

25th February, 1993

MINUTES OF SPECIAL CONVOCATION

Thursday, 25th February, 1993
2:00 p.m.

PRESENT:

Acting Treasurer (Kenneth Howie), Brennan, Carter, Curtis, Elliott, Krishna, Lax, Mohideen, Murray, Ruby, Scott, Somerville and Weaver.

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DISCIPLINE COMMITTEE

CONTINUATION OF THE ANDREW BISHOP TULK MATTER

The Report of the Discipline Committee in the Andrew Tulk matter was before the Special Convocation on January 28th, 1993 and adjourned to continue on this date. The Report was adopted at that time and there were submissions from counsel as to the Recommendation as to Penalty. Counsel were advised of two motions including that of a higher penalty. They were: that the solicitor be suspended for 6 months rather than 3 and that the solicitor be suspended as of January 28th rather than January 21st, 1993.

The matter was adjourned to the February Convocation to hear further submissions as to penalty.

Mr. Tom Lockwood appeared for the Society and Mr. Donald Brown appeared for the solicitor who was present.

Submissions were made by counsel for the Society in support of the Recommendation.

Ms. Curtis entered Convocation at 2:25 p.m. partway through the submissions and Mr. Brown objected to her participating in the deliberations of Convocation. The Acting Treasurer agreed with counsel.

There were questions from the Bench.

There was a brief adjournment and Mr. Murray withdrew.

Submissions were then made by counsel for the solicitor.

Counsel, the solicitor, the reporter and the public withdrew.

It was moved by Robert Carter, seconded by Lloyd Brennan that the Recommendation as to Penalty be adopted, that is, that the solicitor be suspended for 3 months commencing January 21st, 1993.

Not Put

It was moved by Clay Ruby, seconded by Joan Lax that the Report be rejected and sent back for a full hearing before the Committee.

The Chair ruled the Motion out of order.

Mr. Ruby appealed the motion. The appeal of the motion was voted on and lost.

It was moved by Clay Ruby but failed for want of a seconder that the solicitor be disbarred.

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It was moved by Mary Weaver, seconded by Fatima Mohideen that the solicitor be suspended for 6 months commencing February 25th.

Carried

It was moved by Marc Somerville, seconded by David Scott that the solicitor be suspended for 3 months commencing February 25th.

Not Put

Counsel, the solicitor, the reporter and the public were recalled and informed of Convocation's decision.

Mr. Ruby dissented on the issue of penalty and advised that he would provide Reasons. Reasons for the majority would be written by Ms. Weaver.

CONVOCATION ROSE AT 5:00 P.m.

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Confirmed in Convocation this day of , 1993.

Treasurer