

MINUTES OF CONVOCATION

Friday, 21st June, 1991
9:30 a.m.

PRESENT:

The Treasurer, (James M. Spence, Q.C.), Bastedo, Bellamy, Bragagnolo, Brennan, Campbell, Cass, Chapnik, Copeland, Cullity, Curtis, Elliott, Farquharson, Feinstein, Ferrier, Finkelstein, Furlong, Graham, Ground, Hickey, Howie, Howland, Jarvis, Kiteley, Krishna, Lamek, Lawrence, Lax, Legge, Lerner, McKinnon, Mohideen, Murphy, Murray, Palmer, Peters, Richardson, Rock, Scott, Somerville, Strosberg, Thom, Topp, Wardlaw, Weaver and Yachetti.

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"IN PUBLIC"

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ELECTION OF TREASURER

The Secretary announced that pursuant to Rule 19, governing the election of Treasurer, one nomination had been received - that of Mr. James Spence by Mr. Lerner and Ms. Bellamy. No further nominations having been received, Mr. Spence was re-elected Treasurer by acclamation for the coming year.

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The Treasurer advised Convocation of the appointments by the Lieutenant Governor in Council of Ms. Shirley O'Connor and Ms. Angeles-Richardson as lay Benchers. The Treasurer introduced Ms. Angeles-Richardson who was present in Convocation.

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MOTIONS

It was moved by Mr. Topp, seconded by Mr. Murray THAT Denise Bellamy and Colin McKinnon be appointed as Law Society delegates to the Annual Meeting of Federation of Law Societies.

Carried

THAT the Treasurer be authorized to establish and appoint members to a Special Committee on Interjurisdictional Practise.

Carried

THAT Harvey Strosberg, Kenneth Howie and Netty Graham be appointed to hear the application for costs of Brian P. Horgan and to make a recommendation to Convocation.

Carried

THAT James Wardlaw be appointed to be a director of the Lawyers Professional Indemnity Company.

Carried

THAT the Annual Meeting of the Law Society of Upper Canada be held on Wednesday, November 13th, 1991 at 5:00 p.m. in Osgoode Hall.

Carried

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NOTICE OF MOTION

Mr. Bastedo gave notice pursuant to Rule 1 that he would move a motion at the next Regular Convocation.

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"IN CAMERA"

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IN CAMERA Content Has Been Removed

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"IN PUBLIC"

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DRAFT MINUTES

The Minutes of April 25th, 26th, May 6th and May 24th, 1991 were approved with Mr. Lamek's name added to those in attendance at Convocation on May 6th, 1991.

Approved

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ADMISSIONS COMMITTEE

Ms. Peters presented the Report of the Admissions Committee of its meeting on June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The ADMISSIONS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991 at 9:30 a.m., the following members being present: Ms. Peters (Chair), and Messrs. Farquharson and Lamont.

B.

ADMINISTRATION

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

(a) The following have met all the requirements to transfer under Regulation 4(1):

Barbara Frances Corkery
Kevin Joseph O'Hara
Gregory Lewis Oliver Wells
Michael Cassells Woodward

Approved

(b) The following has met all the requirements to transfer under Regulations 4(1) and 3(1):

Brian Joseph Saunders

Approved

(c) A lawyer called to the Bar of Alberta asks the Committee's permission to have her application approved in advance of having three years of practice to allow her to enroll in Phase Three of the Bar Admission Course.

The applicant has practised in Alberta from the 23rd June 1988 to the present.

If approved to proceed, the applicant plans to take Phase Three of the Bar Admission Course. She received permission from the Secretary to put her application before the Committee in advance of having the full three years in practice to allow her to proceed with the arrangements necessary to secure a place in the course. The applicant has agreed to submit an undertaking that she will continue to practise in Alberta until her three year anniversary on the 23rd of June. At that time, she will submit an up-dated, sworn petition form to show completion of the three year requirement.

She presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

(d) A member of the Bar of the Province of Nova Scotia, has applied for special permission to proceed under Regulation 4(1).

The applicant was called to the Bar of the Province of Nova Scotia in 1987 and practised in that province from 1987 to 1989 (roughly two years).

The applicant states that after leaving Nova Scotia in September 1989 she continued, for one year, to work on old files when asked for assistance. In her letter of the 12th June, 1991 she explained what the nature of that work had been.

The petitioner presents a Certificate of Good Standing, seeks to proceed under Regulation 4(1) and asked the Committee to accept the work she continued with for one year on old files as making up for the one year of practice she is short the required three years.

After reviewing the material, your Committee felt that the work she performed following her move to Ontario could not be counted toward the required three years of practice and recommend that she be advised that if she wishes to pursue a transfer to Ontario, she must apply through the Legal Education Committee.

2. DIRECT TRANSFERS - QUEBEC - REGULATION 4(2)

(a) The following have met all the requirements to transfer under Regulation 4(2):

Edward Duncan Bridge
Herbert Mervin Brownstein
David Lawrence Cameron

(b) A member of the Quebec Bar has applied for transfer and for exemption from the common law examination.

The petitioner was called to the Bar of the Province of Quebec in 1981. After practising for a few months with a Montreal law firm, working in the area of insurance litigation, he joined another firm dealing primarily in maritime law.

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The applicant's work with the new employer was primarily admiralty work and litigation at the Federal Court level. He was also called upon to handle some maritime arbitration in New York. While in that position, he had the opportunity to attend courses and conferences on maritime law.

In February 1984, he began his own firm. At first the practice was concentrated in the areas of general, civil and commercial work but has since developed a specialty in the area of family law.

He asks if he might be exempt from writing the common law examination on the basis of his common law degree from England, his B.C.L. from McGill University and his past experience in the area of maritime law. It is his hope that he will be permitted to enter Phase Three of the Bar Admission Course in Ottawa.

His letter of the 14th May, 1991 was before the Committee for consideration.

Your Committee is of the view that the applicant's LL.B. degree from England coupled with his experience in maritime law and the length of time that he has been in practice is sufficient to exempt him from the common law examination and recommends that his request be approved.

(c) A member of the Quebec Bar, called in that province in 1984, has applied for an exemption from the common law examination. Since his call to the Bar he has served in many legal positions with the Federal Government.

The applicant does not have an LL.B. degree and asks that his experience in federal civil service, as outlined in his curriculum vitae, would excuse him from writing the common law exam.

After reviewing the material before it, your Committee did not feel that the nature of the work the applicant has performed in civil service is not of the kind which can exempt him from the common law examination and recommends that his request be denied.

(d) A lawyer, called to the Bar in Quebec in November 1986, makes a special petition to the Admissions Committee. In her sworn petition, the applicant states that she was in actual practice in Quebec from the 12th November 1986 to the 15th September 1989, giving her 2 years and 10 months of practice within the last 5 years. This time in practice was with a firm in Montreal.

The applicant is also a member of the New York Bar. She was called in the State of New York in June of 1986. From the end of September 1989 to January 1991 she was engaged as a tax associate by one of the eight biggest accounting firms in Massachusetts. Her area of expertise was international tax matters with a particular emphasis on Canada. Her work often led her to deal with issues involving clients in both U.S.A. and Canadian offices.

The applicant submits a petition, in affidavit form, outlining the nature of the work she continued to perform for the Montreal law firm from October 1989 to February 1990.

The applicant asks that the Committee consider both her continued work for the Quebec law firm as well as her Canadian related work with the U.S. law firm as making up for the 2 months she is otherwise short toward the necessary three years of practice.

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The petitioner presents a Certificate of Good Standing, seeks to proceed under Regulation 4(2) and asks permission to be excused from writing the Common Law examination according to the interpretation of Regulation 4(2) as set out in the Memorandum to the Admissions Committee of September, 1983 which states: "Candidates qualified to proceed under Regulation 4(2) and who have obtained an approved LL.B. degree within the eight years preceding their application may be taken to have satisfied the requirements of subparagraph (d) which reads - passes a comprehensive examination on the common law of Ontario."

Approved

3. APPLICATION - FOREIGN LEGAL CONSULTANT

Alan Chesick - Skadden, Arps - New York

An application has been received from Alan Chesick of the firm of Skadden, Arps, Slate, Meagher & Flom in New York to be licensed as a foreign legal consultant.

Mr. Chesick was called to the Bar of the State of Massachusetts on the 13th day of December, 1988 and has practised in the Boston office of Skadden, Arps, Slate, Meagher & Flom since January 18th, 1988. He is a member in good standing.

As Mr. Chesick has engaged in the practice of law in his home jurisdiction for less than three of the five preceding years, he applies for status as a foreign legal consultant pursuant to the paragraph of the policy which provides that applicants who have been actively engaged in the practice of law in their home jurisdiction for less than three years may be licensed provided they are under the supervision of a foreign legal consultant and the supervisory arrangement has been approved by the Committee.

Included in the materials from Skadden, Arps is a letter from Milton G. Strom, of that firm, stating that Mr. Chesick will be under the supervision of Luc A. Despina, who is licensed as a foreign legal consultant in Ontario. The firm has every confidence in Mr. Chesick's abilities.

The applicant, a Canadian citizen, does not presently reside in Ontario but undertakes that that he will establish residency in Ontario as soon as is practicable after licensing as a Foreign Legal Consultant is granted.

Mr. Chesick's application is complete and both he and the firm have filed all necessary undertakings.

Approved

4. ADMISSION OF STUDENTS-AT-LAW

Bar Admission Course

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

Under Bar Admission Course Regulation 22(7)
32nd B.A.C. (Entering Articles 1989)

1164. Pearson, Charles Alexander
Gregory

B.A. Alberta/83;
LL.B. Alberta/86

- | | |
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| 1165. Sedlezky, Geoffrey Irwin | B.Comm. Concordia/84;
M.B.A. McGill/86;
LL.B. Western/89 |
| 1166. Pickett, Georgina Lou | B.A. Queen's/73;
B.A. Carleton/76;
LL.B. Ottawa/89 |

Approved

Under Bar Admission Course Regulation 22(7)
33rd B.A.C. (Entering Articles 1990)

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| 557. Adams, Andrew Scott | B.A. Western/87;
LL.B. New Brunswick/90; |
| 558. Aide, Christopher Martin | B.A. Toronto/85;
LL.B. Toronto/90; |
| 559. Albi, Christopher Peter | B.A. Manitoba/85;
LL.B. Toronto/90; |
| 560. Alibhai, Aly Nizar Nasser | B.Comm. British Columbia/87;
LL.B. Windsor/90; |
| 561. Almas, James David | B.A. Brock/87;
LL.B. Windsor/90; |
| 562. Armstrong, Debra Lynn | B.Comm. Carleton/87;
LL.B. Ottawa/90; |
| 563. Armstrong, John Michael | B.A. Toronto/86;
LL.B. Toronto/90; |
| 564. Bambrough, Denise Louise | B.A. Toronto/87;
LL.B. York/90; |
| 565. Barker, Brian Anthony | B.A. Alberta/87;
LL.B. Toronto/90; |
| 566. Barker, David Allan | B.A. Toronto/85;
LL.B. Toronto/90; |
| 567. Barkin, Ira Samuel | B.A. Toronto/87;
LL.B. Queen's/90; |
| 568. Baumhard, Ralph Tobias | B.A. York/87;
LL.B. York/90; |
| 569. Bennett, Michael Gordon | B.A. New Brunswick/87;
LL.B. York/90; |
| 570. Berg, Michelle Lee | 2 yrs. Arts, Manitoba;
LL.B. Queen's/90; |
| 571. Blimkie, Maurice Stephen | B.A. Toronto/87;
LL.B. Ottawa/90; |
| 572. Bonn, John Michael | M.D. Queen's/67;
LL.B. Queen's/90; |
| 573. Borghesan, Pamela Jill | B.A. Queen's/87;
LL.B. Queen's/90; |
| 574. Boushy, Peter Robert | B.A. Toronto/87;
LL.B. York/90; |

575. Boyd, Elizabeth Helen	B.A. Toronto/85; LL.B. Ottawa/90;
576. Boyle, Neil Reginald	B.A. Alberta/87; LL.B. Queen's/90;
577. Bresolin, Fiorenzo	B.Sc. Ottawa/86; LL.B. Ottawa/90;
578. Bromberg, Steven Michael	B.A. York/87; LL.B. Western/90;
579. Brown, Kathleen May	B.A. Queen's/86; LL.B. Dalhousie/90;
580. Brown, Leslie William Paul	2 yrs. Arts, York; LL.B. York/90;
581. Brown, Stephen Andrew	B.Comm. Queen's/87; LL.B. Toronto/90;
582. Brunt, John David	B.A. Queen's/87; LL.B. Queen's/90;
583. Burn, Colleen Louise	2 yrs. Arts, Western; LL.B. York/90;
584. Burns, Brenda Elizabeth	B.Sc. McMaster/86; B.A. McMaster/87; LL.B. Dalhousie/90;
585. Butkowsky, Lawrence	B.A. Concordia/87; LL.B. York/90;
586. Carinci, Ron Adam	2 yrs. Commerce, Toronto; LL.B. York/90;
587. Carpenter, Heather-Ann Elise	2 yrs. Arts, Concordia; LL.B. Western/90;
588. Caskey, Susan Elizabeth	B.A. Western/87; LL.B. Ottawa/90;
589. Casola, Shirley Gerarda	B.A. Carlton/86; LL.B. Windsor/90;
590. Cassolato, Adriano John	B.A. Western/84; B.C.L. McGill/90; LL.B. McGill/90;
591. Chang, Henry John	2 yrs. Business, Manitoba; LL.B. York/90;
592. Cheverie, Alan Clifford	Mature Student; LL.B. Dalhousie/89;
593. Chong, Peter Hok-Hym	B.A. Toronto/88; LL.B. Queen's/90;
594. Chretien, Marie-Jacqueline	B.A. Ottawa/86; LL.B. Queen's/90;
595. Clain, Susan Lee	B.A. McGill/87; LL.B. Toronto/90;
596. Clarke, Pamela Maureen	B.A. Laval/86; LL.B. Ottawa/90;

597. Clarke, Scott Bryan James 2 yrs. Arts, Western;
LL.B. York/90;
598. Clarkson, Lisa Ann B.A. Western/87;
LL.B. Queen's/90;
599. Cohen, David Francis William B.Comm. Memorial/87;
LL.B. York/90;
600. Collie, Donald Rees B.A. Calgary/86;
M.A. Toronto/87;
LL.B. Toronto/90;
601. Cooke, Randa Jean B.A. Alberta/86;
LL.B. York/89;
602. Cooper, Denise Leslie 2 yrs. Arts, York;
LL.B. York/90;
603. Corrigan, Edward Charles B.A. Western/77;
LL.B. York/90;
604. Courey, Paul Joseph Mature Student;
LL.B. Windsor/90;
605. Crnekovic, Mary Ann B.A. Ottawa/87;
LL.B. Toronto/90;
606. Cummins, Patrick John B.A. Toronto/85;
LL.B. Manitoba/90;
607. Cunningham, Andrew Stewart B.A. Manitoba/86;
M.A. Toronto/87;
LL.B. Toronto/90;
608. Davis, Roger Willard B.A. Toronto/83;
LL.B. British Columbia/90;
609. Davis, Ronald Book 1 yr. Science, Syracuse;
1 yr. Arts, Simon Fraser;
LL.B. Toronto/90;
610. de Martigny, Michel Francois B.A. Concordia/76;
LeMoine LL.B. York/90;
611. De Sommer, Joseph Nicholas B.A. Toronto/87;
LL.B. Queen's/90;
612. Deacon, Warren Harold B.A. Simon Fraser/81;
LL.B. Western/90;
613. Deans, Julia Lyndon B.A. Queen's/85;
M.P.A. Columbia, USA/89;
LL.B. York/90;
614. Dellelce, Thomas Perry B.A. Western/85;
Nicholas M.B.A. Notre Dame, USA/87;
LL.B. Ottawa/90;
615. DeMong, Mark Henry B.Sc. Saskatchewan/90;
LL.B. Saskatchewan/90;
616. Denney-Lightfoot, Janine B.A. Toronto/85;
Audrey LL.B. York/90;
617. Deom, Christine B.A. New Brunswick/70;
Katsitsenhawitha Zachary Dip.Ed., McGill/76;
LL.B. McGill/90;

618. Deschamps, Roland Joseph	B.A. Toronto/87; LL.B. Queen's/90;
619. Desmond, Douglas Bruce	B.A. Western/74; LL.B. McGill/90;
620. Dodsworth, John Christopher	B.A. Queen's/85; LL.B. Ottawa/90;
621. Donachey, Stephen Thomas	B.A. Western/84; M.B.A. St. Mary's/87; LL.B. New Brunswick/90;
622. Donohue, Mark Richard	3 yrs. Arts, Western; LL.B. Ottawa/90;
623. Donsky, Ian Michael	B.A. Western/87; LL.B. Toronto/90;
624. Doucet, Joseph Mark	B.A. Acadia/87; LL.B. Dalhousie/90;
625. Duffield, Jonathan James	B.A. Western/87; LL.B. York/90;
626. Elliott, Keith Marvin	2 yrs. Arts, Windsor; LL.B. Windsor/90;
627. Epstein, Richard	B.Sc. McGill/86; LL.B. York/90;
628. Evans, William Allan	2 yrs. Arts, York; LL.B. York/90;
629. Falcone, Filomena Anna	2 yrs. Arts, Toronto; LL.B. York/90;
630. Fancy, Hassan	Joint Committee on Accreditation/90;
631. Faveri, Franklin John	Mature Student; LL.B. York/90;
632. Flaherty, John Gerald	B.A. Toronto/86; LL.B. Ottawa/90;
633. Flam, Shelley Roslyn	B.A. Toronto/86; B.C.L. McGill/90; LL.B. McGill/90;
634. Fleming, John David	B.A. Manitoba/88; LL.B. Queen's/90;
635. Fleming, Lorelei May	B.A. Toronto/86; LL.B. British Columbia/90;
636. Foster, Garth James	B.Comm. Queen's/81; LL.B. Toronto/90;
637. Frelick, Linden Glenn	B.Sc. Queen's/86; LL.B. Toronto/90;
638. Fullerton, Susan Jennifer	B.A. Dalhousie/87; LL.B. Dalhousie/90;
639. Fung, William Yee Wai	B.B.A. Regina/89; LL.B. Ottawa/90;

640. Gaboury, Jacques Gabriel	B.A. Manitoba/84; LL.B. Victoria/90;
641. Gallagher, Edward Paul	B.A. Royal Roads Military College/83; LL.B. Toronto/90;
642. Galloway, Julie Isobel	B.A. Waterloo/87; LL.B. Toronto/90;
643. Gauze, Jeffrey Allan	B.A. McGill/87; LL.B. York/90;
644. Gerry, Noel David	B.A. York/87; LL.B. York/90;
645. Gibbons, Sondra Olivia	B.A. Western/84; LL.B. Windsor/90;
646. Gibbs, Heather Isabel	B.A. Western/86; LL.B. Ottawa/90;
647. Gold, James Bradley	A.B. Michigan, USA/87; LL.B. Toronto/90;
648. Gonzalez-Martin, Clara Maria Pia	B.A. Toronto/88; LL.B. Toronto/90;
649. Gourley, Albert Carlisle	B.A. York/87; LL.B. Ottawa/90;
650. Grant, Anne Elizabeth	2 yrs. Arts, Toronto; LL.B. York/90;
651. Gravesande, Deryk Aubrey	B.A. Guyana/82; LL.B. Queen's/90;
652. Grinbergs, Erik Edward	B.Admin. Brock/87; LL.B. York/90;
653. Hamilton, James Sheldon	B.A.Sc. Toronto/87; LL.B. Toronto/90;
654. Hanna, Alexis Jane	B.A. Ottawa/86; LL.B. Ottawa/90;
655. Hanson, Linda Ann	B.A. Carleton/83; LL.B. Ottawa/90;
656. Harnett, Aaron Bayne	B.A. Toronto/87; LL.B. Queen's/90;
657. Hinkson, Steven Mark	B.A. Western/87; LL.B. York/90;
658. Hobson, Shane David Christopher	B.A. Trent/87; LL.B. Dalhousie/90;
659. Hoffman, Richard Paul	B.A. Toronto/87; LL.B. Ottawa/90;
660. Hovland, David Samuel	2 yr. Arts, Simon Fraser; LL.B. Queen's/90;
661. Hovland, John Martin	B.A. Toronto/87; LL.B. Dalhousie/90;

662. How, Linda June	Joint Committee on Accreditation/90;
663. Hutchinson, Kenneth Wayne	B.Sc. Toronto/87; LL.B. York/90;
664. Innes, Elsie Christine	2 yrs. Arts, Queen's; LL.B. York/90;
665. Irwin, Anne Olivia	B.A. Amherst, USA/85; LL.B. Toronto/90;
666. Israel, David Mark	B.A. Toronto/87; LL.B. York/90;
667. Janetos, James John	B.Sc. Toronto/87; LL.B. Queen's/90;
668. Janssen, Diana Mary	B.A. Waterloo/87; LL.B. Queen's/90;
669. Johnson, Leslie Ann	2 yrs. Arts Western; LL.B. Queen's/90;
670. Johnson, Marion Jennifer	B.A. Alberta/87; LL.B. York/90;
671. Johnson, Nancy May	B.Sc. Queen's/86; LL.B. York/90;
672. Jones, Daniel Ross	B.Sc.Eng. New Brunswick/79; LL.B. York/90;
673. Jung, Ji Kyo	B.A. Toronto/86; LL.B. Windsor/90;
674. Kaiser, Reide Lawrence Erlin	B.A. Toronto/84; M.A. Toronto/85; LL.B. Toronto/90;
675. Kamaluddin, Mohamed Mansoor	Joint Committee on Accreditation/90;
676. Kaminker, Hart Allan	B.A. Western/87; LL.B. Toronto/90;
677. Kelsey, Thomas John	3 yrs. Arts, Calgary; LL.B. Ottawa/89;
678. Keri, Catherine Jane	B.A. Toronto/87; LL.B. Victoria/90;
679. Kim, Tam Hee	B.A. York/85; LL.B. York/90;
680. Kim, Yong Nan	B.A. Toronto/87; LL.B. Queen's/90;
681. King, Elizabeth Ann	B.A. Queen's/87; LL.B. York/90;
682. Kramer, Gabrielle Kimberly	B.A. Toronto/87; LL.B. Toronto/90;
683. Kribs, Norman Douglas	B.A. Western/86; LL.B. Toronto/90;

684. Lamek, Edmond Francis Burke B.A. Western/87;
LL.B. New Brunswick/90;
685. Lanctot, Jeffrey Donald B.Sc. Trent/86;
M.A. Western/87;
LL.B. Toronto/90;
686. Lang, Daniel Victor B.Comm. McGill/87;
LL.B. York/90;
687. Lawford, John David Alan B.A. Queen's/90;
LL.B. Queen's/90;
688. Leaist, Stephanie Louise B.Comm. Toronto/85;
LL.B. Toronto/90;
689. LeNoury, James Albert B.A. York/80;
M.A. Wheaton, USA/84;
LL.B. Queen's/90;
690. Lento, Franco B.A. York/86;
LL.B. York/90;
691. Lepore, Roberto B.A. York/87;
LL.B. York/90;
692. Lewis, Marion Catherine
Randall B.A. Toronto/87;
LL.B. Western/90;
693. Liebs, Rene Herbert B.A. Toronto/87;
LL.B. York/90;
694. Lipman, Marc 2 yrs. Arts, York;
LL.B. York/90;
695. Little, Andrew Davis B.A. Queen's/87;
LL.B. Dalhousie/90;
696. Lockyer, James Duncan B.Sc. McMaster/86;
LL.B. York/90;
697. Loomer, Robie Stewart B.A. Carleton/77;
LL.B. Ottawa/90;
698. Lovell, Karen Elaine B.Journ. Carleton/87;
LL.B. Ottawa/90;
699. Luchenski, Michael Joseph B.A. Toronto/87;
LL.B. York/90;
700. MacGowan, Peter Stewart B.Sc. Guelph/82;
LL.B. Toronto/90;
701. Marusyk, Randy William B.Sc. Simon Fraser/82;
M.S. San Diego, USA/87;
B.C.L. McGill/90;
LL.B. McGill/90;
702. Mauro, Frank Erny B.A. Toronto/87;
LL.B. Windsor/90;
703. Mayo, William Peter B.Sc. Queen's/86;
M.Sc. Queen's/89;
LL.B. British Columbia/90;
704. McDougall, Susan Morrell B.A. Western/74;
B.Ed. Western/78;
LL.B. Western/89;

705. McGrade, Patrick Michael	2 yrs. Arts, York; LL.B. York/90;
706. McGrath, Mary Selina	B.A. Simon Fraser/87; LL.B. Windsor/90;
707. McIntyre, Douglas Arthur	B.Comm. Queen's/86; LL.B. Toronto/90;
708. McKee, John David	2 yrs. Science, Western; LL.B. Queen's/90;
709. McMaster, Karen Isobel	B.A. Western/87; LL.B. Queen's/90;
710. McPhee, Tracy Anne	B.A. Dalhousie/83; B.Ed. St. Mary's/84; LL.B. Dalhousie/90;
711. McQuaid, Gary Donald	B.A. Prince Edward Island/87; LL.B. New Brunswick/90;
712. Mickelson, Joel Sholem	B.A. Toronto/86; LL.B. Toronto/90;
713. Misceovich, Peter George William	B.A. Western/87; LL.B. Queen's/90;
714. Monaco, Leo William	B.A. York/87; LL.B. York/90;
715. Monson, Jonathan Joel	2 yrs. Arts, Western; LL.B. York/90;
716. Montgomery, Susan Christine	B.A. Western/87; LL.B. Toronto/90;
717. Morgan, John Walter	B.Sc. St. Francis Xavier/86; M.B.A. Dalhousie/90; LL.B. Dalhousie/90;
718. Morris, Kevin Michael	B.A. St. Francis Xavier/87; LL.B. Toronto/90;
719. Morton, Sara Alison	B.Comm. McGill/86; LL.B. Toronto/90;
720. Moss, Jacqueline Crysler	B.A. Queen's/84; LL.B. Western/88;
721. Mullen, Gale Leslie	B.A. Pennsylvania, USA/85; LL.B. Toronto/90;
722. Mulligan, Katrina Lea	B.A. York/87; LL.B. York/90;
723. Murdoch, Joseph Gregory	B.A. Guelph/86; LL.B. Toronto/90;
724. Murray, Grant John Robert	B.A. Toronto/86; LL.B. York/90;
725. Murray, Suellen Janet	B.P.R. Mount Saint Vincent/86; LL.B. Dalhousie/90;
726. Nicola, Kamleh Jane	B.Sc. Dalhousie/86; LL.B. Windsor/90;

727. Northcote, Jennifer Lucille	B.A. McMaster/86; LL.B. Toronto/90;
728. O'Driscoll, Thomas James	B.Sc. Toronto/87; LL.B. Queen's/90;
729. Ogilvie, Ishbel Susan	B.A. York/77; LL.B. Western/90;
730. Otis, Philip Steven	B.A. Toronto/87; LL.B. Western/90;
731. Pancer, Risa Lynn	B.A. Western/75; LL.B. York/90;
732. Pang, She Kwok Szwina	Joint Committee on Accreditation/90;
733. Pansegrau, Gordon Ralph	B.A. British Columbia/87; LL.B. York/90;
734. Papadeas, Panagiota Pat	3 yrs. Arts, Western; LL.B. Windsor/90;
735. Paquette-Landry, Marie Carmen Jocelyne	Mature Student; LL.B. Ottawa/90;
736. Peck, Anne Maureen	B.A. Guelph/70; M.PL. Queen's/73; LL.B. Queen's/90;
737. Pecus, Roselyn	B.A. McMaster/87; LL.B. York/90;
738. Pillay, Thilairani	B.A. Dalhousie/80; LL.B. Dalhousie/89;
739. Pledge, Donna Veronica	B.A. York/86; LL.B. Dalhousie/90;
740. Pocaluyko, Robert Troy	B.P.Ed. McMaster/87; LL.B. Toronto/90;
741. Powter, Scott Neil	B.A. Concordia/87; LL.B. Western/90;
742. Pratt, Sandra Katherine Louise Mc Nicoll	B.Ed. Waterloo/86; LL.B. Windsor/90;
743. Preston, Kay	2 yrs. Arts, Western; LL.B. Queen's/90;
744. Pulver, Ian Craig	B.A. Western/87; LL.B. British Columbia/90;
745. Rajpal, Deepak	B.A. Toronto/87; LL.B. York/90;
746. Ramlakhan, Herawati	B.A. Concordia/87; LL.B. York/90;
747. Randell, Kimberly Jean	B.Sc. Toronto/88; LL.B. York/90;
748. Rasmussen, Margaret Mary Catherine	B.A. Ottawa/66; LL.B. Ottawa/89;
749. Recoskie, Mary Margaret	B.A. Wilfrid Laurier/86; LL.B. York/90;

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| 750. Remillard Champagne, Marie
Gisele Roslyn Nathalie | B.A. Ottawa/84;
LL.B. Ottawa/90; |
| 751. Reybroek, Todd Allan | 2 yrs. Arts, York;
LL.B. York/90; |
| 752. Rhude, Michael Henry | B.A. Western/86;
LL.B. Dalhousie/90; |
| 753. Ringler, Scott Douglas | B.A. Western/86;
M.B.A. Ottawa/90;
LL.B. Ottawa/90; |
| 754. Rogers, Carmen Joy | B.A. Regina/83;
LL.B. British Columbia/89; |
| 755. Roth, Richard Kevin | 2 yrs. Arts, York;
LL.B. York/90; |
| 756. Rozenberg-Greenbaum, Pearl | Joint Committee on
Accreditation/89; |
| 757. Rubin, Roselle Ray | B.Sc. Toronto/87;
LL.B. Toronto/90; |
| 758. Rueter, Dirk Eric | 2 yrs. Arts, York;
LL.B. York/90; |
| 759. Ryan, Timothy Paul | 3 yrs. Arts, Toronto;
LL.B. York/90; |
| 760. Sahay, Sonya | B.Sc. Toronto/86;
M.A. York/89;
LL.B. Windsor/90; |
| 761. Samuels, Mina Beth | B.A. McGill/87;
LL.B. York/90; |
| 762. Sarjeant, Nicola Rosalind | B.Comm. Saskatchewan/89;
LL.B. Toronto/90; |
| 763. Satok, Lyle Baer | 2 yrs. Arts, York;
LL.B. York/90; |
| 764. Scarfe, John Jeremy MacNair | B.A. Western/87;
LL.B. British Columbia/90; |
| 765. Schipper, Paula Freda | B.A. Michigan, USA/86;
LL.B. Toronto/90; |
| 766. Schlosser, Dale Ernest | B.Sc. New Brunswick/87;
LL.B. York/90; |
| 767. Schmidt, Rosemarie | B.A. Guelph/80;
M.A. Victoria/84;
LL.B. York/90; |
| 768. Schwartz, Rodney Blake | B.Comm. Saskatchewan/86;
LL.B. Saskatchewan/89; |
| 769. Schwartz, Rona Aviva | B.A. York/87;
LL.B. British Columbia/90; |
| 770. Scicluna, Loreto | B.A. York/87;
LL.B. Toronto/90; |

771. Scott, Brian James	B.A. Toronto/86; LL.B. Western/90;
772. Scott, John William	B.A. McMaster/84; B.A. Concordia/87; LL.B. Windsor/90;
773. Scott-Lipitkas, Nancy Lynn	B.A. Queen's/86; B.Ed. Queen's/87; LL.B. British Columbia/90;
774. Sheehy, Neil Michael	B.A. Toronto/87; LL.B. York/90;
775. Shields, Renee Michele	B.A. Carleton/87; LL.B. Ottawa/90;
776. Sicotte, Julie Marie	2 yrs. Business, Ottawa; LL.B. Ottawa/90;
777. Sidarous, Mona	4 yrs. Arts, Toronto/87; LL.B. Queen's/90;
778. Smith, Michael Adrian	B.A. Toronto/87; LL.B. Queen's/90;
779. Smyth, Michael Seymour	B.A. Queen's/87; LL.B. Queen's/90;
780. Snider, Scott Andrew	B.E.S. Waterloo/86; LL.B. York/90;
781. Spears, Alexandra Elliot	B.Sc. Toronto/87; LL.B. York/90;
782. Sprackman, Paul Jonathan	B.Comm. Windsor/87; LL.B. Windsor/90;
783. Stanzlik, Shelley Marie	B.A. Western/87; LL.B. Windsor/90;
784. Steel, Anita Dilys	B.A. Queen's/86; LL.B. Toronto/90;
785. Steger, Anne Marie	B.A. Guelph/71; LL.B. Queen's/90;
786. Stringer, Wendy Lauren	B.A. McGill/86; LL.B. British Columbia/90;
787. Strom, Torsten Harald	B.A. Carleton/87; LL.B. Ottawa/90;
788. Sugunasiri, Shalin Manuja	B.A. Western/87; LL.B. York/90;
789. Sweatman, Marion Jasmine	B.A. Toronto/88; LL.B. York/90;
790. Szpindel, Alon Baruch	2 yrs. Arts, York; LL.B. York/90;
791. Tamming, John Albert	A.B. Calvin, USA/84; M.Div. Calvin, USA/87; LL.B. Western/90;

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| 792. Tan, Christopher Chiao-Chung | B.A. Carleton/74;
M.A. Carleton/77;
LL.B. Ottawa/90; |
| 793. Teitler, Elise | 2 yrs. Arts, McGill;
LL.B. York/90; |
| 794. Telfer, John Parr | Mature Student;
LL.M. Queen's/90;
LL.B. Queen's/89; |
| 795. Tenai, Steve | B.A. Toronto/87;
LL.B. Toronto/90; |
| 796. Tereposky, Susan Marion | B.A. Queen's/87;
LL.B. British Columbia/90; |
| 797. Tetsull, Kim | B.A. Toronto/87;
LL.B. York/90; |
| 798. Theil, Laura Rita | B.A. Ottawa/86;
M.B.A. Ottawa/90;
LL.B. Ottawa/90; |
| 799. Thiele, Stephen Alfred | B.A. York/87;
LL.B. York/90; |
| 800. Thomas, Sandra Theodora | Joint Committee on
Accreditation/90; |
| 801. Thompson, William Leonard | B.Music, Wilfrid Laurier/87;
LL.B. York/90; |
| 802. Trudelle, Paul Emile | B.A. Toronto/87;
LL.B. York/90; |
| 803. Tutiah, Elizabeth Ann | B.A. Winnipeg/87;
LL.B. Manitoba/90; |
| 804. Valeriano, Patrice Lynn | B.A. McMaster/83;
LL.B. Queen's/90; |
| 805. Van Lierop, Jennifer Jean | 3 yrs. Arts, Toronto;
LL.B. York/90; |
| 806. VanBerkum, Maria Elisabeth | B.A. Toronto/87;
LL.B. Queen's/90; |
| 807. VandenHoven, Natasha Adriana | B.A. Windsor/87;
LL.B. McGill/90; |
| 808. Vass Harding, Agnes Linda | 4 yrs. Arts, Ottawa;
LL.B. Western/90; |
| 809. Villeneuve, Marie Jo-Ann
Lynn | B.Soc.Sc. Ottawa/87;
LL.B. Ottawa/90; |
| 810. Walker, Mark Frederick | B.Sc. Western/87;
LL.B. York/90; |
| 811. Wallbridge, David Antony | B.A. Ottawa/84;
LL.B. McGill/90; |
| 812. Ward, David Stuart | B.A. Western/87;
LL.B. Toronto/90; |
| 813. Wasdell, Geoffrey Drew | B.A. Western/84;
LL.B. York/90; |

814. Weisz, Jonathan Benjamin	3 yrs. Arts, York; LL.B. York/90;
815. White-Harvey, Robert John	B.A. Arizona, USA/78; LL.B. Dalhousie/89;
816. Whitley, Mark Frederick	B.A. Queen's/83; M.B.A. Toronto/85; LL.B. Western/90;
817. Whitmore, Elinor Frances	B.A. Queen's/88; LL.B. York/90;
818. Wilson, Arthur Dillon	B.A. Toronto/87; LL.B. Toronto/90;
819. Wittmann, Jeffery Emanuel	B.A. Toronto/86; LL.B. Ottawa/90;
820. Wolman, Jeffrey Charles Lloyd	B.Comm. Dalhousie/83; LL.B. Toronto/90;
821. Wootton, Kathleen Grace	B.A. Western/87; LL.B. Queen's/90;
822. Wortzman, Susan Barbara	B.A. Manitoba/86; LL.B. Manitoba/90;
823. Wright, Charles James	B.A. Royal Military College/78; LL.B. Queen's/90;
824. Wright, Ian Silvera	B.A. McGill/85; LL.B. Dalhousie/90;
825. Wright, William David Edward	B.A. Toronto/86; LL.B. Queen's/90;
826. Wylie, Gregory Ross	B.A. Carleton/87; LL.B. McGill/90;
827. Yee, Diane Catherine	B.Sc. Toronto/84; M.Sc. Queen's/87; LL.B. Western/90;
828. Zaluski, Stephen Peter	2 yrs. Arts, Carleton; LL.B. York/90;

Approved

5. CALL TO THE BAR AND CERTIFICATE OF FITNESS

(a) Bar Admission Course

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

Saara Laia Chetner
Greta Mei Chi Fung
Neil Philip Tipton-Gill
Robert Charles O'Neill
Margaret Pearl Opatovsky
Peter Allen Skuce
Lisa Caroline Slage
Judith Mae Aikman-Springer

Approved

21st June, 1991

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"P. Peters"
Chair

THE REPORT WAS ADOPTED
.....

INVESTMENT COMMITTEE

Mr. Howie presented 3 Reports of the Investment Committee of its meetings on April 11th, May 9th and June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The INVESTMENT COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th of April, 1991 at two-thirty in the afternoon, the following members being present: Messrs. Guthrie (Chair) and Howie. Also present: David Crack (Director of Finance) and David Carey (Deputy Director of Finance).

B.
ADMINISTRATION

1. INVESTMENT REPORT

The Deputy Director of Finance presented to the Committee, an investment report summary for the various Law Society Funds together with supporting documentation for the month ended March 31st, 1991.

Approved

ALL OF WHICH is respectfully submitted

DATED this 26th day of April, 1991

"K. Howie"
Chair

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

B-Item 1 - Investment Report summary for the various Law Society Funds
- March 31, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The INVESTMENT COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991 at two-thirty in the afternoon, the following members being present: Messrs. Guthrie (Chair), Howie and Bragagnolo. Also present: David Crack (Director of Finance) and David Carey (Deputy Director of Finance).

21st June, 1991

B.
ADMINISTRATION

1. INVESTMENT REPORT

The Deputy Director of Finance presented to the Committee, an investment report summary for the various Law Society Funds together with supporting documentation for the month ended April 30th, 1991.

Approved

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"K. Howie"
Chair

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

B-Item 1 - Investment Report summary for the various Law Society Funds
- April 30, 199.

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

The INVESTMENT COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991 at two-thirty in the afternoon, the following members being present: Messrs. Howie (Chair), Wardlaw and Mrs. Weaver. Also present: Messrs. John Seagram and Rowland Bell of Martin Lucas & Seagram, our independent investment counsel.

B.
ADMINISTRATION

1. INVESTMENT REPORT

The Deputy Director of Finance presented to the Committee, an investment report summary for the various Law Society Funds with supporting documentation for the month ended May 31st, 1991.

2. INVESTMENT ACTIVITY - ERRORS AND OMISSIONS INSURANCE FUND

<u>Purchase</u>	<u>Broker</u>	<u>Current Market</u>	<u>Yield</u>
\$1,000,000 9.75% Province of Alberta Bonds	T-D Bank	99.20	9.911%
\$400,000 9.75% Province of Alberta Bonds due May 8/98	Scotia McLeod	9.20	9.911%
\$500,000 9.75% Province of Alberta Bonds due May 8/98	Nesbitt Thomson	99.20	9.911%
\$80,000 9.75% Province of Alberta Bonds due May 8/98	Burns Fry	99.20	9.911%

21st June, 1991

\$1,000,000 Province of B.C. Bonds due May 1/98	Burns Fry	99.45	9.850%
\$50,000 9.85% Province of B.C. Bonds due May 1/98	Burns Fry	99.40	9.860%
\$300,000 9.85% Province of B.C. Bonds due May 1/98	Scotia McLeod	99.40	9.860%

These investments were made on the advice of Martin Lucas & Seagram and with the Chair's approval. The Committee was asked to ratify the purchase of these investments.

Ratified

3. INVESTMENT ACTIVITY - COMPENSATION FUND

<u>Purchase</u>	<u>Broker</u>	<u>Current Market</u>	<u>Yield</u>
\$500,000 9.75% Province of Alberta Bonds due May 8/98	T-D Bank	99.20	9.911%
\$500,000 9.75% Province of Alberta Bonds due May 8/98	Burns	99.25	9.900%

These investments were made on the advice of Martin Lucas & Seagram and with the Chair's approval. The Committee was asked to ratify the purchase of these investments.

Ratified

4. OTHER MATTERS

The most recent Government of Ontario budget caused the bond rating agencies to lower the Province of Ontario and Ontario Hydro bonds to "AA low" from "AAA". Our current investment policy states that all bond purchases must be rated a minimum of "AA". The Committee, after discussions with Martin Lucas & Seagram, resolved that, for our investment policy, the term "AA" should encompass the entire "AA" grouping, including "AA low".

Approved

The Committee also resolved to hold until maturity those bonds that were, at the time of purchase, acquired within our policy guidelines but, may in future, fall below the investment policy guidelines.

Approved

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"K. Howie"
Chair

THE REPORTS WERE ADOPTED

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CALL TO THE BAR

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

Judith Mae Aikman-Springer	32nd Bar Admission Course
Saara Laia Chetner	32nd Bar Admission Course
Greta Mei Chi Fung	32nd Bar Admission Course
Robert Charles O'Neill	32nd Bar Admission Course
Margaret Pearl Opatovsky	32nd Bar Admission Course
Peter Allen Skuce	32nd Bar Admission Course
Lisa Caroline Slage	32nd Bar Admission Course

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NOTICE OF MOTION

Pursuant to a notice given at the May Convocation it was moved by Mr. Topp, seconded by Mr. Thom that Convocation delete Section 3 of the recommendations of the Special Committee on Reforms Implementation and that Convocation reconsider the entire issue of Discipline Procedures, more specifically:

- (i) penalty being imposed by Committee
- (ii) an appeal panel being created by statute.

It was moved by Ms. Lax, seconded by Ms. Kiteley that a vote be called.

Carried

The main motion was voted on and lost.

NOTICE OF MOTION

Pursuant to a notice given at the May Convocation it was moved by Ms. Peters, seconded by Mr. Topp that non-Bencher lawyers be qualified to sit on discipline panels.

The motion was lost.

The Notice of Motion put earlier by Mr. Bastedo was withdrawn.

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LEGAL EDUCATION COMMITTEE

Mr. Rock presented the Report of the Legal Education Committee of its meeting on June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL EDUCATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991. The following members were present: Allan Rock (Chair), D.H.L. Lamont and M. Cullity (Vice-Chairs), T. Bastedo, D. Bellamy, C. Campbell, S. Chapnik, P. Peters, M. Somerville, S. Thom, and R. Yachetti. Other Benchers present were: L. Brennan, S. Elliott, V. Krishna, J. Palmer, and R. Murray. Representing the Bar Admission Advisory Committee was: John Lewis. Staff in attendance were: A. Butcher, B. Duncan, R. Fallis, H. Harris, M. Hart, A. Rookes and A. Treleven.

A.
POLICY

1. ARTICLING REFORM - APPEALS FROM REFUSAL OF PRINCIPAL PRIVILEGES

The Articling Sub-Committee, at its meeting of May 24, 1991, discussed the circumstances in which a person refused the privilege of acting as an articling principal can ask the Legal Education Committee to review that decision. The policy on "Who May be an Articling Principal" as set out in the Proposals for Articling Reform report is attached (pages 1 - 3). Applications to be a principal are considered by the Articling Sub-Committee having regard to all the circumstances, with particular reliance on the three factors of experience, competence and ethical standards. The last sentence in section 4.2.3 of the report states "Members who have been refused the privilege of serving as a principal may ask the Legal Education Committee to review that decision". The Sub-Committee is unclear whether that sentence applies to refusals based on any of the three factors, or only to the Ethical Standards factor in section 4.2.3.

The Articling Sub-Committee seeks direction in interpreting when rights of review by the Legal Education Committee are available to persons refused the privilege of serving as an articling principal.

It is recommended that the second paragraph of section 4.2 be amended by adding the sentence: "Members who have been refused the privilege of serving as a principal may ask the Legal Education Committee to review that decision", and by deleting that sentence as the final paragraph of section 4.2.3.

2. ARTICLING REFORM - APPEALS FROM ABRIDGMENT DECISIONS

The Articling Sub-Committee, at its meeting of May 24, 1991, discussed whether applicants for an abridgment of the articling requirement can appeal the decision of the Sub-Committee to the Legal Education Committee. Section 14.0, the policy on Abridgment of Articles, as set out in the Proposals for Articling Reform, is attached (pages 4 -6). Section 14.0 is silent on any rights of appeal from decisions of the Articling Sub-Committee.

Section 14.1 delegates the task of considering abridgment requests to the Articling Sub-Committee. The Sub-Committee believes the intent was to permit a more complete discussion of individual cases than was possible by the Legal Education Committee given its full agendas. To permit appeals from the Sub-Committee's decision may cause the Legal Education Committee to duplicate the efforts of the Articling Sub-Committee at the expense of other items on its agenda. Therefore, the Sub-Committee believes that it was intended to be the final arbiter in abridgment matters.

It is recommended that the role of the Articling Sub-Committee as the final arbiter in abridgment matters be approved by adding the following sentence to the first paragraph of section 14.1: "The decision of the Articling Sub-Committee is final".

3. ARTICLING REFORM - APPEALS FROM SCHEDULING DECISIONS

The policy on Scheduling of Articling and Teaching Terms, as set out in section 11.0 of the Proposals for Articling Reform, is attached (page 7). Section 11.1 provides that exceptions to the normal scheduling are to be determined by the Articling Director, subject to appeal to the Articling Sub-Committee and to the Legal Education Committee.

It is recommended that section 11.1 be amended by deleting the words: "and may be subject to further review by the Legal Education Committee", and adding the words: "whose decision is final".

4. AMENDMENT TO REGULATION 573

A copy of the existing subsection 22 of Regulation 573 and a revised draft amendment are attached (pages 8 - 9). The revised draft replaces subsection 22 (8) with new subsections 22 (8), 22 (9) and 22 (10). Concern has been expressed that a student is not subject to the jurisdiction of Convocation until formally admitted by the Admissions Committee and Convocation in September.

A draft amendment to the existing subsection 22 of Regulation 573 had been put before the Legal Education Committee at its May meeting. The purpose of the amendment was to clarify the jurisdiction of Convocation from the student's first day of classes in Phase One (or from the first day of articling in abridgment cases). Concerns were expressed by the Chair of the Legal Education Committee and the Chair of the Articling Sub-Committee that the draft amendment had not gone far enough in clarifying the jurisdiction of Convocation. The revised draft amendment attached is therefore before the Legal Education Committee.

On approval by the Legal Education Committee, the draft was approved by the Legislation and Rules Committee.

It is recommended that the draft subsections 22 (8), 22 (9) and 22 (10) be approved.

5. REQUIREMENTS FOR STANDING, PHASE THREE 1991: 33RD BAR ADMISSION COURSE

On May 22 the Bar Admission Course Heads of Section and Senior Instructors met with members of the Legal Education Committee. At the meeting a draft proposal entitled "Requirements for Standing, Phase One 1991: 33rd Bar Admission Course" was discussed. Following those discussions, the Director and the Bar Admission Course Faculty revised the draft. The revised draft was discussed by the Committee, and approved with amendments. The amended revised draft is attached. (pages 10 - 18).

It is recommended that the document entitled "Requirements for Standing, Phase Three 1991: 33rd Bar Admission Course" be approved.

B.
ADMINISTRATION

1. BAR ADMISSION FUNDING

On May 24, 1991 Convocation considered means of dealing with the \$942,000 lost to the Bar Admission Course as a result of the cancellation of the Ontario government grant-in-aid. In the course of approving the 1991 Law Society budget, Convocation determined that approximately \$250,000 of the shortfall should be recovered from the students during the 1991 fiscal year. Convocation decided that the Legal Education Committee should determine the precise means of recovering the \$250,000 from the students.

In subsequent meetings of the Director of Finance and the Director of Education, it was determined that the traditional \$101 Student Admission Fee, which in the past had formed a part of the General Fund, had not been covered in calculating the shortfall in Bar Admission Course revenue. Discussions which had taken place over the past year had included consideration of cancelling the \$101 Student Admission Fee in light of the substantial increase in student tuition assumed by Bar Admission Course Reform. If the Law Society is to continue to collect the \$101 Student Admission Fee, rather than eliminate it, approximately \$125,000 of the \$250,000 would remain to be collected from the students.

21st June, 1991

Accordingly, the Director of Finance and the Director of Education determined that the remaining \$125,000 could be recovered by increasing student tuition by \$50.00 for students entering Phase Three on September 16, 1991 and by \$50.00 for the group of students beginning Phase One in 1992. The Director of Education recommended to the Legal Education Committee:

- a) that the Student Admission Fee continue to be levied in the amount of \$101.00, that it be payable on August 31, 1991, and that it be allocated to the Bar Admission Course,
- b) that the Phase Three tuition, due on September 16, 1991, be increased by \$50.00 to \$1,555.00, and
- c) that the Phase One tuition fee, due on the first day of Phase One in 1992, be increased by \$50.00 to \$640.00.

The Legal Education Committee asks Convocation to consider the Director of Education's recommendations and to set the student tuition and other fees, if any, for Phase Three 1991 and Phase One 1992.

C.
INFORMATION

1. PHASE ONE 1990: REPORT ON COURSE

The results of the student and instructor surveys for Phase One of the Bar Admission Course, 1990, have now been assembled. A memorandum and summaries of the surveys are attached. (pages 19 - 42)

Ron Fallis, a member of the Bar Admission Course Faculty who was primarily responsible for the survey project, was in attendance at the Legal Education Committee meeting to answer questions and receive suggestions.

2. BAR ADMISSION COURSE STUDENT: CHILD BIRTH LEAVE

The student completed Phase One of the Bar Admission Course in 1990 and is enrolled in Phase Three beginning on September 16, 1991. She is expecting to give birth to a baby on approximately October 25, 1991.

The student has made the following request to the Director: "I would appreciate it if you could advise me of your policy so that we can make some type of arrangements prior to the commencement of Phase Three. I am willing to be very flexible and am confident we can work out a suitable arrangement".

The problem in this case is that the Requirements for Standing of Phase Three include mandatory attendance and participation.

If some accommodation is not made, her entry into Phase Three would be delayed until September of 1992, with a consequent one year delay in her admission to the Bar. The consequence would presumably be the same for other students who for reasons beyond their control are not able to attend and participate for a substantial portion of Phase Three.

The Director consulted with the Women in the Legal Profession Committee at its meeting of May 31, 1991. The Committee did not make a specific recommendation, but asked the Legal Education Committee to consider the matter on the basis that it would be wise if possible to accommodate this request as a matter of principle. The Women in the Legal Profession Committee further suggested that such an accommodation should be part of a policy which would apply more broadly than only to pregnancy.

The Director met with the student in an endeavour to work out a satisfactory solution, designed to accommodate her needs while minimizing the delay in her admission to the Bar. The Director and the student agreed, consistent with section 6.2 (b) of the draft Requirements for Standing (pages 43 - 44) that the student is entitled to be absent for a substantial portion of up to three courses, if she completes Special Course Work, and that the Special Course Work may delay her admission to the Bar. It was also agreed that changing circumstances may require further discussion and, in the absence of agreement, reference to the Legal Education Committee.

3. REQUEST FOR PHASE ONE EXEMPTION

A 1980 law school graduate has requested exemption from Phase One of the Bar Admission Course based on his accounting practice in the area of taxation with accounting firms since graduation from law school in 1980. He provided a letter and supporting material.

The Legal Education Committee has already determined that all students enrolled in the Bar Admission Course must complete both Phases One and Three of the Bar Admission Course in their entirety, regardless of practice or practice-related experience. The Articling Subcommittee considered the issue, but not the specific case of this person, at its March meeting, and determined that for at least 1991 all Bar Admission Course students would be required to complete both Phases One and Three.

The Director of Education intends to inform this person that he is required to complete both Phases One and Three of the Bar Admission Course.

4. REQUEST TO COMPLETE PHASE THREE BEFORE PHASE TWO

The student graduated from law school in 1991. He is currently enrolled in Phase One of the Bar Admission Course, and in the normal course of events will begin the Phase Two articling stage following his completion of Phase One. Following his successful completion of Phases One and Two, he will be eligible to begin Phase Three of the Bar Admission Course in September of 1992.

The student has, however, accepted a clerkship at the Supreme Court of Canada beginning in 1992, so that it will be impossible for him to complete Phase Three of the Bar Admission Course in 1992.

The student has asked for permission to vary the normal order of the Bar Admission Course, so that he would complete Phases One and Three consecutively in 1991. By doing so, he would complete his 12 month articling requirement by approximately December of 1992, and would therefore be eligible for admission to the Bar approximately one year sooner than if his request is denied.

In the past, the Legal Education Committee and the Director have permitted a number of students to complete Phases One and Three of the Bar Admission Course consecutively. In all cases, however, special scheduling was permitted on the basis that the student had been granted an abridgment of the articling requirement based on articling or practice experience in another jurisdiction. While this request raises some sympathy, there is nothing in the student's background to entitle him to an articling abridgment or to distinguish him from the other 1991 law school graduates who are required to complete the Bar Admission Course in the prescribed order.

The Director of Education intends to inform the student that his request is denied, and that consequently he is required to complete Phase Two of the Bar Admission Course before being eligible to begin Phase Three.

5. ARTICLING SUB-COMMITTEE

The Articling Sub-Committee met on Friday, May 24. In attendance were Marc Somerville (Chair), Denise Bellamy, Sandra Chapnik, Jay Rudolph and Barbara Dickie (Bar Admission Advisory Committee Representative). Also in attendance from the Department of Education staff were Alan Treleaven, Marilyn Bode, Deborah Brown, Mimi Hart and Alan Butcher.

The Sub-Committee reviewed progress on the marketing of the reforms. Marc Somerville reported on the successful meeting with the County and District Law Association Presidents on May 10, 1991. The Sub-Committee reviewed suggestions from a practitioner with regard to the draft Education Plans. Additional draft plans for alternative placements (e.g. government) will be worked on. The Sub-Committee considered and granted two student petitions for abridgment of articles. The interpretation of the policy on principal experience requirements was also considered. Both the policy and abridgment matters raised separate issues concerning when appeals may be taken to the Legal Education Committee from decisions of the Articling Sub-Committee. These questions were referred to the Legal Education Committee for consideration and decision (see Policy Section of this Report).

The next meeting of the Sub-Committee is scheduled for June 21, 1991.

6. CONTINUING LEGAL EDUCATION REPORT ON COURSES

The Report is attached. (pages 45 - 47).

7. COMPUTER EDUCATION FACILITY REPORT

The Report is attached. (pages 48 - 50).

8. CONTINUING LEGAL EDUCATION BUDGET REPORT

Registrations continue to be low for upcoming June programs. One of the five remaining programs has been postponed until Fall in hopes of raising registrations from the 12 who were registered, to the 75 needed to make the program meet expenses. Registrations for the other four programs are lower than expected - in the range of 25-60. However, publication sales continue to meet, and may surpass, the projected revenue target (revised) of \$400,000.00. Currently, a fall schedule of approximately 18 programs is confirmed. A promotional calendar should reach the profession within the next few days.

9. DEPARTMENTAL BUDGET REPORT

Pursuant to the direction of the Treasurer, the Director reported on the Department of Education budgets to date.

All of the Department of Education budgets are on track, with the continuing exception of the Continuing Legal Education Department budget.

ALL OF WHICH is respectfully submitted

DATED this 21st Day of June, 1991

"A. Rock"
Chair

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

- A-Item 1 - Policy on "Who May be an Articling Principal".
(Pages 1 - 3)
- A-Item 2 - Policy on Abridgment of Articles.
(Pages 4 - 6)
- A-Item 3 - Policy on Scheduling of Articling and Teaching Terms.
(Page 7)
- A-Item 4 - Subsection 22 of Regulation 573 and revised draft amendment.
(Pages 8 - 9)
- A-Item 5 - Amended revised draft - Requirements for Standing, Phase
Three 1991: 33rd Bar Admission Course. (Pages 10 - 18)
- C-Item 1 - Memorandum (with attachments) from Mr. Ron Fallis to the
Legal Education Committee dated June 3, 1991 re: Student
Reports on Course - BAC Phase One - 1990.
(Pages 19 - 42)
- C-Item 2 - Requirements for Standing of Phase Three re: Attendance and
Completion of Course Work. (Pages 43 - 44)
- C-Item 6 - Continuing Legal Education: Report on courses (Toronto
Programs). (Pages 45 - 47)
- C-Item 7 - Computer Education Facility Report - 1990-91.
(Pages 48 - 50)

The Chair accepted the deletion of the words "in their student mail box" on page 14 of the attachments, paragraph 5.2 a).

It was moved by Ms. Weaver, seconded by Mr. Murphy that students pay \$200 over and above what they are paying now according to a formula to be developed.

Lost

THE REPORT AS AMENDED WAS ADOPTED

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CERTIFICATION BOARD

Mr. Rock presented the Report of the Certification Board of its meetings on May 23rd and June 18th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The CERTIFICATION BOARD begs leave to report:

Your Board met on Thursday, the 23rd of May, 1991 at nine-thirty in the morning, the following members being present: A.M. Rock (Chair), G.P. Sadvari (Vice-Chair), J. Callwood, P.G. Furlong, M.G. Hickey, L.M. Shore and R.D. Yachetti. S. Thomson and E. Greenall (of the Law Society) were also present.

Your Board met on Tuesday, the 18th of June, 1991 at twelve o'clock noon, the following members being present: A.M. Rock (Chair), G.P. Sadvari (Vice-Chair), J. Callwood, V. Krishna, M.L. Pilkington, L.M. Shore and R.D. Yachetti. R.E. Dimock (Chair - Intellectual Property Law Specialty Committee), S. Thomson and E. Greenall (of the Law Society) were also present.

Specialty Committees met as follows:

The Bankruptcy and Insolvency Law Specialty Committee met on Thursday, the 18th of April, 1991 at six o'clock in the evening.

The Workers' Compensation Law Specialty Committee met on Wednesday, the 24th of April, 1991 at four-thirty in the afternoon.

The Criminal Litigation Specialty Committee met on Friday, the 26th of April, 1991 at one o'clock in the afternoon.

The Environmental Law Specialty Committee met on Friday, the 3rd of May, 1991 at twelve-thirty in the afternoon.

The Labour Law Specialty Committee met on Monday, the 6th of May, 1991 at five o'clock in the afternoon.

The Workers' Compensation Law Specialty Committee met on Wednesday, the 15th of May, 1991 at four-thirty in the afternoon.

The Bankruptcy and Insolvency Law Specialty Committee met on Monday, the 27th of May, 1991 at six o'clock in the evening.

The Criminal Litigation Specialty Committee met on Friday, the 31st of May, 1991 at one o'clock in the afternoon.

The Labour Law Specialty Committee met on Monday, the 3rd of June, 1991 at five o'clock in the afternoon.

The Workers' Compensation Law Specialty Committee met on Thursday, the 6th of June, 1991 at four-thirty in the afternoon.

The Entertainment Law Specialty Committee met on Wednesday, the 12th of June, 1991 at twelve o'clock noon.

The Immigration Law Specialty Committee met on Thursday, the 13th of June, 1991 at five o'clock in the afternoon.

The Environmental Law Specialty Committee met (conference call) on Friday, the 14th of June, 1991 at three-thirty in the afternoon.

The Workers' Compensation Law Specialty Committee met on Tuesday, the 18th of June, 1991 at four-fifteen in the afternoon.

A.
POLICY

1. SHOULD THE CERTIFICATION PROGRAM CONTINUE?

The Certification Board has met twice since its last report to Convocation to discuss this issue. The attached Report, including Schedules "A"- "D", sets out the conclusions and recommendations of the Board.

B.

ADMINISTRATION

1. SPECIALTY COMMITTEE MEMBERS

The Board recommends that Kathryn E. Barnard (of Ottawa) be appointed to the Immigration Law Specialty Committee. There is currently no Ottawa representative on this Committee.

The Board recommends that Susan Ficek (of Toronto) be appointed to the Criminal Litigation Specialty Committee to replace Nola Garton, who has been appointed as a Judge.

C.

INFORMATION

1. CERTIFICATION OF SPECIALISTS

The Board is pleased to report the certification of the following lawyer as a Specialist in Criminal Litigation:

Duncan R. Macintyre (of Windsor)

2. ACCREDITATION OF LEGAL EDUCATION COURSES

The following is an excerpt from the Certification Board's report to Convocation of October 26, 1990:

BOARD-APPROVED CONTINUING LEGAL EDUCATION PROGRAMS

A. The Board is exploring a proposal that would require Specialist applicants to complete a certain number of pre-approved education courses in order to meet the education component of the Standards for certification.

B. Continuing legal education programs - including Law Society of Upper Canada programs, Canadian Bar Association programs, commercial programs (such as Insight), specialty programs (such as Criminal Lawyers' Association programs) and programs run by associations based on geographic location - will apply to the Certification Board for accreditation. They will then be able to advertise the number of points or credits that have been awarded to their various courses.

C. It has been proposed that the Board will receive applications from legal education programs and will forward them to the appropriate Specialty Committee. The Specialty Committees will do the actual investigating of all programs and will determine how many points should be awarded. Appeals from unsuccessful programs would be directed to the Certification Board.

D. The Board will announce its intention to phase-in the system of awarding points to continuing legal education programs, so that the program administrators will become accustomed to applying to the Certification Board for accreditation.

E. The Board will report to Convocation when more specific details about this proposal have been prepared.

21st June, 1991

The Board has further discussed the accrediting of C.L.E. courses and intends to have each course judged and accredited on its own merit, rather than on the basis of which organization is presenting it. This will apply equally to Law Society C.L.E. programs.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"A. Rock"
Chair

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

A-Item 1 - Report to Convocation of the Certification Board with
attachments Schedules A to D.

(Pages 1 - 35)

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 1:00 P.M.

.....

The Treasurer and Benchers had as their guests for luncheon the Bencher election scrutineers, Perry Borden (Treasurer's representative), Janette M.F. MacDonald, Fred Innis and Michael Adams, Jack Batten a Canadian author and Tom Stephany of the Audit Department.

.....

CONVOCATION RECONVENED AT 2:30 P.M.

.....

PRESENT:

The Treasurer, (James M. Spence, Q.C.), Bastedo, Bellamy, Brennan, Campbell, Cass, Chapnik, Cullity, Curtis, Elliott, Feinstein, Finkelstein, Furlong, Graham,, Ground, Hickey, Howland, Kiteley, Lamek, Lawrence, McKinnon, Mohideen, Murphy, Palmer, Peters, Scott, Thom, Topp, Weaver and Yachetti.

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FINANCE AND ADMINISTRATION COMMITTEE

Mr. Ground presented the Report of the Finance and Administration Committee of its meeting on June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FINANCE AND ADMINISTRATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June 1991 at three o'clock in the afternoon, the following members being present: Messrs. Ground (Chair), Howie (Vice-Chair), Lamont, Lerner, Murray, Pepper, Wardlaw and Mrs. Weaver.

A.

POLICY

1. RENTAL OF LAW SOCIETY PREMISES

The issue has been raised in Convocation that the Society establish a policy to rent the Society's educational facilities which are surplus to its needs as a source of additional revenue.

Staff is currently gathering data on how much and when such space would be available, what the market rate would be, how large that market is and whether there are any negative aspects to such a plan.

The Committee considered the matter and resolved that:

- (a) The Society adopt a policy of renting surplus educational facilities to outside users;
- (b) That initially the program be limited to professional, and business associations and non-profit organizations;
- (c) That staff prepare a financial impact statement and suggested rental rates and report back to the Committee.

B..

ADMINISTRATION

1. FINANCIAL STATEMENTS

The Director presented the highlights memorandum for the three Law Society funds together with supporting financial statements for the eleven months ended May 31st 1991.

Approved

2. ANNUAL FEES - PAYMENT BY INSTALMENTS

As requested, the Director has reviewed with staff the issue of instalment payments for annual fees.

It is recommended that, as it would be difficult to implement an instalment program for the 1991/92 year, a program be put in place for the 1992/93 fiscal year.

It should be recognized that certain steps have been taken over the past few years to assist those members who find the fees a burden. First, that the Society has a process whereby members may apply to have their fees deferred. Second, the establishment of three classes of fee paying members to permit those least able (unemployed, returning to school etc.) to pay a fee equal to 25% of the full fee. Third, fees are currently due and payable on October 1st each year for the year which commences July 1st and members have an additional four months in which to pay, and a further month until names appear before Convocation in February. In essence, members have eight months from the beginning of the fiscal year to pay their fees - far more lenient than other professions and, in fact, more lenient than other Law Societies in Canada.

It is proposed that the Society establish a unified billing. This would be a single billing/statement covering both Annual Fees and Errors and Omissions Insurance Levy. Billings would be sent four times per year alternating between the two instalments for Errors and Omissions (which currently exist) and two instalments for the Annual fee. Each billing would pick up any outstanding balances and carry them forward. (This would allow continued billing of any small outstanding balances such as for those members who under remit by amounts less than \$100 and whom we usually do not suspend.)

Since billings will be sent more frequently, it is also recommended that Section 36 of the Law Society Act be changed to allow shortening the payment schedule. Currently, as mentioned before, members have up to eight months to pay before suspensions take effect. It is recommended that members be allowed thirty days to pay. This would allow a period of ninety days before suspension for any unpaid instalments takes place as illustrated by the following example:

September	1st billing sent out due October 1
October	1st billing due (thirty days elapsed)
November	1st reminder notice sent and members names submitted to Finance Committee (sixty days elapsed).
November	22nd (4th Friday in November) list of those to be suspended goes to Convocation (up to ninety days elapsed).

Administratively, we allow any payments that come in the following week to be applied and do not suspend those members which, in effect, grants a further week or so.

In summary, this procedure would allow for four notices, four due dates and four suspensions over the year as is outlined in the following table.

DATE	NOTICE MAILED	PAYMENT DUE	SUSPENSION BY CONVOCATION
June 1	Errors & Omissions		
July 1		Errors & Omissions	
Sept. 1	Annual Fee		
September			Errors & Omissions
Oct. 1		Annual Fee	
November			Annual Fee
Dec. 1	Errors & Omissions		
Jan. 1		Errors & Omissions	
February			Errors & Omissions
Mar. 1	Annual Fee		
April 1		Annual Fee	
May			Annual Fee

Approved

3. SUSPENSION OF MEMBERS - LATE FILING FEE

There are 36 members who have not complied with the requirements respecting annual filing and who have not paid the late filing fee.

In all 36 cases all or part of the late filing fee has been outstanding four months or more. The 36 members owe \$44,410.00 of which \$8,810.00 has been owing for more than four months.

The Committee was asked to recommend that the rights and privileges of the 36 members be suspended on June 21st 1991 if the late filing fee remains unpaid on that date and remain suspended until the late filing fee has been paid.

Approved

Note: Motion, see page 201

4. SUSPENSION OF MEMBERS - ERRORS AND OMISSIONS LEVY/ANNUAL FEES

The following members paid their Errors and Omissions Insurance Levy for the period January to June 1991 with a cheque which was subsequently dishonoured by the bank.

Allan Ian Wexler	\$ 500.00
David Kenneth Ford	826.04
Bohdan Basil Zarowsky	826.04
Ansis Semenovs	826.04
Patricia Ann Ritter	826.04
Peter William Bennett Everett	826.04
Michael Theodore Ross	1,653.15
Donald Charles Simmons	826.04
William Edward Horman	826.04
Wayne Terrence King	826.04
Karla Kathleen Gower	1,653.15
Stuart Elliot Rosenthal	1,241.20
Leonard Allan Wise	1,241.20

The following members paid their Annual Fees for 1990-91 with a cheque which was subsequently dishonoured by the bank.

Stephen Anthony Landau	\$ 984.29
Gavin Leonard Gow Wyllie	200.00
Sheldon Ernest Kirsh	984.29

The Committee was asked to recommend that the rights and privileges of these members be suspended by Convocation on the 21st of June 1991 if the levies or fees remain unpaid on that date.

Approved

Note: Motions, see page 201

5. RESIGNATION - REGULATION 12

Marie Germaine Gleason has applied for permission to resign her membership in the Society and has submitted a Declaration in support. She was called to the Bar on the 10th of April 1986 and has practised law only for a two week period in March 1988. Her rights and privileges as a member of the Society were suspended on the 28th of March 1991 for failure to pay the 1990-91 fees. Arrears of fees total \$254.66. Her annual filing is up to date. The member has requested that she be relieved of publication in the Ontario Reports.

Her application is in order and the Committee was asked to approve it.

Approved

6. MEMBERSHIP UNDER RULE 50

(a) Retired Members

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

John Wellington Bell
Roger Digby Viets

North York
Ottawa

(b) Incapacitated Member

The following member is incapacitated and unable to practise law and has requested permission to continue his membership in the Society without payment of annual fees:

Thomas James Sommerville

Toronto

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

Approved

(c) We have received a letter from a member who is currently retired but wishes to appear on the letterhead of a firm as Counsel. He states that his role will be limited to advising the members of the firm and will not be advising members of the public nor clients of the firm directly. He states "In fact I will be Counsel in name only.". In return for the use of his name, the firm will be furnishing him with office space, secretarial service and parking. There will not be any monetary remuneration.

The issue is whether given this arrangement, the member qualifies under Rule 50 being fully retired or whether, because he is giving legal advice to members of the firm, he must pay full annual fee plus Errors and Omissions Insurance levy.

Denied

(d) Andrew Hiram Robinson of Cornwall, Ontario, was called to the Bar on the 14th of April 1982 and never engaged in the private practice of law. For health reasons, he was forced to give up his employment in 1986 and let his membership in the Society lapse, unaware that he could apply under Rule 50 as an incapacitated member. Arrears of fees now total \$3,328.33. He is up to date on his annual filing.

Mr. Robinson is now 64 years of age. He asks for consideration of his request to continue membership as a retired member, without payment of annual fees, beginning with the period 1985-86.

(e) George Albert Rowland of Etobicoke, Ontario, was called to the Bar on the 25th of June 1953. He was engaged in the private practice of law until 1976 when he was forced to retire because of illness. He was unaware that he could apply under Rule 50 as an incapacitated member. Arrears of fees now total \$5,411.00. He is up to date on his annual filing.

Mr. Rowland is now 70 years old and in very poor health. He asks for consideration of his request to continue membership as a retired member, without payment of annual fees, beginning with the period 1982-83.

The above applications are in order and the Committee is asked to approve them.

Approved

H.C.

INFORMATION

1. LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society with an effective date of the 19th of June 1991:

James Donald Bell	Scotland
Harvey Mifflin Brent	Cobourg
Thomas Frederick Cooper Cole	Toronto
Charles William Fullerton	St. Catharines
Donald Kerr Hardy	Willowdale
Cyrl Holly Hollingshead	Toronto
Walter Harold Howell	Peterborough
Patrick Kilroy Kerwin	St. Catharines
Herbert Courtney Kingstone	Ottawa
Frank Edgar Lewis	Toronto
William Leeds Liscombe	Islington
John Francis Mahony	Dundas
Russell Kennedy McAvoy	Chatsworth
James McCubbin	Owen Sound
Donald Grant Neelands	Toronto
Max Benjamin Nemoy	Toronto
Lawrence Gerard O'Connor	Chatham
Frank Oatley Plant	Ottawa
William Stewart Rogers	Sharon
B Barry Shapiro	Weston
James Worrall	Don Mills
Samuel Earl Wyatt	Brantford
Louis Ziff	Fort Erie

Noted

2. CHANGES OF NAME

Members

<u>From</u>	<u>To</u>
Hollie Ann Taite	Hollie Ann <u>Elder</u> (Married)
Mindy Pilon	<u>Yolande</u> Mindy Pilon (Court Order)
Joan Marie Cushon-Boulet	Joan Marie <u>Cushon</u> (Maiden Name)
Kathryn Ann Shantz	Kathryn Ann <u>Giffen</u> (Court Order)

Noted

3. ROLLS AND RECORDS

(a) Deaths

The following members have died:

Charles Robert Clarke London	Called June 29th 1949 Died June 1st 1990
Donald Allan Bondy Windsor	Called June 19th 1952 Died January 27th 1991
Joseph Arthur Enstone Ottawa	Called June 20th 1940 Died March 7th 1991
Paul Blair John Currie Toronto	Called June 28th 1956 Died March 18th 1991
William Francis Higgins Point Edward	Called April 11th 1979 Died March 24th 1991
Teuvo Armas Eloranta Sudbury	Called June 25th 1959 Died March 26th 1991
John Gillespie Reid Mississauga	Called June 16th 1932 Died April 3rd 1991
Joseph Robert Breglia Don Mills	Called April 19th 1963 Died April 11th 1991
John Manuel Arnold Toronto	Called November 16th 1939 Died April 15th 1991
Michael Howard Schwartz Toronto	Called April 8th 1987 Died May 5th 1991
Keith Wright Belyea Toronto	Called June 26th 1958 Died May 6th 1991
Richard James Frost Cambridge	Called March 22nd 1968 Died May 10th 1991
Jacqueline Sally Greatbatch Toronto	Called April 19th 1985 Died May 13th 1991

Noted

(b) Membership in Abeyance

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

Roland Roy McMurtry Jr. Toronto	Called June 26th 1958 Appointed to the Ontario Court of Justice, General Division March 22nd 1991
John Hamilton Brockenshire Windsor	Called June 25th 1959 Appointed to the Ontario Court of Justice, General Division March 22nd 1991
William Parker Somers Toronto	Called June 25th 1919 Appointed to the Ontario Court of Justice, General Division March 22nd 1991

21st June, 1991

John Fraser Hamilton Toronto	Called April 19th 1963 Appointed to the Ontario Court of Justice, General Division March 22nd 1991
John Joseph Cavarzan Toronto	Called April 10th 1964 Appointed to the Ontario Court of Justice, General Division March 22nd 1991
Blenus Wright Toronto	Called March 22nd 1968 Appointed to the Ontario Court of Justice, General Division March 22nd 1991
Robert Ashley Blair Toronto	Called March 19th 1970 Appointed to the Ontario Court of Justice, General Division March 22nd 1991
Susan Ellen Greer Toronto	Called March 23rd 1973 Appointed to the Ontario Court of Justice, General Division March 22nd 1991
Roland John Haines London	Called March 23rd 1973 Appointed to the Ontario Court of Justice, General Division March 22nd 1991
Nola Estelle Garton Toronto	Called March 21st 1975 Appointed to the Ontario Court of Justice, General Division March 22nd 1991

Noted

4. LEGAL MEETINGS AND ENTERTAINMENT

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

June 26th 1991	Judges Dinner Dance Convocation Hall
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Noted

5. STAFF CHANGES

The Director reported that 4 employees have left the employ of the Law Society and 9 have joined. Two new positions have been created and staff complement is now at 321 for the two months ended May 31st 1991.

Noted

ALL OF WHICH is respectfully submitted

DATED this 21st day of June 1991.

"J. Ground"
Chair

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

B-Item 1 - Memorandum from Mr. David Crack to the Members of the Finance Committee dated June 6, 1991 re: Financial Statement Highlights.

(Schedule B, pages 1 - 7)

THE REPORT WAS ADOPTED

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MOTION TO SUSPEND: FAILURE TO PAY FEE FOR LATE FILING FORM 2/3

It was moved by Mr. Ground, seconded by Ms. Weaver THAT the rights and privileges of each member who has not paid the fee for the late filing of Form 2/3 within four months after the day on which payment was due and whose name appears on the attached list be suspended from the 21st of June 1991 for one year and from year to year thereafter or until that fee has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Carried

(See list in Convocation file)

MOTION TO SUSPEND: FAILURE TO PAY ERRORS AND OMISSIONS LEVY

It was moved by Mr. Ground, seconded by Ms. Weaver THAT the rights and privileges of the following members who paid their Errors and Omissions Insurance Levy for the period January 1st 1991 to June 30th, 1991 with cheques which were subsequently dishonoured by the bank be suspended from June 21st 1991 for one year and from year to year thereafter until the necessary levy has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

David Kenneth Ford
Bohdan Basil Zarowsky
Ansis Semenovs
Michael Theodore Ross
William Edward Horman
Wayne Terrence King
Karla Kathleen Gower

Carried

MOTION TO SUSPEND: FAILURE TO PAY ANNUAL FEES

It was moved by Mr. Ground, seconded by Ms. Weaver THAT the rights and privileges of the following members who paid their Annual Fees for the period July 1st 1990 to June 30th 1991 with cheques which were subsequently dishonoured by the bank be suspended from June 21st 1991 for one year and from year to year thereafter until the necessary fees have been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Stephen Anthony Landau
Sheldon Ernest Kirsh

Carried

.....

DISCIPLINE COMMITTEE

Mr. Lamek presented the Report of the Discipline Committee of its meeting on June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The DISCIPLINE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991 at one thirty in the afternoon, the following members being present:

Mr. Lamek, (Chair), Mr. Campbell, Ms. Graham, Messrs. Lerner, McKinnon, Rock and Thom.

Also in attendance were Ms. E.S. Elliott, Messrs. R.W. Murray, D.R. O'Connor, and Ms. M. Angevine, Messrs. Kerr, MacKenzie, Ms. Robertson, Messrs. Varro and Yakimovich.

A.
POLICY

1A. Members' Addresses and Service of Law Society Documents

At its May, 1991 meeting, your Committee considered whether the Law Society Act or the Regulations or Rules under the Act should be amended to require a member to keep his or her address current with the Society.

The Committee suggested that one possible solution would be to amend the Forms 2/3 to require members to advise the Society of any change of address. The Committee also requested staff to determine if the Secretariat encountered on a regular basis problems with its mailings to members.

Gavin MacKenzie, Senior Counsel - Discipline advised, after making appropriate enquiries, that the problem is not encountered to any extent in other mailings. His suggestion was that rather than amending the Forms 2/3, a notice be included with regular Society mailings for such items as annual fees reminding members to advise the Society of any change of address. An alternative would be to include a notice to the profession in the Ontario Reports.

The Committee agreed with Mr. MacKenzie's proposal and recommends its adoption.

2A. Disqualifying Interests at Convocation

At its May, 1991 meeting, your Committee discussed its concerns with situations where a member of Convocation considering a discipline matter may feel compelled to disqualify himself or herself from consideration of that matter. The issue arose in the context of Convocation's receipt of character evidence in the form of letters about a solicitor before it on a discipline matter from solicitors who were partners or associates of members of Convocation. To assist in its consideration of this issue, the Committee requested that staff prepare information on the governing principles and philosophy respecting disqualifying relationships, and any leading cases on the issue.

At the request of Gavin MacKenzie, Senior Counsel - Discipline, Andrew Brockett, Director of Research for the Society, prepared a memorandum on the issue of bias, attached at pages A-1 to A-5.

The Committee agreed with the suggested procedure outlined on page A-4 of the memorandum and recommends its adoption by Convocation.

Note: Referred back to Committee, see page 204

B.
ADMINISTRATION

1B. Disclosure of Information from Law Society Investigations to the Ministry of Financial Institutions

Mr. Jim Yakimovich, Director - Audit Investigations, addressed your Committee's May, 1991 meeting on the matter of disclosure of information from Society investigations of solicitors to the Ministry of Financial Institutions, as a result of his recent discussions with

21st June, 1991

Ministry representatives. Although the issue raised by Mr. Yakimovich related specifically to the Society's role in such investigations and whether the current Society's guidelines for disclosure to police and the Crown would be adequate, the issue really extends to disclosure to other law enforcement agencies which may be conducting investigations of solicitors.

Mr. Yakimovich prepared a draft proposal on Society disclosure to law enforcement agencies attached at pages B-1 to B-17.

The Committee considered the proposals outlined on pages B-4 and B-5 with the assistance of Mr. Dennis, R. O'Connor, Q.C., who chaired the sub-Committee on Confidentiality and who is Chair of the Committee on Reforms Implementation. The Committee felt that further study of the issues was required, and therefore proposes that the matter be referred to the Implementation Committee for consideration which would report its findings to the Discipline Committee - Policy Section in September, 1991.

Convocation's approval of this course of action is requested.

2B. Deposit of Uncertified Cheques into Trust Accounts

Mr. Allan Rock, Chair of the joint sub-Committee of the Committee and the Professional Conduct Committee studying the problems arising out of the deposit of uncertified cheques into lawyers' trust accounts presented an interim report to your Committee, attached at pages C-1 to C-16.

After summarizing the report, Mr. Rock advised the Committee that the sub-Committee would continue with its deliberations and should be in a position to provide its final report to the Committee and the Professional Conduct Committee in September, 1991.

C.

INFORMATION

1C. Authorization of Discipline Charges

Once each month, the Chair and/or one or both of the Vice-Chairs of the Discipline Committee meet with Complaints and Discipline staff to consider requests for formal disciplinary action against individual lawyers.

The following table shows the number of requests made by Discipline, Complaints and Audit staff for the month of May, 1991.

	<u>Sought</u>	<u>Obtained</u>
Discipline	14	11
Complaints	11	11
Audit	0	0

Total Number of Charges Authorized to Date for 1991

January	11
February	12
March	14
April	21
May	<u>22</u>
Total:	80

ALL OF WHICH is respectfully submitted

DATED this 14th day of June, 1991

"P. Lamek"
Chair

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

- A-Item 2A - Memorandum from Mr. Andrew Brockett to Mr. Gavin MacKenzie dated June 6, 1991 re: Bias: Discipline Committee: Evidence from partners of Benchers or associates of Benchers. (Marked A-1 - A-5)
- B-Item 1B - Draft proposal on Law Society disclosure to law enforcement agencies prepared by Mr. J.N. Yakimovich. (Marked B-1 - B17)
- B-Item 2B - Interim Report re: The joint subcommittee respecting uncertified cheques in trust accounts. (Marked C-1 - C16)

It was moved by Ms. Kiteley, seconded by Ms. Weaver that the issue of participation of Benchers considering a discipline matter where partners or associates have participated be referred back to Committee.

Withdrawn

The Chair agreed to take back to Committee the issue on the participation of Benchers.

THE REPORT WITH THE EXCEPTION OF A-2A WAS ADOPTED

.....

BUILDING COMMITTEE

Mr. Ground presented the Report of the Building Committee.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The BUILDING COMMITTEE begs leave to report:

The following report was circulated to the committee members and approved for submission to Convocation.

B.
ADMINISTRATION

1. Renovation and Additions Contract

We have received a preliminary estimate of \$34,000 to panel the elevator lobby to the south of the new reception area. It is recommended that we proceed with this work under the current contract.

2. Revision to East Entrance

In view of the increased importance of the east entrance to the building, it has been suggested that the exterior of the building be changed to give this entrance a more impressive appearance. The proposed changes include:

- (a) A new arch over the window.
- (b) A light to illuminate the name that is inscribed above the door.
- (c) Lights on the fence posts.
- (d) Additional ornamental bushes, etc. in the flower beds bordering the entrance.

The estimated cost is \$39,000. It should be noted that these changes do not make the entrance wheelchair accessible. Access to the building by wheelchair will be directed to the north entrance which gives level access through doors with automatic openers.

It is recommended that this work be proceeded with and its cost capitalized as part of the cost of the renovation of the building.

C.
INFORMATION

1. Ottawa - 44 Eccles Street

- (a) We are negotiating a lease renewal with The Language Training Centre of Ottawa Ltd. for a five-year term commencing July 1, 1991. As the tenant has a right of renewal, the only changes of consequences is the rent. On the advice of our Ottawa based property manager, Equity Management International Limited, the rent increases will be:

Year one.....\$11.55 per square foot (formerly \$11.00)
Year two..... 12.00 per square foot
Year three..... 12.25 per square foot
Year four..... 12.50 per square foot
Year five..... 12.75 per square foot

Some minor repairs, including new floor tiles in the hall and elevator area will be carried out.

- (b) Last fall, urgent repairs to the building including the reconstruction of the main entrance, caulking of all windows and repair to roof flashing were carried out at a cost of \$32,942. Other urgent repairs to the stone work were postponed until this spring and more favourable weather. Tenders for this work ranging from \$45,000 to \$106,000 have been obtained and work will proceed subject to the approval of the Committee.

2. Cost of Renovations and Additions

The estimate of cost in February 1990	\$13,219,260.00
Current estimate of cost for original work	13,051,289.00
	<hr/>
Surplus	\$ 167,971.00
Current estimate of cost of work added to original scope of the contract (see note 1).....	\$ 836,610.76
Current estimate of cost of partitioning and fitting up of 5th and 6th floors and found space on 4th floor (see note 2).....	\$ 784,107.53
	<hr/>
Total Cost - Current Estimate.....	\$14,672,007.29
Rebate of Federal Sales Tax.....	\$ 253,000.00
	<hr/>
Net Cost - Current Estimate.....	\$14,419,007.29

NOTE 1

The above cost statement distinguishes between extra cost for the original work, which cost is included in the \$13,051,289.00 figure, and the cost of work not provided for in the original contracts which costs are set out as a separate item. Major examples of these change of scope costs are:

- (a) The cost of additional structural steel to make available about 1,100 square feet of space found at the fourth floor level....\$41,000
- (b) The cost of relocating existing electrical, telephone and computer cables in proper raceways along hallways....\$252,000
- (c) Partitioning layout changes and finishes to existing building adjacent to new work....\$140,000
- (d) Additional work in elevator sump pit to overcome drainage problem....\$58,000
- (e) Control valves and pumps for existing fire hose outlets....\$52,000
- (f) Premium time to meet September 1990 deadline required because of strike in summer....\$71,000
- (g) Revisions to kitchen....\$50,000
- (h) Millwork in renovated areas required to match existing millwork....\$67,000

NOTE 2

The original cost estimates did not include any work necessary for the partitioning of the "found space" on the fourth floor or of the fifth and sixth floors as no decision had been made at that time as to the use of this space.

2. Repair of Roof over Benchers' Quarters

Applications have been sent to the Ministry of Culture and Communications and the Ontario Heritage Foundation. Only one application will be processed but we have not been advised of the decision. We have obtained a consent to proceed with the work before the application is formally processed without prejudice to whatever grant may eventually be made.

3. An official opening of the new and renovated parts of the building will be held in September. Benchers and other members of the profession will be invited.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June 1991

"J. Ground"
for Chair

THE REPORT WAS ADOPTED

.....

LEGISLATION AND RULES COMMITTEE

Mr. Murphy presented the Reports of the Legislation and Rules Committee of its meetings on June 13th and June 21st, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGISLATION AND RULES COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991, at 11:15 a.m. the following members being present:

S. Lerner (Chair), M. Cullity (Vice-Chair), R. Cass, D. Murphy, and Ms. S. Chapnik; P.B. Bell also attended.

A.
POLICY

1. JURISDICTION OVER STUDENT MEMBERS -
AMENDMENT TO REGULATION 573

The Articling Director, Marilyn Bode, advised that after the Legal Education Committee and the Legislation and Rules Committee approved the wording for the Jurisdiction over Student Members on May 9th, two members of the Legal Education Committee expressed concerns about the wording. The matter was sent to counsel for the Law Society to be redrafted and was not in the Report to Convocation on May 24th of either Committee. The two Benchers are now satisfied with the new wording that has been drafted by counsel as a new Subsection 22(8) which would replace the existing Subsection 22(8) of Regulation 573.

RECOMMENDATION: It is recommended that:-

1. Subsection 22(8) of Regulation 573 of the Revised Regulations of Ontario, 1980 be revoked and the following substituted therefor:

- (8) A person becomes a student-at-law in the Bar Admission Course upon
 - (a) filing a completed application form as prescribed by the director;
 - (b) payment of the prescribed fees, including any late filing fees; and
 - (c) commencing a teaching term or service under articles of clerkship.

- (9) A person who becomes a student-at-law in the Bar Admission Course shall file with the director on or before the last business day in the month of August,
- (a) a certificate of the academic qualifications required by subsection (7);
 - (b) a certified copy of the student's pre-law university record;
 - (c) articles of clerkship; and
 - (d) any other evidence of compliance with subsection (7) or this subsection that the director requires.
- (10) Convocation may revoke a student membership where the requirements of subsections (7), (8) and (9) have not, in the opinion of Convocation, been met.

B.

ADMINISTRATION

1. BILL 75 - TEMPORARY MEMBERS - ATTORNEY-GENERAL EXCHANGE PROGRAM

It was reported that the Attorney-General introduced Bill 75 in the Ontario Legislature, on April 23rd, 1991, for first reading an act to amend the Law Society Act to provide for temporary members, being members from other jurisdictions that are employed by the Attorney-General on an exchange program. The Bill is different from the wording passed by Convocation in that it refers to affirmations as well as oaths to be taken by the temporary members.

RECOMMENDATION: It is recommended that counsel draft an amendment to the Rules under the Law Society Act, to provide for affirmations to be taken instead of oaths, by both members and temporary members when Bill 75 has been approved by the Legislature and receives Royal Assent.

C.

INFORMATION

1. DEPARTMENT BUDGETS

The financial figures for May 31st, 1991 show that the accounts are within budget.

2. RULES TRANSLATED INTO FRENCH

The Rules to January 25th, 1991, have been translated into French. The amendments to the Rules made in March - June of 1991, will be translated and then the Rules will be printed in French.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"D. Murphy"
for Chair

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGISLATION AND RULES COMMITTEE begs leave to report:

Your Committee met on Friday, the 21st of June, 1991, at 9:00 a.m. the following members being present:

S. Lerner (Chair), D. Murphy and R. Murray (ad hoc); and P. Bell also attended.

A.

POLICY

No items.

B.

ADMINISTRATION

1. CHANGE OF TIME FOR NOTICE OF ANNUAL MEETING AND
OF TIME FOR THE SECRETARY TO RECEIVE MEMBERS' MOTIONS

It was reported that complaints have been received from members of the Society that the Ontario Reports containing the Notice of the Annual Meeting and the motions of members have not been received in time for the members to plan to attend the meeting or to consider the motions being presented. It is therefore proposed to change the time for giving notice of an annual meeting in the Ontario Reports from 40 days to 60 days [Rule 52(4)] and change the time for the Secretary to receive members' motions from 25 days to 40 days [Rule 52(5)].

RECOMMENDATION: It is recommended that:-

(1) Sub-rule 52(4) be amended by deleting 40 and substituting 60 in the second line so that the sub-rule will read as follows:

52(4) Notice of an annual meeting shall be given by publication in an issue of the Ontario Reports dated at least 60 days before the day fixed for the meeting.

(2) Sub-rule 52(5) be amended by deleting 25 and substituting 40 in the third line so that the sub-rule will read as follows:

52(5) Motions to be made at the meeting shall be signed by at least ten members in good standing of the Society and shall be received by the Secretary 40 days prior to the date set for the annual meeting who shall arrange for their publication to the profession.

C.

INFORMATION

No items

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"D. Lamont"
for Chair

THE REPORTS WERE ADOPTED
.....

The Treasurer corrected the announcement made earlier in the day of the date of the Annual Meeting and confirmed that it would be held on Wednesday, November 13th, 1991.
.....

LEGAL AID COMMITTEE

Mr. Bastedo presented the Report of the Legal Aid Committee of its meeting on June 13th, 1991.

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

The LEGAL AID COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991, at 3 p.m., the following members being present: Thomas G. Bastedo, Chair, Mr. Brennan, Ms. Campbell, Ms. Fuerst, Ms. Kehoe, Ms. Kiteley, Messrs. Lalande, Murphy, Petiquan and Ms. Weir.

A.

POLICY

1. REPORT OF THE CIVIL TARIFF SUB-COMMITTEE

The Legal Aid Committee recommends the adoption of the Report of the Civil Tariff Sub-Committee which is attached hereto and marked as SCHEDULE (A).

B.

1.(a) REPORT OF THE DEPUTY DIRECTOR, FINANCE
FOR THE ONE MONTH ENDED APRIL 30, 1991

(a) Finance

The Director's report pursuant to Section 88(2) of the Regulation for the one month ended April 30, 1991 takes the form of the following financial statement:

Ontario Legal Aid Plan
Statement of Income and Expenditures
One Month Ended April 30, 1991 (\$000)

	Actual Apr.30 <u>1990</u>	Actual Apr.30 <u>1991</u>	Budget April <u>1991</u>
<u>Opening Balance</u>	\$ 6,925.8	\$ 575.1	\$ 575.1
<u>Income</u>			
Treasurer of Ontario	12,502.7	17,278.2	17,278.2
Northern Legal Services	75.0	108.3	108.3
Family Violence Grant	25.0	21.0	21.0
Refugee Claimant Grant		2,648.1	2,648.1
Law Foundation		1,021.9	1,021.9
Client Contributions	663.3	877.0	877.0
Client Recoveries	102.4	68.8	68.8
Research Sales	12.1	17.4	17.4
The Law Society	-	-	-
Miscellaneous	<u>374.5</u>	<u>170.4</u>	<u>170.4</u>
	<u>20,680.8</u>	<u>22,786.2</u>	<u>22,786.2</u>
<u>Expenditure</u>			
Certificate Accounts	825.3	3,643.6	3,643.6
Refugee Accounts	24.6	80.4	80.4
Duty Counsel Fees & Disbursements	185.8	486.1	486.1
Salaried Duty Counsel	85.2	118.7	118.7
Northern Legal Services	225.0	325.5	325.5
Community Clinics	1,887.2	2,033.6	2,033.6
Student Legal Aid Societies	1,334.5	685.0	685.0
Research Facility	97.7	164.0	164.0
Area Office Administration	662.5	790.0	790.0
Provincial Office Admin.	493.7	623.2	623.2
Refugee Administration	<u>19.2</u>	<u>25.4</u>	<u>25.4</u>
	<u>5,840.7</u>	<u>8,975.5</u>	<u>8,975.5</u>
<u>Closing Balance</u>	<u>\$14,840.1</u>	<u>\$13,810.7</u>	<u>\$13,810.7</u>

Statistics

The following table compares reported activity for the one month ended April 30th, 1991 with activity for the previous fiscal year:

	April 30 <u>1990</u>	April 30 <u>1991</u>	<u>% Change</u>
Summary Legal Advice	4,777	4,884	2.2%
Referrals to Other Agencies	9,584	11,711	22.2%
Applications for Certificates	12,608	19,098	51.5%
Refusals	2,590	2,841	9.7%
As a Percentage of Applications	20.5%	14.9%	-
Certificates Issued	10,017	16,257	62.3%
Persons Assisted by Duty Counsel:			
Fee for Service	6,287	15,804	151.4%
Salaried	6,434	9,189	42.9%
Telephone Advice	N/A	1,570	-

(b) REPORT ON THE PAYMENT OF SOLICITORS
ACCOUNTS FOR THE MONTH OF MAY, 1991

The Report on the Payment of Solicitors Accounts for the Month of May, 1991 is attached hereto and marked as SCHEDULE (B).

(c) REPORT ON THE STATUS OF REVIEWS IN THE
LEGAL ACCOUNTS DEPARTMENT FOR MAY, 1991

21st June, 1991

The Report on the Status of Reviews in the Legal Accounts Department for the month of May, 1991 is attached hereto and marked as SCHEDULE (C).

(d) AREA COMMITTEES - APPOINTMENTS AND RESIGNATIONS

APPOINTMENTS

Halton Region

Frederick L. Forsyth, Solicitor
June McAskie, Solicitor

RESIGNATIONS

Essex County

Dr. Sal Kizis

ALL OF WHICH is respectfully submitted

"T. Bastedo"
Thomas G. Bastedo
Chair

June 13, 1991

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

- A-Item 1 - Report of the Civil Tariff Sub-Committee - June 1991.
(Schedule (A), Pages 1 - 27)
- B-Item 1(b) Report on the Payment of Solicitors Accounts - May, 1991.
(Schedule (B), Pages 1 - 2)
- B-Item 1(c) Report on the Status of Reviews in the Legal Accounts
Department - May, 1991.
(Schedule (C))

THE REPORT WAS ADOPTED

.....

SPECIAL COMMITTEE ON OSC ENFORCEMENT PROPOSALS

Mr. Ground presented the Report on the Special Committee on OSC Enforcement Proposals.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The SPECIAL COMMITTEE ON OSC ENFORCEMENT PROPOSALS reports as follows:

The Special Committee is composed of Messrs Ground (Chair), Carter, Cooper, O'Connor, Spence and Thom.

History

The Special Committee was appointed because of the concerns of the legal profession with respect to the proposed amendments to the Ontario Securities Act which, if implemented, would subject lawyers to disciplinary action by the Ontario Securities Commission. The initial submission of The Law Society was presented to Convocation on March 22, 1990 and approved and was submitted to the Ontario Securities Commission in April 1990. Subsequent to the filing of our initial submission, a

number of meetings were held between the Committee and the Chair, the Executive Director and staff of the OSC and the Committee made a formal presentation to the Commission on October 23, 1990. The Committee has reviewed and commented on subsequent drafts of the proposed legislation and has maintained contact with the Ontario Institute of Chartered Accountants and the committees established by the Canadian Bar Association - Ontario and by a number of firms engaged in Securities Law practice to respond to these proposals.

The principal concerns of Convocation were set out in the Committee's original Submission as follows:

- (1) The proposal that lawyers could be disciplined by a tribunal before which they are appearing or to which they are submitting documents on behalf of clients strikes at the very heart of the right to counsel and the right of audience.
- (2) Members of the Law Society have historically been subject to discipline only by the Society, with the rather narrow exception where a lawyer is found in contempt of court.
- (3) The proposals are extremely vague in their proscription of professional wrongdoing: the offence of "misconduct in the marketplace" is not defined.
- (4) The Law Society has always defended the right of clients to have legal representation of their own choosing. The Commission is seeking the power to prevent lawyers "found to have engaged in misconduct in the marketplace" from practising in the securities law field.
- (5) In the case of proceedings against professional advisers, it is not clear to what extent the Commission would "exchange information with other regulators and law enforcement agencies".

Your Committee is pleased to report that the proposals have been substantially modified from the original draft. The concept of "misconduct in the marketplace" has been removed and replaced, in the case of professionals, with reference to specific offences as the basis on which an order could be made. The possibility of disciplinary action against a professional has in essence been limited to situations where the conduct has been reported to the professional's governing body and that governing body has determined to institute complaint proceedings but has either not sought or not obtained a temporary suspension order. The legislation now provides that no proceedings shall be commenced against a professional unless the Commission is satisfied that the professional's conduct significantly departed from the standard of integrity, honesty, care, knowledge or skill of a reasonably competent member of that profession. In addition, no proceedings can be commenced against a professional in respect of that professional's representation of another person or company in connection with proceedings or contemplated proceedings before the Commission. Also, orders restricting a professional from being employed by, retained by or associated with any market participant in connection with such person's activities in the capital market may not be made against a professional firm. The current draft of the proposed legislation is attached as Schedule A to this report.

21st June, 1991

In spite of the substantial strides that have been made, the Committee continues to have certain reservations with respect to the proposed legislation and our proposed submission on the current draft of the legislation is attached as Schedule B to this report. If approved by Convocation, the submission will be filed with the Ontario Securities Commission prior to the Commission's June 28th 1991 deadline for submissions.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June 1991

"J. Ground"
Chair

THE REPORT WAS ADOPTED
.....

CLINIC FUNDING COMMITTEE

Mr. Campbell presented the Report of the Clinic Funding Committee of its meeting on June 11th, 1991.

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

The Director of LEGAL AID begs leave to report:

CLINIC FUNDING

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

The Director recommends to Convocation that the report of the Clinic Funding Committee dated June 13th, 1991.

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

ALL OF WHICH is respectfully submitted

"R.L. Holden"
Robert L. Holden,
Director,
Legal Aid.

June 13, 1991

To: Robert L. Holden, Esq.,
Provincial Director
The Ontario Legal Aid Plan.

The Clinic Funding Committee met on June 11, 1991. Present were:
Colin Campbell, Q.C., Chair, Thea Herman, Jim Frumau.

21st June, 1991

A. DECISIONS

1. Allocations to Clinics

The Clinic Funding Committee approved the allocation of funds to existing clinics, for the fiscal year 1991/92, in an amount up to \$25,446,201 (see attached Schedule A).

2. Summer Students 1991 re. Kensington-Bellwoods

The Committee has approved an amount up to \$610 for the additional cost of benefits for summer students, arising from the fact that the employer health tax is significantly higher for the clinic when the number of employees shifts from five to 17 persons during the summer months. The clinic was originally allocated benefits of 6%, whereas the employer costs are actually 6.794%.

3. AIDS Action Now

The Clinic Funding Committee reviewed a request by "AIDS Action Now" to provide financial support for an AIDS mentor position at ARCH. This new legal services project will be administered by the ARCH Board of Directors. The Committee is recommending that contract funding be provided for a period of one year to ARCH for the purpose of providing an AIDS mentor and one support staff, in an amount up to \$100,000.

4. Applications for Incorporation

Pursuant to the directions of Convocation, the Clinic Funding Committee has reviewed, as to name and objects, applications for incorporation from Aboriginal Legal Services of Toronto Inc. and Brampton Community Legal Services. The Committee recommends Convocation's approval of these applications.

5. Pay Equity Legal Services

The Ministry of Labour has made funds available for the provision of pay equity legal services. The Committee recommends Convocation's approval in principle of a pilot project whereby the Committee enters into an agreement with the Ministry of Labour to establish and maintain pay equity legal services with funds provided by the Ministry. The pilot project will provide legal advice and representation in pay equity matters primarily to women who are not represented by unions.

ALL OF WHICH is respectfully submitted

Colin L. Campbell, Q.C.,
Chair,
Clinic Funding Committee.

June 13, 1991

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

A-Item 1 - Community Legal Clinics Funding Allocations 1991/92.
(Schedule A, Pages 1 - 2)

THE REPORT WAS ADOPTED

.....

PROFESSIONAL CONDUCT COMMITTEE

Mr. McKinnon presented the Report of the Professional Conduct Committee of its meeting on June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PROFESSIONAL CONDUCT COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991 at three o'clock in the afternoon, the following members being present: Messrs. Somerville (Chair), Campbell, Cullity, Feinstein, Lamont, McKinnon, Wardlaw and Ms Chapnik and Ms Elliott.

A.

POLICY

1. DUTY OF THE LAWYER TO ADVISE THE CLIENT
ABOUT LOST INTEREST IF MONEY PUT INTO
REGULAR MIXED TRUST BANK ACCOUNT

The Committee has reported on this matter to Convocation on two occasions in the recent past.

At its June meeting the Committee reached two conclusions:

- (1) Whatever conclusion is eventually reached by the Committee, which in turn is adopted by Convocation, should not be part of a Rule of Professional Conduct. It should be in the nature of a reminder to lawyers in the Proceedings of Convocation published in the Ontario Reports of the need to keep clients advised of the consequences of trust money being placed in the regular mixed trust bank account as opposed to being deposited in a special interest bearing account.
- (2) Once Convocation has decided which tack it wishes the Committee to take (whether it be a reminder to the profession or part of a Rule of Professional Conduct), the Committee will draft a position, for Convocation to discuss and possibly to adopt.

The Committee has canvassed the views of a dozen practitioners around the province and has received some very helpful responses that will help it reach a useful conclusion. The Committee has also had the specific input of Messrs. Feinstein, Lamont and Wardlaw who attended the meeting at the request of the Chair.

The Committee asks Convocation to adopt its recommendation that what the Committee should be preparing is a reminder to the profession and not a separate Rule of Professional Conduct or part of a Rule.

2. ASSIGNING OF ACCOUNTS RECEIVABLE

The Professional Conduct Committee has approved the practice of law firms assigning in general form their accounts receivable to a bank. This is done in such a way as to protect the identity of clients.

A law firm has now asked if it could assign "absolutely and without condition, a particular account receivable or series of accounts receivable for a particular client at a discounted rate".

The Committee could see no breach of the Rules of Professional Conduct were there to be such an assignment. However, it decided that the question should receive Convocation's input.

The Committee recommends to Convocation that the Law Society indicate it has no objection to this type of assignment.

B.
ADMINISTRATION

1. NETWORK OR LOOSE ASSOCIATION OF LAWYERS
PRACTISING IN THE ENVIRONMENTAL FIELD
- REQUEST FOR ADVICE

A lawyer has sent in a proposal for the operation of an association or network of lawyers practising in the environmental field. Set out below is the proposal:

In concert with X, an Environmental lawyer practising in Toronto, I have considered favourably the advisability of combining the respective skills of a number of otherwise unassociated solicitors throughout the province to serve clients in the fast growing environmental field.

We envisage a loose association or "network" of lawyers working independently but with co-operation and, in concert, where advisable to serve clients either individually or in concert.

We contemplate an organization whereby fees would be rendered individually to the client, confidentiality of information would be maintained (utilizing specific waivers where required) and conflict of interest would be avoided so as not to offend Rules 4, 5 and 9.

We do have some concerns, however, about the possibility of offending Rule 12 in our efforts to recruit other lawyers for our organization and attract clients.

By way of explanation, in the best of all possible worlds, we would dearly love to utilize the name "Environmental Law Network" as being descriptive of our prospective services and form of alliance.

This is partly predicated upon the belief that "networking" or close co-operation and sharing of areas of expertise offers the clients superior service and a wide geographic base and also upon the belief that it aptly describes the nature of the undertaking.

Before proceeding with any firm steps in this regard, however, we wish to see a Ruling on the following:

1. Is it permissible to utilize and advertise the name "Environmental Law Network"?
2. If the answer to question one is in the negative, is it permissible to use the generic term "an environmental law network" in a descriptive fashion only to indicate, for instance, that a number of independent lawyers are working together in "an environmental law network" to provide service to respective clients?

To specifically assist in answering the above inquiries, the following factors should be considered:

1. All involved lawyers will remain independent and in their own firms but will co-operate with each other with full client knowledge and consent.
2. There will be no fee splitting although common costs for promotional and educational activities would likely be shared.

21st June, 1991

3. Client confidentiality will be maintained through the utilization of full disclosure and Directions and Waivers where appropriate.

4. Perceived conflict of interest would be avoided by ensuring that involved solicitors are not perceived to be in roles adverse to one another in any particular issue.

We anticipate placing advertisements in legal periodicals to attract other lawyers of like interests and would like to use either the proposed name or generic term so, as is no doubt often the case in such requests, there is no small interest in our part on a fairly speedy Ruling if this is possible.

I would be pleased to provide more details since, quite frankly, I have not seen any evidence of other "networking" activities and this may be a somewhat new concept.

The Committee's Secretary wrote back and raised two concerns:

I envisage a number of problems with your proposal. I'll mention two of them. The first and most obvious problem is that of steering which is addressed in paragraph 5 of Rule 12. The second concern is with respect to the name "Environmental Law Network". There is the possibility that those seeing the name would conclude that all lawyers attached to the network were certified specialists in environmental law. To date there are no certified specialists in this area of law although there is work being done in the certification area to recognize those practitioners with this expertise.

The lawyer sent the following reply:

So that our position may be clearly understood, while I appreciate your concern regarding steering, I can assure you that this will not be occurring. We envisage a situation where counsel may be retained in another area the same as is done in agency matters in litigation at present. Files and clients will not be "referred" or steered to another solicitor.

As far as the wording "Environmental Law Network" is concerned, may I respectfully point out that the major Toronto law firms are advertising "Environmental Law Departments". If they are allowed to do this, and if we are going to be in competition with them, the same rules should govern. There would certainly be no attempt on our part to indicate that we are certified as specialists although we suspect that one of our members may shortly be so certified in the near future.

The Committee is of the opinion that the proposal in its present form offends paragraph 8 of Rule 12 because there is an inference that the members of the network are specialists in environmental law when such is not the case. Other alternatives are open to these lawyers. They can indicate their affiliation with their respective firms and they can indicate that they practise in the environmental law field.

Paragraphs 8(a) and 8(b) of Rule 12 read as follows:

8.(a) The lawyer may indicate that the lawyer is a specialist in a particular area of the law only if the lawyer has been so certified by the Law Society. The lawyer may state that the lawyer's practice is restricted to a particular area or areas of the law or may indicate that the lawyer practises in a certain area or areas of the law if such is the case but may not indicate that the lawyer has a preferred area or areas of practice. The lawyer may indicate that the lawyer is in general practice if such is the case.

(b) A firm of lawyers may:

(i) indicate under its firm name that it is in general practice or that it practises in certain areas of the law or that it has a restricted practice;

(ii) indicate the area or areas of law in which particular members practise or to which they restrict their practice.

The Committee asks Convocation to adopt its conclusion.

2. HOME EVALUATION GUIDE PUT OUT BY RE/MAX - LAW
FIRM WISHING TO ADVERTISE IN IT ALONG WITH
THREE OTHER FIRMS - REQUEST FOR ADVICE

The London office of Lerner and Associates has asked if it could advertise in a guide being put out by Re/Max. Three other London firms would also be given an opportunity to advertise.

I am writing to request your opinion on whether participation in a particular form of advertising contravenes any provision of Rule 12 of the Rules of Professional Conduct.

One of the lawyers in our commercial department was recently approached by a representative of Tricon Services Index Inc., whose position is described as "referral coordinator".

This individual explained that his firm has developed a Home Evaluation Guide, a copy of which is attached. As you will see, the guide includes a map of the area, general hints on selling one's home, and a list of items that prospective purchasers should consider when they are viewing homes that are for sale. Part of the guide is an advertising section, where small ads are inserted by various firms that might be of interest to prospective purchasers.

This individual explained to us that his practice is to customize these brochures so they can be distributed by the realtors with a particular company. In the case of the attached example, if Re/Max Brampton Realty Inc. purchased the guide, all of its agencies would be given copies so they could distribute them to clients. If the guide were to be distributed to a London realtor, of course, the map would be one of London, and the firms advertising would be London firms. We were told that a maximum of four lawyers or law firms would be permitted to advertise in each guide. The realtor would not make any particular representations about any law firm listed in the guide, but would simply distribute the brochures to clients. For the privilege of having the law firm's name in the brochure, the firm would pay approximately \$400.00 per year.

We had some concern about becoming involved with this form of advertising. We have some concern that it might constitute a contravention of Rule 12(5)(f). In addition, we had some concern that the title on the advertising page might be false or misleading information, within the meaning of Rule 12(2)(a). The title includes the sentence "these area professionals are working together with the realtor and TSI helping to provide you with the proper services to make your "home sweet home". This seems to imply some element of teamwork between the realtor, TSI and the law firms being advertised when, in fact, there is really no sort of cooperative effort going on between those three organizations, other than the distribution of the brochures.

The individual promoting this advertising opportunity explained to me that he has done this in a number of Ontario municipalities. Notwithstanding this, however, we did not want to become involved ourselves without getting some indication from the Law Society as to whether this is acceptable.

21st June, 1991

A copy of the brochure is attached (numbered 1 & 2).

The Committee was of the opinion that participation would contravene Rule 12, more specifically paragraph 5. There is the appearance of steering. Some of the wording in the brochure is offensive "For a job done right call a professional. These professionals are working together with the realtor and is helping to provide you with the proper services to make your 'Home Sweet Home'".

The Committee asks Convocation to adopt its position that the proposal in its present form is unacceptable.

C.
INFORMATION

1. REVISED MEDICO-LEGAL SOCIETY
REPORT ON MEDICO-LEGAL REPORTS

The Medico-Legal Society of Toronto has revised a report it did a number of years ago on Medico-Legal Reports. A copy was tabled for discussion at a future meeting.

2. PROFESSIONAL CONDUCT OPINIONS

Each member of the Committee will be receiving at the beginning of July a copy of the Professional Conduct Opinions which total almost 100 pages. Members will have a chance to read them over the summer in order that they can be discussed at a special meeting in September.

3. ITEMS LEFT OVER FROM PAST AGENDAS

The following items have been on past agendas and will be turning up on future agendas of the Committee:

- (a) The Legal Group - an employment group that provides lawyers to law firms and corporate law departments on a temporary basis
- (b) Lawyer Participation in a Barter System
- (c) Error by Opposing Party's Counsel in Faxed Communications

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"C. McKinnon"
for Chair

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

B-Item 2 - Home Evaluation Guide.

THE REPORT WAS ADOPTED
.....

LIBRARIES AND REPORTING COMMITTEE

Mr. Murphy presented the Report of the Libraries and Reporting Committee of its meeting on June 13th, 1991.

21st June, 1991

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LIBRARIES AND REPORTING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991 at 9:00 a.m., the following members being present:

D. Murphy (Chair), R. Bragagnolo (Vice-Chair), M. Cullity, M. Hickey, V. Krishna, R. Lalande, and Mrs. Weaver; G. Howell and P.B. Bell also attended.

A.
POLICY

NO ITEMS

B.
ADMINISTRATION

1. ANNUAL GRANTS TO THE COUNTY AND DISTRICT LAW ASSOCIATIONS

The 47 Counties have now submitted their Annual Returns with 1990 financial statements and therefore grants of \$3,000.00 to each county (Cochrane at \$4,500.00) were approved minus the insurance premium for property loss and liability coverage.

2. SYMPOSIUM ON LAW REPORTING

The Chair, Mr. Murphy, advised the Committee that he would be extending a welcome to the participants and Mr. Howell would be making an address on the history of law reporting in Ontario as part of a panel with Paul Perell, a member of the Ontario Reports Editorial Board, at the Symposium on Friday, June 14th, from 9:00 a.m. - 4:00 p.m. at the Old Mill. The Symposium is sponsored by Butterworths under the terms of the publishing contract for the Ontario Reports Weekly Parts.

3. A REVIEW OF THE LAW SOCIETY'S POSITION
ON CROWN COPYRIGHT IN REASONS FOR JUDGMENT

The Canadian Law Information Council Forum in Ottawa on May 31st, 1991, was attended by Mr. Henderson, Mr. Lerner, Mr. Mann and Mr. Howell. There was a morning panel dealing with the Federal Government's purported assertion of Crown copyright in reasons for judgment. The Law Society prepared a position paper on Crown copyright in 1985 and submitted it to a Federal Parliamentary Copyright Sub-Committee. The material in support of this position paper will be updated over the summer, and the Law Society's position will be back for full review at the September meeting of the Committee.

4. LEGAL ACCOUNT OF COUNSEL

The legal account of counsel for the Law Society was approved by the Committee.

5. LEGAL OPINION OF COUNSEL

The Committee considered a legal opinion from counsel concerning the Society's copyright in the Ontario Reports as it related to a legal action between two law book publishers. The Committee accepted the opinion of counsel for the Society that the Society should not move to be added as a party and instructed the Secretary to monitor the legal action and to report to the Committee.

C.
INFORMATION

1. COUNTY LAW ASSOCIATIONS - REVISED 1991 BUDGETS

All but two law associations have filed revised 1991 budgets after being advised of the amount of their respective grant increases for 1991. The majority of associations have "pared" their preliminary budgeted expenditures and/or will be using balances carried forward from the end of 1990 to cover 1991 operating deficits. A dozen locations have sent revised budgets that indicate that they will have deficit balances at the end of 1991. These will be further reviewed in the next month and a report provided to the Chair of the Committee.

2. CUTBACK IN FUNDING FOR JUDGES' LIBRARIES

The recent announcement by the Provincial Government of cutbacks in funding indicated that the Attorney General's Department is scrutinizing the cost to help fund Court Law libraries. Specifically a reduction of costs by reducing the duplication of purchases is being looked at.

3. BOOK LIST

The Great Library will be adding 21 new titles to its book collection for June 1991.

4. ONTARIO REPORTS - WEEKLY PARTS

The Chair advised that he will be meeting Butterworths at 11:30 a.m. on June 13th, 1991, to discuss the publishing contract for the weekly parts.

5. ONTARIO REPORTS - DATA BASE

The Secretary reported that the contract with QL Systems for the Ontario Reports Data Base was sent to QL on June 6th and is expected to be finalized soon.

6. FINANCIAL REPORT

A copy of the financial report for the eleven months ending May 31st, 1991, was received.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"D. Murphy"
Chair

THE REPORT WAS ADOPTED

.....

UNAUTHORIZED PRACTICE COMMITTEE

Mr. Hickey presented 2 Reports of the Unauthorized Practice Committee of its meetings on May 9th and June 13th, 1991.

21st June, 1991

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The UNAUTHORIZED PRACTICE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991 at 10:30 a.m., the following members were present: Mr. Carey (Acting Chair), Ms. Callwood, Mr. Cass, Ms. Graham, Messrs. Hickey, Lawrence, and Shaffer. Also in attendance were: Mr. Bell, Ms. Dockrill and Ms. Gerber.

B.

ADMINISTRATION

1. ACCOUNTS

Accounts of counsel were approved in the total amount of \$12,704.69.

2. INVESTIGATIONS

Although the Society has sufficient evidence in this case to commence a prosecution, the consensus of the Committee is that this complaint be left until the Complaints Department has completed its inquiry regarding the relationship of the lawyer and the paralegal in question.

3. ONTARIO PARALEGAL'S MEMORANDUM TO THE LEGAL COMMUNITY OF THUNDER BAY

A memorandum was brought to the attention of the Unauthorized Practice Department regarding Ontario Paralegal. This advertisement is in keeping with the apparent practice of the Woodstock franchise of the same company to solicit lawyers into business arrangements.

This is also a variation on the proposal made by the London franchise of one lawyer.

Your Committee has referred this matter to the Professional Conduct Department and in the meanwhile will continue to monitor the situation.

4. FUTURE PROSECUTIONS

In light of a serious overrun of outside counsel costs together with current budgetary constraints, your Committee recommends that a staff solicitor be engaged immediately before authorizing any new prosecutions. Your Committee also recommends that Convocation set up a sub-committee to consider ways of controlling the fees for prosecutions, as well as considering a method of selection of outside counsel.

Approved

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"M. Hickey"
for Chair

<u>Prosecutions</u>	<u>Next Court Date</u>
Michael Baldasaro Hamilton	April 23, 1991 at 2 p.m. Courtroom To set a date
Julian T. Shumka (Paralegal Associates) Kitchener	May 27, 1991 at 10 a.m. Courtroom 2 Trial
834259 Ontario Inc. (Paralegal Associates) Kitchener	May 27, 1991 at 10 a.m. Courtroom 2 Trial
Norine Earl Toronto Divorce Services Toronto	May 29, 1991 at 9 a.m. Courtroom 111 - Old City Hall Trial
Marc Monson (Action Paralegal) Downsview	May 29, 1991 at 10 a.m. Courtroom 306 Trial Continuation
786301 Ontario Ltd. (Action Paralegal) Downsview	May 29, 1991 at 10 a.m. Courtroom 306 Trial Continuation
Sandra Sheldrick (Paralegal Associates) Nepean	June 14, 1991 at 10 a.m. Courtroom 7 Trial
Natalie MacPhee (Paralegal Consultants Inc.) Ottawa	July 3, 1991 at 2:30 p.m. Courtroom 7 For judgment
Paralegal Consultants Inc. Ottawa	July 3, 1991 at 2:30 p.m. Courtroom 7 For judgment

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The UNAUTHORIZED PRACTICE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991 at 10:30 a.m., the following members were present: Mr. Carter (Chair), Messrs. Cass, Farquharson, Ms. Graham, Messrs. Hickey, Lawrence and Ms. Weaver. Also in attendance were: Ms. Gerber and Ms. West (Secretary).

B.

ADMINISTRATION

1. ACCOUNTS

Accounts of counsel were approved in the total amount of \$2,753.68.

21st June, 1991

2. APPLICATION FOR SUPPLEMENTARY LETTERS PATENT - COMMUNITY LEGAL SERVICES (OTTAWA-CARLETON) INC. CLINIQUE JURIDIQUE COMMUNAUTAIRE (OTTAWA-CARLETON) INC.

The Department has received a request from the Companies Branch regarding an application by Community Legal Services (Ottawa-Carleton) Inc./Clinique Juridique Communautaire (Ottawa-Carleton) Inc. to change the objects of the corporation. Your Committee has reviewed the application and has no objection to this change and will so advise the Companies Branch.

3. APPLICATION FOR INCORPORATION - NORTHUMBERLAND ADVOCACY ORGANIZATION

The Department has received a request from the Companies Branch regarding an application by Northumberland Advocacy Organization. Your Committee has reviewed the application and recommends that formal objection be taken to the use of the word "advocacy". The organization will not have a lawyer on staff and it was felt that the use of the word "advocacy" would be misleading to the public and lead them to believe that a member of the organization is a lawyer.

4. FUTURE PROSECUTIONS

After further consideration, your Committee has decided, that in light of the work being undertaken by the Special Committee on Paralegals and that of the Sub-committee on Access to Justice, to table its recommendation to hire a staff solicitor. The necessity for such a position can be more easily discerned when those Committees have completed their task. In the meantime, your Committee has instructed its Secretary to proceed with the present policy of investigation and, in proper cases, prosecution of persons where there are reasonable grounds to believe that there are breaches of s. 50 of the Law Society Act.

Approved

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"M. Hickey"
for Chair

Prosecutions

Next Court Date

Michael Baldasaro
Hamilton

June 7, 1991 at 2 p.m.
Courtroom
To set a date

Sandra Sheldrick
(Paralegal Associates)
Nepean

June 14, 1991 at 10 a.m.
Courtroom 7
Trial

Natalie MacPhee
(Paralegal Consultants Inc.)
Ottawa

July 3, 1991 at 2:30 p.m.
Courtroom 7
For judgment

Paralegal Consultants Inc.
Ottawa

July 3, 1991 at 2:30 p.m.
Courtroom
For judgment

Marc Monson
(Action Paralegal)
Downsview

July 18, 1991 at 9 a.m.
Courtroom 305
For Judgment

21st June, 1991

786301 Ontario Ltd.
(Action Paralegal)
Downsview

July 18, 1991 at 9 a.m.
Courtroom 305
For Judgment

Norine Earl
Toronto Divorce Services
Toronto

August 20, 1991 at 10 a.m.
Courtroom 126 - Old City Hall
Trial Continuation

THE REPORTS WERE ADOPTED

.....

COMMUNICATIONS COMMITTEE

Mr. McKinnon presented the Report of the Communications Committee of its meeting on June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCAATION ASSEMBLED

The COMMUNICATIONS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991, the following members were present: Colin McKinnon (Chair), Lloyd Brennan, Susan Elliott, Joan Lax, Ross Murray, Julaine Palmer, Stuart Thom, Roger Yachetti. Also in attendance were Theresa Starkes and Gemma Zecchini.

A.
POLICY

1. LAWYER REFERRAL SERVICE - IMPROVEMENTS/\$25.00 MEMBERSHIP FEE
1. LAWYER REFERRAL SERVICE UPGRADES & MEMBERSHIP FEE

The Communications Committee is recommending the following Lawyer Referral Service improvements.

UPGRADE #1: ADDITIONAL WATS LINES

Wats usage information provided by Phone Power to April 30, 1991 indicates that LRS Wats callers now receive a busy signal 80% of the time. This compares to a busy rate of 60% in 1989 for LRS. The service is quite clearly unable to satisfy consumer demand.

It is not possible to increase the incoming telephone lines (local or Wats) until the LRS moves to new premises in Osgoode Hall in September, 1991. At that time it is proposed that at least two new Wats lines and one local line be added. The cost of the additional Wats lines is estimated to be \$2,800 per line/month for an annual total of \$67,200. Some additional allowance for Wats charges has already been factored into the 1991-92 budget figures and could be used to defray, in part, the cost of adding two lines. A further \$38,200 is estimated as the amount necessary to offset the remaining cost of this proposed upgrade.

UPGRADE #2: AUTOMATIC CALL DISTRIBUTION (ACD) UNIT

The present telephone sequencing system used by the LRS is unable to prioritize Wats call over local calls, resulting in significant costs to the service. In order to minimize Wats charges incurred while long distance callers are on hold, the purchase of an ACD unit is recommended. The ACD will prioritize Wats calls over local calls resulting in an estimated 10% annual reduction of \$11,000. in Wats charges. The price of an ACD unit is \$35,000, the cost of which will be recovered by savings in Wats charges over a period of just over three years.

In addition to the cost saving benefits described above, an ACD unit is equipped with a number of features to facilitate improved service to consumers, namely: message forcing, even call distribution to available operators, supervisor control, improved statistical generating capability.

FINANCING

It is proposed that funds to finance these important system upgrades be obtained by an annual \$25.00 membership fee levied against each lawyer participating on the LRS panel. A conservative estimate based on available statistical data indicates that the service generates \$3.5 million dollars per year for members. Based on a current panel membership of 4,943 lawyers, the LRS generates a minimum of \$700. per lawyer.

Assuming no significant fluctuations in LRS membership, a \$25.00 levy would generate \$123,575 for the service. This would offset the \$73,200 necessary for system upgrades, with the remaining funds to be dedicated to new work stations and staff additions. While it is premature to predict whether new staff will be necessary as a result of the upgrades, the current staff complement is nearing capacity in terms of the number of callers that can be accommodated on a daily basis.

The annual fee would be collected January 1st and all fees would be used exclusively for the purposes of maintaining and upgrading the Lawyer Referral Service.

2. LAWYER REFERRAL SERVICE - TELEPHONE ADVICE

Convocation is asked to approve changes to the attached Lawyer Referral Service notice (A-1). The changes respond to concerns raised in the February Errors & Omissions Bulletin (A-2) with respect to phantom clients. In order to comply with E&O standards, LRS panel members should be discouraged from giving legal advice to potential clients over the telephone. Accordingly, Question #2 of the LRS notice will be deleted pending Convocation's approval.

B. --- ADMINISTRATION

No items.

C. --- INFORMATION

1. Communications Audit

Final results of the Communications Audit will be provided in September.

2. News Canada Placements

A summary of News Canada article placements is attached (A-3).

3. Media Activity

A summary of media activity for May is attached (A-4).

4. Call Statistics

Call statistics for Dial-a-Law and the Lawyer Referral Service are attached (A-5).

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"C. McKinnon"
Chair

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

- A-Item 2 - Lawyer Referral Service notice. (Marked A-1)
- A-Item 2 - Errors and Omissions Bulletin, Number 6, February 1991 re:
Beware of the Phantom Client!. (Marked A-2, pages 1 - 2)
- C-Item 2 - Summary of News Canada article placements. (Marked A-3, pages 1 - 3)
- C-Item 3 - Summary of media activity for May 1991. (Marked A-4)
- C-Item 4 - Call statistics for Dial-a-Law and Lawyer Referral Service
to May 31, 1991. (Marked A-5)

It was moved by Ms. Mohideen, seconded by Ms. Palmer that phone numbers not be taken from callers using the Lawyer Referral Service.

Mr. McKinnon agreed to take the matter of telephone numbers back to the Committee for consideration.

THE REPORT AS AMENDED WAS ADOPTED
.....

INSURANCE COMMITTEE

Mr. Hickey presented the Report of the Insurance Committee of its meeting on June 13th, 1991.

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

THE INSURANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991 at 1:30 p.m. in the afternoon, the following members being present: Messrs. Furlong (Chair), Howie, Wardlaw, Cass, Lawrence, Hickey and Bragagnolo.

Also in attendance were Ms. Palmer, Messrs. Crosbie, Whitman and O'Toole.

ITEM

1. DIRECTOR'S MONTHLY REPORT

The Director's Monthly Report is attached as Appendix "A".

2. E & O FINANCIAL REPORT

The Director's Monthly Errors and Omissions General Expense Budget Report is attached as Appendix "B".

3. ERRORS AND OMISSIONS LEVY RE: PART-TIME LAWYERS

In its Report to Convocation, the Women in the Legal Profession Committee recommended that the Society investigate the possibility of reduced insurance levies for members who practice part-time. Your Committee has established a Sub-Committee with a view to preparing a detailed report on the current rules governing levy exemption and payment obligations for presentation to your Committee in September at which time deliberation of this recommendation will continue.

4. INSURANCE FOR INTER-JURISDICTIONAL PRACTICE

Your Committee previously addressed a request by Alberta that the LSUC comment on implementing the Inter-Jurisdictional Practice Committee's recommendation "that a home governing body which requires less compulsory coverage than the host...accept responsibility...to pay claims...up to the higher level". Your Committee concluded that LSUC members could satisfy Alberta's proof of insurance requirements by producing Certificates of Insurance from LPIC and the member's Excess Insurer. At the Federation's June 1, 1991 meeting of Insurance Committee Chairpersons and Directors of Insurance, an attendee commented that there is no assurance that out-of-province lawyers who appear without formal check-in proceedings will carry the appropriate excess insurance coverage. A second attendee commented, to assure that out-of-province lawyers carry substantially equivalent insurance that consideration should be given to the entire policy wording, and not only to policy limits. The attendee proposed that the home jurisdiction accept responsibility to investigate and settle claims arising in the host jurisdiction based on the full policy wording applicable to the host jurisdiction. Your Committee is of the view that it should be the responsibility of LSUC members themselves to satisfy both concerns and that this can best be done by maintaining excess insurance coverage having an appropriate policy wording and adequate limits.

5. C.L.I.A.

A CLIA representative distributed the material in Appendix "C" at a recent Toronto meeting. The penultimate paragraph on Page 2 states that CLIA "is having ongoing discussions with The Law Society...regarding membership in CLIA". This is not an accurate representation of your Committee's recommendation of February, 1990 as adopted by Convocation that further consideration of participation with CLIA be deferred until June 30, 1993, the expiry of its first five year underwriting period. Your Committee unanimously approved a Motion that the Chair correspond with CLIA to reaffirm the Society's position, and to suggest that future communications be more accurate in this regard.

6. OUTSTANDING ITEMS

(a) E & O Loss Prevention Booklet - In light of the Director's report on the estimated cost (\$82,000.00 including French version) to produce and distribute a Loss Prevention Book, your Committee concluded that the high cost of such a publication is prohibitive at this time. As an alternative, the Director proposed a more economical program utilizing the Errors, a current E & O Loss Prevention Periodical, which has proven to be effective, timely and practical. The Director has been requested to submit cost estimations and details of this proposal at the next Committee Meeting.

21st June, 1991

(b) New Professional Liability Policy Wording - Your Committee's approval of the new professional liability policy wording was adopted by Convocation on May 24, 1991. The Committee's approval included a request that the Sub-Committee on the new policy wording temporarily remain operational to make recommendations on fine-tuning the wording as required. Your Committee has unanimously approved the final recommendations of the Sub-Committee which has now fully completed its mandate, and is no longer active.

(c) Aggregate Limit of Liability - Pursuant to Convocation's request for a memorandum setting out examples to illustrate the application of the aggregate limit of liability, your Committee has considered and approved the Director's proposed response in this regard. See Appendix "D".

Note: Deferred, see below

ALL OF WHICH is respectfully submitted

DATED this 14th day of June, 1991

"M. Hickey"
for Chair

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

- Item 1 - Director's Monthly Report as at May 27, 1991.
(Appendix "A", pages 1 - 5)
- Item 2 - Director's Monthly Errors and Omissions General Expense
Budget Report, eleven month period ending May 31, 1991.
(Schedule "B")
- Item 5 - C.L.I.A. material re: structure and membership.
(Appendix "C", pages 1 - 2)
- Item 6(c) Memorandum from Mr. Lin V. Whitman to Convocation dated June 5, 1991 re: The application of the aggregate limit of liability which has been introduced into the policy wording effective January 1, 1991.
(Appendix "D", pages 1 - 4)

Item 6 (c) re: Aggregate Limit of Liability, was deferred to the September Convocation.

THE REPORT WITH THE EXCEPTION OF ITEM 6(c) WAS ADOPTED
.....

WOMEN IN THE LEGAL PROFESSION COMMITTEE

Ms. Kiteley presented the Report of the Women in the Legal Profession Committee of its meeting on May 31st, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The WOMEN IN THE LEGAL PROFESSION COMMITTEE begs leave to report:

Your Committee met on Friday, the 31st of May, 1991, at 8:00 a.m, the following members being present: F.P. Kiteley (Chair), J.M. Spence, S.R. Birenbaum, L.K. Ferrier.

Also present: C. Curtis, A.M. Brockett, L.M. Johnstone, H. Sava, R.F. Tinsley, A.D. Treleaven, G. Zecchini.

21st June, 1991

A.
POLICY

1. SEXUAL HARASSMENT: CONCISE SUMMARY DOCUMENT

Your Committee is developing a detailed model policy for law firms on the subject of sexual harassment. There is also a need, however, for a shorter document addressed to lawyers in their capacity as employers.

Your Committee has prepared the attached document: "The Problem of Sexual Harassment in the Workplace - Steps that can be Taken by Lawyers as Employers" (Attachment A). It is proposed that this be sent to all members of the profession and it is hoped that it will be possible to include it with a forthcoming issue of The Adviser.

The approval of Convocation is requested for the distribution of this document.

B.
ADMINISTRATION

No matters to report.

C.
INFORMATION

No matters to report.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"F. Kiteley"
Chair

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

A-Item 1 - Document entitled The Problem of Sexual Harassment in the
Workplace -steps that can be taken by lawyers as employers.
(Attachment A, pages 1 - 4)

THE REPORT WAS ADOPTED
.....

LAWYERS' FUND FOR CLIENT COMPENSATION COMMITTEE

Mr. Thom presented the Report on the Lawyers' Fund for Client Compensation Committee of its meeting on June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LAWYERS FUND FOR CLIENT COMPENSATION COMMITTEE
begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991, at 11:45 a.m. the following members being present:

21st June, 1991

G. Farquharson (a Vice-Chair in the Chair), S. Lerner, and S. Thom; P.B. Bell and Mrs. H.A. Werry also attended.

A.
POLICY

No items

B.
ADMINISTRATION

1. THE PAYMENT OF A COMPENSATION FUND LEVY BY
OCCASIONAL APPEARANCE MEMBERS

The Secretary reported that at the April 1991 meeting staff were asked to consider the implications of occasional appearance members having claims to the Fund made against them. Because occasional appearance members, under Regulation 573 6(1) are members, there could be claims to the Fund by their clients in Ontario. The General Guidelines for the Fund provide that the claims could only be made if the funds were given to the occasional appearance member, in Ontario, for a matter that originated in Ontario. It was suggested by staff that \$50. could be deducted from the \$500. occasional appearance fee paid to the Law Society and credited to the Fund.

RECOMMENDATION: Your Committee recommends that no Lawyers Fund for Client Compensation levy be paid by occasional appearance members to the Society.

C.
INFORMATION

1. REFEREE'S REPORTS AND MEMORANDA OF ASSISTANT SECRETARIES

The Secretary reported that the following Referee's Reports and memoranda of Assistant Secretaries were approved by the Review Committee and the grants appear on Schedule "A" attached:-

2. The total amount of accounts approved by Assistant Secretaries for the month of May 1991 was \$9,873.26.

3. Copies of the Financial Summary and the Activity Report for the month of May 1991 are attached. (Pgs. C1 - C3)

4. DEPARTMENT BUDGETS

The Financial Summary as at May 31st, 1991, shows that the Outside Counsel Fees account is \$21,836.00 over budget due to paying our counsel on the Meyer Feldman claims and injunction. It is anticipated this amount will be made up from other accounts.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"S. Thom"
for Chair

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

- C-Item 1 - Grants approved by the Review Committee and by the Lawyers Fund for Client Compensation Committee, June 13, 1991.
(Schedule "A")
- C-Item 3 - Financial Summary (for period July 1, 1990 - May 31, 1991) and Activity Report - May 31, 1991.
(Marked C1 - C3)

THE REPORT WAS ADOPTED
.....

COUNTY & DISTRICT LIAISON COMMITTEE

Ms. Elliott presented the Report of the County & District Liaison Committee of its meeting on June 13th, 1991.

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

The COUNTY & DISTRICT LIAISON COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991, at four o'clock in the afternoon, the following members being present: R. Bragagnolo (Chair), R. Murray and S. Elliott.

H. Arrell, M. Bode, S. Foley, M. Hennessey, R. Lovell and R. Weekes were in attendance from the County & District Executive. M.J. Angevine was in attendance from the Law Society Staff.

1. RESOLUTIONS - COUNTY & DISTRICT LAW PRESIDENTS' ASSOCIATION
PLENARY SESSION - MAY 9 - 11

The Chair of the County & District Law Presidents' Association Executive reported to the Committee on the Resolutions passed by the Association at its May Plenary session. Copies of the Resolutions are appended to this Report at pages A1 - A5. M. O'Dea also spoke briefly about Resolution 1 - Closure of Registry offices and Resolution 2 - Unsupervised Paralegals.

2. LEGAL EDUCATION

The County & District Law Presidents' Association Executive discussed various concerns arising out of the Continuing Legal Education Reform Committee's Report. In particular, reference was made to the conclusion in that Report that there were certain issues which would require further consideration by the Society. In this regard, it is urged that a subcommittee of the Legal Education Committee be struck to begin considering these issues and that the County & District Law Presidents' Association be represented on the subcommittee.

As well, reference was made to the recommendation in the Continuing Legal Education Reform Report that the provision of CLE to the regions outside Metropolitan Toronto be a shared responsibility of the Law Society and the County & District Law Presidents' Association. The Committee was advised that the County & District Law Presidents' Association is anxious to begin meeting with the Society's representatives fairly soon to explore ways to address the outstanding issues in this area and to formalize the arrangement between the two organizations.

3. BENCHER ELECTION REFORM

The County & District Law Presidents' Association Executive raised the issue of the reform of the bencher election process and requested that Convocation strike a Committee to take a fresh look at proposals for reform. In addition it was requested that there be two representatives on this Committee from the County & District Law Presidents' Association.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"S. Elliott"
for Chair

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

Item 1 - Resolutions passed by County & District Law Presidents' Association Plenary session - May 9 - 11, 1991.
(Marked A1 - A5)

THE REPORT WAS ADOPTED

.....

PROFESSIONAL STANDARDS COMMITTEE

Ms. Weaver presented the Report of the Professional Standards Committee of its meeting on June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PROFESSIONAL STANDARDS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991 at eleven thirty in the morning the following members being present: Mr. Yachetti (Chair), Mrs. Weaver (Vice-Chair), Mr. Carter, Ms. Chapnik, Mr. Furlong, Ms. Graham and Mr. Wardlaw.

Also in attendance at the meeting were Ms. Elliott and Mr. Murray.

Also present were Ms. McCaffrey, Ms. Poworoznyk, and Messrs. Kerr, and Stephany.

A.
POLICY

1. TECHNOLOGY IN THE LEGAL PROFESSION

During its consideration of a report from the Practice Advisory Service, the issue of what the Law Society's role should be in evaluating the impact of technological developments on the legal profession was discussed.

21st June, 1991

While the discussion initially centered on the issue of office automation, the Committee concluded that the broader question of the impact of office technology on how the practice of law is conducted should be explored in some depth. As well, the Committee was of the view that further consideration should be given to what role the Law Society should play in assisting and updating the legal profession on recent technological developments.

It is recommended that these issues be referred to the Research and Planning Committee for further consideration.

C.

INFORMATION

1. PRACTICE ADVISORY SERVICE - STATUS REPORT

Attached as C1 - C2 is a copy of the monthly status report.

2. SUB-COMMITTEE FAMILY LAW

The draft Family Law checklist has been forwarded to representatives of the County and District Law Presidents' Executive for circulation and comment. It is anticipated that they will review the checklist over the summer months and that the checklist will be available for consideration by the Committee in September.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"M. Weaver"
for Chair

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

C-Item 1 - Monthly status report of the Practice Advisory Service.
(Marked C1 - C2)

THE REPORT WAS ADOPTED
.....

RESEARCH AND PLANNING COMMITTEE

Mr. Campbell presented the Research and Planning Committee Report of its meeting on June 13th, 1991.

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

The RESEARCH AND PLANNING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991, at 8:00 a.m, the following members being present: H.T. Strosberg (Chair), T.G. Bastedo, D.E. Bellamy, C.L. Campbell, S. Chapnik, J.I. Laskin, R.J. Smith.

Also present: W.J.L. Brennan, C. Curtis, E.S. Elliott, J.L. Lax, R.W. Murray, K.J. Palmer, D.A. Crosbie, R.F. Tinsley, A.M. Brockett.

A.
POLICY

1. VOTING RIGHTS OF NON-BENCHERS ON LAW SOCIETY COMMITTEES

On May 24, 1991, Convocation adopted a recommendation that greater numbers of persons who are not benchers should be appointed to committees of the Law Society. The question arises whether non-benchers may vote in committee. The Law Society Act and the Rules are silent on the matter.

On February 23, 1989, Convocation adopted the report of the Special Committee on Voting Procedures and Non-Bencher Appointments. Among the recommendations adopted by Convocation were the following:

- (i) That non-benchers who are recruited purely as resource persons and serve in a consultative role to the committee should not be given voting rights.
- (ii) That non-benchers who are invited to participate in the same manner as any other member of the committee should be given voting rights.

It appears that the Rules have not yet been amended to give effect to the second recommendation.

Accordingly, your Committee recommends that under the power given by paragraph 10 of subsection 62(1) of the Law Society Act, Convocation should make a rule giving voting rights to non-benchers who are members of committees.

In the case of standing committees, a "member" is a person elected by Convocation to be a member of the committee (Rules 28 and 29).

It is noted that Rule 28(1) provides that each standing committee of Convocation is to be composed of not fewer than five benchers and that by Rule 31 a quorum for a standing committee is three benchers.

Your Committee gives notice that, if the proposed wording is approved by the Legislation and Rules Committee, a motion will be made at the September 1991 meeting of Convocation to make a rule under s. 62(1) of the Law Society Act in the following terms:

Rule to come after Rule 32

- (1) This rule does not apply in the case of the Discipline Committee.
- (2) A member of any committee who is not a bencher has the same voting rights on that committee as a member of the committee who is a bencher.

2. MEMBERSHIP OF COMMITTEES: CALL FOR MEMBERS

As a means of providing a pool of names of non-benchers from which nominations can be made to Convocation for election as members of committees, your Committee recommends that an advertisement be placed in the Ontario Reports, inviting members of the Law Society interested in serving on committees to submit their names to the Secretary.

It is noted that Convocation has adopted a recommendation that runners-up in the recent election should be considered for membership of committees. Your Committee is of the view, however, that there is also a need to look beyond the list of election candidates.

It is suggested that the proposed advertisement should include a list of committees and state that a limited number of vacancies exist or may arise from time to time in future. Interested members would be invited to submit a one-page curriculum vitae for consideration by the Treasurer when making nominations to Convocation.

3. INFORMATION CONCERNING ELECTION EXPENSES

On November 23, 1990, Convocation adopted a recommendation of the Special Committee on Benchers Elections that, following the 1991 benchers election, the Society should canvass candidates, on an anonymous basis, to ascertain the estimated costs of their campaigns.

Your Committee is of the opinion that it may be appropriate to give further attention to a review of benchers election procedures. In anticipation of such a review, it would be timely to undertake the survey of election expenses while details are still fresh in the minds of candidates. It is also noted that, in some cases, County or District Law Associations assumed certain election expenses.

Accordingly, your Committee recommends that every candidate in the 1990-91 election, and every County or District Law Association, should be invited to submit a report on election expenditures.

In keeping with the recommendation of the Special Committee, it is proposed that the results of the survey should be reported anonymously and without identifying the names of particular Law Associations.

It is recognized that many indirect expenses will be difficult to quantify. It is therefore proposed that respondents be asked both to report expenditure where known and also to outline the main elements of the campaign so as to allow an estimate of the overall work involved.

B.

ADMINISTRATION

1. DOCKETING HOURS SPENT ON LAW SOCIETY BUSINESS

In the summer of 1990, the Benchers' Responsibilities Subcommittee conducted a survey of benchers, asking them to report an approximate estimate of the number of hours spent on Law Society business in a typical month. The results of the survey were recorded in the recent report of the Benchers' Responsibilities Subcommittee.

Your Committee is of the view that, if there is to be further study of fundamental issues related to benchers workload (as recommended by the Subcommittee), there is a need for data that are more precise.

Your Committee recommends that all benchers be asked to docket the hours they spend on Law Society business over the period September 1 to November 30, 1991.

Note: Amendment, see page 238

If the recommendation is adopted, guidelines will be prepared to indicate how the various types of activity are to be recorded.

Your Committee suggests that it will be useful to undertake this exercise in the early months of the new four-year term. It will give benchers an opportunity to approach their responsibilities with reasonable knowledge of the time that is likely to be required.

C.
INFORMATION

1. MEMBERSHIP OF THE ALTERNATIVE DISPUTE RESOLUTION SUBCOMMITTEE

At its meeting on April 26, 1991, Convocation approved terms of reference for an Alternative Dispute Resolution Subcommittee. Sandra Chapnik has been appointed Chair of the Subcommittee. Lloyd Brennan has been appointed a member.

A list of other proposed members is being prepared for presentation to Convocation.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"C. Campbell"
for Chair

An amendment was accepted by the Chair that in B-Item 1, the words "or such other period as Committee decides" be inserted at the end of the Committee's recommendation so that the sentence now reads:

"Your Committee recommends that all benchers be asked to docket the hours they spend on Law Society business over the period September 1 to November 30, 1991 or such other period as Committee decides."

THE REPORT AS AMENDED WAS ADOPTED
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Mr. Campbell also presented a Report of the Alternative Dispute Resolution Subcommittee setting out its proposed membership and terms of reference.

(See Report in Convocation file)

Mr. Allan Lawrence was added to the list of members.

The Report as amended was approved.
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FRENCH LANGUAGE SERVICES COMMITTEE

Ms. Bellamy presented the Report of the French Language Services Committee of its meeting on June 13th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FRENCH LANGUAGE SERVICES COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of June, 1991 at 11:30 a.m. The following members attended the meeting: Bencher representation: Ms. D.E. Bellamy (Chair), Ms. P.J. Peters, Mr. L. Brennan and Ms. K.J. Palmer. Staff representation: Mr. A. Treleaven, Ms. H. Harris and Ms. D. Paquet (Secretary). Special representation: Ms. G. Cortis, Legal Aid, Mr. J.-Y. David, member of CBAO's Official Language Committee and Mr. R. Paquette, AJEFO.

C.
INFORMATION

1. Law Society of Upper Canada in French

Following a number of requests from Francophone members of the profession and on the advice of the Law Society's French language specialists, your Committee approved the change of the Law Society's name in French from "La Société du barreau du Haut-Canada" to "Le Barreau du Haut-Canada".

The existing translation is incorrect since the French word "barreau" means an association or society of lawyers. The word "society" was a redundant anglicization. The new name is also consistent with the legal nomenclature in other Canadian provinces.

It is recommended that the Treasurer confirm the name change to the Office of the Legislative Counsel so that it can be incorporated in the revised French version of the Law Society Act. The revision process will be completed at the end of June 1991.

2. Continuing Legal Education Seminars in French

The French Continuing Legal Education seminar on Business Law was held in Ottawa on April 19, 1991 under the auspices of the Law Society, the Canadian Bar Association - Ontario (CBAO) and the Association des juristes d'expression française de l'Ontario (AJEFO). The organizing committee reported an encouraging attendance rate and a small profit.

In September 1991, your Committee will review the viability of such seminars in the future, and a recommendation will then be made to the Legal Education Committee.

3. French Language Skills Programme

The Law Society's French Language Skills Programme was implemented on April 1, 1991. Following a thorough evaluation process, three conversational groups were formed with each catering to specific requirements. A total of 15 support and management staff are enrolled in the first six-month session ending September 27, 1991.

The question was raised as to whether the programme should be extended to benchers and senior management. It was felt that the existing in-house programme in Toronto would not be practical for benchers because of geographical restrictions. The Committee will revisit this issue in the future. As for senior management, their participation was raised before this Committee earlier this year and it was recommended at that time that they be included only if vacancies occurred.

Because of continuing demand for French language training, the Committee has recommended that the "French in Action" language training video programme be made available to benchers and senior management until a formal recommendation is made. The French Language Services Coordinator will prepare a cost proposal for presentation to the Finance and Administration Committee.

4. Célébration francophone - June 18-19, 1991

The French Language Services Coordinator reported that the organization of the Law Society's French Celebration week from June 18 to 19 was underway. Tours of Osgoode Hall will be conducted each day and the "Dieu et mon Droit" exhibit will be open to the public every day from 9 a.m. to 4 p.m. The exhibit will be officially launched at a private reception on June 19 from 5 to 7 p.m.

5. Grant Applications

The Chair reported that the Law Society's 1991-92 grant application to the Secretary of State for French language services was being considered and that positive results were expected. If approved, the Law Society will receive \$50,000 between April 1991 and March 1992. Your Committee remains cautiously optimistic about the \$50,000 application to the Ministry of the Attorney General in view of the provincial government's recent cuts in the area of funding.

6. French Language Services Implementation Plan & Summary

The French Language Services Coordinator reported that an update of the French Language Services Implementation Plan and Summary would be presented in September 1991. Your Committee will report on the implementation of Phase 2, from July 1, 1990 to June 30, 1991, and Phase 3, from July 1, 1991 to June 30, 1992.

The Chair suggested that anticipated funding cuts might have an impact on the programme and, if so, the plan would have to be adjusted accordingly.

7. AJEFO's Annual Meeting

AJEFO's President spoke briefly on his association's annual meeting to be held in Montreal in November 1991. This year the meeting will serve as a platform for Québécois and Ontarians to exchange information.

The meeting was adjourned at 12:45 p.m.

ALL OF WHICH is respectfully submitted

DATED this 21st day of June, 1991

"D. Bellamy"
Chair

THE REPORT WAS ADOPTED

.....

CONVOCATION ADJOURNED AT 5:00 P.M.

.....

Confirmed in Convocation this *27th* day of *September*, 1991.


Treasurer