

26th October, 1995

MINUTES OF SPECIAL CONVOCATION

Thursday, 26th October, 1995
4:30 p.m.

PRESENT:

The Treasurer (Susan Elliott), Aaron, Adams, Angeles, Armstrong, Arnup, Backhouse, Banack, Bellamy, Carey, Carpenter-Gunn, Carter, R. Cass, Cole, Copeland, Cronk, Crowe, Curtis, Eberts, Epstein, Feinstein, Finkelstein, Gottlieb, Goudge, Lawrence, Lax, Legge, MacKenzie, Marrocco, Millar, Murphy, Murray, O'Connor, Pepper, Puccini, Ruby, Sachs, D. Scott, Sealy, Stomp, Strosberg, Swaye, Thom, Topp, Wardlaw, Wilson and Wright.

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IN PUBLIC

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LEGAL AID

Treasurer's Remarks

The Treasurer outlined the recent negotiations with the government in an attempt to obtain a clear commitment of its obligations under the Memorandum of Understanding with regard to the future funding of Legal Aid. Mr. Goudge, Chair of the Legal Aid Committee followed the Treasurer with a more detailed report of the current situation.

A debate followed dealing with the outstanding motions.

It was moved by Messrs. Armstrong, Strosberg and Ms. Eberts, seconded by Ms. Curtis THAT:

the Law Society instruct counsel to begin proceedings immediately to establish:

- (a) the liability of the Government under the Legal Aid Act for payment of lawyers' accounts under the OLAP within a reasonable period of time, and
- (b) that the MOU creates no contractual or other liability for payment for the Law Society itself.

Carried

ROLL-CALL VOTE

Aaron	For
Adams	For
Angeles	For
Armstrong	For
Arnup	For
Backhouse	For
Bellamy	Abstain
Banack	For
Carey	For
Carpenter-Gunn	For
Cole	For
Copeland	For
Cronk	For
Crowe	For
Curtis	For
Eberts	For
Epstein	For
Feinstein	For
Finkelstein	For
Gottlieb	For
Goudge	For
Lax	For
Legge	For
MacKenzie	For
Marrocco	For
Millar	For
Murphy	For
Murray	For
O'Connor	For
Puccini	For
Ruby	For
Sachs	For
Scott	For
Sealy	For
Stomp	For
Strosberg	For
Swaye	For
Thom	For
Topp	For
Wilson	For
Wright	For

It was moved by Mr. Copeland, seconded by Ms. Curtis that the following Topp/Carey motions be tabled to the November Convocation.

Carried

Motion #1

MOVED that the Law Society of Upper Canada, pursuant to s.92(1) of the Legal Aid Regulations, R.R.O. 1990, Reg. 710, forthwith report to the Attorney General for Ontario that sufficient amounts were not provided in the approved estimates; and the public interest and urgent requirements of the Legal Aid Fund necessitate further payments totalling \$70 million dollars for the current fiscal year.

Motion #2

MOVED that the Law Society of Upper Canada, pursuant to s.7(2) of the Legal Aid Act, R.S.O. 1990, Chap. L.9 as amended, requisition forthwith \$70 million dollars from the Treasurer of Ontario and the Minister of Economics for the Province of Ontario in order to fully address the projected deficit for the current fiscal year which is cited in the Report of the Legal Aid Committee to Convocation dated August 29, 1995 at p.13.

ROLL-CALL VOTE

Aaron	For
Adams	For
Angeles	For
Armstrong	For
Arnup	For
Backhouse	For
Bellamy	Abstain
Banack	Against
Carey	Against
Carpenter-Gunn	For
Cole	For
Copeland	For
Cronk	For
Crowe	For
Curtis	For
Eberts	For
Epstein	For
Feinstein	For
Finkelstein	For
Gottlieb	Against
Goudge	For
Lax	For
Legge	For
MacKenzie	For
Marrocco	For
Millar	For
Murphy	For
Murray	For
O'Connor	For
Puccini	Against
Ruby	Against
Sachs	For
Scott	For
Sealy	For
Stomp	Against
Strosberg	For
Swaye	For
Thom	For
Topp	Against
Wilson	For
Wright	Against

Messrs. Ruby and Topp agreed to have the following motion deferred to the November Convocation.

That the Provincial Director of the Ontario Legal Aid Plan be instructed to forthwith cease issuing Legal Aid certificates until satisfied that the

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promise to pay by the government, implicit in each certificate, will be fulfilled in a timely fashion.

It was moved by Ms. Stomp, seconded by Mr. Adams that the Ontario Legal Aid Plan and the Law Society of Upper Canada request that all lawyers who have outstanding accounts or Certificates with the Ontario Legal Aid Plan, file a list of the following by December 1, 1995.

1. Schedule "A" of accounts rendered and unpaid;
2. Schedule "B" of accounts to be rendered for services performed up to or as close to December 1, 1995 as possible;
3. Schedule "C" of estimated amounts for accounts to be rendered for services performed after December 1, 1995 on Certificates currently held.

Lost

ROLL-CALL VOTE

Aaron	Against
Adams	For
Angeles	Against
Armstrong	Against
Arnup	Against
Backhouse	Against
Bellamy	Abstain
Banack	Against
Carey	Against
Carpenter-Gunn	For
Cole	For
Copeland	Against
Cronk	Against
Crowe	For
Curtis	Against
Eberts	For
Epstein	Against
Feinstein	For
Finkelstein	Against
Gottlieb	For
Goudge	Against
Lax	Against
Legge	Against
MacKenzie	Against
Marrocco	For
Millar	Against
Murphy	Against
Murray	Against
O'Connor	Against
Puccini	Against
Ruby	Against
Sachs	Against
Scott	Against
Sealy	Against
Stomp	For
Strosberg	Against
Swaye	For
Thom	Abstain
Topp	Against
Wilson	Abstain
Wright	Abstain

CONVOCATION ADJOURNED FOR DINNER AT 6:00 P.M.

CONVOCATION RESUMED AT 7:00 P.M.

PRESENT:

The Treasurer, Aaron, Adams, Armstrong, Arnup, Backhouse, Banack, Carey, Carpenter-Gunn, Carter, R. Cass, Cole, Crowe, Curtis, Eberts, Epstein, Feinstein, Gottlieb, Goudge, Lawrence, Lax, Legge, MacKenzie, Marrocco, Murray, O'Connor, Pepper, Puccini, Ruby, Sachs, D. Scott, Sealy, Stomp, Strosberg, Swaye, Topp, Wardlaw, Wilson and Wright.

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IN PUBLIC

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The debate continued with the remaining motions.

It was moved by Mr. Strosberg, seconded by Mr. Copeland that the Swaye/Ross, Cole/Gottlieb and Wright/Puccini motions be deferred until the November Convocation.

Lost

ROLL-CALL VOTE

Aaron	For
Adams	Against
Armstrong	For
Arnup	Abstain
Backhouse	Against
Banack	Against
Carey	Against
Carpenter-Gunn	Against
Cole	Against
Copeland	For
Crowe	For
Curtis	For
Eberts	Against
Epstein	Against
Feinstein	For
Gottlieb	Against
Goudge	For
Lax	Against
Legge	Abstain
MacKenzie	Against
Marrocco	Against
Murray	For
O'Connor	For
Puccini	For
Ruby	Against
Scott	Against
Sealy	For
Stomp	Against
Strosberg	For
Swaye	Against
Topp	Against
Wilson	For
Wright	Abstain

SWAYE/ROSS MOTION

WHEREAS payment to lawyers of their legal aid accounts is being seriously delayed because of cash flow problems at Legal Aid.

WHEREAS paying the Law Society dues and fees and L.P.I.C. premiums and levies, in many cases, is extremely onerous to various members of the Law Society.

IT IS MOVED that the Law Society of Upper Canada and L.P.I.C. take assignments of legal aid accounts owed to members on account of their fees, premiums and levies, in onerous cases.

Not Put

COLE/GOTTLIEB MOTION

1. THAT effective October 2, 1995, Robert Holden, Ontario Legal Aid Plan Director be instructed by Convocation to issue legal aid certificates only when satisfied that the promise to pay implicit in each certificate will be fulfilled in a timely fashion.
2. THAT the Legal Aid Plan take steps:
 - (i) to make a responsible estimate of the Plan's outstanding liabilities;
 - (ii) to make provision for payment of those liabilities;
 - (iii) to ensure that funding is available for any new certificates issued.

Not Put

WRIGHT/PUCCINI MOTION

Whereas the Government of Ontario has recognized that it has an obligation under the Legal Aid Act to pay legal aid accounts;

And Whereas the Act provides for the timely payment thereof;

And Whereas the Government has accepted the M.O.U. as one four-year plan and not four one-year plans;

And Whereas the current short-fall is substantially due to a run on the bank;

And Whereas the restructuring if the Plan is likely to result in a diminishing financial burden on the Plan in future years;

And Whereas a significant number of legal aid lawyers are suffering financial hardship because of the failure to pay the accounts on a timely basis;

Therefore, in order to help to relieve this financial hardship, it is moved that:

1. OLAP be instructed to pay disbursement-only accounts within 30 days of receipt; and
2. OLAP be instructed to begin paying all accounts within 60 days of receipt.

Not Put

It was moved by Mr. Topp, seconded by Mr. Carey that the words "in onerous cases" in the last paragraph of the Swaye/Ross motion be deleted.

Not Put

It was moved by Mr. Gottlieb, seconded by Mr. Epstein that members who are unable to pay their annual fees and LPIC levy because of outstanding legal aid accounts be granted a deferral of payment until such time as the legal aid issue has been resolved or the matter is brought back to Convocation on appropriate notice.

Withdrawn

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It was moved by Mr. Scott, seconded by Ms. Backhouse, that the Gottlieb/Epstein motion be amended by adding that it be subject to establishing a method to correlate the inability to pay fees with outstanding accounts.

Withdrawn

It was moved by Mr. Aaron but failed for want of a seconder that exemption be extended for deferral to all members who are in financial hardship and not be restricted solely to legal aid accounts.

Convocation took a brief recess at 7:55 p.m. and resumed with the debate on the remaining motions.

It was moved by Mr. Epstein, seconded by Mr. Gottlieb that where there is a financial hardship and a member warrants that his or her receivables owing from the OLAP and outstanding for 90 days and/or is more than the E & O and annual fees be deferred of the balance until the Law Society directs otherwise.

Withdrawn

It was moved by Ms. Curtis, seconded by Mr. Marrocco, that the Gottlieb/Epstein motion be tabled until Friday morning, October 27th.

Carried

LEGAL AID COMMITTEE

Meeting of October 11, 1995

Mr. Goudge presented Items A.1. through A.8. of the Report of the Legal Aid Committee for Convocation's approval.

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 Wednesday, the 11th of October, 1995, at 2:00 p.m. the following members being present: Stephen Goudge, Chair, R. Armstrong, M. Buist, H. Burroughs, P. Copeland, C. Curtis, D. Fox, M. Fuerst, L. Hart, R. Lalande, A. Rady, M. Stanowski and B. Sullivan.

The following senior members of staff were present: Bob Holden (Provincial Director), George Biggar (Deputy Director - Legal), Bob Rowe (Deputy Director - Finance) and Ruth Lawson (Deputy Director - Appeals).

A. POLICY

A. LEGAL AID WORK PLAN

The Legal Aid Committee recommends the adoption of the following measures:

A.1. DAILY CAP

A cap of 10 hours per day on a lawyer's billings should be set. Time in court should be discounted by 50% thereby extending the billing day during trials. Detailed accounts should be required in order to permit better tracking.

Under the current tariff this proposal could not be applied to block fee matters.

All accounts, including block fee matters, shall provide the times of day for all services of one hour or more.

Note: Motion, see page 291

A.2. INTRODUCTION OF DISCRETION INTO GRANTING
OF CERTIFICATES IN CRIMINAL MATTERS

There is now no discretion as to whether to award certificates in indictable offences, and it would appear that some of those who receive certificates may actually be in fairly low risk situations: i.e., they are out of custody and they do not face incarceration or similar grave consequences if convicted.

It is recommended that the categorical approach to criminal legal aid certificates be modified, so that in all cases, not just with respect to hybrid offences, persons receive a certificate if there is a likelihood of incarceration, loss of livelihood, or adverse change of immigration status.

The British Columbia Legal Aid Plan has just moved to this test, following successful negotiations with the Federal Government. Given the pending changes in Federal/Provincial funding arrangements, this would be a good time to revamp these criteria.

Legal Aid Plan staff are preparing an estimate of what costs might be saved by going to this approach, and will see if they can identify what kinds of offences or accuseds might be most affected.

A.3 ENHANCED USE OF DUTY COUNSEL

(a) CRIMINAL LAW

In some areas of the province, duty counsel do not undertake the services that are expected of them. This is particularly true in respect to bail hearings and guilty pleas relating to minor matters. Referrals to private lawyers to act on certificates happen too frequently and are often not required. Efforts by Plan officials to improve duty counsel performance have achieved only limited success. In these situations staff duty counsel such as those practising in the Toronto and Durham courts should be used and the changes in patterns of issuing certificates monitored.

(b) FAMILY LAW

In matters where both husband and wife are unrepresented upon their first attendance in Provincial and Family Court, duty counsel may simply assist the first spouse to contact him or her. The resulting disparity in representation might prompt the issuance of a legal aid certificate to the unrepresented spouse, which then would be matched with another to the other spouse in the interests of fairness. In Peterborough, a system of having two duty counsel in Family Court, so that both parties can be assisted, has been tried with success. The savings from this measure are long term, as they result from the non-issuance of certificates.

A.4 INVOLVE PLAN OFFICIALS MORE ACTIVELY AT
THE FRONT END OF FAMILY LAW CASES

When the issue of involving Plan officials in variation applications was canvassed in the consultations, it was suggested that this approach could be useful in the full range of family law matters, where costs escalate once the parties become entrenched in their positions with a legal aid certificate on both sides.

The Plan can most usefully be involved in the early stages of cases where both parties have legal aid certificates. Area Directors should become more involved before authorization is granted for litigation to be commenced. However, any policies adopted would need to be flexible enough to ensure appropriate treatment for cases involving wife assault or sexual abuse of children.

A.5 DIVORCES

Recognizing that this may involve reconsideration of a matter recently before Convocation, it is recommended that the Plan not pay disbursements for divorces for applicants in receipt of Family Benefits or General Welfare. This will mean that all applicants will be treated equally. Disbursements would only be paid in exceptional circumstances.

A.6 YOA REFORMS

The Plan should pursue reforms which allow certificates to be refused, or monies to be collected in reimbursement, where the young offender's family has the means to pay for legal services. It is understood that the Federal Government is considering changes to the Young Offenders Act.

A.7 IMPROVED COST RECOVERY SYSTEMS

A number of measures should be adopted to improve the Plan's recovery of monies from clients with repayment agreements, and to enhance the Plan's general ability to recoup costs from those it assists, where they are able to pay. The measures are as follows:

1. Except in unusual circumstances, persons who have not honoured payment agreements with the Plan should be denied further assistance.
2. Lien Agreements should be for terms not exceeding five years. In addition, payments would be required upon refinancing whenever possible.
3. Require regular updates on financial situation of persons with a repayment agreement.

A.8 WAIVER OF GOVERNMENT DISBURSEMENTS IN LEGAL AID CASES

The Plan should no longer be required to pay for government fees incurred by legally aided clients. This involves the transfer of money between two publicly funded institutions which involves unnecessary bureaucratic red tape and costs to the taxpayer.

A.9 ALL ITEMS NUMBERED A.9 ARE DEFERRED UNTIL
NOVEMBER, 1995 FOR FURTHER CONSIDERATION

A.9.1 CRIMINAL LAW TARIFF

When the block fee system was established attention was paid to the hourly rates and counsel fees for other kinds of matters. These block fees have been refined over the years.

The proposal that is being considered takes into account three significant features of criminal law billings. First, about 80% of the cases financed are paid on a block fee basis. Second, the remaining 20% are paid on the basis of counsel fee for court days and hourly rates for preparation, but there is a limit of 35 hours of preparation (50 in homicide matters). The demonstrated inadequacy of this limit requires the exercise of discretion, and overall has resulted in more and more open-ended payments in these cases. These cases, while 20% of the number of cases financed, therefore account for more than 20% of the monies expended on the criminal law side. The third factor informing the proposal advanced below is the need to deal with the exercise of discretion. In the Ontario Plan, discretion is exercised in "unusual" cases, and 5 to 6% of the money spent is attributable to this exercise of discretion. In other plans, discretion is exercised in "exceptional" cases and accounts for less than 1% of expenditures.

Bearing the above factors in mind consideration is being given to restructuring the criminal law tariff along the following lines:

1. In matters now the subject of block fee billing, the fee would be converted into a hard cap on the service. Within that, the Plan would move to hourly billings. A decision would be made, with respect to each service as to what portion of the hourly billings could be used for preparation, and what part could be used for attendance in court. Lawyers would bill their actual time worked up to the maximum. Accounts which reflect times spent would be required. Lawyers would be advised that while they could bill waiting time, they could not bill it to two or more files as might arise if they were waiting to be reached on several matters.
2. In the other 20% of matters, the Plan could establish a counsel fee plus pay for up to 20 hours of preparation before trial or preliminary hearing, with a further allowance of as much as five hours of preparation for every day spent in court. This system would better capture the time spent in such trials, and would be subject to the large case management already approved by Convocation.
3. With respect to the exercise of discretion, the Plan could identify a percentage of overall costs which could be the discretionary pool (somewhere below the present 5 to 6% and require that Plan officials stay within that range in the year for all exercises of discretion. Discretionary increases would be approved only in advance.

If this approach were adopted, its inception would be a good time to establish appropriate computer tracking systems that would allow the Plan to follow the costs of services over time and to identify problems.

This approach would address both matters referred by Convocation. If it were adopted, there would be no need to consider separately the question of how many counsel fees per day could be charged.

A.9.2 CORRESPONDING MEASURES IN THE CIVIL TARIFF

If the above measures are pursued with respect to the criminal tariff, fairness suggests that "hard" caps be put on all or most, services now performed within the civil tariff, including immigration.

Large cases would be case managed, and the exercise of discretion would, similarly, be confined to "exceptional" cases.

It may be necessary to consider lowering the maximums in the family tariff in order to better predict the cost of family law matters.

The extent of the savings achieved by introducing these measures would depend on where the services are capped. Discretionary increases would be approved only in advance.

A.9.3 TARIFF DEVELOPMENT METHODOLOGY PROPOSAL

One of the primary objectives of developing a new tariff is to establish predictability in costs. Another primary objective is to ensure the delivery of the service within the funds available. These objectives could probably be achieved if the tariff were developed by dividing the funds available among the certificates projected to be issued. Each kind of certificate could be allocated an amount of funds proportionate to expected demand which would then be divided by the number of certificates to be issued in that specific area to establish the average fee for each certificate. Alternatively each type of matter could be assigned a fee based on its cost per case expressed as a proportion of the total cost per case. With appropriate reserves for contingency, big cases and work in progress, and with restrictions on discretionary fees, the Plan could be confident when issuing a certificate that funds would be available to honour it. The purpose of this type of change in the tariff would not necessarily be to reduce costs per certificate. The financial impact of the changes would be easily measured without allowance for changes in behaviour patterns.

A.9.4 CHANGE IN FINANCIAL ELIGIBILITY CRITERIA

If a person is facing a charge or contemplates a legal expense in respect of which the total billable by his or her legal aid lawyer is small, he or she may be better able to handle legal fees without legal aid than could the person facing potentially large expenses.

Consideration should be given to correlating financial eligibility criteria with the nature of the legal work being undertaken, and its likely maximum costs. In this undertaking, however, we should be mindful that the current liquid assets requirements reflect a desire to leave a sufficient cash float to cover expenses like rent, etc. Plan officials are reviewing the criteria.

A.9.5 COMSOC APPLICATIONS

COMSOC requires women receiving Family Benefits to bring support applications under the Family Law Act. Any funds received are used to reimburse COMSOC, and do not go to the woman or her children.

The Plan should stop issuing certificates for support applications where the recoveries will go to COMSOC. In exceptional cases, where it is in the interests of the woman or her children to do so, a certificate could be issued.

A.9.6 CONTRACTING

The Plan continues to explore the ramifications of entering into contracts with members of the Bar to provide Legal Aid services. Please see SCHEDULE A - Report by Ruth Lawson, for background information.

A.9.7 IMPROVED COST RECOVERY SYSTEMS

It has been suggested that Legal Aid should be considered as a loan rather than a grant. This suggestion is being studied.

A.10 THE SIX MONTH RULE

The Legal Aid Committee recommends that the Six Month Rule be applied as of December 1, 1995. Until that date accounts received that contravene the rule will be accepted but will not be paid until sufficient funding is available to pay all accounts within the payment guidelines.

B. ADMINISTRATION

B.1 STATEMENT OF INCOME AND EXPENDITURE FOR THE FIVE MONTHS ENDED AUGUST 31, 1995

Bob Rowe presented the Statement of Income and Expenditure for the Five Months ended August 31, 1995 which is attached hereto and marked as SCHEDULE B.

B.2 REPORT ON THE PAYMENT OF SOLICITORS ACCOUNTS FOR THE MONTH OF SEPTEMBER, 1995

The Legal Aid Committee received the Report on the Payment of Solicitors Accounts for the month of September, 1995 which is attached hereto and marked as SCHEDULE C.

B.3 REPORT ON THE STATUS OF REVIEWS IN THE LEGAL ACCOUNTS DEPT. FOR THE MONTH OF SEPTEMBER, 1995

The Legal Aid Committee received the Report on the Status of Reviews in the Legal Accounts Department for the month of September, 1995 which is attached hereto and marked as SCHEDULE D.

B.4 AREA COMMITTEES - APPOINTMENTS

Elgin

Arnold B. Walker, solicitor

Peel

Shellah M. Nimjee, solicitor

Stormont, Dundas and Glengarry

Ann Marie Bellefeuille, solicitor

26th October, 1995

York

Ronald A. Balinsky, solicitor

ALL OF WHICH is respectfully submitted

S. Goudge
Chair

October 26, 1995

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

- ITEM A.-A.9.6 - Memorandum from Ms. Ruth Lawson, Deputy Director, Appeals to the Legal Aid Committee dated October 11, 1995 re: Contracting Refugee Cases - An Alternative Proposal.
(Schedule A)
- Item B.-B.1 - Copy of the Statement of Income and Expenditure for the Five Months ended August 31, 1995.
(Schedule B)
- Item B.-B.2 - Copy of the Report on the Payment of Solicitors Accounts for the month of September, 1995.
(Schedule C)
- Item B.-B.3 - Copy of the Report on the Status of Reviews in the Legal Accounts Department for the month of September, 1995.
(Schedule D)

Item A.1. re: Daily Cap

It was moved by Mr. Ruby, seconded by Mr. Carey that Item A.1. re: Daily Cap be amended to allow in advance a lawyer to apply for exercise of discretion.

Carried

It was moved by Ms. Puccini, seconded by Mr. Swaye that there be a weekly cap of 70 hours.

Lost

It was moved by Mr. Goudge, seconded by Ms. Curtis that Item A.1. as amended be adopted that is, that a cap of 10 hours per day on a lawyer's billings be set but a lawyer be allowed to apply for exercise of discretion.

Carried

Item A.2 re: Introduction of Discretion into Granting of Certificates in Criminal Matters

It was moved by Mr. Goudge, seconded by Ms. Curtis that persons in all cases receive a certificate if there is a likelihood of incarceration, loss of livelihood, or adverse change of immigration status.

Carried

Item A.3. re: Enhanced Use of Duty Counsel

It was moved by Mr. Adams, seconded by Mr. Wright that duty counsel relating to criminal law not take effect until January 1995.

Withdrawn

It was moved by Mr. Goudge, seconded by Ms. Curtis that more use be made of duty counsel in areas of criminal and family law.

Carried

Item A.4. re: Involve Plan Officials more Actively at the Front End of Family Law Cases

It was moved by Mr. Goudge, seconded by Ms. Curtis that the Plan be more involved in the early stages of family law cases where both parties have legal aid certificates.

Carried

Item A.5. re: Divorces

It was moved by Mr. Goudge, seconded by Ms. Curtis that the Plan not pay disbursements for divorces for applicants in receipt of Family Benefits or General Welfare.

Carried

Item A.6. re: YOA Reforms

It was moved by Mr. Goudge, seconded by Ms. Curtis that the Plan pursue reforms which allow certificates to be refused, or monies to be collected in reimbursement, where the young offender's family has the means to pay for legal services.

Carried

Item A.7. re: Improved Cost Recovery Systems

It was moved by Mr. Goudge, seconded by Ms. Curtis that the following measures be adopted to improve the Plan's cost recovery systems:

1. Except in unusual circumstances, persons who have not honoured payment agreements with the Plan should be denied further assistance.
2. Lien Agreements should be for terms not exceeding five years. In addition, payments would be required upon refinancing whenever possible.
3. Require regular updates on financial situation of persons with a repayment agreement.

Carried

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Item A.8. re: Waiver of Government Disbursements in Legal Aid Cases

It was moved by Mr. Goudge, seconded by Ms. Curtis that the Plan no longer be required to pay for government fees incurred by legally aid clients.

Carried

Item A.9. re: Criminal Law Tariff deferred to the November Convocation.

Item A.10. re: Six Month Rule


It was moved by Mr. Goudge, seconded by Ms. Curtis that the Six Month Rule be applied as of December 1, 1995.

Carried

THE REPORT AS AMENDED WAS ADOPTED

CONVOCATION ROSE AT 9:00 P.M.

Confirmed in Convocation this *24* day of *November*, 1995.


Treasurer