

MINUTES OF CONVOCATION

Friday, 29th September 1989
10:15 a.m.

PRESENT

The Treasurer, (Mr. L. K. Ferrier), Mr. Bastedo, Ms. Bellamy, Mr. Bragagnolo, Messrs. Carey, Carter, Cass, Cullity, Epstein, Ferguson and Furlong, Mrs. Graham, Mr. Ground, Ms. Harvey, Mr. Howie, Ms. Kiteley, Mr. Lamek, Mrs. Legge, Messrs. Lerner, Levy, Ms. MacLeod, Messrs. McKinnon, Manes, Murphy and Noble, Ms. Peters, Messrs. Rock, Ruby, Shaffer, Somerville, Strosberg, Thom, Topp, Wardlaw and Yachetti.

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"IN PUBLIC"

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NOTICE OF MOTION

Mr. Strosberg gave notice that he intended to bring a Motion that:

- (a) Convocation as a matter of law has no jurisdiction to review the decision of the Chair of Discipline as to whether or not a Discipline Complaint should be laid against a solicitor;
- (b) that Convocation as a matter of policy should not review the Decision of the Chair of the Discipline Committee as to whether or not a charge of professional misconduct should be laid against a solicitor.

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"IN CAMERA"

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"IN PUBLIC"
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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 14th day of September, 1989 at 9:30 a.m., the following members being present: Ms. Peters (Chair), Mrs. Weaver (Vice-Chair), and Messrs. Ground, Lamont, and Strosberg.

B.

ADMINISTRATION

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

Sonya Anne Brander (B.A. 1981 from King's College, LL.B. 1985 from Dalhousie University) was called to the Bar of the Province of Nova Scotia on the 8th day of August 1986 and practised in that province of Nova Scotia from the 8th August 1986 to the 8th August 1989. Ms. Brander presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about her application.

Approved

John Charles Clifford (B.A. 1970 from University of Western Ontario, LL.B. 1974 from Dalhousie University) was called to the Bar of the Province of Nova Scotia on the 15th day of July 1975 and practised under the terms of Regulation 3(1) in that province as a consultant to the Law Reform Commission from the 9th July 1981 to the date hereof. Mr. Clifford presents a Certificate of Good Standing and seeks to proceed under Regulations 4(1) and 3(1) and further to the Committee's request submitted a letter dated the 5th July 1989 in which he outlines the nature of his work with the Law Reform Commission and the mandate by which it was established.

Approved

Vincent Del Buono (B.A. 1972 from York University, LL.B. 1975 from the University of Toronto) was called to the Bar of the Province of Alberta on the 11th day of August 1977 and practised from the 1st September 1982 to the 2nd September 1989 with the Justice Department in Ottawa. Mr. Del Buono presents a Certificate of Good Standing and seeks to proceed under Regulations 4(1) and 3(1).

Approved

Sandra Jane Hardy (B.A. 1979 from Carleton University, LL.B. 1983 from the University of Victoria) was called to the Bar of the Province of Alberta on the 20th day of July 1984 and practiced in that province from the 20th July 1984 to the 15th May 1989. Ms. Hardy presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about her application.

Approved

Barbara Jane Hollingshead (B.A. 1974 from the University of Alberta, LL.B. 1979 from the University of Calgary) was called to the Bar of the Province of Alberta on the 7th July 1980 to the 14th July 1989. Ms. Hollingshead presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about her application.

Approved

David Charles McGreer (B.A. 1981 from St. Francis Xavier University and LL.B. 1984 from Dalhousie University) was called to the Bar of the Province of Alberta on the 13th day of December 1985 and has practised in that province from the 13th December 1985 to the present. Mr. McGreer presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

James Darryll Morin (B.Sc. 1976 from the University of Alberta, LL.B. from the University of Calgary) was called to the Bar of the Province of Alberta on the 23rd day of June 1982 and practised in that province from the 23rd June 1982 to the 31st July 1987. Mr. Morin presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). Mr. Morin's application was received on the 21st day of July 1989, which meets the three year requirement. At present, he is a Claims Consultant with an insurance company and has been since 1st August 1987.

Approved

SPECIAL PETITION - A MEMBER OF THE BAR OF ALBERTA (B.A. 1980 and LL.B. 1983 both from the University of Ottawa) was called to the Bar of the Province of Alberta on the 12th day of July 1984 and practised in that province from 12th July 1984 to the 1st June 1987. The applicant presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1) though his application is approximately 5 weeks short of the necessary three year requirement. The Committee was asked to consider his application in light of previous decisions of the Admissions Committee.

In March 1988, an applicant submitted an application to transfer though he had only 2 years 10.5 months of active practice within the five years preceding his application. He was granted permission to proceed because the Admissions Committee felt that the 2 months that he had spent "winding up his practice" (transferring files) combined with "other experience" could be construed as meeting the three year requirement.

On the other hand, the Committee denied another permission to transfer in May of 1988 because he failed to meet the three year requirement by three weeks. The applicant advised the Committee that he had acquired three weeks of holiday and requested that this holiday period count toward his period of active practice. His future employers hoped he might come in advance of beginning his new job in order to familiarize himself with his new duties. The Committee felt that because he had not yet moved to Toronto he should be advised to complete the full 3 years before applying for transfer.

Your Committee denies the present application because he is short the required 3 years by 5 weeks and the Committee feels that, because the requirement for 3 years of the last 5 years in practice is contained in the Regulation and because the Regulation does not give the Committee any discretion, the requirement cannot be waived. If the Committee did have discretion it would have exercised it in this case and granted the petition.

Ruth Melanie Spetz (LL.B. 1985 from the University of Saskatchewan) was called to the Bar of the Province of Saskatchewan on the 16th day of July 1986 and practised in that province from the 5th August 1986 to the 15th August 1989. Ms. Spetz presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about her application.

Approved

DIRECT TRANSFERS - QUEBEC - REGULATION 4(2)

George Glezos (B.A. 1977 from Concordia University, B.C.L. 1982 from the University of Sherbrooke) was called to the Bar of the Province of Quebec on the 23rd day of November 1983 and practiced in that province from the 23rd November 1983 to the 23rd June 1989. Mr. Glezos presents a Certificate of Good Standing and seeks to proceed under Regulation 4(2). There is nothing unusual about his application.

Approved

Louise Sophia Pelly was called to the Bar of the Province of Quebec on the 23rd day of November 1979 and practised in that province from the 24th November 1979 to the 1st January 1988. She has both an LL.B. and B.C.L. from McGill as well as an LL.M. from Harvard. From the 1st January 1988 to the present Ms. Pelly has worked with the Department of Finance in Ottawa.

The applicant previously received permission to begin the transfer process but was unable to due to difficulties regarding pregnancy, delivery and complications after the baby's birth.

Ms. Pelly has presented both an updated Certificate of Good Standing and application fee and upon the permission of the Secretary has entered the 1989/90 teaching term of the Bar Admission Course in Ottawa to complete her transfer.

Approved

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

The following members of approved law faculties ask to be called to the Bar and admitted as solicitors without examination under Regulation 5 respecting full-time members of approved law faculties in Ontario:

Marc Cousineau
Faculty of Law,
Common Law Section,
The University of Ottawa

B.A. University of Toronto
1972; M.A. University of
Toronto 1973; LL.B. University
of Ottawa 1985; LL.M.
Cambridge University 1986

Kathleen Ann Lahey
Faculty of Law,
University of Windsor
1976-1987
Faculty of Law,
Queen's University
July 1st, 1987 to present

J.D. DePaul University College
of Law, 1974
Called to the Bar of the State
of Illinois on the 12th
April, 1974
Practised in the State of
Illinois from the 15th March
1974 to the 10th July 1974

Pierre Legrand
Faculty of Law,
Common Law Section,
The University of Ottawa

B.C.L. & LL.B. McGill
University, 1982
Called to the Bar of the
Province of Quebec on the
26th November 1987 (never
practised there)

Robert Reinhold Virkutis
Faculty of Law,
University of Western Ontario

LL.B. University of Western
Ontario, 1984

Approved

3. APPLICATION - FOREIGN LEGAL CONSULTANT
KLAUS JOCHIMSEN-VODGT - WEINGART AND KOLLEGEN,
HEIDELBERG, GERMANY

An application to become licensed as a Foreign Legal Consultant in Ontario from Klaus Jochimsen-Vodgt, of the law firm of Weingart and Kollegen is before the Committee for consideration.

Mr. Jochimsen-Vodgt was admitted to the practice of law in Heidelberg, Germany on the 22nd October 1981.

Mr. Jochimsen-Vodgt has filed an affidavit in which he undertakes to abide by the conditions set by the Law Society of Upper Canada related to Foreign Legal Consultants.

He has also filed a Certificate of Good Standing from the German Law Society Karlsruhe, a curriculum vitae, a policy of insurance indicating he has adequate coverage, an undertaking from his law firm to inform the Law Society if there are any changes in their Errors and Omissions Insurance related to Foreign Legal Consultants and if he ceases to be employed with their firm.

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)
30th B.A.C. (Entering Articles 1987)

1117. Cotterall, Charles David	B.A. British Columbia/74; LL.B. Queen's/78
1118. Fincher-Stoll, Susan Mary Hazel	B.A. Western/83; LL.B. Western/87
1119. Gentile, Louis James	B.A. Western/84; LL.B. York/87
1120. Grossman, Barry Kevin	B.Comm. Calgary/84; LL.B. York/87
1121. Gupta, Prarthana Ann Neena	B.A. Queen's/84; LL.B. Queen's/87
1122. Loparco, Antonio	B.A. Wilfrid Laurier/83; LL.B. Dalhousie/86

Approved

Under Bar Admission Course Regulation 22(7)
31st B.A.C. (Entering Articles 1988)

581. Abbott, Alice Lount	2 yrs. Arts. Dalhousie; LL.B. Queen's/88
582. Abogado III, Mark Gregory	B.A. York/86; LL.B. Windsor/88
583. Adams, John Clayton	B.A. Queen's/85; LL.B. York/88

584. Adler, Robert Steven	B.A. York/85; LL.B. Ottawa/88
585. Albaum, Lorne Howard	B.A. Toronto/85; LL.B. York/88
586. Allen, Patricia Gail	2 yrs. Arts Ottawa; B.C.L. McGill/88; LL.B. McGill/88
587. Ascroft, Catherine Louise	2 yrs. Science, Western; LL.B. York/88
588. Ash, Rayna Beth	3 yrs. Arts York; LL.B. Windsor/88
589. Atkinson, Margaret Juliana	B.A. Toronto/85; LL.B. Toronto/88
590. Austin, Neville Hosie	B.Mus. Toronto/83; M.A. Toronto/84; LL.B. Toronto/88
591. Baert, Kirk Michael Marius	B.A. Queen's/85; LL.B. Queen's/88
592. Bair, Tessa Marie	B.A. Alberta/85; LL.B. York/88
593. Baird, Ronald Whitney James	B.Comm. Queen's/85; LL.B. Dalhousie/88
594. Baker, Lorne Charles	B.A. Toronto/86; LL.B. Toronto/88
595. Baldelli, Ivana	B.A. McMaster/70; LL.B. Windsor/88
596. Bastien, Mary Ann Estelle	B.A. McMaster/84; LL.B. York/88
597. Bauer, Lois Anne	B.B.A. Wilfrid Laurier/83; LL.B. York/88
598. Beairsto, Linda Sui Eue	B.A. British Columbia/82; LL.B. New Brunswick/88
599. Bellantino, Nancy	B.A. Western/85; LL.B. Ottawa/88
600. Ben, David Gordon	B.A. Toronto/83; LL.B. Western/87
601. Beram, Branimir	B.A. York/84; LL.B. Victoria/88
602. Berendt, Katherine Anne	B.A. Guelph/84; LL.B. York/88
603. Bernhardt, Kim Shelley	B.A. Toronto/77; LL.B. York/88
604. Bethel, Anne Charlotte Patricia	B.A. Carleton/70; M.A. Ottawa/71; Ph.D. University of London, U.K./77; LL.B. Toronto/88
605. Billion, Stephen	B.A. Western/85; LL.B. Toronto/88

606.	Blakeney, William James Hunter	B.A. Dalhousie/83; LL.B. Dalhousie/87
607.	Blayways, Jeffrey Aaron	B.A. Alberta/84; LL.B. Alberta/88
608.	Bloomberg, Deborah Marla	B.A. Toronto/82; M.A. Ottawa/86; LL.B. Ottawa/88
609.	Bloomenfeld, Miriam Helen	B.A. Toronto/85; LL.B. Toronto/88
610.	Boardman, Duncan Edward	B.A. York/85; LL.B. Western/88
611.	Boniface, Gwenneth Marie	B.A. York/82; LL.B. York/88
612.	Borwick, David George	B.A. Toronto/85; LL.B. York/88
613.	Boucher, Bonnie Jean	B.A. Toronto/76; M.B.A. Ottawa/88; LL.B. Ottawa/88
614.	Boughner, Laura Lee	B.A. Windsor/87; LL.B. Windsor/87
615.	Bowers, Gary Wallace	B.Sc. Western/85; LL.B. Dalhousie/88
616.	Bragagnolo, Paul Stephen Adolpho	B.Sc. Toronto/85; LL.B. Western/88
617.	Brahmst, Oliver Christian	B.A. Toronto/85; LL.B. Ottawa/88
618.	Bryce, Douglas Milton	B.A. McGill/85; LL.B. York/88
619.	Bryson, Susan Elizabeth	B.E.S. Waterloo/81; LL.B. York/88
620.	Buchignani, Michele Jo-Anne	B.A. British Columbia/85; LL.B. Toronto/88
621.	Buchmayer, Douglas Donald	B.A. Toronto/85; LL.B. Ottawa/88
622.	Buckrell, Jane Louise	B.A. Western/86; LL.B. Western/88
623.	Bueschkens, Mary Anne	B.Sc. Windsor/83; B.Comm. Windsor/84; M.B.A. Windsor/86; LL.B. York/88
624.	Bujold, Robert Michael	B.A. Queen's/84; LL.B. Queen's/88
625.	Bunting, Margaret Anne	2 yrs. Arts, Western; LL.B. York/87
626.	Burke, Victor Gordon	B.A. Concordia/80; LL.B. York/88
627.	Calder, Clint Allen	Special Student; LL.B. York/88

628. Cantlon, Paul Michael	4 yrs. Science, Toronto; LL.B. Windsor/88
629. Carey, Michael Gerard	B.A. Carleton/85; LL.B. Ottawa/88
630. Carmona, Eric Morris	B.A. York/84; M.B.A. York/88; LL.B. York/88
631. Carriveau, Renee Jennifer Lorraine	B.A. Windsor/84; B.Ed. Western/85; LL.B. Windsor/88
632. Castellano, Gregory Edward Brant	Native Admission; LL.B. Ottawa/88
633. Ceyssens, Paul	B.A. Victoria/82; LL.B. Victoria/86
634. Chan, Rosemary	2 yrs. Arts, Toronto; LL.B. Toronto/88
635. Chang, Mary Catherine	B.Math. Waterloo/85; LL.B. Toronto/88
636. Charnetski, William Alexander	B.Comm. Alberta/85; LL.B. Toronto/88
637. Christen, Brett Andrew	2yrs. Commerce, Saint Mary's; LL.B. Dalhousie/87
638. Civil, Timothy Foster	B.A. Carleton/86; LL.B. York/88
639. Clausi, Peter Michael	B.A. Laurentian/85; LL.B. York/88
640. Collins, Timothy	B.Eng. Concordia/84; M.B.A. Ottawa/88; LL.B. Ottawa/88
641. Comtois, Marie Louise Madeleine	B.A. Sherbrooke/81; LL.B. McGill/88
642. Conway, David Robert	B.Comm. Carleton/85; LL.B. York/88
643. Cornaviera, Rosy	B.A. York/78; LL.B. Queen's/88
644. Crandall, Angela Marie	B.A. New Brunswick/83; LL.B. New Brunswick/88
645. Crestohl, Mark Edward Bernard	B.A. Carleton/84; M.B.A. Windsor/88; LL.B. Windsor/88
646. Cucci, Roberto	B.A. Carleton/76; B.C.L. McGill/ 88; LL.B. McGill/88
647. Culverhouse, Graham John	M.A. Edinburgh, U.K./85; LL.B. Queen's/88
648. De Wetter, Stephen Frederick	B.A. Western/88; LL.B. Windsor/88
649. Delean, Adam Etienne	3 yrs. Arts, McGill; LL.B. Toronto/88

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| 650. Dempsey, Phillip Michael | B.A. St. Thomas/79;
LL.B. New Brunswick/83 |
| 651. Derzko, Nicholas | B.Sc. Toronto/62;
Ph.D C.I.T., U.S.A./65;
M.B.A. York/88;
LL.B. York/88 |
| 652. Dial, Dabi | Joint Committee on
Accreditation/89 |
| 653. Dioguardi, Philippe Joseph
Mario | B.A. Carleton/84;
LL.B. Moncton/88 |
| 654. Dipietrantonio, Roberto Mario | B.Sc. Windsor/79;
LL.B. Windsor/88 |
| 655. Edwards, Laura Jane | B.S. Brigham Young University,
U.S.A./85;
LL.B. Queen's/88 |
| 656. Endicott, Timothy Andrew
Orville | A.B. Harvard, U.S.A./83;
LL.B. Toronto/88 |
| 657. Erlichman, Gail Nadine | B.Com. McGill/85;
LL.B. York/88 |
| 658. Essex, Elizabeth Ann | B.A. Windsor/84;
LL.B. Windsor/88 |
| 659. Farovitch, Lorne Alex | B.A. McGill/85;
LL.B. Ottawa/88 |
| 660. Forest-Neising, Josee Maria
Christine | B.A. Laurentian/85;
LL.B. Ottawa/88 |
| 661. Forster, David Rex | B.Comm. Queen's/85;
LL.B. Toronto/88 |
| 662. Fraser, Mary Alice | B.A. Queen's/85;
LL.B. Queen's/88 |
| 663. Freeman, Michael Nelson | B.A./B.Ed. York/80;
LL.B. York/88 |
| 664. Friday, Joseph Anthony | B.A. Carleton/83;
LL.B. Ottawa/88 |
| 665. Fulton, Derrick Mathew | B.A. Guelph/85;
LL.B. New Brunswick/88 |
| 666. Gallant, Carrie Evangeline | B.A. Queen's/85;
LL.B. Queen's/88 |
| 667. Giardini, Anne Elizabeth | B.A. Simon Fraser/80;
LL.B. British Columbia/84 |
| 668. Goldberg, Seymour Paul | B.Sc. McGill/80;
M.B.A. McGill/83;
LL.B. Ottawa/88 |
| 669. Goodman, Robin Deborah | B.A. Manitoba/85;
LL.B. York/88 |
| 670. Gordon, Kenneth Merrill | B.A. Dalhousie/85;
LL.B. Western/88 |
| 671. Gorenstein, Hilary Rochelle | B.A. Toronto/85;
LL.B. Windsor/88 |

672. Gorlick, Brian Leslie	B.A. Winnipeg/82; LL.B. York/88
673. Gosal, Satwinder	B.A. Queen's/81; B.Ed. Windsor/85; LL.B. Windsor/88
674. Gotfrit, Neil Joel	B.A. McGill/81; LL.L. Ottawa/84; LL.B. Ottawa/85
675. Grant, John O'Brien	B.A. Dalhousie/82; LL.B. New Brunswick/88
676. Greco, Carlo	B.A.Sc. Toronto/85; LL.B. Toronto/88
677. Greenbaum, Gayle Ellen	B.A. McGill/85; LL.B. York/88
678. Greenstein, Bertha Lorraine	4 yrs. Education, McGill; LL.B. Toronto/88
679. Grieve, Timothy James	B.A. Calgary/84; LL.B. Ottawa/88
680. Groberman, Susan Penny	B.A. McGill/85; LL.B. York/88
681. Hajecek, Peter	B.A. Western/85; LL.B. Western/88
682. Hanson, Patricia Lynne	B.A. Queen's/81; M.A. Queen's/85; LL.B. York/88
683. Heagle, Brian Douglas Bradley	3 yrs. Arts Queen's; LL.B. Windsor/88
684. Heavenrich, Joan Elizabeth Lyons	B.A. Western/77; B.Ed Toronto/81; LL.B. Toronto/88
685. Henrie, Francois Albert	B.Sc. Ottawa/83; B.Soc.Sc. Ottawa/84; LL.L Ottawa/87; LL.B Ottawa/88
686. Herlin, Kenneth	3 yrs. Commerce, McGill; LL.B. Toronto/88
687. Hertzman, Leonard Benjamin	2 yrs. Commerce Toronto/; LL.B. Toronto/88
688. Holman, Barbara Dianne	B.A. Trent/82; M.A. Brock/83; LL.B. Toronto/88
689. Hull, Ian Mackersy	4 yrs. Arts Western; LL.B. Windsor/88
690. Hunt, Sally Janet	Dipl. Radio & TV Arts, Ryerson/73; LL.B. Saskatchewan/88
691. Hurman, Mary Ellen	B.A. Western/83; LL.B. Queen's/88

692.	Hutchinson, Donald Edward Lionel	B.A. Queen's/82; LL.B. British Columbia/88
693.	Hutchinson, Kimberley Ann	B.A. Windsor/84; LL.B Windsor/87
694.	Innis, Frederick	B.A. Carleton/84; LL.B. Ottawa/88
695.	Isles, Robert Max	B.A. University de Bersacon/84, France/84; LL.B. McGill/88
696.	Izzard, Karen Ann	B.B.A. New Brunswick/83; LL.B. Ottawa/88

Approved

5. EXAMINATION RESULTS - STATUTES AND PROCEDURE

The results of the examination on Statutes and Procedure in Ontario held in July 1989 were before the Committee. Five candidates sat the examination:

The following candidates passed:

Bernard William Crotty
Justin John Mark Edwards
Wayne Dana Gray

The Board further certifies that two candidates failed.

6. EXAMINATION RESULTS - COMMON LAW EXAMINATION

The following candidate was approved by the Committee to proceed under Regulation 4(2). One candidate sat the common law examination at the offices of the Bar Admission Course and failed. The candidate was identified by number only and the report of the examiners is as follows:

<u>Candidate No.</u>	<u>Paper No.</u>	<u>Marks out of 100</u>
326	5A	46
	5B.3	44

Candidate 326 Quebec

Approved

7. CALL TO THE BAR AND CERTIFICATE OF FITNESS

Transfer from another province - Regulation 4(1)

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

Bernard William Crotty	Province of Alberta
Justin John Mark Edwards	Province of Saskatchewan
Wayne Dana Gray	Province of British Columbia

Approved

Full-Time Members of Faculties of Approved Law Schools

The following candidates, having filed the necessary documents and compiled with the requirements of the Society in their particular cases, are now entitled to be called to the Bar of Ontario and to be granted a Certificate of Fitness:

Kathleen Ann Lahey

Faculty of Law, Queen's
University

Fee: \$200.00

Robert Reinhold Virkutis

Faculty of Law, The University
of Western Ontario

Fee: \$200.00

Approved

Bar Admission Course

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

Charles David Cotterall
Malka Goldenberg
Prarthana Ann Neena Gupta
David Reed Hunter
Antonio Loparco
Elizabeth Evans May

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

Jeffrey Adams Clark

Approved

8. OTHER ITEMS

SPECIAL PETITION - EXEMPTION FROM EXAMS REQUIRED AFTER FIVE OR MORE YEARS CONSECUTIVE SUSPENSION - SUSPENDED MEMBER

A member who has been suspended for non-payment of fees since February 25th, 1983 requests a waiver of the requirement to write the Bar Admission Course exams because he does not intend to practise law and will therefore be placed on the Society's inactive list. The member works with a corporation in Malaysia where he consults on Canadian business, trade and immigration. He expects to reside there for an indefinite period.

Denied

C.
INFORMATION

1. On the 14th of September, 1989 the Secretary reported to the Committee that the following had been approved to proceed under Regulation 6, "Occasional Appearances in Ontario of lawyers from other provinces", upon filing the necessary information and Certificates of Good Standing, paying the required fee and giving the necessary undertaking.

Daniel Brunet	Province of Quebec (Crown Attorney)
Richard Joseph Nelson Gilborn	Province of Alberta
Randall Richmond	Province of Quebec (Crown Attorney)
Marvin Ross Vincent Storrow	Province of British Columbia

On the 14th of September, 1989 the Secretary reported to the Committee that the following had been approved to continue under Regulation 6, "Occasional appearances in Ontario of lawyers from other provinces", and appear on a second matter, upon filing the necessary information and Certificate of Good Standing, paying the required fee and giving the necessary undertaking.

Thomas Dore	Province of Saskatchewan
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Noted

ALL OF WHICH is respectfully submitted

DATED this 29th day of September, 1989

"P. Peters"
Chair

Ms. Peters noted that in regard to heading B-Item 3 dealing with the Foreign Legal Consultant registration of Mr. Klaus Jochimsen that the word "Vodgt" was not part of the name but merely a designation.

THE REPORT WAS ADOPTED

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CALL TO THE BAR

The candidates as listed 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.

Jeffrey Adams Clark	28th Bar Admission Course
Charles David Cotterall	30th Bar Admission Course
Malka Goldenberg	30th Bar Admission Course
Prarthana Ann Neena Gupta	30th Bar Admission Course
Elizabeth Evans May	30th Bar Admission Course
Justin John Mark Edwards	Transfer, Saskatchewan
Wayne Dana Gray	Transfer, British Columbia
Robert Reinhold Virkutis	Professor, University of Western Ontario

Convocation rose at 10:30 a.m.

Convocation reconvened at 2:15 p.m. the following being present:

The Treasurer, Messrs. Bastedo and Bragagnolo, Ms. Callwood, Messrs. Carey, Carter, Cass, Cullity, Epstein and Ferguson, Mrs. Graham, Messrs. Ground, Hickey and Howie, Ms. Kiteley, Messrs. Lamek, Lamont, Levy and Lyons, Ms. MacLeod, Messrs. McKinnon, Manes, Murphy and Outerbridge, Ms. Peters, Messrs. Rock, Ruby, Somerville, Strosberg, Thom, Topp and Yachetti.

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MOTIONS

RE: LANG MICHENER

It was moved by Mr. Ruby, seconded by Ms. Callwood that:

- (a) Convocation set aside the decision of the Chair of the Discipline Committee regarding the appropriate charges to be laid in the Lang Michener affair and adopt the recommendations of the independent counsel retained by the Law Society in this matter and direct its Discipline staff to issue a Complaint as recommended therein; and
- (b) Convocation deplores the decision to reject, without sufficient reason, the recommendation the Law Society of Upper Canada sought from independent counsel with respect to the laying of appropriate charges in the Lang Michener affair.

The Treasurer ruled the Motion out of order. The Lang Michener matter was still before a Discipline Committee and might possibly come to Convocation and in light of that the Treasurer ruled that there was a real and substantial apprehension that if Convocation debated the Motion that it would prejudice the hearing of the matter should it come to Convocation.

It was moved by Mr. Strosberg, seconded by Mr. Rock that:

- (a) Convocation as a matter of law has no jurisdiction to review the decision of the Chair of Discipline as to whether or not a Complaint of professional misconduct should be laid against a solicitor;
- (b) that Convocation as a matter of policy should not review the decision of the Chair of Discipline as to whether or not to lay a charge of professional misconduct against a solicitor.

It was moved by Mr. Somerville, seconded by Mr. McKinnon that Mr. Strosberg's motion be tabled.

Carried

SPECIAL COMMITTEE ON THE INCORPORATION OF LAW PRACTICES

It was moved by Mr. Manes, seconded by Mr. Outerbridge that Messrs. Noble (Chair), Ground and Spence be continued as the Special Committee on the Incorporation of Law Practices with its terms of

29 September 1989

reference to be to recommend regulatory and rules changes necessary to implement the changes to the Law Society Act that are contained in Bill 45 as finally passed by the Legislature.

Carried

CANADIAN BAR ASSOCIATION NATIONAL COUNCIL

It was moved by Mr. Rock, seconded by Mrs. Graham that the Law Society's representatives on the Canadian Bar Association National Council be as follows: the Treasurer (Mr. Lee K. Ferrier) and Mr. D.H.L. Lamont.

Carried

PROFESSIONAL STANDARDS COMMITTEE

It was moved by Mr. Cullity, seconded by Mr. Noble that Ronald D. Manes be added as a member of the Professional Standards Committee.

Carried

CLINIC FUNDING COMMITTEE

Mr. Epstein presented the Report of the Clinic Funding Committee of its meeting held on September 14th, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The Director of LEGAL AID begs leave to report:

CLINIC FUNDING

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

The Director recommends to Convocation that the report of the Clinic Funding Committee dated September 15, 1989 be adopted.

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

ALL OF WHICH is respectfully submitted

DATED this 15th day of September 1989

"Robert L. Holden"
Director
Legal Aid

ATTACHMENT:

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

The Clinic Funding Committee met on Wednesday, the 12th day of July 1989. Present were: Philip Epstein, Q.C., Chair, Oliver Carroll, Thea Herman. The Committee met again on Thursday, the 14th day of September 1989. Present were: Philip Epstein, Q.C., Chair, Oliver Carroll, Thea Herman, Helen King MacLeod. Jim Frumau attended the meeting as an observer.

A. DECISIONS

1. Annual Funding of Community Legal Clinics

The total allocation of funds to the Clinic Funding Committee for 1989/90 is in the amount of \$22,137,550.

Attached as Schedule I is a letter from the Honourable Ian G. Scott, Attorney General for Ontario, approving an additional designation of \$1,440,000 in addition to the interim designation of \$20,697,550.

The Clinic Funding Committee approved the budget for 1989/90 in accordance with the attached Schedule II. The Committee therefore recommends Convocation's approval of the 1989/90 budget.

2. House Purchase - up to \$25,730

The Committee approved the purchase of a one-bedroom house in Moosonee to accommodate the clinic's staff lawyer. The Committee noted the lack of satisfactory housing in Moosonee and the favourable purchase price.

3. Applications to the Clinic Funding Committee

a. Supplementary legal disbursements

Pursuant to s.6(1)(m) of the Regulation on clinic funding, the Committee has reviewed and approved applications for supplementary legal disbursements from the following clinics:

Brant County Community Legal Clinic - up to \$3,500
Canadian Environmental Law Association - up to \$1,000
McQuesten Legal & Community Services - up to \$7,500
Metro Tenants Legal Services - up to \$3,000
Peterborough Community Legal Centre - up to \$7,500
Sudbury Community Legal Clinic - up to 7,500
West Scarborough Community Legal Services - up to \$1,000

b. Training funds

Pursuant to its responsibilities under s.6(1)(k) of the Regulation on clinic funding, the Committee considered and approved the allocation of training funds, as follows:

(i) Steering Committee on Social Assistance - up to \$7,000

An application from the Steering Committee on Social Assistance for the allocation of funds to allow it to continue holding meetings for the period September, 1989 to September, 1990.

(ii) Income maintenance manual - up to \$4,600

An application for funds to produce the first chapter of a social assistance manual.

(iii) WCB Network - up to \$10,000

The Committee noted the continued success of the WCB Network's activities in the last fiscal year, and therefore approved an application to cover its costs for the 1989/90 training year.

- (iv) ACE re. Conference on Law and Aging -
up to \$1,415

A request for special training funds from the Advocacy Centre for the Elderly to allow two lawyers to attend the "Joint Conference on Law and Aging" in Washington, D.C.

- (v) IAVGO re. rehabilitation conference -
up to \$1,202

A request from the Industrial Accident Victims Group of Ontario for funds to hold a one-day conference in late October on WCB rehabilitation.

c. Court costs

Pursuant to s.10 of the Regulation on clinic funding, the Committee has reviewed and approved an application for the payment of court costs from the following clinics:

Hastings & Prince Edward Legal Services
- up to \$1,712.50

Metro Tenants Legal Services - up to \$2,525

South Etobicoke Community Legal Services - up to \$100

d. Incorporation

Pursuant to the directions of Convocation, the Clinic Funding Committee has reviewed, as to name and objects, an application for incorporation from Manitoulin Legal Clinic. The Committee recommends Convocation's approval of this application.

4. Supplementary Funds

- a. CLSNS re. Immigration Project - up to \$16,300

The Committee reviewed further reports from the clinic on the activities of the CLW immigration project to date, noted its continued success, and agreed to extend funding for this project for the period October 1, 1989 to March 31, 1990.

- b. Toronto Workers' Health and Safety Legal Clinic
re. Contract Position - up to \$35,000

The Committee reviewed an application from the Toronto Workers' Health and Safety Legal Clinic to provide a community outreach worker, on a one-year contract. After reviewing the information provided by the clinic, the Committee agreed to allocate funds, in an amount up to \$35,000, for this position.

2. INFORMATION

- a. Appointment of Clinic Funding Manager

The Clinic Funding Committee is pleased to announce the appointment of Ms. Joana Kuras as Clinic Funding Manager, effective July 17, 1989. Ms. Kuras has had extensive involvement in the community legal system, and was the former Executive Director of McQuesten Legal and Community Services and Neighbourhood Legal Services.

b. Appointment of New Clinic Funding Committee Member

The Committee reviewed recommendations submitted by various clinics with respect to the appointment of a new Clinic Funding Committee member to replace Dorothy O'Connell. After discussion, the Committee agreed that it would be appropriate to appoint an out-of-Toronto, non-lawyer to be the new member of the Committee. The Committee is therefore pleased to confirm its appointment of Jim Frumau, former Treasurer and Chair of the Simcoe Legal Services Clinic, as the new member.

The Committee also recommends that Convocation approve payment of an honorarium to Mr. Frumau in the amount of \$100 per meeting.

Attached as Schedule III is the resume of James Frumau, for your information.

c. Meetings with Clinics

The Committee met with representatives from Parkdale Community Legal Services, Kensington-Bellwoods Community Legal Services and the Correctional Law Project to discuss the impact of the reduction of funding provided for summer students in 1989.

ALL OF WHICH is respectfully submitted

DATED this 15th day of September 1989

"P. Epstein"
Chair

Attached to original Report in Convocation File, copy of:

- Item 1 - Letter from The Honourable Ian G. Scott, Attorney General for Ontario dated July 20th, 1989 re: Clinic Designation 1989/90. (Schedule I)
- Item 1 - Budget for 1989/90. (Schedule II)
- Item 2(b) - Resume of James Frumau (new member of Clinic Funding Committee). (Schedule III)

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE

Mr. Lamek presented the Report of the Discipline Committee of its meeting on September 14th, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

THE DISCIPLINE COMMITTEE begs leave to report:

Your Committee met Thursday, the 14th day of September 1989 at one thirty in the afternoon, the following members being present: Mr. Lamek (Chair), The Honourable Allan Lawrence, Messrs. Carey, Cass, Lerner, McKinnon, Somerville, Strosberg, Topp and Ms. Peters.

A.

POLICY

1A. REPORT OF SUBCOMMITTEE ON PENALTIES

The Report of the Subcommittee on Penalties, attached and numbered as A-1 to A-9, was before Convocation in June, 1989. There was a division of opinion with respect to paragraphs 4 and 5 on page A-8 which deals with concurring and dissenting reasons.

Convocation referred the report back to the Committee for consideration in light of the discussion. The memorandum of Stuart Thom, Q.C. which was also before Convocation in June, 1989 is attached and numbered as A-10 to A-22.

After discussion of paragraphs #1 and #2 on page A-7 your Committee approved the following:

Without deciding the issue of entitlement of individual benchers to dissent or the issue of whether Convocation ought to deliver reasons in every case, we recommend:

1. If Convocation adopts the reasoning of a Discipline Committee, the Treasurer ought to so state at the time of announcing Convocation's order.
2. In all other cases at least one bencher should be designated by the Treasurer to prepare reasons and to deliver them if requested.

2A. PUBLICATION OF DISCIPLINE PROCEEDINGS INFORMATION

At the meeting in June, 1989 the Committee considered a memorandum about the Society's disclosure policy. Topics covered by the memorandum, attached and numbered as A-23 to A-28, include; notice of hearings to County and District Law Associations, disclosure at preliminary appearances, and publication of decisions of Discipline Committees.

Your Committee approved the formation of the following Subcommittee to examine these and other issues related to disclosure: Messrs. Somerville (Chair), McKinnon, and Topp.

3A. RECOVERING AUDIT COSTS FROM MEMBERS

The Director of Finance has asked the Committee to consider the matter of charging audit costs to members.

BACKGROUND

Approximately 95% of the problems encountered in spot audits are dealt with by the audit staff through correspondence requiring corrections of inadequacies. The remaining 5% of problems result in formal audit reports because the inadequacies are serious enough to warrant formal discipline. Many of these are settled without a hearing.

These problems consume a great deal of audit resources according to the Society's Chief Investigative Auditor, Robert Anderson. He suggests an addition to Section 50 of the Rules.

Section 50 of the Rules made under the Law Society Act reads as follows:

"The following fees and levies are payable to the Society in the circumstances, at the times, and in the amounts specified..."

Several years ago the Society amended Section 50 to provide for late filing levies against members who either failed to file annual reports or filed them late. Under the heading "Miscellaneous" the section now includes a levy for

"Failure to file a Form 2 or Form 3 within the time prescribed by the Regulation....\$5/day for each day of default to a maximum of \$600.00."

Recoveries of late filing penalties set out above, annually generate enough money to cover all the Society's annual filing processing costs. This represents about 10% of the Audit Department's budget.

PROPOSAL

It has been suggested that an amendment to Section 50 could allow for audit costs incurred in conducting spot audits and preparing audit reports. The Society has the power to make rules,

"providing for the payment to the Society by any member of the cost of any investigation or audit of his books, records, accounts and transactions." s.62(1)(16) Law Society Act.

There remain unanswered questions about determining liability for costs and assessing quantum in the absence of a hearing.

29 September 1989

Your Committee has asked the Society's Audit Department to prepare further material for the Committee's meeting in October, 1989.

C.
INFORMATION

1C. COMPLAINTS REVIEW

Attached at C-1 is an article about the Society's Complaints Review process which appeared in the Financial Post on Thursday, August 10th, 1989.

2C. AUDIT DEPARTMENT ANNUAL REPORT

Attached and numbered as C-2 to C-6 is the Audit Annual Report for the year ended June 30th, 1989.

ALL OF WHICH is respectfully submitted

DATED this 29th of September, 1989

"P. Lamek"
Chair

Attached to original Report in Convocation File, copies of:

- A-1A - Report of the Subcommittee on Penalties which was before Convocation in June 1989. (numbered A-1 to A-9)
- A-1A - Memorandum of Stuart Thom dated March 3rd, 1989 which was before Convocation in June 1989. (numbered A-10 - A-22)
- A-2A - Memorandum regarding Society's disclosure policy. (numbered A-23 to A-28)
- C-1C - Article in Financial Post dated August 10th, 1989 about Society's Complaints Review process. (numbered C-1)
- C-2C - Audit Annual Report for year ended June 30th, 1989. (numbered C-2 to C-6)

It was moved by Mr. Cass, seconded by Ms. McLeod that item A-1A dealing with the Report of Subcommittee on Penalties be deleted.

Lost

It was moved by Mr. Cass that A-1A be amended by adding the words "are requested".

The Treasurer ruled the Motion out of order on the grounds it was in substance the same as the Motion which had been defeated.

THE REPORT WAS ADOPTED

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The Discipline Reports of May 1989 and June 1989 were put over to the October 1989 Convocation.

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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 14th day of September 1989. The following members were present: A. Rock (Chair), D.H.L. Lamont, T.G. Bastedo, D. Bellamy, R.S. Kemp-Welch, H. MacLeod, R.D. Manes, J.M. Spence, S.D. Thom, J.J. Wardlaw, R.D. Yachetti.

A.

POLICY

1. PART-TIME LL.B. PROGRAM-DALHOUSIE UNIVERSITY

The Benchers in Convocation at their January, 1989 meeting approved the Part-time LL.B. programs at the University of Windsor and Queen's University.

Dalhousie University Law School is asking for approval of its part-time LL.B. program. In content, it incorporates the identical requirements of the Dalhousie full-time degree which was approved by the Benchers in Convocation in 1957. The part-time program has been instituted in order to facilitate legal studies for those unable to take the full-time program.

It is recommended that the Dalhousie University proposal be approved. (pages 1 - 2)

2. ALTERNATIVE DISPUTE RESOLUTION SUBCOMMITTEE

The Research and Planning Committee has established the Alternative Dispute Resolution Subcommittee. The Subcommittee has sent a letter to the Chair of the Legal Education Committee requesting a response from the Legal Education Committee. (pages 3 - 4)

In response to the concerns of the Subcommittee, the Director of Education is including a significant negotiations skills component in the one month teaching term of the new Bar Admission Course. It is contemplated that the three month teaching term, beginning in 1991, will include a substantial Alternative Dispute Resolution component focusing particularly on negotiation and mediation skills.

Continuing Legal Education programs being planned for 1990 include a negotiation skills workshop and a mediation skills workshop.

It is recommended that the Director of Education be authorized to consult directly with the Alternative Dispute Resolution Subcommittee in planning the Bar Admission Course and new CLE programs.

C.
INFORMATION

1. CONTINUING LEGAL EDUCATION - COMPLETED PROGRAMS

Competition Law:

What Every Lawyer with Business Clients Needs to Know (699)

81 registrants attended this live program on Tuesday, May 16th, 1989. \$12,000.00 in revenues were generated.

This program was chaired by K. Wayne McCracken. Also acted as faculty were Donald S. Affleck, Q.C., Michael Dambrot, Klaus G. Decker, Sheldon C. Esbin, Ivan Feltham, Q.C., Calvin S. Goldman, Q.C., Lawson Hunter, Q.C., Gordon E. Kaiser, Q.C., J. T. Kennish, Bruce C. McDonald, Ian Nielsen-Jones and John Rook, Q.C.

Program Evaluation:

This program provided an introduction to competition law for those involved in a general commercial practice, and a general update on the latest developments and future trends for those with a significant competition law practice.

Topics included: a general overview of the Competition Act; agreements and arrangements in restraint of trade and relations between competitors; price discrimination, promotional allowances, and resale price maintenance; misrepresentation and deceptive marketing practices; abuse of dominant position, refusal to deal, exclusive dealing, market restriction and tied selling; merger and merger prenotification, free trade implications of competition police; specialization agreements, enforcement of the Competition Act, the powers of the Director and the Competition Tribunal.

This program was rated "good" to "excellent" by 85% of evaluations. Registrants found the program "well organized and informative" with "a good pace". One registrant observed that the program was "value for the money, much better than recent Insight seminars, good because it was a general overview". Registrants also appreciated the balance "of both the government (prosecution) and private sector approaches with the experts in the field". Some registrants suggested having fewer speakers each giving more detailed presentations; however, all speakers were rated "knowledgeable" and materials "presented well".

The Personal Property Security Act: Setting New Sails (675)

This program was presented live in Toronto at Osgoode Hall on Thursday, May 25th, 1989. 539 registrants attended the program, each paying a fee of \$195.00 providing total revenues of \$102,375.00

Frank Bennett and John R. Varley led a faculty consisting of F. M. Catzman, Q.C., Bradley Crawford, Richard H. McLaren, Kenneth L. W. Boland, Rosemarie Gage, Martin Fingerhut, B. Lynn Paul, William Robertson, Jennifer E. Babe, Barbara J. McGregor, Marguerite P. Mooney and the luncheon speaker was Professor Jacob S. Ziegel.

Program Evaluation:

This major program examined the new P.P.S.A. legislation as a culmination of 13 years of legal experience since the original P.P.S.A. was proclaimed in Ontario in 1976. Topics included: application of the Act, corporate securities, attachment and perfection, registration system, maintaining perfection, priorities within the P.P.S.A., rights and remedies upon default, drafting P.P.S.A. security agreements, and a panel discussion on the impact of the new P.P.S.A. on motor vehicle financing, cross-border transactions, real estate and public securities. As well, the luncheon speaker, Professor Jacob S. Ziegel spoke on: "Uniformity of Personal Property Security Legislation and Other Problems".

Ninety-four percent of evaluations rated this program "good" to "excellent". Fifty-nine percent gauged it at the intermediate level, and 35% placed it at the advanced level.

Typical comments included: "clear, covered all topics, got to the point", "well informed speakers", "useful papers", "top flight faculty with first rate materials presented in the best manner", "written material is very comprehensive and useful", "informative -- for once you succeeded in presenting a program that was not just for the Bay Street lawyer", "keep up the good work". Comments on the speakers included: "well thought out and prepared", "I particularly liked summaries of points made in speeches", "well researched". Some registrants suggested speakers be allowed more time to develop their topics in detail and that there be more emphasis on contrasting the old from the new P.P.S.A.

Effective Time Management
for Legal Secretaries and Legal Assistants (588)

This one day program was held live in Toronto on Friday, May 26th, 1989 for 52 registrants. Generating total revenues of \$9,902.50.

Frank Sanitate a specialist in communications and human resource management from Santa Barbara, California was the instructor for the day.

Program Evaluation:

This program, similar to an earlier program for lawyers, was designed to teach registrants the skills to minimize the time traps in the day and maximize their effectiveness. Topics included: 38 practical ways to control your time, resolve lawyers' 10 top time problems, workable ways to plan, handle calls, visitors and mail more effectively, delegate to get things done, works as a team with your lawyer, put your work in perspective: set life goals, establish priorities, develop your potential for advancement, capitalize on your creativity to make your work more rewarding.

Ninety-five percent of evaluations rated this program "good" to "excellent". Overall comments included: "it helped me evaluate my working problems, and offered some possible solutions which I'll try"; "I picked up some useful hints"; "good speaker and good ideas"; "the speaker kept people; interested by getting us involved"; "the program wasn't boring due to Sanitate's ability to be humorous"; "very clear and easy to understand"; "enjoyed the use of scenarios to make points clear".

1989 Civil Litigation Review (701)

This Toronto live program was held on Wednesday, May 31st, 1989 at Osgoode Hall. 94 registrants attended the program each paying a fee of \$150.00 generating total revenues of \$13,185.00.

Eric Gertner led a faculty composed of W. Ian Binnie, Q.C., Professor William A. Bogart, R. E. Charney, L. M. Fox, Mark J. Freiman, John B. Laskin, Allan Sternberg and John Swan.

Program Evaluation:

This intermediate level program featured lectures which emphasized tactics and written materials which updated the law in the following areas: costs in public litigation, removal of solicitors for conflict of interest, legal advice and litigation privilege, implied undertakings, legal and equitable set-offs and the impact of Telford v. Holt, getting and keeping certificates of pending litigation, security for costs, summary judgments, stays pending appeal, enforcement of foreign judgments, caseload management: the Supreme Court's initiative, Mareva injunctions, Anton Piller orders, etc, new evidence and appeals: the legacy of Corona v. Lac, damages, and has the Charter made any difference whatsoever to civil litigation.

All evaluations rated this program "good" to "excellent". Comments included: "materials and speakers were excellent", and "papers were well done". One registrant suggested "more seminar discussion based on materials."

Legal Fees: How to Set Them, How to Collect Them (702)

The above-named program was held live at Osgoode Hall on Thursday, June 1st, 1989 for 64 registrants. A fee of \$150.00 amounted to gross revenues of \$8,448.00

Mark M. Orkin, Q.C. the program chair led a faculty consisting of Margaret J. Angevine, Frank Bennett, George Biggar, Carole Curtis, Master W. Reid Donkin, Q.C., Kenneth E. Howie, Q.C., Rodney Hull, Q.C., Miriam A. Kelly, Q.C., Malcolm C. Kronby, Q.C., Earl J. Levy, Q.C. and Eric R. Murray, Q.C.

Program Evaluation:

This program provided the registrants with legal theory and practical approaches for setting and collecting fees and handling many common but irksome problems. The emphasis was on a review of the law as applied to assessments and how that law could be translated into an efficient and profitable practice. Topics included: current legal principles of setting fees, special problems and practical solutions in real estate, personal injury, criminal, family and wills and estates matters, a view from the assessment office, tariffs, the Rules of Conduct and billings practices, a view from the Law Society: Rule 9 and other matters, the Ontario Legal Aid Plan: tariff issues, and how to achieve no frills legal services.

Three evaluations were received: 1 "excellent", 2 "very good" and 3 "fair". The speakers were considered "knowledgeable and witty", and the program overall was considered "very good with respect to how to set fees", but registrants wanted more information on collection methods.

Real Estate for Support Staff: Beyond Basics (686)

195 registrants attended this Toronto program presented on Tuesday, June 6th, 1989. Each paid a fee of \$150.00 generating total revenues of \$28,713.00.

L. M. Duffy, Laird J. Rasmusseu and Susan M. Gibson were the program chairs.

Program Evaluation:

This program was designed for support staff who have already mastered a basic residential transaction. The program emphasized commercial and development work, but also covered new and developing problems in a residential practice. Topics included: subdivisions, multiple-unit residential buildings, condominiums, commercial properties including shopping centers, environmental concerns.

All evaluations rated this program "good" to "excellent". Some comments on the program overall were: "excellent materials", "very informative, information was very clear and easy to understand", "everything remained on schedule", "raised questions for my employer's comments", "topics were explained in detail and very useful as well as attachments included with notes", "speakers answered questions clearly".

Municipal Law -- Development in the 1990's: Responding to Change (687)

This program, presented live at Toronto on Wednesday, June 7th, 1989, produced revenues of \$19,355.00. 109 registrants attended for a fee of \$195.00.

Patrick J. Devine led a faculty consisting of Roger T. Beaman, Robert Daniels, Jock Ferguson, Yvonne J. Hamlin, Councillor Tom Jakobek, Councillor Dale Martin, Stephen G. McLaughlin, John G. Parkinson, Q.C., N. Jane Pepino, Q.C., Dennis Y. Perlin, Susan D. Rogers, Philip L. Sanford, David Lewis, Marc J. Somerville, Q.C., and Peter R. Walker.

Program Evaluation:

This program considered the municipal and land development approval process and the changes that can be anticipated in the 1990's. While presenters discussed the technical aspects of existing legislation, the focus of the program was on how participants in the development process (including lawyers, developers and government officials) can participate fully and effectively in the changing municipal environment.

Topics included: the new role of Metropolitan Toronto in the planning process, section 36 bonusing bylaws: legislated deal-making? holding by-laws: have they been used, should they be used more? Interim control by-laws: their use and misuse, development in the regions outside Metro, and the growing significance of environmental issues in the development approval process.

Fifty-two percent of registrants rated this program "good" to "excellent". Speakers and topics overall were rated "excellent", "interesting and informative" and "thought-provoking", but several registrants criticized the program for its strong Toronto focus, and felt the program was irrelevant to their practice elsewhere.

Liabilities for Environmental Contamination (703)

The above-named program was presented at Toronto on Tuesday, June 13th, 1989 to 94 registrants. A fee of \$150.00 amounted to gross revenues of \$13,285.00.

Roderick M. McLeod, Q.C., led a faculty composed of Roger A. Cotton, Stephen Garrod, M. B. Jackson, Q.C., Thomas R. Lederer, Roderick R. MacDougall, John L. Martin, C. E. McIntyre, Norman Rankin, John R. Tidball and Bonnie Wein.

Program Evaluation:

This program considered aspects of environmental law which affects advice lawyers give on real estate transactions, asset or share purchases and sales, loan transactions, bankruptcy, new manufacturing processes and expansions, and lawyers' liabilities as directors, officers and employees of corporations. Topics included: a legislative overview, warranties, exclusions, indemnities and conditions in purchase, sale and loan transactions, environmental approvals, orders and assessments: how to get them, how to avoid them, dealing with the Ministry and other agencies: searches -- who to talk to, when and how, environmental audits, liabilities of officers, directors and employees.

Ninety-two percent of evaluations rated this program "good" to "excellent". Registrants' comments included: "I found this to be a good introduction to environmental laws", "it was very interesting and covered a wide range of relevant aspects of this field of law", "good materials and speakers", "well organized, it was the best environmental session I've attended". Comments on the speakers included: "all were very good", "all excellent", "all were knowledgeable and presented the issues in their area of practice and expertise clearly", "it was great to have the Ministry of Environment staff". Some registrants did seek more detail in some areas.

2. CONTINUING LEGAL EDUCATION - ONGOING DEVELOPMENTS

Regular meetings have taken place during the summer, attended by the Chair, the Director, the Acting Director, Susan Langton (the Manager), and Elaine McCallum (Planner). It is expected that a report will be presented to the Committee at its November meeting. The report will cover the following items:

- a) Mandate of Continuing Legal Education.
- b) Organization of Continuing Legal Education.
- c) Curriculum planning.
- d) Continuing Legal Education outside of Toronto.
- e) Publications.

3. SUB-COMMITTEE ON BAR ADMISSION COURSE REFORM

a) The process of recruiting the paid teaching faculty continues. It is expected that a number of offers will be made in October. The new faculty will work principally on design of the course, skills teaching, and teacher education. The role of members of the practicing Bar will continue and will be enhanced through working with the new paid faculty.

b) Ainslie Lamb joined the Department of Education on August 1st for one year as a principal designer of the new course. Ms. Lamb has extensive experience which she acquired in her five years as a member of faculty at the Leo Cussen Institute in Melbourne, Australia. Ms. Lamb is working with the Director and members of the Ontario Bar in the course design process. Her curriculum vitae is attached (pages 5 - 9).

c) An information session was held from 4:00 p.m. to 5:30 p.m. on Thursday, September 14th, 1989. The Director, Ms. Lamb, and Ms. Marilyn Bode (Bar Admission Course reform manager) met with interested members of the Legal Education Committee to discuss developments to date and future plans.

d) The Sub-Committee met on August 31st, 1989 to consider a proposal by representatives of the Hamilton Bar. The Hamilton Bar was represented by one of its members, Mr. Douglas Patton. The Sub-Committee and Mr. Patton discussed the proposal that there be an offering of the one month session of the Bar Admission Course teaching term in Hamilton beginning in 1990.

The Sub-Committee considered the proposal and also considered the possibility of planning a one month Hamilton session after 1990.

The Sub-Committee deferred the matter for further consideration.

4. SUB-COMMITTEE ON ARTICLING REFORM

The Sub-Committee met twice in July and has met once in September. Fundamental questions about the nature of articling deserve careful consideration and accordingly the Sub-Committee's deliberations are continuing.

5. ADVOCATES' SOCIETY INSTITUTE

Minutes of a Meeting of the Board of Governors of the Advocates' Institute of June 7, 1989 are attached at (pages 10 - 17).

ALL OF WHICH is respectfully submitted

DATED this 14th day of September, 1989

"A. Rock"
Chair

Attached to original Report in Convocation File, copy of:

- A-Item 1 - Dalhousie University proposal of its part-time LL.B. program. (Pages 1 - 2)
- A-Item 2 - Letter from Mr. Keith Regehr, Staff Lawyer dated May 30th, 1989 to Mr. A. Rock, Chair of Legal Education Committee re: Alternative Dispute Resolution Subcommittee. (Pages 3 - 4)
- C-Item 3 - Curriculum vitae of Ainslie Lamb. (Pages 5 - 9)
- C-Item 5 - Minutes of a Meeting of the Board of Governors of the Advocates Institute of June 7th, 1989. (Pages 10 - 17)

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE

Mr. Ground presented the Report of the Finance Committee of its meeting on September 14th, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FINANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th day of September 1989 at three o'clock in the afternoon, the following members being present: Messrs. Ground (Chair), Furlong, Lamont, Pepper, Wardlaw and Mrs. Weaver.

B.

ADMINISTRATION

1. AUDITED FINANCIAL STATEMENTS - JUNE 30TH 1989

Draft Financial Statements together with the Auditors' opinion for the year ended June 30th 1989 were before the committee. Mr. David Yule of Ernst and Young attended the meeting and reviewed the statements with the Committee.

Approved

2. ADVOCACY SYMPOSIUM - MAY 1990

A request was before the Committee for a contribution of \$15,000 towards the Advocacy Symposium which will be reimbursed out of the Society's share of the profits from the Symposium. There was a further request that the Society co-host a special dinner in honour of the three Chief Judges from the United States, Canada and England on Saturday, May 5th 1990 at a cost of approximately \$4,000.

Approved

3. RULE 49(2) - LIFE MEMBERS - WAR SERVICE

A request to amend Rule 49(2) of the Rules was received from William A. Cowan, Q.C.. Mr. Cowan is requesting that Rule 49(2) be expanded to give credit towards life membership for war service prior to becoming members of the Bar. Rule 49(2), (a copy of which is attached with the correspondence) only gives credit where membership is interrupted by war service. Richard Tinsley had asked that the Committee consider amending Rule 49.

This matter was also before the Legislation and Rules Committee.

Denied

4. SUSPENSION OF MEMBERS - LATE FILING FEE

There are 7 members who have not complied with the requirements respecting annual filing and who have not paid the late filing fee.

Note: See Motion on page 63.

In all 7 cases all or part of the late filing fee has been outstanding four months or more. The 7 members owe \$5,910.00 of which \$3,245.00 has been owing for more than four months.

The Committee was asked to recommend that the rights and privileges of the 7 members be suspended on September 29th 1989 if the late filing fee remains unpaid on that date and remain suspended until the late filing fee has been paid.

Approved

29 September 1989

5. SUSPENSION OF MEMBERS - ERRORS AND OMISSIONS LEVY

There are members called to the Bar in March 1989 who have neither paid Errors and Omissions Insurance Levy nor filed a claim for exemption for the period from date of call to June 30th. Three notices have been sent.

The Committee was asked to recommend that the rights and privileges of these members be suspended by Convocation on 29th of September 1989.

Approved

6. CHANGES OF NAME

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

<u>FROM</u>	<u>TO</u>
Pamela Eileen Driver	Pamela Eileen <u>Brooks</u> (Married Name)
Carol Jean MacLeod	Carol Jean <u>McNamara</u> (Married Name)
Murn Joanne Hayden	Murn Joanne <u>Meyrick</u> (Married Name)
Jane Wendy Coyne	Jane Wendy <u>Southey</u> (Maiden Name)
Joyce Rickey Weinman-Arnold	Joyce Rickey <u>Weinman</u> (Name Change Certificate)
Dale Lisa Goldberg	Dale Lisa <u>Hewat</u> (Married Name)
Daryl Elizabeth Gilmore	Daryl Elizabeth <u>McLean</u> (Maiden Name)
Lisa Mary Tucker	Lisa Tucker <u>Boulton</u> (Married Name)
Kathy Ellen Avrich	Kathy Ellen Avrich <u>Johnson</u> (Married Name)
Ilsa Janice Greenblatt	Ilsa Janice <u>Shore</u> (Married Name)
Adriana Grace Strange	Adriana Grace <u>Groskopf</u> (Married Name)

The petitions submitted by the members are in order. Approval was given by the Chair and the matter was before the Committee for ratification.

Ratified

7. MEMBERSHIP UNDER RULE 50

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:

Royce Herbert Frith	Lanark
Howard Arnold Phillips	Toronto
Martin Levinson	York
Donald Alexander MacKenzie	Toronto
Donald Cyril Anthony McDonnell	Kent
David Clarke Ross	Toronto
Charles Douglas McCallum	Hamilton

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

Approved

8. RESIGNATION - REGULATION 12

(a) Gerard Anthony Ferguson of Victoria, B.C. has applied for permission to resign his membership in the Society and has submitted a Declaration in Support. Professor Ferguson was called to the Bar in November 1975 and has not resided nor practised in Ontario since that time. For that reason, he has requested that he be relieved of publication in the Ontario Reports.

(b) Robert Hamilton McKercher of Saskatoon, Saskatchewan has applied for permission to resign his membership in the Society and has submitted a Declaration in Support. Mr. McKercher was called to the Bar in October 1956 and has not resided nor practised in Ontario since January 1961. For that reason, he has requested that he be relieved of publication in the Ontario Reports.

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

Approved

9. LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society with an effective date of September 21, 1989:

Jean Charles Aubin	Ottawa
Douglas William Blackburn	Orillia
George Edward Burson	Toronto
Frederick Allan Evis	Toronto
Paul Irwin Henry	Willowdale
James Albert Holden	Nepean
Allan Archibald McNab	Renfrew
Andrew Henry McTavish	Teeswater
Frederick Patrick Moyer	Guelph
Hugh Ramsay Park	London
Sam Foster Ross	Dundas
Bernard Shaffer	Thunder Bay
William Basil Stasiv	Mississauga
Bertha Esther Thompson	St. Catharines

Noted

10. MEMBERSHIP RESTORED

(a) His Honour Kechin Wang gave notice under section 31 of The Law Society Act that he had retired from the Bench of the Provincial Court, Family Division and wished to be restored to the Rolls of the Law Society. Accordingly, his membership was restored effective 23rd August 1989.

(b) His Honour Lorenzo Ettore Di Cecco gave notice under section 31 of The Law Society Act that he had resigned as a judge of the Provincial Court, Criminal Division and wished to be restored to the Rolls of the Law Society. Accordingly, his membership was restored effective 29th August 1989.

Noted

C.
INFORMATION

1. ROLLS AND RECORDS

(i) Deaths

The following members have died:

Daisy Aileen Violet McCullauagh U.S.A.	Called June 28th 1956 Died February 15th 1986
Howard Vernon Hearst Toronto (Life Member)	Called February 8th 1917 Died October 1st 1988
Warren Fulton McCulloch Nepean	Called January 16th 1947 Died October 28th 1988
James Wallace Webster Toronto	Called March 23rd 1973 Died December 18th 1988
David Mitchnick Hamilton (Life Member)	Called January 16th 1936 Died February 23rd 1989
Paul James Garland Kidd Windsor (Life Member)	Called February 18th 1937 Died March 10th 1989
David Fane Sommerville Toronto	Called March 23rd 1973 Died May 6th 1989
Raymond Francis Wyrzykowski Point Edward	Called March 15th 1957 Died May 18th 1989
Robert Warren Carter Oakville	Called March 22nd 1974 Died May 24th 1989
James Beecham Trotter Toronto	Called June 29th 1950 Died June 1st 1989
William Martin Penman Weston (Life Member)	Called June 16th 1927 Died June 13th 1989
Pierre Genest Toronto (Former Treasurer)	Called June 24th 1954 Died June 14th 1989
Walter Michael Sobczyk Toronto	Called March 26th 1965 Died June 16th 1989
Michael Wacławski Toronto	Called April 19th 1963 Died June 18th 1989

William McCulla Toronto	Called September 16th 1954 Died June 24th 1989
Abraham Harold Grunfeld Toronto	Called May 23rd 1986 Died June 25th 1989
Lloyd Treleaven Aiken Ancaster	Called June 19th 1947 Died June 29th 1989
Robert Frank Hardy Burlington (life Member)	Called November 21st 1929 Died July 6th 1989
Joseph Wilfred Healy Toronto	Called June 29th 1948 Died July 6th 1989
Jr Joseph Micallef Windsor	Called April 17th 1986 Died July 12th 1989
Kevin Duffy Conley Kitchener	Called June 24th 1954 Died July 24th 1989
Douglas Thurston Kee Pointe Aux Roches (Life Member)	Called September 15th 1938 Died July 30th 1989

Noted

(ii) Permission to Resign

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

Bruce Perreault Toronto	Called April 14th 1978 Permitted to Resign, Convocation June 22nd 1989
----------------------------	--

Noted

(iii) 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:

Michael Edward Martin Hamilton	Called January 19th 1956 Appointed Judge, Provincial Court, Criminal Division, Hamilton-Wentworth
Margaret Wendy Robson Peterborough	Called March 22nd 1968 Appointed Judge, Provincial Court, Family Division, Peterborough County
Kenneth Gordon Lenz Simcoe	Called April 9th 1976 Appointed Judge, Provincial Court, Criminal Division, Haldimand-Norfolk
Maria Teresa Linhares De Sousa Ottawa	Called April 13th 1978 Appointed Judge, Provincial Court, Criminal Division, Ottawa-Carleton

29 September 1989

Rommel Gerard Masse
Ottawa

Called April 13th 1978
Appointed Judge, Provincial
Court,
Ottawa-Carleton

Noted

2. LEGAL MEETINGS AND ENTERTAINMENT

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

September 18th, 1989	Womens' Law Association Convocation Hall
September 26th, 1989	CBAO - Criminal Justice Section Small Dining Room
September 28th, 1989	Osgoode Hall Law School Benchers' Reception
October 14th, 1989	Supreme Court of Ontario Judges Convocation Hall
November 16th, 1989	Lawyers' Club Barristers' Lounge/Convocation Hall

Noted

ALL OF WHICH is respectfully submitted

DATED this 29th day of September 1989

"J. Ground"
Chair

Attached to original Report in Convocation File, copy of:

- B-Item 1 - Draft Financial Statements together with Auditors' opinion
for the year ended June 30th, 1989. (Marked B1)
- B-Item 3 - Rule 49(2) re: Life Membership together with correspondence
between Mr. William A. Cowan, Q.C. and Mr. Richard Tinsley.
(Marked B3)

THE REPORT WAS ADOPTED

.....

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

It was moved by Mr. Ground, seconded by Mr. Lamont 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 29th of September 1989 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.

MOTION TO SUSPEND: FAILURE TO PAY ERRORS & OMISSIONS LEVY

It was moved by Mr. Ground, seconded by Mr. Lamont THAT the rights and privileges of each member who was called to the Bar in March 1989 and who has neither paid the Errors and Omissions Insurance levy nor filed an approved application for exemption from coverage for the period from date of call to June 30th, 1989 be suspended from the 29th of September 1989 for one year and from year to year thereafter or until an application for exemption has been approved or 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.

(List of Names in Convocation File)

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"IN PUBLIC"

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LEGAL AID COMMITTEE

Mr. Bastedo presented the Report of the Legal Aid Committee of its meeting on September 14th, 1989.

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 14th day of September 1989, the following members being present: Thomas G. Bastedo, Chair, Mr. Bond, Ms. Callwood, Mr. Carter, Ms. Curtis, Mr. Durno, Mrs. Fleming, Mr. Hartnett, Ms. Janczaruk, Messrs. McDowell, Paisley, Ms. Poulin, Mrs. Smyth, Messrs. Spence and Topp.

A.

POLICY

1.(a) REPORT OF THE SUB-COMMITTEE RE. AMENDMENTS
TO THE LEGAL AID ACT AND REGULATION

The Legal Aid Committee recommends the adoption of the Report of the Sub-Committee re. Amendments to the Legal Aid Act and Regulation which is attached hereto as SCHEDULE (A).

(b) REPORT OF THE CRIMINAL TARIFF SUB-COMMITTEE

The Legal Aid Committee recommends the adoption of the Report of the Criminal Tariff Sub-Committee which is attached hereto as SCHEDULE (B).

B.

ADMINISTRATION

1. REPORT OF THE DEPUTY DIRECTOR, FINANCE, July 31, 1989

(a) Finance

The Director's report pursuant to Section 88(2) of the Regulation for the four months ended July 31, 1989 takes the form of the following financial statement:

<u>Ontario Legal Aid Plan</u> <u>Statement of Income and Expenditure</u> <u>Four Months Ended July 31, 1989</u>				
	4 Mo. Actual 1988/89	4 Mo. Budget 1989/90	4 Mo. Actual 1989/90	Favourable Unfavourable) Variance 1989/90
<u>Opening Balance</u>	190.9	369.8	369.8	-
<u>Income</u>				
Treasurer of Ontario	35,325.0	44,558.0	44,558.0	-
Northern Project		65.5(1)	65.5	-
Family Violence Grant		100.0	100.0	-
Refugee Claimant Grant		367.8(2)	367.8	-
Law Foundation	4,669.0	5,250.0	8,548.6	3,298.6
Client Contributions	2,535.2	2,700.0	3,032.9	332.9
Client Recoveries	505.0	566.7	620.6	53.9
Research Sales	57.5	46.7	39.2	(7.5)
The Law Society	64.6	-	-	-
Miscellaneous	99.9	166.7	522.9	356.2
	<u>43,447.1</u>	<u>54,191.2</u>	<u>58,225.3</u>	<u>4,034.1</u>
<u>Expenditure</u>				
Certificate Accounts	32,254.1	37,223.3	33,643.1	3,580.2
Duty Counsel Fees				
& Disbursements	2,274.0	2,520.0	2,250.2	269.8
Salaried Duty Counsel	218.9	275.6	262.4	13.2
Community Clinics	6,320.0	7,071.0	6,748.6	322.4
Student Legal Aid				
Societies	392.1	889.8	880.2	9.6
Research Facility	498.4	501.7	446.9	54.8
Area Office				
Administration	2,813.3	3,075.9	3,085.0	(9.1)
Provincial Office				
Administration	1,939.4	2,173.3	1,987.9	185.4
Refugee Administration	-	60.2	86.5	(26.3)
	<u>46,710.2</u>	<u>53,790.8</u>	<u>49,390.8</u>	<u>4,400.0</u>
<u>Closing Balance</u>	<u>(3,263.1)</u>	<u>400.4</u>	<u>8,834.5</u>	<u>8,434.1</u>

Note (1) The budget has been adjusted by \$400,00 for the Northern Project.

Note (2) The Refugee Claimant Program has also been added to the budget.

(b) Statistics

The following table compares reported activity for the four months ended July 31, 1989 with activity for the previous fiscal year:

	<u>July 31</u> <u>1989</u>	<u>July 31</u> <u>1988</u>	<u>% Change</u> <u>from Last Year</u>
Summary Legal Advice	17,253	19,092	(9.6%)
Referrals to Other Agencies	32,910	30,109	9.3%
Applications for Certificates	51,562	44,861	15.1%
Refusals	10,806	9,629	12.2%
As a Percentage of Applications	20.9%	21.5%	
Certificates Issued	40,850	35,242	15.9%
Persons Assisted by Duty Counsel:			
Fee for Service	68,678	70,512	(2.6%)
Salaried	25,246	24,480	3.1%

2.(a) REPORT ON THE PAYMENT OF SOLICITORS
ACCOUNTS FOR THE MONTH OF AUGUST, 1989

A Report on the Payment of Solicitors Accounts for the month of August, 1989 is attached hereto as SCHEDULE (C).

(b) REPORT ON THE STATUS OF REVIEWS IN THE
LEGAL ACCOUNTS DEPARTMENT FOR AUGUST, 1989

A Report on the Status of Reviews in the Legal Accounts Department for the month of August, 1989 is attached hereto as SCHEDULE (D)

C.
INFORMATION

1. The Legal Aid Committee received for its information a copy of a letter from the Provincial Director and a copy of a Notice sent to all Women's Shelters in Ontario, which is attached hereto as SCHEDULE (E).

ALL OF WHICH is respectfully submitted

DATED this 14th day of September 1989

"T. Bastedo"
Chair

Attached to original Report in Convocation File, copy of:

A-Item 1(a) - Report of the Regulations Sub-Committee re. amendments to the Legal Aid Act and Regulation.
(Schedule (A) Pages 1 - 39)

A-Item 1(b) - Report of the Criminal Tariff Sub-Committee.
(Schedule (B))

B-Item 2(a) - Report on the Payment of Solicitors Accounts for month of August 1989.
(Schedule (C))

B-Item 2(b) - Report on the Status of Reviews in the Legal Accounts Department for August 1989.
(Schedule (D))

C-Item 1 - Copy of a letter from the Provincial Director together with copy of a Notice sent to all Women's Shelters in Ontario.
(Schedule (E))

Mr. Bastedo spoke to A-Item 1(b), Report of the Criminal Tariff Sub-Committee only and the remainder of the Report was put over.

Mr. Bastedo indicated that the Criminal Lawyers Association although consulted had not seen the specific proposal set out in Schedule (B) and therefore it could not be said that the Criminal Lawyers Association Executive had approved the amendments. Mr. Bastedo also indicated that the program would be monitored on a quarterly basis and will be reviewed in a year's time.

Mr. Bastedo spoke in general terms about the efforts being made by Legal Aid to review its various delivery mechanisms to ensure that all was being done to ensure that the Plan was being operated in a fiscally responsible manner.

ITEM 1(b) UNDER SECTION HEADING A OF THE REPORT WAS ADOPTED.

The balance of the Report was put over to the October Convocation.

.....

PROFESSIONAL CONDUCT COMMITTEE

Mr. Carter presented the Reports of the Professional Conduct Committee of its meetings on May 11th, 1989 and September 14th, 1989.

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 11th day of May, 1989 at three o'clock in the afternoon, the following members being present: Messrs. Carter (Vice-Chair in the Chair), Carey Hickey, Lyons, O'Connor, Topp and Mrs. Graham.

A.
POLICY

The following two items were stood over from Convocation in May and June:

2. REFERRAL FROM A SUB-COMMITTEE
OF THE LEGAL AID COMMITTEE

Concern has been expressed by a Legal Aid Sub-Committee because of a statement in a Court of Appeal judgment that it is acceptable for a defence counsel to be absent from a trial on certain occasions where there are a number of co-accused if such absences occur during a portion of the trial that did not affect the particular lawyer's client specifically.

The relevant passage in the Regina v. Rowbotham case reads as follows:

In our view, however, it was not necessary that her counsel be present in court every day during this very long trial to provide her with adequate legal representation. There were many points that were common to all the accused, some of whom were represented by senior and eminent defence counsel. The evidence directly

admissible against Laura Kononow as previously noted, fell within a small compass. Defence counsel, as a result of disclosure, could, with little difficulty, have ascertained the evidence directly admissible against her, as well as the nature of the overall evidence that the Crown proposed to adduce. As experienced defence counsel know, even an accused who is well able to afford counsel will, in lengthy trials involving multiple defendants, where much of the evidence does not affect him or her, frequently arrange that his or her counsel be present in court only during those parts of the trial that are critical to him or her. It is common and commendable practice for Crown counsel in cases of this kind to cooperate with defence counsel by informing him or her when evidence affecting the client will be called. We think that the trial judge, in appropriate circumstances, should supervise and enforce this salutary practice.

The critical parts of the trial requiring the presence of counsel for Laura Kononow clearly included the arraignment, the selection of the jury, the calling of the evidence directly admissible against her, the calling of the defence witnesses, the judge's charge to the jury and the jury deliberation (in order to enable counsel to make submissions with respect to questions by the jury).

Mr. Carter, on behalf of the Sub-Committee, has written to the Chair of the Professional Conduct Committee suggesting that a position be taken.

In addition, the Committee was advised that a practice has arisen in long cases where some counsel absent themselves from the trial for periods of time and have counsel for a co-accused or other counsel cover for them. Our concern is that this may result in material evidence given in the absence of counsel for an accused, thus depriving the accused of a proper challenge to the evidence or an inconvenience of having the witness return for further cross-examination. In extreme cases counsel for a co-accused covering for another counsel may find himself in a situation of conflict between the two clients.

I don't want to usurp the function of the Committee, but I think that it is professional misconduct for counsel for an accused to be voluntarily absent from a trial, except when all the following criteria have been met:

1. He has the consent of the trial judge.
2. He has the consent of the client.
3. He has arranged for knowledgeable counsel, with no potential conflict with regard to the evidence to be called, to replace him.
4. He has the assurance from other counsel including the Crown that no material evidence against his client is expected to be called.
5. He has considered the above and exercised his discretion that it is accordingly not prejudicial to his client to absent himself for periods of time.

Without presuming to decide for the Committee, I think the above ruling is the proper position to take and would solve both problems for Legal Aid.

The Committee discussed the issue and concluded that the criteria put forward by Mr. Carter should govern lawyers in these circumstances.

The Committee recommends to Convocation that the profession be advised through the Proceedings of Convocation published in the Ontario Reports that counsel for a co-accused not voluntarily absent himself or herself from a trial unless the criteria set out above are complied with.

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

The Chair of the Law Foundation of Ontario has asked the question about what duty a lawyer is under to explain to a client whether trust monies he receives will be deposited and the consequences of same. In order for the client to obtain interest on these monies the lawyer must place them in a separate trust bank account. Many lawyers have a practice of advising clients that they are obligated to place trust monies in their regular mixed trust bank account unless they are directed to do otherwise and that the client will not receive the interest if the money is in the regular mixed trust bank account. A copy of Mr. H. Donald Guthrie's letter is attached (numbered 9 & 10).

Todate the Law Society has not passed a rule or made a statement about the lawyer's obligation in these circumstances.

The Committee recommends to Convocation that lawyers be reminded that, in special circumstances, where they are to receive in trust substantial monies from a client which are to be held for a long period of time, they inform the client he will not be entitled to any interest on this money unless the money is deposited at the client's direction in a special interest bearing trust account.

ALL OF WHICH is respectfully submitted

DATED this 26th day of May, 1989

"R. Carter"
Chair

Attached to original Report in Convocation File, copy of:

A-Item 3 - Letter from Mr. H. Donald Guthrie, Chair of the Law
Foundation of Ontario to the Treasurer dated March 31st,
1989 re: interest on trust monies. (Pages 9 - 10)

Under heading A-Item 3 - Interest on Mixed Trust Accounts - it was moved by Mr. Ruby, seconded by Mr. Rock that item 3 be referred back to the Committee for reconsideration in light of comments made in Convocation regarding whether or not there was a duty on solicitors to inform clients and the issue of the vagueness of the directive.

Carried

THE REPORT AS AMENDED WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE

Mr. Ruby presented the Report of the Unauthorized Practice Committee of its meeting on September 14th, 1989.

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 14th day of September, 1989 at 10:00 a.m., the following members were present: Mr. Ruby (Chair), Messrs. Cass, Farquharson, Ms. Harvey, Messrs. Hickey, Lawrence, McKinnon, Shaffer and Ms. Weaver. Also in attendance were: Messrs. Ballantyne and Bell.

B.
ADMINISTRATION

1. ACCOUNTS

Accounts of counsel and investigators were approved in the total amount of \$7,658.22.

2. INVESTIGATIONS

The Society does not have sufficient evidence in certain cases to commence prosecutions. The Committee authorized a request to the Treasurer for the use of investigators who will not disclose that they are from the Law Society and to authorize the commencement of prosecutions when the necessary evidence is obtained.

3. TRADEMARK APPLICATION: YOUR LAWYER

The Department learned of an application for a trademark using the name Your Lawyer. Your Secretary retained the services of Ms. Rose-Marie Perry of Gowling, Strathy & Henderson in Ottawa to seek an extension of the time to oppose this application. Your Secretary also contacted the Solicitor of record, Arnold B. Schwisberg, regarding the outline of his proposed application. Mr. Schwisberg has been in touch with both the Professional Conduct and Public Information Departments, neither of whom have raised any concerns about Mr. Schwisberg's proposal. Your Committee referred this matter to Professional Conduct for its consideration.

4. PUBLIC INFORMATION CAMPAIGN

The Chair of your Committee has received correspondence from A. James Stuart, Barrister and Solicitor. In his letter, Mr. Stuart suggests that advertisements currently run by the Society should be amended to include an indication that if a person cannot afford a lawyer, they may be entitled to Legal Aid. Mr. Stuart also makes a suggestion on a peripheral matter which reads as follows:

"In the State of Michigan, all pleadings in court proceedings and all documents filed with the court need to have the lawyer's Bar number on the document when it is filed. I believe it would be beneficial to approach the Rules Committee and have them add such a rule to our Rules of Court for Supreme, District and Provincial Court. Very simply, if someone files a document without a Bar number on it, it would put up a red flag in front of the Judge. At this point in time, anyone can file documents without a Bar number and basically, a Judge is not going to spend the time to make any inquiries. In fact, it is my experience that a Judge would be embarrassed to ask someone who he was unfamiliar with, whether or not he was a member of the Bar."

Your Committee instructed its Secretary to write to Mr. Stuart thanking him for his recommendations and to advise him that, after having considered them, it did not feel that they would be appropriate at this time.

5. JOINT COMMUNIQUE - INSTITUTE OF CHARTERED ACCOUNTANTS OF B.C. AND THE LAW SOCIETY OF BRITISH COLUMBIA

Mr. Cullity suggests that two points of the communique are inconsistent with his understanding of the practice in Ontario. Your Committee instructed its Secretary to ask Mr. Cullity for his specific concerns regarding the practice of chartered accountants in this province and to forward all material for Jack Ground for his views.

6. ALTERNATIVE DISPUTE RESOLUTION SUBCOMMITTEE

The Research and Planning Committee has recently struck a subcommittee to look into alternative dispute resolution. Your Committee is asked to consider the letter from Keith Regehr, the Secretary to the Subcommittee. Also received from the Unauthorized Practice Department is a letter from Howard J. Feldman regarding the practice of an arbitrator with respect to an existing separation agreement. Your Committee considered the letters of Messrs. Epstein and Feldman and instructed its Secretary to draft a response to Mr. Feldman with its views as to what would constitute the unauthorized practice of law in the scenario outlined in his letter.

Approved

ALL OF WHICH is respectfully submitted.

DATED this 29th day of September, 1989

"C. Ruby"
Chair

PROSECUTIONS

NEXT COURT DATE

Alternatives Paralegal Services Inc. (Hamilton)	September 11, 1989 at 10:00 a.m. Courtroom 1 Trial
Charles Roy Franklin Alternatives Paralegal Services Inc. (Hamilton)	September 11, 1989 at 10:00 a.m. Courtroom 1 Trial

David Nancoff (Toronto)	September 12, 1989 at 9:30 a.m. Osgoode Hall Motion
Ontario Paralegal Ltd. (Toronto)	September 12, 1989 at 9:30 a.m. Osgoode Hall Motion
Action Paralegal (Downsview)	September 12, 1989 at 9:00 a.m. Courtroom 302 To be spoken to
Herman Hutchinson Ad All Paralegal (Toronto)	September 19, 1989 at 10:00 a.m. Courtroom 140 Appeal
Bob Gordica Hyatt Paralegal (Kitchener)	September 19, 1989 at 9:00 a.m. Courtroom 1 Trial
789470 Ontario Inc. Hyatt Paralegal (Kitchener)	September 19, 1989 at 9:00 a.m. Courtroom 1 Trial
Paralegal Associates Inc. (Willowdale)	September 19, 1989 at 9:00 a.m. Courtroom 302 To be spoken to
796332 Ontario Ltd. (Oakville)	October 3, 1989 at 9:30 a.m. Courtroom 1 To be spoken to
Catherine O'Halloran (Oakville)	October 3, 1989 at 9:30 a.m. Courtroom 1 To be spoken to
Hill Para-Legal Associates (Sudbury)	October 13, 1989 at 10:00 a.m. Courtroom B To be spoken to
Heather-Anne Lapsley Quinte Paralegal (Trenton)	October 17, 1989 at 10:00 a.m. Courtroom Trial Continuation
James Lapsley Quinte Paralegal (Trenton)	October 17, 1989 at 10:00 a.m. Courtroom Trial Continuation
Quinte Paralegal Accounting & Tax Consulting Services Ltd.	October 17, 1989 at 10:00 a.m. Courtroom Trial Continuation
Dorothy Thiry Divorce Aid (London)	October 19, 1989 at 9:00 a.m. Courtroom 2 To be spoken to
Marc Monson (Action Paralegal) (Toronto)	October 30, 1989 at 10:00 a.m. Courtroom 302 Notice of Motion
A. Rashid Kahn (Ark Paralegal) (Toronto)	November 7, 1989 at 2:00 p.m. Courtroom 140 Trial

Peggy Wilson Divorce Easy (London)	November 16, 1989 at 10:00 a.m. Courtroom 2 To be spoken to
Sam Solomon (Etobicoke)	December 13, 1989 at 10:00 a.m. Courtroom 205 Trial
Sam Solomon Paralegal & Business Consultants (Etobicoke)	December 13, 1989 at 10:00 a.m. Courtroom 205 Trial
Canada United Paralegal Association Inc. (Toronto)	December 19, 1989 at 10:00 a.m. Courtroom 140 Trial
Jane Baker Ontario Paralegal (Chatham)	February 14, 1990 at 10:00 a.m. Courtroom 3 Plea & Trial
Natalie MacPhee (Paralegal Consultants Inc.) (Ottawa)	May 4, 1990 at 12:00 p.m. Courtroom 7 Trial (1 day)
Paralegal Consultants Inc. (Ottawa)	May 4, 1990 at 12:00 p.m. Courtroom 7 Trial (1 day)
696631 Ontario Ltd. (Stephen Kuz) (Etobicoke)	August 8, 1990 at 10:00 a.m. Courtroom 203 Trial

INJUNCTIONS

Incorporations Unlimited
Ltd. and William McGhee Appeal dismissed March 22, 1989

Dieter Guettler/ Dieter Guttler	April 19, 1989
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724634 Ontario Ltd. William Ellis Windsor, Ontario	April 17, 1989
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THE REPORT WAS ADOPTED

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"IN PUBLIC"

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TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PUBLIC INFORMATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th day of September 1989, the following members were present: Mr. Outerbridge (Chair), Messrs. Kemp-Welch, Lyons, Manes, McKinnon, Shaffer, Thom and Yachetti. Also in attendance were Ms. Angevine, Mr. Daniher and Ms. Starkes.

B.

ADMINISTRATION

1. French Translations of Dial-A-Law and Lawyer Referral Service

Louis Fortier, or Martineau, Walker in Montreal, who is currently translating the Society's Dial-A-Law transcripts into French, has indicated that in his opinion our French translations of the names Dial-A-Law and Lawyer Referral Service are inappropriate.

Dial-A-Law is currently translated as Tele-Loi. Mr. Fortier contends that "Tele" is the colloquial term for television, and "telephone" is a more appropriate term. He suggests Telephone Juridique instead.

The Committee reviewed and approved Telephone Juridique as the official French translation of Dial-A-Law.

Lawyer Referral Service is currently translated as Service De Renvio Aux Avocats. Mr. Fortier suggests that "renvio" is rather formal and stilted. He suggests that we use Service De Reference Aux Avocats.

The Committee has asked Mr. Colin McKinnon to discuss this matter with the Centre for Translation and report his findings to the Committee.

2. Member Suggestion about the Lawyer Referral Service

A letter from a member of the LRS was reviewed by the Committee. The letter suggested that the reporting form forwarded to each lawyer after a referral is made be done away with, or, that the Society provide a stamped self-addressed envelope.

The Committee decided against the members proposal. The reporting forms provide vital statistical information to the LRS and providing postage alone for the envelopes would cost the Society approximately \$3,000.00 per month.

C.
INFORMATION

1. Dial-A-Law - New Hard Disc Drive

The up-grade for the new Dial-A-Law system that will allow the expansion of the service into French and other languages has commenced. Our supplier, Phonetix Corporation, has placed an order for new equipment. Phonetix expects the voice work for the French system to be completed by the end of September, 1989.

2. Ottawa Satellite System

Approval has been given to create the Ottawa Satellite system and negotiations have commenced with Bell telephone to create a 613 Wats line for the Ottawa area as well as a new local line.

A new Yellow Page advertisement will be submitted to Tele-Direct in September so that the new information will be available for the 1990 Yellow Page Directory.

The Dial-A-Law brochures will be updated with the new local Ottawa number and 613 toll-free number.

An information package about this new system will be prepared for the media. Hopefully, this information will be well circulated within the community so that callers to the system will use the new telephone numbers.

The system is expected to be fully operational by January 1, 1990.

3. Back-Up Protection

A survey of the computer back-up protection offered to the Society by our Computer Department as well as the supplier of the Dial-A-Law system, phonetix Corporation, has been completed. The Committee is satisfied that this protection is adequate.

4. Public Information Sub-Committee on Benchers's
Public Communications

A copy of the Draft Guidelines Governing Public Communication by Benchers and Staff was provided to the Committee members for their information. Members of the sub-committee were asked to provide written submissions to Mr. Ronald D. Manes with respect to the contents of the Report.

5. Letter of Thanks

Attached is a letter of thanks that was received by Society from Council on Domestic Violence (appendix C-1). The Council wishes to thank the Society for providing booth space at the recent Hamilton Home Show.

D.
STATISTICS

1. Dial-A-Law

Caller Usage Statistics

This sheet provides a monthly breakdown of the number of incoming calls and the number of times a particular topic was selected (appendix D-1 and D-2).

613 Operator Assisted Calls

The Dial-A-Law system cannot at present compute the number of operator assisted calls. The Dial-A-Law operators have manually totalled the number of operator assisted 613 (Ottawa and area) calls (appendix D-3).

2. Lawyer Referral Service

Updated Call Usage Statistics (appendix D-4).

Calls by Area of Law (appendix D-5)

Referrals by Geographic Zone (appendix D-6)

ALL OF WHICH is respectfully submitted

DATED this 29th day of September 1989

"I. Outerbridge"
Chair

Attached to original Report in Convocation File, copy of:

- C-Item 5 - Letter of thanks to Ms. Theresa Starkes dated June 29, 1989 from Council on Domestic Violence. (Marked C-1)
- D-Item 1 - Monthly breakdown of number of incoming calls and number of times particular topic selected. (Marked D-1 - D-2)
- D-Item 1 - Total number of operator assisted 613 (Ottawa and area) calls. (Marked D-3)
- D-Item 2 - Updated call usage statistics. (Marked D-4)
- D-Item 2 - Calls by area of law. (Marked D-5)
- D-Item 2 - Referrals by geographic zone. (Marked D-6)

THE REPORT WAS ADOPTED

.....

LEGISLATION AND RULES COMMITTEE

Mr. Cass presented the Report of the Legislation and Rules Committee of its meeting on September 14th, 1989.

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 14th day of September 1989 at 3:00 p.m. the following members being present: Messrs Noble (Chair), Lerner (Vice-Chair), and Cass. Marilyn Bode and P. Bell also attended.

A.

POLICY

1. REVIEW OF PROPOSED AMENDMENTS TO THE LAW SOCIETY
ACT SUBMITTED TO THE ATTORNEY-GENERAL

The proposed amendments to the Act (not included in Bill 45) have been distributed to the Committee.

Your Committee recommends that in view of the fact that certain outstanding proposed amendments are of some age and to resolve conflicting proposals the outstanding legislative changes to the Law Society Act and Regulations be referred back to the originating Committees for ratification.

B.
ADMINISTRATION

1. AMENDMENT TO SECTION 50 (3) OF THE
LAW SOCIETY ACT - UNAUTHORIZED PRACTICE

The Report of the Unauthorized Practice Committee of May 11th, 1989, approved as amended by Convocation on May 26th, 1989 recommended an amendment to Section 50 (3) of the Act, and referred it to the Legislation and Rules Committee for drafting.

At present Section 50 (3) of the Act reads as follows:-

50(3)

Where a conviction has been made under subsection (2), the Society may apply to a judge of the Supreme Court by originating motion for an order enjoining the person convicted from practising as a barrister or solicitor, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

It is recommended that Section 50 (3) of the Act be amended to read as follows:-

50 (3)

Upon the application of the Society, where a judge of the Supreme Court is satisfied that a person is in contravention of subsection (1), the judge may make a restraining order to prohibit the person from acting as a barrister or solicitor or holding himself out as or representing himself to be a barrister or solicitor or practising as a barrister or solicitor.

2. AMENDMENTS TO THE ACT AND REGULATION 6(1) TO PERMIT TEMPORARY
ADMISSION OF MEMBERS OF THE AUSTRALIAN PROSECUTION SERVICE

The Admissions Committee Report of May 11th, 1989, approved by Convocation May 26th, 1989, approved a request that a temporary call to the bar be arranged for members of the Australian Prosecution Service to allow them to be employed as Assistant Crown Attorneys in Ontario. They would be supervised by a Crown Attorney. The duration of the call would be approximately one year.

It is recommended that the Act be amended by adding a new subsection 1(a) to Section 63 as follows:-

63 (1a)

A regulation made under paragraph 1 may provide for the temporary admission to membership of persons who are not Canadian citizens or permanent residents of Canada for the purpose of acting as Crown Attorneys in Ontario for a specified period of time with the approval of the Attorney General.

Section 6(1) of Regulation 573 now reads as follows:-

6 (1)

A person who is a Canadian citizen or a permanent resident of Canada, who is of good character and who is qualified to practise law in any province of Canada outside Ontario may, in the discretion of Convocation, be admitted to membership in the Society and called to the bar and admitted as a solicitor for the purpose of

- (a) appearing as counsel in a specific proceeding; or
- (b) acting as a Crown Attorney for a specific time.

It is recommended that Section 6 (1a) be added to Regulation 573 as follows:-

6 (1a)

On the request of the Attorney General and with the approval of Convocation, a person who is not a Canadian citizen or permanent resident of Canada may be admitted to membership for the purpose of acting as a Crown Attorney in Ontario for such limited period as is approved by Convocation.

3. RULE 50

The Finance Committee approved on June 8th, 1989 and Convocation approved on June 23rd, 1989, the amendment to Rule 50 under the Act to provide that the age for permanently retired status in the Society be sixty-five years. Rule 50, under the Heading "Retired and Incapacitated Members" now reads:-

RETIRED AND INCAPACITATED MEMBERS

Any person who,

- (a) is over 60 years of age and is permanently retired from the practice of law; or
- (b) is permanently disabled and therefore unable to practise law,

It is recommended that Rule 50 subsection (a) be amended to read as follows:-

Any person who,

- (a) is over 65 years of age and is permanently retired from the practice of law; or
- (b) is permanently disabled and therefore unable to practise law,

The Finance Committee also approved changes to the amounts charged as miscellaneous fees in Rule 50.

It is recommended that the miscellaneous fees Section of Rule 50 be amended to read as follows:-

(2) MISCELLANEOUS

Special petitions - name changes	\$10
Special petitions - legal education	
\$25	
Certificate of good standing	\$25
Transcript of class standing and rating	
in individual subjects	\$25
Additional copies	\$ 5
Duplicate diploma	\$25
Letter certifying that a member is in	
good standing	\$25
Failure to file a Form 2 or Form 3 within	
the time prescribed by the Regulation	\$ 5/day

for each day of default to a maximum of \$600.00

The Finance Committee also approved amending the ratios of levies payable by members for Professional Liability Insurance from a calendar year basis to a fiscal year basis.

It is recommended that the Section of Rule 50 providing for the ratios of levies payable by members for Professional Liability Insurance be amended to read as follows:-

50

The part of Rule 50 under the heading "Indemnity for Professional Liability" is revoked and the following substituted therefor:

INDEMNITY FOR PROFESSIONAL LIABILITY

A levy for indemnity for professional liability to be used for an insurance fund to cover insurance premiums, reserves, group deductibles, adjusting costs, counsel and legal fees, administration costs and other expenses reasonably incurred in connection with indemnity for professional liability payable by every member who engages in active practice in any year to be paid to the Society at such time and in such amount in any year as Convocation may from time to time determine as follows:

- (i) By any member who commences practice in July, August or September of any year
.....100% of the prescribed levy;
- (ii) By any member who commences practice in October, November or December of any year
.....75% of the prescribed levy;
- (iii) By any member who commences practice in January, February or March in any year except those called to the bar in March of any year
.....50% of the prescribed levy;
- (iv) By any member who is called to the bar and commences practice in March of any year
.....25% of the prescribed levy.
- (v) By any member who commences practice in April, May or June of any year
.....25% of the prescribed levy;

C. INFORMATION

1. The Secretary advised that the amendments to the Law Society Act, discussed by the Committee in May, 1989 were included in a draft Bill that was introduced in the Legislature on July 6th, 1989 and received first reading before the Legislature adjourned for the summer.

A copy of Bill 45 is attached.

(Pgs. 5-9)

2. The Committee retained the services of Arthur Stone, the former Legislative draftsman of the Government of Ontario, in assisting the Committee in drafting.

3. The policy changes to Regulation 573 concerning Bar Admission Reform proposals have been referred to counsel for drafting.

4. The policy changes of the Discipline Policy Committee amending Regulation 573 have been referred to counsel for drafting.

ALL OF WHICH is respectfully submitted.

DATED this 29th of September, 1989

"R. Cass"
Chair

Attached to original Report in Convocation File, copy of:

C-Item 1 - Copy of Bill 45 introduced in the Legislature on July 6th,
1989. (Pages 5 - 9)

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE

Mr. Bragagnolo presented the Reports of the Practice and Insurance Committee of its meetings on June 8th, 1989 and September 14th, 1989.

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

The PRACTICE AND INSURANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 8th day of June, 1989, the following members being present: Messrs. Furlong (Chair), Hickey, Lamont, Doran, Bragagnolo, Epstein, Murphy, Noble. Also present were: Messrs. Smith, O'Toole, Marshall and Ms. Oakes.

ITEM

1. THE ALBERTA LAWYERS PUBLIC PROTECTION ASSOCIATION--
CERTIFICATES OF INSURANCE FOR OUT OF PROVINCE APPEARANCES

The Law Society of Alberta, through the Alberta Lawyers Public Protection Association, advised The Law Society of Upper Canada and its members by letter dated May 17, 1989 (Appendix A) that the Certificates of Insurance currently issued on behalf of The Law Society's Insurers, American Home Assurance Company, no longer met their requirements. The Director's response of May 31, 1989 to The Law Society of Alberta is attached (Appendix B) together with the Director's report on coverage afforded members practicing outside the province of Ontario (Appendix C).

The Law Society of Alberta has now withdrawn its objections.

2. COVERAGE QUESTION

An enquiry was received from a member of both The Law Society of Upper Canada and The Law Society of Newfoundland as to the member's obligation to carry E&O insurance for both provinces, particularly as both Law Societies were insured under the same master policy.

29 September 1989

Your Committee concluded that the fact that both Law Societies were insured under the same master policy was immaterial. Each Law Society operates as a separate insured for the purposes of members' eligibility to the program and levies charged to such members. The Director was instructed to obtain further information concerning the member's interprovincial practice.

3. APPLICATION FOR EXEMPTION OF THE E&O LEVY

A member of The Law Society of Upper Canada has been appointed as a local agent for the Official Guardian's office. He has enquired whether or not the nature of his role as an agent would require that he carry Errors and Omissions insurance. Correspondence dated May 2, 1989 is attached as Appendix D.

Your Committee concluded the member was engaged in private practice, and therefore subject to the Errors and Omissions insurance levy.

4. CANADIAN BAR EXCESS LIABILITY ASSOCIATION ("CBELA")

The Canadian Bar Excess Liability Association seeks the support of The Law Society in promoting its excess insurance program to LSUC members (Appendix E).

The Committee instructed the Director to obtain particulars of the excess insurance facilities offered by CBELA compared to those offered by its new Insurers, Lloyd's of London.

Your Committee concluded that a letter be sent advising CBELA that no decision has been made at this time, but the matter is under consideration.

5. COMPENSATION FUND VS ERRORS & OMISSIONS
INSURANCE--INNOCENT PARTNER COVERAGE

The Director sought the Committee's direction as to whether a claimant seeking a grant from the Compensation Fund may recover his costs and pre-judgment interest from the innocent partner's Errors and Omissions insurance. A memorandum dated May 18, 1989 from the Compensation Fund is attached as Appendix F. Innocent partner liability arising from fraud and/or dishonesty of a partner is estimated by the Director as having cost the E&O fund between \$3 million-\$5 million.

The Committee was advised that the Compensation Fund Committee had that day, June 8, 1989, passed the resolution requiring all claimants to pursue any and all other remedies, including claiming against the innocent partner's Errors and Omissions insurance, before the Compensation Fund will entertain any claim.

6. DIRECTOR'S MONTHLY REPORT

The Director's Monthly Report is attached as Appendix G.

7. E&O LEVY--SHORT TERM COVERAGE

A member has questioned the authority of The Law Society of Upper Canada to impose a quarterly levy (see Appendix H). The Committee concurred that there should be no change made to the billing structure, and that the enquiring member would be obliged to remit the levy amount as billed.

ALL OF WHICH is respectfully submitted

DATED this 23rd day of June, 1989

"P. Furlong"
Chair

Attached to original Report in Convocation File, copy of:

- Item 1 - Copy of letter dated May 17, 1989 from Law Society of Alberta (the Alberta Lawyers Public Protection Association) to the Law Society of Upper Canada and its members.
(Appendix A Pages 1 - 15)
- Item 1 - Copy of Director's response dated May 31, 1989 to the Law Society of Alberta re: Errors and Omissions Insurance, Occasional Appearances in Alberta. (Appendix B)
- Item 1 - Director's report dated June 12, 1989 on coverage to members practicing outside province of Ontario. (Appendix C)
- Item 3 - Letter dated May 2, 1989 from Douglas J. Manning to Director of Insurance requesting exemption of E&O Levy. (Appendix D)
- Item 4 - Letter dated May 23, 1989 from Canadian Lawyers Insurance Association to Patrick Furlong, Chair of Practice and Insurance Committee re: CBELA program. (Appendix E Pages 1 - 4)
- Item 5 - Memorandum from Heather Werry (Compensation Fund) to Kevin Eggleton dated May 18, 1989 re: Innocent Partner Coverage. (Appendix F Pages 1 - 2)
- Item 6 - Director's Monthly Report for April 1989. (Appendix G)
- Item 7 - Letter to Ms. Jean Iu from Jacqueline Louisseize dated November 21, 1988 and Ms. Iu reply dated March 6, 1989 re: Errors and Omissions Insurance Levy. (Appendix H Pages 1 - 3)

THE REPORT WAS ADOPTED

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TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PRACTICE AND INSURANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th day of September, 1989, the following members being present: Messrs. Furlong (Chair), Bragagnolo, Lamont, Hickey, Epstein, Scace, Wardlaw, Noble and Ms. Wishart.

ITEM

1. APPLICATION FOR EXEMPTION

A member, Rebecca Bentham, has applied for exemption from coverage because of her full-time employment with the Regional Municipality of Halton as Designate Corporate Counsel for the Halton Region Non-Profit Housing Accommodation Corporation. A copy of the member's letter of July 6, 1989 and its attachments is contained in Appendix A(i). The Director seeks the Committee's approval to grant the appropriate exemption. The application for exemption was approved.

2. APPLICATION FOR EXEMPTION

The firm of Osler, Hoskin & Harcourt has enquired regarding the exemption of a member, Mr. Allan Young, while on assignment to Finance Canada. The Director seeks the Committee's direction on the acceptability of this request for continued exemption from Errors and Omissions coverage. The Director is concerned with the member's continued exposure to "Partnership Liability" and is endeavoring to obtain further details. The correspondence from the above-noted law firm is included as Appendix B. Your Committee concluded Mr. Young's continued exposure to partnership liability precludes his exemption from his E&O levy.

3. L.S.U.C. ERRORS AND OMISSIONS PROGRAM HISTORY

Several questions have been raised about formalizing the history of the E&O insurance Program. See Appendix C C.

- a) Should this form part of The Law Society history being prepared for the Bicentennial?
- b) Who will undertake the responsibility to compile the data and prepare a formal narration?
- c) What department will bear the obligation for financing this project?

Following an in-depth discussion your Committee recommends the project be abandoned.

4. INSURANCE BROKERS' FEE - ANNUAL PERIOD JULY 1, 1989-1990

We have received a proposal for a 10% increase of the annual fee for services of The Law Society's brokers.

The Director advises, broker's remuneration is usually made by the insurer on the basis of 7-1/2 to 20% of the premium charged. However, in The Law Society's case, the Mandatory Program is insured on a net premium basis direct with the insurer. Brokers' commissions are paid by the insurers in respect of the excess coverage which members purchase independently. Such commissions subsidize the fees earned by the brokers for the services rendered to The Law Society. As the limits of the Law Society's Mandatory Program increases (\$100,000.00, 1977 to \$1,000,000.00, 1989) commissions earned on excess coverages diminishes, but services to The Law Society itself increases. The brokers, therefore, look to The Law Society itself for a greater contribution towards their overall fees for services. Having regard to the extensive services the Broker continues to render to the Law Society, the Director does not feel the increase to be out of line, and submits the matter to the Committee for approval accordingly.

Our records indicate:-

1977	\$ 60,000.	\$ 626,051.	\$ 100,000.
1978	60,000.	670,030.	100,000.
1979	60,000.	968,676.	100,000.
1980	63,900.	1,656,749.	250,000.
1981	65,995.	1,611,277.	250,000.
1982	68,976.	1,614,865.	500,000.
1983	66,632.	1,670,690.	500,000.
1984	72,000.	1,740,000.	500,000.
1985	80,000.	1,860,000.	500,000.
1985	80,000.	1,922,000.	600,000.
1986	80,000.	2,470,000.	600,000.
1988	100,000.	3,500,000.	1,000,000.
1989		2,000,000. (4.3M-Max)	1,000,000.

29 September 1989

From the information at hand, the Committee was not prepared to approve increasing Marsh, McLellan's retainer at this time. See Appendix D.

5. DEFINITION OF PRIVATE PRACTICE/
MAINTENANCE OF BOOKS AND RECORDS

J. C. Lancaster, assistant general counsel for the Canadian Imperial Bank of Commerce, inquires regarding his role as general counsel and of The Law Society's interpretation of the "private practice of law" plus the consequences of that interpretation as it relates to E&O Insurance and the maintenance of books and records. See Appendices E(i) and E(ii) attached. The Committee is of the view that the Solicitor is not engaged in the private practice of law and is not required to keep the books and records required of members who are in private practice.

6. JOINT MEMBERSHIP L.S.U.C./L.S.NFLD.
MAINTENANCE OF BOOKS AND RECORDS

A member, Mr. Heintzman, questioned the necessity to bear full responsibility for E&O levys for his practice as a full member of both The Law Society of Upper Canada and The Law Society of Newfoundland. The Committee agreed with the Director's decision that Mr. Heintzman's practice is no different than any other member of The Law Society of Upper Canada who is retained in Ontario and granted "occasional appearance" privileges in some other province pursuant to his Ontario retainer. Accordingly, any claims emanating from the Ontario retainer would fall within his Law Society of Upper Canada E&O coverage. See Appendix F.

7. DIRECTOR'S MONTHLY REPORT

The Director's monthly report is attached as Appendix G.

8. OUTSTANDING ITEMS

(a) E&O In-House Legal Advisor - The Director wrote to the Chair on November 3, 1989 providing comment on the possibility of securing the services of an In-House Legal Advisor. The Director was instructed to proceed to find suitable candidates and to submit to the Committee their names. The Committee emphasized the ideal candidate would be a senior litigation lawyer.

ALL OF WHICH is respectfully submitted

DATED this 29th day of September, 1989

"R. Bragagnolo"
Chair

Attached to original Report in Convocation File, copy of:

- Item 1 - Copy of Rebecca Bentham's letter dated July 6, 1989 to Mr. Victor Smith requesting exemption from coverage.
(Appendix A(i) Pages 1 - 7)
- Item 2 - Letter from firm of Osler, Hoskin & Harcourt dated September 1, 1989 to Mr. Victor Smith regarding exemption of a member.
(Appendix B)
- Item 3 - Correspondence regarding formalizing Law Society's E&O Program History.
(Appendix C Pages 1 - 12)

- Item 4 - Letter of proposal from John Chippindale (Marsh & McLennan Limited) dated July 13, 1989 regarding a 10% increase of annual fee for services of Law Society's brokers. (Appendix D)
- Item 5 - Memorandum from Stephen Traviss to Victor Smith dated August 18, 1989 and letter from J.C. Lancaster of the C.I.B.C. dated August 8, 1989 regarding his role of general counsel. (Appendices E(i) & E(ii))
- Item 6 - Memorandum from Victor Smith to Chair of Practice and Insurance Committee dated August 21, 1989 (with attachments) re: Mr. Heintzman 's responsibility for E&O levy for his practice as member of Ontario and Newfoundland Bars. (Appendix F Pages 1 - 10)
- Item 7 - Director's Monthly Report (Deductible Breakdown). (Appendix G Pages 1 - 5)

THE REPORT WAS ADOPTED

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COMPENSATION FUND COMMITTEE

Ms. MacLeod presented the Report of the Compensation Fund Committee of its meeting on September 14th, 1989.

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

The COMPENSATION FUND COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th day of September 1989 at 11:30 a.m. the following members being present: Messrs Yachetti (Chair), Wardlaw (Vice-Chair), Mrs. MacLeod (Vice-Chair), Lerner, Noble, Strosberg, and Thom. P. Bell and Mrs. H.A. Werry also attended.

A
POLICY

1. CLAIMS TO BOTH COMPENSATION FUND
AND ERRORS AND OMISSIONS

This matter was referred back to the Committee by Convocation on June 23rd, 1989 to be reconsidered.

The Secretary reported that a matter has arisen concerning a claim to the Compensation Fund that is also the subject matter of a claim to the Errors and Omissions Fund. The policy of the Compensation Fund is that claims should be made to the Compensation Fund as a last resort after other available avenues of recovery have been pursued.

The Committee felt that since the Errors and Omissions Fund has Innocent Partner coverage that claims which properly come within that coverage should be pursued before a compensation fund application is heard.

Your Committee reaffirms the recommendation that was made to Convocation on June 23rd, 1989, that no claim by a client against the Compensation Fund shall be proceeded with until the claimant has exhausted all reasonable remedies against the solicitor or solicitors, including any claim against the solicitors' Innocent Partners' Liability Insurance.

29 September 1989

A Memorandum explaining the background to this policy decision is attached. (Pgs. 3-4)

B
ADMINISTRATION

No items

C
INFORMATION

1. The total amount of accounts approved by Assistant Secretaries for the months of June, July and August, 1989 was \$16,548.06.

2. The Financial Summary, and Activity Report for the twelve months ending June 30th, 1989 are attached.

(Pgs. 5-6)

3. The Secretary reported that the Law Society of England has investigated the merging of the equivalent of our Errors and Omissions Fund and the Compensation Fund. Although the Report recommended against a single Fund in the near term, it did recommend that the Council seek amendments to the legislation to facilitate a merger of the two Funds in the future. Copies of the articles referring to the Law Society working paper are attached.

(Pgs. 7-8)

4. Mr. Strosberg is preparing a Report on the recoveries for the Compensation Fund.

5. The Secretary reported that the Review Committee approved of Heather A. Werry's memos, dated August 1st, 1989 re Leo Ryan (disbarred February 26th, 1988), and Steven C. Kamen (Permitted to resign May 26/88). The grants are shown on Schedule "A" attached.

(Pg. 9)

Mr. Strosberg did not participate in the discussion and did not vote on the approval of the memo re the claim against Steven C. Kamen.

ALL OF WHICH is respectfully submitted.

DATED this 29th of September, 1989

"H. MacLeod"
Chair

SCHEDULE "A"

COMPENSATION FUND GRANTS APPROVED BY THE REVIEW COMMITTEE AND
BY THE COMPENSATION FUND COMMITTEE, THURSDAY, SEPTEMBER 14TH, 1989

29 September 1989

ASSISTANT SECRETARY	SOLICITOR	NUMBER OF CLAIMANTS	TOTAL
H.A. Werry	Leo A. Ryan (Disbarred Feb. 26/88)	one	600 00
H.A. Werry	Steven C. Kamen (Permitted to resign May 26/88)	one	300 00
TOTAL			<u>\$900 00</u>

Attached to original Report in Convocation File, copy of:

- A-Item 1 - Memorandum to Convocation dated June 23rd, 1989 explaining background to the Policy decision on claims made to the Compensation Fund. (Pages 3 - 4)
- C-Item 2 - Financial Summary and Activity Report for the twelve months ending June 30th, 1989. (Pages 5 - 6)
- C-Item 3 - Law Society of England - articles referring to Law Society working paper. (Pages 7 - 8)
- C-Item 5 - Compensation Fund grants approved by Review Committee and Compensation Fund Committee. (see Schedule "A")

THE REPORT WAS ADOPTED

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PROFESSIONAL STANDARDS COMMITTEE

Mr. Rock presented the Report of the Professional Standards Committee of its meeting on September 14th, 1989.

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 14th day of September, 1989 at eleven thirty in the morning the following members being present: Mr. Lyons (Chair), Mr. Farquharson (Vice-Chair), Ms. Bellamy, Ms. Harvey, Ms. Poulin and Mrs. Weaver. Also present were Ms. Angevine, Ms. Poworoznyk, Ms. Rose and Messrs. Kerr, Marshall and Stephany.

A.
POLICY

1. SUB-COMMITTEE ON THE COMPETENCY OF CRIMINAL LAWYERS - JURISDICTION OVER CROWN ATTORNEYS

The Committee considered a response from John F. Howard, Q.C. to the Committee's request for clarification of certain issues with regard to the Law Society's jurisdiction over Crown Attorneys. The Supreme Court of Canada's decision in the Nelles case was also considered.

It was recommended that consideration of this matter be put over to the October, 1989 Committee meeting.

B.
ADMINISTRATION

1. PRACTICE REVIEW PROGRAMME - SOLICITOR NUMBER 2

The solicitor's participation was terminated in October 1987 due to an active Audit investigation. Since that time, the investigation was concluded and no disciplinary action resulted. The solicitor requested that he again be permitted to participate in the programme.

An update of the solicitor's involvement with the Law Society's various departments indicates that the solicitor's problems continue. The Committee therefore recommended that the solicitor be re-admitted to the Practice Review Programme.

2. PRACTICE REVIEW PROGRAMME - SOLICITOR NUMBER 7

Periodic updates of the solicitor's complaints, errors and omissions and audit records indicate that the solicitor's activities have been minimal since a review was concluded in November 1987. The Committee recommended that the file be closed.

3. PRACTICE REVIEW PROGRAMME - SOLICITOR NUMBER 10

A review conducted of the solicitor's practice indicates that recent improvements to the solicitor's practice and office procedures have eliminated the difficulties which resulted in the referral. The Committee recommended that the file be closed.

4. PRACTICE REVIEW PROGRAMME - SOLICITOR NUMBER 14

The solicitor has accepted a position as in-house counsel for a company thereby removing the solicitor from private practice and eliminating the concerns which resulted in the referral. The Committee recommended that the file be closed.

5. PRACTICE REVIEW PROGRAMME - SOLICITOR NUMBER 30

The Reviewer's overall assessment of the solicitor's practice was positive although some concerns were raised as to the time management procedures employed by the solicitor. The solicitor's response to the Reviewer's report provided details of procedures in place which would appear to satisfy these concerns. The Committee recommended that the file be closed.

C.
INFORMATION

1. SUB-COMMITTEE ON FAMILY LAW

Ms. Harvey reported to the Committee that a preliminary draft of the Family Law Checklist will be submitted to the Committee for consideration at its November meeting. Ms. Harvey indicated the next meeting of the sub-committee is scheduled for September 21, 1989.

2. SUB-COMMITTEE ON WILLS AND ESTATES

Mrs. Weaver reported to the Committee on the sub-committee's activities to date. The next meeting is scheduled for November 8th, 1989.

3. CBAO REAL ESTATE CHECKLIST

The Committee considered whether the existing CBAO Real Estate Checklist in its present form was adequate for the purpose of setting guidelines of competency for the Real Estate bar.

The Committee concluded that the existing checklist should be reviewed and that consideration be given at the October, 1989 Committee meeting to the establishment of a sub-committee to address these issues.

ALL OF WHICH is respectfully submitted

DATED this 29th day of September, 1989

"R. Ferguson"
Chair

THE REPORT WAS ADOPTED

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COUNTY & DISTRICT LIAISON COMMITTEE

Mr. Somerville presented the Report of the County & District Liaison Committee of its meeting on September 14th, 1989.

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 14th day of September, 1989 at four o'clock in the afternoon, the following members being present: Messrs. Somerville (Chair), Ferguson (Vice-Chair), Carey, McKinnon, Shaffer, Topp and Ms. Peters. Also present were Ms. Mossip, Messrs. Brennan, Lalande, McDowell, Morin, O'Dea and O'Reilly. Ms. Angevine and Mr. Howell were present from the Law Society staff.

1. REPORT ON C.D.L.P.A. STRATEGIC PLANNING MEETING
HELD AUGUST 16 AND 17, 1989.

Nancy Mossip reported briefly on the meeting. Topics discussed included:

- (a) Court Reform - selection criteria for representatives on Regional Management Committees.
- (b) York Law Association - invitation to participate in County & District Law Presidents' Association.
- (c) Benchers Accountability - questionnaire for next benchers' election.
- (d) Long Range Planning

2. KENT WATERLOO LEGAL FEES

The Committee's secretary reported that both the Kent and Waterloo Law Associations had submitted their accounts with the necessary breakdown of fees to determine the appropriate amounts eligible for reimbursement by the Law Society. The Treasurer, as authorized by Convocation, approved the amounts for reimbursement and cheques will be issued to the two Associations.

3. COUNTY LAW LIBRARY EMPLOYEE BENEFITS PLAN

Mr. Lalande reported that the Plan is now in place and provides coverage for 26 employees. The present plan does not include dental benefits but the cost of adding a dental plan is under review.

4. CONTINUING LEGAL EDUCATION PROGRAMMES

Nancy Mossip, on behalf of the County & District Law Presidents' Executive, expressed concern about the proliferation of CLE programmes by the CBAO, Law Society, Advocates Society and others and asked if there might be some way to consolidate their efforts for the benefit of both the profession and the organizations.

5. FEE GUIDELINES

The Committee's secretary reported on the status of the work of the Special Committee on Fee Guidelines chaired by James M. Spence. The Committee was advised that although the staff of the Bureau of Competition Policy had indicated at the beginning of August that a response to Mr. Spence's letter to the Director requesting guidance in the area of suggested fee schedules had been prepared, it has not been received. The Committee was further advised that efforts will be made to obtain the response, if possible, in time to distribute it to the County & District Presidents at the October Plenary.

6. REQUEST FOR PERMISSION TO INCREASE COUNTY & DISTRICT EXECUTIVE BY ONE

The Executive of the County & District Law Presidents' Association would like to increase their number by one. This would bring their Committee in line with the number of regions created by the Government under Court Reform. If the request were granted, every effort would be made to ensure that the membership of the Executive coincided with the regions.

After discussion, the Committee decided to recommend to Convocation that the request be granted, subject to the approval of the Finance Committee.

7. LAW FOUNDATION

The Executive reported that it will be seeking funding from the Law Foundation of Ontario in at least the same amount as for the previous year. Last year the funds were used primarily to acquire photocopying equipment for the County Libraries. It is expected that this year the effort will be directed towards acquiring facsimile machines.

8. ANNUAL GENERAL MEETING OCTOBER 11, 1989

The Executive reported that it had advised its membership of the date of the Annual General Meeting of the Law Society and expected a significant number to attend.

9. COUNTY & DISTRICT LAW PRESIDENTS ASSOCIATION
PLENARY SESSION OCTOBER 11 - 13, 1989

Nancy Mossip, on behalf of the County & District Law Presidents' Association, asked that all benchers be reminded that the Fall Plenary Session would be held October 11 - 13, 1989 in Toronto. Benchers are invited and encouraged to attend. Materials will be available at the commencement of the meetings on Thursday, October 12, 1989. Benchers wishing to obtain a copy in advance may do so by contacting Roberta Hewlett (947-3302).

10. PILOT PROJECT FOR DISTRIBUTION OF CLE VIDEOTAPES

In January 1989 this Committee reported to Convocation that a pilot project to distribute CLE Videotapes through the County Law Libraries was underway with the Thunder Bay Law Association. Glen Howell reported that this project has been a success and proposed that it be expanded. After discussion, your committee recommended that the project be expanded to include all the other County Law Associations in Ontario.

ALL OF WHICH is respectfully submitted

DATED this 29th day of September, 1989

"M. Somerville"
Chair

THE REPORT WAS ADOPTED

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RESEARCH AND PLANNING COMMITTEE

Ms. Kiteley presented the Report of the Research and Planning Committee of its meeting on September 14th, 1989.

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 14th day of September 1989 with the following members being present: Mr. Spence (Chair), Ms. Kiteley, Ms. Birenbaum, Ms. Bellamy, Messrs. Manes, Furlong, McKinnon and Outerbridge. Also present were Mr. Tinsley, Ms. Angevine, Ms. Ashby and Ms. Lee.

1. SUB-COMMITTEE ON WOMEN IN THE LEGAL PROFESSION

Ms. Kiteley, the Chair of the Sub-Committee, reported that the sub-committee had received and reviewed in a preliminary way the final draft of the demographic analysis of women in the legal profession prepared by Ms. Fionna Kay. The sub-committee will be reviewing the report more closely at its next meeting with a view to identifying areas of further research and priorities. The report will be circulated to members of the Bench for their review and any comments should be directed to the Secretary who will collate them and pass them on to the sub-committee.

The report is to be widely distributed to other law societies, government departments and academics as it is hoped that it may act as a catalyst or starting point for further research.

2. STRESS ASSISTANCE PROGRAM

It was reported that Convocation in August approved the necessary funding for the stress assistance program and that meetings will be held with the other organizations to finalize the administrative arrangements. The final form of the contract with the care provider is now being negotiated and one or two items remain to be resolved in regard to billing and the amount of the monthly retainer in the first one or two months of operation. It is the Society's view that the retainer should be less as it will take some time for the program to become known in the profession and during this period the program may be under utilized.

The issue was raised as to whether or not a corporate entity should be established to manage the program. There was some concern about the liability of the Law Society in regard to treatment given to members under the program. It was agreed that this issue would be discussed with the other participants together with the issues of developing the procedures to ensure confidentiality of members and as a corollary that all of the professions which will be providing care are bound by professional codes of ethics.

3. BENCHERS' RETREAT

There was a general discussion of the Retreat and the Chair together with Messrs. Outerbridge and Manes will review the material arising from the Retreat and report back to the Committee.

ALL OF WHICH is respectfully submitted

DATED this 29th of September, 1989

"F. Kiteley"
Chair

THE REPORT WAS ADOPTED

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J. SHIRLEY DENISON COMMITTEE

Mr. Cass presented the Report of the J. Shirley Denison Committee of its meeting on September 14th, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

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

Your Committee met on Thursday, the 14th day of September, 1989 at 11:30 a.m., the following members being present: Mr. Cass (Chair), Mrs. Weaver, Ms. Peters (ad hoc) and Mr. Hickey (ad hoc).

B.

ADMINISTRATION

1. REQUEST FOR FUNDS - RETIRED MEMBER

On the 25th day of July, 1989 a request for a grant was received by the Secretary from a member who is 58 years old and in straitened circumstances. The Chair authorized an emergency grant of \$500.00. The Committee was asked to ratify the Chair's decision.

Additional information, including a Financial Statement was before the Committee in order that his situation could be considered for a further grant. These materials are available through the Secretary on Meeting Day.

Your Committee ratified the emergency grant of \$500.00 to the applicant.

ALL OF WHICH is respectively submitted

DATED this 19th day of September, 1989

"R. Cass"
Chair

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED AT 3:50 P.M.

Confirmed in Convocation this 27th day of October, 1989.

Treasurer