (357)	10% (414)	11% (480)	9% (381)	12% (513)
Governance	12% (497)	17% (716)	21% (883)	21% (902)	21% (881)	21% (859)	21% (909)
Integrity	37% (1521)	39% (1613)	42% (1741)	41% (1734)	40% (1623)	41% (1712)	42% (1773)
Service Issues	56% (2278)	54% (2198)	56% (2316)	55% (2321)	55% (2252)	56% (2310)	56% (2357)
Special Applications	9% (379)	5% (189)	4% (173)	5% (229)	6% (274)	7% (282)	9% (366)
Other Issues	12% (501)	5% (213)	6% (236)	5% (202)	3% (152)	4% (171)	4% (164)

Graph of the percent of complaints received in 2007 to 2013 by Type of Complaint



As the graph demonstrates, the distribution of the types of complaints is similar in each of the seven years: the highest proportion of complaints received relate to Services Issues while the lowest proportion of complaints received raise Conflict Issues.

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

b) Types of Complaints Received in 2013, according to Size of Firm

This section analyzes the distribution of the various types of complaints received against lawyers and paralegals by firm size. A breakdown of the total number of complaints received in each case type is attached at **Appendix B**.

Lawyers

The following graphs analyze the types of complaints received against lawyers in 2013 according to the size of firm. As noted previously, for lawyers, firm sizes are defined as follows:

- Sole practitioner;
- Small firm (2 -5 licensees);
- Medium firm (6 – 20 licensees); and
- Large firms (> 20 licensees).

The graphs compare the percent of complaints that we expected to find for lawyers in the particular size of firm with the percent of complaints that was actually observed.

Expected Findings

The calculation of the “expected finding” was based on the number of lawyers in active practice with a firm size designated in the Law Society’s membership database as at December 31, 2013.⁵ As of that date:

- 33% of lawyers were sole practitioners. Hence it was expected that 33% of complaints received would be against sole practitioners;
- 21% of lawyers were in small firms. Hence it was expected that 21% of complaints received would be against lawyers in small firms;
- 16% of lawyers were in medium-sized firms. Hence it was expected that 16% of complaints received would be against lawyers in medium-sized firms; and
- 30% of lawyers were in large firms. Hence it was expected that 30% of complaints received would be against lawyers in large firms.

Summary of Observed Findings

In the graphs that follow, a significant finding is noted by an asterisk (*) beside the firm size.

With respect to lawyers in sole practice, for all types of complaints, the observed percent of complaints received was significantly higher than the percent that was expected.

With respect to lawyers in large firms, for all types of complaints, the observed percent of complaints received was significantly lower than the percent that was expected.

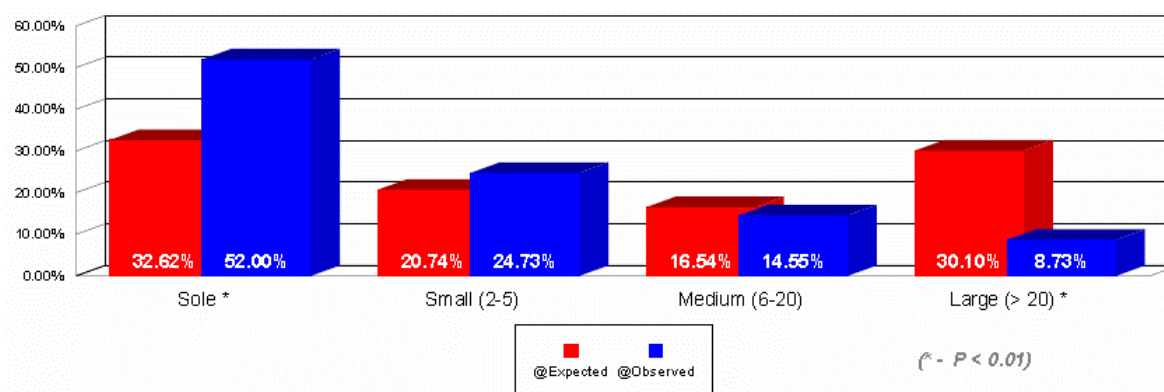
⁵ As at December 31, 2013, there were 23,479 lawyers in active practice with a firm size designated in the Law Society’s database.

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Analysis of Complaints Received by Professional Regulation in 2013

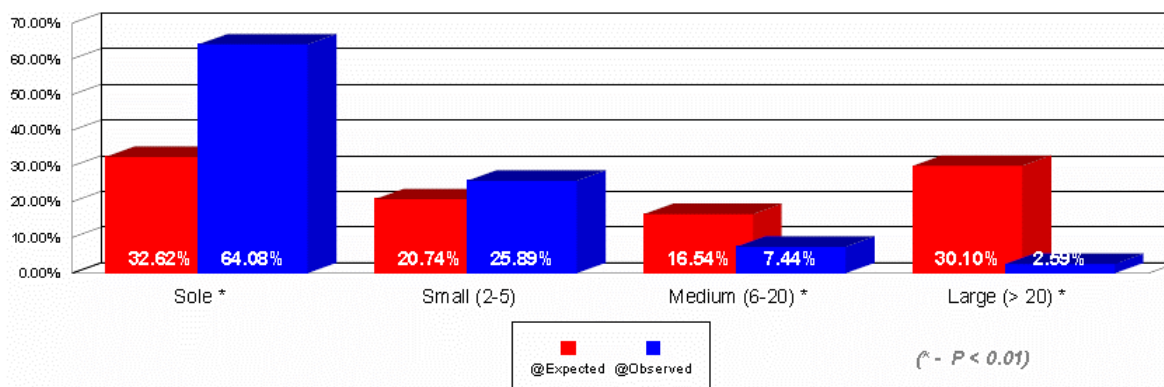
With respect to lawyers practising in small firms, the observed percent of complaints received was significantly higher than the percent that was expected only in complaints raising integrity and service issues.

With respect to lawyers practising in medium-sized firms, the observed percent of complaints received was significantly lower than the percent that was expected in all types of complaints except complaints raising conflict issues. The difference noted between the observed and expected findings for conflict issues was not significant.

Percent of complaints against Lawyers raising Conflict Issues received in 2013, by firm size

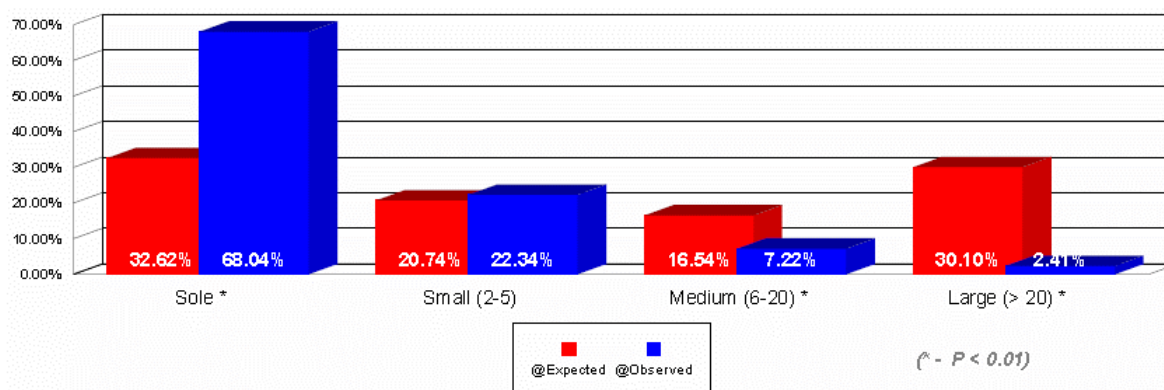


Percent of complaints against Lawyers raising Financial Issues received in 2013, by firm size

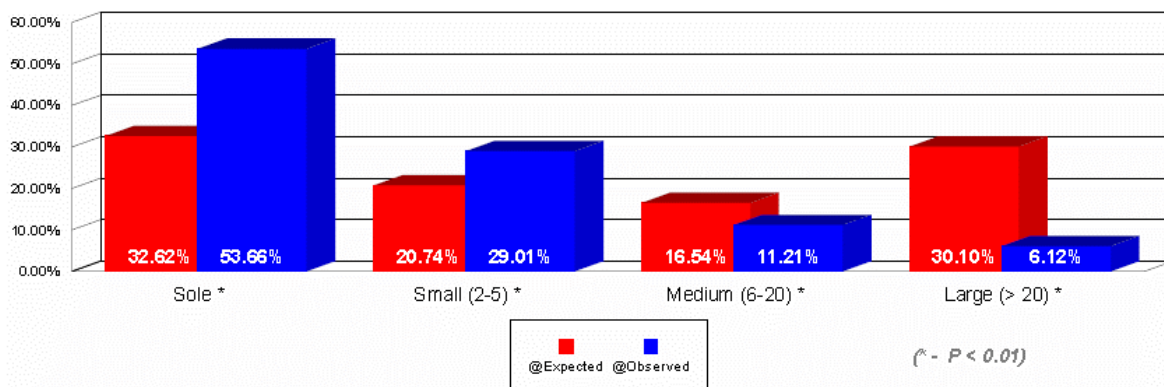


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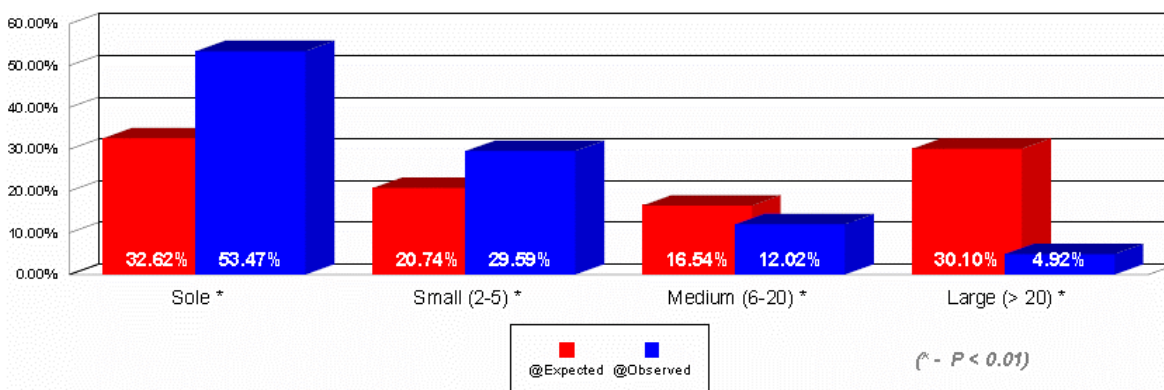
Percent of complaints against Lawyers raising Governance Issues received in 2013, by firm size



Percent of complaints against Lawyers raising Integrity Issues received in 2013, by firm size



Percent of complaints against Lawyers raising Services Issues received in 2013, by firm size



Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

Paralegals

The following graphs analyze the types of complaints received against paralegals in 2013, according to the size of firm. As noted previously, for paralegals, firm sizes are defined as follows:

- Sole practitioner;
- Small firm (2 -3 licensees);
- Medium firm (4-6 licensees); and
- Large firms (> 6 licensees).

The graphs compare the percent of complaints that we expected to find for paralegals in the particular size of firm with the percent of complaints that was actually observed.

Expected Findings

The calculation of the “expected finding” was based on the number of paralegals in active practice with a firm size designated in the Law Society’s membership database as at December 31, 2013.⁶ As of that date:

- 52% of paralegals were sole practitioners. Hence it was expected that 52% of complaints received would be against paralegals in sole practice;
- 21% of paralegals were in small firms. Hence it was expected that 21% of complaints received would be against paralegals in small firms;
- 10% of paralegals were in medium-sized firms. Hence it was expected that 10% of complaints received would be against paralegals in medium-sized firms; and
- 17% of paralegals were in large firms. Hence it was expected that 17% of complaints received would be against paralegals in large firms.

Summary of Observed Findings

In the graphs that follow, a significant finding is noted by an asterisk (*) beside the firm size.

The number of complaints which raised conflicts issues were too few to make any assessment of the differences between expected and observed findings.

With respect to complaints raising financial issues, there were no significant differences between expected and observed findings for licensed paralegals in any firm size.

Licensed paralegals providing legal services as sole practitioners received a significantly higher percent of complaints raising governance, integrity and service issues than was expected.

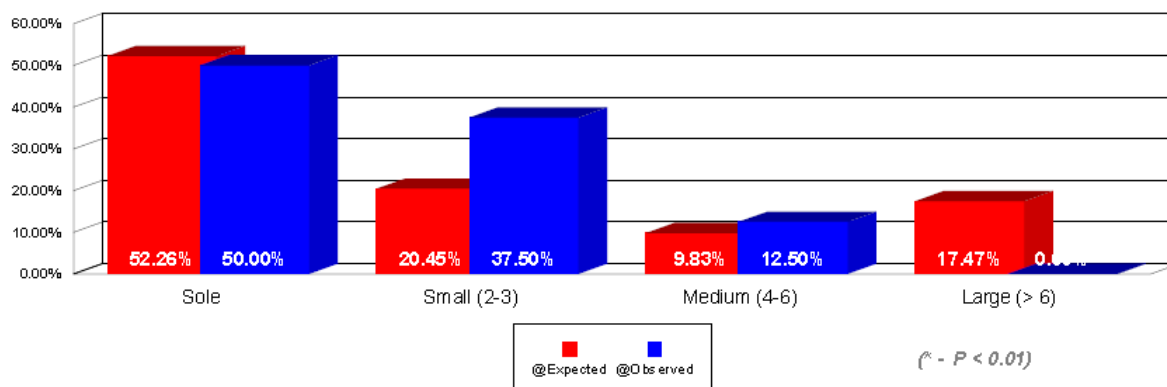
Licensed paralegals who provide legal services in a large firm received a significantly lower percent of complaints raising governance, integrity and services issues than was expected.

⁶ As at December 31, 2013, there were 2,880 licensed paralegals in active practice with a firm size designated in the Law Society’s database.

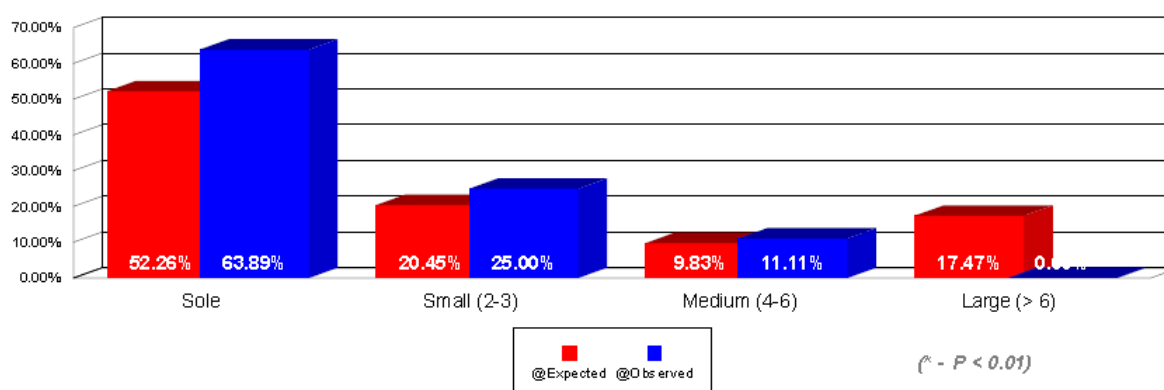
Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

With respect to licensed paralegals in small and medium-sized firms, no significant differences between expected and observed findings were noted in any type of complaint.

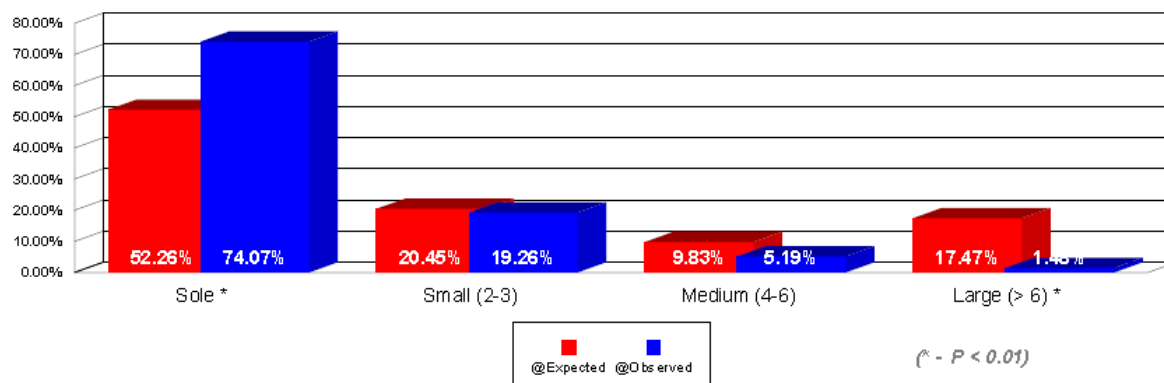
Percent of complaints against Paralegals raising Conflict Issues received in 2013, by firm size



Percent of complaints against Paralegals raising Financial Issues received in 2013, by firm size

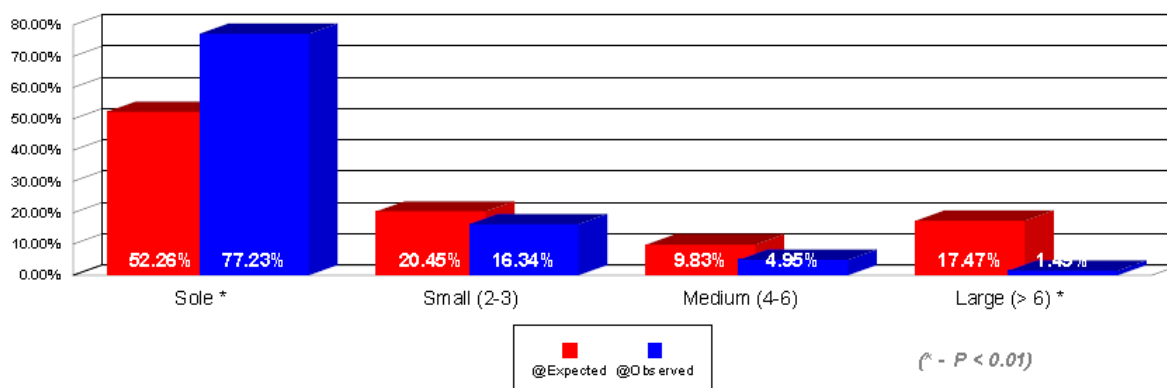


Percent of complaints against Paralegals raising Governance Issues received in 2013, by firm size

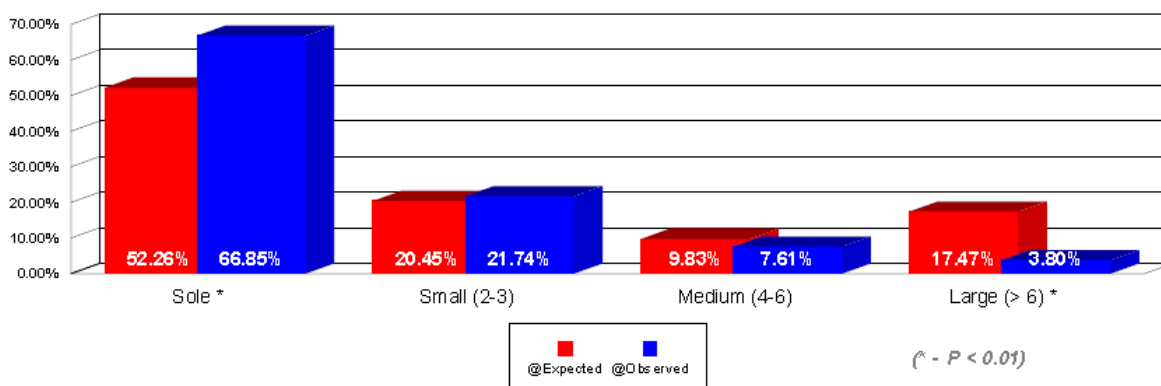


Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

Percent of complaints against Paralegals raising Integrity Issues received in 2013, by firm size



Percent of complaints against Paralegals raising Services Issues received in 2013, by firm size



c) Types of Complaints Received in 2013, according to Years in Practice

The following graphs analyze the percent of complaints received by lawyers and paralegals in 2013 in the top 5 case types (Conflicts, Financial, Governance, Integrity and Service Issues) according to the number of years since the licensee was licensed (“years in practice”). A breakdown of the total number of complaints received by each group in each of the complaint types in 2013 is attached at **Appendix C**.

Lawyers

The following graphs analyze the types of complaints received against lawyers in 2013 according to the years in practice. For lawyers, the years in practice are grouped as follows:

- 0 – 5 years in practice;
- 6 – 10 years in practice;
- 11 – 15 years in practice;
- 16 – 20 years in practice;
- 21 – 25 years in practice;

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

- 26 – 30 years in practice; and
- Over 30 years in practice.

The graphs compare the percent of complaints that we expected to find for lawyers in each of the identified groups with the percent of complaints that was actually observed.

Expected Findings

The calculation of the “expected finding” was based on the number of lawyers in active practice as at December 31, 2013.⁷ As of that date:

- 20% of lawyers had been practising between 0 – 5 years. Hence it was expected that 20% of complaints received would be against lawyers in this group.
- 15% of lawyers had been practicing between 6 – 10 years. Hence it was expected that 15% of complaints received would be against lawyers in this group.
- 15% of lawyers had been practising between 11 – 15 years. Hence it was expected that 15% of complaints received would be against lawyers in this group.
- 10% of lawyers had been practising between 16 – 20 years. Hence it was expected that 10% of complaints received would be against lawyers in this group.
- 12% of lawyers had been practising between 21 – 25 years. Hence it was expected that 12% of complaints received would be against lawyers in this group.
- 9% of lawyers had been practising between 26 – 30 years. Hence it was expected that 9% of complaints received would be against lawyers in this group.
- 19% of lawyers had been practising for more than 30 years. Hence it was expected that 19% of complaints received would be against lawyers in this group.

Summary of Observed Findings

In the graphs that follow, a significant finding is noted by an asterisk (*) beside the “years in practice” group.

With respect to lawyers who have been in practice for 5 years or less, the observed percent of complaints that was received was significantly lower than the percent of complaints that we expected this group to receive for all types of complaints.

With respect to lawyers who have been in practice for more than 30 years, the observed percent of complaints that was received was significantly higher than the expected finding for all types of complaints.

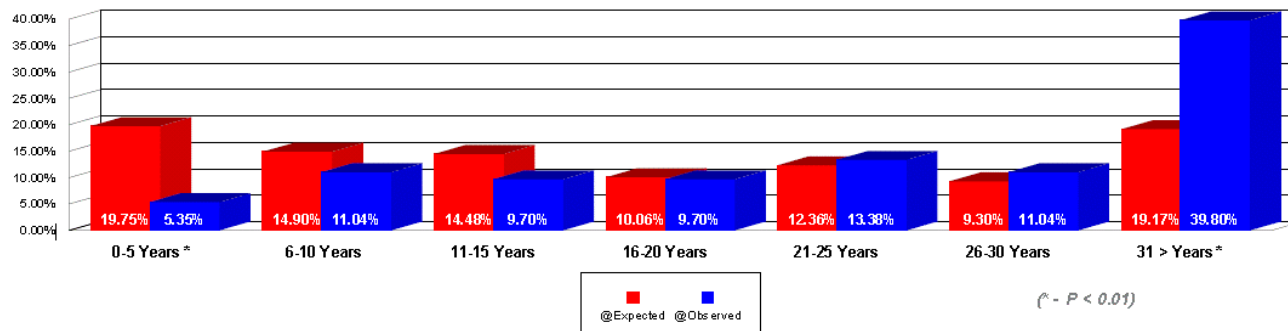
Lawyers who have been in practice for 11 to 15 years received a significantly lower percent of complaints raising service issues than was expected.

In the remaining groups, no significant differences were noted.

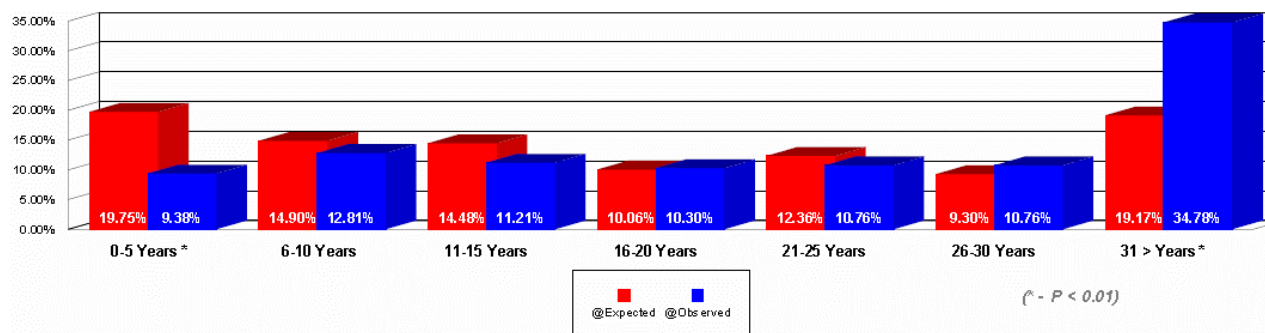
⁷ As of December 31, 2013, there were 36,777 lawyers in active practice.

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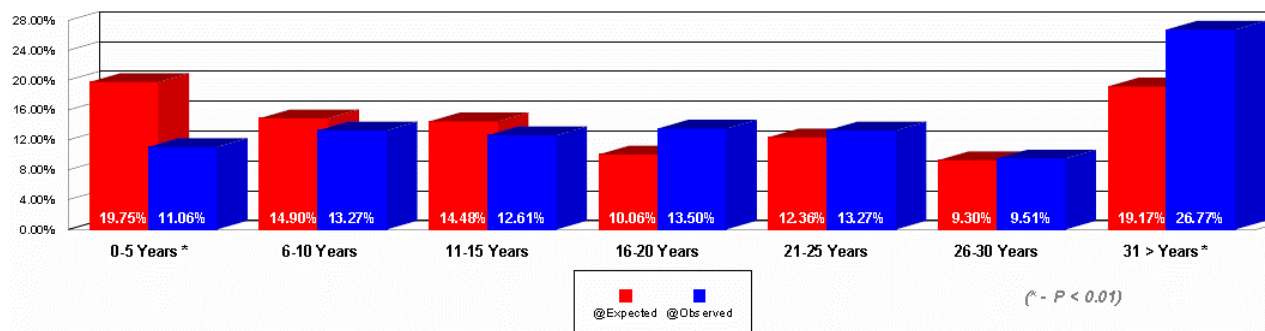
Percent of complaints against Lawyers raising Conflict Issues received in 2013, by years in practice



Percent of complaints against Lawyers raising Financial Issues received in 2013, by years in practice

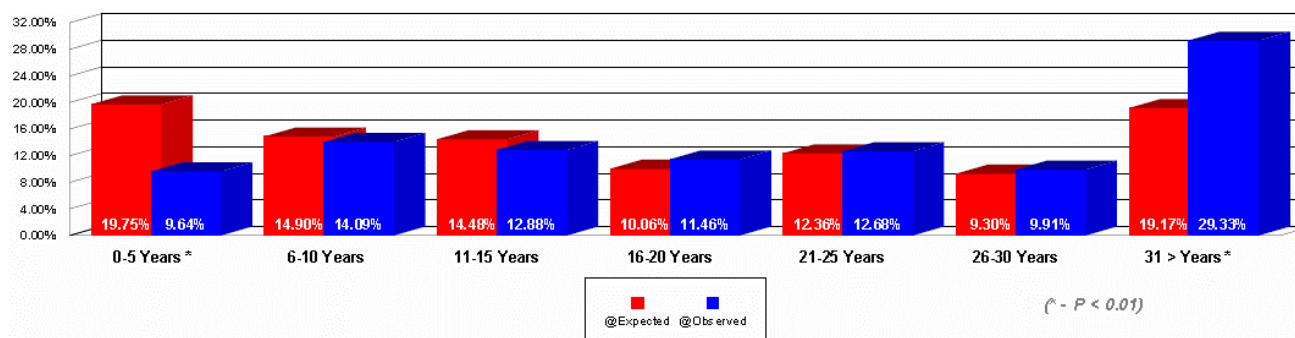


Percent of complaints against Lawyers raising Governance Issues received in 2013, by years in practice

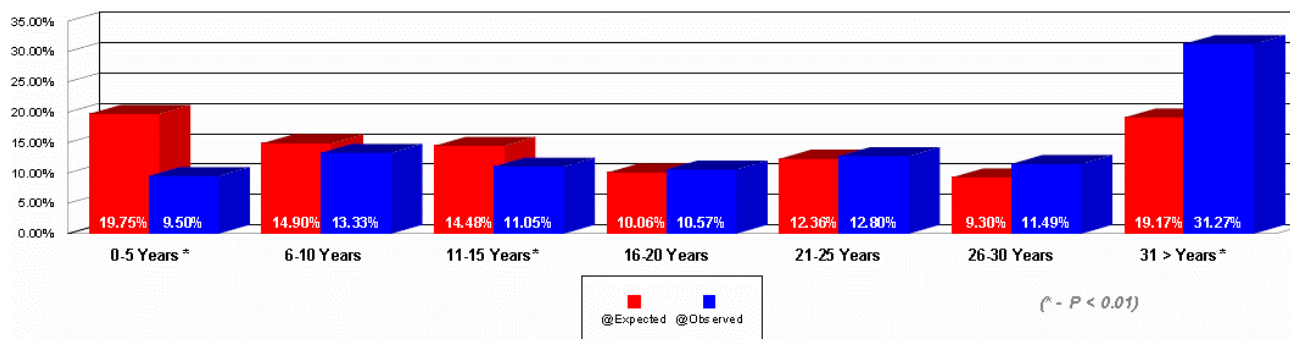


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Percent of complaints against Lawyers raising Integrity Issues received in 2013, by years in practice



Percent of complaints against Lawyers raising Services Issues received in 2013, by years in practice



Paralegals

The following graphs analyze the types of complaints received against paralegals in 2013 according to the years since being licensed (i.e. years in practice). For paralegals, the years in practice are grouped as follows:

- 0 – 1 year;
- 2 -3 years; and
- 4 years and over.

Expected Findings

The calculation of the “expected finding” was based on the number of paralegals in active practice as at December 31, 2013.⁸ As of that date:

- 36% of paralegals had been licensed between 0 – 1 year. Hence it was expected that 36% of complaints received against paralegals would be against paralegals in this group.

⁸ As of December 31, 2013, there were 4,837 licensed paralegals in active practice.

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- 20% of paralegals had been licensed between 2 – 3 years. Hence it was expected that 20% of complaints received against paralegals would be against paralegals in this group.
- 44% of paralegals had been licensed 4 years or more. Hence it was expected that 44% of complaints received against paralegals would be against paralegals in this group.

Summary of Observed Findings

In the graphs that follow, a significant finding is noted by an asterisk (*) beside the firm size.

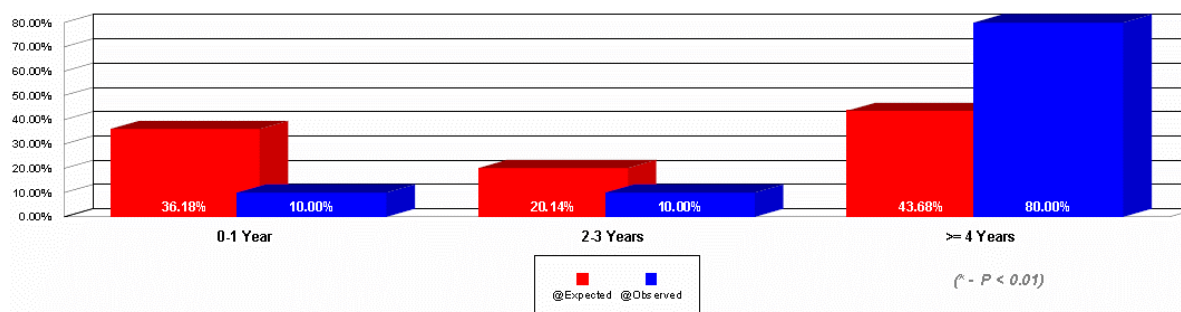
Once again, given the small number of complaints against licensed paralegals which raised conflict issues, no assessment of the differences between expected and observed findings could be made.

Paralegals in their first year of being licensed received a significantly lower percent of the remaining types of complaints than was expected.

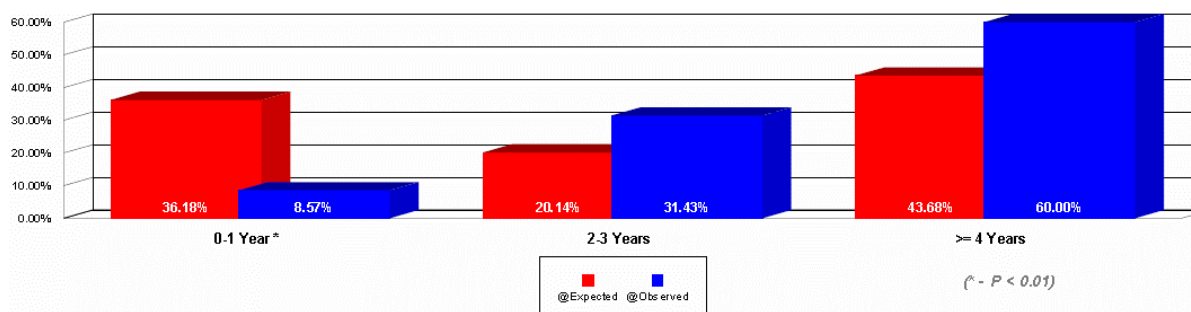
Paralegals who have been licensed between 2 – 3 years had a significantly higher percent of integrity and service-related complaints than was expected.

Paralegals who have been licensed for 4 years or more, had a significantly higher percent of governance, integrity and service-related complaints than was expected.

Percent of complaints against Paralegals raising Conflict Issues received in 2013, by years in practice

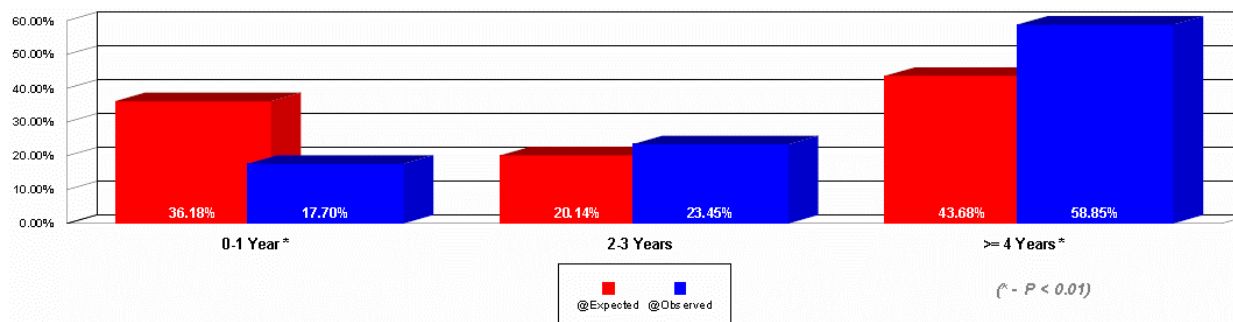


Percent of complaints against Paralegals raising Financial Issues received in 2013, by years in practice

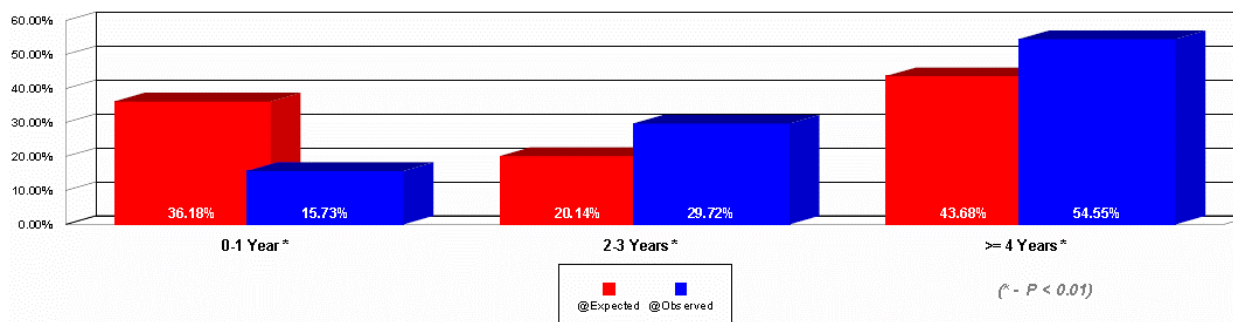


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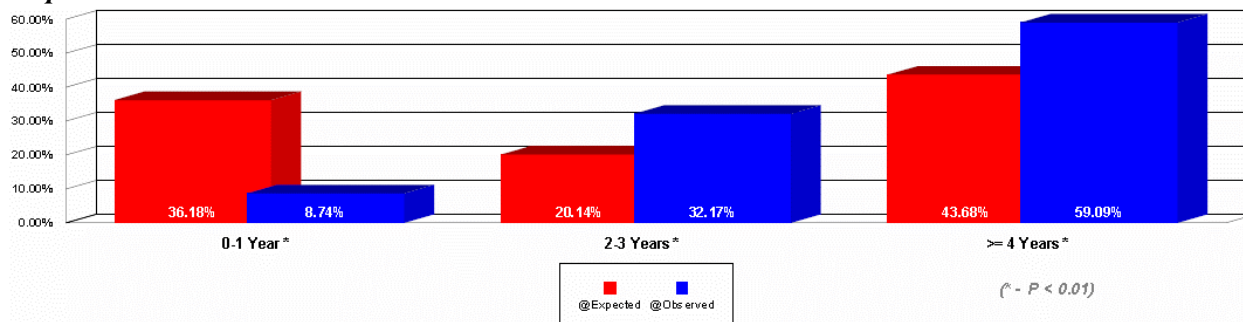
Percent of complaints against Paralegals raising Governance Issues received in 2013, by years in practice



Percent of complaints against Paralegals raising Integrity Issues received in 2013, by years in practice



Percent of complaints against Paralegals raising Services Issues received in 2013, by years in practice



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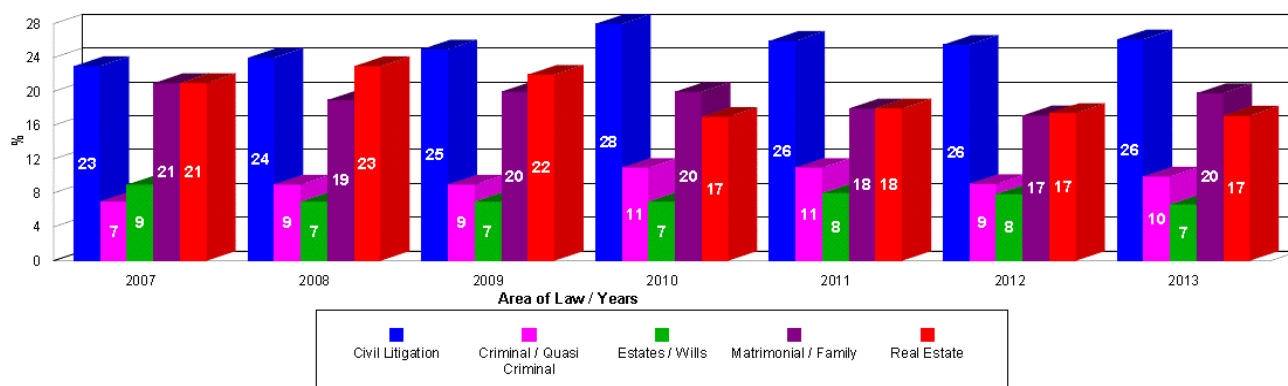
C. AREA OF LAW

a) Complaints Received By Area of Law for 2007 to 2013

The data for all years was calculated based on the number of complaints which actually listed an area of law. Cases which do not include an area of law (for example, cases which raised issues outside of the Law Society's jurisdiction) were excluded.

	2007	2008	2009	2010	2011	2012	2013
Total Number of Complaints received per year	6157	6796	6876	6762	6608	6528	6442
Total Number Complaints listing an area of law	4254	5078	5386	5601	5174	5466	5139
Civil Litigation	23% (936)	24% (1199)	25% (1357)	28% (1107)	26% (1337)	26% (1396)	26% (1033)
Criminal/Quasi Criminal	7% (298)	9% (461)	9% (487)	11% (432)	11% (543)	9% (496)	10% (393)
Estates/Wills	9% (383)	7% (355)	7% (394)	7% (282)	8% (423)	8% (431)	7% (263)
Matrimonial/Family	21% (893)	19% (958)	20% (1055)	20% (784)	18% (907)	17% (940)	20% (783)
Real Estate	21% (893)	23% (1147)	23% (1246)	17% (679)	18% (932)	17% (954)	17% (677)

Graph Showing Percent of Complaints Received By Area of Law for 2007 to 2013



The above graph demonstrates the breakdown of complaints by area of law for the seven years in question. In each year, Civil Litigation, Real Estate, Matrimonial/Family and Criminal/Quasi-Criminal were the four areas of law receiving the most complaints. The above graph also reveals that the distribution of complaints by area of law was stable throughout the seven year period, with only small, minor differences.

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b) Complaints Received in 2013 by Area of Law according to Size of Firm

The following graphs look at the areas of law specified in the complaints which were received the most for lawyers (matrimonial/family, real estate, civil litigation, and criminal/quasi-criminal) and for paralegals (civil litigation and criminal/quasi-criminal). Each graph analyzes the distribution of complaints received in 2013 by firm size which includes sole practitioners, small firms, medium firms and large firms. A breakdown of the total number of complaints received by each group in each area of law in 2013 is attached at **Appendix D**.

Lawyers

The following graphs analyze the complaints received against lawyers in 2013 by area of law according to the size of firm. Once again, for lawyers, firm sizes are defined as follows:

- Sole practitioner;
- Small firm (2 – 5 licensees);
- Medium firm (6 – 20 licensees); and
- Large firm (> 20 licensees).

The graphs compare the percent of complaints that we expected to find for lawyers in the particular size of firm with the percent of complaints that was actually observed.

Expected Findings

As noted previously, the calculation of the “expected finding” was based on the number of lawyers in active practice with a firm size designated in the Law Society’s membership database as at December 31, 2013.⁹ As of that date:

- 33% of lawyers were sole practitioners. Hence it was expected that 33% of complaints received would be against sole practitioners;
- 21% of lawyers were in small firms. Hence it was expected that 21% of complaints received would be against lawyers in small firms;
- 16% of lawyers were in medium-sized firms. Hence it was expected that 16% of complaints received would be against lawyers in medium-sized firms; and
- 30% of lawyers were in large firms. Hence it was expected that 30% of complaints received would be against lawyers in large firms.

Summary of Observed Findings

In the graphs which follow, a significant finding is noted by an asterisk (*) beside the firm size.

With the exception of civil litigation complaints, lawyers who are in sole practice received a significantly higher percent of complaints in all areas of law. No significant findings were recorded with respect to civil litigation complaints

⁹ As at December 31, 2013, there were 23,479 lawyers in active practice with a firm size designated in the Law Society’s membership database.

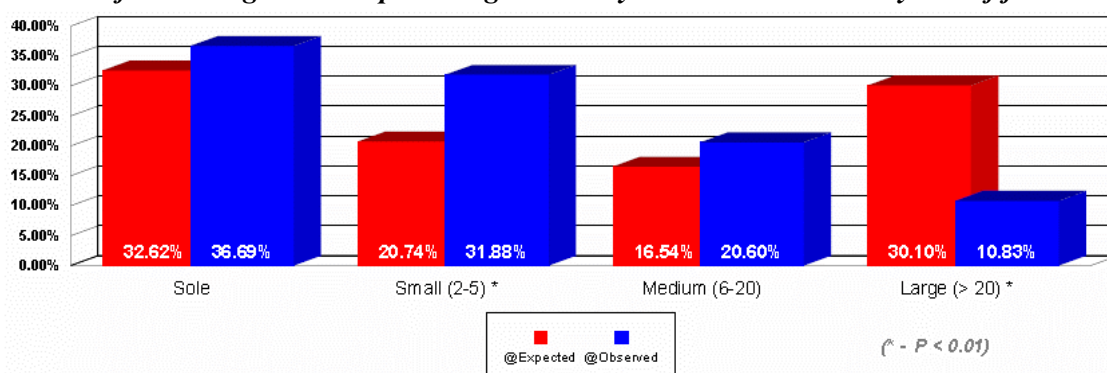
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In all areas of law except for criminal / quasi-criminal law, lawyers practicing in small firms received a significantly higher than expected percent of complaints. No significant findings were recorded with respect to criminal / quasi-criminal complaints.

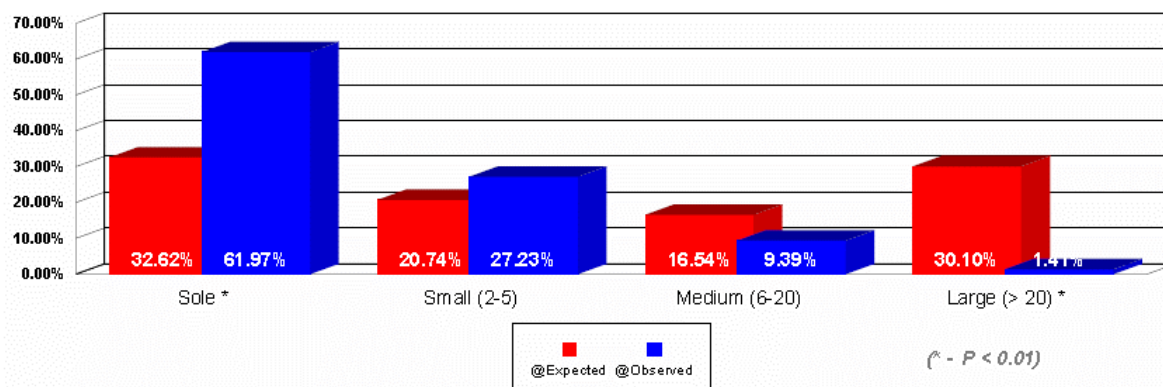
With respect to lawyers in medium-sized firms, only one area of law proved significant. This group received a significantly lower percent of complaints in the area of real estate law than was expected.

Finally, lawyers in large firms received a significantly lower percent of complaints in all areas of law than was expected.

Percent of Civil Litigation complaints against Lawyers received in 2013 by size of firm

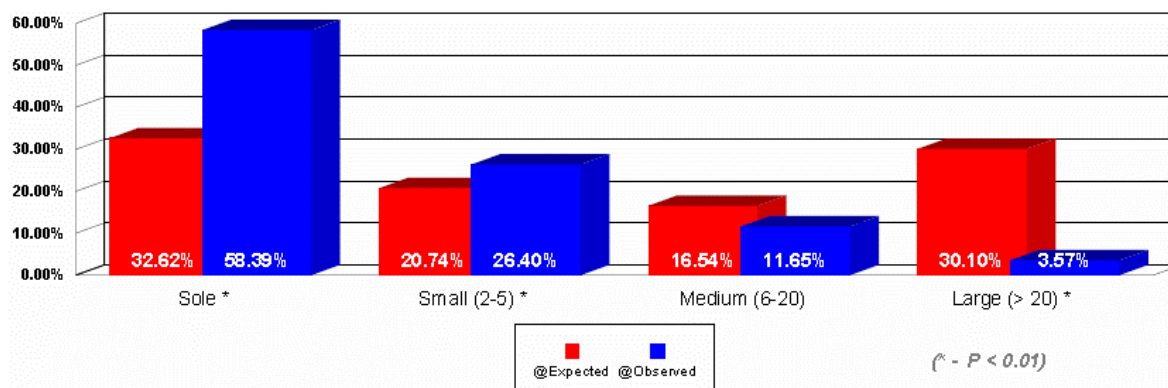


Percent of Criminal/Quasi-Criminal complaints against Lawyers received in 2013, by size of firm

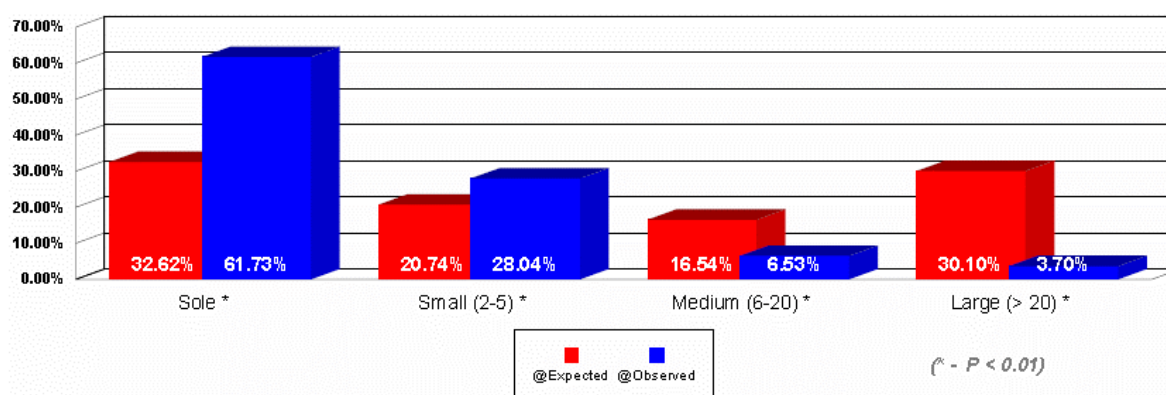


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Percent of Matrimonial/Family complaints against Lawyers received in 2013 by size of firm



Percent of Real Estate complaints against Lawyers received in 2013 by size of firm



Paralegals

The following graphs analyze the complaints received against paralegals in 2013 by area of law according to the size of firm. As noted previously, for paralegals, firm sizes are defined as follows:

- Sole practitioner;
- Small firm (2 -3 licensees);
- Medium firm (4-6 licensees); and
- Large firms (> 6 licensees).

The graphs compare the percent of complaints that we expected to find for paralegals in the particular size of firm with the percent of complaints that was actually observed.

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Expected Findings

The calculation of the “expected finding” was based on the number of paralegals in active practice with a firm size designated in the Law Society’s membership database as at December 31, 2013.¹⁰

As at that date:

- 52% of paralegals were sole practitioners. Hence it was expected that 52% of complaints received would be against paralegals in sole practice;
- 21% of paralegals were in small firms. Hence it was expected that 21% of complaints received would be against paralegals in small firms;
- 10% of paralegals were in medium-sized firms. Hence it was expected that 10% of complaints received would be against paralegals in medium-sized firms; and
- 17% of paralegals were in large firms. Hence it was expected that 17% of complaints received would be against paralegals in large firms.

Summary of Observed Findings

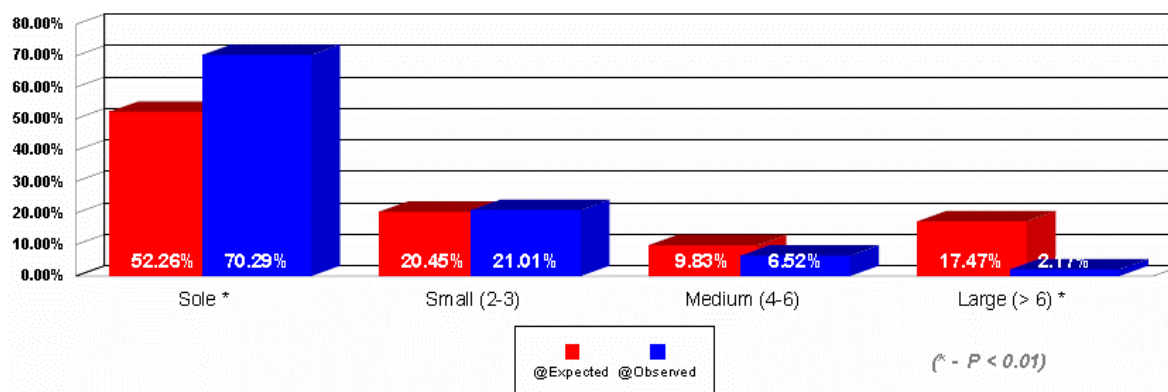
In the graphs that follow, a significant finding is noted by an asterisk (*) beside the firm size.

Paralegals in sole practice received a significantly higher percent of complaints than expected in both areas of law analyzed.

Paralegals in large firms received a significantly lower percent of complaints than expected in both areas of law analyzed.

No significant differences were noted in either area of law for paralegals practicing in small and medium-sized firms.

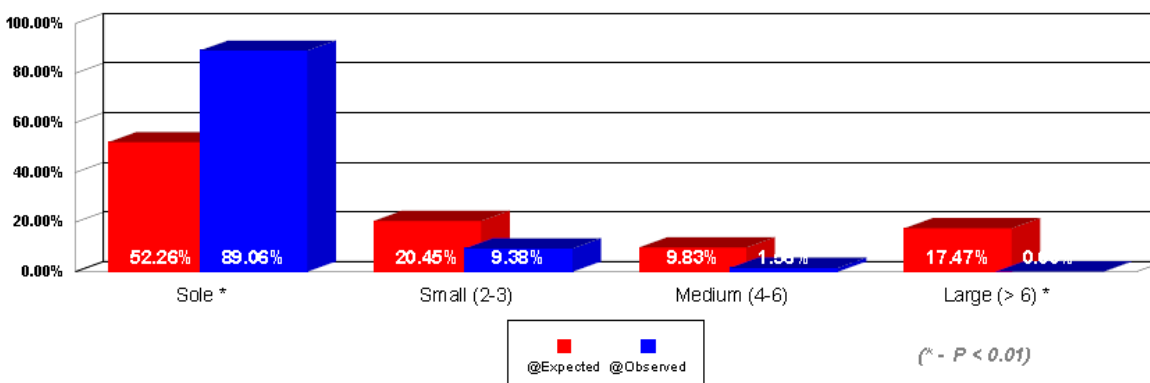
Percent of Civil Litigation complaints against Paralegals received in 2013 by size of firm



¹⁰ As at December 31, 2013, there were 2,880 licensed paralegals in active practice with a firm size designated in the Law Society’s database.

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Percent of Criminal/Quasi-Criminal complaints against Paralegals received in 2013, by size of firm



c) Complaints Received in 2013 by Area of Law according to Years in Practice

The following graphs analyze the percent of complaints received in 2013 in the areas of civil litigation, criminal/quasi-criminal, matrimonial/family law and real estate for lawyers and civil litigation and criminal/quasi-criminal law for paralegals according to the number of years the licensees receiving the complaints have been in practice. A breakdown of the total number of complaints received by each group in each area of law in 2013 is attached at **Appendix E**.

Lawyers

The following graphs analyze the complaints received against lawyers in 2013 by area of law according to the years in practice. For lawyers, the years in practice are grouped as follows:

- 0 – 5 years in practice;
- 6 – 10 years in practice;
- 11 – 15 years in practice;
- 16 – 20 years in practice;
- 21 – 25 years in practice;
- 26 – 30 years in practice; and
- Over 30 years in practice.

The graphs compare the percent of complaints that we expected to find for lawyers in each of the identified groups with the percent of complaints that was actually observed.

Expected Findings

The calculation of the “expected finding” was based on the number of lawyers in active practice as at December 31, 2013.¹¹ As of that date:

- 20% of lawyers had been practising between 0 – 5 years. Hence it was expected that 20% of complaints received would be against lawyers in this group.

¹¹ As of December 31, 2013, there were 36,777 lawyers in active practice.

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- 15% of lawyers had been practicing between 6 – 10 years. Hence it was expected that 15% of complaints received would be against lawyers in this group.
- 15% of lawyers had been practising between 11 – 15 years. Hence it was expected that 15% of complaints received would be against lawyers in this group.
- 10% of lawyers had been practising between 16 – 20 years. Hence it was expected that 10% of complaints received would be against lawyers in this group.
- 12% of lawyers had been practising between 21 – 25 years. Hence it was expected that 12% of complaints received would be against lawyers in this group.
- 9% of lawyers had been practising between 26 – 30 years. Hence it was expected that 9% of complaints received would be against lawyers in this group.
- 19% of lawyers had been practising for more than 30 years. Hence it was expected that 19% of complaints received would be against lawyers in this group.

Summary of Observed Findings

In the graphs that follow, a significant finding is noted by an asterisk (*) beside the “years in practice” group.

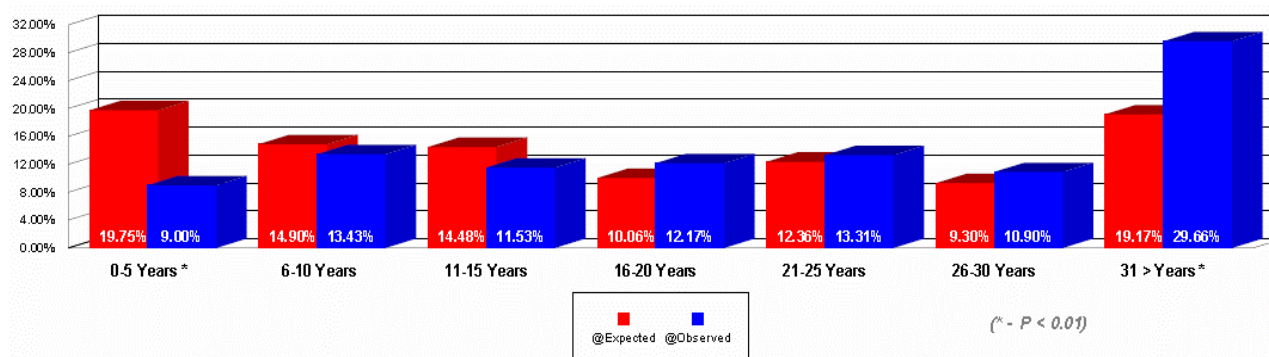
No significant differences were noted in any of the age groups between the percent of criminal/quasi-criminal complaints received and the percent of complaints expected for each group.

Lawyers practicing in the first 5 years had a significantly lower than expected percent of complaints in each of the remaining areas of law.

Lawyers in practice for more than 30 years had a significantly higher percent of complaints than was expected for each of the remaining areas of law.

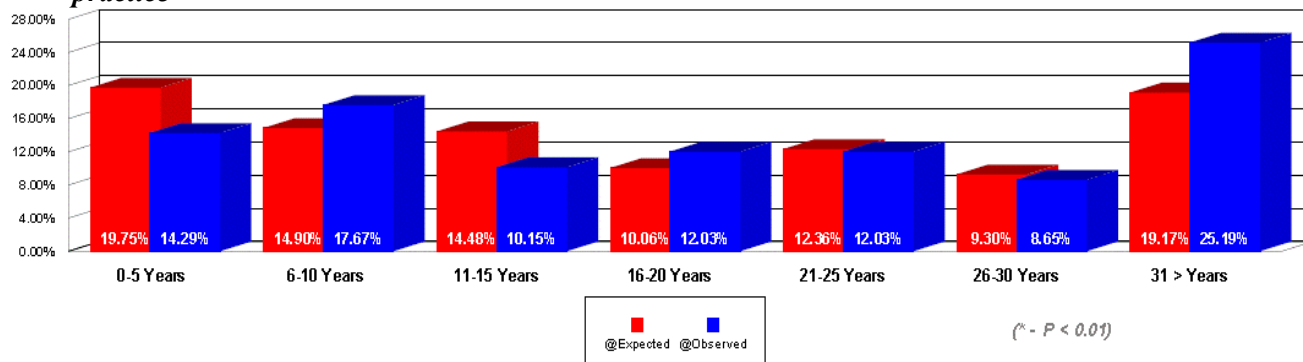
No other significant findings were noted with respect to the other groups.

Percent of Civil Litigation complaints against Lawyers received in 2013 by years in practice

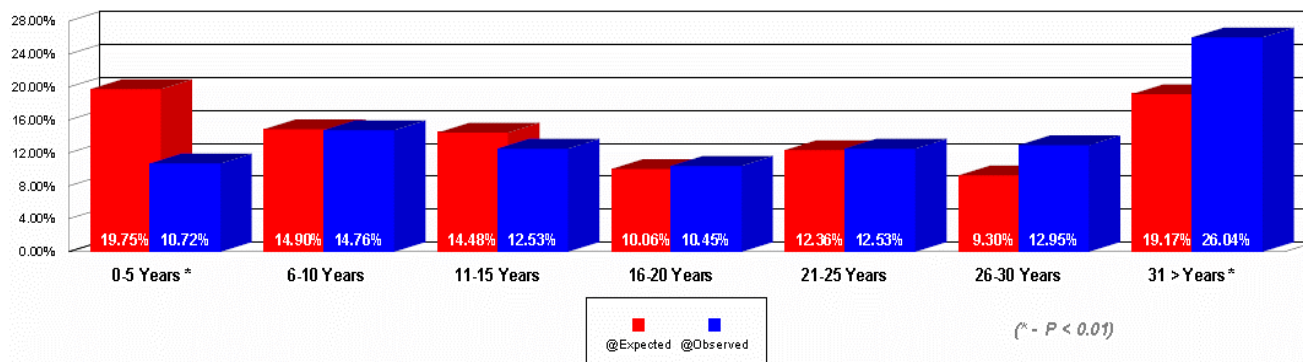


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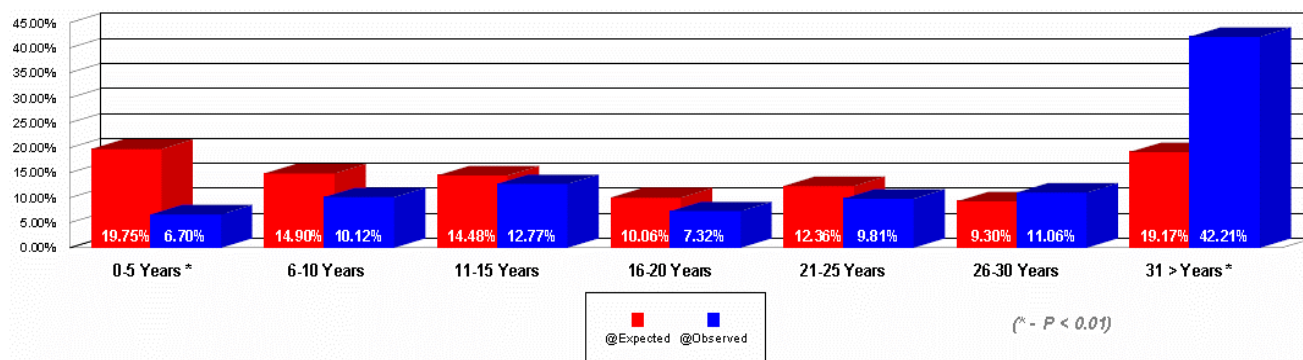
Percent of Criminal/Quasi Criminal complaints against Lawyers received in 2013 by years in practice



Percent of Matrimonial/Family complaints against Lawyers received in 2013 by years in practice



Percent of Real Estate complaints against Lawyers received in 2012 by years in practice



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Paralegals

The following graphs analyze the complaints received against paralegals in 2013 by area of law according to the years since being licensed (i.e. years in practice). For paralegals, the years in practice are grouped as follows:

- 0 – 1 year;
- 2 -3 years; and
- 4 years and over.

Expected Findings

The calculation of the “expected finding” was based on the number of paralegals in active practice as at December 31, 2013.¹² As of that date:

- 36% of paralegals had been licensed between 0 – 1 year. Hence it was expected that 36% of complaints received against paralegals would be against paralegals in this group.
- 20% of paralegals had been licensed between 2 – 3 years. Hence it was expected that 20% of complaints received against paralegals would be against paralegals in this group.
- 44% of paralegals had been licensed 4 years or more. Hence it was expected that 44% of complaints received against paralegals would be against paralegals in this group.

Summary of Observed Findings

In the two graphs that follow, a significant finding is noted by an asterisk (*) beside the “years in practice” group.

Licensed paralegals who have been licensed up to 1 year had a significantly lower percent of civil litigation and criminal / quasi-criminal complaints than was expected.

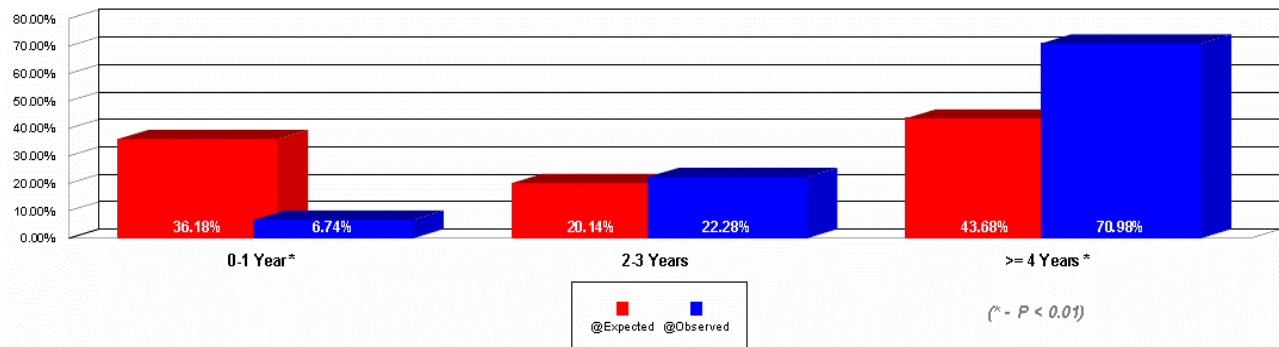
No significant differences were noted in the complaints received by paralegals who have been licensed between 2 – 3 years.

Paralegals licensed for 4 or more years had a significantly higher percent of civil litigation complaints than was expected. No significant difference was noted in the area of criminal / quasi-criminal law.

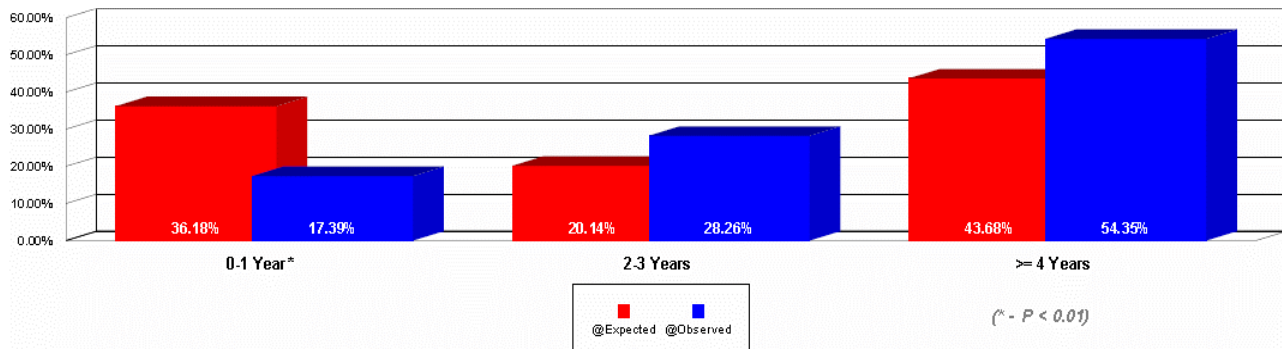
¹² As of December 31, 2013, there were 4,837 licensed paralegals in active practice.

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Percent of Civil Litigation complaints against Paralegals received in 2013 by years in practice



Percent of Criminal/Quasi Criminal complaints against Paralegals received in 2013 by years in practice



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APPENDIX A – GLOSSARY OF CASE TYPES

<i>Case Type Name</i>	<i>Individual Allegations</i>	
Conflicts	Licensee in a Position of Conflict Business / Financial Relations with Client	
Financial	Estate / Power of Attorney Real Estate / Mortgage Schemes Misapplication Misappropriation Pre-Taking Co-mingling / Mishandling Trust Accounts Breach of No-Cash Rule	
Governance	Fail to Maintain Books & Records Practice by Former / Suspended Licensee Relations Prohibited Persons / Fail Prevent UAP UAP by Non-Licensee Fail to Prevent Practise Outside Scope of Licence Practising Outside Scope of Licence Fail to Report Misconduct / Error / Omission Fail to Cooperate with LSUC Practising without insurance / Fee Category Student Investigations Improper Advertising Operating Trust Account while Bankrupt	
Integrity	Conduct Unbecoming outside the Practice of Law Criminal Charges Counseling / Behaving Dishonourably Discriminatory Conduct Sexual Misconduct Direct Communications with Represented Parties Misleading Breach of Orders, Undertaking or Escrow Civility	
Service Issues	Fail to Provide Client Report Fail to Follow Client Instructions Fail to Communicate Fail to Preserve Client Property Fail to Serve Client Withdrawal of Services / Abandonment Fail to Supervise Staff Fail to Account Fail to Pay Financial Obligations Breach of Confidentiality / Fiduciary Duty	
Special Applications	Readmission Admission Capacity Reinstatement – Variation of Order	Reinstatement – Order Fulfilled Restoration Competency from PD&C Interlocutory Suspension
Other Issues	Other Issues	

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APPENDIX B
Complaints Received in 2013 by Type of Complaint and Size of Firm

Lawyers

<i>Type</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Conflicts	275	
Sole Practitioners	143	52%
Small Firms (i.e. 2-5 licensees)	68	25%
Medium (i.e. 6-20 licensees)	40	15%
Large (i.e. > 20 licensees)	24	9%
Financial	309	
Sole Practitioners	198	64%
Small Firms (i.e. 2-5 licensees)	80	26%
Medium (i.e. 6-20 licensees)	23	7%
Large (i.e. > 20 licensees)	8	3%
Governance	291	
Sole Practitioners	198	68%
Small Firms (i.e. 2-5 licensees)	65	22%
Medium (i.e. 6-20 licensees)	21	7%
Large (i.e. > 20 licensees)	7	2%
Integrity	1,258	
Sole Practitioners	675	54%
Small Firms (i.e. 2-5 licensees)	365	29%
Medium (i.e. 6-20 licensees)	141	11%
Large (i.e. > 20 licensees)	77	6%
Other Issues	146	
Sole Practitioners	72	49%
Small Firms (i.e. 2-5 licensees)	38	26%
Medium (i.e. 6-20 licensees)	28	19%
Large (i.e. > 20 licensees)	8	5%
Service Issues	1,788	
Sole Practitioners	956	53%
Small Firms (i.e. 2-5 licensees)	529	30%
Medium (i.e. 6-20 licensees)	215	12%
Large (i.e. > 20 licensees)	88	5%
Special Applications	16	
Sole Practitioners	10	63%
Small Firms (i.e. 2-5 licensees)	4	25%
Medium (i.e. 6-20 licensees)	2	13%
Large (i.e. > 20 licensees)	0	0%

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Licensed Paralegals

<i>Type</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Conflicts	8	
Sole Practitioners	4	50%
Small Firms (i.e. 2-3 licensees)	3	38%
Medium (i.e. 4-6 licensees)	1	13%
Large (i.e. > 6 licensees)	0	0%
Financial	36	
Sole Practitioners	23	64%
Small Firms (i.e. 2-3 licensees)	9	25%
Medium (i.e. 4-6 licensees)	4	11%
Large (i.e. > 6 licensees)	0	0%
Governance	134	
Sole Practitioners	99	74%
Small Firms (i.e. 2-3 licensees)	26	19%
Medium (i.e. 4-6 licensees)	7	5%
Large (i.e. > 6 licensees)	2	1%
Integrity	199	
Sole Practitioners	155	78%
Small Firms (i.e. 2-3 licensees)	31	16%
Medium (i.e. 4-6 licensees)	10	5%
Large (i.e. > 6 licensees)	3	2%
Other Issues	4	
Sole Practitioners	2	50%
Small Firms (i.e. 2-3 licensees)	2	50%
Medium (i.e. 4-6 licensees)	0	0%
Large (i.e. > 6 licensees)	0	0%
Service Issues	183	
Sole Practitioners	123	67%
Small Firms (i.e. 2-3 licensees)	39	21%
Medium (i.e. 4-6 licensees)	14	8%
Large (i.e. > 6 licensees)	7	4%
Special Applications	3	
Sole Practitioners	3	100%
Small Firms (i.e. 2-3 licensees)	0	0%
Medium (i.e. 4-6 licensees)	0	0%
Large (i.e. > 6 licensees)	0	0%

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APPENDIX C
Complaints Received in 2013 by Type of Complaint and Years of Practice

Lawyers

<i>Type</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Conflicts	299	
0 – 5 years	16	5%
6 – 10 years	33	11%
11 – 15 years	29	10%
16 – 20 years	29	10%
21 – 25 years	40	13%
26 – 30 years	33	11%
Over 30 years	119	40%
Financial	437	
0 – 5 years	41	9%
6 – 10 years	56	13%
11 – 15 years	49	11%
16 – 20 years	45	10%
21 – 25 years	47	11%
26 – 30 years	47	11%
Over 30 years	152	35%
Governance	452	
0 – 5 years	50	11%
6 – 10 years	60	13%
11 – 15 years	57	13%
16 – 20 years	61	13%
21 – 25 years	60	13%
26 – 30 years	43	10%
Over 30 years	121	27%
Integrity	1,484	
0 – 5 years	143	10%
6 – 10 years	210	14%
11 – 15 years	191	13%
16 – 20 years	170	11%
21 – 25 years	188	13%
26 – 30 years	147	10%
Over 30 years	435	29%

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

<i>Type</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Other Issues	160	
0 – 5 years	14	9%
6 – 10 years	12	8%
11 – 15 years	18	11%
16 – 20 years	15	9%
21 – 25 years	21	13%
26 – 30 years	23	14%
Over 30 years	57	36%
Service Issues	2,064	
0 – 5 years	196	9%
6 – 10 years	275	13%
11 – 15 years	228	11%
16 – 20 years	218	11%
21 – 25 years	264	13%
26 – 30 years	237	11%
Over 30 years	646	31%
Special Applications	51	
0 – 5 years	5	10%
6 – 10 years	8	16%
11 – 15 years	4	8%
16 – 20 years	7	14%
21 – 25 years	4	8%
26 – 30 years	5	10%
Over 30 years	18	35%

Licensed Paralegals

<i>Type</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Conflicts	10	
0 – 1 year	1	10%
2 – 3 years	1	10%
≥ 4 years	8	80%
Financial	70	
0 – 1 year	6	9%
2 – 3 years	22	31%
≥ 4 years	42	60%
Governance	226	
0 – 1 year	40	18%
2 – 3 years	53	23%

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

Type	Number of Complaints	Percent of Total Complaints
≥ 4 years	133	59%
Integrity	286	
0 – 1 year	45	16%
2 – 3 years	85	30%
≥ 4 years	156	55%
Other Issues	4	
0 – 1 year	2	50%
2 – 3 years	1	25%
≥ 4 years	1	25%
Service Issues	286	
0 – 1 year	25	9%
2 – 3 years	92	32%
≥ 4 years	169	59%
Special Applications	8	
0 – 1 year	2	25%
2 – 3 years	0	0%
≥ 4 years	6	75%

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

APPENDIX D
Complaints Received in 2013 by Area of Law and Size of Firm

Lawyers

<i>Area of Law</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Administrative / Immigration	163	
Sole Practitioners	81	50%
Small Firms (i.e. 2-5 licensees)	61	38%
Medium (i.e. 6-20 licensees)	12	7%
Large (i.e. > 20 licensees)	8	5%
Bankruptcy / Insolvency	15	
Sole Practitioners	4	27%
Small Firms (i.e. 2-5 licensees)	4	27%
Medium (i.e. 6-20 licensees)	2	13%
Large (i.e. > 20 licensees)	5	33%
Civil Litigation	667	
Sole Practitioners	243	36%
Small Firms (i.e. 2-5 licensees)	214	32%
Medium (i.e. 6-20 licensees)	137	21%
Large (i.e. > 20 licensees)	73	11%
Corporate/Commercial/Business	131	
Sole Practitioners	66	50%
Small Firms (i.e. 2-5 licensees)	30	23%
Medium (i.e. 6-20 licensees)	21	16%
Large (i.e. > 20 licensees)	14	11%
Criminal / Quasi-Criminal	213	
Sole Practitioners	132	62%
Small Firms (i.e. 2-5 licensees)	58	27%
Medium (i.e. 6-20 licensees)	30	9%
Large (i.e. > 20 licensees)	3	1%
Employment / Labour	51	
Sole Practitioners	22	43%
Small Firms (i.e. 2-5 licensees)	12	24%
Medium (i.e. 6-20 licensees)	11	22%
Large (i.e. > 20 licensees)	6	12%
Estates / Wills	206	
Sole Practitioners	105	51%
Small Firms (i.e. 2-5 licensees)	60	29%
Medium (i.e. 6-20 licensees)	31	15%
Large (i.e. > 20 licensees)	10	5%
Intellectual Property	3	
Sole Practitioners	1	33%
Large (i.e. > 20 licensees)	2	67%
Matrimonial / Family Law	652	

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

<i>Area of Law</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Area of Law		
Sole Practitioners	383	59%
Small Firms (i.e. 2-5 licensees)	173	27%
Medium (i.e. 6-20 licensees)	73	11%
Large (i.e. > 20 licensees)	23	4%
Real Estate	566	
Sole Practitioners	351	62%
Small Firms (i.e. 2-5 licensees)	158	28%
Medium (i.e. 6-20 licensees)	36	2%
Large (i.e. > 20 licensees)	21	4%
Other	203	
Sole Practitioners	123	61%
Small Firms (i.e. 2-5 licensees)	46	23%
Medium (i.e. 6-20 licensees)	21	10%
Large (i.e. > 20 licensees)	13	6%

Licensed Paralegals

<i>Area of Law</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Administrative / Immigration	82	
Sole Practitioners	57	70%
Small Firms (i.e. 2-3 licensees)	15	18%
Medium (i.e. 4-6 licensees)	6	7%
Large (i.e. > 6 licensees)	4	5%
Civil Litigation	138	
Sole Practitioners	98	71%
Small Firms (i.e. 2-3 licensees)	28	20%
Medium (i.e. 4-6 licensees)	9	7%
Large (i.e. > 6 licensees)	3	2%
Corporate/Commercial/Business	18	
Sole Practitioners	16	89%
Small Firms (i.e. 2-3 licensees)	1	6%
Medium (i.e. 4-6 licensees)	1	6%
Large (i.e. > 6 licensees)	0	0%
Criminal / Quasi-Criminal	64	
Sole Practitioners	57	89%
Small Firms (i.e. 2-3 licensees)	6	9%
Medium (i.e. 4-6 licensees)	1	2%
Large (i.e. > 6 licensees)	0	0%
Employment / Labour	12	
Sole Practitioners	9	75%
Small Firms (i.e. 2-3 licensees)	3	25%
Medium (i.e. 4-6 licensees)	0	0%
Large (i.e. > 6 licensees)	0	0%
Estates / Wills	1	
Sole Practitioners	1	100%

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

<i>Area of Law</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Small Firms (i.e. 2-3 licensees)	0	0%
Medium (i.e. 4-6 licensees)	0	0%
Large (i.e. > 6 licensees)	0	0%
Matrimonial / Family	15	
Sole Practitioners	10	67%
Small Firms (i.e. 2-3 licensees)	4	27%
Medium (i.e. 4-6 licensees)	1	7%
Large (i.e. > 6 licensees)	0	0%
Real Estate	7	
Sole Practitioners	5	71%
Small Firms (i.e. 2-3 licensees)	1	14%
Medium (i.e. 4-6 licensees)	1	14%
Large (i.e. > 6 licensees)	0	0%
Other	49	
Sole Practitioners	39	80%
Small Firms (i.e. 2-3 licensees)	8	16%
Medium (i.e. 4-6 licensees)	0	0%
Large (i.e. > 6 licensees)	2	4%

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

APPENDIX E
Complaints Received in 2013
By Area of Law and Years of Practice

Lawyers

<i>Area of Law</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Administrative / Immigration	203	
0 – 5 years	24	12%
6 – 10 years	36	18%
11 – 15 years	22	11%
16 – 20 years	27	13%
21 – 25 years	36	18%
26 – 30 years	18	9%
Over 30 years	40	20%
Bankruptcy / Insolvency	15	
0 – 5 years	1	7%
6 – 10 years	2	13%
11 – 15 years	1	7%
16 – 20 years	0	0%
21 – 25 years	5	33%
26 – 30 years	2	13%
Over 30 years	4	27%
Civil Litigation	747	
0 – 5 years	69	9%
6 – 10 years	103	14%
11 – 15 years	86	12%
16 – 20 years	85	11%
21 – 25 years	99	13%
26 – 30 years	83	11%
Over 30 years	222	30%
Corporate/Commercial/Business	151	
0 – 5 years	12	8%
6 – 10 years	13	9%
11 – 15 years	19	13%
16 – 20 years	26	17%
21 – 25 years	18	12%
26 – 30 years	14	9%
Over 30 years	49	32%

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

<i>Area of Law</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Criminal / Quasi-Criminal	251	
0 – 5 years	36	14%
6 – 10 years	46	18%
11 – 15 years	27	11%
16 – 20 years	31	12%
21 – 25 years	29	12%
26 – 30 years	20	8%
Over 30 years	62	25%
Employment / Labour	47	
0 – 5 years	6	13%
6 – 10 years	8	17%
11 – 15 years	5	11%
16 – 20 years	11	23%
21 – 25 years	9	19%
26 – 30 years	2	4%
Over 30 years	6	13%
Estates / Wills	220	
0 – 5 years	5	2%
6 – 10 years	8	4%
11 – 15 years	9	4%
16 – 20 years	13	6%
21 – 25 years	29	13%
26 – 30 years	27	12%
Over 30 years	129	59%
Intellectual Property Law	2	
0 – 5 years	0	0%
6 – 10 years	0	0%
11 – 15 years	2	67%
16 – 20 years	0	0%
21 – 25 years	1	33%
26 – 30 years	0	0%
Over 30 years	0	0%

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

Matrimonial / Family	683	
0 – 5 years	73	11%
6 – 10 years	99	14%
11 – 15 years	88	13%
16 – 20 years	73	11%
21 – 25 years	83	12%
26 – 30 years	87	13%
Over 30 years	180	26%
Real Estate	603	
0 – 5 years	40	7%
6 – 10 years	59	10%
11 – 15 years	77	13%
16 – 20 years	42	7%
21 – 25 years	60	10%
26 – 30 years	68	11%
Over 30 years	257	43%
Other	288	
0 – 5 years	43	15%
6 – 10 years	37	13%
11 – 15 years	32	11%
16 – 20 years	34	12%
21 – 25 years	36	13%
26 – 30 years	38	13%
Over 30 years	68	24%

Licensed Paralegals

<i>Area of Law</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Administrative / Immigration	104	
0 – 1 year	23	22%
2 – 3 years	22	21%
≥ 4 years	59	57%
Bankruptcy / Insolvency	1	
0 – 1 year	0	0%
2 – 3 years	0	0%
≥ 4 years	1	100%
Civil Litigation	179	
0 – 1 year	12	7%
2 – 3 years	40	22%
≥ 4 years	127	71%

Report of the Executive Director, Professional Regulation, June 2014
Analysis of Complaints Received by Professional Regulation in 2013

<i>Area of Law</i>	<i>Number of Complaints</i>	<i>Percent of Total Complaints</i>
Corporation/Commercial/Business	21	
0 – 1 year	4	19%
2 – 3 years	3	14%
≥ 4 years	14	67%
Criminal / Quasi-Criminal	84	
0 – 1 year	15	18%
2 – 3 years	23	27%
≥ 4 years	46	55%
Employment / Labour	13	
0 – 1 year	3	23%
2 – 3 years	2	15%
≥ 4 years	8	62%
Estates / Wills	1	
0 – 1 year	0	0%
2 – 3 years	0	0%
≥ 4 years	1	100%
Matrimonial / Family	17	
0 – 1 year	4	24%
2 – 3 years	2	12%
≥ 4 years	11	65%
Real Estate	10	
0 – 1 year	1	10%
2 – 3 years	2	20%
≥ 4 years	7	70%
Other	92	
0 – 1 year	16	17%
2 – 3 years	36	39%
≥ 4 years	40	43%



Tab 5

Report to Convocation June 26, 2014

Bencher Election Working Group

Working Group Members:

Derry Millar (Chair)

Constance Backhouse

Julian Falconer

Janet Leiper

Susan Richer

James Scarfone

Purpose of Report: Decision and Information

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

TERMS OF REFERENCE AND COMMITTEE PROCESS

1. The Bencher Election Working Group, established in June 2011 to review the bencher election process, has held ten meetings and reviewed a number of issues. This second and final report includes information on matters the Working Group has reviewed since its last report to Convocation in June 2013, and one decision item relating to the voting period.

MATTERS RELATED TO THE BENCHER ELECTION PROCESS

Motion

2. **That Convocation amend voting procedures for the lawyer and paralegal benchers elections, as follows:**
 - a. **Make the date for the Elections Officer's preparation of the polling list for the lawyer benchers election on or shortly after the second Friday in April in an election year, and**
 - b. **Make the date for the Elections Officer's preparation of the polling list for the paralegal benchers election on or shortly after the second Friday in March in an election year.**

INTRODUCTION

3. The Benchers Election Working Group was established in June 2011 to review the benchers election process and, in particular, issues that arose during the 2011 election that related to:
 - a. the nomination process;
 - b. candidacy and the region specified for election;
 - c. the length of the election period, including the voting period;
 - d. information on the progress of voting;
 - e. campaign materials and methods;
 - f. distribution of and access to the e-mail to launch voting; and
 - g. accommodation issues relating to online voting.
4. The Working Group also agreed to consider relevant issues arising from the September 2011 Benchers Planning Session. This included reviewing the regional benchers designation in benchers elections.

5. In June 2013, based on the Working Group's report, Convocation approved a number of proposals for reforms to the election process. As a result, By-Law 3 which includes provisions on the elections was subsequently amended.
6. The June 2013 report also included:
 - a. information on other matters that the Working Group reviewed and considered to enhance various aspects of the election process, and
 - b. a proposal for a call for input on the regional benchers election scheme, which Convocation approved.
7. This report discusses the results of the call for input, the Working Group's views on the regional benchers election scheme and other matters considered. The report also includes, as a first item, a proposal to revise the length of the voting period, based on the experience with the paralegal benchers election concluded on March 31, 2014.

LENGTH OF THE VOTING PERIOD

8. Based on the Working Group proposals in June 2013, Convocation agreed to shorten the voting period for the election, which also has the effect of adjusting the time for preparation of the list of eligible voters and preparation of the online voting site.
9. Based on the Election Officer's experience with the recently completed paralegal benchers election, a further change is sought.
10. In an election year, the lawyer benchers election is on the last day in April that is not a holiday. In a year for the paralegal benchers election, the election is on the last day in March that is not a holiday. Currently, the voters' list is frozen at 5 p.m. on a Friday afternoon (the first Friday in April for the lawyer benchers election and the first Friday in March for the paralegal benchers election). The By-Law says that "on or shortly after" the following Monday, voting is to open (with preparation of the polling list),

following final preparation of the voting site and setting up the file for the emails that will be sent to all eligible voters to start voting.¹

11. The online voting site provider is hard pressed to have the voting site ready even by mid-week in the week following the freezing of the voters' list. Preparation of the site includes not only the online ballot, but loading and linking the Voting Guide information for each candidate, creating the electronic file of eligible voters and preparing the communications to all eligible voters for the opening of voting. There is also a French-language site that must be prepared. For the smaller paralegal bencher election in 2014, voting opened late in the morning on the Wednesday following the Friday.
12. In the Working Group's view, a few more days would be helpful for preparing for the opening of voting. For this reason, the Working Group is proposing that the period to prepare the polling list, in the words of the By-law, be extended to the Friday following the Friday when the voters' list is frozen. This change will not shorten the voting period appreciably. It will still permit approximately three weeks for voters to vote.
13. If Convocation approves this recommendation, the appropriate By-Law amendment will be prepared for a future Convocation.

¹ For the lawyer bencher election the section currently reads:

Polling list

18. (1) On or shortly after the first Monday after the first Friday in April, the Elections Officer shall prepare a polling list.

For the paralegal bencher election, the section currently reads:

Qualification of electors

136.14. (1) A person who is licensed to provide legal services and whose licence is not suspended on the first Friday in March is entitled to vote in an election of paralegal members.

Electors' list

(2) On or shortly after the first Monday after the date mentioned in subsection (1), the Elections Officer shall prepare a list of all persons who are entitled to vote in an election of paralegal members.

REPORT ON THE CONSULTATION ON THE REGIONAL BENCHER ELECTION SCHEME

14. Following Convocation's approval of the consultation, the Working Group prepared a consultation document (see [Tab 5.1](#)) based on the proposal included in the June report for a modification to the regional benchers election scheme.
15. In brief, the proposal began with an issue identified at the 2011 Benchers Planning Session. The proposal would continue the scheme to ensure that at least one benchers will be elected in each of the eight regions in the province. However, rather than the regional benchers being the candidate in each region who receives the largest number of votes from voters in that region, the proposal would provide that the regional benchers would be the candidate in the region elected on the basis of votes from all regions for all candidates.
16. The call for input was issued in July 2013 and was published on the Law Society's website and in the Ontario Reports. Letters were sent to a list of legal organizations requesting input.
17. The Law Society received 12 responses, of which 10 provided substantive comment.² Of these, two were from individuals, and eight were from legal organizations.
18. Nine of ten submissions asked the Law Society to maintain the current regional benchers election scheme. The submissions expressed a strong preference for regional benchers being elected based on the votes of lawyers within the region (the *status quo*) rather than on the total votes of all lawyers if the overall election results do not elect a benchers in a region (the proposed change). The submissions generally favour the *status quo* on the basis that:

² One organization wrote to advise that it would not be providing a submission and another advised in writing that it had nothing further to add in response to the Call for Input.

- a. It provides a better mechanism than the proposed change to ensure that benchers with a strong knowledge of regional issues may be elected to Convocation, which ensures that Convocation may consider regional issues in fulfilling its mandate. It also provides legitimacy to Convocation;
- b. It ensures that the electoral system does not give an advantage to candidates based in urban areas, and enables lawyers in the regions to have a greater say in selecting a representative from their region; and
- c. There is no perceived need for change.

A summary of the submissions (without attribution) is at [Tab 5.2](#)

The Working Group's Views

19. Based largely on the feedback received to the call for input, which included a number of county law associations, the Working Group decided that it would not recommend changes to the regional benchers election scheme. While the number of respondents was small, the overwhelming response was that change was neither supported nor necessary.

OTHER MATTERS CONSIDERED BY THE WORKING GROUP

Encouraging the Vote

20. As reported by the Working Group in June 2013, the Law Society has struggled for several years with how to increase the voter turnout in the benchers election, despite significant communications and outreach efforts.³
21. The percentage of eligible voters who voted in the last few lawyer benchers elections is below 40%. The recent experience with the paralegal benchers election showed a

³ Currently, there are comprehensive and frequent communications that announce the benchers election and accompany its progress from the close of nominations through to the results. In the last two elections, dedicated efforts by the Treasurer, benchers and staff to increase awareness around the process involved travel to a number of locations in advance of the opening of voting to meet with members of the local bar, encourage candidates to run and encourage voters to vote.

disappointing 20% voter turnout despite a very comprehensive communications initiative.

CPD Offering

22. Further to discussions Diana Miles, the Executive Director of Professional Development and Competence, the Working Group canvassed content for a potential CPD program regarding Law Society governance for accredited professionalism hours. The Working Group determined that such a program should provide basic information regarding the *Law Society Act* and by-laws, the roles and responsibilities of benchers, and the rationale for self-regulation. In addition, the Working Group agreed that the primary focus of the CPD should be on how members can become more easily and effectively engaged with the Law Society on issues that matter to them.
23. The Working Group believes that an educational component as described above may encourage some additional engagement during the election period.
24. The Working Group agreed that staff would refer the CPD issue to the Professional Development & Competence Department for review.

Use of Social Media During Benchers Elections

25. The Working Group discussed how social media could be used during the benchers elections, both as a method through which the Law Society may inform members about benchers elections, and by which candidates may inform and interact with voters in the election campaign.
26. The Working Group discussed, for example, having the Law Society host various social media platform pages for candidates' campaign information. Benchers candidates already use hyperlinks within their candidate statements, and may connect to their social media sites through this page.

27. The Law Society's Director of Communications, Roy Thomas, advised that the Law Society uses a variety of social media, which are useful tools to engage members, particularly younger members of the professions. The Law Society has a presence on Facebook, LinkedIn, and Twitter, a YouTube channel, and also communicates through the Treasurer's blog. The Law Society has already used social media as part of its communications strategy in the recent paralegal benchers election.
28. The Working Group also learned that candidates have different interest levels in using social media, and different preferred social media outlets. For those interested in using social media, there are virtually no barriers, as social media sites and certain social media management tools such as HootSuite can be used for free. In short, social media may already be used – and is being used - by benchers candidates at little or no cost.
29. It would not appear that assistance from the Law Society, either in educating candidates about social media or in developing its own social media platform for benchers elections, is necessary at this time. Further, a Law Society media platform may have the following effects:
 - a. It might unnecessarily duplicate the role of the candidate statement page, which as noted can include hyperlinks to other webpages, including social media pages;
 - b. It might make candidates feel they must spend time developing social media resources when those candidates might prefer to deliver their campaign messages through other channels;
 - c. A fixed platform might stifle candidate social media innovation.
30. There would also be resource implications for the Law Society in supporting a social media outlet and responsibility for monitoring traffic on its site.

31. Given these circumstances, the Working Group felt that candidates are in the best position to determine whether or how to best leverage social media during bencher elections.

Tab 5.1

CALL FOR INPUT DOCUMENT



**Call for Input
July 2013**

**Benchers Election Working Group –
Proposed Modification to the Regional Benchers Election
Scheme**

Working Group Members:
Derry Millar (Chair)
Constance Backhouse
Julian Falconer
Janet Leiper
Susan Richer
James Scarfone

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

INTRODUCTION TO THE CALL FOR INPUT

The Benchers Election Working Group, established in June 2011 to review certain aspects of the benchers election process, presented a report to Convocation with proposals for changes to some administrative elements of the process. On June 27, Convocation approved these changes.

The Working Group's report also included a recommendation that a call for input be issued on a proposal for modification of the regional benchers election scheme. Convocation agreed to the call for input.

This document explains the proposal and provides background on the current regional benchers election scheme and issues that led to the Working Group's proposal.

Written submissions in response to the call for input should be sent to the Law Society no later than **September 30, 2013** to:

Benchers Election Working Group
Policy Secretariat
Law Society of Upper Canada
130 Queen Street West
Toronto, ON M5H 2N6

or by email to jstrawcz@lsuc.on.ca

THE REGIONAL BENCHER ELECTION SCHEME

Introduction and Summary of the Proposal

1. The Benchers Election Working Group as part of its study reviewed the scheme for the election of the regional benchers. This was an issue identified at a benchers planning session in September 2011 to determine priorities for Convocation policy agenda for the benchers term.
2. The regional benchers election scheme ensures that among the 20 benchers elected from outside Toronto, at least one benchers will be elected in each of these seven regions in the province. This is accomplished through election of the regional benchers, who is the candidate in each region who receives the largest number of votes from voters in the particular region. A candidate does not “run” as a regional benchers candidate. The voting determines who is elected as the regional benchers. In the Toronto region, the regional benchers is, of course, always among the 20 benchers elected.
3. One of the unintended consequences of the scheme is that candidates with many more votes (based on votes from voters in all regions) than the regional benchers may not be elected, including other candidates in the regional benchers’s region. Thus, candidates from regions who demonstrated broader support from the members were not always the benchers elected.
4. The suggestion from the benchers planning session was that the benchers election results be based on votes from all regions for all candidates, and that if a region did not have an elected benchers, the current regional election scheme would apply to elect the candidate with the most votes from that region’s voters.

5. The proposal described in this paper to modify the regional benchers election scheme varies from this approach in that the popular vote would be used to elect the regional benchers if the initial results did not produce a benchers in every region.
6. The proposal for modification to the scheme, if it proceeds, would be as follows.
7. The regional benchers would be the candidate in a region who, finishing in the top 20 positions inside or outside of Metropolitan Toronto, receives the highest number of votes from voters in *all* regions.
8. If the election results based on votes from all voters do not elect a benchers in a region in the top 20, the regional benchers will be the candidate in the region who, placing 21st or lower outside of Metropolitan Toronto, receives the most votes from all voters.
9. When that happens, the candidate elected will replace the candidate who would have otherwise been elected as one of at least two benchers in another region and who is the candidate who receives the least number of votes from all voters. This will ensure that there is at least one benchers elected in every region from the general vote. It will preserve the benefits of regional benchers while giving more weight to the overall democratic process.

History of the Current Process

10. Although apparently dating back to the 1870s in its origins, the idea of a regional benchers scheme in more recent times was the focus of at least four of Convocation's committees in the 1980s and 1990s.
11. The current scheme began with a decision in 1990 to adopt a form of regional representation. This was based on a submission from the County and District Law Presidents' Association (CDLPA) to the 1989 Special Committee on Benchers Elections (the Ferguson Committee), which followed an earlier committee struck in 1985. The

following excerpt from the October 1990 report of the Ferguson Committee is of interest:

72% of the respondents to the questionnaire favoured regional representation. Among the organizations which responded, L'Association des juristes d'expression française de l'Ontario, the County and District Law Presidents Association, the County of York Law Association and Legal Assistance Kent, each expressed positive support for the concept.

Though some respondents expressed concerns about the suitability of basing the system upon the regions set out in the Courts of Justice Act, a significant number believed that some form of regional representation would lead to improved voter turnout and more effective representation in Convocation. The members of the Committee took seriously the view, repeatedly expressed in the submissions received, that members were apathetic toward benchers' elections because they felt no connection with the benchers. The problem has manifested itself in declining voter turnout (71.2% in 1979, 62.5% in 1983 and 54.1% in 1987) and your Committee gave much consideration to means of reversing this disturbing trend.

One of the most persuasive arguments raised against regional representation was that it challenges the tenet that a bencher is elected to govern the profession in the public interest as a representative of all members, not merely as a representative of members in a particular area. It was also noted that a system of regional representation might work against those candidates for election who do not have a distinct regional base.

Your Committee carefully considered these concerns. After much debate, it was decided to recommend a system under which some benchers will be elected by voters within regions and others will be elected by all voters in the province. ...

...

Your Committee acknowledges that the regional election of eleven¹ of forty benchers falls considerably short of the more comprehensive

¹ The original scheme had four regions within Metropolitan Toronto, but this was later changed to eight regions in total (Metropolitan Toronto and the seven other judicial regions).

scheme of regional representation proposed by the County and District Law Presidents Association.² It was clear however that the majority of the Committee were convinced that this was not the time to recommend such an extensive change. ...The recommendation that one benchers be elected from each region is a compromise: nevertheless your Committee considers it to be the only measure of regional representation likely to gain the approval of Convocation at this time. If the proposal is adopted, it may be that, following the 1991 election of benchers, Convocation will wish to reconsider the number of benchers elected from each region.

12. Convocation voted to put this Report over until after the CDLPA plenary in November 1990. At the November 1990 Convocation, the scheme was approved in principle. In 1992, Convocation struck the Special Committee on Benchers Elections (the Scott Committee) to consider implementation of the policy decision. In March 1993, Convocation approved the Scott Committee's recommendation that Convocation affirm the 1990 decision and implement the scheme. The Report included the following explanation:

While persuasive arguments were developed during our deliberations in favour of the status quo, it became obvious, as must have been the case for the Ferguson Committee, that some form of regionalization must be developed, however modest a first step, if the concerns of the profession are to be considered.

...[A] modicum of regionalization, it was felt, ought to be considered to meet the needs of the membership of the profession and to assess the impact, over time, of such a scheme on the work of the Law Society. The Ferguson Committee, quite obviously motivated by a similar concern, opted for a scheme which would involve the election of a single Benchers

² The County and District Law Presidents Association recommended that each region should have two benchers, with an additional benchers for every 750 lawyers over the first 750. At current membership numbers, this formula would have given a minimum of two benchers for any region (for example, the North West Region) and a maximum, outside Metropolitan Toronto, of five benchers per region (for example, the East Region). The County and District Law Presidents also recommended that five members be elected at large from any part of the province. Their scheme would have required an increase in the total number of elected benchers to forty-five. The Committee did not support "such an extensive measure of regionalization."

for each judicial district outside Metropolitan Toronto and the four electoral districts inside Metropolitan Toronto. This...was a form of regionalization which, it seems clear, was regarded as a substantive expression of the idea in the interests of assessing its impact and reacting to the concerns of the community of lawyers in the Province.

...

It is clear that the subject of Benchers elections attracts strong and entirely legitimate views on all sides. The status quo has much to recommend it. Yet, from the work of the Ferguson Committee and your own Committee, it is clear that the profession wants some form of regionalization.

13. The regional scheme was implemented in time for the 1999 benchers election. The gap between adoption of the scheme and implementation was due to the requirement for *Law Society Act* amendments to provide the authority in the by-laws for regions for the election.
14. At January 1999 Convocation, certain aspects of the regional scheme (e.g. how to fill vacancies for the regional benchers between elections) were before Convocation for decision through the report of the Task Force on the 1999 Benchers Election and Referendum³, chaired by Paul Lamek. The introduction to this report stated:

The driving force for regional benchers representation has been the belief that it would encourage member participation in the elections, as there has been an increasing decline in voter turnout. Voter turnout was 71% in 1979 but declined to 53% in 1991 and 43% in 1995. There has been a marked decline in female member voter turnout: in 1991, 51% of eligible female voters cast their ballots, but in 1995, only 27% of eligible female voters cast their ballot. Notwithstanding, there has been an increase in the number of female benchers elected: 10 in 1991 (25%) to 15 (37.5%) in 1995.

The counter arguments to regional benchers have been based on the mandate of the Law Society to govern the profession in the public interest. To this effect, it has been pointed out that the issues addressed

³ The Referendum was on benchers remuneration.

by Convocation are not regional, but pertain to the whole province. The concern has been that regional representation may detract from the focus of the work of Convocation by bringing about the subjugation of the public interest to local or particular constituencies.

15. Of interest is the following motion moved at the January 1999 Convocation, which the minutes indicate was not put, that is very similar to the proposal raised at the 2011 benchers planning session:

It was moved by Mr. Wright, seconded by Mr. Krishna that whereas regional representation is a highly salutary policy deserving our unwavering support; and whereas Convocation should derogate from the democratic process as little as possible and, where possible, reduce unnecessary costs, complexity and administrative headache; be it moved that the 1999 benchers election be conducted as follows:

1. The 1999 vote will be held as in the past.
2. Following the vote, the list of elected benchers will be scrutinized to ensure that each of the 9⁴ electoral districts is represented.
3. In the event that a region is not represented, the list of non-elected candidates will be scrutinized to determine the candidate with the higher number of votes who is from the unrepresented region.
4. The said candidate shall replace the elected benchers who received the lowest number of votes from a region that elected at least 2 benchers.

16. A final motion in this debate was ruled as contrary to the statute by the Treasurer:

It was moved by Mr. MacKenzie, seconded by Mr. Ruby that there be no regional benchers.

How the Regional Scheme Has Operated

17. The results of the last four benchers elections were examined to determine the effect, if any, of the regional scheme. Voter turnout was also examined to determine if the scheme has had any effect on the number of votes cast.

⁴ Corrected to 8.

18. The votes for all those who were elected as regional benchers in each of 1999, 2003, 2007 and 2011 were reviewed to determine two questions:
 - a. Whether the candidate elected as regional bencher would have been elected without a regional scheme; and
 - b. Whether there otherwise would have been a candidate elected from the region.This analysis does not include the Toronto region, where, as noted, the regional bencher is always in the top 20.
19. In reviewing the results of this analysis, the fact that under the current regime candidates could properly decide to campaign only in their region was taken into account. Therefore, it cannot be assumed that the election results would have been the same if a different regime had been in place. However, the results provide useful background.
20. In 1999, six of the seven regional benchers outside Toronto would have been elected in the top 20 based on votes from all voters or by acclamation (this was the case with the candidate from the northeast region). The seventh individual, for the northwest region, finished 24th. With the acclamation, all seven regions otherwise had an elected bencher in the top 20.
21. In 2003, all seven regional benchers would have been elected in the top 20 outside Toronto based on votes from all voters. The candidate who received the least number of votes among this group (with 2055 votes), was 20th. All but two regions (northwest and central east) otherwise had a bencher elected in each of the regions.
22. In 2007, it was a different result. Only three of the regional benchers outside of Toronto would have otherwise been elected in the top 20 based on votes from all voters (the cut-off for the top 20 outside Toronto was 1932 votes). The four others elected regionally received votes placing them 25th (1746 votes), 26th (1664 votes), 27th (1585 votes) and 40th (884 votes). However, all but one region (northwest) had a bencher elected apart

from the regional bencher. The next eligible candidate from the northwest region finished 21st (with 1901 votes) and was elected during the term in 2009 when a vacancy occurred.

23. In 2011, the result was similar to 2007. Four of the regional benchers would have otherwise been elected in the top 20 outside Toronto by votes from all voters (the cut-off was 1940 votes). The three remaining regional benchers finished 22nd (1793 votes), 36th (1305 votes) and 46th (731 votes). However, all but one region (central west) had a bencher elected apart from the regional bencher. The next eligible candidate from central west finished 26th.
24. In summary, the analysis showed that nearly every region had a candidate who was elected a bencher based on the general vote, without operation of the regional bencher scheme. The analysis also showed that voter turnout declined in election years 1999, 2003 and 2007 (42.02%, 36.77% and 34.48% respectively). There was an increase in 2011 (37.21%). The percentage in 1995 was 43.72%.

Summary

25. The “driving force” for a regional bencher scheme - to encourage participation in the election - did not appear to have the intended effect. Rather than higher voter turnout in the elections that followed implementation of the scheme, voter turnout actually fell after 1995 until 2011.
26. As noted earlier, the majority of regions had representation at Convocation aside from the regional bencher. If the proposed scheme was in place in previous elections, the next eligible candidates to fill regional positions would typically have moved up from within the 21st to 30th positions.
27. It is accepted that there is value in having representation at Convocation from every region. This facilitates views that reflect a variety of experiences within the province,

and through that, provides a window to the interests of the larger public for whom regulation of the profession exists. This also helps to achieve governance of the profession that reflects consideration of these views and is responsive to the needs of stakeholders.

28. The proposal to modify the regional benchers election scheme would continue to safeguard regional representation and acknowledge the member support of those who would be elected within a region based on the overall vote.

Tab 5.2

RESPONSES TO THE CALL FOR INPUT

Individual Responses

While supportive of the rationale for change to the current election scheme, and not asking the Working Group to change its proposal, this respondent expressed concern with the proposed procedure where no regional candidate receives sufficient votes to be within the top twenty candidates from outside the Toronto area. He notes that under the proposed scheme, a regional candidate may become the regional benchers by having only won by a narrow margin in the region, but having received far fewer votes than the next regional candidate received from all voters across the province. He suggests that “the fact that all but one region had a benchers elected apart from the regional benchers means the proposed modification will have a very limited (if any) impact on the present situation where the result of the regional vote trumps much stronger support the regional runner up candidate may receive from all voters”.

The other individual respondent opposes the proposed amendments, on the grounds that it would increase the costs of campaigning, and because it risks leading to Toronto area voters determining the regional Benchers in the rest of the provinces.

Organizational Responses

1. This organization recommends maintaining the status quo based on its view that the current scheme increases the likelihood of francophone or bilingual benchers being elected.
2. This organization supports the status quo, and adopts the submission below.
3. This organization reports that not one member suggests departing from the current scheme. Its members prefer electing the regional benchers from their ranks. They are concerned that under the proposed scheme the regional benchers who received few or no votes from within the region could be elected, and that such an individual “may not

therefore have regard to the best interests of members of the public and those practicing law in the [region]”.

4. This organization supports maintaining the status quo. It reports that it consulted with its constituents, and that the responses were “overwhelmingly against the proposed change to the regional benchers election scheme”. It reports that there was not a single response favouring the proposed change. The two main comments are:
 - a. Lawyers within a region are in the best position to choose the best candidate for the region; and
 - b. Shifting to a scheme whereby a regional benchers is elected on the basis of the overall vote could lead to large Toronto based firms with “satellite offices within a region” potentially coming to dominate in the region.
5. This organization supports the status quo on the basis that regional representation should be maintained, and because their constituents “believe that the lawyers in each region should elect the Regional Benchers.”
6. This organization sought input from its elected council members in all regions outside the GTA for its submission, and also supports the status quo. They generally support regional representation on the grounds that it:
 - a. Enables the Law Society to fulfill its public protection;
 - b. Instills confidence in the Law Society as regulator; and
 - c. Provides a “known and trusted liaison” with the Law Society.

However, they submit that there does not appear to be any perceived need to change the current system. It maintains that lawyers within the regions are best placed to determine who will best serve the purpose of regional representation. In its view, “choosing a lawyer who has a broad base of support from outside the region (reflected in a strong pan-provincial vote) provides less confidence to those practicing within a region than the elected regional benchers will have the requisite understanding of local issues”. They also

suggest that the current system reaches an appropriate balance between effective regional representation and ensuring that there are opportunities for candidates from smaller communities to be elected.

7. This organization supports a scheme whereby the Regional Benchers is determined based on the votes of lawyers within the region. It is concerned that any scheme permitting all Ontario lawyers to elect Regional Benchers would favour those who can afford to campaign across the province, and could lead to the election of Regional Benchers who are not best suited to represent the region. It additionally recommends that:
 - a. Each Benchers or person running for Regional Benchers must practice and have their “main” office in the region for which they are running;
 - b. Each candidate be required to be a member of the local and district law association; and
 - c. The Law Society consider providing two benchers for each region so that all Ontario regions have the same number of representatives.
8. This organization expresses unanimous support for the status quo. Its members support electing their regional benchers from their ranks, and express concern that “the influence that the elected Benchers for [their region] would be diminished if the Regional Benchers Scheme were modified”.

*THIS SECTION CONTAINS
IN CAMERA MATERIAL*



TAB 9

Report to Convocation June 26, 2014

Access to Justice Committee

Access to Justice Committee

Marion Boyd (Co-Chair)
Cathy Corsetti (Co-Chair)
Adriana Doyle (Vice-Chair)
Michael Lerner (Vice-Chair)
Mary Louise Dickson
Robert Evans
Avvy Go
Michelle Haigh
Susan Hare
George Hunter
Virginia MacLean
Susan McGrath
Janet Minor
Barbara Murchie
Jack Rabinovitch
Susan Richer
Baljit Sikand

Purpose of Report: Information

**Prepared by the Equity Initiatives Department
(Marisha Roman, Aboriginal Initiatives and Policy Counsel – 416-947-3989)**

COMMITTEE PROCESS

1. The Access to Justice Committee (the “Committee”) held its regular meeting on June 11, 2014. Committee members Marion Boyd (Co-Chair), Cathy Corsetti (Co-Chair), Adriana Doyle (Vice-Chair), Michael Lerner (Vice-Chair, telephone), Mary Louise Dickson, Robert Evans, Michelle Haigh, Virginia MacLean, Susan McGrath, Barb Murchie and Baljit Sikand participated. Raj Anand and Brian Lawrie also attended. Staff members Julia Bass, Denise McCourtie (telephone), Diana Miles, Marisha Roman, Grant Wedge and Sheena Weir attended.
2. The Committee received an update from Diana Miles on the *Your Law: Family Law in Ontario* portal. The Committee supported maintaining the site in its current form, pending a review of progress of The Action Group on Access to Justice (TAG) initiative at the end of 2014.
3. The Committee received an information report from Zeynep Onen on the Law Society’s Professional Regulation Division’s intake process for complaints relating to claims in the Independent Assessment Process, addressing specific needs of the complainants based on discussions with the Indian Residential Schools Adjudication Secretariat (IRSAS) and others.
4. An update was provided on the current distribution status of the Law Society’s “*Handling everyday legal problems*” public information guide. As of June 4, 245,171 copies of the guide (of a total of 326,000) had been distributed to the public.

Tab 9.1

FOR INFORMATION

**PROGRESS REPORT ON THE TAG INITIATIVE AND
PLANNING FOR NEXT STEPS**

5. This report includes an overview of the TAG Reference Group and its process, an update on the June 3 TAG Launch event and its outcomes, as well as an update on the TAG Resource Centre.

TAG REFERENCE GROUP

6. The Law Society has created a Reference Group to oversee the planning for the TAG Forum as well as future access to justice initiatives. To date, it has met three times: May 21, June 2, and June 17, 2014.
7. The members of the Reference Group currently include:
 - Marion Boyd, Co-chair, Access to Justice
 - Meredith Brown, Executive Director, Innovation, Ministry of the Attorney General
 - Chris Cheung, Acting Director, Policy and Public Affairs, Ontario Bar Association
 - Cathy Corsetti, Co-chair, Access to Justice
 - Elizabeth Goldberg, Executive Director, The Law Foundation of Ontario
 - Howard Goldblatt, Chair, Equity and Aboriginal Issues
 - Patricia Hughes, Executive Director, The Law Commission of Ontario
 - Sunny Kwon, Counsel, Justice Policy Development Branch, Ministry of the Attorney General
 - Julie Mathews, Executive Director, Community Legal Education Ontario
 - Sarah McCoubrey, formerly Executive Director, Ontario Justice Education Network

Dave McKillop, Vice-President, Policy, Research and External Relations, Legal Aid Ontario

Lori Newton, Office of the Chief Justice, Ontario Court of Justice

Sandra Yuko Nishikawa, Chair, Equity Advisory Group

Lorne Sossin, Dean, Osgoode Law School

8. The first meetings focused on discussing the following:
 - a. The June 3 Launch event. Outcomes of the meeting included identifying invitees, providing an update on the report *Inventory of Legal Organizations*, and planning the elements of the working session. The group identified potential speakers, clarified the role of the Law Society's facilitation of the working session and discussed the format of the session, including asking a "pop-question" and three prompt questions for further information from the participants about their expectations and interests;
 - b. The proposed TAG logo and identifiers.
 - c. The structure of how the TAG Forum will operate, including potential clustering of issues so that partners can work together collaboratively and achieve results. The results will be reported to the overall Forum.
 - d. Feedback from the June 3 Launch event, identification of cluster issues and development of options for future activities for working groups on cluster issues.
9. The Reference Group may be expanded over time, and will continue to meet on a regular basis to guide the TAG process.

DEBRIEF – JUNE 3 TAG LAUNCH EVENT

10. On June 3, the Law Society hosted the TAG Launch event. The event featured an update and information-sharing session with approximately 90 participants. The audience included TAG stakeholders who had participated in the October 2013 TAG Symposium, members of the TAG Reference Group, invited guests and

benchers. The update and information-sharing session was followed by a reception.

11. Prior to the June 3 event, invited participants were asked to complete a survey as well as provide an update on the inventory of access to justice initiatives in Ontario. The Law Society provided, in a “TAG bag”, the results of the survey as well as the updated *Inventory of Legal Organizations* report, the “*Handling everyday legal problems*” guide, the bookmark promotion piece for the Legal Information for Everyone project, and an advance copy (English) of the Colloquium Report from the Action Committee on Access to Justice in Civil and Family Matters. The document highlighting the results of the survey is provided at [Appendix 1](#). Other documents are available to benchers through the **TAG Resource Centre**.
12. Grant Wedge, Executive Director of Policy, Equity and Public Affairs, moderated the event.
13. Bencher Howard Goldblatt spoke first about the Law Society’s vision and commitment to its role as facilitator and participant in the TAG Forum.
14. Other featured speakers presented examples of current collaborative initiatives in Ontario that use the combined resources and efforts of legal sector stakeholders to enhance access to justice within a variety of legal contexts. The speakers included the following and their presentation slides are included in the **TAG Resource Centre**:
 - a. Julie Mathews talked about the process of rebranding and reconfiguring the Your Legal Rights website to the Shared Steps website. The purpose of the initiative is to move away from an information clearinghouse and provide a self-directed guide to legal information and resources for users;

- b. Justice McEwen with Alan Mark from the Advocates' Society discussed the efforts and the successes of the Superior Court Reform Task Force with regard to reducing wait times;
 - c. Professor Trevor Farrow of the Osgoode Hall Law School presented on the Child Protection Course Pilot project, developed in partnership with Legal Aid Ontario, for the 2013-2014 academic year. Professor Farrow indicated that Osgoode plans to continue the program into the next academic year;
 - d. Chief Justice Annemarie Bonkalo talked about the success of the Ontario Court of Justice Child Protection initiative; and
 - e. David McKillop presented on the Legal Aid Mental Health Strategy that was developed through consultation with external experts in this field.
15. Following the featured speakers, Grant Wedge opened the floor to speakers from the audience for a "Pop-Up Session". Participants were asked to speak about any innovative initiatives that they were involved in or that they would like to see with regard to enhancing access to justice in Ontario. The issues and ideas presented covered a broad range of topics and included the following:
- a. The Ontario Bar Association is aware that the greying of the bar is a reality in smaller centres in Ontario and this presents both an urgent need as well as an opportunity to engage younger lawyers;
 - b. The Human Rights Legal Support Centre utilizes the services of paralegals as well as lawyers to provide an array of legal supports for clients, including information in approximately 140 languages and unbundled legal services. It has also embarked on providing Aboriginal-specific services in Thunder Bay and in partnership with the Ontario Federation of Indigenous Friendship Centres;
 - c. A representative of the Colour of Poverty/Colour of Change Network, indicated the importance of including diversity in the TAG process. She noted that the Provincial Racial Justice Report Card would be released on June 4, 2014 through the Colour of Poverty/Colour of Change Network. It

utilizes a research tool to present disaggregated diversity data. The report is available at <http://mtcsalc.org/en/what-s-new/>. The Colour of Poverty/Colour of Change initiative would be willing to share this tool with TAG;

- d. The Federation of Asian Canadian Lawyers represents Asian and South Asian lawyers, many of whom can provide legal services in the language of their communities. The FACL website also features video vignettes of FACL member lawyers speaking in Asian languages about legal issues. FACL suggests that the Law Society consider translating some of its website or including links to legal information websites that provide resources in other languages;
- e. A program that provides training for public librarians in smaller centres enables them to effectively direct the public to legal information. This program, funded by the Law Foundation of Ontario, was presented as an example of a successful engagement of non-lawyers in providing legal information;
- f. As an example of an initiative in the United States, a judge from the District of Columbia highlighted the success of the Access to Justice Commissions in the U.S., in particular the Maryland Access to Justice Commission (<http://www.mdcourts.gov/mdatjc/>). These commissions, which are located throughout the U.S., bring together the judiciary, the bar, as well as public interest groups and enable an ongoing dialogue about regional access to justice;
- g. Recognizing that long civil litigation trials are a reality across the province, not just in Toronto, one option to respond to this challenge could be to engage members of the civil litigation bar, including trial lawyers, on Rules Committees;
- h. Legal Aid Ontario has committed to implementing its Aboriginal Strategy and is doing so by placing legal aid lawyers within First Nations communities to enhance contact between the community and LAO. This

pilot project has enhanced the capacity of Legal Aid lawyers as well as awareness in the First Nations community of Legal Aid services;

- i. Another example of a successful initiative that could be borrowed from the United States to reduce backlog in the civil courts is the use of adjudicators as well as Junior Masters for pre-trial matters as opposed to judges. In this way, judges would be able to focus on adjudicating trial matters;
 - j. The Social Justice Tribunal of Ontario is “a cluster of seven expert adjudicative tribunals” designed to provide simplified procedures and enhance the public’s access to administrative tribunals. Its mandate features several collaborative initiatives, including making enhancements to the procedures of the Landlord and Tenant Board, in recognition of the special circumstances involving tenants of Toronto Community Housing.
 - k. The Ontario Justice Education Network (OJEN) is an example of an initiative that fulfills its mandate through the engagement of thousands of volunteer lawyers throughout Ontario. OJEN has found no shortage of volunteer opportunities for lawyers.
16. Participants were then asked to fill out 3 answer cards and provide feedback to the TAG Reference Group about potential future steps for TAG.
17. The reception portion of the program featured Jeff Hirsch, on behalf of Justice Thomas Cromwell, the Chair of the Action Committee, who provided an overview of the Colloquium Report from the Action Committee on Access to Justice in Civil and Family Matters. The report highlights the outcomes of the Colloquium held in Toronto on January 27 and 28, 2014.
18. The program ended with remarks from the Treasurer and closing remarks from Grant Wedge.

UPDATE ON TAG RESOURCE CENTRE

19. As a resource for benchers, a **TAG Resource Centre** has been created in the Resource Centre folder on Boardbooks. This TAG Resource Centre is a library housing reports and research related to access to justice, generally, and the TAG initiative, specifically. It will be updated and re-organized from time to time as research reports are released. This folder is accessible through the “Resource Centre” icon on the main page of Boardbooks.

APPENDIX 1



TAG – THE ACTION GROUP ON ACCESS TO JUSTICE/GROUPE D’ACTION SUR L’ACCÈS À LA JUSTICE

You were asked “*In 100 words or less, share one innovative access to justice project or idea that you think has made an impact.*” The forty responses revealed key themes in the innovations already underway in Ontario, ideas of innovations in other jurisdictions and organizations that are collaborating to meet access to justice needs. The survey remains open through June. Ideas can be added by going to:

<http://fluidsurveys.com/s/TAGgreatideas/>

Leveraging the skills of law students to help fill gaps

Funding articling student positions in public interests organizations and legal clinics has increased the capacity of community based organizations and trained a new generation of young lawyers in the public interest sector. Pro Bono Students Canada exposes and engages students across Canada in a broad range of supervised, engaging A2J projects. Students draft forms and help clients navigate the Family Courts. These projects enhance the reputation of the bar, train students, and create a pipeline into family law.

Court Simplification makes justice more accessible

Innovations in the courts that have made it easier and cheaper to pursue court resolution including the use of telephone conferences to deal with routine procedural matters, increasing the monetary limits for small claim actions, use of Settlement Conferences in Small Claims Court and plain language, how-to-guides posted online by administrative tribunals. Coordination between parts of the system, as happens in the Roundtable on Complex Criminal Trials, brings the necessary resources into the process early on. Legal services from duty counsel providing summary advice on Small Claims and Superior Court matters, family law information centres, paralegals, duty counsel and legal aid, on site mediation in family matters and dispute resolution officers in courthouses all connect people with services when they need them.

Research into needs

CLEO's Connecting Project provided a basis for legal and social agencies to collaborate in identifying needs and helped to make the case for LFO funding to 60 collaborations between multidisciplinary legal and social services increase the capacity of front-line workers at community organizations. Multilanguage access has become easier as trusted

intermediaries become aware of available resources feel more confident accessing them, effectively addresses the multidimensional aspect of legal problems for persons who have difficulty accessing the traditional legal system.

Provide early information to prevent complex legal problems

Initiatives that help people anticipate legal issues and ask for help connects them with legal services and understand legal issues before they become complex. Project such as METRAC's public legal information webinars for women and their service providers, medical-legal partnership like the PBLO project at Sick Kids or OJEN/ROEJ's Young Mom's project for new mothers living in shelters or residential care build awareness, confidence in legal resolution and ideas about how to avoid legal conflicts.

Help Self-represented Litigants navigate the system

A number of projects focus on people in the midst of a legal dispute without representation.

Innovations like the unbundling of legal services at the Human Rights Legal Support Centre, PBLO's Law Help Ontario's continuum of services from procedural information through to representation and Legal Aid Ontario's toll-free number providing summary legal advice and referrals in over 200 languages provide direct legal services. The Migrant Worker Coalition connects vulnerable workers to explain rights and provide representation on employment issues. The Self-Represented Litigants project has created attention to and a forum for learning from the experiences of those who navigate the courts without assistance.

Ideas for Next Steps

- Generate an access to justice fund from lawyer and paralegal fees and increased court filing fees
- Raise legal aid eligibility rates for criminal or family justice system
- Provide front end and back end debt relief to law students
- Providing "coaching" to self-represented litigants to enable them to move forward on their own
- Set up a "legal brokerage" assisting family law litigants to get legal advice from lawyers at a reduced fee (see Family Law Access Centre in Manitoba)
- Replicate the American Bar Association's "incubator" initiative providing mentoring, office and business support, financial assistance to lawyers building a practice that serves otherwise underserved clients



TAB 10

**Report to Convocation
June 26, 2014**

Audit & Finance Committee

Committee Members
Christopher Bredt (Co-Chair)
Carol Hartman (Co-Chair)
John Callaghan (Vice-Chair)
Cathy Corsetti
Adriana Doyle
Susan Elliott
Seymour Epstein
Janet Leiper
James Scarfone
Alan Silverstein
Catherine Strosberg
Peter Wardle

Purpose of Report: 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

Other Committee Work.....[TAB 10.1](#)

COMMITTEE PROCESS

1. The Audit & Finance Committee (“the Committee”) met on June 11, 2014. Committee members in attendance were Chris Bredt (co-chair), John Callaghan (vice-chair), Cathy Corsetti, Adriana Doyle, Seymour Epstein, Janet Leiper (phone), Jim Scarfone, Alan Silverstein, Catherine Strosberg and Peter Wardle. Marian Lipa also attended.
2. Law Society staff in attendance: Robert Lapper, Wendy Tysall, Brenda Albuquerque-Boutilier, Felicia North and Andrew Cawse.
3. Also in attendance: Stephanie Kalinowski, Hicks Morley.

TAB 10.1

FOR INFORMATION

OTHER COMMITTEE WORK

4. The Committee approved resolutions and received other related documents for the Pension Plan for the Employees of the Law Society of Upper Canada. Specifically, the Committee:
- a) received the Pension Governance Report for the period ending March 31, 2014 detailing the activities of the Pension Plan, including the Audited Financial Statements for the year ended December 31, 2013;
 - b) approved a resolution to adopt the revised Law Society of Upper Canada Pension Plan Governance Structure and Guidelines as revised January 1, 2014 which included minor changes;
 - c) approved the revised Statement of Investment Policies and Procedures effective January 1, 2014 which included minor changes;
 - d) approved the revised Pension Plan Text to reflect the following amendment:
 - i. Changes to the member and employer contribution sections of the Pension Plan text to clarify the treatment of pension contributions during leaves of absence.
 - e) approved the retention of Standard Life as Custodian / Record Keeper under its revised fee schedule;
 - f) received the Legal Advisor's Report for the period September 14, 2013 to May 8, 2014 summarizing relevant legal developments.

5. The Committee's role in relation to the Law Society's pension fund is set out in By-law 3:

Administrator of pension plan

118. (1) The Audit and Finance Committee shall be the administrator of and shall administer the registered pension plan for the employees of the Society.

Powers

(2) The performance of any duty, or the exercise of any power, by the Audit and Finance Committee under any Act relevant to its role described in subsection (1) is not subject to the approval of Convocation.

6. The Committee also reviewed the major assumptions impacting the 2015 budget and provided feedback to staff on development of the 2015 budget, the establishment of the 2015 annual fee for lawyers and paralegals and the 2015-2017 financial plan.



Tab 11

Report to Convocation June 26, 2014

Priority Planning Committee

Committee Members

Treasurer Thomas Conway (Chair)

Raj Anand

Marion Boyd

Christopher Bredt

Cathy Corsetti

Howard Goldblatt

Michelle Haigh

Carol Hartman

Jacqueline Horvat

William McDowell

Susan McGrath

Malcolm Mercer

Janet Minor

Julian Porter

Purpose of Report: Information

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

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FOR INFORMATION

**CONVOCATION'S PRIORITY PLANNING -
STATUS OF WORK ON CONVOCATION'S PRIORITIES**

Committee Process

1. The Priority Planning Committee ("the Committee") has prepared this status report for Convocation's information on the work completed or in progress on Convocation's policy agenda. This report follows the status report to Convocation in June 2013.

Background

2. In March 2007, Convocation approved the following recommendations of the Governance Task Force with respect to prioritizing and planning Convocation's policy agenda:
 - a. Convocation shall institute a full review of Convocation's priorities for achieving strategic objectives for the Law Society, to be held at a meeting of benchers soon after each bencher election and as appropriate during the bencher term; and
 - b. Convocation shall establish a standing committee called the Priority Planning Committee to assist Convocation in planning its priorities. In particular,
 - i. The Treasurer shall recommend members of the Committee for Convocation's approval, in accordance with the By-Laws;
 - ii. Convocation shall appoint the chair and any vice-chairs of the Committee, in accordance with the By-Laws;
 - iii. In addition to the bencher members of the Committee, the Chief Executive Officer shall be a non-voting member of the Committee;
 - iv. The mandate of the Committee is to
 - A. recommend for Convocation's consideration and approval the priorities for policy objectives and submit those recommendations to Convocation in the process described in a. above,
 - B. periodically review the priorities previously established by Convocation, and new policy issues that may arise, and recommend to Convocation on an ongoing basis the priorities to be considered and approved by Convocation in the future, and
 - C. report annually to Convocation on the status of Convocation's priorities.

3. A Planning Session was held from September 25 to 27, 2011 following the benchers election that year. At the Session, attendees identified a number of priority areas as the focus for 2011 to 2015. Committee meetings in the fall of 2011 resulted in the presentation to Convocation of six priority areas and two other areas linked to the effectiveness with which the Law Society carries out its mandate. These eight areas are:
 - Access to Justice
 - Competency and professional standards
 - Equity, diversity and retention
 - Tribunals issues
 - Business structures and law firm financing
 - Professional regulation
 - Effective communication and outreach
 - Convocation governance effectiveness
4. On December 9, 2011, Convocation approved these priority areas.
5. Following consultation with the chairs of the standing committees and task forces and members of the senior management team, on April 26, 2012 the Committee presented to Convocation a work plan to achieve the priorities approved by Convocation for the 2011 – 2015 term. Included was an update on the implementation of initiatives that had been carried out by the Law Society to address the approved priorities and implement the work plan. At that meeting, Convocation approved the work plan.
6. Convocation also confirmed its earlier policy for the process for adding new issues and initiatives to the work plan, as follows:
 - a. Depending on the nature of the issue that arises, the Treasurer may discuss it with the chair of the relevant committee and the Chief Executive Officer to determine whether the issue can be accommodated within the current work plan. If it can be accommodated, the work plan will be amended and reported to Convocation for

information.

- b. If the issue cannot be accommodated within the current work plan, the issue will have to be scoped out, and the financial and resource implications determined. The Committee will then present the issue to Convocation for its decision on whether to add it to the work plan.
7. This is the Committee's second report on the status of the initiatives undertaken to achieve Convocation's priorities for the 2011-2015 term.

The Status of Work on the Priorities

8. Earlier this month, Committee members reviewed the work done on the priorities for the 2011 – 2015 bench term. Set out in the table at [Tab 11.1](#) is a report on each of the priorities (summarized, based on the April 2012 report) and the status of the work done updated to June 2014.
9. The Committee reviewed the progress of work on the priorities Convocation identified in accordance with its March 2007 policy. The review showed that significant progress has been made on the priorities, including initiatives within the priorities that have been completed. In the Committee's view, the priority planning process Convocation follows, which provides a structured approach to planning and prioritizing the Law Society's policy agenda, continues to help advance the effectiveness of the Law Society's mandate.

Next Steps

10. The Committee continues to monitor the progress on the work on the priorities, and will review matters arising that may be accommodated within the current work plan and new matters that require assessment before they are recommended for an addition to the work plan.

11. The Committee intends to work to enhance and make more robust the priority planning process in future, and is currently reviewing the process to be undertaken as the end of the current term approaches in 2015.
12. As planning for the next term begins, the Committee will consider the Law Society's operational strategic direction established by the Chief Executive Officer and the role it should play in benchers' discussions about the priority agenda for the next term.

TAB 11.1

Status of Current Work on the Eight Priorities

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
<p>ACCESS TO JUSTICE</p> <ol style="list-style-type: none"> 1. Resources, information/communications and leadership by the Law Society; 2. Facilitating access to legal and administrative services, including publicly-accessible information, legal referral services, legal aid, alternative dispute resolution, legal expense insurance and <i>pro bono</i> services, including limited scope retainers; 3. Licensing options as a means to increase access to justice; and 4. Court and procedural reforms. 	<ul style="list-style-type: none"> • Supporting development of dedicated resources for family law litigants <p>Development of further modules for the web-based Unified Family Law Platform, operational June 2012 deferred; developments through The Action Group on Access to Justice to be monitored (see below)</p> <ul style="list-style-type: none"> • Encouraging development of other “upfront” services and administrative services for information <p>Access to Justice Guide for the public published and distributed May 2014. Promotion and distribution will continue through the balance of 2014</p> <ul style="list-style-type: none"> • Proposing/encouraging court and procedural reforms <p>Amendments to family and civil rules in 2013 enabling limited scope retainers, leading to the start of the second phase of conduct rule changes for limited scope retainers (see also Professional Regulation)</p> <ul style="list-style-type: none"> • Liaising with other stakeholder groups, such as Pro Bono Law Ontario, Ontario Justice Education Network and the Law Commission of Ontario on access to justice initiatives. <p>The Action Group on Access to Justice established February 2014 to co-ordinate and collaborate with various legal organizations and to provide leadership and strategic focus on access to justice; official launch June 2014</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
	<p>Website launched for the LIFE Project – TAG/OJEN/CLEO partnership Information for Everyone/Information juridiques accessible a tous, to assist licensees in reaching those facing the greatest barriers in accessing justice at June 3 TAG Launch event</p> <ul style="list-style-type: none"> ▪ English-language website at LIFEtoolbox.ca fully functional ▪ French-language videos in process of being uploaded to the IJAToutils.ca website, anticipated to be completed by mid-June ▪ options for promoting the website and resources to the legal professions under review <p>• Other work</p> <p>Amendments to the <i>Solicitors Act</i> to provide an exception for licensed paralegals from the prohibition on unauthorized practice in section 1</p>
<p>COMPETENCY AND PROFESSIONAL STANDARDS</p> <ol style="list-style-type: none"> 1. Entry level competencies; 2. Competence in the early years of practice; 3. Competencies by areas of practice; 4. Licensing options as a means to promote competence; 5. Measurable and enforceable practice standards; 6. Mentoring and support for licensees, including mentoring programs, advisor services, 	<ul style="list-style-type: none"> • Considering developments at the front end of legal education to enhance competence <p>Implementation of three-year pilot project for revisions to lawyer licensing program; Law Practice Program to launch fall 2014</p> <p>Implementation of performance-based evaluations in the Articling Program that mirror the expected completion of skills and tasks competencies in the Law Practice Program approved October 2013 are now completed and have been introduced to Articling Candidates and Principals for the upcoming term</p> <p>Approval of Lakehead University Faculty of Law’s integrated practice curriculum as satisfying the Law Society’s experiential training requirement for lawyer licensing November 2013</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
<p>practice supports;</p> <p>7. Technological applications for learning, assessment and assistance; and</p> <p>8. National standards.</p>	<p>Approval of reforms to the accreditation and ongoing audit framework for paralegal education programs, February 2014</p> <ul style="list-style-type: none"> • Ongoing assessment of entry level competencies, with a specific focus on competency standards and assessment of newly licensed individuals <p>Ongoing development of the National Admission Standards including approval of the national Competency Profile</p> <ul style="list-style-type: none"> • Considering initiatives to support and promote sound practice management practices, including succession planning <p>Contingency planning resources completed and reported to Convocation September 2013</p> <ul style="list-style-type: none"> • Developing initiatives to institutionalize mentoring, advisor and other support services for lawyers and paralegals; inputs will include information from other committees <p>Creation of the Mentoring and Advisory Services Proposal Task Force, November 2013. Work on proposals commenced in 2014 and will be ongoing until formal reporting to Convocation anticipated early in 2015</p> <ul style="list-style-type: none"> • Other work <p>Work of the Working Group on the Delivery of Legal Information and Library Services (created by Treasurer April 2013) ongoing; to report later in 2014</p> <p>Real Estate Liaison Group established by Treasurer with other stakeholders as a forum for discussion of real estate practice issues; first meeting May 2014 shaping the work for the year</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
<p>EQUITY, DIVERSITY AND RETENTION</p> <ol style="list-style-type: none"> Processes and initiatives to ensure that equity principles are observed and promoted; The development of programs for other members of equity-seeking communities, using the Justicia model as a means to facilitate these initiatives; and Communications strategies for promoting equity and diversity. 	<ul style="list-style-type: none"> Investigating contract compliance strategies <p>To be considered in the context of the Challenges Face by Racialized Licensees Working Group (see below)</p> <ul style="list-style-type: none"> Developing communication plans on the importance of the commitment to diversity and legal obligations, when applicable. <p>Ongoing in relation to various projects</p> <ul style="list-style-type: none"> Considering development of programs to encourage law firms to enhance diversity, based on identified needs, and create reporting mechanisms - including consideration of the applicability of a “Justicia” model. <p>Justicia project resources released to the profession at large June 2014</p> <p>Parental Leave Assistance Program (PLAP) means test CRA-approved in 2013 and implemented</p> <p>Challenges Faced by Racialized Licensees Working Group to report to Convocation in the fall of 2014 on the status of its work and proposed consultations to identify best-practices to address challenges</p> <ul style="list-style-type: none"> Working in collaboration with the Professional Development and Competence Committee to identify the needs of lawyers/ paralegals from diverse communities; developing strategies and supports, where applicable, to assist in maintaining standards of competence and professional conduct.

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
	<p>Resources for the profession have been prepared to assist with AODA compliance</p> <p>Model policies and guidelines are developed and maintained up to date</p> <ul style="list-style-type: none"> • Other work <p>Creation of the Law Society Human Rights Award, October 2013</p> <p>New by-Law on Law Society services in English and French (amendment to By-Law 2) adopted by Convocation May 2014; implementation policy being prepared</p>
<p>TRIBUNAL ISSUES</p> <ol style="list-style-type: none"> 1. Adjudicator training; 2. Use of technology in the hearing process; 3. Enhancements to procedures and processes, including file and case management, to improve effectiveness and efficiency; 4. Quality of adjudication; 5. The appropriate model for the hearing process. 	<ul style="list-style-type: none"> • Creating a standard for adjudicator expertise and competence to ensure quality adjudication <p>Development and implementation of the Law Society Tribunal Mission Statement and Core Values, January 2014</p> <ul style="list-style-type: none"> • Enhanced training for adjudicators <p>Formal one-half to full day education sessions offered to all adjudicators now scheduled throughout the year (commenced January 2012)</p> <p>New Tribunal Member Training Session, December 2013</p> <ul style="list-style-type: none"> • Policy guidelines or directions on key procedures <p>Policy on adjudicator as witness and amendment to Adjudicator Code of Conduct adopted September 2013</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
	<p>Required updates to Adjudicator Code of Conduct and amendments to by-laws respecting the restructured Law Society Tribunal, March 2014</p> <p>Rules of Practice and Procedure - Hearing and Appeal Division amended as required by the <i>Modernizing Regulation of the Legal Profession Act, 2013</i>, March 2014</p> <p>Ontario Regulation 167/07 amended to reflect establishment of the Law Society Tribunal, March 2014</p> <ul style="list-style-type: none"> • Exploring structural changes to the tribunal to improve its effectiveness <p>Appointment of non-bencher Chair of the Law Society Tribunal, September 2013</p> <p>Appointment of 10 appointee adjudicators (lawyer, paralegal and lay) to the Hearing Division, October 2013</p> <p>Process to recruit additional lay appointee adjudicators for the Hearing Division begun April 2014</p> <p>Implementation of new hearing schedule process, May 2014</p> <ul style="list-style-type: none"> • Other work <p>Launch of the Law Society Tribunal website, March 2014</p> <p>Creation of Guides to assist self-represented licensees, March 2014</p> <p>Implementation of Chair's Practice Roundtable with Tribunal stakeholders, January 2014</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
<p>BUSINESS STRUCTURES AND LAW FIRM FINANCING</p> <ol style="list-style-type: none"> 1. Regulatory schemes that may involve new methods of oversight permitting more flexible delivery regimes/ business structures; 2. Maintaining independence and other core values within new business structures; 3. Ensuring competence, quality of work and value to the client; 4. Transparency, the client's understanding of who is the legal services provider, addressing possible conflicts of interest in alternate models; 5. Balancing more accessible legal services, possible lower cost with accountabilities for robust/ meaningful regulation; and 6. Financing of law firms and alternate structures 	<ul style="list-style-type: none"> • Developing a plan to identify priorities and legal services delivery models for consideration • Implementing the plan including a regulatory review to determine the impact of any proposal, and consultations as appropriate • Reporting the results to Convocation, including, as appropriate, proposals and recommendations for next steps <p>Report from Alternative Business Structures (ABS) Working Group approved by Convocation February 2014; consultation based on four proposed models for ABS underway through to end of 2014</p> <p>Convocation also approved a regulatory review in February 2014, to include firm/entity regulation and compliance-based regulation</p>
<p>PROFESSIONAL REGULATION</p> <ol style="list-style-type: none"> 1. Discipline diversion and avoidance, and exploration of initiatives aimed at reducing the 	<ul style="list-style-type: none"> • Review of discipline process to identify opportunities for improved timeliness including a review to consider expansion of the issues heard by a single member hearing panel (also a Tribunal priority)

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
<p>number of complaints arising from certain areas of legal practice;</p> <p>2. Expanding matters for single adjudicators;</p> <p>3. Exploring “paper” hearings (i.e. written hearings);</p> <p>4. Enhancing case management, including time limits, disclosure obligations and issue identification;</p> <p>5. Area-specific regulation, flowing from defining/establishing/enforcing area-specific practice standards.</p>	<p>Continuation of the Pre-Proceeding Consent Resolution Process approved by Convocation for an additional two years, with a report to be provided prior to the end of the two year period with recommendations regarding the continuation of the Conference on a permanent basis, January 2014</p> <p>By-Law amendments (By-Law 11) to support the authority in the <i>Law Society Act</i>, amended December 2013, to suspend for failure to pay costs ordered by the Law Society Tribunal, June 2014</p> <ul style="list-style-type: none"> • Completing next phase of review of limited scope retainers (see also Access to Justice priority) <p>Second phase of limited scope retainer conduct rule review underway following new family and civil rules enabling limited scope retainers in 2013-14.</p> <ul style="list-style-type: none"> • Other work <p>Implementation of the publication of generic notices of conduct issues dealt with by an Invitation to Attend, September 2013</p> <p>October 2013, Convocation approved amendments to professional conduct rules to implement the Federation of Law Societies of Canada Model Code of Professional Conduct; implementation for effective date of October 1, 2014 ongoing</p> <p>Submission on the Federation of Law Societies of Canada National Suitability to Practice Standard Consultation Report, November 2013</p> <p>Adoption in principle of Federation of Law Societies National Discipline Standards, January 2014</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
	New Guidelines for grants from the Compensation Fund approved February 2014
<p>EFFECTIVE COMMUNICATION AND OUTREACH</p> <ol style="list-style-type: none"> 1. Reaching and connecting with the public, other stakeholders; 2. Determining how best to engage with its members, the public and other stakeholders through communications; 3. Using print, electronic media via the internet, social media and video/multimedia meetings 	<ul style="list-style-type: none"> • Redesign of the public pages of the Law Society's website. <p>Completed</p> <ul style="list-style-type: none"> • Finalizing new content management system to all Law Society sites <p>Completed</p> <ul style="list-style-type: none"> • Other work <p>Support to several key corporate initiatives including the following:</p> <ul style="list-style-type: none"> ▪ Paralegal Benchers Election, March 31, 2014 ▪ Webcast of TWU Convocations, April 10 and 24, 2014 ▪ TAG - Launch of The Action Group on Access to Justice, June 2014
<p>CONVOCATION GOVERNANCE EFFECTIVENESS</p> <ol style="list-style-type: none"> 1. Determining the internal Convocation governance issues that need to be enhanced to deliver the Law Society's mandate; 2. Examining the Law Society's committee structure, Convocation processes and 	<ul style="list-style-type: none"> • Examining ways to improve and make more effective Convocation's review and decision-making processes, including: <ul style="list-style-type: none"> ○ Review of the size, mandates and structure of committees ○ Considering a consent agenda for certain Convocation matters ○ Enhancements to procedural rules for Convocation ○ Considering scheduling committee meetings and Convocation less often ○ Considering the appropriate venue for Convocation <p>Consent agenda for Convocation implemented September 2013</p> <p>Governance Issues Working Group of Priority Planning Committee reviewing Convocation</p>

PRIORITY AND DESCRIPTION	JUNE 2014 - ELEMENTS OF THE PRIORITY AND STATUS OF WORK (in bold)
<p>related operational supports; 3. Considering other work to help to facilitate effective governance.</p>	<p>scheduling issues</p> <ul style="list-style-type: none"> • Reviewing the regional bencher designation in bencher elections <p>Bencher Election Working Group report to June 2014 Convocation proposing no change to regional scheme</p> <ul style="list-style-type: none"> • Other work <p>Reforms to the bencher election process, recommended by Bencher Election Working Group, approved by Convocation June 2013</p> <p>Amendments to <i>Law Society Act</i> to implement decision to increase elected paralegal benchers from two to five, December 2013</p>