



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

**May 22, 2014**  
**9:00 a.m.**

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# CONVOCATION MATERIAL

*PUBLIC COPY*

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**CONVOCATION AGENDA**  
**May 22, 2014**

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**Convocation Room – 9:00 a.m.**

**Committee of the Whole** (*D. Wright/M. Sandler*)

**Treasurer's Remarks**

**Consent Agenda - Motion** [Tab 1]

- **Confirmation of Draft Minutes of Convocation – April 24, 2014**
- **Motions**
  - Appointments
  - Renaming of the Law Society Distinguished Paralegal Award
- **Report of the Director of Professional Development and Competence – Deemed Call**  
Candidates
- **Tribunal Committee Report** – Housekeeping Amendments to the *Rules of Practice and Procedure* and *Appeal Rules*

**Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones**  
**Report** (*H. Goldblatt/J. Falconer*) [Tab 2]

- By-Law on Law Society Services in English and French
  - Human Rights Monitoring Group Requests for Intervention
- For Information*
- Public Education Equality and Rule of Law Series Calendar 2014

**Audit & Finance Committee Report** (*C. Bredt/C. Hartman*) [Tab 3]

- In Camera Items
  - Updated Investment Policy
  - Retention of Investment Manager and Custodian
- For Information*
- Law Society of Upper Canada Financial Statements for the three months ended March 31, 2014
  - Investment Compliance Reports

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

- In camera item
- For Information*
- Professional Regulation Division Quarterly Report

**Federation of Law Societies of Canada Report (in camera)** (*L. Pawlitza*) [Tab 5]

**Report of the Chief Executive Officer (in camera)** (*R. Lapper*)

*REPORT FOR INFORMATION ONLY*

**Tribunal Committee Report** [Tab 6]

- Tribunals Office Quarterly Statistics for Fourth Quarter 2013

Lunch – Benchers' Dining Room

**Tab 1**

**THE LAW SOCIETY OF UPPER CANADA**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 22, 2014

MOVED BY: Brian Lawrie

SECONDED BY: Carol Hartman

THAT Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

D R A F T

MINUTES OF CONVOCATION

Thursday, 24<sup>th</sup> April, 2014  
9:00 a.m.

PRESENT:

The Treasurer (Thomas G. Conway), Anand, Armstrong (by telephone), Backhouse, Banack (by telephone), Boyd, Braithwaite, Bredt, Burd, Callaghan, Campion, Corsetti, Dickson, Doyle, Earnshaw, Epstein, Eustace, Evans, Falconer, Ferrier, Festeryga, Furlong (by telephone), Go, Goldblatt, Haigh, Hare, Hartman, Horvat, Hunter (by telephone), Krishna, Lawrie, Leiper, Lerner (by telephone), Lippa, MacKenzie, MacLean, Manes (by telephone), McDowell, McGrath, Mercer, Minor, Murchie, Murray, Pawlitza, Porter, Potter (by telephone), Pustina, Rabinovitch, Richardson (by telephone), Richer, Ross, Rothstein, Sandler, Scarfone (by telephone), Schabas, Sheff, Sikand, Silverstein, C. Strosberg, H. Strosberg (by telephone), Sullivan, Swaye, Symes, Wardle, Wright (by telephone) and Yachetti (by telephone).

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Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

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TREASURER'S REMARKS

The Treasurer welcomed Peter Festeryga, elected on April 10, 2014 as a bencher, to his first Convocation.

The Treasurer paid tribute to former ex-officio bencher The Honourable James M. Flaherty, P.C., MP who passed away on April 10, 2014 and extended condolences to his wife, Christine Elliott, MPP and sons.

The Treasurer expressed condolences to the family of former MP and Deputy Prime Minister of Canada, The Right Honourable Herb Gray, P.C., C.C., Q.C., who passed away on April 21, 2014.

The Treasurer informed Convocation that the Law Society together with LawPRO met with the Ontario Bar Association and the County and District Law Presidents' Association which together agreed to form the Real Estate Liaison Group, on which bencher Ross Earnshaw will serve and on which bencher Alan Silverstein will participate.

The Treasurer advised that the newly appointed Attorney General, The Honourable Madeleine Meilleur, MPP will be a lunch guest today.

#### TRINITY WESTERN UNIVERSITY ACCREDITATION

The Treasurer introduced the matter of the Trinity Western University accreditation.

The Secretary read the question for Convocation's decision:

Given that the Federation Approval Committee has provided preliminary approval to the Trinity Western University Law program in accordance with processes Convocation approved in 2010 respecting the national requirement and in 2011 respecting the approval of the law school academic requirements, should the Law Society of Upper Canada now accredit Trinity Western University pursuant to Section 7 of By-Law 4?

Mr. Bob Kuhn, J.D., President and Vice Chancellor of Trinity Western University addressed Convocation with reply submissions.

Convocation deliberated on the matter.

Convocation, upon voting on the question, answered "no" to the question.

ROLL-CALL VOTE

Anand	No	Leiper	No
Backhouse	No	Lerner	No
Boyd	No	Lippa	No
Braithwaite	No	MacKenzie	No
Bredt	Yes	MacLean	Yes
Burd	Yes	McDowell	Yes
Callaghan	Yes	McGrath	Yes
Campion	No	Mercer	No
Corsetti	Yes	Minor	No
Dickson	No	Murchie	Yes
Doyle	Yes	Porter	Yes
Earnshaw	No	Potter	No
Eustace	Yes	Pustina	Yes
Evans	Yes	Rabinovitch	No
Ferrier	No	Richardson	No
Festeryga	Yes	Richer	No
Go	No	Rothstein	No
Goldblatt	No	Scarfone	Abstain
Haigh	Yes	Schabas	No
Hare	No	Sheff	Yes
Hartman	Yes	Silverstein	Yes
Horvat	No	C. Strosberg	No
Hunter	Yes	Sullivan	Yes
Krishna	Yes	Symes	No
Lawrie	No	Wardle	No

Vote: 21 Yes; 28 No; 1 Abstention

MOTION – CONSENT AGENDA

It was moved by Mr. Silverstein, seconded by Mr. Eustace, that Convocation approve the consent agenda set out under Tab 8 of the Convocation Materials.

Carried

DRAFT MINUTES OF CONVOCATION – Tab 8.1

The draft minutes of Convocation of February 27, 2014, and Special Convocations of March 4, 2014 and April 10, 2014 were confirmed.

MOTION – APPOINTMENTS – Tab 8.2

THAT Cathy Corsetti be appointed to the Appeal Division of the Law Society Tribunal for a two year term.

THAT W. Paul Dray, a licensee, be appointed to the Appeal Division of the Law Society Tribunal for a two year term.

THAT Robert Burd, John E. Callaghan and Cathy Corsetti be appointed to the Hearing Division of the Law Society Tribunal for a two year term.

THAT W. Paul Dray, a licensee, be appointed to the Hearing Division of the Law Society Tribunal for a two year term.

THAT Cathy Corsetti be appointed to the committee of benchers established under section 37 of By-Law 7 [Business Entities].

THAT Brian Lawrie be appointed to the Alternative Business Structures Working Group.

THAT Cathy Corsetti be appointed to the Audit & Finance Committee.

THAT Michelle Haigh be appointed to the Mentoring and Advisory Services Proposal Task Force.

THAT Kenneth Mitchell be removed from the Professional Regulation Committee.

Carried

REPORT OF THE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND COMPETENCE – Tab 8.3

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

Carried



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SECRETARY'S REPORT TO CONVOCATION – Tab 8.5

Re: Effective Date of Paralegal Rule of Conduct Amendments

THAT Convocation make October 1, 2014 the effective date for the amendments to the Paralegal Rules of Conduct approved by Convocation on February 27, 2014.

Carried

TREASURER'S REPORT TO CONVOCATION – Tab 8.6

Re: LawPRO Annual Meeting

THAT Convocation authorize the Treasurer to sign the proxy in favour of the proposed shareholder resolutions set out at Tab 8.6.1 of the Report.

Carried

Re: LibraryCo Inc. Annual Meeting

THAT Convocation authorize the Treasurer to sign the proxy in favour of the proposed shareholder resolutions set out at Tab 8.6.6 of the Report.

Carried

AUDIT & FINANCE COMMITTEE REPORT

Mr. Bredt presented the Report.

Re: Law Society of Upper Canada Draft Audited Financial Statements for the Year Ended December 31, 2013

It was moved by Mr. Bredt, seconded by Ms. Leiper, that Convocation approve the audited Annual Financial Statements for the Law Society for the financial year ended December 31, 2013, including the transfers to and from the restricted funds which are listed in Note 15 of the Notes to the Annual Financial Statements.

Carried

Re: Law Society Auditor

It was moved by Mr. Bredt, seconded by Ms. Leiper, that Convocation appoint Deloitte LLP as the Law Society of Upper Canada and LibraryCo Inc. auditor for the 2014 financial year.

Carried

Re: LAWPRO Annual Report 2013

Ms. McGrath presented the Report for information.

*For Information*

- In Camera Item
- LAWPRO Annual Financial Statements for the Year Ended December 31, 2013
- LibraryCo Inc. Annual Financial Statements for the Year Ended December 31, 2013
- Investment Compliance Reporting for the Year Ended December 31, 2013
- Other Committee Work
- LawPRO Annual Report 2013

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

Mr. Schabas presented the Report.

Re: Human Rights Monitoring Group Requests for Intervention

It was moved by Mr. Schabas, seconded by Mr. Anand, that Convocation approve the letters and public statements in the cases set out at paragraph 3 subparagraphs a) through e) of the Report.

Carried

ACCESS TO JUSTICE COMMITTEE REPORT

Ms. Boyd presented the Report for information.

*REPORTS FOR INFORMATION*

ACCESS TO JUSTICE COMMITTEE REPORT

- Report on Next Steps for Development and Implementation of the Law Society's Access to Justice Strategy

PARALEGAL STANDING COMMITTEE REPORT

- Election of Paralegal Standing Committee Chair

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CONVOCATION ROSE AT 5:35 P.M.

**THE LAW SOCIETY OF UPPER CANADA**

MOTION TO BE MOVED AT CONVOCATION ON MAY 22, 2014

MOVED BY:

SECONDED BY:

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

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

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

Tab 1.3

## **THE LAW SOCIETY OF UPPER CANADA**

### MOTION TO BE MOVED AT CONVOCATION ON MAY 22, 2014

MOVED BY:

SECONDED BY:

THAT the Law Society Distinguished Paralegal Award be renamed the William J. Simpson Distinguished Paralegal Award, in honour of Mr. Simpson's outstanding contribution to the implementation of paralegal regulation by the Law Society of Upper Canada.

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

The Director of Professional Development and Competence reports as follows:

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CALL TO THE BAR AND CERTIFICATE OF FITNESS

Licensing Process and Transfer from another Province – By-Law 4

Attached is a list of candidates who have successfully completed the Licensing Process and have met the requirements in accordance with section 9.

All candidates now apply to be called to the bar and to be granted a Certificate of Fitness on Thursday, May 22<sup>nd</sup>, 2014

ALL OF WHICH is respectfully submitted

DATED this 22<sup>nd</sup> day of May, 2014



**CANDIDATES FOR CALL TO THE BAR**  
**May 22<sup>nd</sup>, 2014**

**Transfer from another province (Mobility)**

Ethan David James Sinclair  
Alexander-Vincent Toolsie

**Transfer from another province (Quebec)**

Randi Lauren Korzinstone  
Daniel Philip Bornstein

**Licensing Process**

**L3**



**TAB 1.5**

## **Report to Convocation May 22, 2014**

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### **Tribunal Committee**

#### **Committee Members**

**Raj Anand (Chair)**  
**Adriana Doyle (Vice-Chair)**  
**Larry Banack**  
**Jack Braithwaite**  
**Christopher Brecht**  
**Lee Ferrier**  
**Alan Gold**  
**Howard Goldblatt**  
**Jennifer Halajian**  
**Linda Rothstein**  
**Virginia MacLean**  
**Dow Marmur**  
**Mark Sandler**  
**James Scarfone**

**Purposes of Report: Decision**

**Prepared by the Policy Secretariat  
(Sophia Sperdakos 416-947-5209)**

## **COMMITTEE PROCESS**

1. The Committee met on May 8, 2014. Committee members Raj Anand (Chair), Jack Braithwaite, Lee Ferrier, Howard Goldblatt, Dow Marmur, and Linda Rothstein attended. Staff members Grace Knakowski, Lisa Mallia and Sophia Sperdakos and Tribunals Chair David Wright also attended.

## DECISION

### **HOUSEKEEPING AMENDMENTS TO IMPLEMENT TRIBUNAL-RELATED PROVISIONS OF THE *MODERNIZING REGULATION OF THE LEGAL PROFESSION ACT, 2013 (BILL 111)***

#### **Motion**

2. **That Convocation approve housekeeping amendments to the Hearing Division Rules of Practice and Procedure and Forms and the Appeal Division Rules and Forms, as set out in the Motion at [TAB 1.5.1](#).**

#### **Background**

3. On December 12, 2013 Bill 111, *Modernizing Regulation of the Legal Profession Act, 2013*, received Royal Assent. A number of provisions in the Bill address the Tribunal Committee's Hearings Process Report ("2012 Report") recommendations that Convocation approved in June 2012.
4. In February 2014 Convocation approved housekeeping amendments to By-Law 3, the Rules of Practice and Procedure, Forms and Tariff, the Appeal Rules and Forms, the Adjudicator Code of Conduct and the Practice Direction on Adjournments.
5. Additional minor housekeeping amendments to the Hearing Division Rules of Practice and Procedure and Forms and the Appeal Division Rules and Forms are necessary to,
  - a. properly reflect the name of the Tribunal; and
  - b. correct incorrect section numbering and other minor inaccuracies.
6. The blackline-version of the Rules and Forms setting out the proposed housekeeping amendments is set out at [TAB 1.5.2: Black-lined HD and AD Amendments](#).

**TAB 1.5.1**

THE LAW SOCIETY OF UPPER CANADA  
**LAW SOCIETY TRIBUNAL  
RULES OF PRACTICE AND PROCEDURE**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 22, 2014

MOVED BY

SECONDED BY

THAT the Law Society Tribunal Hearing Division Rules of Practice and Procedure, made by Convocation on February 26, 2009 and amended by Convocation on June 25, 2009, June 29, 2010, January 27, 2011, April 28, 2011, February 28, 2013, April 25, 2013, and March 12, 2014, be further amended as follows:

- 1. Subrule 17.01 of the English version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out “the offices of” where it appears in each subsection (1) – (5).**
- 2. Subrule 17.01 of the French version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out “dans les bureaux” where it appears in each subsection (1) – (5).**
- 3. Subrule 17.01 of the English version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out “Society” and substituting “Law Society Tribunal” where it appears in each subsection (1) – (5).**
- 4. Subrule 17.01 of the French version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out “Barreau” and substituting “Tribunal de Barreau” where it appears in each subsection (1) – (5).**
- 5. Subrule 22.06(5) of the English version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out “(5)” in the subrule number and substituting “(4)”.**

6. Subrule 22.06(5) of the English version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out the reference to “subrule (4)” within the subrule and substituting “subrule (3)”.
7. Subrule 22.06(4) of the French version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out the reference to “paragraphe (4)” within the subrule and substituting “paragraphe (3)”.
8. Subrule 23.05 of the English version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out “.05” and substituting “.04”.
9. Subrule 23.05 of the French version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out “.05” and substituting “.04”.
10. Subrule 23.06 of the English version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out “.06” and substituting “.05”.
11. Subrule 23.06 of the French version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out “.06” and substituting “.05”.
12. Form 26A of the English version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out the words “AND APPLICATION” in the second paragraph of the preamble.
13. Form 26A of the French version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out the words “ET LA REQUÊTE” in the second paragraph of the preamble.
14. Form 26B of the English version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out the words “AND APPLICATION” in the second paragraph of the preamble.
15. Form 26B of the French version of the Law Society Tribunal Hearing Division Rules of Practice and Procedure is amended by striking out the words “ET LA REQUÊTE” in the second paragraph of the preamble.

THAT the Law Society Tribunal Appeal Division Rules of Practice and Procedure, made by Convocation on February 23, 2012 and amended by Convocation on March 12, 2014, be further amended as follows:

- 1. Subrule 6.4(5) of the English version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by striking out “5.1” and “5.3” and substituting “6.1” and “6.3”.**
- 2. Subrule 6.4(5) of the French version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by striking out “5.1” and “5.3” and substituting “6.1” and “6.3”.**
- 3. The forms in the English version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure are amended by adding “in appeal” following “respondent” in the address portion of the forms.**
- 4. The forms in the French version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure are amended by adding “en appel” following “l’intimé” in the address portion of the forms.**
- 5. Form 5A in the English version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by adding “IN APPEAL” following “RESPONDENT”.**
- 6. Form 5A in the French version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by adding “EN APPEL” following “L’INTIMÉ”.**
- 5. Form 5B in the English version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by adding “in appeal” following “respondent”.**
- 6. Form 5B in the French version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by adding “en appel” following “l’intimé”.**
- 7. Form 10A in the English version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by adding “in appeal” following “respondent”.**

**8. Form 10A in the French version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by adding “en appel” following “l’intimé”.**

**9. Form 10B in the English version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by adding “in appeal” following “respondent”.**

**10. Form 10B in the French version of the Law Society Tribunal Appeal Division Rules of Practice and Procedure is amended by adding “en appel” following “l’intimé”.**



## RULE 17

### LOCATION OF HEARING

#### Location of Hearings

17.01 (1) Subject to subrules (2) and (3), every hearing shall be held at the offices of the Law Society Tribunal in Toronto.

(2) Where all parties consent to a hearing being held at a place other than the offices of the Law Society Tribunal in Toronto, the hearing shall be held at that place.

(3) On the motion of a party, an order may be made that a hearing be held at a place other than the offices of the Law Society Tribunal in Toronto.

(4) In deciding whether to order that a hearing be held at a place other than the offices of the Law Society Tribunal in Toronto, a panel may consider,

- (a) the convenience of the parties;
- (b) the cost, efficiency and timeliness of the proceeding in which the hearing is being held;
- (c) the avoidance of delay or unnecessary length;
- (d) the fairness of the process;
- (e) public accessibility to the hearing;
- (f) the fulfilment of the Society's statutory mandate; and
- (g) any other matter relevant in order to secure the just and expeditious determination of the subject matter of the hearing or of the proceeding in which the hearing is being held.

(5) An order that a hearing be held at a place other than the offices of the Law Society Tribunal in Toronto shall be made only after consultation with the Tribunal Office.

## **RULE 22**

### **PRE-HEARING CONFERENCES**

#### **Purpose of pre-hearing conference**

**22.01** (1) The purpose of a pre-hearing conference is to facilitate the just and most expeditious disposition of a proceeding.

(2) Without limiting the generality of subrule (1), in a pre-hearing conference, the panelist or other person conducting the pre-hearing conference may discuss with the parties,

- (a) the identification, limitation or simplification of the issues in the proceeding;
- (b) the identification and limitation of evidence and witnesses;
- (c) the possibility of settlement of any or all of the issues in the proceeding;
- (d) the possibility of the parties entering into an agreed statement of facts with respect to all or part of the facts in issue in the proceeding; and
- (e) directions to be given to the parties with respect to the conduct of the proceeding or a motion in the proceeding.

#### **Pre-hearing conference to be conducted**

**22.02** A pre-hearing conference shall be conducted in a proceeding where,

- (a) one party to the proceeding estimates that the hearing on the merits of the proceeding will be longer than two days;
- (b) a panelist or panel directs the parties to a proceeding to attend at a pre-hearing conference; or
- (c) the parties agree to attend at a pre-hearing conference.

#### **Who presides at pre-hearing conference**

**22.03** A pre-hearing conference shall be conducted by a panelist or another person assigned by the Chair or Vice-Chair.

#### **Timing of pre-hearing conferences**

**22.04** All pre-hearing conferences in a proceeding shall be conducted prior to the completion of the hearing on the merits of the proceeding and, unless otherwise directed, shall be conducted prior to the commencement of the hearing on the merits of the proceeding.

### **Method of conducting pre-hearing conference**

**22.05** (1) Subject to subrule (2), a pre-hearing conference shall be conducted in person.

### **Pre-hearing conference by telephone conference**

- (2) A pre-hearing conference may be conducted by telephone conference,
  - (a) if the parties consent; or
  - (b) the panelist or other person conducting the pre-hearing conference permits it.

### **Scheduling of pre-hearing conference: by panelist**

**22.06** (1) A pre-hearing conference may be scheduled by a panelist or by the Tribunal Office.

### **Endorsement**

(2) An endorsement of every scheduled pre-hearing conference shall be made on the originating process by the panelist, if the pre-hearing conference is scheduled by a panelist, or by the Tribunal Office, if the pre-hearing is scheduled by the Tribunal Office.

### **Notice of pre-hearing conference**

(3) The Tribunal shall send to all parties a notice of the date and time of every pre-hearing conference in the proceeding, including the name of the panelist or other person conducting the pre-hearing conference.

### **Notice not required**

- (45) Subrule (34) does not apply if,
  - (a) a panel directs the parties to a proceeding to attend at a pre-hearing conference,
  - (b) a member of the panel that gave the direction will conduct the pre-hearing conference, and
  - (c) the pre-hearing conference will be conducted immediately after the direction has been given.

### **Preparation for pre-hearing conference**

**22.07** (1) The Law Society shall prepare a pre-hearing conference memorandum and provide a copy of the memorandum to the other parties and to the panelist or other person conducting the pre-hearing conference at least seven days before the pre-hearing

conference.

**Non-application of subrule (1)**

- (2) Subrule (1) does not apply if,
  - (a) a panel directs the parties to a proceeding to attend at a pre-hearing conference,
  - (b) a member of the panel that gave the direction will conduct the pre-hearing conference, and
  - (c) the pre-hearing conference will be conducted immediately after the direction has been given.

**Attendance at pre-hearing conference**

**22.08** Unless otherwise directed by the panelist or other person conducting the pre-hearing conference, all parties to the proceeding, or their representatives, are required to attend at or participate in the pre-hearing conference.

**Results of pre-hearing conference**

**22.09** (1) At the conclusion of the pre-hearing conference, the panelist or other person conducting the pre-hearing conference shall endorse on the originating process,

- (a) who attended at or participated in, and who did not attend at or participate in, the pre-hearing conference;
- (b) any agreement reached; and
- (c) any directions given to the parties with respect to the conduct of the proceeding or a motion in the proceeding.

(2) Any agreement reached at the pre-hearing conference, as endorsed on the originating process, is binding on the parties.

**No disclosure to panel**

**22.10** (1) No communication shall be made to the panel presiding at the hearing on the merits of the proceeding or at the hearing of a motion in the proceeding with respect to any statement made at the pre-hearing conference, except as disclosed in the endorsement made under rule 22.09.

**Pre-hearing conference panelist cannot preside at hearing**

(2) A panelist conducting a pre-hearing conference in a proceeding shall not preside at the hearing on the merits of the proceeding, except with the consent of the parties to the proceeding.

## **RULE 23**

### **CONDUCT OF HEARING**

#### **Consent to hearing by one panelist**

**23.01** For the purposes of paragraph 2 of subsection 2 (1) of Ontario Regulation 167/07, the parties to a conduct proceeding may consent to having one panelist preside at the hearing on the merits of the proceeding by filing a consent (Form 23A),

- (a) sent to the Tribunal, as early as possible but not later than three days before the hearing on the merits of the proceeding; or
- (b) with the panelist, immediately prior to the commencement of the hearing on the merits of the proceeding.

#### **Transcripts**

##### **Production of transcript**

**23.02** (1) The Tribunal shall cause every oral and electronic hearing to be recorded by a reporting service to permit the production of a transcript of the hearing.

##### **Ordering transcript**

(2) A person wishing to have a copy of the transcript of a hearing shall order it from the reporting service that recorded the hearing.

##### **Costs of transcript**

(3) The costs of acquiring a transcript of a hearing shall be borne solely by the person wishing to have a copy of the transcript of the hearing.

##### **Requirement to file transcript**

(4) The first party to obtain a transcript of a hearing shall file a copy of the transcript with the Tribunal.

#### **Interpreter**

**23.03** (1) Where a witness does not understand the language or languages in which an examination at a hearing is to be conducted, the Tribunal shall provide an interpreter.

#### **Notice to Tribunal**

(2) A person intending to call a witness who will require interpretation shall notify

the Tribunal of the witness' requirement for an interpreter as early as possible and, in any event, not later than five days before the hearing at which the witness will be examined.

**Interpreter to be competent**

- (3) An interpreter shall be competent and independent.

**Interpreter to take oath or affirmation**

(4) Where an interpreter is required under subrule (1), before the witness is called, the interpreter shall take an oath or make an affirmation to interpret accurately the administration of the oath or affirmation to the witness, the questions put to the witness and the witness' answers.

**Accommodation required**

| **23.045** A party or a non-party participant shall notify the Tribunal as early as possible of any needs of the party or the non-party participant or his, her or its witnesses that may require accommodation.

**Limitation on examination of witness**

| **23.056** A panel may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

## FORM 26A – FORMAL ORDER

*(Law Society Tribunal file no.)*

### LAW SOCIETY TRIBUNAL HEARING DIVISION

*(Names of panelists comprising  
the panel)*

*(Day and date order made)*

*(Title of proceeding)*

#### ORDER

*(Order after hearing of application)*

THIS APPLICATION was heard on *(date(s))*, *(at name place OR electronically)*, *(in the presence of the representatives for all parties (and non-party participants) OR in the presence of the representative(s) for (name party(ies) and non-party participant(s)), (add as applicable: (name party(ies) and non-party participant(s)) appearing in person; no one appearing for (name party(ies) and non-party participant(s)) although properly notified as appears from (indicate proof of notice of hearing on the merits of the application)).*

ON READING ~~(THE NOTICE OF APPLICATION AND APPLICATION OR THE NOTICE OF REFERRAL FOR HEARING)~~ AND THE EVIDENCE FILED BY THE PARTIES *(and non-party participants)*, *(on hearing the oral evidence presented by the parties (and non-party participants)*, and on hearing the submissions of *(the representatives of the parties (and non-party participants) OR the representative(s) for (name party(ies) and non-party participant(s)) and (name party(ies) and non-party participant(s) appearing in person))*,

*(AND HAVING DETERMINED THAT (specify determination made giving rising to authority to make order),*

*(Order after hearing of motion)*

THIS MOTION, made by *(name moving party)* for *(state the relief sought in the notice of motion)* was heard on *(date(s))*, *(at name place OR electronically OR in writing)*.

ON READING *(give particulars of the material filed on the motion)* and on hearing the submissions of representative(s) for *(name parties and non-party participants)*, *(add as applicable: (name parties and non-party participants) appearing in person; no one*

*appearing for (name parties and non-party participants), although properly served as appears from (indicate proof of service)),*

IT IS ORDERED THAT:

1.

2.

*(Signature of chair of panel that made order)*



## FORM 26B - FORMAL DECISION AND ORDER

*(Law Society Tribunal file no.)*

### LAW SOCIETY TRIBUNAL

### HEARING DIVISION

*(Names of panelists comprising  
the panel)*

*(Day and date order made)*

*(Title of proceeding)*

### DECISION AND ORDER

THIS APPLICATION was heard on *(date(s))*, *(at name place OR electronically)*, *(in the presence of the representatives for all parties (and non-party participants) OR in the presence of the representative(s) for (name party(ies) and non-party participant(s)), (add as applicable: (name party(ies) and non-party participant(s)) appearing in person; no one appearing for (name party(ies) and non-party participant(s)) although properly notified as appears from (indicate proof of notice of hearing on the merits of the application))*.

ON READING ~~(THE NOTICE OF APPLICATION AND APPLICATION OR THE NOTICE OF REFERRAL FOR HEARING)~~ AND THE EVIDENCE FILED BY THE PARTIES *(and non-party participants)*, *(on hearing the oral evidence presented by the parties (and non-party participants)*, and on hearing the submissions of *(the representatives of the parties (and non-party participants) OR the representative(s) for (name party(ies) and non-party participant(s)) and (name party(ies) and non-party participant(s) appearing in person))*,

IT IS DETERMINED THAT *(specify determination made giving rising to authority to make order)*.

AND IT IS ORDERED THAT:

- 1.
- 2.

*(Signature of chair of panel that made order)*

## **RULE 6**

### **APPELLANT'S MATERIALS**

#### **Appeal book**

**6.1 (1)** Subject to subrule (2), the appellant's appeal book shall be titled "Appellant's Appeal Book" and shall contain, in consecutively numbered pages with numbered tabs arranged in the following order,

- (a) a table of contents, listing each document contained in the appeal book and describing each document by its nature and date;
- (b) a copy of the notice of appeal and of any supplementary notice of appeal;
- (c) a copy of the formal decision and order, containing the decision or order appealed from, or a copy of the formal order, containing the order or disposition appealed from;
- (d) a copy of the reasons of the Hearing Division for the decision, order or disposition appealed from;
- (e) a copy of the notice of application or of any other document that initiated the proceeding before the Hearing Division;
- (f) a copy of any exhibits that are referred to in the appellant's factum;
- (g) a copy of any other documents relevant to the hearing of the appeal that were filed with the Tribunal that are referred to in the appellant's factum;
- (h) a copy of any directions given by a panelist at an appeal management conference in respect of the conduct of the appeal;
- (i) a copy of any order of the Appeal Division made in respect of the conduct of the appeal; and
- (j) where any of the materials mentioned in this subrule are subject to a non-publication order made by the Hearing Division, a copy of the non-publication order.

#### **Appeal book: two volumes**

(2) Where the appellant's appeal book, if prepared in compliance with subrule (1), will include a document that is not available for public inspection under subrule 27.01 (4) of the Hearing Division Rules, the appellant's appeal book shall be divided into two volumes titled

"Appellant's Appeal Book: Public Volume" and "Appellant's Appeal Book: Non-Public Volume", with "Appellant's Appeal Book: Public Volume" prepared in compliance with subrule (1) but excluding the documents that are not available for public inspection and "Appellant's Appeal Book: Non-Public Volume" prepared in compliance with subrule (1) but containing only the documents that are excluded from "Appellant's Appeal Book: Public Volume" and, at the end, a copy of the order of the Hearing Division resulting in documents contained in the appeal book being unavailable for public inspection.

**Form of appeal book: binding**

- (3) The appellant's appeal book shall be bound front and back in blue cover stock.

**Factum**

**Content**

- 6.2 (1) The appellant's factum shall be titled "Appellant's Factum" and shall consist of,
- (a) Part I, titled "Statement of the Case", containing a statement identifying the appellant, the nature of the proceeding before the Hearing Division, the disposition of the proceeding by the Hearing Division and whether the appeal is from a decision, a decision and order, an order or another disposition of the Hearing Division;
  - (b) Part II, titled "Overview of the Case", containing a concise overview statement describing the nature of the case and of the issues;
  - (c) Part III, titled "Summary of the Facts", containing a concise summary of the facts relevant to the issues on the appeal, with such reference to the transcript of the proceeding before the Hearing Division and the exhibits as is necessary;
  - (d) Part IV, titled "Issues and the Law", containing a statement of each issue raised, immediately followed by a concise argument with reference to the law and authorities relating to that issue;
  - (e) Part V, titled "Order Requested", containing a statement of the order that the Appeal Division will be asked to make;
  - (f) Schedule A, titled "Authorities to be Cited", containing a list of the authorities referred to, with citations, in the order in which they appear in Part IV or in alphabetical order; and
  - (g) Schedule B, titled "Relevant Legislative Provisions", containing the text of all relevant provisions of statutes, regulations, by-laws, rules of practice and procedure and rules of conduct.

### **References to transcript**

(2) References to the transcript of the proceeding before the Hearing Division shall be by date, page number and line and references to exhibits shall be by tab and page number in the appeal book.

### **Arrangement of Parts I to V**

(3) Parts I to V shall be arranged in paragraphs numbered consecutively throughout the factum.

### **Length of factum**

(4) The appellant's factum, excluding the schedules, shall not exceed thirty pages in length.

### **Form of factum: binding**

(5) The appellant's factum shall be bound front and back in blue cover stock.

### **Form of factum: printing details**

(6) The appellant's factum shall be printed on white paper 8 ½ inches by 11 inches in size and the text shall be printed, typewritten, written or reproduced legibly, using characters of at least 12 point or 10 pitch size, on one side only double spaced, except for quotations which may be single spaced, with margins of 1 ½ inches on the left-hand side.

### **Book of Authorities**

6.3 (1) The appellant's book of authorities shall be titled "Appellant's Book of Authorities" and shall contain only those authorities intended to be referred to in oral argument.

(2) The authorities contained in the appellant's book of authorities shall be marked to indicate those passages intended to be referred to in oral argument.

(3) The appellant's book of authorities shall be bound front and back in blue cover stock.

### **Factum, supplementary appeal book and supplementary book of authorities: cross-appeal**

6.4 (1) Where a respondent has served a notice of cross-appeal, the appellant shall prepare a factum as a respondent by cross-appeal.

(2) Subrules 8.2 (1) to (4) and (6) apply, with necessary modifications, to the appellant's factum as a respondent by cross-appeal.

(3) The appellant's factum as a respondent by cross-appeal shall be bound front and back in blue cover stock.

(4) The appellant as a respondent by cross-appeal may prepare a supplementary appeal book and a supplementary book of authorities if documents relevant to the hearing of the cross-appeal that are referred to in the appellant's factum as a respondent by cross-appeal are not already included in the appellant's or respondent's appeal book and authorities intended to be referred to in oral argument of the cross-appeal are not already included in the appellant's or respondent's book of authorities.

(5) Rules 6.15.4 and 6.3 5-3 apply, with necessary modifications, to the appellant's supplementary appeal book and supplementary book of authorities, respectively.

### **Tribunal Office may refuse documents**

**6.5** (1) Subject to subrule (2), the Tribunal Office may refuse to accept for filing an appellant's appeal book, an appellant's factum, an appellant's book of authorities, an appellant's factum as a respondent by cross-appeal, an appellant's supplementary appeal book or an appellant's supplementary book of authorities that does not comply with this Rule.

### **Relief from compliance**

(2) If it is in the interest of justice, a panelist may give special directions and vary the rules governing the appellant's appeal book, the appellant's factum, the appellant's book of authorities, the appellant's factum as a respondent by cross-appeal, the appellant's supplementary appeal book and the appellant's supplementary book of authorities.

### **Date for filing appellant's materials as respondent by cross-appeal**

**6.6** (1) Where a respondent has commenced a cross-appeal, the appellant shall, by not later than fourteen days before the date on which the appeal is to be heard,

- (a) serve on the respondent one copy of the appellant's supplementary appeal book, one copy of the appellant's factum as a respondent by cross-appeal and one copy of the appellant's supplementary book of authorities; and
- (b) file with the Tribunal, with proof of service,
  - (i) in appeals to be heard by five panelists, six copies of the appellant's supplementary appeal book, factum as a respondent by cross-appeal and supplementary book of authorities; and
  - (ii) in appeals to be heard by three panelists, four copies of the appellant's supplementary appeal book, factum as a respondent and supplementary book of authorities.

**Confirmation of or update to estimated length of time for oral argument**

(2) Where a respondent has commenced a cross-appeal, the appellant shall, by not later than ten days after being served with the respondent's materials, file with the Tribunal, a certificate,

- (a) confirming that the estimated total length of time for the oral argument of the appellant stated in the certificate of perfection remains the same; or
- (b) stating the new estimated total length of time for the oral argument of the appellant.

## FORM 3A – NOTICE OF APPEAL

*(General heading)*

### NOTICE OF APPEAL

THE *(identify party)* APPEALS to the Appeal Division from the *(decision/order/decision and order/order/disposition)* of the Hearing Division dated *(date)*.

THE APPELLANT ASKS that the *(decision/order/decision and order/order/disposition)* be set aside and a *(decision/order/decision and order/order/disposition)* be made as follows *(or that the (decision/order/decision and order/order/disposition) be varied as follows: (Set out briefly the relief sought.)*

THE GROUNDS OF APPEAL are as follows: *(Set out briefly the grounds of appeal.)*

THE BASIS OF THE APPEAL DIVISION'S JURISDICTION IS: *(State the basis for the Appeal Division's jurisdiction, including (i) any legislative provision establishing jurisdiction, (ii) whether the order appealed from is final or interlocutory and (iii) any other facts relevant to establishing jurisdiction.)*

*(Date)*

*(Name, address, telephone number, fax number  
and e-mail address of appellant  
or appellant's representative)*

TO: *(Name and address of respondent in appeal  
or respondent in appeal's representative)*

## FORM 3B – SUPPLEMENTARY NOTICE OF APPEAL

*(General heading)*

### SUPPLEMENTARY NOTICE OF APPEAL

The appellant amends the notice of appeal dated *(date)* in the following manner:  
*(Give particulars of the amendment.)*

*(Date)*

*(Name, address, telephone number, fax number  
and e-mail address of appellant  
or appellant's representative)*

TO: *(Name and address of respondent in appeal  
or respondent in appeal'ss representative)*



## FORM 5A – NOTICE OF CROSS-APPEAL

*(General heading)*

### NOTICE OF CROSS-APPEAL

| THE RESPONDENT IN APPEAL CROSS-APPEALS in this appeal and asks that the (decision/order/decision and order/order/disposition) be set aside and a (decision/order/decision and order/order/disposition) be made as follows (or that the (decision/order/decision and order/order/disposition) be varied as follows: *(Set out briefly the relief sought.)*

THE GROUNDS FOR THIS CROSS-APPEAL are as follows: *(Set out briefly the grounds of cross-appeal.)*

*(Date)*

| *(Name, address, telephone number, fax number  
and e-mail address of respondent in appeal  
or respondent in appeal's representative)*

TO: *(Name and address of appellant  
or appellant's representative)*

## FORM 5B – SUPPLEMENTARY NOTICE OF CROSS-APPEAL

*(General heading)*

### SUPPLEMENTARY NOTICE OF CROSS-APPEAL

| The respondent in appeal amends the notice of cross-appeal dated *(date)* in the following manner: *(Give particulars of the amendment.)*

*(Date)*

| *(Name, address, telephone number, fax number  
and e-mail address of respondent in appeal  
or respondent in appeal's representative)*

TO: *(Name and address of appellant  
or appellant's representative)*

## FORM 10A – NOTICE OF ABANDONMENT OF APPEAL OR CROSS-APPEAL

*(General heading)*

### NOTICE OF ABANDONMENT

| The appellant *(or respondent in appeal)* abandons this appeal *(or cross-appeal)*.

*(Date)*

*(Name, address, telephone number, fax number  
and e-mail address of party serving notice or  
or of party's representative)*

TO: *(Name and address of party on whom notice served  
or party's representative)*

## FORM 10B – NOTICE OF ELECTION TO PROCEED WITH CROSS-APPEAL

*(General heading)*

### NOTICE OF ELECTION TO PROCEED

| The respondent in appeal elects to proceed with the cross-appeal

*(Date)*

| *(Name, address, telephone number, fax number  
and e-mail address of respondent in appeal  
or respondent's representative)*

TO: *(Name and address of appellant  
or appellant's representative)*

**TAB 2**



## **Report to Convocation**

**May 22, 2014**

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

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

#### **Purposes of Report: Decision and Information**

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

## TABLE OF CONTENTS

### **For Decision**

Proposed By-law on Law Society Services in French and English ..... **TAB 2.1**

Human Rights Monitoring Group Requests for Intervention ..... **TAB 2.2**

### **For Information**

Public Education Equality and Rule of Law Series Calendar 2014..... **TAB 2.3**

## COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Equity Committee") met on May 8, 2014. Committee members Howard Goldblatt, Chair, Julian Falconer, Vice-Chair, Susan Hare, Vice-Chair, Raj Anand, Constance Backhouse, Mary Louise Dickson, Julian Falconer, Janet Minor, Judith Potter, Susan Richer and Beth Symes participated. Benchers Jack Braithwaite and Marian Lippa also participated. Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario, and Sandra Yuko Nishikawa, representative of the Equity Advisory Group, also attended. Staff members Josée Bouchard, Marisha Roman, Ekua Quansah, Susan Tonkin and Grant Wedge also attended.

**TAB 2.1**

**FOR DECISION**  
**PROPOSED BY-LAW ON LAW SOCIETY SERVICES IN**  
**FRENCH AND ENGLISH**

**MOTION**

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

**BACKGROUND**

3. The *French Language Services Act* (FLSA), adopted in 1986, guarantees individuals the right to receive services in French from Government of Ontario ministries and agencies in designated areas of the province and from designated organizations.
4. The Office of the French Language Services Commissioner was created in 2007 to conduct independent investigations under the FLSA and to monitor the progress made by government agencies in the delivery of French language services in Ontario. M<sup>e</sup> Francois Boileau has been the French Language Services Commissioner since 2007. In 2013, the *Language Services Amendment Act (French Language Services Commissioner)*, 2013 was adopted to ensure the independence of the Commissioner and the Office. The Commissioner is now appointed by the Lieutenant Governor on the address of the Legislative Assembly and reports to the Assembly. He is an independent officer of the Assembly.
5. It is the Law Society's position that the FLSA does not apply to the Law Society, the Commissioner does not have jurisdiction over the Law Society and the Commissioner



does not have the mandate to investigate complaints about the Law Society. However, the Law Society has established a good relationship with the Office of the Commissioners and works collaboratively with that Office.

6. At the request of the French Language Services Commissioner, Robert Lapper, CEO, and Josée Bouchard, Director - Equity, met with him on July 10, 2013 to discuss the implementation progress of the Bench and Bar Advisory Committee to the Attorney General of Ontario report titled *Access to Justice in French*.
7. At the meeting and in a follow-up letter, M<sup>e</sup> Boileau suggested that the Law Society consider expanding its obligations under statute to offer services in French.
8. The Equity and Aboriginal Issues Committee (the Committee) received reports on meetings between M<sup>e</sup> Boileau and key Law Society staff. Following consideration of the matter, the Committee agreed that a by-law should be drafted to establish the right of a person to receive French language services from the Law Society.
9. In support of this proposal, this report provides information on,
  - a. the Law Society's commitment to promote access to justice in French;
  - b. the meeting with the French Language Services Commissioner;
  - c. expanding French language obligations through regulation and the related considerations;
  - d. revocation of the 1989 French Language Services Policy; and
  - e. budgetary implications.

## **THE LAW SOCIETY'S COMMITMENT TO PROMOTE ACCESS TO JUSTICE IN FRENCH**

10. Over time, the Law Society has committed itself to providing services in French to its members and the public. To pursue its commitment, the Law Society works closely with the Association des juristes d'expression française de l'Ontario ("AJEFO") and other organizations dedicated to promoting access to justice in French. For example, the Law Society participated in the Bench and Bar Committee with judges of the Court of Appeal

for Ontario, the Superior Court of Justice and the Ontario Court of Justice, and representatives of the Ontario government, the National Judicial Institute, the Ontario Bar Association and the AJEFO among others. The work of the Bench and Bar Committee led to the *Access to Justice in French* report, which made the following recommendations that relate to the Law Society:

- a. That the Attorney General, in cooperation with the Law Society and law faculties, explore measures to support language rights education, and French language training, as well as take steps to increase the number of lawyers able to provide legal services in French.
- b. That the Attorney General propose to the Law Society that it,
  - i. consider assessing language rights knowledge in the licensing process.
  - ii. collaborate with associations of lawyers and paralegals where possible to develop strategies to enhance the knowledge of lawyers and paralegals of French language rights and services before the court system.
  - iii. collaborate with associations of lawyers and paralegals, courts administration, Legal Aid Ontario, and other relevant stakeholders, to ensure that: (1) new clients are advised of relevant language rights; (2) the cadre of French-speaking lawyers and paralegals in the province is known; and (3) access to these lawyers and paralegals by French speakers who require their services, is facilitated.

- 11. The Law Society has made good progress in its implementation of the recommendations. For example, the Law Society assesses language rights knowledge in the Licensing Process and its Directory of Lawyers and Paralegals is now bilingual and allows access to information about whether lawyers and paralegals are capable of offering services in French. The Law Society has also recently developed guides and brochures for lawyers and paralegals on their responsibility to advise clients of their French language rights, and brochures to inform the public of the right to legal services in French. The guides and brochures are made readily available in French and English.

12. In November 2012, the Ministry of the Attorney General announced the creation of a steering committee with representatives from the justice sector and other organizations to review and develop an implementation plan that responds to the recommendations outlined in *Access to Justice in French* report. The Law Society accepted the Ministry's invitation to participate on the steering committee.
13. For an overview of Law Society initiatives in the French language, please see [TAB 2.1.3](#).

#### **MEETING WITH FRENCH LANGUAGE SERVICES COMMISSIONER**

14. As already mentioned, Robert Lapper and Josée Bouchard met with the Commissioner on July 10, 2013 to discuss the implementation progress of the *Access to Justice in French* report.
15. At the meeting and in a follow-up letter, M<sup>e</sup> Boileau suggested that the Law Society consider expanding its obligations under statute to offer services in French. He noted that this approach would be consistent with the College of Teachers' obligations under the *Ontario College of Teachers Act* and the Regulated Health Professions' obligations under the *Regulated Health Professions Act*.

#### **EXPANDING FRENCH LANGUAGE OBLIGATIONS THROUGH REGULATION AND THE RELATED CONSIDERATIONS**

16. For ease of reference, the relevant sections of the *Ontario College of Teachers Act* and the *Regulated Health Professions Act* are reproduced below.

##### ***The Ontario College of Teachers Act***

17. The College of Teachers' obligations under the *Ontario College of Teachers Act* are as follows:

***Right to use French***

**44.** (1) *A person has the right to use French in all dealings with the College.*

***Council to ensure***

(2) *The Council shall take all reasonable measures and make all reasonable plans to ensure that persons may use French in all dealings with the College.*

***Limitation***

(3) *The right to use French given by this section is subject to the limits that are reasonable in the circumstances.*

***Definition***

(4) *In this section,*

*“dealings” means any service or procedure available to the public or to members of the College and includes giving or receiving communications, information or notices, making applications, taking examinations or tests and participating in programs or in hearings or reviews.*

***The Regulated Health Professions Act***

18. The Regulated Health Professions’ obligations under the *Regulated Health Professions Act* are as follows:

***Right to use French***

**86.** (1) *A person has the right to use French in all dealings with the College.*

***Language preferences***

(1.1) *The College shall identify and record the language preference of each College member and identify the language preference of each member of the public who has dealings with the College.*

***Council to ensure right***

(2) *The Council shall take all reasonable measures and make all reasonable plans to ensure that persons may use French in all dealings with the College.*

***Definition***

(3) *In this section,*

*“dealings” means any service or procedure available to the public or to members and includes giving or receiving communications, information or notices, making applications, taking examinations or tests and participating in programs or in hearings or reviews.*

***Law Society’s Current Legal Obligations under the Law Society Act***

19. At this point in time, under the *Law Society Act*, the Law Society’s only obligation to offer services in French exists in the context of hearings. The Act reads as follows:

***French-speaking panelists***

**49.24 (1)** *A person who speaks French who is a party to a proceeding before the Hearing Panel may require that any hearing in the proceeding be heard by panelists who speak French.*

20. In part because the Law Society is an organization that is an integral part of the justice system, the profession and members of the public have an expectation that the Law Society has broader obligations to offer services in French than those already listed in the *Law Society Act*. As a result, expanding the Law Society’s obligations to offer services in French through legislative or regulatory amendments would be consistent with the expectation of the profession and the public. It would also enhance transparency, increase the credibility of the Law Society with members of the public, and enhance access to justice and the independence of the Law Society to address language rights matters.
21. The *Law Society Act* provides broad powers to Convocation to make by-laws relating to the affairs of the Society,<sup>1</sup> and the Law Society increasingly regulates its affairs through by-laws. Among other things, Convocation has adopted by-laws to regulate affairs related to benchers, Convocation, committees, licensing, the annual fee, operational obligations and responsibilities, the compensation fund and unclaimed trust funds.

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<sup>1</sup> *Law Society Act*, R.S.O. 1990, chapter L.8, section 62(01)

Convocation's by-law making function is an exercise of its responsibility that promotes greater accountability in its governance of the profession.

22. As a result, it is recommended that the Law Society proceed through the adoption of a by-law. The proposed by-law is presented at **TAB 2.1.1**. The proposed by-law presents an exhaustive list of areas for which Law Society services would be offered in English or French.
23. In May 2014, the Committee received a report regarding an April 22, 2014 meeting between M<sup>e</sup> Boileau and François-Michel Pellecuer, Senior Analyst, French Language Services Commissioner, and Robert Lapper, Grant Wedge, Executive Director, Policy, Equity and Public Affairs, Josée Bouchard and Sheena Weir, Director, Public Affairs. The purpose of the meeting was to discuss the approach of adopting a by-law. The Commissioner was receptive to this approach.
24. The Committee was also advised that Robert Lapper, Grant Wedge and Josée Bouchard met with Paul Le Vay, President of AJEFO, and Danielle Manton, Executive Director of AJEFO, to discuss the proposal for a by-law. They both viewed this as a positive development but advised that AJEFO's views on the matter would be those of its board.

#### **REVOCATION OF THE 1989 FRENCH LANGUAGE SERVICES POLICY**

25. In June 1989, Convocation approved a French Language Services Policy, presented at **TAB 2.1.2**. In light of the proposed approach to adopt a by-law to reinforce the Law Society's obligation to offer French language services and the fact that the 1989 Policy is now obsolete, it is recommended that Convocation revoke the 1989 Policy. It is anticipated that under the direction of the Chief Executive Officer, the Law Society will adopt an operational policy to guide its implementation of the by-law requirements.

#### **BUDGETARY IMPLICATIONS**

26. It is not expected that the proposed by-law would not have significant fiscal implications. Staff capable of offering services in French are assessed and listed on the

Law Society's intranet. The Law Society has also adopted guidelines for the provision of services in the French language.

THE LAW SOCIETY OF UPPER CANADA  
**BY-LAWS MADE UNDER  
SUBSECTIONS 62 (0.1) AND (1) OF THE *LAW SOCIETY ACT***  
**BY-LAW 2**  
**[CORPORATE PROVISIONS]**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY, 22 2014

MOVED BY

SECONDED BY

THAT By-Law 2 [Corporate Provisions], made by Convocation on May 1, 2007, and amended by Convocation on June 28, 2007, September 20, 2007 and September 27, 2012, be further amended as follows:

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

**PART V**

**FRENCH LANGUAGE SERVICES**

**Right to services in English and French**

51. (1) Subject to subsections (2), (3) and (4), a person has the right to communicate in English or French with, and to receive in English or French available services from, the Society in the following areas:

1. The licensing of persons to practise law in Ontario as barristers and solicitors or to provide legal services in Ontario.
2. The regulation of licensees.
3. The administration of freezing and trusteeship orders.
4. The administration of the Compensation Fund.
5. The administration of unclaimed trust funds.



### **Limitation of Society's obligations**

(2) A person's right, as set out in subsection (1), in any particular situation, is subject to limits that are reasonable and necessary in the circumstances of that particular situation.

### **Proceedings before the Law Society Tribunal**

(3) Where a person is a party to a proceeding before the Law Society Tribunal, the person's right to communicate in English or French with, and to receive in English or French available services from, the Society or the Law Society Tribunal is governed, not by subsection (1), but by sections 49.24 and 49.37 of the Act and the applicable rules of practice and procedure.

### **Exemptions**

(4) Subsection (1) does not apply with respect to the following:

1. Continuing professional development programs delivered by the Society.
2. Public education programs delivered by the Society.

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

#### **PARTIE V**

#### **SERVICES EN FRANÇAIS**

### **Droit à des services en anglais et en français**

51. (1) Sous réserve des paragraphes (2), (3) et (4), chacun a droit à l'emploi du français et de l'anglais pour communiquer avec le Barreau, et pour en recevoir les services disponibles dans les secteurs suivants :

1. La délivrance de permis d'exercice du droit comme avocat et procureur ou de prestation de services juridiques en Ontario.
2. La réglementation des titulaires de permis.
3. L'administration des ordonnances de blocage et de tutelles.
4. L'administration du Fonds d'indemnisation.
5. L'administration des fonds en fiducie non réclamés.

### **Limitation des obligations du Barreau**

(2) Le droit d'une personne, tel que décrit au paragraphe (1), dans toute situation particulière, est assujéti à des limites raisonnables et nécessaires dans les circonstances de cette situation.

### **Instances devant le Tribunal du Barreau**

(3) Lorsqu'une personne est partie à une instance devant le Tribunal du Barreau, le droit de la personne à l'emploi du français ou de l'anglais pour communiquer avec le Barreau ou le Tribunal du Barreau, et pour en recevoir les services disponibles, est régi par les articles 49.24 et 49.37 de la Loi et les règles applicables de pratique et de procédure, et non par le paragraphe (1).

### **Exemptions**

- (4) Le paragraphe (1) ne s'applique pas à ce qui suit :
1. Les programmes de formation professionnelle continue fournis par le Barreau.
  2. Les programmes de formation publique fournis par le Barreau.

**TAB 2.1.2**

**LAW SOCIETY OF UPPER CANADA  
FRENCH LANGUAGE SERVICES POLICY  
ADOPTED BY CONVOCATION JUNE 23, 1989**

1. The Law Society is committed to providing services in the French language to its own members and to the public from Osgoode Hall and other Society offices in Toronto and from our facilities in the city of Ottawa.
2. The Law Society is committed to providing instruction and materials in the French language to students pursuing the Bar Admission Course in the city of Ottawa.
3. The Law Society is committed to providing Continuing Legal Education programs in the French language.
4. The Law Society is committed to reviewing its existing programs and future programs with the goal of bringing these programs into conformity with its policy on the provision of French language services.
5. The above commitments are subject to such limits as circumstances make reasonable and necessary with the goal of having the policy substantially implemented within three years.
6. The French Language Services Policy shall be reviewed annually to determine the progress of its implementation and to consider how particular programs might be improved.
7. For the purposes of implementing and monitoring its policy, the French Language Services Committee should be made a Standing Committee of the Law Society of Upper Canada.

### TAB 2.1.3

## LAW SOCIETY FRENCH LANGUAGE SERVICES

### BACKGROUND

1. The percentage of lawyers who can provide legal services to their clients in French is higher than the Francophone community in Ontario. Four point eight percent (4.8%) of the Ontario population self-identifies as Francophone while 12% of lawyers indicate that they can provide legal services in French and three percent (3%) of paralegals indicate that they can provide legal services in French.
2. As the province's regulatory body for the profession, the Law Society has committed itself to providing services in French to its members and the public. This report provides an update of the Law Society's services in the French language.

### ACCESS TO JUSTICE IN FRENCH – BENCH AND BAR COMMITTEE

3. In June 2012, the Bench and Bar Committee released its Access to Justice in French report. Justice Paul Rouleau, Court of Appeal for Ontario, and Paul LeVay, Stockwoods LLP, co-chaired the Bench and Bar Committee. The Law Society was a member of the Bench and Bar Committee. Other members of the Committee included judges of the Superior Court of Justice and the Ontario Court of Justice, representatives of the Ontario government, the National Judicial Institute and the Association des juristes d'expression française de l'Ontario ("AJEFO").

4. Two recommendations focus on the Law Society and indicate that the Attorney General, in cooperation with the Law Society and law faculties, should explore measures to support language rights education. In addition, it is recommended that the Law Society consider assessing language rights knowledge in the Licensing Process, develop strategies to enhance the knowledge of French language rights and services before the court system and promote language rights and access to legal services in French with the public. As described below, the Law Society is in the process of implementing those recommendations.
5. In November 2012, the Ministry of the Attorney General announced the creation of a steering committee with representatives from the justice sector and other organizations to review and develop an implementation plan that responds to the recommendations outlined in Access to Justice in French report. The Law Society accepted the Ministry's invitation to participate on the steering committee.

## RECENT DEVELOPMENTS

6. The Law Society makes ongoing efforts to enhance access to justice in French, including a bilingual Licensing Process, core regulatory information, forms, website information, numerous publications and various other communications materials in French. The Law Society also collaborates with many partners in the legal system to strengthen French language services within the justice system.

### For the Profession

7. The following is a snapshot of services and activities for the profession:
  - a. Licensing Process: Lawyer and paralegal licensing examinations, along with associated reference materials and other resources, are offered in

French. The Law Society also assesses language rights knowledge in the Licensing Process, as recommended by the Access to Justice in French report. The Law Society also works collaboratively with the University of Ottawa, French Common Law program, in the development of a Law Practice Program in French.

- b. Rules of Conduct: In 2001, the Rules of Professional Conduct were amended to include a commentary to Rule 1.03 (Interpretation – Standards of the Legal Profession) that discusses the obligation of lawyers to inform their clients of their linguistic rights when applicable. The Paralegal Rules of Conduct also include a Rule to that effect.
- c. Advising the Profession about the Rules: The guides Advising Clients of their French Language Rights – Lawyers' Responsibilities and Advising Clients of their French Language Rights – Paralegals' Responsibilities have recently been updated and are available online. This is the first step in the implementation of the Access to Justice in French recommendation to collaborate with associations of lawyers and paralegals where possible to develop strategies to enhance the knowledge of lawyers and paralegals of French language rights and services before the court system.
- d. Working with stakeholders: The Law Society works collaboratively with stakeholders such as the Ontario Bar Association, the Toronto Lawyers Association, the Criminal Lawyers Association, the Family Lawyers Association, the Advocates' Society and the Paralegal Society of Ontario to promote the resources. In addition, the Equity and Aboriginal Issues Committee is the committee responsible for French language services. AJEFO participates in committee meetings and provides input in policy development. AJEFO is also a member of the Law Society's Equity Advisory Group. The Law Society also participates in meetings of the

AJEFO board and the Official Languages Committee of the Ontario Bar Association.

- e. Lawyer and Paralegal Annual Report: The Lawyer and Paralegal Annual Reports were modified to include the following voluntary questions:
  - i. Can you communicate with your clients and provide legal advice to them in the French language?
  - ii. Can you communicate with your clients, provide legal advice to them and represent them in the French language?
- f. Bilingualism in the Tribunal: In addition to the right to proceed in French before the Law Society Tribunal, the Tribunal is now chaired by a bilingual lawyer and has the internal capacity to offer services in French. The Tribunal has also increased the number of lawyers, paralegals and lay adjudicators who can hear cases in French.
- g. Continuing Professional Development: In November 2012, the Law Society, in partnership with AJEFO, the Advocates' Society and the Official Languages Committee of the Ontario Bar Association ("OBA"), organized a very successful CPD Program accredited for professionalism hours– Plaidier une action civile en français. Approximately 60 lawyers and paralegals attended the program in person while 210 participated by webcast. A second accredited CPD was held on June 21, 2013 entitled Droit au but- parlons grammaire. The session was a success with about 165 members registered. The Law Society, in partnership with AJEFO and the Advocates' Society, held another very successful CPD program, accredited for professionalism hours, on January 20, 2014 entitled Plaidier une cause pénale en français. Approximately 20 lawyers and paralegals attended in person and 70 online. In addition, the Law Society participates in the organizing committee of the annual AJEFO conference.

- h. Internal Capacity: The Law Society offers services in French, including through the Call Centre, the Practice Management Helpline, the Law Society Referral service, the Registrar's Office and the Policy, Tribunal (bilingual clerks and a number of adjudicators), Equity and Communications Departments. The Senior Management Team also has bilingual capacity.
- i. Communications in French: The Law Society Portal enables all licensees to choose whether they would prefer to receive Law Society communications in French or English. It has adopted internal guidelines to enhance employees' awareness of this service and posts on the intranet a list of bilingual employees.
- j. Consultation Reports with the Profession: The Law Society decided that consultation reports with the profession as a whole would be produced in French and English.
- k. Law Society Programs: Numerous programs offer services in French. For example, the Discrimination and Harassment Counsel Program, the Member Assistance Program and the Career Coaching Program have offered services in French and English since their inception.
- l. Regulatory Forms: The Law Society has translated most forms mandated under the Rules of Professional Conduct and the Paralegal Rules of Conduct, laws, regulations and by-laws, into French. The website has been updated to significantly increase the number of forms in French.

#### For the Public

- 8. The following is a snapshot of services and activities for members of the public:



- a. Law Society Referral Service: The Law Society Referral Service operates bilingually and provides the public with access to bilingual lawyers and paralegals.
- b. Call Centre: Call Centre staff field public calls in both English and French, with equal response times. From January to June 2013, the average time in minutes to respond to call was as follows:

	<u>French</u>	<u>English</u>
Practice Management Helpline*	n/a	0.08
Resource Centre	0.20	0.20
Complaints Reception	0.19	0.12
Reception	0.24	0.21

- c. Directory of Lawyers and Paralegals: The online directory of lawyers and paralegals is bilingual and indicates whether a lawyer or paralegal is able to offer services in French.
- d. Commenting about the Law Society Services: Contact information is available on the Law Society website for anyone who wishes to comment about Law Society services in French.
- e. Guides for the public: In 2014, the Law Society released two guides for the public entitled You Have a Legal Issue – You Speak French, and Handling Everyday Legal Problems – Information to Make you Make Good Choices.
- f. Public Legal Education: The Law Society offers at least two public legal education programs in French annually. On March 25, 2014, the Law

Society, in collaboration with AJEFO and the Official Languages Committee of the Ontario Bar Association, organized a celebration of the Journée internationale de la francophonie with keynote speaker Me Roger Bilodeau, Registrar of the Supreme Court of Canada. On September 25, 2013 the Law Society, in partnership with AJEFO and the OBA, celebrated the Jour des Franco-Ontariens et des Franco-Ontariennes by hosting an event with Pascale Daigneault, President of the OBA. The event was attended by at least 85 lawyers, paralegals and members of the public. On March 28, 2013, the Law Society, with the AJEFO and the OBA, celebrated the Journée internationale de la francophonie by hosting an event with Françoise Boivin, the Deputy for Gatineau for the New Democratic Party. On June 19, 2013, the Law Society offered a public education program entitled Legal Information for Everyone in French. The program was organized in partnership with Community Legal Education Ontario, the Ontario Justice Education Network and AJEFO and was a success.



**TAB 2.2**

**FOR DECISION**

**HUMAN RIGHTS MONITORING GROUP REQUESTS FOR INTERVENTION**

**MOTION**

27. **That Convocation approve the letters and public statements in the following cases:**
- a. **Dr. Iris Yassmin Barrios Aguila – Guatemala – letters of intervention and public statement presented at [TAB 2.2.1](#).**
  - b. **lawyer Muharrem Erbey – Turkey - letters of intervention and public statement presented at [TAB 2.2.2](#).**
  - c. **Lawyer Hadi Esmaeilzadeh – Iran - letters of intervention and public statement presented at [TAB 2.2.3](#).**
  - d. **Lawyer Maria Catherine Dannug-Salucon – Philippines – letters of intervention and public statement presented at [TAB 2.2.4](#).**

**MANDATE OF THE HUMAN RIGHTS MONITORING GROUP**

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

instances, the Human Rights Monitoring Group shall report on the matters at the next meeting of Convocation.

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

## ***GUATEMALA – DR. IRIS YASSMIN BARRIOS AGUILA***

### **SOURCES OF INFORMATION**

31. The background information for this report was taken from the following sources:
  - a. Protection International;<sup>1</sup>
  - b. Aljazeera;<sup>2</sup>
  - c. The Center for Justice and Accountability;<sup>3</sup>
  - d. The United States Department of State;<sup>4</sup> and,
  - e. Peace & Collaborative Development Network.<sup>5</sup>

### **BACKGROUND**

32. Historically, Guatemala's judicial, police, and military institutions have been infiltrated by organized crime. This aspect coupled with Guatemala's limited financial and technical resources factor into the country's ranking as one of the most corrupt in the

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1 Protection International is an international non-profit organization that provides protection strategies and tools for security management to human rights defenders who are at risk. Since 2004, Protection International has been working with local partners in over thirty countries across the globe.

2 Al Jazeera is based in Qatari and owned by the Al Jazeera Media Network. Al Jazeera an international 24 hour English language news and current affairs channel.

3 The Center for Justice and Accountability ("CJA") was founded in 1998 with support from Amnesty International and the UN Voluntary Fund for Victims of Torture to represent torture survivors in their pursuit of justice..

4 The U.S. Department of State is the United States of America's diplomatic arm. The mission of the Department of State is to "Shape and sustain a peaceful, prosperous, just, and democratic world and foster conditions for stability and progress for the benefit of the American people and people everywhere".

5 Peace & Collaborative Development Network was established in 2007 by Dr. Craig Zeliozer and is a free professional networking site that fosters dialogue and sharing of resources in international development, conflict resolution, gender mainstreaming, human rights, social entrepreneurship and related fields.

world. At one point, judges who presided over cases involving powerful individuals wore masks to hide their identity.<sup>6</sup>

33. In 2006, Guatemala's government was heavily infiltrated by organized crime. The police were "outmanned, out gunned, and all too corrupt. Individual prosecutors and judges could not, or would not, do their jobs because they were corrupt, threatened or simply overwhelmed by the challenges."<sup>7</sup> In response, the Guatemalan government and the United Nations agreed to create the International Commission against Impunity in Guatemala ("CICIG").<sup>8</sup> The Commission began working in 2007. The CICIG provided a way for international prosecutors to help Guatemala's Attorney General's office prosecute sensitive cases that may have otherwise been avoided or suppressed. The CICIG helped pave the way for Guatemala's Courts for High Risk Crimes.
34. In 2009, in response to international pressure, Guatemala's Supreme Court created the *Tribunales de Mayor Riesgo* (Courts for High Risk Crimes) to deal with the most problematic cases. These Courts are mandated to investigate cases that implicate people in positions of state power and cases involving corruption, gang related killings, drug trafficking, genocide, and gender violence. Judges working for the Courts for High Risk Crimes are given extra security and resources. These judges are also considered "the most competent and most able to move these delicate cases forward".<sup>9</sup>
35. Dr. Iris Yassmin Barrios Aguliar is the Tribunal President of Guatemala's Courts for High Risk Crimes. She has ruled on cases regarding organized crime, corruption by high-level government officials, and human rights abuses by the military. She was granted precautionary measures by the Inter-American Commission on Human Rights

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6 "Guatemalan Court for High Risk Crimes Tribunals de Mayor Riesgo" *The Center For Justice and Accountability* online: <http://www.cja.org/section.php?id=536>

7 Mike Allison, "How to reduce crime in the world's most violent" *Aljazeera* (11 August 2013) online: <http://www.aljazeera.com/indepth/opinion/2013/08/2013810135741207607.html>

8 "Guatemalan Court for High Risk Crimes Tribunals de Mayor Riesgo" *The Center For Justice and Accountability* online: <http://www.cja.org/section.php?id=536> ; Mike Allison, "How to reduce crime in the world's most violent" *Aljazeera* (11 August 2013) online:

<http://www.aljazeera.com/indepth/opinion/2013/08/2013810135741207607.html>.

9 Guatemalan Court for High Risk Crimes Tribunals de Mayor Riesgo" *The Center For Justice and Accountability* online: <http://www.cja.org/section.php?id=536>

(“IACHR”) in 2013 because of the risks related to hearing politically sensitive cases.<sup>10</sup>

One of the cases she presided over involved former Guatemalan dictator Efraín Ríos Montt who was being tried for genocide.<sup>11</sup> She found Efraín Ríos Montt responsible for the death of 1,771 indigenous Ixil-Mayans.<sup>12</sup> This trial gave voice to thousands of Ixil-Mayans victims, demonstrated the importance of an independent judiciary and provided a legal precedent for genocide cases. However, her decision was annulled by Guatemala’s Constitutional Court on procedural grounds and a new trial is expected in 2015.

36. Recently, The Honor Tribunal of the Guatemalan Bar Association (el Colegio de Abogados y Notrios de Guatemala) publicly admonished and suspended Dr. Iris Yassmin Barrios Aguliar for one year. This unprecedented ruling from the Guatemalan Bar Association stems from her adjudication and finding of guilt against former dictator Efraín Ríos Montt. The complaint against Dr. Iris Yassmin Barrios Aguliar was brought before the Guatemalan Bar Association by Moisés Galindo, a member of Efraín Ríos Montt’s defence team. He asserted that “he was ‘humiliated’ by the manner in which Judge Barrios ordered him to participate in trial proceedings”. Moisés Galindo has brought complaints against judges to the Guatemalan Bar Association in the past, including deceased Supreme Court Justice Cesar Barrientos.
37. Judges in Guatemala are subject to their own disciplinary process. The complaint that the Guatemalan Bar Association ruled on was previously brought before the judicial competency authority, who ruled to be without merit.
38. Dr. Iris Yassmin Barrios Aguliar has received international acclaim for her integrity and independence. In March 2014, Dr. Iris Yassmin Barrios Aguliar was one of the

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10 Robert F. Kennedy Center for Justice and Human Rights, News Release, “Vanishing Rule of Law in Guatemala” (11 April 2014) online: <http://protectionline.org/2014/04/11/vanishing-rule-of-law-in-guatemala/>

11 U.S. Department of State, News Release “2014 International Women of Courage Award Winners” (March 3, 2014) online: Office of Global Women’s Issues < <http://www.state.gov/s/gwi/programs/iwoc/2014/bio/> >

12 Viola Gienger, “‘Women of Courage’ Awardees Challenge Social Norms Head On” *Peace & Collaborative Development Network* (24 March 2013) online: <http://www.internationalpeaceandconflict.org/profiles/blogs/women-of-courage-awardees-challenge-social-norms-head-on>.

recipients of 2014 International Women of Courage Award bestowed by First Lady of the United States, Michelle Obama.

## THE MONITORING GROUP'S CONSIDERATION

39. The Monitoring Group considered the following when making a decision about the case:
- a. There are no concerns about the quality of sources used for this report.
  - b. The one year suspension and public admonishment of Dr. Iris Yassmin Barrios Aguliar, Tribunal President of Guatemala's High Risk Court, falls within the mandate of the Monitoring Group. The Law Society has not intervened in Guatemala in the past.

### ***TURKEY – THE ARREST AND TRIAL OF HUMAN RIGHTS LAWYER MUHARREM ERBEY***

## SOURCES OF INFORMATION

40. The background information for this report was taken from the following sources:
- a. Lawyers for Lawyers ("L4L");<sup>13</sup>
  - b. The Observatory for the Protection of Human Rights Defenders;<sup>14</sup>
  - c. International Federation for Human Rights ("FIDH");<sup>15</sup> and
  - d. PEN International.<sup>16</sup>

## BACKGROUND

41. Muharrem Erbey is a human rights lawyer who spent 1,570 days in pre-trial detention after being arrested on December 24, 2009 by the Anti-Terror Unit of the Diyarbakir Security Directorate, which took part in a country wide security sweep.<sup>17</sup> His arrest is

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13 L4L has committed itself to enable lawyers to practice law in freedom and independence, always and everywhere, even when that does not suit the local government, bar association or establishment.

14 The Observatory for the Protection of Human Rights Defenders is a joint International Federation of Human Rights (FIDH) and World Organization Against Torture (OMCT) program created in 1997. One of the main objectives is to focus the international community's attention on cases of harassment and repression of human rights defenders

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

16 PEN International was founded in 1921 and connects an international community of writers. PEN International promotes literature and freedom of expression and is governed by the PEN Charter and principles it embodies: unhampered transmission of thought within each nation and between all nations. PEN operates on five continents and is a non-political organization which holds Special Consultative Status at the UN and Associate Status at UNESCO.

17 FIDH, News release, "TURKEY: Four years on, Muharrem Erbey still in pre-trial detention" (10 January 2014) online:



related to the Koma Civakên Kurdistan (KCK) counter terrorism arrests. Since 2008, over 8,000 people have been arrested in the context of the KCK investigations. In 2012, 44 journalists were arrested on terrorist charges and accused of backing the illegal pan-Kurdish umbrella group KCK. These arrests are seen as a way for the Turkish government to criminalize peaceful dissent as well as Kurdish political and cultural expression. The investigations often target human rights defenders. Upon his arrest, Muharrem Erbey was charged with membership in an illegal organization, but there are indications that the charge stems from his work as a human rights lawyer and defender.<sup>18</sup>

42. Minutes from Muharrem Erbey's interrogation on December 25, 2009, show his arrest was linked to his human rights work. He has represented clients before the European Court of Human Rights and is the Vice President of the Human Rights Association of Turkey ("IHD") and President of the local IDH in Diyarbakir, Turkey. He is also known for standing by victims of human rights violations, extrajudicial killings and enforced disappearances. He has also spoken out in support of Kurdish rights. Additionally, Muharrem Erbey is a writer and co-edited a collection of Turkish and Kurdish language stories.<sup>19</sup>
43. The trial against Muharrem Erbey for "being a member of an illegal organisation", pursuant to Article 314 of the Turkish Criminal Code began in October 2010 and resumed on January 13, 2014. He is being prosecuted along with 174 Kurdish persons.<sup>20</sup> If convicted, Muharrem Erbey faces up to 15 years in prison.

## THE MONITORING GROUP'S CONSIDERATION

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

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<http://www.fidh.org/en/europe/turkey/14455-turkey-four-years-on-muharrem-erbey-still-in-pre-trial-detention>.

18 L4L, "Turkey: Lawyer already in 4 years in pre-trial detention" (11 January 2014) online:

<http://www.advocatenvooradvocaten.nl/8680/turkey-lawyer-already-4-years-in-pre-trial/>

19 PEN International, "Muharrem Erbey, Turkey, Human Rights Lawyer and Writer" online: <http://www.pen-international.org/muharrem-erbey-turkey-human-rights-lawyer-and-writer/>

20 The Observatory for the Protection of Human Rights Defenders, News Release "TURKEY: Muharrem Erbey released after 1'570 days in pre-trial detention" (14 April 2014).

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

***IRAN – TRIAL AND ONGOING JUDICIAL HARASSMENT OF HUMAN RIGHTS  
LAWYER HADI ESMAEILZADEH***

**SOURCES OF INFORMATION**

- 45. The background information for this report was taken from the following sources:
  - a. International Federation for Human Rights (“FIDH”);
  - b. The Observatory for the Protection of Human Rights Defenders;
  - c. World News Network (“Wn.com”);<sup>21</sup>
  - d. Defenders of Human Rights Center (“DHRC”);<sup>22</sup> and
  - e. World Organization Against Torture (“OMCT”).<sup>23</sup>

**BACKGROUND**

- 46. Hadi Esmaeilzadeh is a human rights lawyer in Iran and a member of the Defenders of Human Rights Centre (“DHRC”). Although the DHRC’s offices were closed in 2008, the organization still functions. Since the office’s closure, Hadi Esmaeilzadeh has been interrogated by Iranian intelligence and security organizations and pressured to resign from the DHRC.<sup>24</sup> The DHRC was founded in 2001 by five lawyers. Two of the founding lawyers, Abdolfatah Soltani and Mohammad Ali Dakhah, have been

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21 World News Network (“Wn.com”) was founded in 1995 and launched online in 1998, it is now the most comprehensive, one-stop news resource on the Internet.

22 Defenders of Human Rights Center (“DHRC”) was established in 2001 by five Iranian lawyers. The goal of the DHRC is to provide pro-bono defence services, facilitate a dialogue between intellectuals and activists, and report on human rights in Iran and support families of political prisoners and prisoners of conscience.

23 World Organization Against Torture (OMCT) was created in 1985 to fight torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment.

24 OMCT, News Release, IRN 002/0414/OBS027, “Iran: Judicial Harassment of Mr Hadi Esmaeilzadeh” (4 March 2014) online:

<http://www.noodls.com/view/F100FB60935F0D1F091F2CCD9DAFE5B7C592595A?7707xxx1397218876>

imprisoned.<sup>25</sup> The DHRC was approved by Iran's Minister of the Interior in 2005, but they have been refused an operating permit.<sup>26</sup> The DHRC provides pro bono defence for persons accused of political crimes, or those who are prisoners of conscience. Many of those accused are lawyers and law students. They facilitate free training workshops on human rights, women's rights and the rights of the accused. The DHRC also supports the families of political prisoners and prisoners of conscience. They publish reports on human rights in Iran, disseminate information on Iran's human rights issues to the media and also work to bring activists and intellectuals together.

47. In 2009, Hadi Esmailzadeh was expelled from the Higher Institute of Banking of Iran and in 2012 he was also expelled from the Islamic Azad University-Bam Unit because he refused to resign from the DHRC.<sup>27</sup> During a preliminary interrogation on July 12, 2011, Hadi Esmailzadeh was notified he was being charged with "assembly and collusion with intent to commit anti-security crimes" based on his membership of DHRC, and "spreading propaganda against the State". He was also banned from leaving Iran.
48. Hadi Esmailzadeh's trial was scheduled for April 15, 2014 before Branch 15 of the Islamic Revolutionary Court. As of April 11, 2014, his lawyers had not been given access to his file in preparation for his trial.

## THE MONITORING GROUP'S CONSIDERATION

49. The Monitoring Group considered the following when making a decision about the case:
  - a. There are no concerns about the quality of sources used for this report.
  - b. The arrest, detention and conviction of lawyers as a result of their human rights work falls within the mandate of the Monitoring Group. The Law Society has intervened in Iran in the past where lawyers were being persecuted for

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<sup>25</sup> The Law Society intervened on behalf of Abdolfatah Soltani in February 2007 and April 2012.

<sup>26</sup> Defenders of Human Rights Centre, "About Defenders of Human Rights Center" online:

[http://www.humanrights-ir.org/php/view\\_en.php?objnr=233](http://www.humanrights-ir.org/php/view_en.php?objnr=233)

<sup>27</sup> FIDH, "Iran: Judicial Harassment of Mr Hadi Esmailzadeh" (11 April 2014) online

<http://www.fidh.org/en/asia/iran/15118-iran-judicial-harassment-of-mr-hadi-esmailzadeh>

representing clients accused of crimes against the state, terrorism and members of minority groups. Additional past interventions also include cases where lawyers were targeted for their human rights work and protesting.

***PHILIPPINES – THE ONGOING HARASSMENT, SURVEILLANCE AND  
INTIMIDATION OF HUMAN RIGHTS LAWYER MARIA CATHERINE DANNUG-  
SALUCON***

**SOURCES OF INFORMATION**

50. The background information for this report was taken from the following sources:

- a. Lawyers' Rights Watch Canada ("LRWC");<sup>28</sup>
- b. Front Line Defenders;<sup>29</sup>
- c. Lawyers for Lawyers ("L4L");
- d. National Union of Peoples' Lawyers ("NUPL");
- e. Sun Star Baguio;<sup>30</sup>
- f. Bulatlat.com;<sup>31</sup> and,
- g. International Coalition for Human Rights in the Philippines ("ICHRP").<sup>32</sup>

**BACKGROUND**

51. Maria Catherine Dannug-Salucon is a human rights lawyer in the Philippines. She is a founding member of the National Union of Peoples' Lawyers ("NUPL"), which provides legal services to victims of human rights violations. In particular, the NUPL provides legal services to marginalized and vulnerable clients who include: farmers, workers,

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

29 Front Line Defenders is the International Foundation for the Protection of Human Rights Defenders. Founded in Dublin in 2001, the goal of the organization is to protect human rights defenders at risk, people who work, non-violently, for any and all rights enshrined in the Universal Declaration of Human Rights.

30 The Sun Star began posting news online in October 1996. It was the first community newspaper to go online in the Philippines. In May 2000, the website was converted into the Sun Start Network Online. It pulls news and information from the Sun Star newspapers and provides aggregated content.

31 Bulatlat.com is an alternative online news publication in the Philippines. It is supported by citizen journalists and its mandate is "journalism for the people".

32 The ICHRP is a global network of organizations outside of the Philippines concerned about human rights in the Philippines. Its focus is to inform the international community about the human rights situation in the Philippines.

women, youth, students, children, migrant workers, indigenous peoples, minority groups, activists, the Moro people<sup>33</sup> and impoverished peoples.<sup>34</sup> Additionally, Maria Catherine Dannug-Salucon is known for taking on high profile cases. These cases include defending political detainees.

52. On March 25, 2014, Maria Catherine Dannug-Salucon was working with William Bugatti a paralegal and leader of the Ifugao Peasants Movement. They were both in a hearing. Maria Catherine Dannug-Salucon was representing a political prisoner accused of “murder and frustrated murder at the Regional Trial Court (RTC)”. During the hearing, the prosecution introduced a witness, who on cross-examination admitted that he did not see Maria Catherine Dannug-Salucon’s client at the scene of the reported ambush, but was shown pictures of her client before the hearing. Maria Catherine Dannug-Salucon asked William Bugatti to track down the information for the person designated to handle the prosecution’s witness.<sup>35</sup>
53. Later, he met with Maria Catherine Dannug-Salucon and advised her to change her travel route when attending hearings at the RTC. That evening, William Bugatti was shot and killed while on his way home.<sup>36</sup> Afterwards, Maria Catherine Dannug-Salucon learned that the Regional Intelligence Division of the Philippine National Police (“PNP”) issued a directive to conduct a background investigation to determine if she was a “Red Lawyer”. She has been placed on the military’s Watch List of “Communist Terrorist”

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33 The Moro refers to the Muslim peoples in the Mindanao, Palawan, the Sulu Archipelago and other southern islands of the Philippines. They are a minority and have been subjected to neglect and prejudice because of their faith. Encyclopaedia Britannica, “Moro”, online: Encyclopaedia Britannica <<http://www.britannica.com/EBchecked/topic/392579/Moro>>.

34 L4L, News Release, “Philippines: Maria Catherine L. Dannug-Salucon” online: <<http://www.advocatenvooradvocaten.nl/actions/maria-catherine-l-dannug-salucon/>>; NUPL Philippines, “About Us”, online: NUPL Philippines <<http://www.nupl.net/>>.

35 ICHRP, “Rights lawyer harassed, under intense surveillance by police and military agents” (4 April 2014) online: <<http://www.humanrightsphilippines.net/2014/04/rights-lawyer-harassed-under-intense-surveillance-by-police-and-military-agents/>>.

36 Maria Elena Catajan, “Task force Bugatti faces blank wall” Sun Star ( 28 March 2014) online: <http://www.sunstar.com.ph/baguio/local-news/2014/03/28/task-force-bugatti-faces-blank-wall-335489>; L4L, News Release, “Philippines: Maria Catherine L. Dannug-Salucon” online: L4L <<http://www.advocatenvooradvocaten.nl/actions/maria-catherine-l-dannug-salucon/>> .

supporters who provide legal services. She also learned that the Intelligence Service of the Armed Forces of the Philippines is following her.<sup>37</sup>

54. Between March 31, 2014 and April 10, 2014, individuals believed to belong to the Military Intelligence Group (“MIG”) made repeated visits to her law office. She was asked to meet the head of the MIG so they could explain their surveillance of her activities. Men on motorcycles, who are believed to be members of the military, patrolled the neighbourhood around her home and her office for a number of days. On April 3, 2014 and again on April 12, 2014, these men were watching her home. Previously, on March 12, 19 and 21, 2014, these same men were watching, stopping and questioning local community members about her whereabouts in the area surrounding her office.<sup>38</sup>
55. On April 11, 2014, Maria Catherine Dannug-Salucon sought protection in the courts by filing a petition for a *writ of amparo* and a *writ of habeas data* before the Court of Appeals.<sup>39</sup> She is seeking temporary protection for both herself and her family. In her petition she is asking the court to “direct the respondents and any persons acting on their behalf to destroy any information, statements, records, photographs, dossier and all other evidences pertaining to her in their files or record”.<sup>40</sup> The named respondents include President Benigno Simeon Aquino III, AFP Chief-of-Staff Gen. Emmanuel Bautista, Philippine Army Commanding General Gen. Hernando Irriberri, and Commanding General of the 5th Infantry Division of the AFP Gen. Joel Ibanez.<sup>41</sup>

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37 ICHRP, “Rights lawyer harassed, under intense surveillance by police and military agents” (4 April 2014) online: ICHRP <<http://www.humanrightsphilippines.net/2014/04/rights-lawyer-harassed-under-intense-surveillance-by-police-and-military-agents/>>; LRWC, Letters “Philippines: The personal and professional safety of Atty. Catherine Dannug-Salucon threatened by unwarranted surveillance and labeling” (22 April 2014) online: LRWC <<http://www.lrwc.org/philippines-the-personal-and-professional-safety-of-atty-catherine-dannug-salucon-threatened-by-unwarranted-surveillance-and-labeling-letter/>>.

38 Front Line Defenders, “Philippines – Harassment and surveillance of human rights lawyer Ms Catherine Dannug-Salucon” (16 April 2014) online: <<http://www.frontlinedefenders.org/node/25707>>.

39 The “writ of amparo is a remedy available to relatives of victims of extralegal killings, enforced disappearance or victims of threats. The writ of habeas data is a remedy available to any person whose right to privacy, life, liberty or security is violated or threatened.” Ronalyn V. Olea, “threatened rights lawyer seeks protection” *Bulatlat.com* (12 April 2014) online: <<http://bulatlat.com/main/2014/04/12/threatened-rights-lawyer-seeks-protection/>>.

40 *Ibid.*

41 *Supra* note 14.

## **THE MONITORING GROUP'S CONSIDERATION**

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

**TAB 2.2.1**

**Proposed Letters of Intervention and Public Statement**

[DATE]

His Excellency Otto Pérez Molina  
President of Guatemala  
Office of the President  
6 calle, Zona 1  
Guatemala City, Guatemala

Your Excellency:

**Re: Admonishment and Suspension of Dr. Iris Yassmin Barrios Aguila Tribunal President, Courts for High Risk Crimes.**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the public admonishment and one year suspension of Judge Iris Yassmin Barrios Aguliar. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Recently, the Honor Tribunal of the Guatemala's bar association (el Colegio de Abogados y Notrios de Guatemala) publicly admonished and suspended Dr. Iris Yassmin Barrios Aguliar for one year based on a complaint by lawyer Moises Galindos. This is notwithstanding the fact that Guatemala's judicial competency authority ruled that his complaint was without merit.

The Law Society of Upper Canada understands that both the admonishment and the suspension are linked to Judge Iris Yassmin Barrios Aguliar's work as the Tribunal President of the Courts for High Risk Crimes. This unprecedented ruling from the Guatemala's bar association stems from her adjudication over Efrain Rios Montt's trial for genocide. Dr. Iris Yassmin Barrios Aguliar has received international recognition for her integrity and independence. In March 2014, she was among one of the recipients of the 2014 International Women of Courage Awards.

The Law Society is deeply concerned about situations where members of the judiciary are themselves targeted in the legitimate exercise of their duties. The Law Society believes strongly in the protection of judicial independence. Judges frequently have to rule on controversial matters and interpret the law in areas where there is legal uncertainty. Judges must be able to make controversial, and even unpopular, rulings without fear of politically motivated sanctions.

The Law Society urges the government of Guatemala to,

- a. reinstate Judge Iris Yassmin Barrios Aguliar to her position as Tribunal President, Court of High Risk Crimes;
- b. take steps to ensure that judges are not subject to politically-motivated sanctions as a result of issuing decisions;
- c. publicly recognize the importance and legitimacy of the work of judges and their contributions to the strengthening of democracy and the rule of law;



- d. ensure that all judges can carry out their peaceful and legitimate duties and activities without fear of removal from office; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Thomas G. Conway  
Treasurer

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

cc:

Ms. Gabriela Carina Knaul de Albuquerque Silva  
UN Special Rapporteur on the Independence of Judges and Lawyers  
United Nations Office at Geneva  
8-14 Avenue de la Paix  
1211 Geneva 10  
Switzerland

### **Proposed Public Statement**

#### **The Law Society of Upper Canada Expresses Grave Concern about the Suspension and Admonishment of Dr. Iris Yassmin Barrios Aguilar, Tribunal President of Guatemala's High Risk Court**

The Law Society of Upper Canada is gravely concerned about the public admonishment and one year suspension of Judge Iris Yassmin Barrios Aguilar by the Guatemala's bar association.

Recently, the Honor Tribunal of the Guatemala's bar association (el Colegio de Abogados y Notrios de Guatemala) publicly admonished and suspended Dr. Iris Yassmin Barrios Aguilar for one year even though Guatemala's judicial competency authority ruled that the complaint from former dictator Efraim Rios Montt's counsel was without merit.

The Guatemala's bar association's unprecedented ruling stems from Dr. Iris Yassmin Barrios Aguilar's adjudication over former dictator Efraim Rios Montt's trial for genocide. He was found responsible for the death of 1,771 indigenous Ixil-Mayans. This trial gave voice to thousands of Ixil-Mayans victims, demonstrated the importance of an independent judiciary and provided a legal precedent for genocide cases.

Dr. Iris Yassmin Barrios Aguilar has received international acclaim for her integrity and independence. In March 2014, Dr. Iris Yassmin Barrios Aguilar was one of the recipients of 2014 International Women of Courage Award bestowed by First Lady of the United States, Michelle Obama.

The Law Society is deeply concerned about situations where members of the judiciary are themselves targeted in the legitimate exercise of their duties. The Law Society believes strongly in the importance of protecting judicial independence. Judges frequently have to rule on controversial matters and interpret the law in areas where there is legal uncertainty. Judges must be able to make controversial, and even unpopular, rulings without fear of politically motivated sanctions.

The Law Society urges the government of Guatemala to,

- a. reinstate Judge Iris Yassmin Barrios Aguilar to her position as Tribunal President, Court of High Risk Crimes;
- b. take steps to ensure that judges are not subject to politically-motivated sanctions as a result of issuing decisions;
- c. publicly recognize the importance and legitimacy of the work of judges and their contributions to the strengthening of democracy and the rule of law;
- d. ensure that all judges can carry out their peaceful and legitimate duties and activities without fear of removal from office; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

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

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

President Hon. Esebuia Munuo  
International Association of Women Judges  
Suite 350  
1850 M Street NW  
Washington, DC  
20036 USA

Dear President Hon. Esebuia Munuo,

***Re: The Public Admonishment and One Year Suspension of Judge Iris Yassmin Barrios Aguliar, Tribunal President, Court of High Risk Crimes, Guatemala***

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

I write to inform you that on the advice of the Monitoring Group, the Law Society of Upper Canada sent the attached letter to the Guatemalan government expressing our deep concerns over the public admonishment and one year suspension of Dr. Iris Yassmin Barrios Aguliar by the Honor Tribunal of the Guatemala's bar association.

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

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

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

I thank you for your time and consideration.

Sincerely,

Paul Schabas  
Chair, Human Rights Monitoring Group

[DATE]

Luis Alfredo Enrique Reyes García  
Presidente Junta Directiva  
Colegio de Abogados y Notarios de Guatemala  
calle 15-46 zona 15, colonia El Maestro  
Edificio de los Colegios Profesionales  
nivel 7 y 8, Guatemala

Dear Presidente Garcia,

**Re: The Admonishment and Suspension of Dr. Iris Yassim Barrios Aguliar, Tribunal President for Guatemala's Courts of High Risk Crimes**

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

I write to inform you that on the advice of the Human Rights Monitoring Group, the Law Society of Upper Canada sent the attached letter to the Guatemalan government expressing our deep concerns over the Honor Tribunal of the Colegio de Abogados y Notarios de Guatemala's public admonishment and suspension of Dr. Iris Yassim Barrios Aguliar for one year based on a complaint by lawyer Moises Galindos. This is notwithstanding the fact that Guatemala's judicial competency authority ruled that Moises Galindos' complaint was without merit.

The Law Society of Upper Canada understands that both the admonishment and the suspension are linked to Judge Iris Yassmin Barrios Aguliar's work as the Tribunal President of the Courts for High Risk Crimes. This unprecedented ruling from Colegio de Abogados y Notarios de Guatemala's Tribunal de Honor stems from her adjudication over Efraim Rios Montt's trial for genocide. Dr. Iris Yassmin Barrios Aguliar has received international recognition for her integrity and independence. In March 2014, she was among one of the recipients of the 2014 International Women of Courage Awards.

The Law Society is deeply concerned about situations where members of the judiciary are themselves targeted in the legitimate exercise of their duties. The Law Society believes strongly in the protection of judicial independence. Judges frequently have to rule on controversial matters and interpret the law in areas where there is legal uncertainty. Judges must be able to make controversial, and even unpopular, rulings without fear of politically motivated sanctions.

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

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

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

I thank you for your time and consideration.

Sincerely,

Paul Schabas  
Chair, Human Rights Monitoring Group

**TAB 2.2.2**

**Proposed Letters of Intervention and Public Statement**

[DATE]

Prime Minister Recep Tayyip Erdoğan  
Office of the Prime Minister  
Bakanlıklar, P.K. 06573  
Ankara, Turkey

Dear Prime Minister Erdoğan:

**Re: The Judicial Harassment of Muharrem Erbey**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the arrest, lengthy pre-trial detention and trial of Muharrem Erbey. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Muharrem Erbey was arrested on December 24, 2009 by the Anti-Terror Unit of the Diyarbakir Security Directorate, which took part in a country wide security sweep. He was charged with “being a member of an illegal organisation”, pursuant to Article 314 of the *Turkish Criminal Code*.

However, the minutes from Muharrem Erbey’s interrogation on December 25, 2009 show that his arrest was linked to his human rights work. As a human rights defender, Muharrem Erbey has represented clients before the European Court of Human Rights and is the Vice President of the Human Rights Association of Turkey (“IHD”) and President of the local IDH in Diyarbakir, Turkey.

Additionally, Muharrem Erbey spent 1,570 days in pre-trial detention and was only recently released from detention. His release comes well after his trial began in October 2010 and after it resumed on January 12, 2014. While we welcome the court’s decision to release Muharrem Erbey, we are concerned about the persistence of charges against him and the ongoing judicial harassment of him for his human rights work.

The Law Society is deeply concerned about situations where lawyers are targeted in the legitimate exercise of their duties. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law.

Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional

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

The Law Society urges the government of Turkey to,

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

Yours very truly,

Thomas G. Conway  
Treasurer

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Cc:

Mr. Başbakan Yardımcıları, Deputy Prime Minister  
Responsible for Human Rights and Counter Terrorism  
Bakanlıklar  
Ankara, Turkey

Mr. Sadullah Ergin, Minister of Justice  
Ministry of Justice  
Adalet Bakanligi, 06659  
Ankara, Turkey



## **Proposed Public Statement**

### **The Law Society of Upper Canada Expresses Grave Concerns about the Ongoing Judicial Harassment of Muharrem Erbey**

The Law Society of Upper Canada is gravely concerned about the arrest, the 1,570 days of pre-trial detention and trial of Muharrem Erbey.

Muharrem Erbey is a human rights lawyer and writer. He is well known for standing by victims of human rights violations, extrajudicial killings and enforced disappearances as well as his support of Kurdish rights. He was arrested on December 24, 2009 by the Anti-Terror Unit of the Diyarbakir Security and charged with “being a member of an illegal organisation”, pursuant to Article 314 of the *Turkish Criminal Code*.

Muharrem Erbey’s arrest is related to the Koma Civakên Kurdistan (KCK) counter terrorism arrests. Since 2008, over 8,000 people have been arrested in the context of the KCK investigations. In 2012, 44 journalists were arrested on terrorist charges and accused of backing the illegal pan-Kurdish umbrella group KCK. These arrests are seen as a way for the Turkish government to criminalize peaceful dissent as well as Kurdish political and cultural expression. These investigations often target human rights defenders.

The minutes from Muharrem Erbey’s interrogation on December 25, 2009 show that his arrest was linked to his human rights work. He has represented clients before the European Court of Human Rights and is the Vice President of the Human Rights Association of Turkey (“IHD”) and President of the local IDH in Diyarbakir, Turkey.

Additionally, Muharrem Erbey spent 1,570 days in pre-trial detention and was only recently released from that detention. His release comes well after his trial began in October 2010 and after it resumed on January 12, 2014. If convicted, Muharrem Erbey faces up to 15 years in prison.

The Law Society is deeply concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law.

Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states “governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics”. Article 18 states “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions”.

The Law Society urges the government of Turkey to,

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

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

President Ümit Kocksakal  
Istanbul Bar Association  
Orhan Adli Apaydin Sokak  
Baro Han K:2 34430  
Beyoglu/Istanbul  
Turkey

Dear President Kocasakal,

***Re: The Ongoing Judicial Harassment of Muharrem Erbey***

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

I write to inform you that on the advice of the Monitoring Group, the Law Society of Upper Canada sent the attached letter to the Turkish government expressing our deep concerns over the arrest, lengthy pre-trial detention and trial of Muharrem Erbey.

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

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

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

I thank you for your time and consideration.

Sincerely,

Paul Schabas  
Chair, Human Rights Monitoring Group

**TAB 2.2.3**

**Proposed Letters of Intervention and Public Statement**

President Hassan Rouhani  
Office of the President  
Palestine Avenue  
Azerbaijan Intersection  
Tehran, Islamic Republic of Iran

Your Excellency President Rouhani:

**Re: The Trial and Ongoing Harassment of Hadi Esmailzadeh**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the trial and ongoing harassment of human rights lawyer Hadi Esmailzadeh. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Hadi Esmailzadeh is an Iranian human rights lawyer and a member of the Defenders of Human Rights Centre (“DHRC”). Since the DHRC’s office’s closure in 2008, he has been interrogated by Iranian intelligence and security organizations and pressured to resign from the DHRC.

During a preliminary interrogation on July 12, 2011, Hadi Esmailzadeh was notified that he was being charged with “assembly and collusion with intent to commit anti-security crimes” based on his membership of DHRC, and “spreading propaganda against the State”. He was also banned from traveling outside of Iran.

We are particularly concerned that lawyers for Hadi Esmailzadeh have not been given access to his file in preparation for his trial. His trial was scheduled for April 15, 2014 before Branch 15 of the Islamic Revolutionary Court.

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

The Law Society urges the government of Iran to,

- a. guarantee all the procedural rights that should be accorded to Hadi Esmailzadeh and other human rights defenders in Iran;

- b. guarantee in all circumstances the physical and psychological integrity of Hadi Esmaeilzadeh;
- c. put an end to all acts of harassment against Hadi Esmaeilzadeh and other human rights defenders in Iran;
- d. ensure that all Iranian lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Thomas G. Conway  
Treasurer

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

Cc:

Mr. Mostafa Pourmohammadi  
Minister of Justice  
Department of Justice  
Tehran, Islamic Republic of Iran

## **Proposed Public Statement**

### **The Law Society of Upper Canada Expresses Grave Concerns about the Trial and Ongoing Harassment of Hadi Esmaeilzadeh**

The Law Society of Upper Canada is gravely concerned about the trial and judicial harassment of Hadi Esmaeilzadeh.

Hadi Esmaeilzadeh is a human rights lawyer in Iran and a member of the Defenders of Human Rights Centre (“DHRC”). Although the DHRC’s offices were closed in 2008, the organization still functions. Since the office’s closure, Hadi Esmaeilzadeh has been interrogated by Iranian intelligence and security organizations and pressured to resign from the DHRC.

During a preliminary interrogation on July 12, 2011, Hadi Esmaeilzadeh was notified he was being charged with “assembly and collusion with intent to commit anti-security crimes” based on his membership of DHRC, and “spreading propaganda against the State” He was also banned from traveling outside of Iran.

Hadi Esmaeilzadeh’s trial was scheduled for April 15, 2014 before Branch 15 of the Islamic Revolutionary Court. As of April 22, 2014, lawyers for Hadi Esmaeilzadeh had not been given access to his file in preparation for his trial.

The DHRC was founded in 2001 by five lawyers. Two of the founding lawyers, Abdolfatah Soltani and Mohammad Ali Dakhah, have been imprisoned. The DHRC provides pro bono defence for persons accused of political crimes or prisoners of conscience. Many of those accused are lawyers and law students. They facilitate free training workshops on human rights, women’s rights and the rights of the accused. In 2009, Hadi Esmaeilzadeh was expelled from the Higher Institute of Banking of Iran and in 2012 he was also expelled from the Islamic Azad University-Bam Unit because he refused to resign from the DHRC.

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

The Law Society urges the government of Iran to,

- a. guarantee all the procedural rights that should be accorded to Hadi Esmaeilzadeh and other human rights defenders in Iran;

- b. guarantee in all circumstances the physical and psychological integrity of Hadi Esmaeilzadeh;
- c. put an end to all acts of harassment against Hadi Esmaeilzadeh and other human rights defenders in Iran;
- d. ensure that all Iranian lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

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

Mr. Bahman Keshavarz  
Iranian Bar Associations Union  
No. 3, Zagros Street  
Argentina Square  
Tehran, Iran  
15149

Dear Chairman Keshavarz,

***Re: The Trial and Ongoing Judicial Harassment of Hadi Esmaeilzadeh***

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

I write to inform you that on the advice of the Monitoring Group, the Law Society of Upper Canada has sent the attached letter to the Iranian government expressing our deep concerns over the trial and ongoing judicial harassment of human rights lawyer Hadi Esmaeilzadeh.

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

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

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

I thank you for your time and consideration.

Sincerely,

Paul Schabas  
Chair, Human Rights Monitoring Group



**TAB 2.2.4**

**Proposed Letters of Intervention and Public Statement**

[DATE]

Hon. Mr. Benigno S. Aquino III  
President of the Republic of the Philippines Malacañang Palace  
J.P. Laurel Street, San Miguel  
NRC 1005, MANILA, THE PHILIPPINES

Your Excellency:

**Re: The Ongoing Harassment of Maria Catherine Dannug-Salucon**

I write on behalf of the Law Society of Upper Canada\* to voice our grave concern over the ongoing surveillance and intimidation of Maria Catherine Dannug-Salucon, human rights lawyer and a founding member of the National Union of Peoples' Lawyers. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

According to reliable reports, Maria Catherine Dannug-Salucon, a human rights lawyer, has been the subject of different forms of harassment, including surveillance, labelling and verbal intimidation by members of the military over the last few months.

The ongoing harassment of Maria Catherine Dannug-Salucon appears to be related to her legal work. She is a founding member of the National Union of Peoples' Lawyers ("NUPL") and has taken on high profile legal cases, including the defense of several political detainees. As a result of her work, Maria Catherine Dannug-Salucon has been placed on the Filipino military's Watch List of "Communist Terrorist" supporters who provide legal services and is now labelled as a "Red Lawyer".

Additionally, the Regional Intelligence Division of the Philippine National Police ("PNP") has allegedly ordered the PNP office in Maria Catherine Dannug-Salucon's home town to conduct a background investigation into whether she is a "Red Lawyer".

Since March, Maria Catherine Dannug-Salucon has been under the surveillance of the Intelligence Services of the Armed Forces of the Philippines. On 12, 19 and 21 of March 2014, men on motorcycles, who appeared to be members of the military, were monitoring the area around her office and questioned members of the local community as to her whereabouts. A few weeks later, on 3 and 12 April 2014, her home was also placed under surveillance by two men on a motorcycle. Between 31 March and 10 April 2014, Maria Catherine Dannug-Salucon's office was visited several times by individuals who are presumably members of the Military Intelligence Group ("MIG"). This surveillance is particularly concerning in view of the death on March 25, 2014 of William Bugatti, a paralegal who was working with Maria Catherine Dannug-Salucon.

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

The Law Society urges the government of the Philippines to,

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

Yours very truly,

Thomas G. Conway  
Treasurer

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

## **Proposed Public Statement**

### **The Law Society of Upper Canada Expresses Grave Concerns about the Ongoing Surveillance and Intimidation of Human Rights Lawyer Maria Catherine Dannug-Salucon**

The Law Society of Upper Canada is gravely concerned about the ongoing surveillance and intimidation of Filipino human rights lawyer Maria Catherine Dannug-Salucon.

Maria Catherine Dannug-Salucon has been the subject of different forms of harassment, including surveillance, labelling and verbal intimidation by members of the military over the last few months.

The ongoing harassment of Maria Catherine Dannug-Salucon appears to be related to her legal work. She is a founding member of the National Union of Peoples' Lawyers ("NUPL") which provides legal services to victims of human rights violations. In particular, the NUPL provides legal services to marginalized and vulnerable clients who include: farmers, workers, women, youth, students, children, migrant workers, indigenous peoples, minority groups, the Moro people and impoverished peoples.

Maria Catherine Dannug-Salucon has also taken on high profile legal cases, including the defense of several political detainees. As a result of her work, she has been placed on the Filipino military's Watch List of "Communist Terrorist" supporters who provide legal services and she is now labelled as a "Red Lawyer".

Additionally, the Regional Intelligence Division of the Philippine National Police ("PNP") has allegedly ordered the PNP office in Maria Catherine Dannug-Salucon's home town to conduct a background investigation into whether she is a "Red Lawyer".

Since March, Maria Catherine Dannug-Salucon has been under the surveillance of the Intelligence Services of the Armed Forces of the Philippines. On 12, 19 and 21 of March 2014, men on motorcycles, who appeared to be members of the military, were monitoring the area around her office and questioned members of the local community as to her whereabouts.

A few weeks later, on 3 and 12 April 2014, her home was also placed under surveillance by two men on a motorcycle. Between 31 March and 10 April 2014, Maria Catherine Dannug-Salucon's office was visited several times by individuals presumably being members of the Military Intelligence Group ("MIG"). This surveillance is particularly concerning in view of the violent death on March 25, 2014 of William Bugatti, a paralegal who was working with Maria Catherine Dannug-Salucon.

The Law Society is deeply concerned about situations where lawyers who work for the protection and respect of human rights are themselves targeted for exercising their freedoms and rights under international law. International human rights instruments, including the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights* state that respect for human rights is essential to advancing the rule of law. Article 16 of the *United Nations Basic Principles on the Role of Lawyers* states "governments shall ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance,

harassment or improper interference; are able to travel and to consult with their clients freely; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.” Article 18 states “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions”.

The Law Society urges the government of the Philippines to,

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

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

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

[DATE]

President Beda G. Fajaro  
The Philippine Bar Association  
Suite 347 Valero Plaza,  
124 Valero St., Salcedo Village  
Makati 1200 Philippines

Dear President Fajaro,

***Re: The Ongoing Surveillance and Intimidation of Maria Catherine Dannug-Salucon***

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

I write to inform you that on the advice of the Human Rights Monitoring Group, the Law Society of Upper Canada sent the attached letter to the Philippine government expressing our deep concerns over the ongoing surveillance and intimidation of human rights lawyer Maria Catherine Dannug-Salucon.

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

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

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

I thank you for your time and consideration.

Sincerely,

Paul Schabas  
Chair, Human Rights Monitoring Group

**TAB 2.3**

**PUBLIC EDUCATION EQUALITY AND RULE OF LAW SERIES  
CALENDAR  
2014**

For a list of upcoming events, please consult <http://www.lawsocietygazette.ca/events/>

**ASIAN AND SOUTH ASIAN HERITAGE MONTH**

Date : May 22, 2014

Donald Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)

Convocation Hall (6:00 p.m. – 8:00 p.m.)

**Keynote**

**David H. Tsubouchi** — registrar and CEO, Ontario College of Trades

**Speakers**

**Melissa Kennedy** — senior vice president, General Counsel & Corporate Affairs, Ontario Teachers' Pension Plan; outgoing chair, Legal Leaders for Diversity

**Sonia Mak** — partner, Bordner Ladner Gervais LLP, chair, BLG's Diversity and Inclusion Committee

**Ratna Omidvar** — president, Maytree

**Lisa Wong** — senior counsel, Legal, Corporate & Compliance Group, BMO Financial Group

**JUSTICIA SYMPOSIUM 2014**

Date: May 28, 2014

Donald Lamont Learning Centre (11:30 a.m. – 4:45 p.m.)

Convocation Hall (5:00 p.m. – 7:00 p.m.)

"Train the Trainers" session (lunch provided): 11:30 a.m. – 12:50 p.m.

Introduction: 1:00 p.m. – 1:15 p.m.

Workshops: 1:25 p.m. – 4:05 p.m.

Panel Discussion: 4:15 p.m. – 4:45 p.m.

Reception and Keynote: 5:00 p.m. – 7:00 p.m.

**ACCESS AWARENESS FORUM**

Date: June 4, 2014

Donald Lamont Learning Centre (4:00 p.m. – 8:00 p.m.)

Keynote: **Shuaib Chalklen**, special rapporteur on disability for the United Nations Commission for Social Development

Panel discussion: Theories and models of disability in law and practice

Panelists:

**Vera Chouinard**, professor, McMaster University

**Steve Estey**, second vice chairperson, Council of Canadians with Disabilities  
**Rachel Gorman**, assistant professor, Critical Disability Studies at York University  
**Roberto Lattanzio**, staff lawyer, ARCH Disability Law Centre

**PRIDE WEEK - June 17, 2013**

Donald Lamont Learning Centre (5:30 p.m. – 7:30 p.m.)

Convocation Hall (7:30 p.m. – 9:30 p.m.)

Keynote: **Ann-Marie MacDonald** – Host CBC's Doc Zone, author and actress

Screening: Documentary – How We Got Gay

Moderator: **Zahara Dhanani**, Part-time commission member/adjudicator, Ontario  
Civilian Police Commission, Duty Counsel (Per-diem)

Panelists:

**Ann-Marie MacDonald**

**Marc de Guerre** (director of the documentary)

**Bob Gallagher** (featured in documentary) co-founder of both the Campaign for Equal  
Families and Canadians for Equal Marriage

**Angela Swan** (transgender) member of Women Lawyers Forum

**NATIONAL ABORIGINAL HISTORY MONTH - June 19, 2014**

Donald Lamont Learning Centre (4:00 p.m. – 6:00 p.m.)

Convocation Hall (6:00 p.m. – 8:00 p.m.)

Panel discussion: The Intersection of Treaties and Resource Development with First  
Nations (working title)

Event in partnership with the Chiefs of Ontario



**TAB 3**

**Report to Convocation  
May 22, 2014**

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**Audit & Finance Committee**

**Committee Members**  
**Christopher Bredt (Co-Chair)**  
**Carol Hartman (Co-Chair)**  
**John Callaghan (Vice-Chair)**  
Cathy Corsetti  
Adriana Doyle  
Susan Elliott  
Seymour Epstein  
Janet Leiper  
James Scarfone  
Alan Silverstein  
Catherine Strosberg  
Peter Wardle

**Purpose of Report: Decision and Information**

**Prepared by the Finance Department**  
**Wendy Tysall, Chief Financial Officer, 416-947-3322 or wtysall@lsuc.on.ca**



## TABLE OF CONTENTS

### **For Decision**

In Camera Item .....	<a href="#">TAB 3.1</a>
Investment Policy.....	<a href="#">TAB 3.2</a>
Investment Manager and Investment Custodian.....	<a href="#">TAB 3.3</a>
In Camera Item.....	<a href="#">TAB 3.4</a>

### **For Information ..... [TAB 3.5](#)**

Law Society First Quarter Financial Statements 2014 .....	<a href="#">TAB 3.5.1</a>
Investment Compliance Reports .....	<a href="#">TAB 3.5.2</a>

## COMMITTEE PROCESS

1. The Audit & Finance Committee (“the Committee”) met on May 7, 2014. Committee members in attendance were Chris Bredt (co-chair), Carol Hartman (co-chair) (phone), John Callaghan (vice-chair), Cathy Corsetti, Seymour Epstein, Janet Leiper, Alan Silverstein, Catherine Strosberg, and Peter Wardle.
2. Also in attendance were members of the Government and Public Affairs Committee: Marion Boyd, Ross Earnshaw, Jacqueline Horvat, Susan McGrath, Barbara Murchie and Joe Sullivan.
3. Law Society staff in attendance: Robert Lapper, Wendy Tysall, Grant Wedge, Jim Varro, Sheena Weir, Roy Thomas, Fred Grady, Julia Bass, and Andrew Cawse.
4. Also in attendance were Kathleen Waters and Steve Jorgensen (LAWPRO).
5. Also in attendance were Brian White (AON Hewitt) and John Lorito (Stikeman Elliott).

*THIS SECTION CONTAINS  
IN CAMERA MATERIAL*

**TAB 3.2**

**FOR DECISION**

**INVESTMENT POLICY**

**Motion:**

38. **That Convocation approve the updated Investment Policy.**
39. A copy of the recommended Investment Policy follows on the next page . The recommended changes can be categorized as house-keeping - the changes update balances at December 31, 2013.
40. In the “Accountabilities and Responsibilities” section of the Investment Policy it states that “Convocation shall.... review the administration of the Portfolios in the context of this policy. This shall be done on at least an annual basis.” This was last completed in April 2013.
41. The Investment Policy governs the investment portfolios of the General, Compensation and Errors & Omissions Insurance (“E&O”). Funds. At December 31, 2013 these investments had a total market value of \$77 million comprising \$62 million in fixed income investments and \$15 million in equity investments.
42. The General Fund is the Law Society’s operating fund, accounting for the Law Society’s program delivery and administrative activities related to the regulation and licensing of members. The Law Society maintains the Compensation Fund pursuant to section 51 of the Law Society Act to relieve or mitigate loss sustained by any person in consequence of dishonesty on the part of a member. The E&O Fund accounts for insurance-related transactions between LAWPRO, the Society and insured lawyers.
43. The Law Society’s existing investment policy, with its bias towards short-term fixed income securities is conservative and relatively defensive and the recommendation is not

to change this asset mix at this time. Investment returns in 2013 exceeded budget although the Law Society does not rely on investment returns as core funding for programs. The recommended policy is intended to guide the Law Society's investment activities for the next year after which time the annual policy review will again be presented for consideration.

44. In recent years the Canada Revenue Agency has been conducting a Non-Profit Organization Risk Identification Project also described as the audit of an organization's tax-exempt status under paragraph 149(1)(l) of the Income Tax Act. Results of this project have been publicized and have highlighted the need for a conservative investment policy. In noting evidence of a profit purpose which would contravene paragraph 149(1)(l) of the Income Tax Act, the CRA project has identified nine risk areas. One of these risk areas is the holding of speculative or non-passive investments. Aggressive investment policies may be regarded as a profit purpose and the primary objective of an investment policy should be to preserve capital, not maximize returns. Investments that do not match the purpose of the underlying reserves and cash flow needs may be regarded as an issue by CRA.
45. Some issues typically considered in assessing the Investment Policy are:
  - a) Risk - The Law Society has an *ability* to adopt a higher level of risk, however the Law Society's *willingness* to adopt a higher level of risk is very low. The current Investment Policy is generally in line with the Law Society's nature, goals and purpose.
  - b) Active versus Passive Management - The Law Society could consider passive investment management. Passive management aims to replicate the performance of a specified stock market index. This consideration is based on the difficulty active managers have experienced in adding value to Canadian bond returns, where we have the most exposure. However it is important for an investment manager to strive to exceed the relevant benchmark and to make tactical decisions on asset allocation when appropriate. As analyzed in the attached report on the returns achieved by the Investment Manager, their performance supports this decision.
  - c) Global Equities - Investing in global equities may increase expected returns without increasing expected risk, because of improved diversification. However the relatively small scale of the Law Society's investments means managing the

currency risk can be expensive, reducing net investment returns. The general principle of reduced risk with geographic diversification appears muted in practice and the current economic climate lends itself to a defensive investment strategy. The current policy has demonstrated its effectiveness under volatile market conditions.

- d) Asset Mix – the allocation between fixed income securities and equities is currently considered to be appropriate.
- e) Investment Manager - Moving to a passive investment structure as in b) above may require a change in investment manager. AON Hewitt has noted that such a change could be disruptive and costly.

### **Recommendation**

- 46. The CRA not-for-profit risk project has emphasized the focus on capital preservation rather than the pursuit of aggressive investment returns. The Law Society's fixed income portfolio currently has a relatively high yield compared to current rates available. Within this context, the recommendation is to maintain the current Investment Policy.
- 47. This has the following advantages:
  - a. Maintains the Law Society's orientation to fixed income investments reducing exposure to volatile equity markets.
  - b. Denominates the Law Society's investments in Canadian dollars eliminating exposure to foreign currency fluctuations.
  - c. Offers relatively low investment management fees for an actively management fixed income portfolio.
  - d. Does not force a liquidation of fixed income investments that currently have a relatively high yield and the reinvestment in lower yielding fixed income instruments.
  - e. The cost to do a full search for an active manager is estimated at \$100,000. The cost for a passive manager search would be less, particularly if a single manager is selected and invited to present.
  - f. Our investment consultant, AON Hewitt has just completed their review of FGP's performance at December 31, 2013 which is attached. FGP's performance is exceeding benchmark targets and AON Hewitt has not indicated any concerns with the investment manager.

### Short Term Bond Fund

48. Paragraph 17 of the current policy states
- “Where the Investment Manager operates a pooled money market fund, which meets the requirements set out in (a), (b) and (c) [*describing appropriate investments*], this pooled money market fund may be used as an alternative in order to achieve better rates and liquidity”.
49. The portfolio’s current bond investments are invested in approximately 20 segregated securities. Based on the bond durations set out in the Investment Policy, the performance of these investments is measured against the Short Term Bond Index. The investment manager has set up a Short Term Bond pooled fund and the Law Society intends to convert the segregated bond investments into this Short Term Bond Fund. This will facilitate administration, reduce transaction costs and reduce custodial fees without changing the nature of the underlying investments.

## LAW SOCIETY OF UPPER CANADA

### INVESTMENT POLICY

To be Revised by Convocation  
May 2014

#### Purpose

1. The Law Society, has adopted the following Investment Policy governing the management of the General Fund Long-Term Funds, the Compensation Fund Long-Term Funds and the Errors & Omissions Insurance Fund Long-Term Funds ("the Portfolios") and short-term investments. The Portfolios comprise the funds not required to finance the short-term obligations of the Law Society's operations. Descriptions of these Funds can be found in the Law Society's Annual Financial Statements.

#### Accountabilities and Responsibilities

2. Convocation  
Convocation shall:
  - review and approve the Investment Policy
  - approve investment performance objectives
  - approve the appointment and continuing retention of the Investment Manager and Custodian
  - review the Portfolios' investment returns, and the administration of the Portfolios in the context of this policy. This shall be done on at least an annual basis.
3. **Audit & Finance Committee**  
The Audit & Finance Committee shall:
  - review and recommend approval of the Investment Policy to Convocation
  - review the Portfolios and monitor their performance
  - review and recommend the appointment and continuing retention of the Investment Manager and Custodian
  - review and recommend investment performance objectives
  - periodically report to Convocation on the investment returns of the Portfolios, and the administration of the Portfolios. This shall be done on at least an annual basis.
4. **Law Society Management**  
Law Society management, supplemented by professional assistance when required, has overall responsibility for:
  - preparing and recommending changes to the Policy
  - recommending the selection of the Investment Manager and Custodian
  - recommending investment performance objectives
  - monitoring the Portfolios to ensure compliance with legislative requirements and this policy
  - periodically evaluating the Investment Manager and Custodian
  - accounting for transactions in the Portfolios



- reviewing the Portfolios' investment returns and the administration of the Portfolios in the context of this policy. This shall be done on at least a quarterly basis.

**5. Investment Manager**

The Investment Manager directs the business of the Portfolios' purchases and sales, has full investment discretion subject to the Investment Policy, and has responsibility for:

- Managing the Portfolios in terms of this Investment Policy, and in the best interests of the Law Society
- Providing written notification to management of the Law Society of any violations of this Investment Policy
- Adhering to the best standards of industry practice
- Required communications as described in Section 35.

**6. Custodian**

The Custodian shall:

- store and protect all ownership documentation for the Portfolios
- execute all transactions for the Portfolios as directed by the Investment Manager
- collect all income of the Portfolios
- provide monthly statements to the Law Society
- make all required filings to government, regulatory, taxation or other authorities.

and shall be one of the following:

- A bank listed in Schedule I or II of the Bank Act (Canada)
- A trust company that is incorporated under the laws of Canada, and that has shareholders' equity of not less than \$10,000,000
- A company that is incorporated under the laws of Canada and that is an affiliate of a bank or trust company referred to above and has shareholders' equity, of not less than \$10,000,000.

## Philosophy

**7. The Law Society is of the belief that:**

- superior rates of return over longer time periods will be achieved through active management of a broadly diversified portfolio of high quality securities
- high-risk securities, which could lead to excessive volatility and the possibility of a reduction in the capital value of the Portfolios in a depressed market, are to be avoided
- extreme positions in either individual securities or in an asset class are to be avoided.

## Business Characteristics

**8. In order to establish an appropriate Investment Policy for the Portfolios, the following characteristics of the Law Society, relevant to the Portfolios, are noted.**

- The Law Society is the governing body of Ontario's legal profession
- Governance of the Law Society is regulated by *The Law Society Act*
- The Law Society is a not-for-profit corporation and is not subject to income or capital taxes
- The primary revenue source for both the General Fund and the Compensation Fund is member fees, mainly received between December and April of each year
- The primary revenue source for the E&O Fund is premiums and levies from members received in the period November to January and then in quarterly increments
- Total revenue for the Law Society for the year ended December 31, 2013 was \$202 million
- The General Fund finances the day-to-day operation of the Law Society.
- The Compensation Fund is maintained to mitigate losses sustained by clients because of the dishonesty of a member. It is a discretionary fund, and claim payments have a maximum of \$150,000
- The Errors & Omissions Insurance Fund accounts for insurance related transactions between Lawyers' Professional Insurance Company, the Law Society and insured lawyers
- Balances for investments at 31 December 2013 were:

CATEGORY	2013 (\$mill)
Total Cash and Short-Term Investments	39.1
Errors & Omissions Insurance Fund - Long-Term Investments	29.6
General Fund – Long-Term Investments	14.6
Compensation Fund – Long-Term Investments	33.0
TOTAL	116.2

- Withdrawals from the Portfolios will depend on operating conditions and capital requirements and therefore the Portfolios should be sensitive to short-term volatility.

### Objectives

9. The primary objective is to preserve and enhance the real capital base of the Portfolios.
10. The secondary objective is to generate investment returns to assist the Law Society in funding its programs.
11. Even with the guidelines outlined in this Policy, the investment returns from the Portfolios will vary from year to year, reflecting market and economic conditions, levels of inflation, government policies and many other factors which are beyond the control of the Investment Manager. These outside factors should not deter the Investment Manager from exercising

due diligence and using its best efforts to achieve the long-term primary investment objective for the Portfolios as set out above, and the following benchmarks:

- By asset class
  - to outperform the appropriate market index return
- By benchmark portfolio
  - To outperform a static benchmark portfolio consisting of the benchmark of the asset mix ranges noted below (i.e., a portfolio consisting of 85% of the DEX Short-Term Bond Index total return, and 15% of the total return of the S&P/TSX Composite Index, over a four year moving average or complete market cycle).

### Investment Manager

12. To achieve these objectives the Law Society will retain the services of a firm registered as Investment Counsel and Portfolio Manager with the Ontario Securities Commission to manage the investment Portfolios on a discretionary basis within the constraints outlined in this document. The Investment Manager is to be guided by the following:

### Asset Mix

13. The following asset mix guidelines, based on market values, constitute the acceptable range of exposure for the various asset classes, which comprise each Portfolio:

	% of Total Fund		
	Minimum	<i>Benchmark</i>	Maximum
Cash and Short-Term	0%	0%	15%
Bonds	60%	85%	95%
<b>Total Fixed Income</b>	<b>75%</b>	<b>85%</b>	<b>95%</b>
<b>Canadian Equity</b>	<b>5%</b>	<b>15%</b>	<b>25%</b>

### Diversification

14. The investment risk of the Portfolios shall be reduced by maintaining a diversified selection of industries and companies which places primary emphasis on value, long-term growth, and safety of capital. All percentages are based on market values, except where indicated.

### Short-Term Investments

15. Short-term investments with a maximum term to maturity at purchase of 364 days may be held in the Portfolios when appropriate as an alternative to bond and equity investments. Appropriate short-term investments are:

- (a) Treasury bills issued by the Government of Canada and provincial governments and their agencies
  - (b) Obligations of trust companies and Canadian and foreign banks chartered to operate in Canada, including bankers' acceptances
  - (c) Commercial paper issued by Canadian corporations with a rating of "R1" or better as established by The Dominion Bond Rating Service or equivalent rating by another recognized bond rating service, at the time of purchase.
16. No more than 8% of each of the portfolios may be invested in the securities of any one single issuer permitted in (b) and (c) above.
17. Where the Investment Manager operates a pooled money market fund, which meets the requirements set out in (a), (b) and (c), this pooled money market fund may be used as an alternative in order to achieve better rates and liquidity.

## **Bonds**

18. Investment instruments allowed include:
- bonds, debentures, notes, non-convertible preferred stock, term deposits and guaranteed investment certificates
  - bonds of foreign issuers denominated in Canadian dollars
  - NHA-insured mortgage-backed securities or collateralized mortgage-backed securities
  - Marketable private placements of bonds.
19. Each bond portfolio may be invested up to a maximum of:
- 100 % in Government of Canada or Government of Canada guaranteed bonds
  - 60% in provincial government and provincial government guaranteed bonds
  - 10 % in municipal bonds; and
  - 50 % in corporate issues
  - Not more than 10% of the total market value of each bond portfolio will be invested in securities issued by a foreign issuer, or Canadian issuer in a foreign currency.
20. Investment in any one security or issuer shall not exceed 10% of each Bond portfolio with the exception of Government of Canada and provincial government bonds and their guarantees.
21. In line with the benchmark portfolio of the DEX Short Term Bond Index, the normal Duration range for the bond portfolio administered under this policy should be between 1 and 5 years. The Duration of a portfolio is a measure of the portfolio's sensitivity to changes in the general level of interest rates (Duration multiplied by change in interest rates gives change in value of bond portfolio).

22. The emphasis within the bond portfolio will be on quality, with a minimum rating "BBB" for bonds and debentures or "P2" for preferred shares by The Dominion Bond Rating Service or equivalent rating by another recognized bond rating service, at the time of purchase.
23. In the event of a downgrade below "BBB" for bonds and debentures, "P2" for preferred shares or "R-1" for short-term investments, the Investment Manager will advise of an appropriate course of action. No more than 10% of the market value of each bond portfolio shall be invested in bonds rated "BBB".
24. In cases where the recognized bond rating agencies do not agree on the credit rating, the bond will be classified according to the methodology used by DEX, which states:
  - If two agencies rate a security, use the lower of the two ratings
  - If three agencies rate a security, use the most common; and
  - If all three agencies disagree, use the middle rating.
25. In the event that an individual bond, debenture, short-term investment or preferred share is no longer rated by a recognized bond rating agency, that security will no longer be considered to be investment grade and the Investment Manager will place the asset on a watch list subject to monthly review by the Investment Manager with the Law Society until such time as the security matures, is sold or until it is upgraded to a level consistent with the purchase quality standards as expressed in the guidelines listed above. The Manager may not infer a rating for an individual unrated security from ratings of other securities issued by the same issuer.

## **Equities**

26. The intent is to provide a diversified selection of Canadian common stocks, also allowing any of the following, provided that they are listed on a recognized stock exchange:
  - Convertible preferred stock and convertible debentures
  - Real estate investment trusts ("REITs").
27. The market value of any one issuer cannot represent more than 10% of the market value of the total Portfolios, or that equity's weight in the S&P/TSX Composite Index, whichever is greater.

## **Other Investments**

28. Investments in open or closed-ended pooled or mutual funds are permitted provided that the assets of such funds are permissible investments under this Policy.
29. Deposit accounts of the custodian or Schedule 1 banks can be used to invest surplus cash holdings.
30. With the exception of rights, warrants and special warrants or instruments used for hedging purposes, no derivative investments will be permitted without the prior written approval of the Audit & Finance Committee.

31. No venture capital financing or non-conventional investments will be permitted without the prior written approval of the Audit & Finance Committee.
32. In the event any investment has no active market, the Investment Manager will advise of an appropriate course of action for the valuation of that investment.

### **Discretion**

33. The Investment Manager is to have full discretion in the management of the assets of the Portfolios, selecting the appropriate asset mix, and the individual securities, within the guidelines set out herein.

### **Delegation of Voting Rights**

34. The Investment Manager has been delegated the responsibility of exercising all voting rights acquired through the Portfolios' investments. The Investment Manager will exercise acquired voting rights with the intent of fulfilling the investment policies and objectives of the Fund. The Investment Manager is expected to act in good faith and to exercise the voting rights in a prudent manner that will maximize returns for the Portfolios, and to act against any proposal which will increase the risk level or reduce the investment value of the relevant security.

### **Communications**

35. The Communications process between the Investment Manager and Law Society Management is flexible, but at a minimum will include the following:
  - monthly transaction statements
  - a quarterly written summary listing of all portfolio transactions from the Investment Manager
  - a complete quarterly portfolio listing
  - a quarterly written assessment of the North American economies and the financial markets, and impact on the Portfolios
  - annual investment meetings with the Investment Manager. The agenda at these meetings would include an overview of the economy and the outlook for the financial markets, the current investment strategy, and a review of the performance results
  - an annual review of the Investment Policy and the Portfolios' quality and diversification guidelines.
  - immediate notification of change with respect to the organization, investment professionals or investment process.
36. Any time that the Investment Manager is not in compliance with this policy, they are required to advise the Chief Financial Officer of the Law Society immediately, detailing the breach and recommending a course of action to remedy the situation.

### **Standard of Professional Conduct**

37. All investment activities of the Investment Manager and their employees shall be conducted in accordance with the Code of Ethics and Standards of Professional Conduct of the CFA Institute.

The Investment Manager will manage the Portfolios with the care, diligence and skill that an investment manager of ordinary prudence would use in dealing with institutional assets. The Investment Manager will also use all relevant knowledge and skill that it possesses or ought to possess as a prudent expert in investment management.

### **Securities Lending**

38. No lending of securities is permitted.

### **Borrowing**

39. The Portfolios shall not borrow money.

### **Conflicts of Interest – Investment Policy**

40. Conflict of interest standards apply to all members of Convocation, Law Society management and the Investment Manager, as well as to all Agents employed by the Law Society, in the execution of their fiduciary responsibilities.
41. An 'Agent' is defined to mean a company, organization, association or individual, as well as its employees, retained by the Law Society to provide specific services with respect to the administration and management of the Law Society's investment assets.
42. In carrying out their fiduciary responsibilities, these parties must act at all times in the best interests, and for the benefit, of the Law Society. All parties must act in the manner that a "prudent person" would in matters related to the investment strategy and portfolio management.
43. No affected person shall accept a gift or gratuity or other personal favour, other than one of nominal value, from an individual with whom the person deals in the course of performance of his or her duties and responsibilities.
44. In the execution of their duties, all of the parties listed in Section 40 above shall disclose any material conflict of interest relating to them, or any material ownership of securities, which could impair their ability to render unbiased decisions, as it relates to the administration of the investment assets.
45. Further, it is expected that none of the parties listed in Section 40 above shall make any personal financial gain (direct or indirect) because of their fiduciary position. However,

normal and reasonable fees and expenses incurred in the discharge of their responsibilities are permitted if documented and approved by the Law Society.

46. It is incumbent on any party affected by this Policy who believes that he/she may have a material conflict of interest, or who is aware of any conflict of interest, to notify the CEO or the CFO of the Law Society. Disclosure should be made promptly after the affected person becomes aware of the conflict. The CEO or CFO, in turn, will decide what action is appropriate under the circumstances but, at a minimum, will table the matter at the next regular meeting of the Audit & Finance Committee.
47. No affected person who has or is required to make a disclosure as contemplated in this Policy shall participate in any discussion, decision or vote relating to any proposed investment or transaction in respect of which he or she has made or is required to make disclosure.

#### **Changes to Policy**

48. This Investment Policy may only be changed by Convocation on the specific recommendation of the Audit & Finance Committee.



**TAB 3.3**

**FOR DECISION**

**INVESTMENT MANAGER AND CUSTODIAN**

**Motion:**

50. **That Convocation approve the continued retention of the Investment Manager, Foyston Gordon & Payne and the Custodian, CIBC Mellon Global Securities Services Company.**

**Investment Manager**

51. Foyston Gordon & Payne (“FGP”) has been the Law Society’s investment manager since 2003.
52. The Investment Monitoring Report as at December 31, 2013 from AON Hewitt follows on the next page. The investment manager exceeded benchmarks for the year.
53. The Law Society currently enjoys a very favourable management fee on the bond portfolio under management at FGP and FGP provides investment management services for the Law Society Foundation at no cost.

**Custodian**

54. CIBC Mellon Global Securities Services Company has been the Law Society’s investment custodian since 2001. In 2010, other options in the custodial services marketplace were assessed.
55. The marketplace for investment custodians is limited. After conducting research and consulting with AON Hewitt, RBC Dexia was the only viable competition for CIBC Mellon.

56. RBC Dexia was requested to provide information on fees and services and concluded there was little difference in the provision of core custody services including holding investments, safekeeping, settlement, clearance, corporate actions, collection of income and proceeds and redemption of securities, on-line and other reporting.
57. The conclusion was that there was no difference in the financial risk and other security risk of the two institutions. As RBC Dexia does not offer improved services or lower prices, the conclusion was that the Law Society should remain with CIBC Mellon. Since this assessment, nothing has occurred to change this opinion.

**Aon Hewitt**  
Investment Consulting

# Detailed Performance Review and Investment Manager Evaluation

*Law Society of Upper Canada:  
Errors & Omissions Insurance Fund, Compensation Fund and General Fund*

*Semi-Annual Period Ending 31 December 2013*

## Table Of Contents

1	Executive Summary	Page 1
2	Capital Market Performance	Page 10
3	E&O Insurance Fund Analysis	Page 13
4	Compensation Fund Analysis	Page 19
5	General Fund Analysis	Page 25
6	Asset Class Analysis	Page 31
7	Appendix A - Plan Information	Page 40
8	Appendix B - Manager Updates	Page 43
9	Appendix C - Capital Markets Environment	Page 45
10	Appendix D - Description of Market Indices and Statistics	Page 63
11	Appendix E - Fee Analysis	Page 68
12	Appendix F - Compliance	Page 70
13	Appendix G - Disclosure	Page 72

## Executive Summary

## Executive Summary

<b>Commentary and Recommendations</b> <b>As of 31 December 2013</b>
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	Comments	Recommendations
<b>E&amp;O Insurance Fund Performance</b>	<ul style="list-style-type: none"> <li>▪ The overall gross return over the 4-year period ending 31 December 2013 was 5.16%, resulting in an outperformance of 1.53% relative to the benchmark.</li> <li>▪ Over the most recent 6-month period, the fund outperformed its benchmark by 0.79%.</li> <li>▪ Outperformance was mainly due to strong returns in Canadian equities and fixed income. An overweight to Canadian equities and an underweight to fixed income also added value to the overall portfolio. Some of this value added was offset by an overweight position to Short-Term securities.</li> <li>▪ FGP Canadian equities outperformed due to strong stock picks, particularly in the Materials, Energy, Financials and Info Tech sectors. An underweight to Materials and Utilities as well as an overweight to Consumer Discretionaries also benefited the fund.</li> <li>▪ Fixed income outperformance was mainly due to its corporate overweight as corporate spreads tightened.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No action is required.</li> </ul>
<b>Compensation Fund Performance</b>	<ul style="list-style-type: none"> <li>▪ The overall gross return over the 4-year period ending 31 December 2013 was 5.19%, resulting in an outperformance of 1.39% relative to the benchmark.</li> <li>▪ Over the most recent 6-month period, the fund outperformed its benchmark by 0.75%. Performance attribution comments for this fund are the same as the E&amp;O Insurance fund comments above.</li> <li>▪ The short-term component underperformed its benchmark over the 5-year period ending 31 December 2013 due the underperformance of its USD currency exposure in Q2 2009 and Q3 2009 (approximately 20% throughout this period). The USD exposure was sold off by the end of Q3 2009.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No action is required.</li> </ul>

## Executive Summary

<b>Commentary and Recommendations</b>
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<b>As of 31 December 2013</b>
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	Comments	Recommendations
<b>General Fund Performance</b>	<ul style="list-style-type: none"> <li>▪ The overall gross return over the 4-year period ending 31 December 2013 was 4.64%, resulting in an outperformance of 1.02% relative to the benchmark.</li> <li>▪ Over the most recent 6-month period, the fund outperformed its benchmark by 0.74%. Performance attribution comments for this fund are the same as the E&amp;O Insurance fund comments above.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No action is required.</li> </ul>
<b>Portfolio Rebalancing</b>	<ul style="list-style-type: none"> <li>▪ All asset classes were within their allowable ranges as at 31 December 2013.</li> </ul>	<ul style="list-style-type: none"> <li>▪ No action is required.</li> </ul>
<b>Statement of Investment Policies and Procedures (SIPP)</b>	<ul style="list-style-type: none"> <li>▪ The SIPP was last updated in April 2013.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The SIPP should be reviewed on an annual basis.</li> </ul>
<b>SIPP Compliance</b>	<ul style="list-style-type: none"> <li>▪ Current Concerns: None</li> </ul>	<ul style="list-style-type: none"> <li>▪ No action is required.</li> </ul>
<b>Foyston, Gordon &amp; Payne (FGP)</b>	<ul style="list-style-type: none"> <li>• There were no significant changes at FGP during the third and fourth quarter of 2013.</li> </ul>	<ul style="list-style-type: none"> <li>• No action is required.</li> </ul>

## Executive Summary

**E&O Insurance Fund Asset Allocation and Annualized Performance**

As of 31 December 2013

	Market Value (\$000)	%	Performance (%)								Inception Date
			6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	Since Inception		
E&O Insurance Fund (Gross)	30,924	100.0	4.04	5.67	4.90	4.45	5.16	6.35	4.37	1/04/2006	
E&O Insurance Fund Benchmark			3.25	3.39	3.11	2.96	3.63	4.52	3.52		
Value Added			0.79	2.28	1.79	1.49	1.53	1.83	0.85		
E&O Insurance Fund (Net)	30,924	100.0	3.97	5.55	4.77	4.32	5.04	6.21	4.21	1/04/2006	
E&O Insurance Fund Benchmark			3.25	3.39	3.11	2.96	3.63	4.52	3.52		
Value Added			0.72	2.16	1.66	1.36	1.41	1.69	0.69		
E&O Canadian Equities	5,560	18.0	16.19 (36)	23.30 (22)	17.89 (19)	9.39 (15)	11.16 (14)	16.07 (14)	6.44 (25)	1/04/2006	
S&P/TSX Capped Composite			14.00 (87)	12.99 (96)	10.05 (96)	3.40 (89)	6.79 (82)	11.92 (74)	4.47 (72)		
Value Added			2.19	10.31	7.84	5.99	4.37	4.15	1.97		
E&O Canadian Fixed Income	24,016	77.7	1.78	2.55	2.68	3.36	3.91	4.52	4.67	1/04/2006	
DEX Short Term Bond			1.44	1.74	1.87	2.79	2.98	3.29	4.19		
Value Added			0.34	0.81	0.81	0.57	0.93	1.23	0.48		
E&O Short-Term	1,349	4.4	0.54 (73)	1.09 (66)	1.08 (69)	1.06 (74)	0.95 (74)	-	0.91 (73)	1/10/2009	
DEX 91-Day T-Bill			0.53 (80)	1.01 (82)	1.01 (77)	1.01 (79)	0.89 (82)	0.84 (85)	0.86 (82)		
Value Added			0.01	0.08	0.07	0.05	0.06	-	0.05		

The total fund performance prior to 30 June 2009 includes a U.S. equities component.  
 Parentheses contain percentile rankings.



## Executive Summary

**E&O Insurance Fund Annual Performance**

As of December 31

	Performance (%)										
	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
<b>E&amp;O Insurance Fund (Gross)</b>	<b>5.67</b>	<b>4.14</b>	<b>3.54</b>	<b>7.34</b>	<b>11.22</b>	<b>-5.26</b>	<b>1.91</b>	-	-	-	-
E&O Insurance Fund Benchmark	3.39	2.83	2.65	5.69	8.15	-3.15	2.70	-	-	-	-
Value Added	2.28	1.31	0.89	1.65	3.07	-2.11	-0.79	-	-	-	-
<b>E&amp;O Insurance Fund (Net)</b>	<b>5.55</b>	<b>4.00</b>	<b>3.42</b>	<b>7.22</b>	<b>11.02</b>	<b>-5.43</b>	<b>1.74</b>	-	-	-	-
E&O Insurance Fund Benchmark	3.39	2.83	2.65	5.69	8.15	-3.15	2.70	-	-	-	-
Value Added	2.16	1.17	0.77	1.53	2.87	-2.28	-0.96	-	-	-	-
<b>E&amp;O Canadian Equities</b>	<b>23.30 (22)</b>	<b>12.71 (19)</b>	<b>-5.82 (21)</b>	<b>16.65 (48)</b>	<b>37.96 (29)</b>	<b>-31.09 (43)</b>	<b>4.06 (83)</b>	-	-	-	-
S&P/TSX Capped Composite	12.99 (96)	7.19 (76)	-8.71 (40)	17.61 (29)	35.06 (52)	-33.00 (68)	9.83 (38)	17.26 (55)	24.13 (55)	14.48 (64)	26.72 (49)
Value Added	10.31	5.52	2.89	-0.96	2.90	1.91	-5.77	-	-	-	-
<b>E&amp;O Canadian Fixed Income</b>	<b>2.55</b>	<b>2.82</b>	<b>4.71</b>	<b>5.58</b>	<b>7.02</b>	<b>4.82</b>	<b>3.97</b>	-	-	-	-
DEX Short Term Bond	1.74	2.01	4.65	3.56	4.54	8.55	4.09	4.00	2.37	5.08	5.13
Value Added	0.81	0.81	0.06	2.02	2.48	-3.73	-0.12	-	-	-	-
<b>E&amp;O Short-Term</b>	<b>1.09 (66)</b>	<b>1.08 (68)</b>	<b>1.00 (80)</b>	<b>0.62 (70)</b>	-	-	-	-	-	-	-
DEX 91-Day T-Bill	1.01 (82)	1.01 (76)	1.00 (80)	0.54 (87)	0.62 (88)	3.33 (73)	4.43 (71)	3.98 (75)	2.58 (85)	2.30 (75)	2.91 (86)
Value Added	0.08	0.07	0.00	0.08	-	-	-	-	-	-	-

The total fund performance prior to 30 June 2009 includes a U.S. equities component.  
 Parentheses contain percentile rankings.

## Executive Summary

## Compensation Fund Asset Allocation and Annualized Performance

As of 31 December 2013

	Market Value (\$000)	%	Performance (%)								
			6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	Since Inception	Inception Date	
Compensation Fund (Gross)	34,599	100.0	4.00	5.68	4.93	4.46	5.19	6.09	5.53	1/06/2003	
Compensation Fund Benchmark			3.25	3.39	3.11	2.96	3.80	4.59	4.93		
Value Added			0.75	2.29	1.82	1.50	1.39	1.50	0.60		
Compensation Fund (Net)	34,599	100.0	3.93	5.54	4.80	4.34	5.11	6.01	5.43	1/06/2003	
Compensation Fund Benchmark			3.25	3.39	3.11	2.96	3.80	4.59	4.93		
Value Added			0.68	2.15	1.69	1.38	1.31	1.42	0.50		
Compensation Canadian Equities	6,190	17.9	16.19 (36)	23.30 (22)	17.89 (19)	9.39 (15)	11.16 (14)	16.07 (14)	11.41 (23)	1/06/2003	
S&P/TSX Capped Composite			14.00 (87)	12.99 (96)	10.05 (96)	3.40 (89)	6.79 (82)	11.92 (74)	9.49 (65)		
Value Added			2.19	10.31	7.84	5.99	4.37	4.15	1.92		
Compensation Canadian Fixed Income	26,810	77.5	1.78	2.57	2.69	3.36	3.97	4.64	5.11	1/06/2003	
Compensation Fixed Income Benchmark			1.44	1.74	1.87	2.79	3.19	3.63	4.60		
Value Added			0.34	0.83	0.82	0.57	0.78	1.01	0.51		
Compensation Short-Term	1,599	4.6	0.55 (71)	1.09 (66)	1.08 (69)	1.06 (74)	0.95 (73)	-0.18 (100)	1.87 (91)	1/06/2003	
DEX 91-Day T-Bill			0.53 (80)	1.01 (82)	1.01 (77)	1.01 (79)	0.89 (82)	0.84 (85)	2.12 (81)		
Value Added			0.02	0.08	0.07	0.05	0.06	-1.02	-0.25		

The total fund performance prior to 30 June 2009 includes a U.S. equities component.  
 Parentheses contain percentile rankings.

## Executive Summary

## Compensation Fund Annual Performance

As of December 31

	Performance (%)										
	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
<b>Compensation Fund (Gross)</b>	<b>5.68</b>	<b>4.18</b>	<b>3.52</b>	<b>7.43</b>	<b>9.74</b>	<b>0.92</b>	<b>2.16</b>	<b>6.23</b>	<b>7.22</b>	<b>6.65</b>	<b>-</b>
Compensation Fund Benchmark	3.39	2.83	2.65	6.37	7.82	0.82	3.06	5.88	7.45	7.41	-
Value Added	2.29	1.35	0.87	1.06	1.92	0.10	-0.90	0.35	-0.23	-0.76	-
<b>Compensation Fund (Net)</b>	<b>5.54</b>	<b>4.06</b>	<b>3.44</b>	<b>7.43</b>	<b>9.70</b>	<b>0.82</b>	<b>2.03</b>	<b>6.10</b>	<b>7.08</b>	<b>6.52</b>	<b>-</b>
Compensation Fund Benchmark	3.39	2.83	2.65	6.37	7.82	0.82	3.06	5.88	7.45	7.41	-
Value Added	2.15	1.23	0.79	1.06	1.88	0.00	-1.03	0.22	-0.37	-0.89	-
<b>Compensation Canadian Equities</b>	<b>23.30 (22)</b>	<b>12.71 (19)</b>	<b>-5.82 (21)</b>	<b>16.65 (48)</b>	<b>37.96 (29)</b>	<b>-31.09 (43)</b>	<b>4.06 (83)</b>	<b>14.53 (89)</b>	<b>27.52 (19)</b>	<b>16.57 (31)</b>	<b>-</b>
S&P/TSX Capped Composite	12.99 (96)	7.19 (76)	-8.71 (40)	17.61 (29)	35.06 (52)	-33.00 (68)	9.83 (38)	17.26 (55)	24.13 (55)	14.48 (64)	26.72 (49)
Value Added	10.31	5.52	2.89	-0.96	2.90	1.91	-5.77	-2.73	3.39	2.09	-
<b>Compensation Canadian Fixed Income</b>	<b>2.57</b>	<b>2.82</b>	<b>4.71</b>	<b>5.81</b>	<b>7.34</b>	<b>4.82</b>	<b>3.93</b>	<b>4.37</b>	<b>7.93</b>	<b>7.15</b>	<b>-</b>
Compensation Fixed Income Benchmark	1.74	2.01	4.65	4.40	5.41	6.41	3.68	4.06	6.46	7.15	-
Value Added	0.83	0.81	0.06	1.41	1.93	-1.59	0.25	0.31	1.47	0.00	-
<b>Compensation Short-Term</b>	<b>1.09 (66)</b>	<b>1.08 (68)</b>	<b>1.00 (80)</b>	<b>0.64 (66)</b>	<b>-4.60 (100)</b>	<b>9.37 (1)</b>	<b>1.73 (100)</b>	<b>3.82 (91)</b>	<b>2.05 (100)</b>	<b>2.49 (3)</b>	<b>-</b>
DEX 91-Day T-Bill	1.01 (82)	1.01 (76)	1.00 (80)	0.54 (87)	0.62 (88)	3.33 (73)	4.43 (71)	3.98 (75)	2.58 (85)	2.30 (75)	2.91 (86)
Value Added	0.08	0.07	0.00	0.10	-5.22	6.04	-2.70	-0.16	-0.53	0.19	-

The total fund performance prior to 30 June 2009 includes a U.S. equities component.  
 Parentheses contain percentile rankings.

## Executive Summary

## General Fund Asset Allocation and Annualized Performance

As of 31 December 2013

	Market Value (\$000)	%	Performance (%)									
			6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	Since Inception	Inception Date		
General Fund (Gross)	15,267	100.0	3.99	5.67	4.92	4.45	4.64	5.37	4.46	1/04/2004		
General Fund Benchmark			3.25	3.39	3.11	2.96	3.62	4.30	4.09			
Value Added			0.74	2.28	1.81	1.49	1.02	1.07	0.37			
General Fund (Net)	15,267	100.0	3.93	5.54	4.80	4.34	4.56	5.30	4.37	1/04/2004		
General Fund Benchmark			3.25	3.39	3.11	2.96	3.62	4.30	4.09			
Value Added			0.68	2.15	1.69	1.38	0.94	1.00	0.28			
General Canadian Equities	2,734	17.9	16.19 (36)	23.30 (22)	17.89 (19)	9.39 (15)	11.16 (14)	16.07 (14)	9.65 (26)	1/04/2004		
S&P/TSX Capped Composite			14.00 (87)	12.99 (96)	10.05 (96)	3.40 (89)	6.79 (82)	11.92 (74)	7.66 (73)			
Value Added			2.19	10.31	7.84	5.99	4.37	4.15	1.99			
General Canadian Fixed Income	11,839	77.5	1.78	2.58	2.70	3.37	3.30	3.74	3.96	1/04/2004		
DEX Short Term Bond			1.44	1.74	1.87	2.79	2.98	3.29	3.87			
Value Added			0.34	0.84	0.83	0.58	0.32	0.45	0.09			
General Short-Term	694	4.5	0.55 (71)	1.04 (73)	1.03 (75)	1.01 (79)	1.33 (2)	0.73 (95)	2.38 (8)	1/04/2004		
DEX 91-Day T-Bill			0.53 (80)	1.01 (82)	1.01 (77)	1.01 (79)	0.89 (82)	0.84 (85)	2.05 (82)			
Value Added			0.02	0.03	0.02	0.00	0.44	-0.11	0.33			

The total fund performance prior to 30 June 2009 includes a U.S. equities component.  
 Parentheses contain percentile rankings.

## Executive Summary

## General Fund Annual Performance

As of December 31

	Performance (%)										
	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003
<b>General Fund (Gross)</b>	<b>5.67</b>	<b>4.18</b>	<b>3.52</b>	<b>5.22</b>	<b>8.33</b>	<b>2.88</b>	<b>2.22</b>	<b>6.47</b>	<b>2.97</b>	-	-
General Fund Benchmark	3.39	2.83	2.65	5.62	7.06	2.58	3.40	5.83	3.94	-	-
Value Added	2.28	1.35	0.87	-0.40	1.27	0.30	-1.18	0.64	-0.97	-	-
<b>General Fund (Net)</b>	<b>5.54</b>	<b>4.06</b>	<b>3.44</b>	<b>5.22</b>	<b>8.32</b>	<b>2.78</b>	<b>2.08</b>	<b>6.37</b>	<b>2.85</b>	-	-
General Fund Benchmark	3.39	2.83	2.65	5.62	7.06	2.58	3.40	5.83	3.94	-	-
Value Added	2.15	1.23	0.79	-0.40	1.26	0.20	-1.32	0.54	-1.09	-	-
<b>General Canadian Equities</b>	<b>23.30 (22)</b>	<b>12.71 (19)</b>	<b>-5.82 (21)</b>	<b>16.65 (48)</b>	<b>37.96 (29)</b>	<b>-31.09 (43)</b>	<b>4.06 (83)</b>	<b>14.53 (89)</b>	<b>27.52 (19)</b>	-	-
S&P/TSX Capped Composite	12.99 (96)	7.19 (76)	-8.71 (40)	17.61 (29)	35.06 (52)	-33.00 (68)	9.83 (38)	17.26 (55)	24.13 (55)	14.48 (64)	26.72 (49)
Value Added	10.31	5.52	2.89	-0.96	2.90	1.91	-5.77	-2.73	3.39	-	-
<b>General Canadian Fixed Income</b>	<b>2.58</b>	<b>2.83</b>	<b>4.71</b>	<b>3.07</b>	<b>5.54</b>	<b>7.31</b>	<b>4.00</b>	<b>4.32</b>	<b>2.13</b>	-	-
DEX Short Term Bond	1.74	2.01	4.65	3.56	4.54	8.55	4.09	4.00	2.37	5.08	5.13
Value Added	0.84	0.82	0.06	-0.49	1.00	-1.24	-0.09	0.32	-0.24	-	-
<b>General Short-Term</b>	<b>1.04 (73)</b>	<b>1.02 (75)</b>	<b>0.95 (89)</b>	<b>2.29 (1)</b>	<b>-1.60 (100)</b>	<b>11.50 (1)</b>	<b>1.29 (100)</b>	<b>3.99 (72)</b>	<b>1.81 (100)</b>	-	-
DEX 91-Day T-Bill	1.01 (82)	1.01 (76)	1.00 (80)	0.54 (87)	0.62 (88)	3.33 (73)	4.43 (71)	3.98 (75)	2.58 (85)	2.30 (75)	2.91 (86)
Value Added	0.03	0.01	-0.05	1.75	-2.22	8.17	-3.14	0.01	-0.77	-	-

The total fund performance prior to 30 June 2009 includes a U.S. equities component.  
 Parentheses contain percentile rankings.

## Capital Market Performance

## Capital Market Performance

## Major Capital Markets' Returns

As of 31 December 2013

	6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	10 Years
<b>Canadian Equity</b>							
S&P/TSX Composite	14.0	13.0	10.1	3.4	6.8	11.9	8.0
<b>Foreign Equity</b>							
S&P 500 (CAD)	17.1	41.3	26.6	18.8	16.3	14.5	5.3
S&P 500 (USD)	16.3	32.4	23.9	16.2	15.9	17.9	7.4
MSCI EAFE (Net) (CAD)	18.8	31.0	22.6	10.6	8.4	9.1	4.8
MSCI World (Net) (CAD)	17.7	35.2	23.7	14.0	11.9	11.6	4.9
<b>Real Estate</b>							
REALpac / IPD Canada Property Index	6.2	10.7	12.5	13.5	12.9	10.1	11.9
<b>Fixed Income</b>							
DEX Universe Bond	0.5	-1.2	1.2	3.9	4.6	4.8	5.2
DEX 91-Day T-Bill	0.5	1.0	1.0	1.0	0.9	0.8	2.1
<b>Consumer Price Index</b>							
Canadian CPI, unadjusted	-0.2	1.2	1.0	1.5	1.7	1.6	1.7

**Canadian Equities**

The S&P/TSX Composite Index gained 14.0% over the last six months period. Leading sectors included Health Care (26.2%), Industrials (20.2%) and Financials (18.2%) while the bottom three included Consumer Staples (7.5%), Materials (2.5%) and Utilities (-0.1%). The one year Index return of 13.0% was led by Health Care (72.1%) followed by Consumer Discretionary (43.0%) and Industrials (37.5%). The three lowest returning sectors were Telecommunication Services (13.1%), Utilities (-4.1%), and Materials (-29.1%).

**U.S. Equities**

The S&P 500 had a strong six month return of 16.3% (USD). The weakness of the Canadian dollar during the period added 0.8% for investors. The three top performing sectors were Industrials (23.6 %), Materials (22.1%), and Information Technology (20.8 %), while the bottom three sectors included Consumer Staples (9.5 %), Utilities (3.0 %) and Telecommunication Services (0.8 %). For the past twelve months the weakening of the Canadian dollar versus the U.S. dollar added 8.9% in additional return for investors. The top three sectors for the last twelve months were Consumer Discretionary (43.1 %), Health Care (41.5 %), and Industrials (40.7%), while the bottom three were Energy (25.1%), Utilities (13.2%), and Telecommunication services (11.5%).

**Non-North American Equities**

The MSCI EAFE delivered a return of 18.8% over the last six months (CAD). The three top performing sectors were Telecommunication Services (32.3 %), Industrials (20.7 %) and Financials (20.2 %) while the bottom three included Energy (17.9%), Health Care (14.4%) and Consumer Staples (11.0%). The return for the past 12 months was 31.0% (CAD) and the three top performing sectors were Telecommunication Services (54.5%), Consumer Discretionary (43.5%), and Health Care (36.8%). The three lowest returning sectors included Consumer Staples (24.5%), Energy (19.0%) and Materials (10.1%).

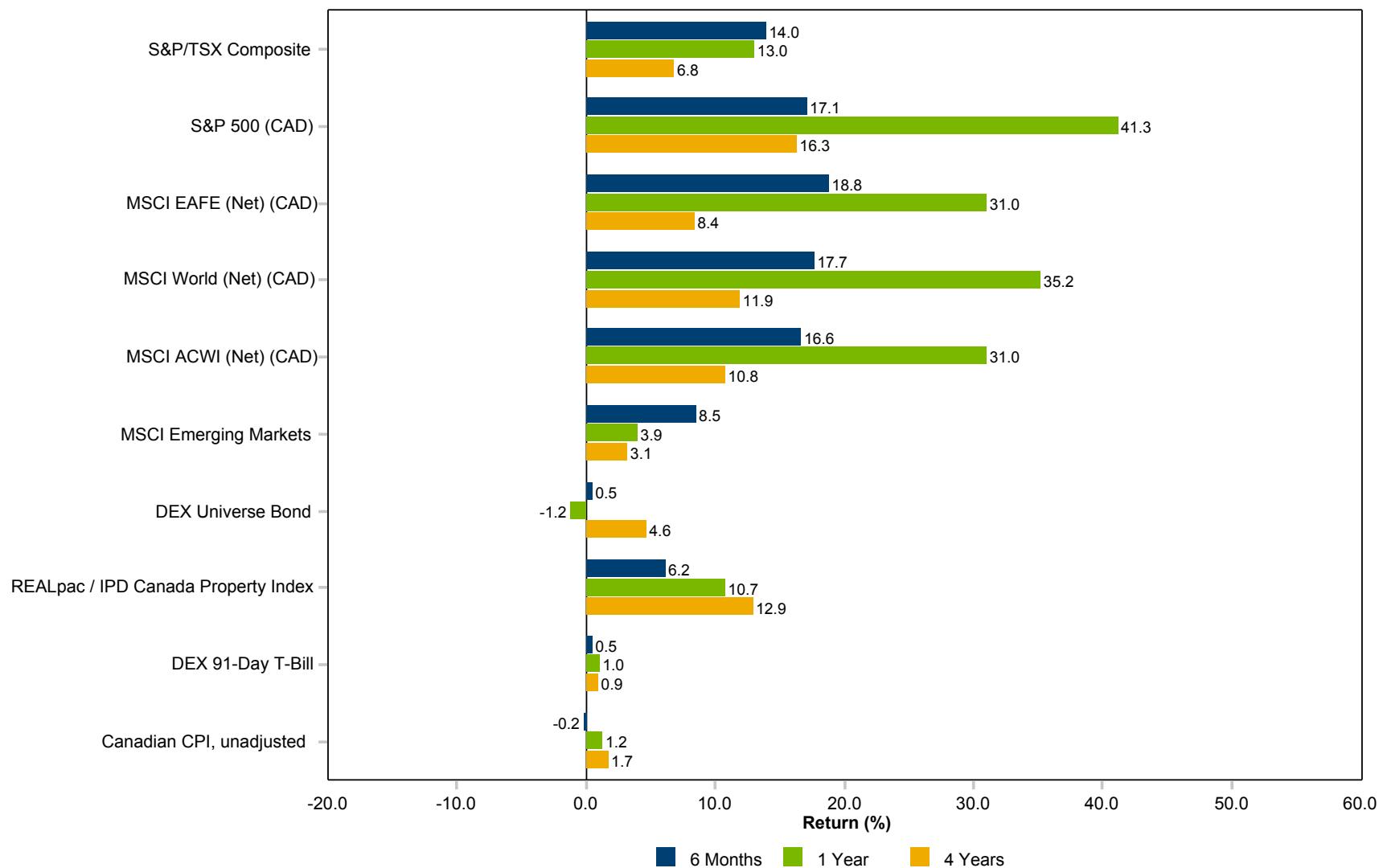
**Fixed Income**

The Canadian bond market as measured by the DEX Universe Bond Index had a return of 0.5% for the last six months, and a return of -1.2% for the last year. The money market (DEX 91-Day T-Bill) continued its pattern of low returns as the Bank of Canada left the Bank Rate unchanged.

## Capital Market Performance

## Comparative Performance

As of 31 December 2013





## E&O Insurance Fund Analysis

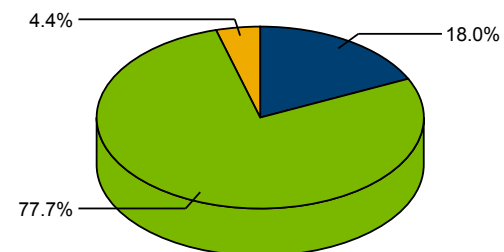
## E&amp;O Insurance Fund

## Asset Allocation by Segment

## E&amp;O Insurance Fund

Segments	Market Value (\$)	Allocation (%)
■ Canadian Equity	5,559,678	18.0
■ Canadian Fixed Income	24,016,071	77.7
■ Short-Term	1,348,749	4.4

December 31, 2013 : \$30,924,498



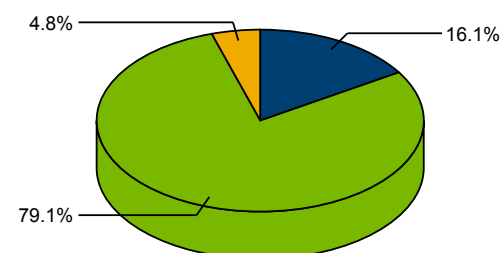
Segments	Market Value (\$)	Allocation (%)
■ Canadian Equity	4,784,973	16.1
■ Canadian Fixed Income	23,525,447	79.1
■ Short-Term	1,428,750	4.8

■ Canadian Equity

■ Canadian Fixed Income

■ Short-Term

June 30, 2013 : \$29,739,170



■ Canadian Equity

■ Canadian Fixed Income

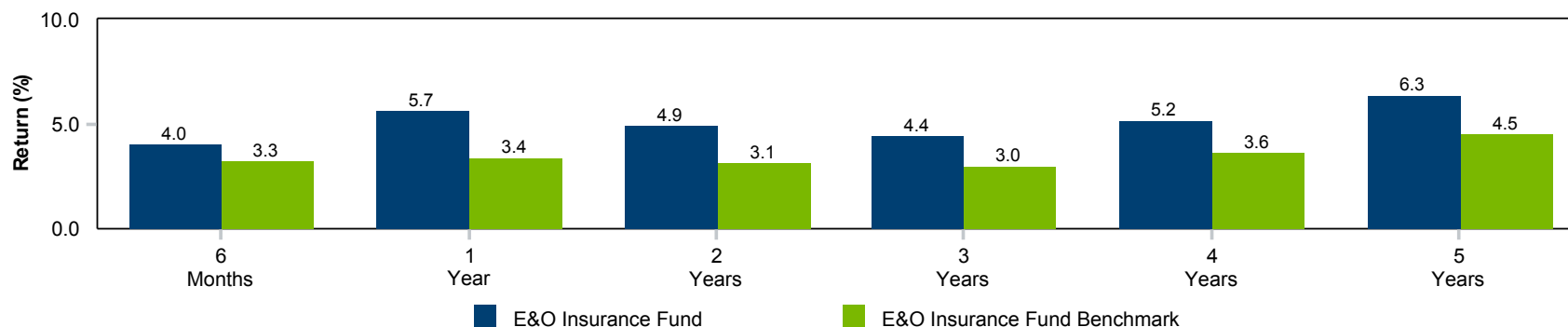
■ Short-Term

## E&amp;O Insurance Fund

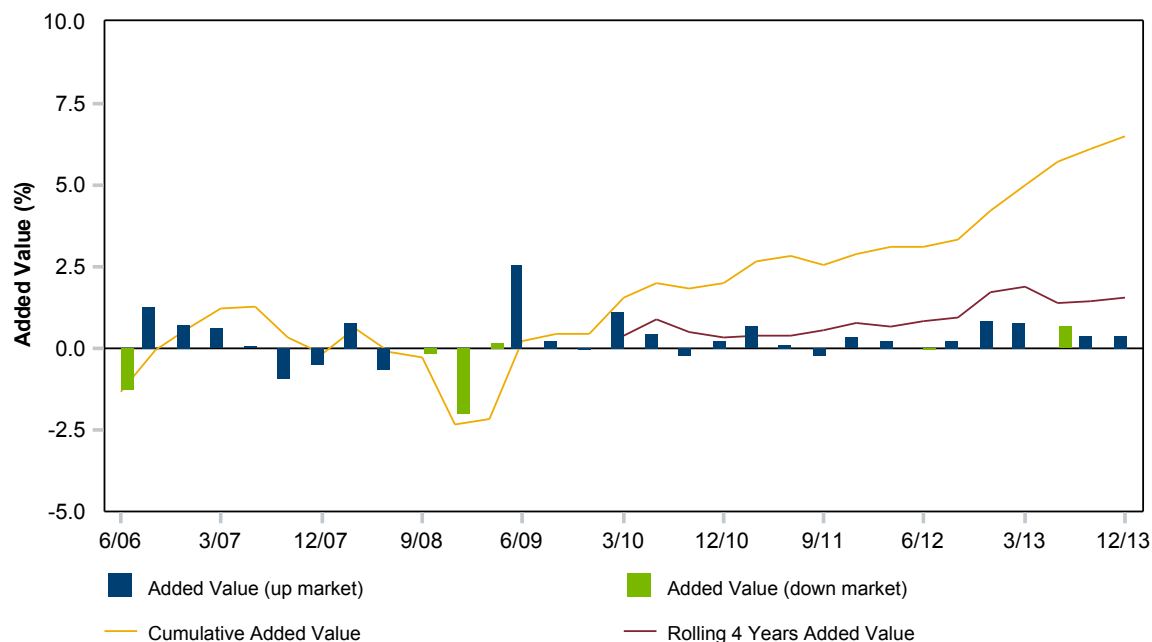
## E&amp;O Insurance Fund Performance Summary

As of 31 December 2013

## Return Summary



## Added Value History (%)



## Performance Statistics

	Quarters	%
<b>Market Capture</b>		
Up Markets	25	127.0
Down Markets	6	135.5
<b>Batting Average</b>		
Up Markets	25	80.0
Down Markets	6	33.3
Overall	31	71.0

Outperformance was mainly due to strong returns in Canadian equities and fixed income.

An overweight to Canadian equities and an underweight to fixed income also added value to the overall portfolio. Some of this value added was offset by an overweight position to Short-Term securities.

FGP Canadian equities outperformed due to strong stock picks, particularly in the Materials, Energy, Financials and Info Tech sectors. An underweight to Materials and Utilities as well as an overweight to Consumer Discretionaries also benefited the fund.

Fixed income outperformance was mainly due to its corporate overweight as corporate spreads tightened.

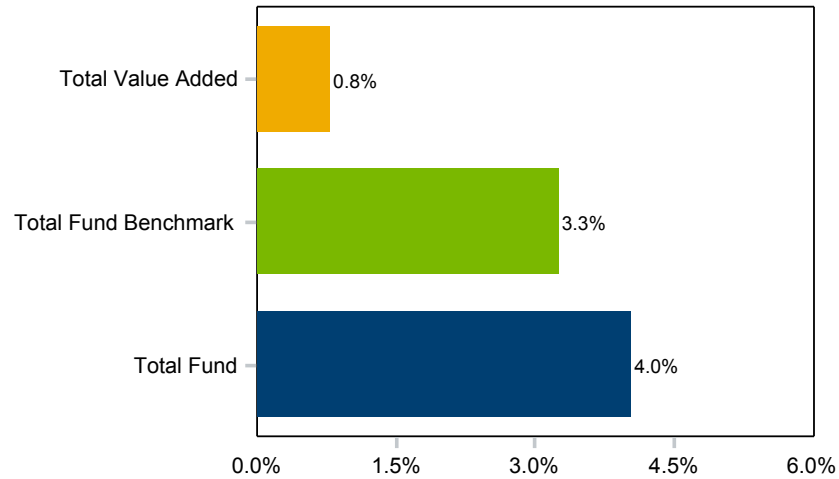
E&O Insurance Fund

E&O Insurance Fund Performance Attribution

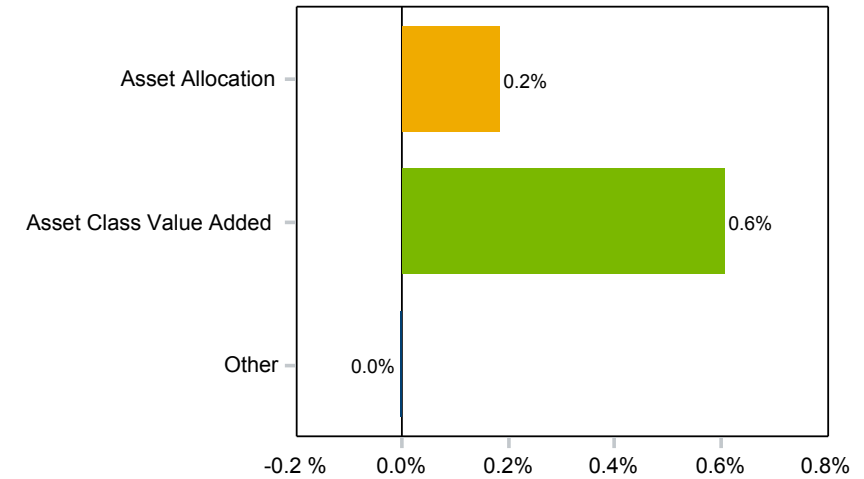
6 Months Ending 31 December 2013

Total Fund vs. Benchmark

Total Fund Performance

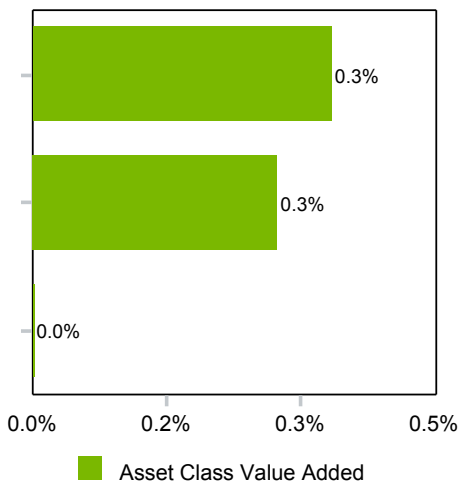
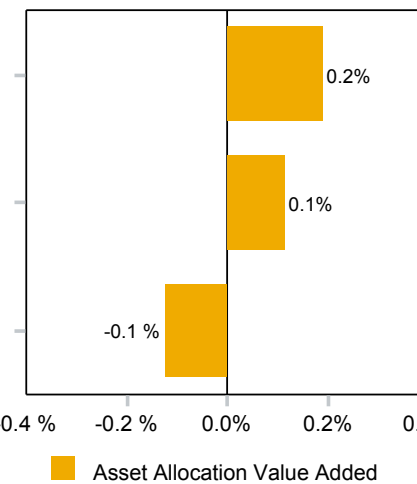
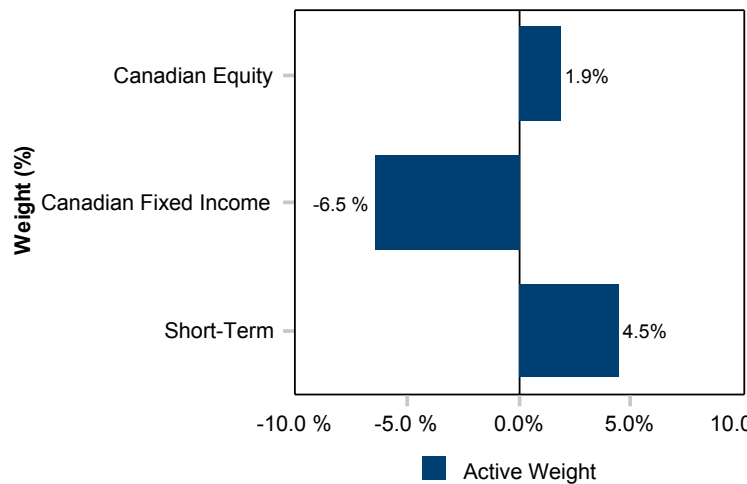


Total Value Added: 0.8%



Total Asset Allocation: 0.2%

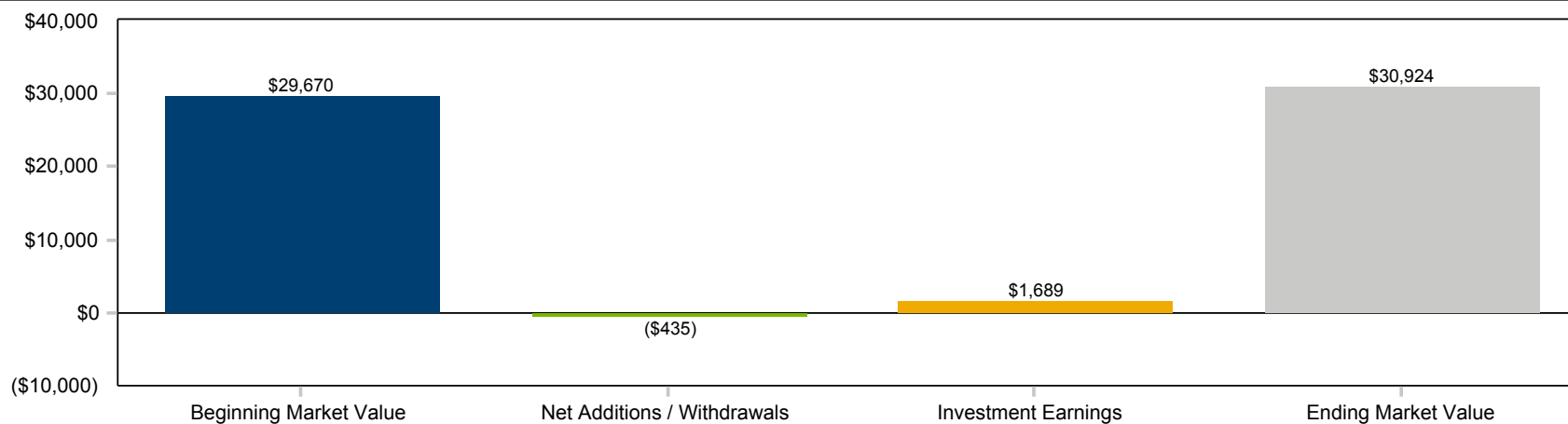
Total Asset Class Value Added: 0.6%



## E&amp;O Insurance Fund

**E&O Insurance Fund Asset Summary**

As of 31 December 2013

**Change in Market Value (\$000)**  
From 1 January 2013 to 31 December 2013**Summary of Cash Flows (\$000)**

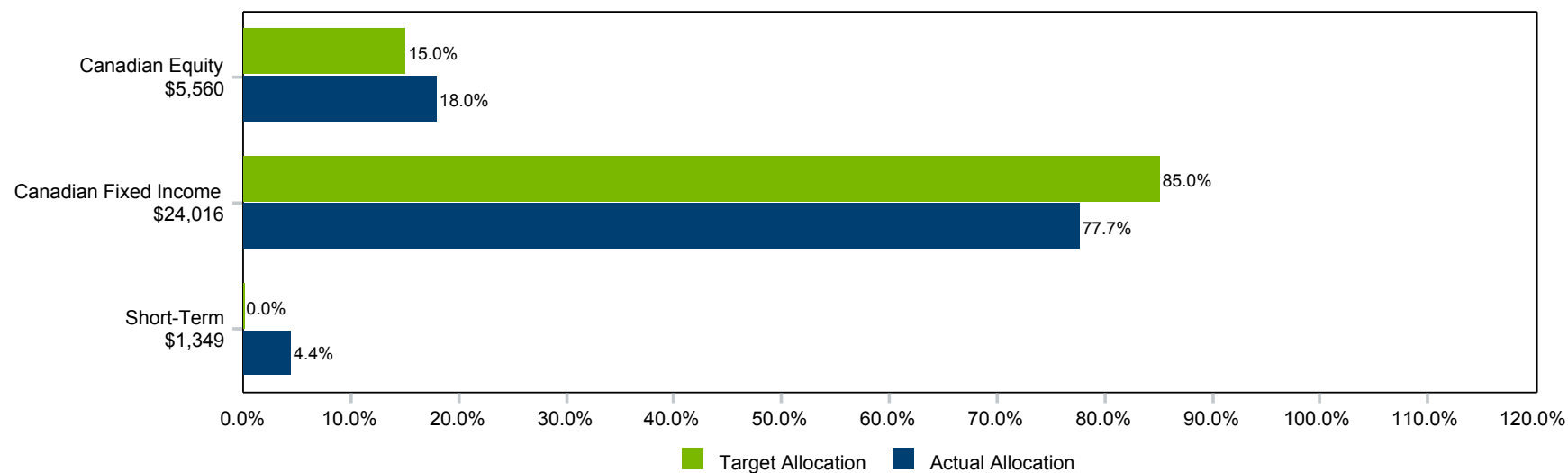
	Jan-2013 To Dec-2013
<b>E&amp;O Insurance Fund</b>	
Beginning Market Value	29,670
+/- Net Cash Flows	-435
+/- Income	943
+/- Capital Gains / Losses	746
<b>= Ending Market Value</b>	<b>30,924</b>

Note: Capital Gains / Losses also includes Accretion / Amortization

## E&amp;O Insurance Fund

## Asset Allocation Compliance

As of 31 December 2013 (\$000)



	Market Value (\$000)	Market Value (%)	Target Allocation (%)	Differences (%)	Minimum Allocation (%)	Maximum Allocation (%)
Total Fund	30,924	100.0	100.0	0.0		
Canadian Equity	5,560	18.0	15.0	3.0	5.0	25.0
Canadian Fixed Income	24,016	77.7	85.0	-7.3	60.0	95.0
Short-Term	1,349	4.4	0.0	4.4	0.0	15.0

## Compensation Fund Analysis

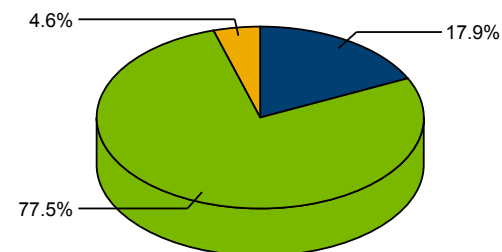
## Compensation Fund

## Asset Allocation by Segment

## Compensation Fund

Segments	Market Value (\$)	Allocation (%)
Canadian Equity	6,189,635	17.9
Canadian Fixed Income	26,810,030	77.5
Short-Term	1,598,942	4.6

December 31, 2013 : \$34,598,606



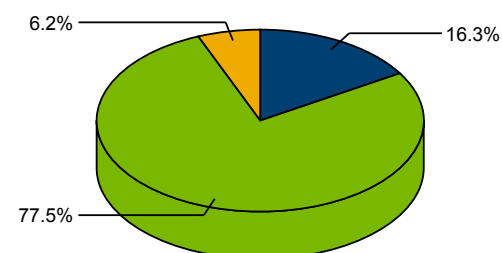
Segments	Market Value (\$)	Allocation (%)
Canadian Equity	5,420,060	16.3
Canadian Fixed Income	25,802,841	77.5
Short-Term	2,063,878	6.2

Canadian Equity

Canadian Fixed Income

Short-Term

June 30, 2013 : \$33,286,779



Canadian Equity

Canadian Fixed Income

Short-Term

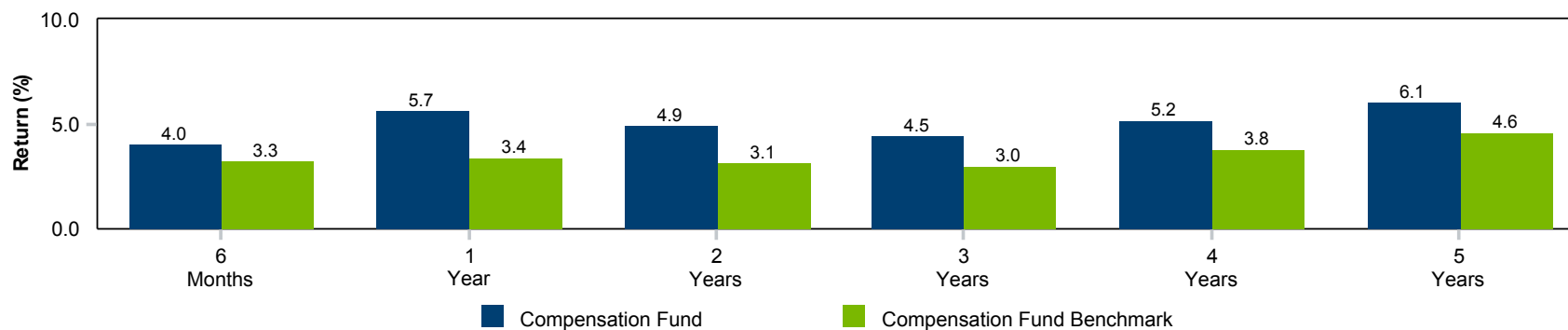


Compensation Fund

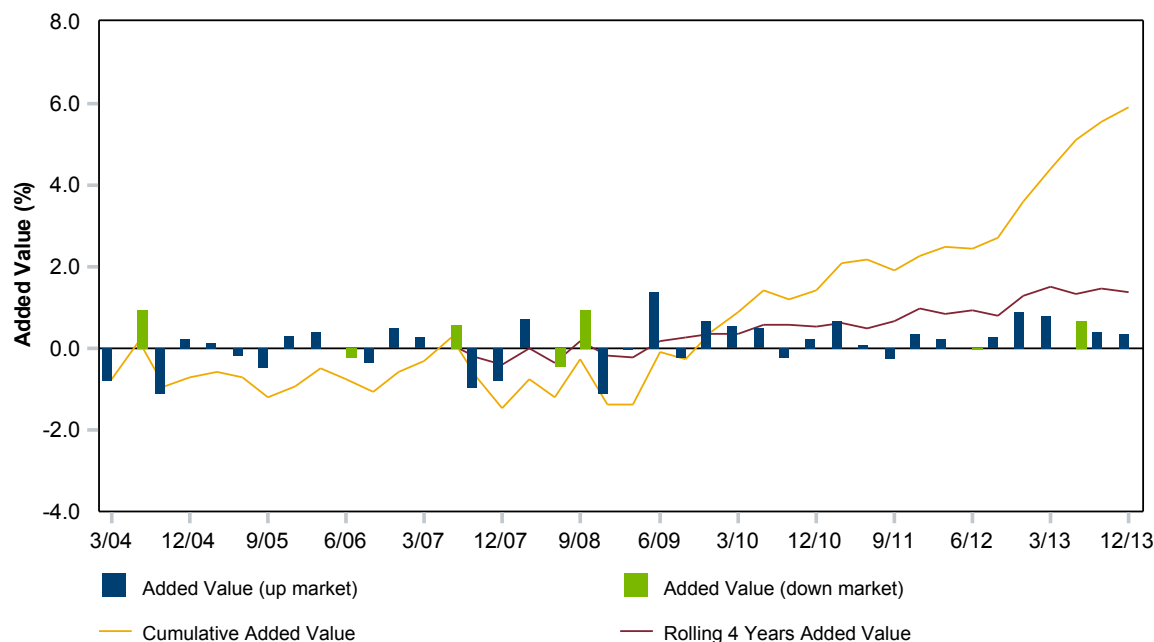
Compensation Fund Performance Summary

As of 31 December 2013

Return Summary



Added Value History (%)



Performance Statistics

	Quarters	%
<b>Market Capture</b>		
Up Markets	33	106.2
Down Markets	7	68.3
<b>Batting Average</b>		
Up Markets	33	63.6
Down Markets	7	57.1
Overall	40	62.5

Outperformance was mainly due to strong returns in Canadian equities and fixed income.

An overweight to Canadian equities and an underweight to fixed income also added value to the overall portfolio. Some of this value added was offset by an overweight position to Short-Term securities.

FGP Canadian equities outperformed due to strong stock picks, particularly in the Materials, Energy, Financials and Info Tech sectors. An underweight to Materials and Utilities as well as an overweight to Consumer Discretionaries also benefited the fund.

Fixed income outperformance was mainly due to its corporate overweight as corporate spreads tightened.

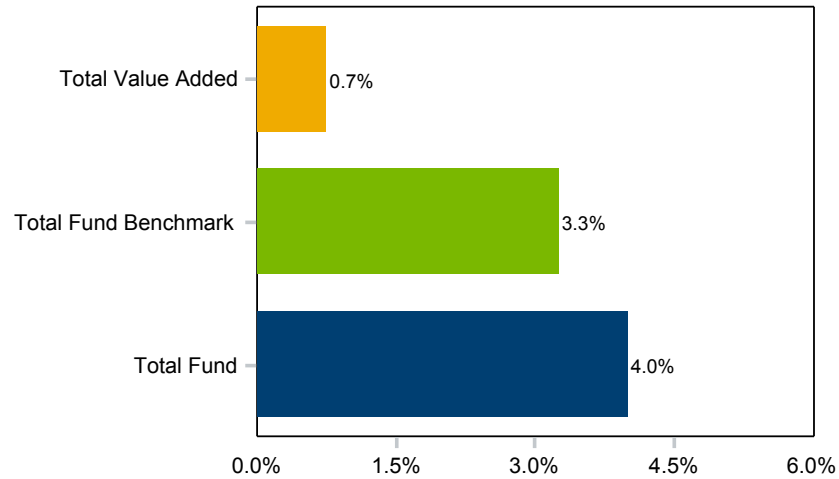
Compensation Fund

Compensation Fund Performance Attribution

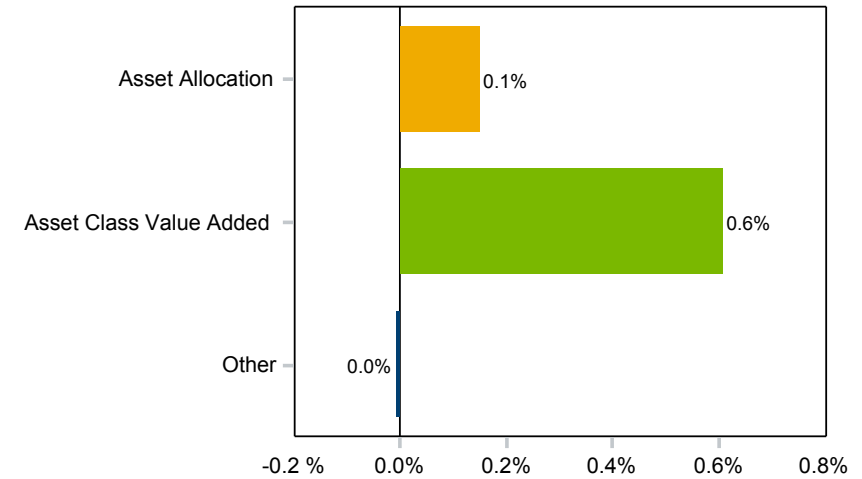
6 Months Ending 31 December 2013

Total Fund vs. Benchmark

Total Fund Performance

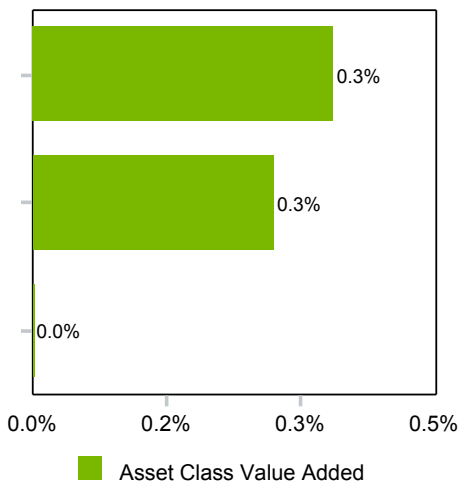
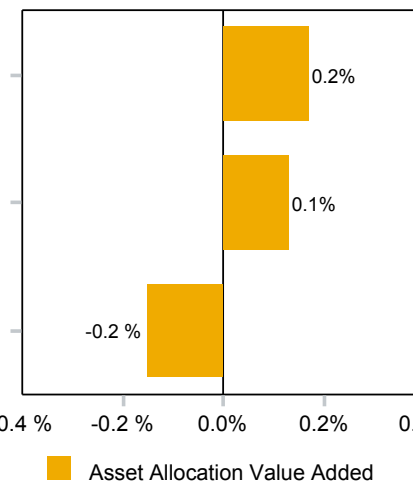
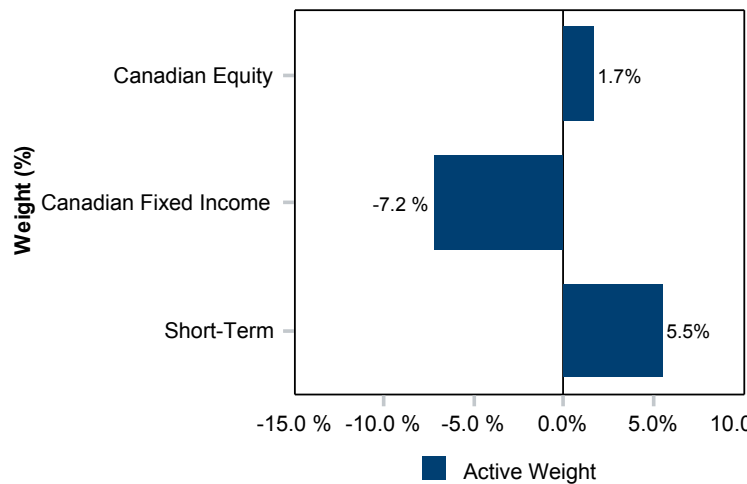


Total Value Added: 0.7%



Total Asset Allocation: 0.1%

Total Asset Class Value Added: 0.6%

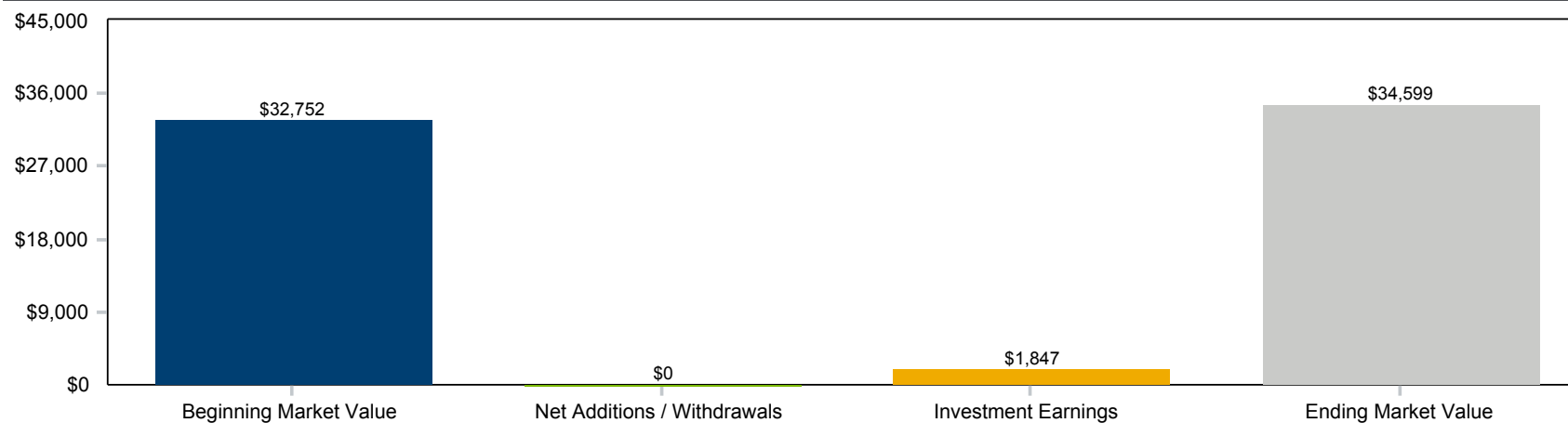


## Compensation Fund

## Compensation Fund Asset Summary

As of 31 December 2013

Change in Market Value (\$000)  
From 1 January 2013 to 31 December 2013



## Summary of Cash Flows (\$000)

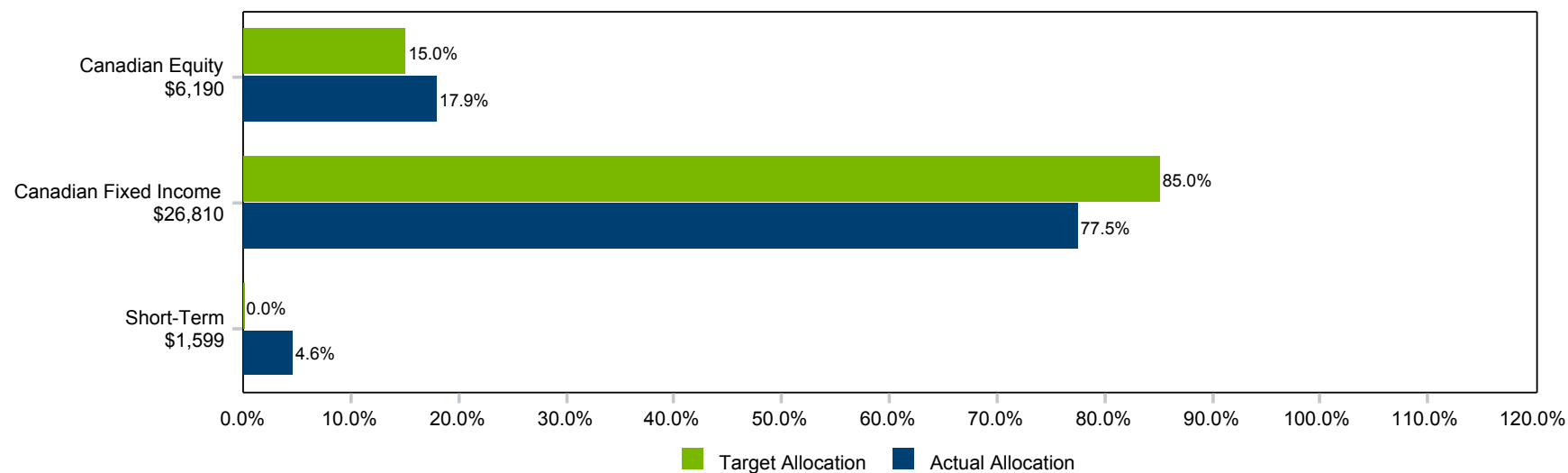
	Jan-2013 To Dec-2013
<b>Compensation Fund</b>	
Beginning Market Value	32,752
+/- Net Cash Flows	-
+/- Income	1,013
+/- Capital Gains / Losses	834
<b>= Ending Market Value</b>	<b>34,599</b>

Note: Capital Gains / Losses also includes Accretion / Amortization

## Compensation Fund

## Asset Allocation Compliance

As of 31 December 2013 (\$000)



	Market Value (\$000)	Market Value (%)	Target Allocation (%)	Differences (%)	Minimum Allocation (%)	Maximum Allocation (%)
Total Fund	34,599	100.0	100.0	0.0		
Canadian Equity	6,190	17.9	15.0	2.9	5.0	25.0
Canadian Fixed Income	26,810	77.5	85.0	-7.5	60.0	95.0
Short-Term	1,599	4.6	0.0	4.6	0.0	15.0

## General Fund Analysis

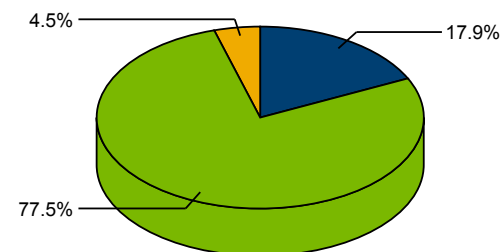
## General Fund

## Asset Allocation by Segment

## General Fund

Segments	Market Value (\$)	Allocation (%)
Canadian Equity	2,734,472	17.9
Canadian Fixed Income	11,838,665	77.5
Short-Term	693,775	4.5

December 31, 2013 : \$15,266,913



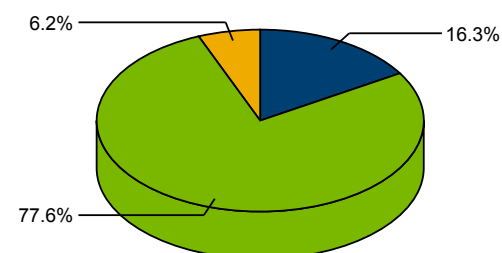
Segments	Market Value (\$)	Allocation (%)
Canadian Equity	2,392,323	16.3
Canadian Fixed Income	11,391,878	77.6
Short-Term	903,640	6.2

Canadian Equity

Canadian Fixed Income

Short-Term

June 30, 2013 : \$14,687,841



Canadian Equity

Canadian Fixed Income

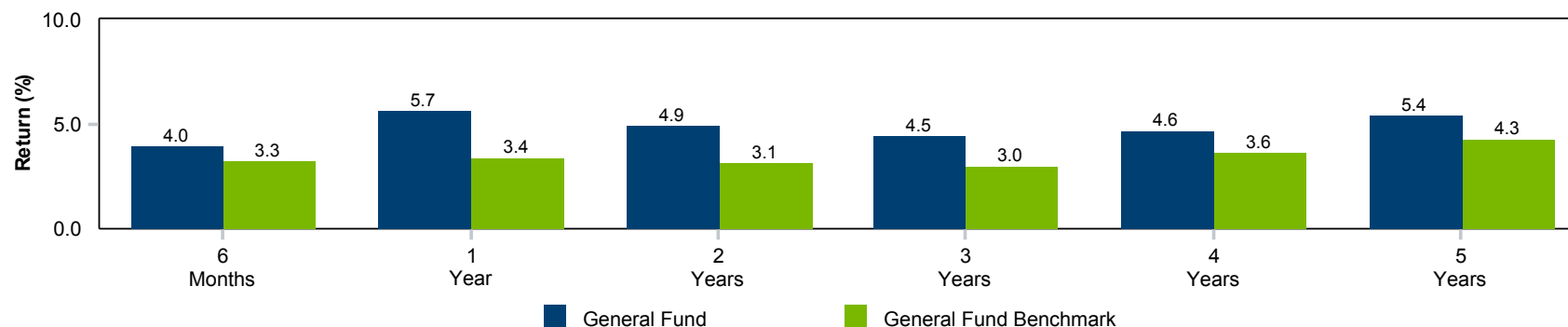
Short-Term

## General Fund

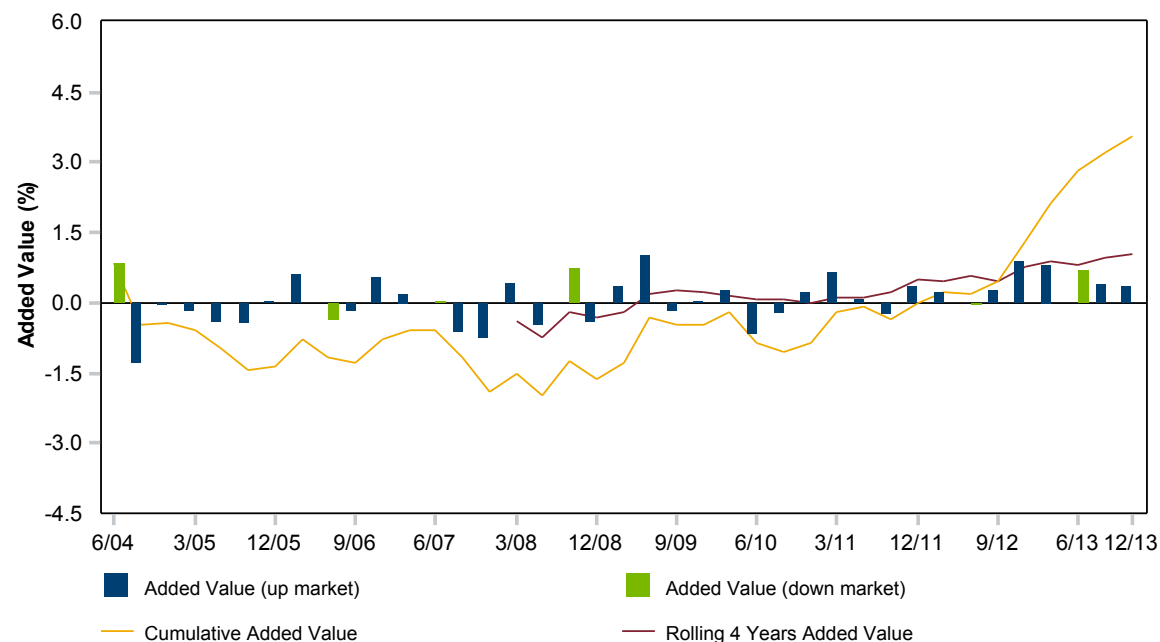
## General Fund Performance Summary

As of 31 December 2013

## Return Summary



## Added Value History (%)



## Performance Statistics

	Quarters	%
<b>Market Capture</b>		
Up Markets	33	104.0
Down Markets	6	44.6
<b>Batting Average</b>		
Up Markets	33	60.6
Down Markets	6	66.7
Overall	39	61.5

Outperformance was mainly due to strong returns in Canadian equities and fixed income.

An overweight to Canadian equities and an underweight to fixed income also added value to the overall portfolio. Some of this value added was offset by an overweight position to Short-Term securities.

FGP Canadian equities outperformed due to strong stock picks, particularly in the Materials, Energy, Financials and Info Tech sectors. An underweight to Materials and Utilities as well as an overweight to Consumer Discretionaries also benefited the fund.

Fixed income outperformance was mainly due to its corporate overweight as corporate spreads tightened.

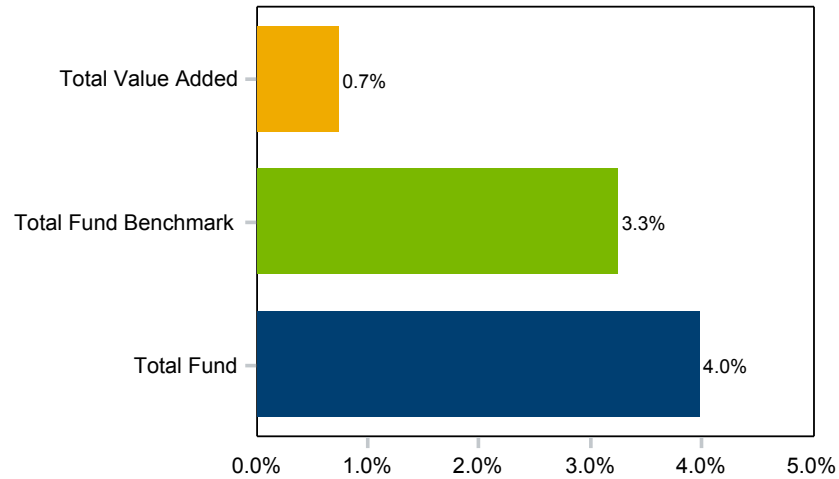
General Fund

General Fund Performance Attribution

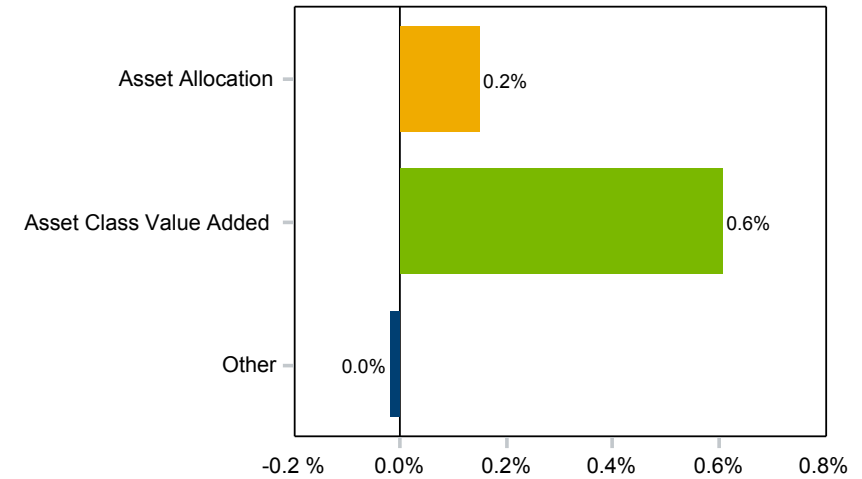
6 Months Ending 31 December 2013

Total Fund vs. Benchmark

Total Fund Performance

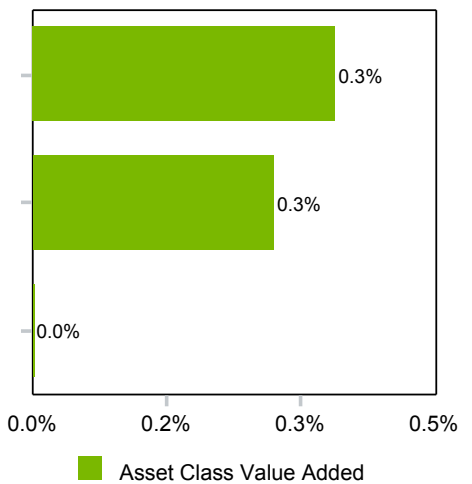
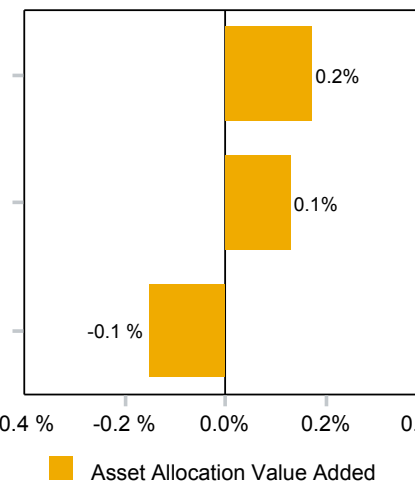
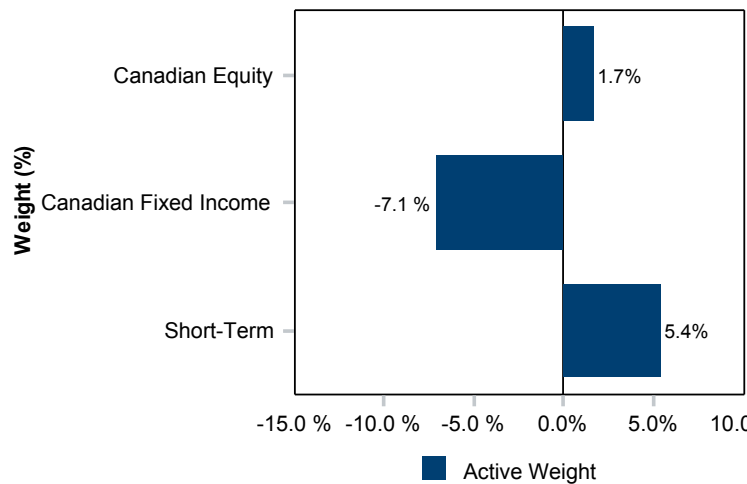


Total Value Added: 0.7%



Total Asset Allocation: 0.2%

Total Asset Class Value Added: 0.6%



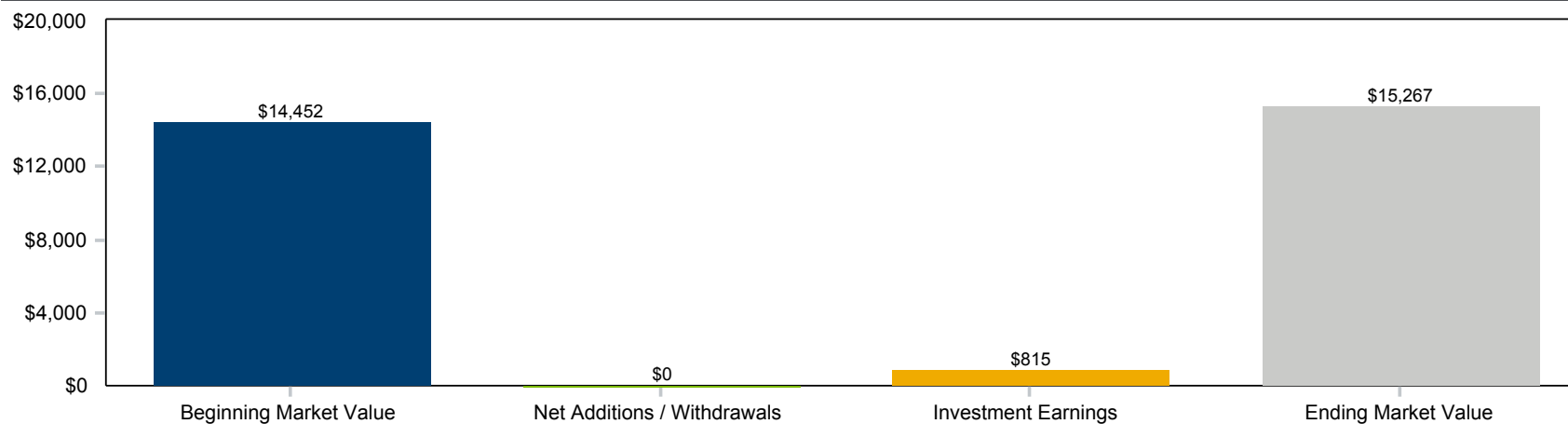


## General Fund

## General Fund Asset Summary

As of 31 December 2013

Change in Market Value (\$000)  
From 1 January 2013 to 31 December 2013



## Summary of Cash Flows (\$000)

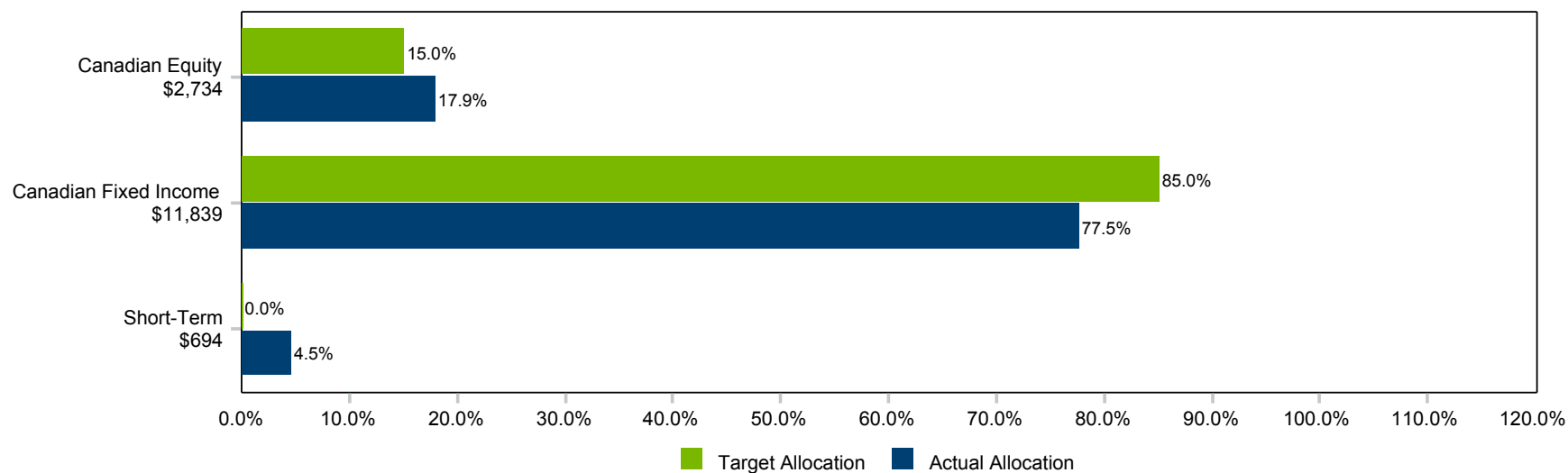
	Jan-2013 To Dec-2013
<b>General Fund</b>	
Beginning Market Value	14,452
+/- Net Cash Flows	-
+/- Income	448
+/- Capital Gains / Losses	367
<b>= Ending Market Value</b>	<b>15,267</b>

Note: Capital Gains / Losses also includes Accretion / Amortization

## General Fund

## Asset Allocation Compliance

As of 31 December 2013 (\$000)



	Market Value (\$000)	Market Value (%)	Target Allocation (%)	Differences (%)	Minimum Allocation (%)	Maximum Allocation (%)
Total Fund	15,267	100.0	100.0	0.0		
Canadian Equity	2,734	17.9	15.0	2.9	5.0	25.0
Canadian Fixed Income	11,839	77.5	85.0	-7.5	60.0	95.0
Short-Term	694	4.5	0.0	4.5	0.0	15.0

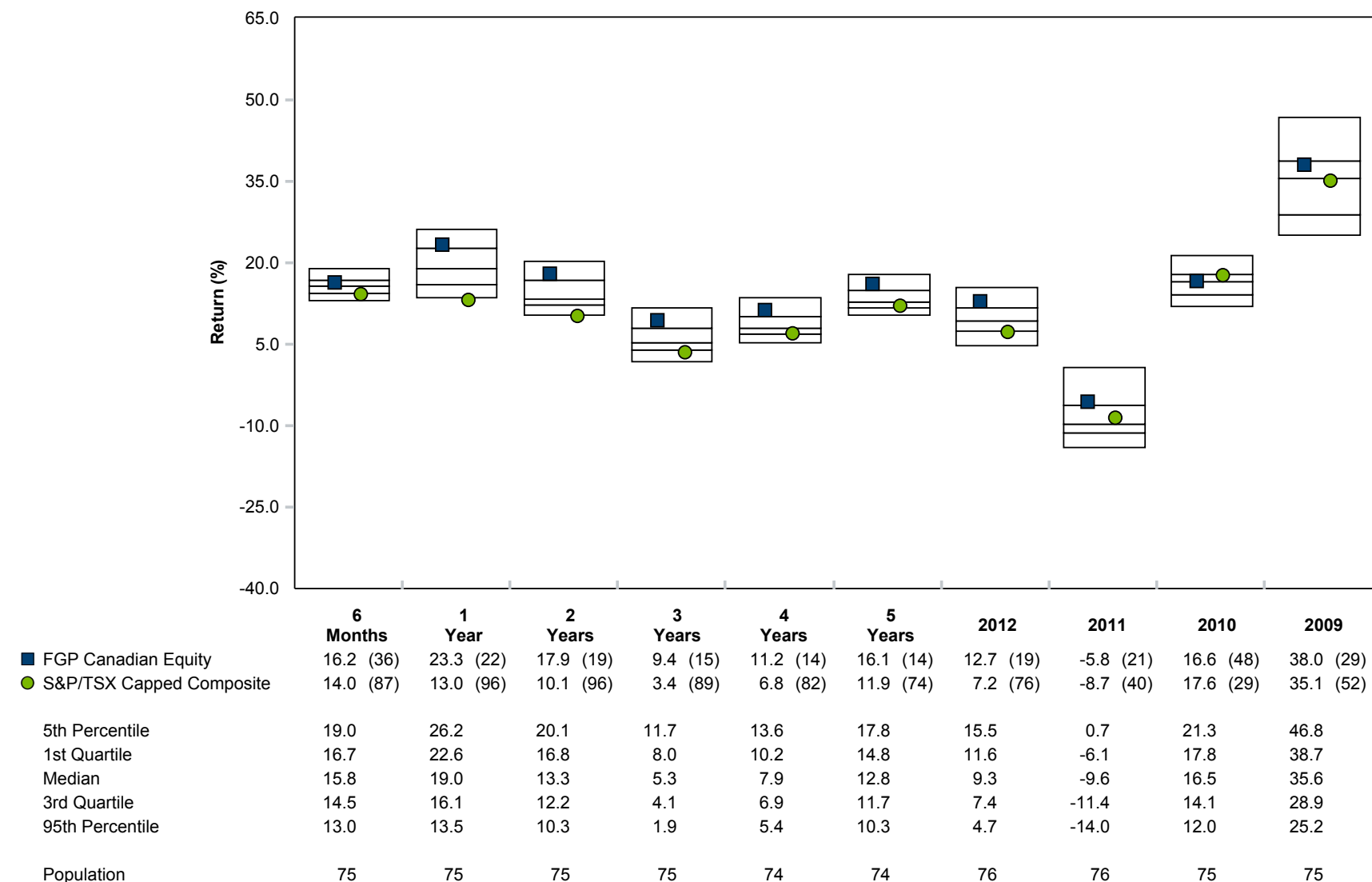
## Asset Class Analysis

## Canadian Equity Funds

## Peer Group Analysis

As of 31 December 2013

Canadian Equity



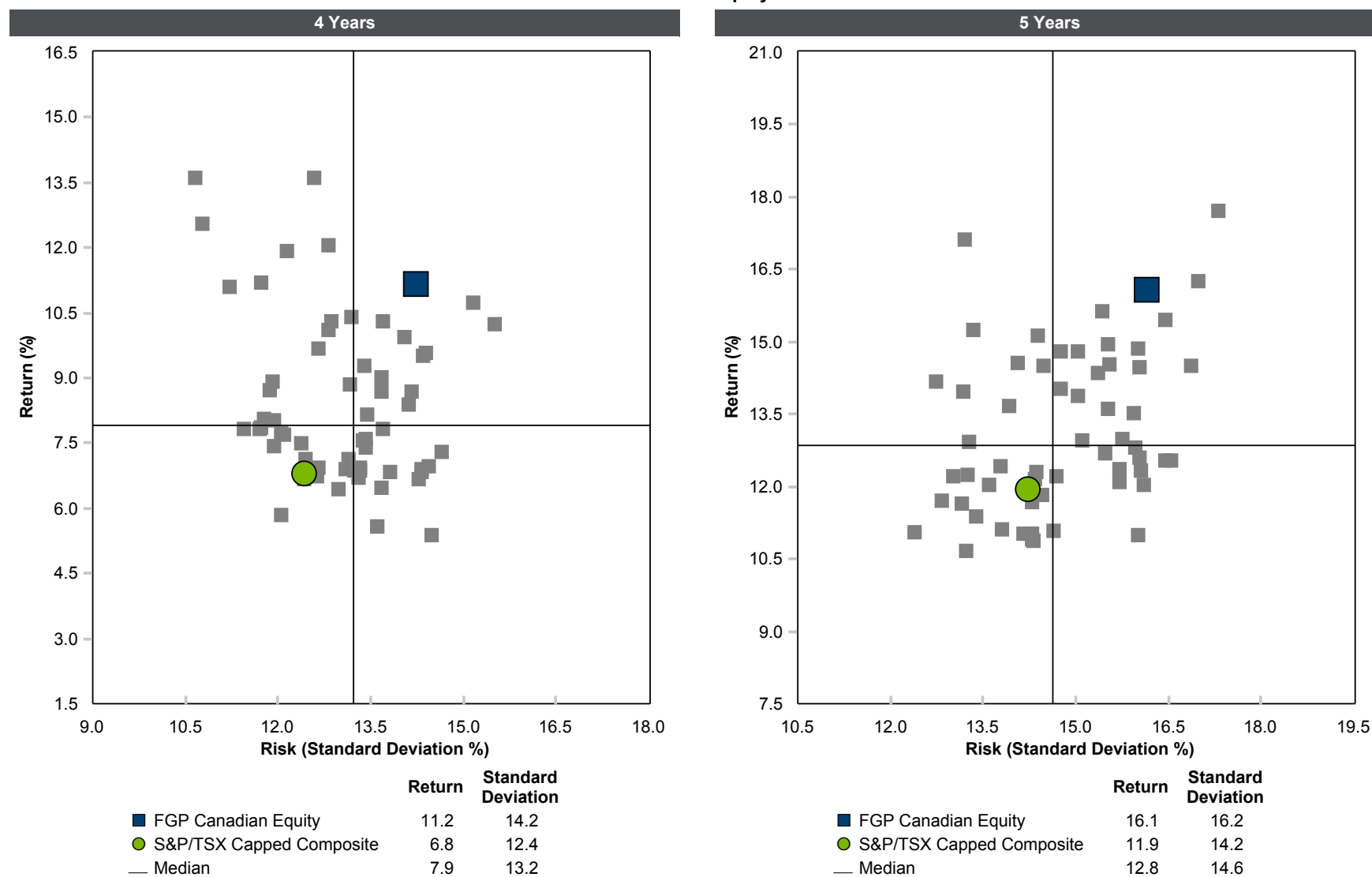
Parentheses contain percentile rankings.  
 Returns for periods greater than one year are annualized.  
 Source: Aon Hewitt Manager Universe.

## Canadian Equity Funds

## Peer Group Scattergram

Periods Ending 31 December 2013

Canadian Equity



Returns for periods greater than one year are annualized.  
Source: Aon Hewitt Manager Universe.

## Canadian Equity Funds

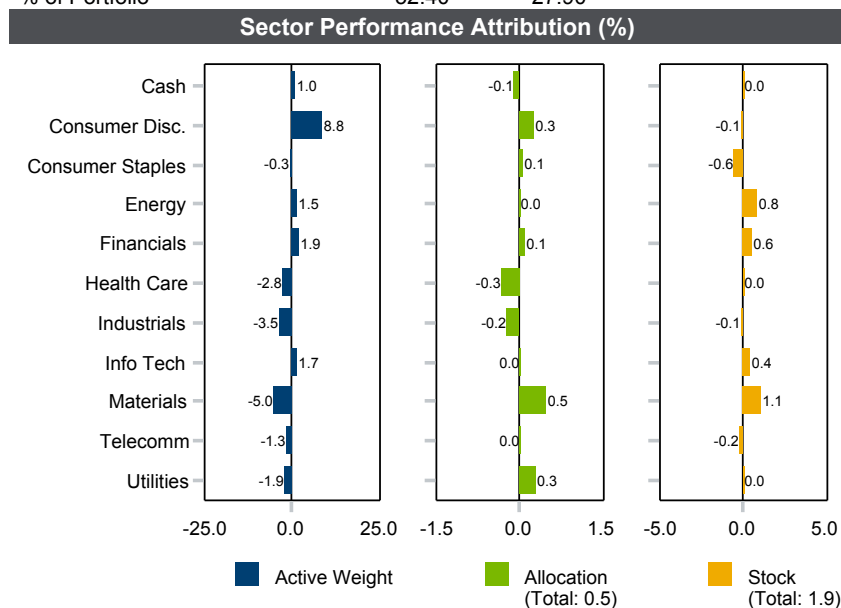
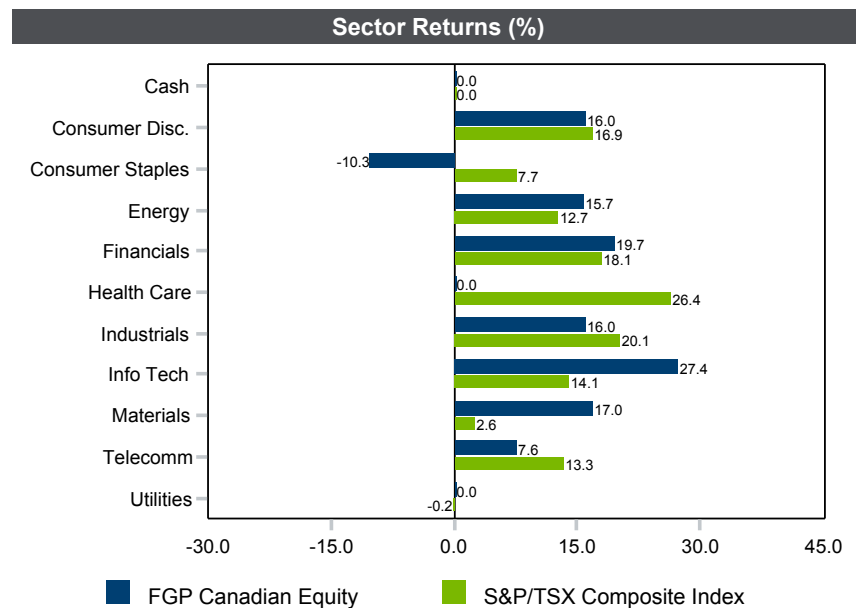
## FGP Canadian Equity Portfolio Characteristics

6 Month Period Ending 31 December 2013

Portfolio Characteristics		
	Portfolio	Benchmark
Wtd. Avg. Mkt. Cap (\$M)	34,872	32,445
Median Mkt. Cap (\$M)	13,219	2,587
Price/Earnings ratio	15.85	16.40
Price/Book ratio	1.95	2.12
5 Yr. EPS Growth Rate (%)	-0.96	2.82
Current Yield (%)	3.02	2.96
Debt to Equity	1.33	1.41
Number of Stocks	36	241

Manager Top Ten Holdings				
	Portfolio Weight (%)	Benchmark Weight (%)	Active Weight (%)	6 Months Return (%)
Bank of Nova Scotia (The)	7.90	4.84	3.06	18.87
Toronto-Dominion Bank (The)	7.59	5.54	2.05	20.33
Royal Bank of Canada	6.59	6.20	0.39	18.38
Suncor Energy Inc.	5.34	3.34	2.00	21.03
Canadian Natural Resources Ltd	5.22	2.35	2.87	21.76
CIBC	5.17	2.18	2.99	23.91
Imperial Oil	4.92	0.72	4.20	17.23
Magna International	3.44	1.17	2.27	17.30
Thomson Reuters Corp	3.25	0.90	2.35	19.07
Power Corporation of Canada	2.98	0.66	2.32	15.41

% of Portfolio 52.40 27.90

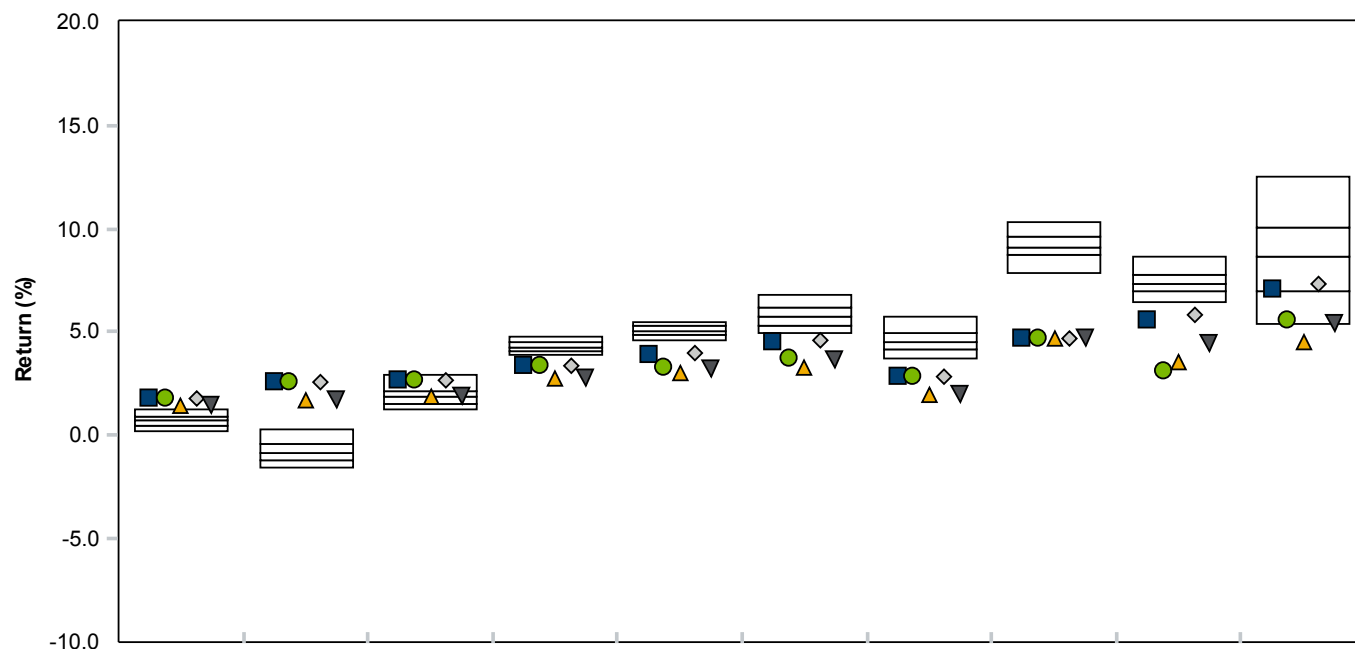


## Fixed Income Funds

## Peer Group Analysis

As of 31 December 2013

Canadian Bonds



	6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	2012	2011	2010	2009
■ E&O Fixed Income	1.8 (1)	2.5 (1)	2.7 (9)	3.4 (100)	3.9 (100)	4.5 (100)	2.8 (100)	4.7 (100)	5.6 (100)	7.0 (74)
● General Fixed Income	1.8 (1)	2.6 (1)	2.7 (9)	3.4 (100)	3.3 (100)	3.7 (100)	2.8 (100)	4.7 (100)	3.1 (100)	5.5 (93)
▲ DEX Short Term Bond	1.4 (2)	1.7 (1)	1.9 (48)	2.8 (100)	3.0 (100)	3.3 (100)	2.0 (100)	4.7 (100)	3.6 (100)	4.5 (100)
◆ Compensation Fixed Income	1.8 (1)	2.6 (1)	2.7 (9)	3.4 (100)	4.0 (100)	4.6 (100)	2.8 (100)	4.7 (100)	5.8 (100)	7.3 (71)
▼ Compensation Fixed Income Benchmark	1.4 (2)	1.7 (1)	1.9 (48)	2.8 (100)	3.2 (100)	3.6 (100)	2.0 (100)	4.7 (100)	4.4 (100)	5.4 (95)
5th Percentile	1.3	0.3	2.9	4.8	5.5	6.8	5.8	10.3	8.6	12.5
1st Quartile	0.9	-0.4	2.1	4.5	5.3	6.2	5.0	9.6	7.8	10.0
Median	0.7	-0.8	1.8	4.3	5.1	5.7	4.5	9.1	7.3	8.6
3rd Quartile	0.5	-1.2	1.5	4.1	4.8	5.3	4.2	8.7	7.0	7.0
95th Percentile	0.2	-1.5	1.3	3.9	4.6	4.9	3.8	7.9	6.4	5.4
Population	42	42	42	42	42	42	43	43	43	43

Parentheses contain percentile rankings.

Returns for periods greater than one year are annualized.

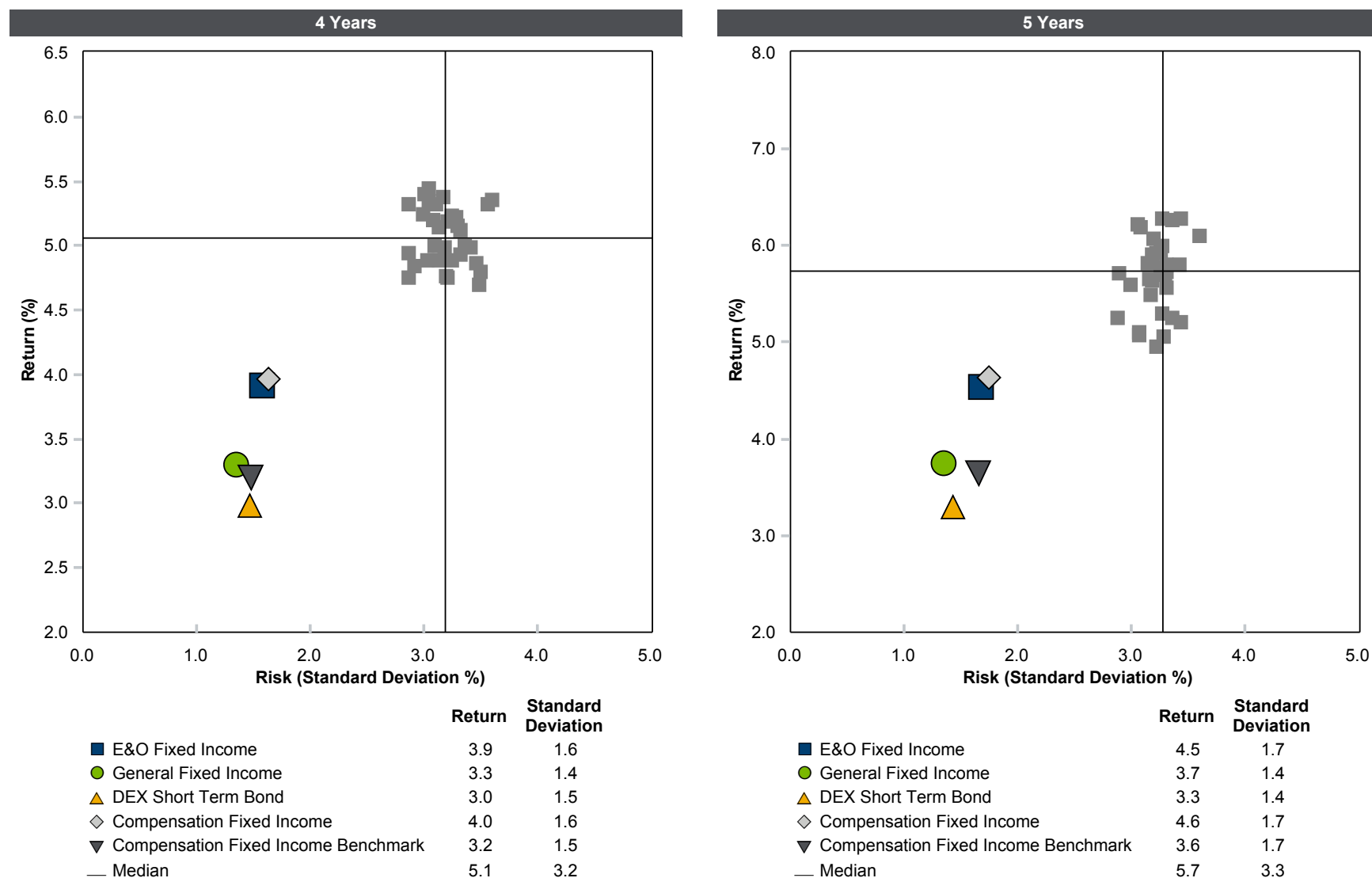
Source: Aon Hewitt Manager Universe.

## Fixed Income Funds

## Peer Group Scattergram

Periods Ending 31 December 2013

Canadian Bonds



Returns for periods greater than one year are annualized.  
Source: Aon Hewitt Manager Universe.

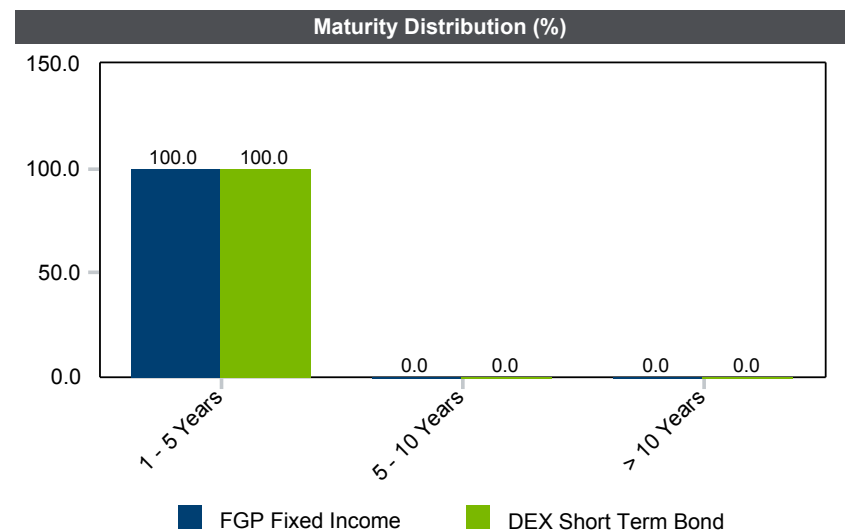
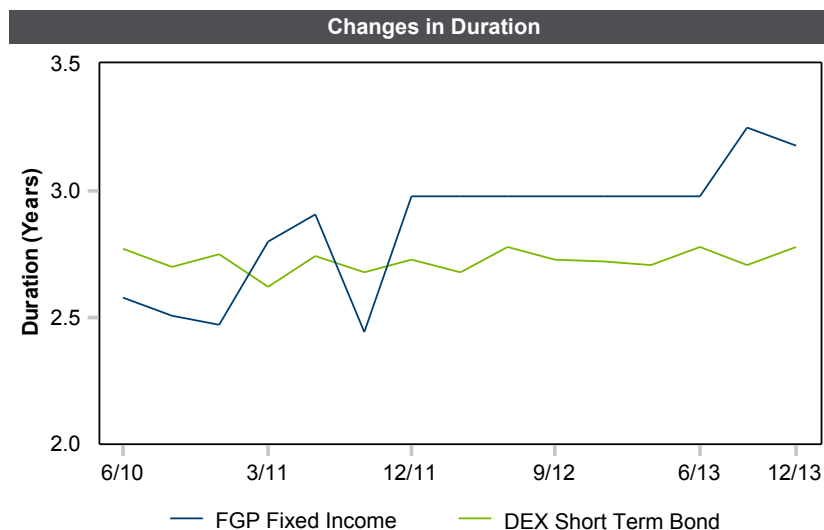
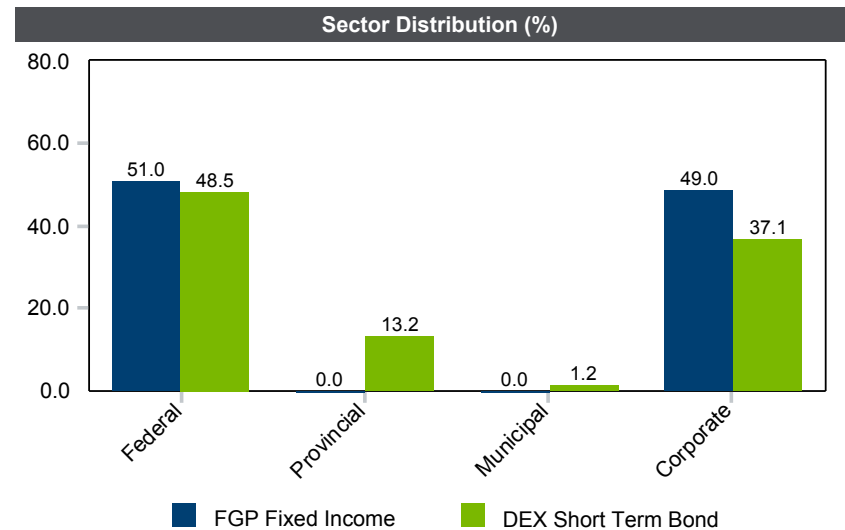


## Fixed Income Funds

## FGP Fixed Income Fund Characteristics

As of 31 December 2013

Portfolio Characteristics		
	Portfolio	Benchmark
Modified Duration	3.2	2.8
Avg. Maturity	3.5	2.9
Avg. Quality	AA	AA
Yield To Maturity (%)	2.1	1.8

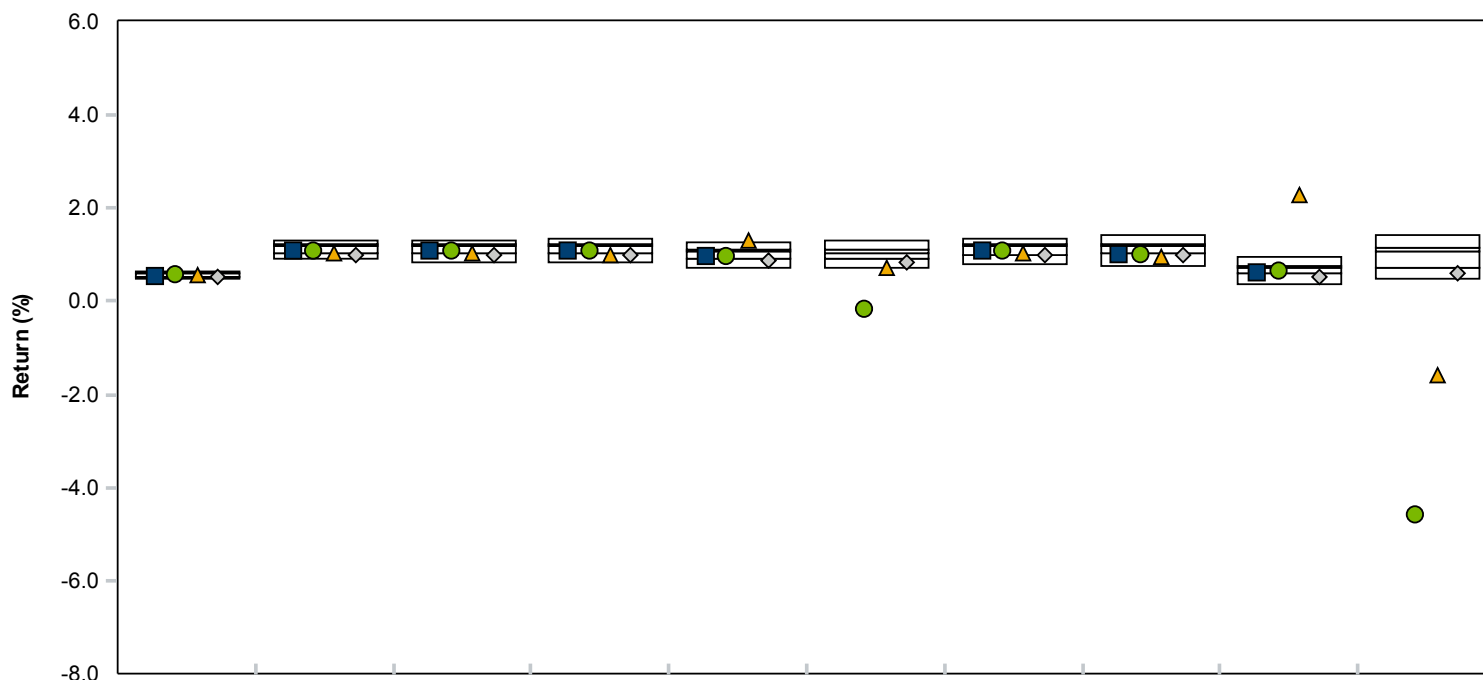


## Money Market Funds

## Peer Group Analysis

As of 31 December 2013

## Money Market



	6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	2012	2011	2010	2009
■ E&O Short-Term	0.5 (73)	1.1 (66)	1.1 (69)	1.1 (74)	0.9 (74)	N/A	1.1 (68)	1.0 (80)	0.6 (70)	N/A
● Compensation Short-Term	0.6 (71)	1.1 (66)	1.1 (69)	1.1 (74)	1.0 (73)	-0.2 (100)	1.1 (68)	1.0 (80)	0.6 (66)	-4.6 (100)
▲ General Short-Term	0.6 (71)	1.0 (73)	1.0 (75)	1.0 (79)	1.3 (2)	0.7 (95)	1.0 (75)	1.0 (89)	2.3 (1)	-1.6 (100)
◆ DEX 91-Day T-Bill	0.5 (80)	1.0 (82)	1.0 (77)	1.0 (79)	0.9 (82)	0.8 (85)	1.0 (76)	1.0 (80)	0.5 (87)	0.6 (88)
5th Percentile	0.7	1.3	1.3	1.4	1.3	1.3	1.3	1.4	1.0	1.4
1st Quartile	0.6	1.2	1.2	1.2	1.1	1.1	1.2	1.2	0.8	1.2
Median	0.6	1.2	1.2	1.2	1.1	1.1	1.2	1.2	0.7	1.1
3rd Quartile	0.5	1.0	1.0	1.0	0.9	0.9	1.0	1.0	0.6	0.7
95th Percentile	0.5	0.9	0.9	0.8	0.7	0.7	0.8	0.8	0.4	0.5
Population	26	26	26	26	26	25	26	26	26	25

Parentheses contain percentile rankings.

Returns for periods greater than one year are annualized.

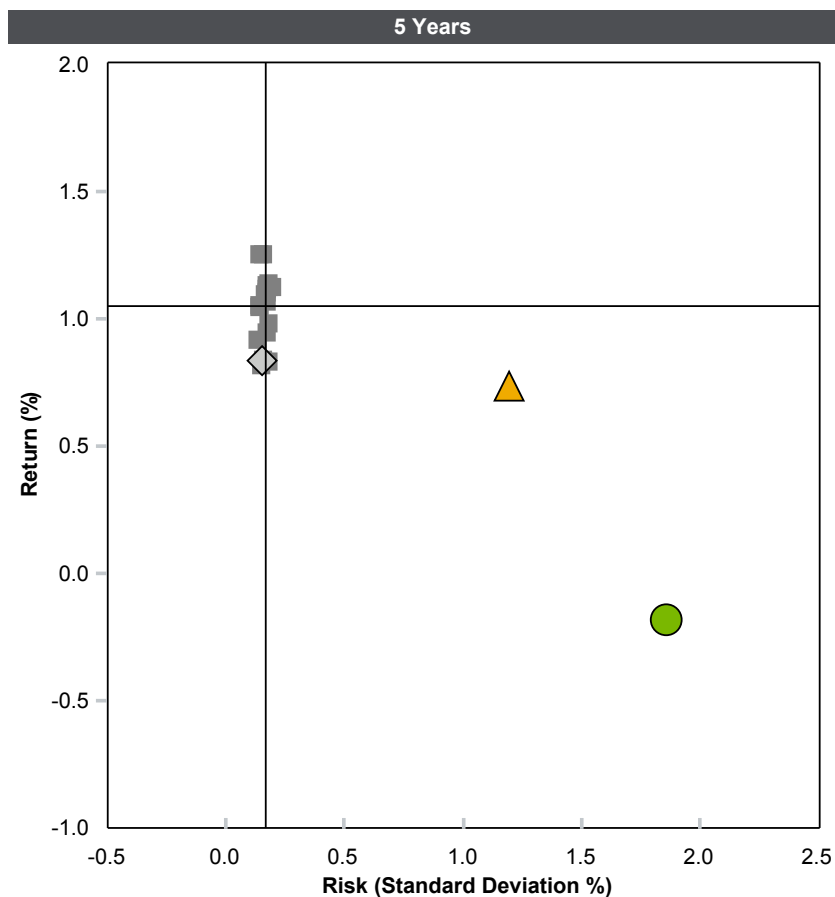
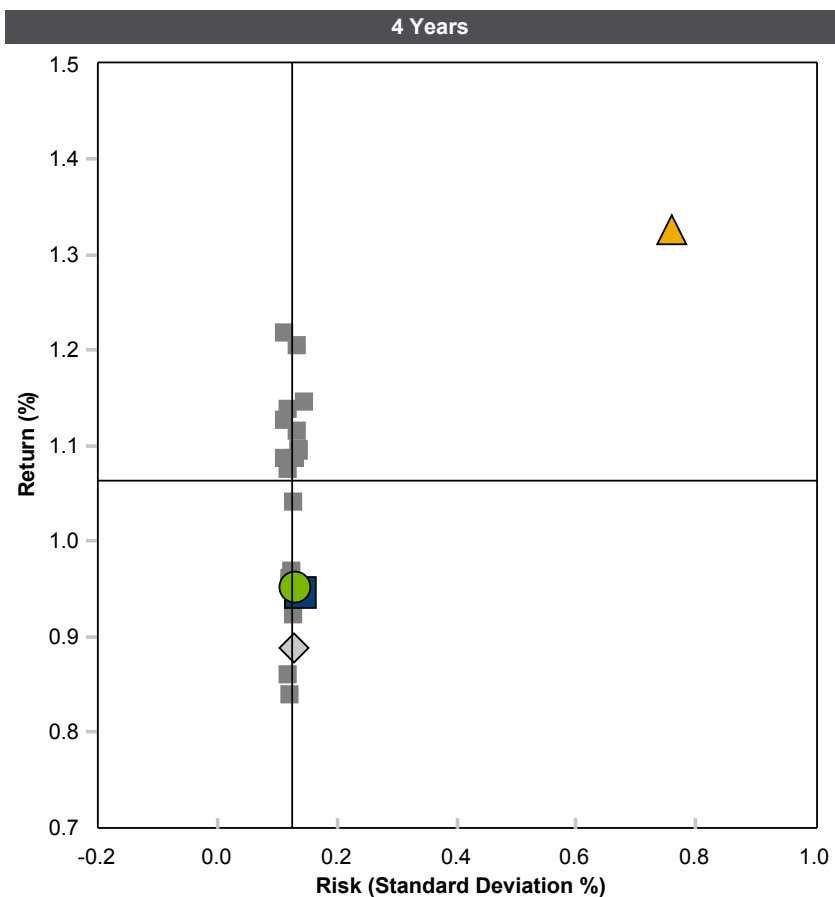
Source: Aon Hewitt Manager Universe.

## Money Market Funds

## Peer Group Scattergram

Periods Ending 31 December 2013

Money Market



	Return	Standard Deviation
E&O Short-Term	0.9	0.1
Compensation Short-Term	1.0	0.1
General Short-Term	1.3	0.8
DEX 91-Day T-Bill	0.9	0.1
Median	1.1	0.1

	Return	Standard Deviation
E&O Short-Term	N/A	N/A
Compensation Short-Term	-0.2	1.9
General Short-Term	0.7	1.2
DEX 91-Day T-Bill	0.8	0.2
Median	1.1	0.2

Returns for periods greater than one year are annualized.  
Source: Aon Hewitt Manager Universe.

## Appendix A - Plan Information

## Plan Information

## Summary of Investment Objectives

The investment policy contains specific performance objectives for the fund and for the investment manager.

Investment rates of return are reported on a calendar basis and include realized and unrealized capital gains and losses, plus income.

Returns are calculated on a time-weighted basis and are compared to the objectives described below in order to assess the performance of the investment manager.

The primary objective is to outperform a benchmark portfolio over moving four-year periods. The specific benchmark weights are provided on the following page.

Management Mandates: Active management of the asset allocation  
Active management of the asset classes

Management Structure: One Short-Term bond mandate  
One Canadian Equity mandate

Management Firm: Foyston, Gordon & Payne Inc. (FGP)

Investment Products:	Prior to 30 June 2009	From 1 July 2009 to 21 May 2010	After 21 May 2010
<u>E&amp;O Insurance Fund</u>			
Short-Term	-	Pooled	Pooled
Canadian Bonds	Pooled	Pooled	Segregated
Canadian Equities	Pooled	Pooled	Pooled
Private U.S. Equities	Pooled	-	-
<u>Compensation &amp; General Fund</u>			
Short-Term	Pooled	Pooled	Pooled
Canadian Bonds	Segregated	Segregated	Segregated
Canadian Equities	Pooled	Pooled	Pooled
Private U.S. Equities	Segregated	-	-

Note: Segregated = Individual Securities

## Investment Objectives

## Summary of Investment Objectives

## Blended Benchmark Composition

## E&amp;O Insurance Fund Benchmark

Components	Weight (%)
Mar-2006	
S&P/TSX Composite	15.00
S&P 500 (CAD)	15.00
DEX Short Term Bond	70.00
Jul-2009	
S&P/TSX Composite	15.00
DEX Short Term Bond	85.00
DEX 91-Day T-Bill	0.00

## Compensation Fund Benchmark

Components	Weight (%)
Jun-2003	
S&P/TSX Composite	7.50
S&P 500 (CAD)	7.50
DEX Short Term Bond	85.00
Jan-2004	
S&P/TSX Composite	7.50
S&P 500 (CAD)	7.50
DEX Universe Bond	85.00
Jul-2009	
S&P/TSX Composite	13.00
DEX Universe Bond	87.00
Apr-2010	
S&P/TSX Composite	15.00
DEX Short Term Bond	85.00
DEX 91-Day T-Bill	0.00

## General Fund Benchmark

Components	Weight (%)
Mar-2004	
S&P/TSX Composite	7.50
S&P 500 (CAD)	7.50
DEX Short Term Bond	85.00
Jul-2009	
S&P/TSX Composite	13.00
DEX Short Term Bond	87.00
Apr-2010	
S&P/TSX Composite	15.00
DEX Short Term Bond	85.00
DEX 91-Day T-Bill	0.00

## Compensation Fund Fixed Income Benchmark

Components	Weight (%)
Jun-2003	
DEX Short Term Bond	100.00
Jan-2004	
DEX Universe Bond	100.00
Apr-2010	
DEX Short Term Bond	100.00

## Appendix B - Manager Updates

**Manager Updates**

**Manager Updates**

**As of 31 December 2013**

**Foyston, Gordon & Payne**

There were no significant changes at Foyston, Gordon & Payne during the fourth quarter of 2013.

There were no significant changes at Foyston, Gordon & Payne during the third quarter of 2013.



## Appendix C - Capital Markets Environment

Capital Markets Environment

**Capital Markets Environment**

**As of 31 December 2013**

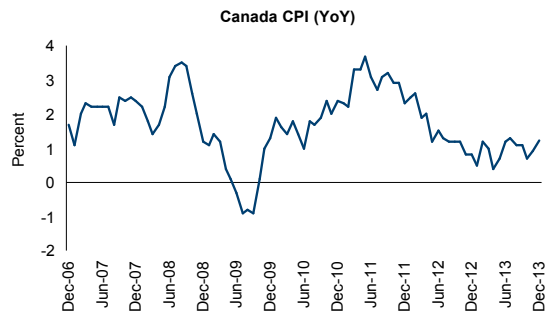
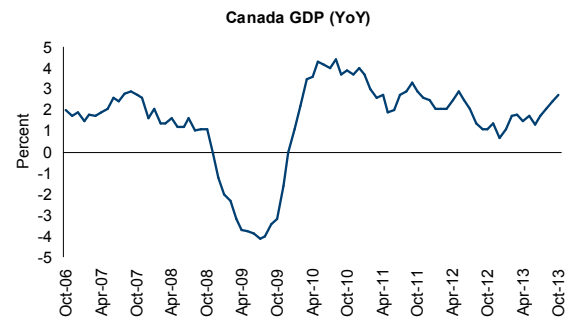
**The Year in Review – World Economic Outlook**

- World growth is expected to close out the year for 2013 at 3%, with 2014 growth expected to increase to 3.7%, according to the International Monetary Fund.
- Although most regions continued to struggle with long term structural issues and slow growth, global equity markets experienced extraordinary returns.
- A major reason for this was the unprecedented monetary easing actions of many central banks.
- Monetary easing involves the creation of liquidity by the central bank which is then injected into the banking system. The central banking system and the banking system are two separate entities. When the central bank injects liquidity, it creates cash which is used to purchase securities. The purchased securities are held separately on the central bank's balance sheet while the cash remains in the banking system.
- A good part of this liquidity has found its way into the equity markets resulting in very strong returns in 2013.
- In addition to the monetary easing program of the Federal Reserve (U.S), many other countries have also pursued similar policies. These countries include China, Japan, the U.K. and in an indirect manner the Euro Zone.
- For 2014 the world's largest economy, the United States is expected to take the lead amongst developed countries in terms of growth, Europe is expected to continue its slow growth (having exited from recession in 2013) while growth in China is expected to be roughly the same as in 2013.
- Concerns include the threat of deflation in developed countries, persistent high levels of sovereign debt, potential asset bubbles in China, and the timing of the withdrawal of central bank stimulus going forward.

## Capital Markets Environment

## Capital Markets Environment

As of 31 December 2013

Canada  
Historical

## Outlook

- Consensus predictions are for GDP growth of 2.3% in 2014. This improvement is based mostly on increased exports resulting from the weak Canadian dollar. The increasing growth momentum for the U.S. is also a positive for the economy.
- With the slowing of the real estate market and the record level of consumer debt limiting consumer spending, exports remain one of the few areas expected to drive growth in 2014.
- Areas of concern include weakening commodity prices and the threat that an overbuilt condo market could precipitate a housing correction.
- Although most forecasts indicate further price improvement for the real estate market, this sector poses risks due to over valuation.
- Expectations for rate action is low. The Bank of Canada is limited by very low inflation, concerns regarding disinflation and the desire to keep the Canadian dollar from appreciating.

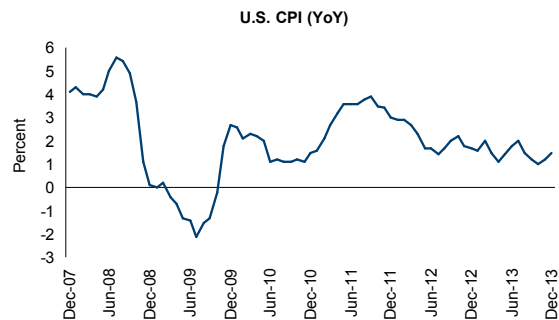
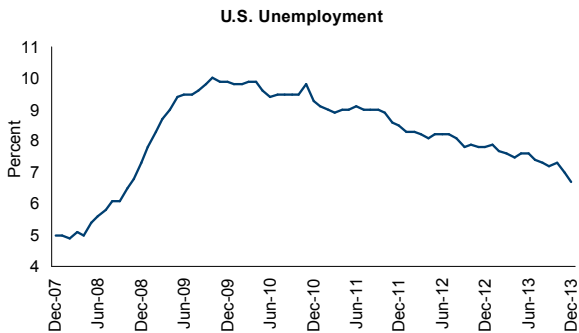
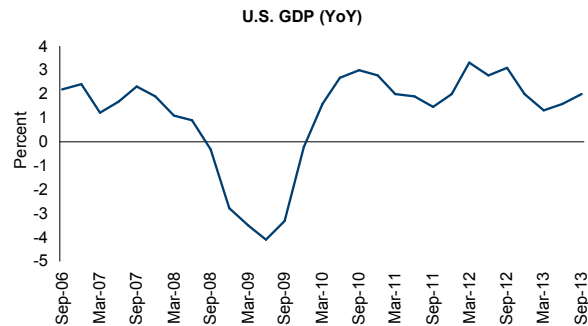
## Capital Markets Environment

## Capital Markets Environment

As of 31 December 2013

## United States

## Historical



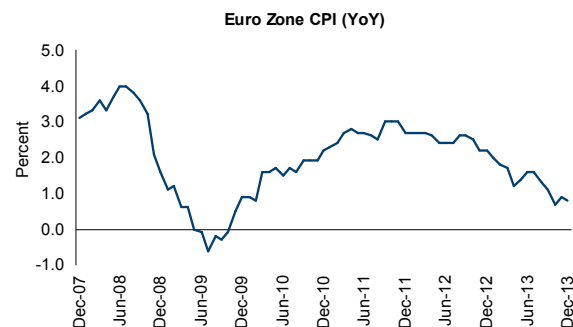
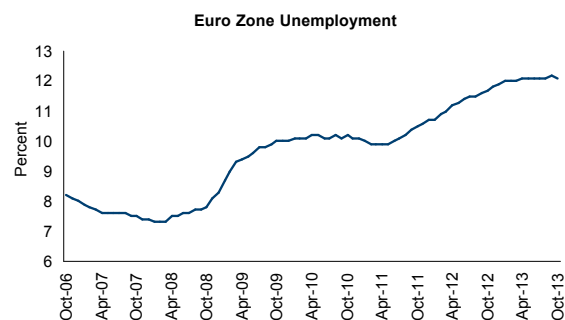
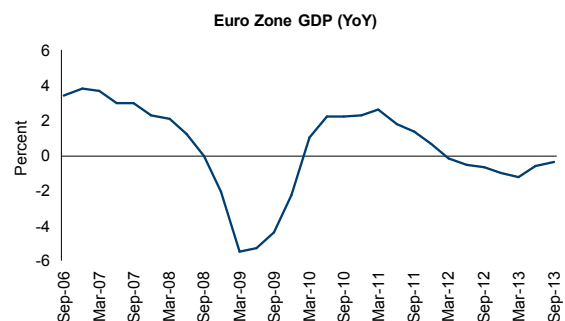
## Outlook

- Led by manufacturing, a rebounding housing market and an increase in consumer confidence, the U.S. economy is poised to grow approximately 3% in 2014.
- Consumer debt (as a percent of household income) has declined significantly since 2008. This combined with the wealth effect produced by the rebounding housing market sets in place the potential for a revival in domestic consumption.
- Counterbalancing this will be effects that could occur as the Federal Reserve starts unwinding its monetary stimulus program. The first round of tapering was announced with a reduction of \$10 billion (from \$85 billion) in the monthly purchase of securities by the central bank.
- Political uncertainty still poses a risk as lawmakers in Washington demonstrate little appetite for cooperation on budget and debt issues.

## Capital Markets Environment

## Capital Markets Environment

As of 31 December 2013

Euro Zone  
Historical

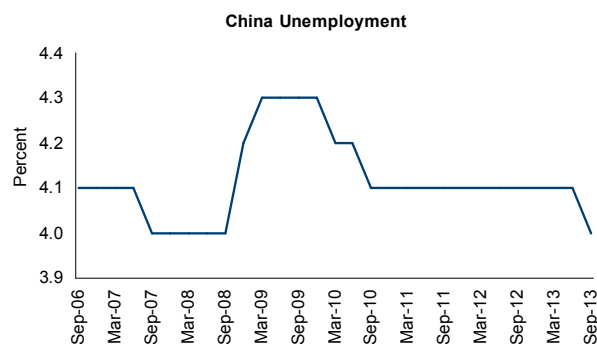
## Outlook

- Growth is expected to be weak in 2014. The region exited from recession in the second quarter of 2013 and the consensus projections are for GDP growth of 1%.
- Fundamental problems include ageing populations, high levels of sovereign debt, and poor budget discipline in many countries.
- High chronic unemployment continues to be a major problem for the region. It is expected to remain above 12% until at least 2015.
- The level of inflation remains quite low raising concerns about disinflation. The European Central Bank recently cut its benchmark interest rate to a record low of 0.25%.
- The resolution of sovereign debt levels is hampered by the inability to make significant cuts in social spending and tax rates that are already much higher than most developed countries.
- The need to reduce debt levels and increased social spending due to an ageing population will act as a brake on growth for some time.

## Capital Markets Environment

## Capital Markets Environment

As of 31 December 2013

China  
Historical

## Outlook

- Consensus is that GDP growth for China will soften slightly to 7.5% in 2014.
- China is currently implementing many structural reforms in an effort to transition the economy from an export driven model to a more balanced approach including strong domestic demand.
- The recent report released from the Third Plenum meeting of China's leaders contained many reforms aimed at transitioning China to a more market driven economy.
- The reforms proposed include a loosening of the one child policy, and the introduction of market pricing for water, oil, natural gas, electricity, transport and telecommunications.
- Also included were changes in the financial system which will allow private firms to be more competitive with state owned enterprises.
- Due to the prolonged period of high growth in both GDP and credit, the possibility of asset bubbles (overvaluation of asset values) continues to be a concern for China.

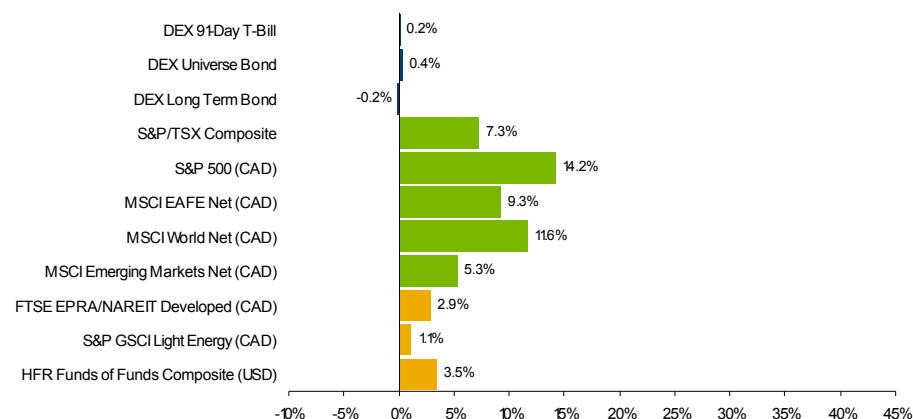
## Capital Markets Environment

## Capital Markets Environment

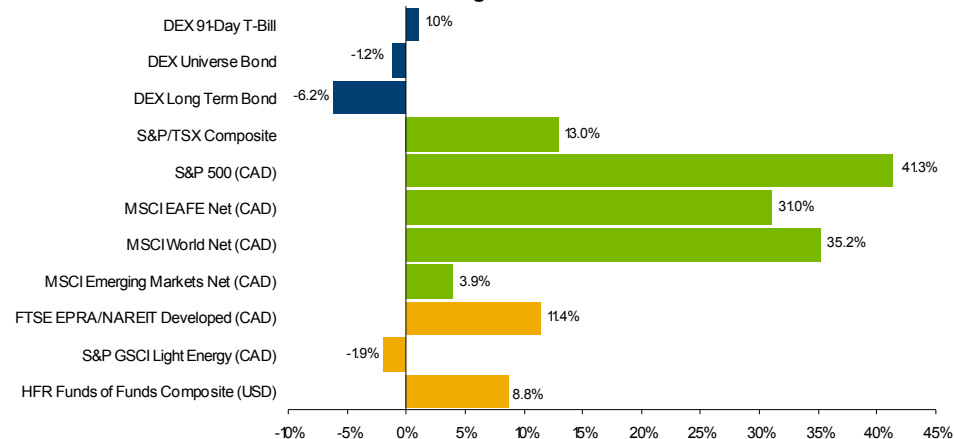
As of 31 December 2013

## Review of Financial Markets

- In the last quarter, equities continued to post strong returns. The S&P 500 Index (CAD) had the highest return at 14.2%, followed by the MSCI World Index with a return of 11.6%. The return for the DEX Long Term Bond Index (which can be considered a proxy for pension solvency liabilities) was -0.2%.

Financial Markets Performance Review  
3-Month Period Ending 31 December 2013

- For the year ending December 31, 2013 equity returns were uniformly strong with the exception of emerging markets (3.9%). Bond markets sustained losses with the DEX Long Term Bond Index losing 6.2%.

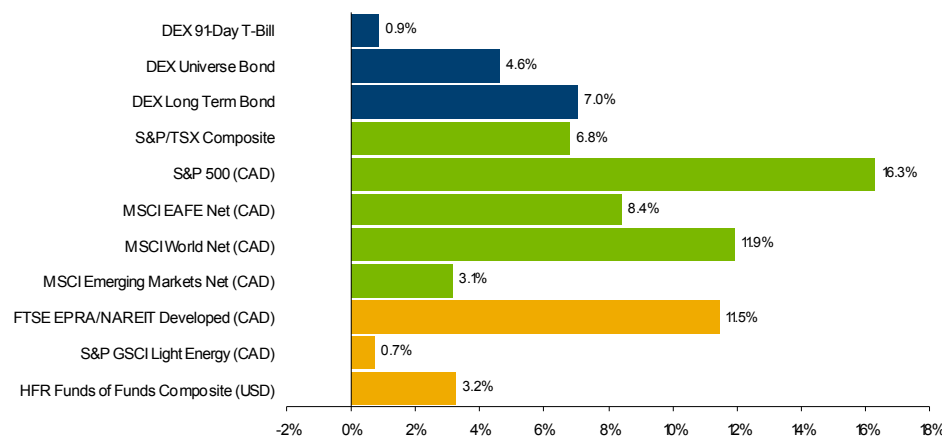
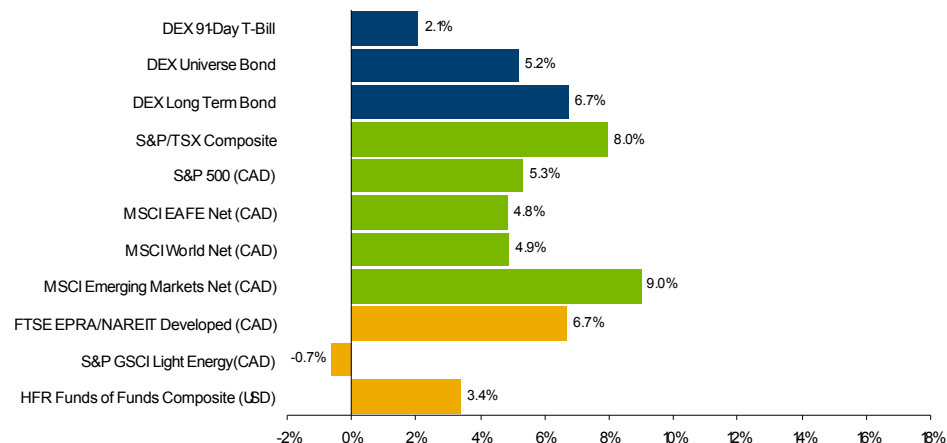
Financial Markets Performance Review  
1-Year Period Ending 31 December 2013

## Capital Markets Environment

## Capital Markets Environment

As of 31 December 2013

- The S&P 500 Index (CAD) led all asset class returns over the four-year period ending December 31, 2013, with a return of 16.3%. Strong returns were also earned in World equities (11.9%) and in Global listed real estate (11.5%). Long term bonds returned 7.0%. Trailing the other categories were T-Bills (0.9%) and the S&P GSCI Light Energy Index (0.7%).

Financial Markets Performance Review  
4-Year Period Ending 31 December 2013Financial Markets Performance Review  
10-Year Period Ending 31 December 2013

- For the 10-year period ending December 31, 2013, strong returns were earned in emerging market equities (9.0%), Canadian equities (8.0%), and long-term bonds (6.7%). Global listed real estate was also a strong performer with a return of 6.7%. The strong Canadian dollar during this period reduced returns for unhedged investments outside Canada.



## Capital Markets Environment

## Capital Markets Environment

As of 31 December 2013

## Comparison of Financial Indices

Annual returns - Calendar Years											Annualized
2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total	
27.9%	30.6%	41.8%	18.2%	6.4%	51.6%	17.6%	18.1%	25.8%	41.3%	9.02%	
16.4%	24.1%	31.7%	10.3%	3.3%	35.1%	14.1%	9.7%	15.6%	35.2%	7.97%	
14.5%	16.3%	25.9%	9.8%	2.7%	17.4%	12.7%	4.6%	14.7%	31.0%	6.74%	
11.5%	13.8%	19.6%	4.4%	-21.2%	11.9%	12.5%	1.0%	13.4%	13.0%	6.67%	
10.3%	12.5%	17.3%	4.0%	-21.4%	11.5%	11.0%	-3.2%	13.3%	11.4%	5.32%	
7.1%	10.7%	15.4%	3.7%	-24.3%	10.4%	9.1%	-3.5%	7.2%	8.8%	5.16%	
6.9%	7.5%	10.4%	3.4%	-25.8%	7.4%	6.7%	-4.9%	5.2%	3.9%	4.90%	
6.4%	6.7%	4.1%	-5.7%	-29.2%	5.5%	5.9%	-5.7%	4.8%	1.0%	4.84%	
2.8%	6.5%	4.1%	-7.5%	-33.0%	5.4%	5.7%	-8.7%	3.6%	-1.2%	3.37%	
2.3%	2.6%	4.0%	-10.5%	-34.6%	0.6%	2.1%	-10.0%	1.0%	-1.9%	2.07%	
0.9%	2.3%	0.6%	-21.1%	-41.6%	-2.0%	0.5%	-16.4%	-0.6%	-6.2%	-0.66%	

Best

Worst

DEX 91-Day T-Bill

DEX Long Term Bond

S&P 500 (CAD)

MSCI World (CAD) (Net dividend)

FTSE EPRA/NAREIT Developed (CAD)

HFR Funds of Funds Composite (USD)

DEX Universe Bond

S&P/TSX Capped Composite

MSCI EAFE (CAD) (Net dividend)

MSCI Emerging Markets (CAD) (Net dividend)

S&P GSCI Commodity Index, Light Energy (CAD)

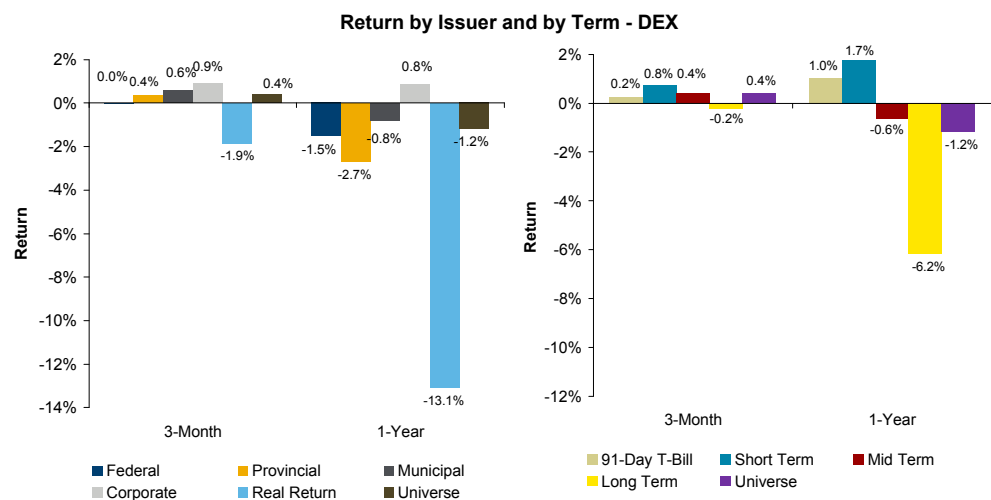
- This table illustrates the performance ranking of the various asset classes for each of the last 10 years. Over the period, the best performing asset class was emerging market equities, followed by Canadian equities. Long term bonds have had a strong performance as well, which has been a dominant theme of the last decade.
- The distribution of the colour codes in our sample across the ten years highlights the importance of diversification - in order to obtain stable performance, it is necessary to invest in several asset classes.

## Capital Markets Environment

## Capital Markets Environment

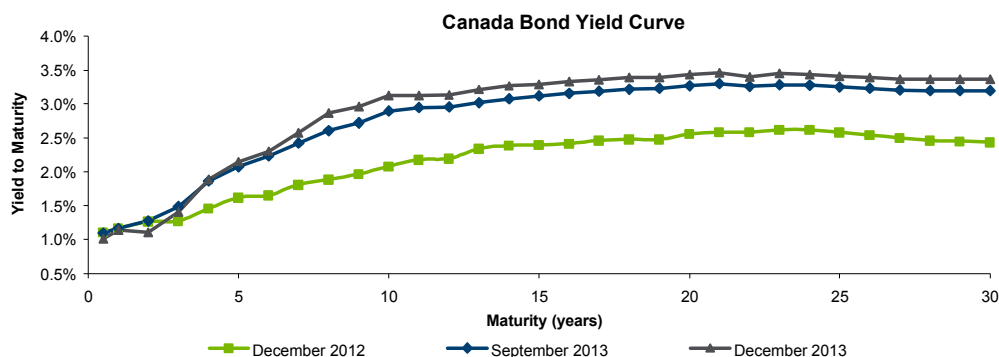
As of 31 December 2013

- The DEX Universe Bond Index returns were essentially flat over the last 3 months (0.4%) and negative for 12 months (-1.2%). The corporate sector was the best performer for both periods, with real return bonds suffering large negative returns over 12 months. With rates continuing to rise across the yield curve, performance was directly proportional to maturity. The best performing maturity bucket for both periods was the Short Term Index.

Canadian Bond Market Performance Review  
Periods Ending 31 December 2013

.....

- The yield curve steepened during the fourth quarter of 2013 with yields rising across all maturities. The short end remained anchored due to the unchanged Bank of Canada monetary policy.
- The yield curve maintained a positive slope with longer maturities yielding more than shorter maturities.



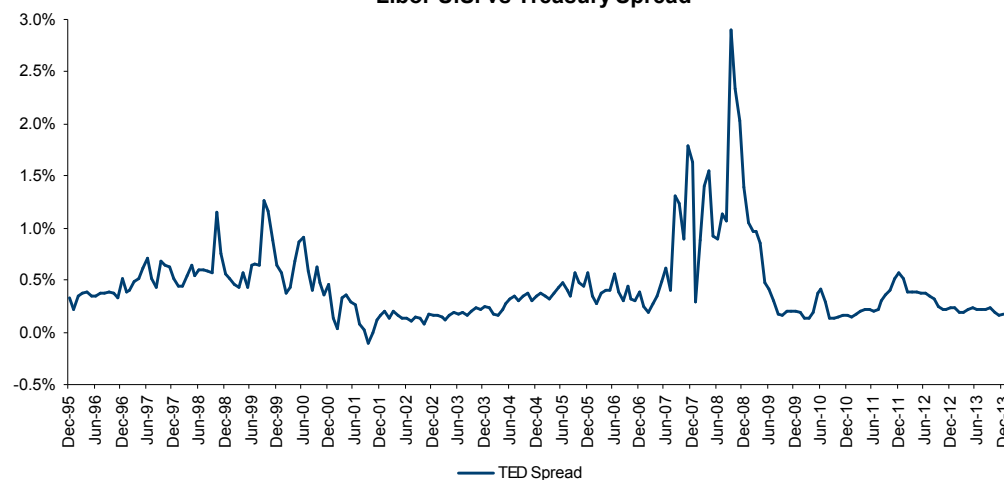
## Capital Markets Environment

## Capital Markets Environment

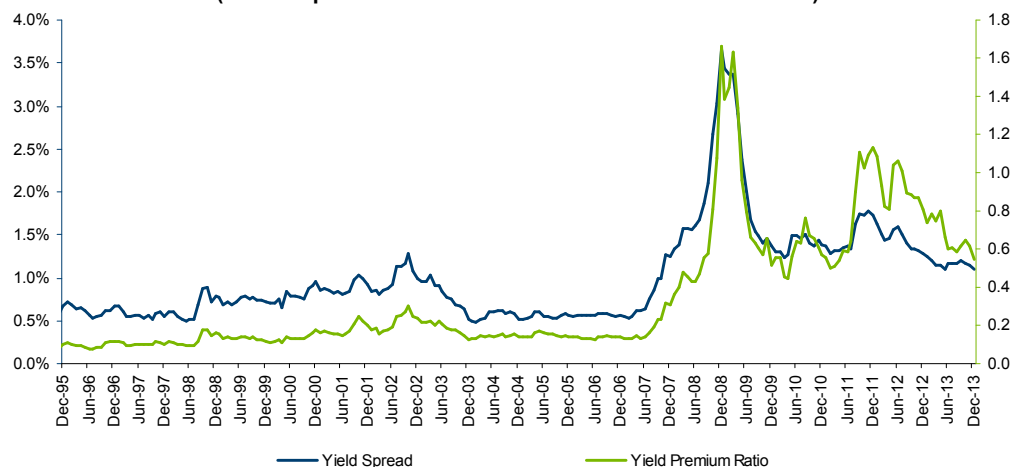
As of 31 December 2013

- LIBOR, the London Interbank Offered Rate, is an estimate of the rate at which banks lend to one another. The spread between LIBOR and U.S. Treasury bills (the TED spread) is an indicator of perceived credit risk in the general economy. The TED spread has been fairly stable since 2009.

Libor U.S. vs Treasury Spread



- The yield premium between corporate and government bonds narrowed slightly recently, but remains attractive by historical standards.

Canadian Corporate Bond Yield Spread  
(DEX Corporate Bond Yields vs DEX Federal Bond Yields)

## Capital Markets Environment

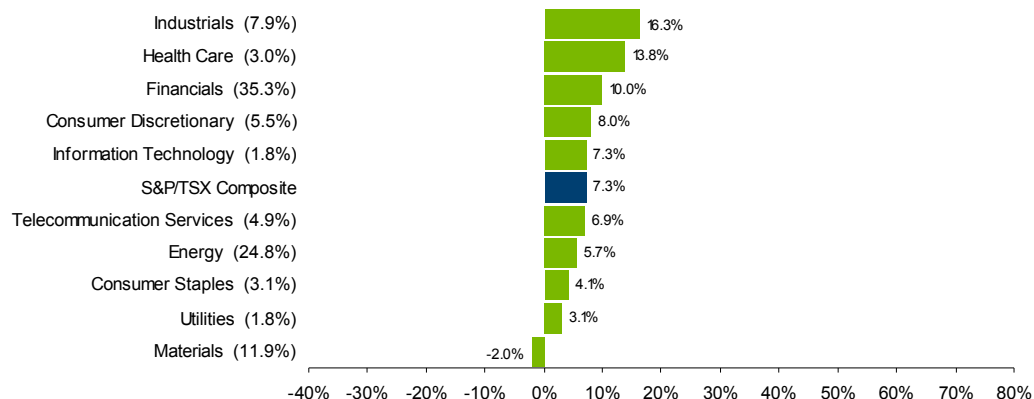
## Capital Markets Environment

As of 31 December 2013

Canadian Stock Markets Performance Review  
S&P/TSX Composite Sector Returns (Sector Weights)

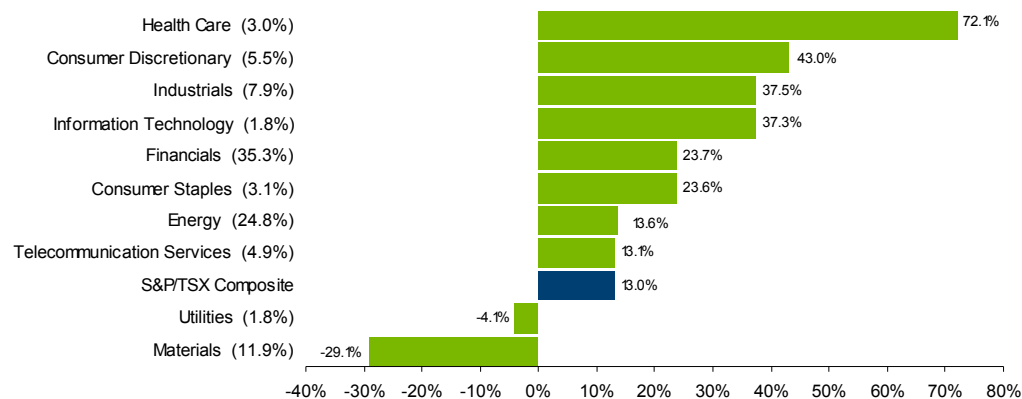
3-Month Period Ending 31 December 2013

- All sectors reported positive returns during last quarter with the exception of Materials. The top three sectors were Industrials (16.3%), Health Care (13.8%) and Financials (10.0%).



1-Year Period Ending 31 December 2013

- The past year presented an opportunity for active managers to add value through sector bets, as dispersion of returns between sectors was large. For the year the difference between the best and worst performing sectors was 101.2%. The Health Care sector posted the best return with a gain of 72.1% while the Materials sector, which is the third largest sector of the index, lost 29.1%. The other two large sectors in the Index, Financials and Energy had positive returns of 23.7% and 13.6%, respectively, much less than many smaller sectors.



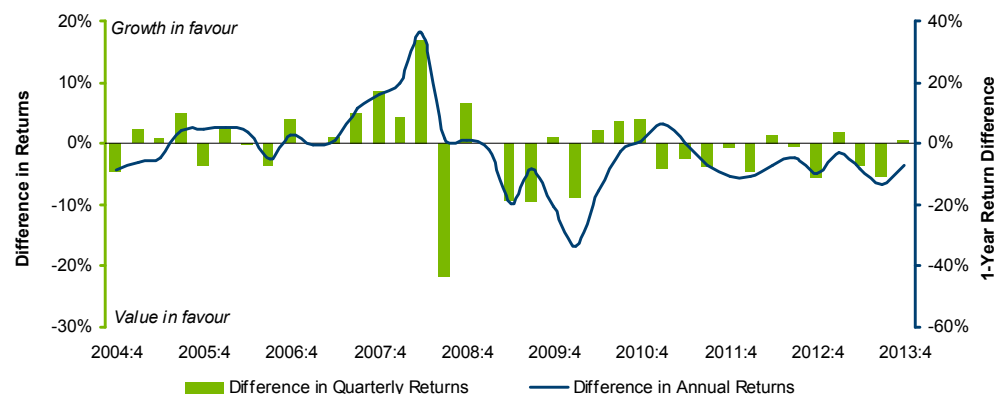
## Capital Markets Environment

## Capital Markets Environment

As of 31 December 2013

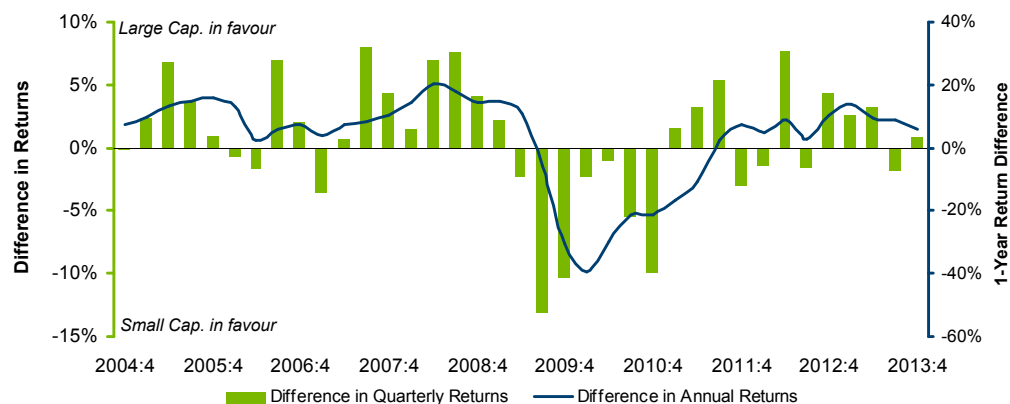
- In the fourth quarter of 2013, Canadian growth stocks slightly outperformed value stocks. Value stocks have outperformed growth stocks in seven of the past twelve quarters. Over the last 12-month period, value stocks outperformed growth stocks.

**Growth vs. Value Investment Style - Canadian Equity Market\***  
Comparison to 31 December 2013



\*MSCI Canada, Growth vs. MSCI Canada, Value

**Large Cap. vs. Small Cap. Universe - Canadian Equity Market\*\***  
Comparison to 31 December 2013



\*\*S&P/TSX 60 vs. S&P/TSX Small Cap Value

- Canadian large cap stocks outperformed small cap stocks in the fourth quarter of 2013. Although large cap stocks outperformed in 6 quarters of the last 10, indicating a close race, a closer analysis shows a significant outperformance of large cap due to the margin of outperformance.

## Capital Markets Environment

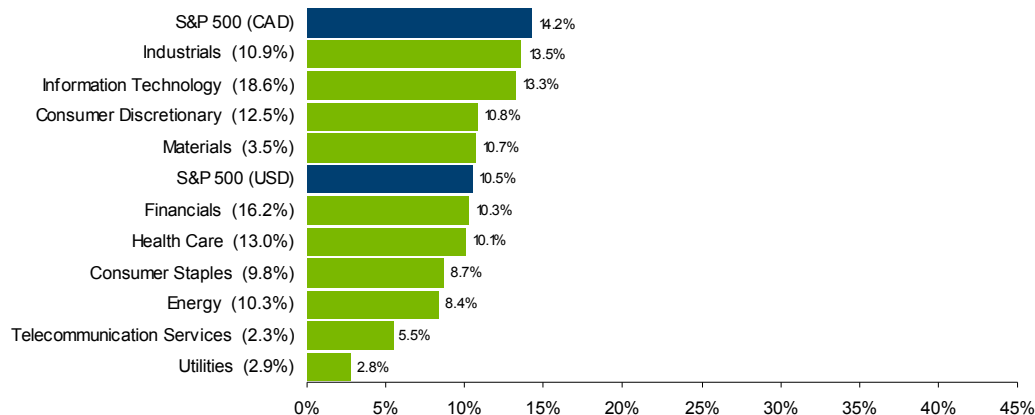
## Capital Markets Environment

As of 31 December 2013

US Stock Markets Performance Review  
S&P 500 (USD) Sector Returns (Sector Weights)

- All sectors in the S&P 500 Index had positive returns in the fourth quarter. The best performing sector was Industrials (13.5%) followed by Information Technology (13.3%). The weakening of the Canadian dollar versus the U.S. dollar increased the return for Canadian investors by 3.7%.

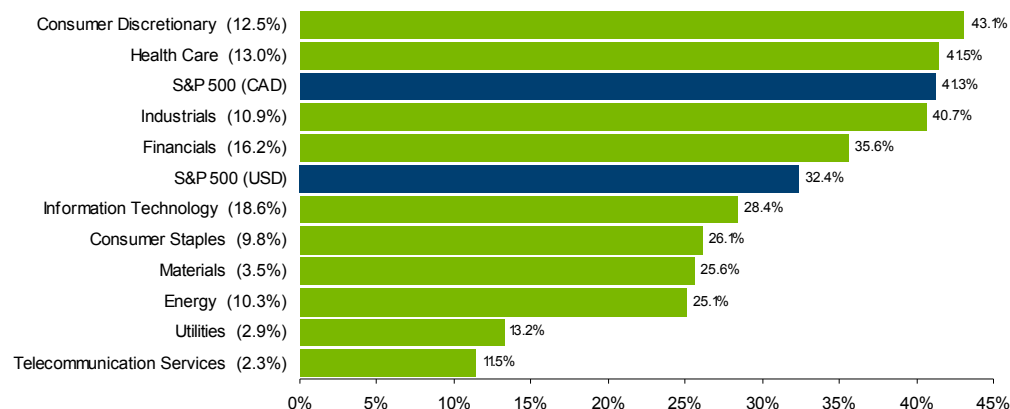
## 3-Month Period Ending 31 December 2013



.....

- For the year ended December 31, 2013 all sectors of the S&P 500 Index posted positive returns. The best performing sector was Consumer Discretionary (43.1%) followed by Health Care (41.5%).
- For the period the weakening of the Canadian dollar helped Canadian investors, boosting returns by 8.9% for the S&P 500 expressed in Canadian dollars.

## 12-Month Period Ending 31 December 2013



## Capital Markets Environment

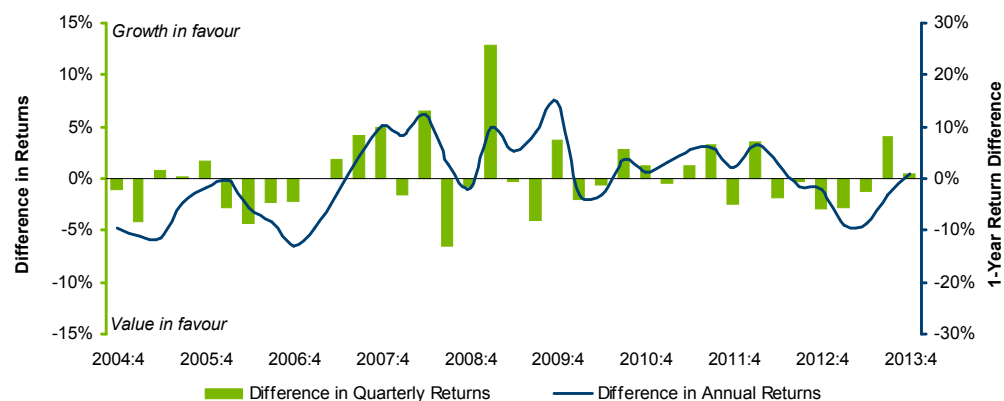
## Capital Markets Environment

As of 31 December 2013

- In the U.S. equity market, growth stocks in the most recent quarter slightly outperformed value stocks. Over the past 12-month period growth stocks outperformed value stocks. Growth stocks have outperformed in 5 quarters out of the last 12.

### Growth vs. Value Investment Style – U. S. Equity Market\*

Comparison to 31 December 2013

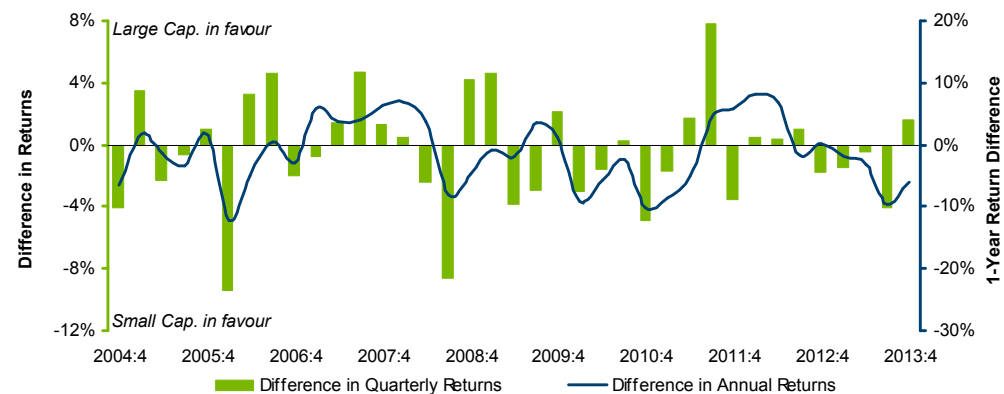


\*Russell 1000, Growth (CAD) vs. Russell 1000, Value (CAD)

- In the fourth quarter of 2013, large cap stocks generated a higher return than small cap stocks in the United States. However, small cap stocks outperformed large cap stocks over the last 12-month period.

### Large Cap vs. Small Cap Universe – U.S. Equity Market\*\*

Comparison to 31 December 2013



\*\*Russell 1000 (CAD) vs. Russell 2000 (CAD)

## Capital Markets Environment

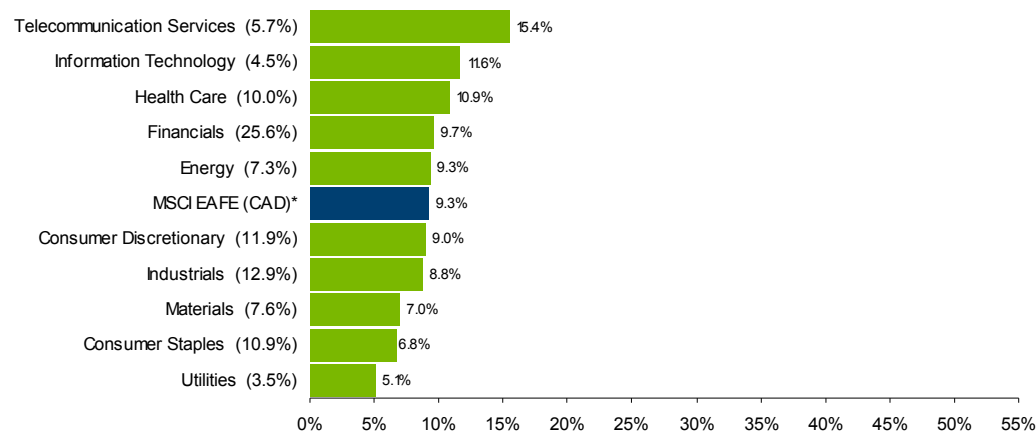
## Capital Markets Environment

As of 31 December 2013

International Stock Markets Performance Review  
MSCI EAFE (CAD) Sector Returns (Sector Weights)

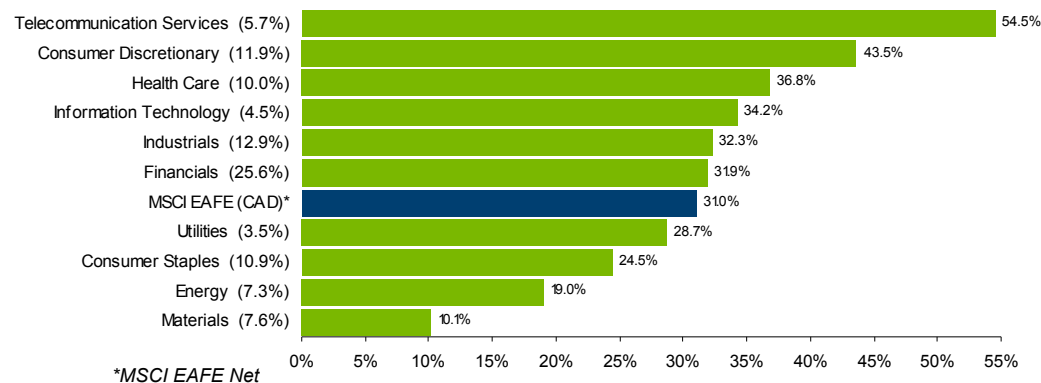
## 3-Month Period Ending 31 December 2013

- International equities posted strong returns for both the fourth quarter and for the year. The top performers for the quarter were Telecommunication Services (15.4%), Information Technology (11.6%), and Health Care (10.9%).



## 1-Year Period Ending 31 December 2013

- For the year, top sectors included Telecommunication Services (54.4%), Consumer Discretionary (43.5%), and Health Care (36.8%).



\*MSCI EAFE Net



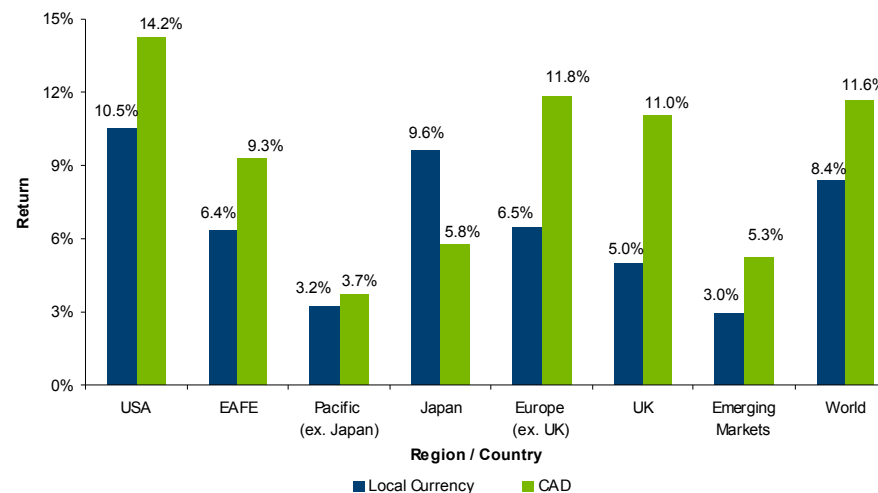
## Capital Markets Environment

## Capital Markets Environment

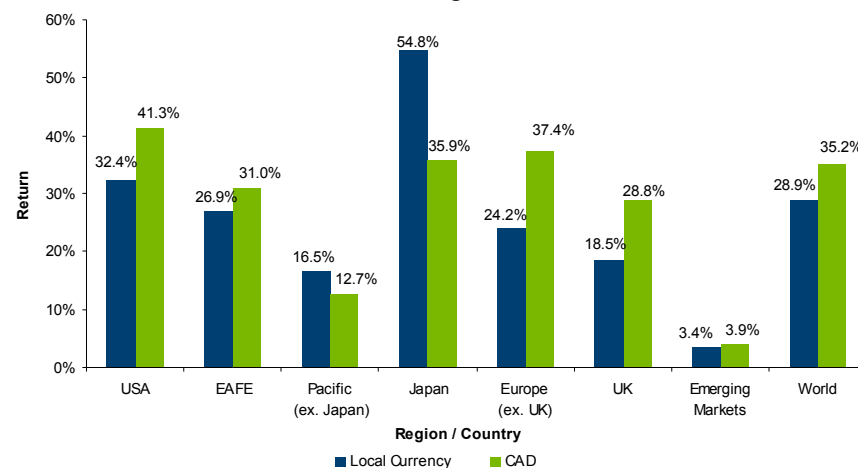
As of 31 December 2013

## Foreign Stock Markets Performance Review\*

## 3-Month Period Ending 31 December 2013



## 1-Year Period Ending 31 December 2013



\*Benchmark indexes are, from left to right, S&P 500, MSCI EAFE Net, MSCI Pacific Free (ex. Japan), MSCI Japan, MSCI Europe (ex. UK), MSCI UK, MSCI EM Net and MSCI World Net.

- In the past quarter, the Canadian dollar weakened against most currencies resulting in higher returns for domestic investors when converted to Canadian dollars. The Canadian dollar strengthened against the Japanese Yen reducing returns by 3.8%. The following indexes saw higher returns for Canadian investors due to weakening of the Canadian dollar: the United States (3.7%), EAFE (2.9%), Pacific (ex Japan) (0.5%), Europe (5.3%), the U.K (6.0%), Emerging Markets (2.3%) and the World Index (3.2%).

- For the past twelve months the currency impact was mostly positive with Canadian investors benefitting from investments in some countries such as the U.S. (+8.9%), while the currency movement in other areas reduced returns such as in Japan (-18.9%).

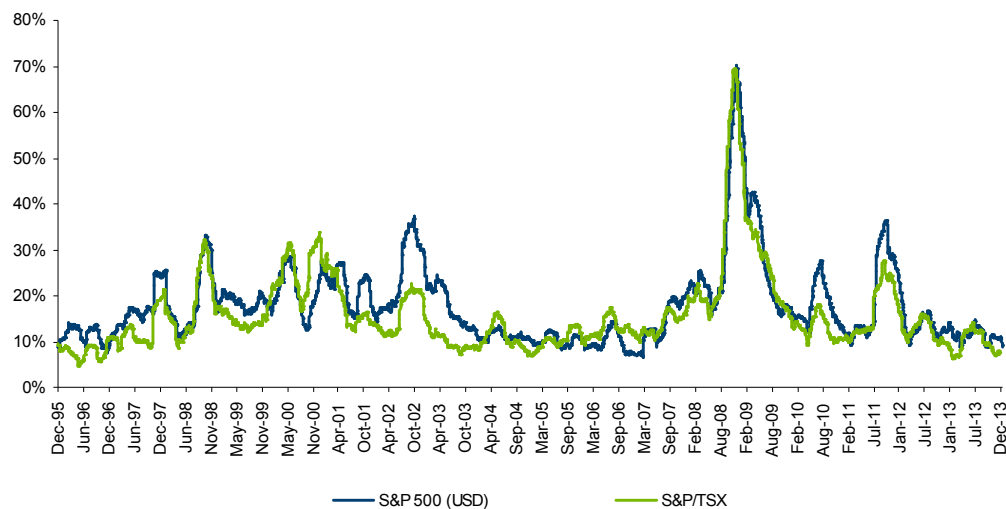
## Capital Markets Environment

## Capital Markets Environment

As of 31 December 2013

- Volatility decreased slightly in both the Canadian and American stock markets during the past three months. As shown in the graph to the right, volatility of the U.S. and Canadian equity indices was very similar, though the U.S. market experienced slightly higher volatility during several periods in 2010 and 2011.
- Stock market volatility is an indication of uncertainty in financial markets. During the past twelve months, markets were relatively calm despite continuing economic and political concerns throughout the U.S., Europe and China.

Annualized Standard Deviation - 60-Day Rolling Periods  
S&P/TSX (CAD) and S&P 500 (USD)



## **Appendix D - Description of Market Indices and Statistics**

Description of Market Indices and Statistics

Index Definitions

**S&P/TSX Composite**

S&P/TSX Composite Index comprises approximately 71 percent of market capitalization for Canadian-based, Toronto Stock Exchange listed companies. It is calculated on a float market capitalization and is the broadest Canadian equity index available. The index also serves as the premier benchmark for Canadian pension funds and mutual market funds.

**S&P 500**

Standard and Poor's 500 Composite Stock Index consists of the largest 500 companies in the United States chosen for market size, liquidity and industry group representation. It is a market-value weighted index, with each stock's weight in the index proportionate to its market value. For the purposes of this report, the S&P 500 Index returns are converted from U.S. dollars into Canadian dollars, and therefore reflect currency gains or losses.

**DEX Universe Bond**

DEX Universe Bond Index covers all marketable Canadian bonds with term to maturity of more than one year. The Universe contains approximately one thousand marketable Canadian bonds with an average term of 9.9 years and an average duration of 7.0 years. The purpose of the index is to reflect the performance of the broad "Canadian Bond Market" in a similar manner to the S&P/TSX Composite Index.

**DEX 91-Day T-Bill**

Canada Treasury Bills represent the highest quality short-term instruments available. The index is constructed by selling and repurchasing Government of Canada T-bills with an average term to maturity of 91 days. The 91-Day Treasury Bill Index is calculated and marked to market daily.

## Description of Market Indices and Statistics

### Statistic Definitions

As of 31 December 2013

#### Active Return

Arithmetic difference between the portfolio return and the benchmark return over a specified time period.

#### Active Weight

The difference between the portfolio weight and the benchmark weight, where the weight is based on the beginning of period weights for the sector/region/asset class for a certain periodicity (monthly or quarterly, depending upon the reporting frequency), adjusted by the relative return for the sector/region/asset class.

#### Annualized Value Added

A portfolio's excess return over a benchmark, annualized as it is recorded.

#### Asset Allocation

The value added or subtracted by under or over weighting sectors/regions/asset classes versus the benchmark weights. Asset allocation measures the impact on performance attributed only to the sector/region/asset class weighting decisions by the manager. It assumes that the manager holds the same securities in each sector/region/asset class and in the same proportion as in the benchmark. Any differences in return can be attributed to differences in sector weights between the manager's fund and the benchmark.

#### Batting Average

The frequency, expressed in percentage terms, of the portfolio's return equaling or exceeding the benchmark's return.

#### Beta

A measure of the sensitivity of a portfolio to the movements in the market. It is a measure of a portfolio's non-diversifiable or systematic risk.

#### Correlation

Also called coefficient of correlation, it is a measure of the co-movements of two sets of returns. Indicates the degree in which two sets of returns move in tandem.

#### Cumulative Added Value

The geometrically linked excess return of a portfolio over a benchmark.

#### Down Market Capture

The portfolio's average return as a percentage of the benchmark return, during periods of negative benchmark return. Lower values indicate better portfolio performance.

#### Downside Risk

A measure similar to standard deviation, but focuses only on the negative movements of the return series. It is calculated by taking the standard deviation of the negative quarterly set of returns. The higher the factor, the riskier the portfolio.

## Description of Market Indices and Statistics

### Statistic Definitions

As of 31 December 2013

#### Duration

A measure of a bond portfolio's sensitivity to movements in interest rates.

#### EPS

Earnings Per Share

#### Excess Return

Arithmetic difference between the managers return and the risk-free return over a specified time period.

#### Excess Risk

A measure of the standard deviation of a portfolio's performance relative to the risk free return.

#### Information Ratio

Measured by dividing the active rate of return by the tracking error. The higher the Information Ratio, the more value-added contribution by the manager.

#### Return

Compounded rate of return for the period.

#### R-Squared

The percentage of a portfolio's performance explained by the behavior of the appropriate benchmark. High R-Square means a higher correlation of the portfolio's performance to the appropriate benchmark.

#### Security Selection

The value added or subtracted by holding securities at weights which differ from those in the benchmark, including securities not in the benchmark or a zero weight. The security selection return assumes the manager weights for each sector/region/asset class in the portfolio are in the same proportion as in the overall benchmark, and excess returns are due to security selection. That is, differences in returns between the manager's fund and the benchmark are attributed to the securities the manager has chosen.

#### Sharpe Ratio

Represents the excess rate of return over the risk free return divided by the standard deviation of the excess return. The result is the absolute rate of return per unit of risk. The higher the value, the better the portfolio's historical risk-adjusted performance.

#### Simple Alpha

The difference between the portfolio's return and the benchmark's return.

Description of Market Indices and Statistics

**Statistic Definitions**

**As of 31 December 2013**

**Standard Deviation**

A statistical measure of the range of a portfolio's performance, the variability of a return around its average return over a specified time period.

**Tracking Error**

A measure of the standard deviation of a portfolio's performance relative to the performance of an appropriate benchmark.

**Treynor Ratio**

Similar to Sharpe ratio, but focuses on beta rather than excess risk (standard deviation). Represents the excess rate of return over the risk free rate divided by the beta. The result is the absolute rate of return per unit of risk. The higher the value, the better the portfolio's historical risk-adjusted performance.

**Up Market Capture**

The portfolio's average return as a percentage of the benchmark return, during periods of positive benchmark return. Higher values indicate better portfolio performance.

## Appendix E - Fee Analysis



## Fee Analysis

Manager Fees					
Account	Fee Schedule	Market Value	Percentage of Portfolio	Estimated Annual Fee (\$)	Estimated Annual Fee (%)
Total		\$80,790,017	100.0%	\$98,330	0.122%
FGP - Equities	0.450% of the first \$50 Million 0.300% of the next \$25 Million 0.200% of the balance	\$14,483,785	17.9%	\$65,177	0.450%
FGP - Fixed Income & Short-Term	0.050% of the balance	\$66,306,232	82.1%	\$33,153	0.050%

## Appendix F - Compliance

## Compliance

E&O Insurance Fund, Compensation Fund and General Fund								
Category	Guidelines	Dec-10	Jun-11	Dec-11	Jun-12	Dec-12	Jun-13	Dec-13
General	Confirm whether the following transactions have occurred in the portfolio:							
	Use of non-taxable accounts.	✓	✓	✓	✓	✓	✓	✓
	Use of derivatives.	✓	✓	✓	✓	✓	✓	✓
	Short selling investments.	✓	✓	✓	✓	✓	✓	✓
	Use of margin.	✓	✓	✓	✓	✓	✓	✓
	Direct investment in real estate.	✓	✓	✓	✓	✓	✓	✓
Money Market Investments	Investments have a minimum rating of R1 or equivalent, by DBRS, Moody's or Standard and Poor.	✓	✓	✓	✓	✓	✓	✓
	Investments have a maximum maturity of 1 year (364 days).	✓	✓	✓	✓	✓	✓	✓
	Money Market/Short Term Investments are only in these type of investments: • Federal Government T-Bills (including Federal and Provincial agencies) • Bankers Acceptance • Commercial Paper	✓	✓	✓	✓	✓	✓	✓
	No more than 8% of the total portfolio has been invested with any single issuer other than Government of Canada securities.	✓	✓	✓	✓	✓	✓	✓
Fixed Income Investments	Investments have a minimum rating of BBB for bonds and debentures or P2 for preferred stocks or equivalent by DBRS, Moody's or Standard and Poors.	✓	✓	✓	✓	✓	✓	✓
	Investments are in Canadian Currency.	✓	✓	✓	✓	✓	✓	✓
	No more than 10% of the market value of the fixed income portfolio has been invested with any one security or issuer other than holdings with Federal and Provincial Governments and their guarantees.	✓	✓	✓	✓	✓	✓	✓
	Portfolio's weighted average duration is between 1 to 5 years and in-line with DEX Short Term Bond Index.	✓	✓	✓	✓	✓	✓	✓
	Fixed Income Investments are only in these type of investments: • Bonds, Debentures, Notes, Non-Convertible Preferred Stocks, Term Deposits and GICs • Bonds of Foreign Issuers denominated in Canadian Dollars • NHA-insured Mortgage-Backed Securities or Collateralized Mortgage-Backed Securities • Marketable Private Placement of Bonds	✓	✓	✓	✓	✓	✓	✓
	Confirm whether the fixed income portion of the portfolio's asset mix has been within the ranges defined below for the previous month:							
	Government of Canada Debt Obligations: Max 100%	✓	✓	✓	✓	✓	✓	✓
	Provincial Government Debt Obligations: Max 60%	✓	✓	✓	✓	✓	✓	✓
	Municipal Government Debt Obligations: Max 10%	✓	✓	✓	✓	✓	✓	✓
	Corporate Debt Obligations: Max 50%	✓	✓	✓	✓	✓	✓	✓
	Foreign Issuer or Canadian Issuer in foreign currency: Max 10%	✓	✓	✓	✓	✓	✓	✓
Equity Securities	Stocks are listed on one of the major stock exchanges.							
	No more than 10% of market value of the total portfolio is invested with a single issuer.	✓	✓	✓	✓	✓	✓	✓
Asset Mix (based on market value)	Confirm whether the portfolio asset mix has been within the ranges defined below for the previous month:							
	Money Market: Min 0%, Max 15%	✓	✓	✓	✓	✓	✓	✓
	Canadian Fixed Income: Min 60%, Max 95%	✓	✓	✓	✓	✓	✓	✓
	Total Fixed Income: Min 75%, Max 95%	✓	✓	✓	✓	✓	✓	✓
	Canadian Equities: Min 5%, Max 25%	✓	✓	✓	✓	✓	✓	✓

## Appendix G - Disclosure

Disclosure

Statement of Disclosure

As of 31 December 2013

Aon Hewitt Inc. reconciles the rates of return with each investment manager quarterly. Aon Hewitt Inc. calculates returns from the custodian/trustee statements while the managers use different data sources. Occasionally discrepancies occur because of differences in computational procedures, security prices, "trade date" versus "settlement date" accounting, etc. We monitor these discrepancies closely and find that they generally do not tend to persist over time. However, if a material discrepancy arises or persists, we will bring the matter to your attention after discussion with your money manager.

*This report may contain slight discrepancies due to rounding in some of the calculations.*

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*THIS PAGE CONTAINS  
IN CAMERA MATERIAL*

**TAB 3.5**

**REPORTS FOR INFORMATION**

**TAB 3.5.1**

**FOR INFORMATION**

**LAW SOCIETY OF UPPER CANADA FINANCIAL STATEMENTS FOR  
THE THREE MONTHS ENDED MARCH 31, 2014**

62. **The Audit & Finance Committee recommends that the financial statements of the Law Society for the first quarter of 2014 be received by Convocation for information.**
63. Supplemental schedules include Schedules of Revenues and Expenses for the Lawyer and Paralegal General Funds, the Compensation Fund and the Errors and Omissions Insurance Fund (IN CAMERA).



Law Society of Upper Canada Financial Statements  
For the three months ended March 31, 2014

**Financial Statement Highlights**

64. The Lawyer General Fund shows a surplus of \$2 million at the end of the first quarter of 2014, compared to a deficit of \$147,000 for the same period of 2013. The Paralegal General Fund generated a surplus of \$321,000 at the end of the first quarter of 2014 compared to surplus of \$114,000 in the prior year.
65. The main reason for the favourable performance is that licensing process and continuing professional development revenues have exceeded 2013 comparatives and expenses have lagged. In addition both revenues and expenses have positive variances when compared to the prorated year-to-date 2014 budget. It is still too early to say whether this will be representative of the remainder of the year. The Committee will continue to monitor these activities and report further at the end of the second quarter.
66. The Law Society's restricted funds report a deficit of \$1.5 million (2013 - surplus of \$778,000). The deficit primarily comprises \$1 million in the E&O Fund and amortization of \$817,000 in the Invested in Capital Assets Fund.
67. The approved 2014 budget included the transfer of \$6.0 million from the General Fund balance to the Capital Allocation Fund dedicated to the revitalization of the Law Society's information systems. This is included in the interfund transfers in the first quarter.

**Balance Sheet**

68. At this time of year, the primary components of current assets are accounts receivable - annual fees, insurance premiums and licensing process fees; and prepaid expenses - annual E&O insurance premiums paid or payable for the year, which are expensed over the full year. The primary components of current liabilities are deferred revenue - annual fees, licensing process revenues, insurance premiums and levies which are recognized over the full year. These categories of current assets and liabilities have generally increased with increasing numbers of licensees and candidates being billed and paying

fees and premiums. The exception to this is the \$8 million decline in annual fees receivable as a result of the change in the due date from April 1 in 2013 to March 2 in 2014. The change in the due date, combined with growth in members and the increase in the annual fee for lawyers, was the primary contributor to the \$15 million increase in cash and short term investments.

69. The amount due to LAWPRO will decline by year-end as insurance premiums and levies collected are paid to LAWPRO.
70. The investment in subsidiaries represents the 100% ownership of LAWPRO totaling \$35.6 million and the 100% ownership of LibraryCo totaling \$200.
71. Portfolio investments are shown at fair value of \$78 million compared to \$77 million at the same time last year. Between March 31, 2013 and March 31, 2014 there was a capital withdrawal of \$3 million from the E&O Fund portfolio.
72. The provision for unpaid grants / claims of \$10.9 million (2013- \$10.1 million) comprises the provision for unpaid grants – Compensation Fund and a negligible amount for the provision for unpaid claims – E&O Fund. The Compensation Fund provision represents the estimate for unpaid claims and inquiries against the Compensation Fund, supplemented by the costs for processing these claims and has increased due to an increase in grants anticipated to be closed with payment. The provision for unpaid claims in the E&O Fund represents claims liabilities for 1995 and prior and is in run-off mode.
73. The Law Society Act permits a member who has dormant trust funds, to apply for permission to pay the money to the Law Society. Money paid to the Law Society is held in trust in perpetuity for the purpose of satisfying the claims of the persons who are entitled to the capital amount. At the end of March, unclaimed money held in trust amounts to \$3.3 million (2013 - \$2.8 million).

**Statement of Revenues and Expenses and Change in Fund Balances**

74. The Lawyer General Fund generated a surplus of \$2 million at the end of the first quarter of 2014, compared to a deficit of \$147,000 in 2013. The 2014 budget incorporates the use of \$446,000 in annual funding from the Fund Balance to provide for a budgeted operating deficit. Actual use of funds is contingent on a deficit occurring. In addition, the 2014 budget incorporates the use of \$1.5 million in funding from surplus investment income in the E&O Fund which has been received during the second quarter.
75. The Paralegal General Fund generated a surplus of \$321,000 at the end of the first quarter of 2014 compared to a surplus of \$114,000 at the end of the first quarter of 2013. The 2014 budget incorporates the use of \$313,000 in annual funding from the Fund Balance to provide for a budgeted operating deficit. Actual use of funds is contingent on a deficit occurring.
76. The Law Society's restricted funds report a deficit of \$1.5 million. This is primarily comprised of deficits of \$25,000 in the Lawyer Compensation Fund, \$1 million in the E&O Fund and amortization of \$817,000 in the Invested in Capital Assets Fund. The E&O Fund deficit is anticipated as a result of Convocation approving the use of \$5 million from the E&O Fund balance to reduce the insurance levy otherwise required for payment of the LAWPRO insurance premium.
77. Annual fee revenue is recognized on a monthly basis. Annual fees recognized in the first quarter of \$18.3 million have increased by \$710,000 primarily due to an increase in the lawyer annual fee \$15. An increase in full-fee-paying licensees was also budgeted.
78. The paralegal annual fee is the same as 2013 although the number of full-fee-paying licensees was budgeted to increase year-on-year.
79. LAWPRO's base premium (\$3,350) has not changed from 2013, leading to relatively static E&O Fund premium and levy revenue although an increase in insured members is projected.

80. Lawyer licensing process revenues of \$2.9 million have increased by \$1.1 million compared to last year. The Law Society is undertaking a pilot project that will allow lawyer licensing candidates to either article or complete a Law Practice Program (LPP), starting in the 2014-2015 licensing year. The first LPP will be held in the fall of 2014. The program is currently scheduled to be held once a year. The total Licensing Process fee for 2014-2015, including the fees for the initial application, the Barrister and Solicitor Licensing Examinations and the Call to the Bar, is \$4,710 compared to \$2,810 per candidate in 2013 for all fees associated with licensing.
81. Continuing professional development revenues of \$1.6 million have increased by \$400,000 compared to last year although it is still too early to assess trends in registration and the ratio of previously free programs (now with a nominal fee of \$25) to the traditional fee generating programs.
82. Total regulatory expenses of \$7 million have increased by \$600,000 compared to last year due to the establishment of the Tribunal office and increased spending on outside counsel fees.
83. Total professional development and competence expenses have increased from \$5 million to \$6 million. The major difference occurs in the lawyer licensing process where expenses of \$2.1 million have increased by \$900,000 from the first quarter of 2013 because of payments for the LPP to Ryerson and Ottawa universities. Development work will continue through to August/September 2014, at which time the new LPP commences.
84. Total corporate services expenses of \$5 million have decreased by \$1 million due to one-off charges such as severance arising from the operational review in 2013.
85. Total Compensation Fund expenses of \$3.1 million have increased by \$1 million. The contributor to this increase is the provision for unpaid grants. The provision is adjusted monthly based on the number of new inquiries and open claims and cases closed.

## THE LAW SOCIETY OF UPPER CANADA

### Balance Sheet

Unaudited

Stated in thousands of dollars

As at March 31

	2014	2013
<b>Assets</b>		
<b>Current Assets</b>		
1 Cash	33,618	19,544
2 Short-term investments	41,378	40,322
3 Cash and short-term investments	74,996	59,866
4 Accounts receivable	53,872	56,552
5 Prepaid expenses	85,417	78,779
6 <b>Total current assets</b>	214,285	195,197
7 <b>Investment in subsidiaries</b>	35,642	35,642
8 <b>Portfolio investments</b>	78,069	76,636
9 <b>Capital assets</b>	12,836	13,933
10 <b>Total Assets</b>	340,832	321,408
<b>Liabilities and Fund Balances</b>		
<b>Current Liabilities</b>		
11 Accounts payable and accrued liabilities	6,070	6,807
12 Deferred revenue	125,829	119,289
13 Due to LAWPRO	60,338	51,858
14 <b>Total current liabilities</b>	192,237	177,954
15 Provision for unpaid grants/claims	10,899	10,128
16 Unclaimed trust funds	3,262	2,816
17 <b>Total Liabilities</b>	206,398	190,898
<b>Fund Balances</b>		
<b>General funds</b>		
18 Lawyers	17,402	17,142
19 Paralegals	2,203	961
<b>Restricted funds</b>		
20 Compensation - lawyers	25,804	26,092
21 Compensation - paralegals	498	388
22 Errors and omissions insurance	64,032	66,569
23 Capital allocation	9,923	3,925
24 Invested in capital assets	12,836	13,933
25 Other	1,736	1,500
26 <b>Total Fund Balances</b>	134,434	130,510
27 <b>Total Liabilities and Fund Balances</b>	340,832	321,408

## THE LAW SOCIETY OF UPPER CANADA

## Statement of Revenues and Expenses and Change in Fund Balances

Unaudited

Stated in thousands of dollars

For the three months ended March 31

	2014	2013	2014	2013	2014	2013	2014	2013
	General Fund Lawyer		General Fund Paralegal		Restricted Funds		Total	
<b>Revenues</b>								
1 Annual fees	12,201	11,650	959	709	5,161	5,252	18,321	17,611
2 Insurance premiums and levies	-	-	-	-	24,923	24,187	24,923	24,187
3 Professional development and competence	4,515	2,893	692	724	-	-	5,207	3,617
4 Investment income	383	333	32	26	1,413	1,263	1,828	1,622
5 Other	2,245	1,558	195	123	31	46	2,471	1,727
6 <b>Total revenues</b>	<b>19,344</b>	<b>16,434</b>	<b>1,878</b>	<b>1,582</b>	<b>31,528</b>	<b>30,748</b>	<b>52,750</b>	<b>48,764</b>
<b>Expenses</b>								
7 Professional regulation, tribunals and compliance	6,440	5,854	533	515	-	-	6,973	6,369
8 Professional development and competence	5,404	4,503	506	488	-	-	5,910	4,991
9 Corporate services	4,641	5,506	399	453	-	-	5,040	5,959
10 Convocation, policy and outreach	1,711	1,519	135	103	-	-	1,846	1,622
11 Services to members and public	954	977	55	50	-	-	1,009	1,027
12 Allocated to Compensation Fund	(1,843)	(1,778)	(71)	(141)	-	-	(1,914)	(1,919)
13 Restricted (schedule of restricted funds)	-	-	-	-	33,007	29,970	33,007	29,970
14 <b>Total expenses</b>	<b>17,307</b>	<b>16,581</b>	<b>1,557</b>	<b>1,468</b>	<b>33,007</b>	<b>29,970</b>	<b>51,871</b>	<b>48,019</b>
15 <b>Surplus (Deficit)</b>	<b>2,037</b>	<b>(147)</b>	<b>321</b>	<b>114</b>	<b>(1,479)</b>	<b>778</b>	<b>879</b>	<b>745</b>
16 <b>Fund balances, beginning of year</b>	<b>21,410</b>	<b>17,385</b>	<b>1,882</b>	<b>847</b>	<b>110,263</b>	<b>111,533</b>	<b>133,555</b>	<b>129,765</b>
17 <b>Interfund transfers</b>	<b>(6,045)</b>	<b>(96)</b>	<b>-</b>	<b>-</b>	<b>6,045</b>	<b>96</b>	<b>-</b>	<b>-</b>
18 <b>Fund balances, end of period</b>	<b>17,402</b>	<b>17,142</b>	<b>2,203</b>	<b>961</b>	<b>114,829</b>	<b>112,407</b>	<b>134,434</b>	<b>130,510</b>

**THE LAW SOCIETY OF UPPER CANADA****Schedule of Restricted Funds***Unaudited**Stated in thousands of dollars**For the three months ended March 31*

		2014						2013	
		Compensation Fund		Errors and omissions insurance	Capital allocation	Invested in capital assets	Other restricted	Total Restricted funds	Total
		Lawyer	Paralegal						
1	Fund balances, beginning of year	25,829	419	65,042	3,953	13,653	1,367	110,263	111,533
Revenues									
2	Annual fees	2,206	165	-	518	-	2,272	5,161	5,252
3	Insurance premiums and levies	-	-	24,923	-	-	-	24,923	24,187
4	Investment income	757	-	656	-	-	-	1,413	1,263
5	Other	-	-	-	31	-	-	31	46
6	Total revenues	2,963	165	25,579	549	-	2,272	31,528	30,748
Expenses									
	Allocated expenses	1,843	71	-	-	-	-	1,914	1,919
	Direct expenses	1,145	15	26,589	595	817	1,932	31,093	28,051
7	Total expenses	2,988	86	26,589	595	817	1,932	33,007	29,970
8	Surplus (Deficit)	(25)	79	(1,010)	(46)	(817)	340	(1,479)	778
9	Interfund transfers	-	-	-	6,016	-	29	6,045	96
10	Fund balances, end of period	25,804	498	64,032	9,923	12,836	1,736	114,829	112,407

*THIS SECTION CONTAINS  
IN CAMERA MATERIAL*



**TAB 3.5.2**

**FOR INFORMATION**

**INVESTMENT COMPLIANCE REPORTS**

95. Compliance Statements for the General Fund, Compensation Fund, and Errors & Omissions Insurance Fund portfolios as at March 31, 2014 are attached for information.

**STATEMENT OF INVESTMENT COMPLIANCE**  
**LONG TERM**  
**As at March 31, 2014**

		COMPENSATION FUND	GENERAL FUND	E & O FUND
Investment Parameters	Guidelines	Compliance	Compliance	Compliance
1. <u>Asset Mix</u>				
Cash and Short-Term	0 - 15%	Yes	Yes	Yes
Equity investments	5 - 25%	Yes	Yes	Yes
Bonds	75 - 95%	Yes	Yes	Yes
2. <u>Quality Requirements</u>				
Bonds	Min. BBB	Yes	Yes	Yes
3. <u>Quantity Restrictions</u>				
Equities:				
single holding	Max. 10%	Yes	Yes	Yes
weight in portfolio > weight in S&P/TSX Composite Index	Varies	Yes	Yes	Yes
derivatives etc.	None	Yes	Yes	Yes
Non-Canadian	None	Yes	Yes	Yes
Bonds:				
single security or issuer (non-government)	Max. 10%	Yes	Yes	Yes
corporate issues	Max 50%	Yes	Yes	Yes
provincial govt. issues	Max 60%	Yes	Yes	Yes
municipal issues	Max 10%	Yes	Yes	Yes
foreign issues	Max 10%	Yes	Yes	Yes
BBB issues	Max. 10%	Yes	Yes	Yes

  
 Fred Grady  
 Manager of Finance

**The Law Society of Upper Canada**  
**Compensation Fund**  
**Manager: Foyston, Gordon & Payne Inc.**  
**Compliance Report**  
**(Period ending March 31, 2014)**

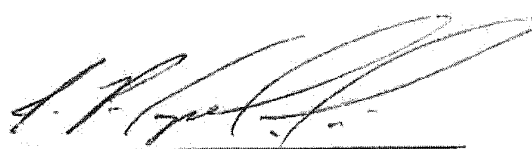
<b>1. Asset Mix:</b>	<b>Min.</b>	<b>Mid-Point</b>	<b>Max.</b>	<b>Compliance* (Y/N)</b>
Cash & Short Term	0%	0%	15%	Y
Bonds	60%	85%	95%	Y
<b>Total Fixed Income</b>	<b>75%</b>	<b>85%</b>	<b>95%</b>	<b>Y</b>
<b>Canadian Equity</b>	<b>5%</b>	<b>15%</b>	<b>25%</b>	<b>Y</b>
<b>Minimum bond rating "BBB" or better by the Dominion Bond Rating Service or equivalent rating by another recognized bond rating service.</b>				<b>Y</b>
Max. 10% in BBB rated bonds.				Y
Max. 100% in Government of Canada or Government of Canada guaranteed bonds.				Y
Max. 60% in Provincial government and Provincial government guaranteed bonds.				Y
Max. 10% in Municipal bonds.				Y
Max. 50% in Corporate issues.				Y
Max. 10% in non-Government issuers.				Y
Not more than 10% of the total market value of the bond portfolio will be invested in securities issued by a foreign issuer, or Canadian issuer in a foreign currency.				Y
Bond portfolio duration 1 to 5 years.				Y

Investment policy revised April 2013.

\*If policy not complied with, comment on specifics.

Date:

4/15/14

  
**Stephen P. Copeland**  
**Senior Vice President Investments**  
**& Private Client Services**

# The Law Society of Upper Canada General Fund

Manager: Foyston, Gordon & Payne Inc.

## Compliance Report (Period ending March 31, 2014)

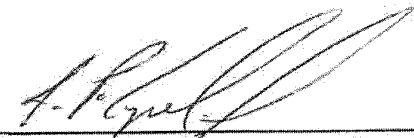
1. Asset Mix:	Min.	Mid-Point	Max.	Compliance* (Y/N)
Cash & Short Term	0%	0%	15%	Y
Bonds	60%	85%	95%	Y
<b>Total Fixed Income</b>	<b>75%</b>	<b>85%</b>	<b>95%</b>	<b>Y</b>
<b>Canadian Equity</b>	<b>5%</b>	<b>15%</b>	<b>25%</b>	<b>Y</b>
<b>Minimum bond rating "BBB" or better by the Dominion Bond Rating Service or equivalent rating by another recognized bond rating service.</b>				
Max. 10% BBB rated bonds.				Y
Max. 100% in Government of Canada or Government of Canada guaranteed bonds.				Y
Max. 60% in Provincial government and Provincial government guaranteed bonds.				Y
Max. 10% in Municipal bonds.				Y
Max. 50% in Corporate issues.				Y
Max. 10% in non-Government issuers.				Y
Not more than 10% of the total market value of the bond portfolio will be invested in securities issued by a foreign issuer, or Canadian issuer in a foreign currency.				Y
Bond portfolio duration 1 to 5 years.				Y

Investment policy revised April 2013.

\*If policy not complied with, comment on specifics.

Date:

*April 16/14*



Stephen P. Copeland  
Senior Vice President Investments  
& Private Client Services



FOYSTON, GORDON & PAYNE INC.  
I N V E S T M E N T   C O U N S E L

April 2014

Ms. Wendy Tysall  
Chief Financial Officer  
Osgoode Hall  
Finance Dept., 1<sup>st</sup> Floor  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

Dear Wendy:

**Re: Manager Compliance Reporting**

For the Law Society of Upper Canada Errors and Omissions Insurance Fund, we wish to confirm that the portfolio being managed by Foyston, Gordon & Payne Inc. was in compliance with the Fund's Investment Policy Statement in effect (latest revision April 2013), for the quarter ending March 31, 2014.

Yours truly,

Stephen P. Copeland  
Senior Vice President Investments  
& Private Client Services

**STATEMENT OF INVESTMENT COMPLIANCE**  
**SHORT TERM**  
**As at March 31, 2014**

Investment Parameters	Guidelines for Both	COMPENSATION FUND	GENERAL FUND
		Compliance	Compliance
1. <u>Asset Mix</u>			
Federal & provincial treasury bills	Allowed	Yes	Yes
Bankers acceptances	Allowed	Yes	Yes
Commercial paper	Allowed	Yes	Yes
Investment manager Money Market Fund	Allowed	Yes	Yes
Premium Savings Account	Allowed	Yes	Yes
FGP S/T Invest Fund	Allowed	Yes	Yes
2. <u>Quality Requirements</u>			
Commercial paper rating	Min. R1	N/A	N/A
Liquidity	Max. term to maturity of 365 days	Yes	Yes
3. <u>Quantity Restrictions</u>			
Commercial paper of a single corporate issuer	Max. 8% of Fund	Yes	Yes
4. <u>Other Restrictions</u>			
Equity securities	None	Yes	Yes
Direct investments in:			
resource properties	None	Yes	Yes
mortgages and mortgage-backed securities	None	Yes	Yes
real estate	None	Yes	Yes
venture capital financings	None	Yes	Yes
Derivatives	None	Yes	Yes



Fred Grady  
Manager of Finance



**TAB 4**

## **Report to Convocation May 22, 2014**

---

### **Professional Regulation Committee**

#### **Committee Members**

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

#### **Purpose of Report: Decision and Information**

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

## TABLE OF CONTENTS

### **For Decision**

*In Camera* Item.....[Tab 4.1](#)

### **For Information**

Professional Regulation Division Quarterly Report.....[Tab 4.2](#)



*THIS SECTION CONTAINS  
IN CAMERA MATERIAL*

## COMMITTEE PROCESS

1. The Professional Regulation Committee (“the Committee”) met on May 8, 2014. In attendance were Malcolm Mercer (Chair), John Callaghan, Robert Evans, Julian Falconer (by telephone), Janet Leiper, Ross Murray (by telephone), and Susan Richer. Benchers Brian Lawrie and Marian Lippa also attended the meeting.
2. Staff members attending were Zeynep Onen, Jim Varro, Naomi Bussin, Lesley Cameron, Janice Laforme, Sheena Weir, and Margaret Drent.
3. The Committee participated in a joint meeting from 10:30 a.m. until 11:30 a.m. with the Professional Development and Competence Committee.

**Tab 4.2**

**FOR INFORMATION**

**PROFESSIONAL REGULATION DIVISION**

**QUARTERLY REPORT**

42. The Professional Regulation Division's Quarterly Report (first quarter 2014), provided to the Committee by Zeynep Onen, the Executive Director of Professional Regulation, appears on the following pages. The report includes information on the Division's activities and responsibilities, including file management and monitoring, for the period January to March 2014.



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

# **The Professional Regulation Division**

## **Quarterly Report**

January – March 2014

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

---

## **The Quarterly Report**

The Quarterly Report provides a summary of the Professional Regulation Division's activities and achievements during the past quarter, January 1 to March 31, 2014. The purpose of the Quarterly Report is to provide information on the production and work of the Division during the quarter, to explain the factors that may have influenced the Division's performance, and to provide a description of exceptional or unusual projects or events in the period.

## **The Professional Regulation Division**

Professional Regulation is responsible for responding to complaints against licensees, including the resolution, investigation and prosecution of complaints which are within the jurisdiction provided under the *Law Society Act*. In addition the Professional Regulation provides trusteeship services for the practices of licensees who are incapacitated by legal or health reasons. Professional Regulation also includes the Compensation Fund which compensates clients for losses suffered as a result of the wrongful acts of licensees.

See Appendices for a case flow chart describing the complaints process as well as a description of the Professional Regulation division processes and organization.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

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## INDEX

	Page
<b>SECTION 1 – REPORT HIGHLIGHTS</b>	<b>5</b>
<b>Highlights of Quarterly Performance</b>	<b>6</b>
The Division	6
Complaints Resolution	6
Investigations	6
Discipline and Hearings	6
<b>SECTION 2 – DIVISIONAL PERFORMANCE DURING THE QUARTER</b>	<b>7</b>
<b>PERFORMANCE IN THE PROFESSIONAL REGULATION DIVISION</b>	<b>8</b>
Graph 2A: Complaints Received in the Division	8
Graph 2B: Complaints Closed in the Division	9
Graph 2C: Total Inventory	10
<b>SECTION 3 – DEPARTMENT PERFORMANCE DURING THE QUARTER</b>	<b>11</b>
<b>3.1 – Intake</b>	<b>12</b>
Graph 3.1A: Input	12
Graph 3.1B: Complaints Closed and Transferred Out	13
Graph 3.1C: Department Inventory	14
Graph 3.1D: Median Age of Complaints	15
<b>3.2 – Complaints Resolution</b>	<b>16</b>
Graph 3.2A: Input	16
Graph 3.2B: Complaints Closed and Transferred Out	17
Graph 3.2C: Department Inventory	18
Graph 3.2D: Median Age of Complaints	19
Graph 3.2E: Aging of Complaints	20
<b>3.3 – Investigations</b>	<b>21</b>
Graph 3.3A: Input	21
Graph 3.3B: Complaints Closed and Transferred Out	22
Graph 3.3C: Department Inventory	23
Graph 3.3D: Median Age of Complaints	24
Graph 3.3E: Aging of Complaints – Core Cases and Mortgage Fraud Cases	25
<b>3.4 – Unauthorized Practice (UAP)</b>	<b>27</b>
Graph 3.4A: Unauthorized Practice Complaints in Intake	27
Graph 3.4B: Unauthorized Practice Investigations (in Complaints Resolution & Investigations)	28
Graph 3.4C: UAP Enforcement Actions	28

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

---

<b>3.5 – Complaints Review Commissioner</b>	<b>29</b>
Graph 3.5A: Reviews Requested and Files Reviewed (by Quarter)	29
Graph 3.5B: Status of Files Reviewed in each Quarter	29
Graph 3.5C: Decisions Rendered, by Quarter and Active Inventory	30
 <b>3.6 – Discipline</b>	 <b>31</b>
Graph 3.6A: Input	31
Graph 3.6B: Department Inventory	32
Graph 3.6C: Notices Issued	33
Graph 3.6D: Completed Matters	34
Graph 3.6E: Appeals	25
 <b>SECTION 4 – APPENDICES</b>	 <b>36</b>
The Professional Regulation Complaint Process	37
Professional Regulation Organization Chart	38

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

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# **SECTION 1**

## **REPORT HIGHLIGHTS**



The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

---

## **Highlights of Quarterly Performance**

### ***The Division***

Overall the intake of cases into the Division continues to be variable by quarter and by year. In the first quarter of 2014 the observed trend is a lower intake of new cases than in 2013, mirroring our experience in 2012.

During the first three months of 2014, Professional Regulation received 1215 new complaints. This was an 11% increase when compared with the fourth quarter of 2013 but a 6% decrease from the first quarter in 2013.

In the same period, Professional Regulation closed 1451 complaint files. As the division closed more complaints than were received, the inventory decreased during the period to 2966 cases.

### ***Complaints Resolution***

While the input of complaints into this department in Q1 2014 (448) increased by 16% from the input in Q4 2013 (373), it decreased by 24% from the input received in the first quarter of 2013 (535). During the first quarter of 2014, Complaints Resolution completed 515 cases, 6% more than it completed in Q4 2013 (485) and 16% more than it completed in the first quarter of 2013 (445). As the department completed more cases than it received, its inventory decreased to 858 cases at the end of Q1 2014. The median age of the inventory continues to be within the targeted range at 161 days.

### ***Investigations Department***

Investigations received 300 new cases in the first quarter of 2014, 25% less than in the same period in 2013 (400 cases) but 22% more than in Q4 2013 (246 cases). The department completed more cases (324) than were received, resulting in a slight decrease (1.4%) in its inventory from the end of 2013.

### ***Discipline and Hearings***

The inventory of cases for prosecution in the Discipline department remains stable at 523 cases relating to 185 licensees or applicants at the end of Q1 2014. There were 36 notices issued to commence proceedings in the first quarter, with 46 hearings completed, and 4 new appeals launched, 2 in the Appeal Division and 2 in Divisional Court.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

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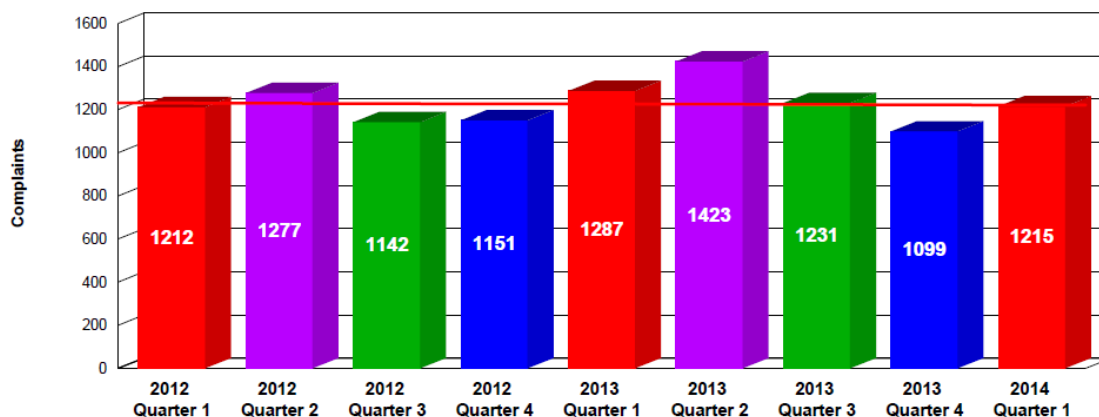
## **SECTION 2**

### **DIVISIONAL PERFORMANCE DURING THE QUARTER**

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

## PERFORMANCE IN THE PROFESSIONAL REGULATION DIVISION

**Graph 2A: Complaints<sup>1</sup> Received in the Division**



The number of new complaints received in the first quarter of 2014 (1215) increased by approximately 11% when compared to the number received in Q4 2013 (1099); the number was approximately 6% lower than the number of new complaints received in the first quarter of 2013 (1287). The analysis of new complaints/cases received (below) shows that, in Q1 2014, the number of complaints/cases increased for all groups when compared to the numbers received in Q4 2012.

### Detailed Analysis of Complaints Received in the Division

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	1015	1026	969	886	912
<b>Lawyer Applicant Cases★</b>	18	67	21	9	69
<b>Complaints against Licensed Paralegals</b>	160	152	143	129	150
<b>Paralegal Applicant Cases★</b>	29	121	34	21	22
<b>Complaints against Non-Licensees/Non-Applicants*</b>	65	57	64	54	62
<b>TOTAL</b>	1287	1423	1231	1099	1215

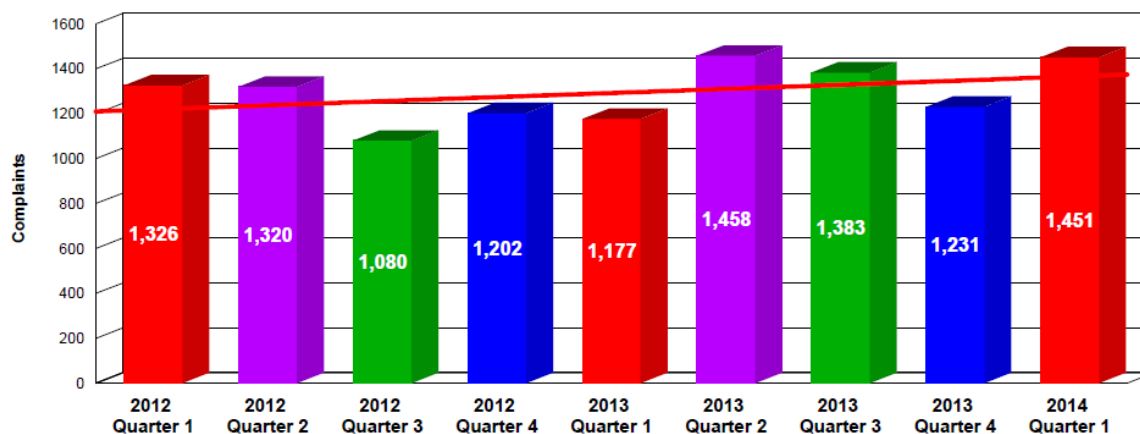
★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

<sup>1</sup> Includes all complaints received in PRD from Complaints Services.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

**Graph 2B: Complaints Closed<sup>2</sup> in the Division (by Quarters)**



The number of cases closed in the Division in Q1 2014 increased by 18% from the number of cases closed in Q4 2013.

**Detailed Analysis of Complaints Closed in the Division**

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	946	1118	1101	1009	1140
<b>Lawyer Applicant Cases★</b>	13	64	31	14	13
<b>Complaints against Licensed Paralegals</b>	105	127	124	131	181
<b>Paralegal Applicant Cases★</b>	37	83	53	33	41
<b>Complaints against Non-Licensees/Non-Applicants*</b>	76	66	74	44	76
<b>TOTAL</b>	1177	1458	1383	1231	1451

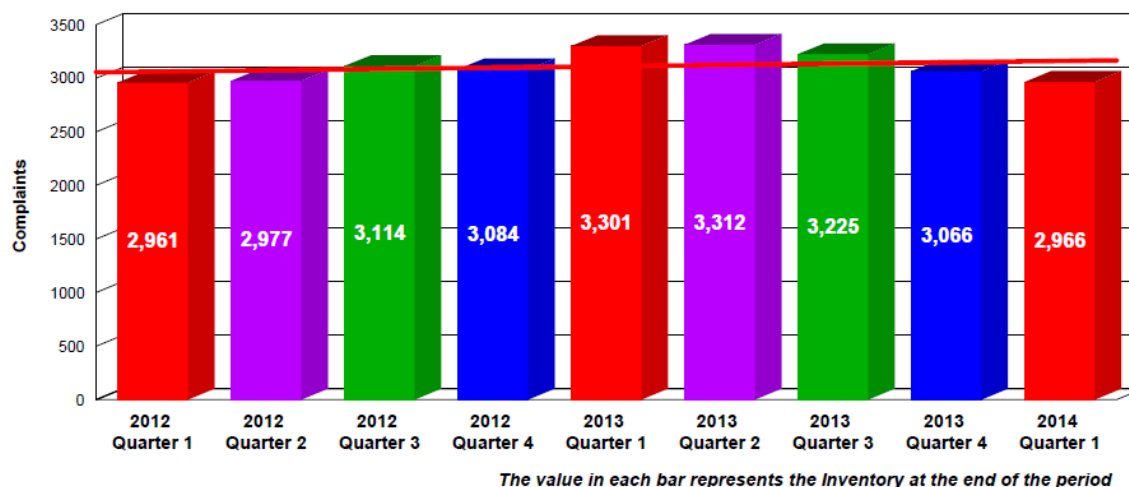
★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

<sup>2</sup> This graph includes all complaints closed in Intake, Complaints Resolution, Investigations and Discipline.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

**Graph 2C: Total Inventory<sup>3</sup>**



The inventory in the Division at the end of Q1 2014 was approximately 3% lower than at the end of 2013 and approximately 10% lower than the inventory in the Division at the end of Q1 2013. The breakdown of the inventory in the chart below demonstrates that decreases have occurred in the inventory of complaints against lawyers however, the inventory of complaints against licensed paralegals increased slightly from the end of 2013 to the end of the first quarter of 2014.

### Detailed Analysis of Division Inventory

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	2711	2656	2575	2449	2315
<b>Lawyer Applicant Cases★</b>	37	39	29	25	78
<b>Complaints against Licensed Paralegals</b>	378	404	427	398	404
<b>Paralegal Applicant Cases★</b>	55	91	77	67	42
<b>Complaints against Non-Licensees/Non-Applicants*</b>	120	122	117	127	127
<b>TOTAL</b>	3301	3312	3225	3066	2966

★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

<sup>3</sup> This graph does not include active complaints in the Monitoring & Enforcement Department.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

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## **SECTION 3**

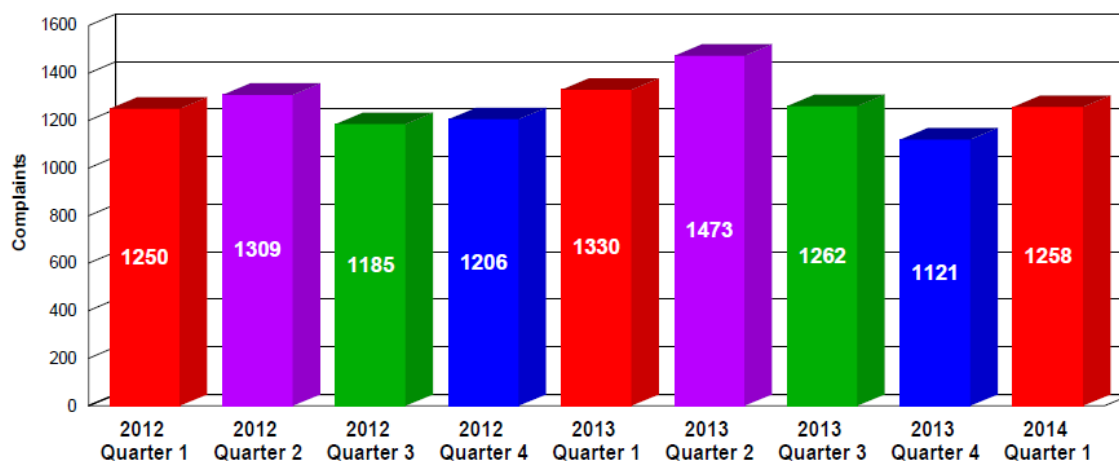
### **DEPARTMENTAL PERFORMANCE DURING THE QUARTER**

The Law Society of Upper Canada  
 The Professional Regulation Division  
 Quarterly Report (January 1 – March 31, 2014)

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### 3.1 – Intake

**Graph 3.1A: Intake - Input<sup>4</sup>**



The Intake department processes all new regulatory complaints. In Q1 2014, in addition to the 1215 new cases, Intake re-opened 43 complaints which met the threshold for re-opening a closed matter.

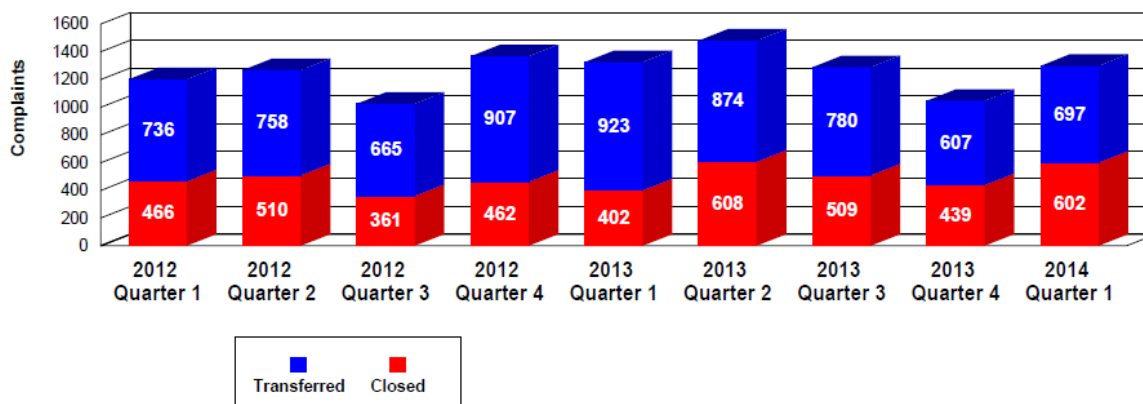
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<sup>4</sup> Includes new complaints received and re-opened complaints

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.1 – Intake

**Graph 3.1B: Intake - Complaints Closed and Transferred Out**



In Q1 2014, Intake completed 1299 cases, which represents a 24% increase over the number of cases completed by the department in Q4 2013 (1046).

#### Detailed Analysis of Complaints Closed and Transferred From Intake

		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	Closed	327	425	404	368	489
	Transferred	737	639	605	486	545
<b>Lawyer Applicant Cases★</b>	Closed	2	45	15	5	7
	Transferred	17	18	11	0	4
<b>Complaints against Licensed Paralegals</b>	Closed	28	39	40	35	58
	Transferred	108	127	111	80	96
<b>Paralegal Applicant Cases★</b>	Closed	13	69	22	10	22
	Transferred	15	45	18	5	6
<b>Complaints against Non-Licensees/Non-Applicants*</b>	Closed	32	30	28	21	26
	Transferred	46	45	35	36	46
<b>TOTAL</b>	Closed	402	608	509	439	602
	Transferred	923	874	780	607	697

★ Applicant cases include good character cases and UAP complaints

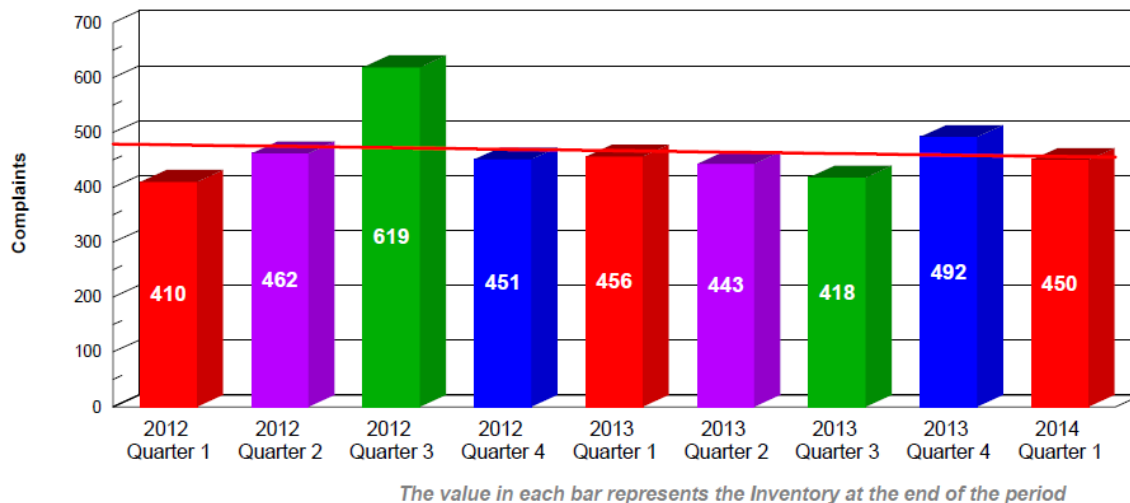
\* For a complete analysis of UAP complaints see section 3.4.



The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.1 – Intake

**Graph 3.1 C: Intake - Department Inventory**



In the first quarter of 2014, the department's inventory decreased by 9% from the end of 2013 (from 492 to 450 cases). As noted in the chart below, Intake's inventory at the end of the quarter consisted mostly of complaints against lawyers.

#### Detailed Analysis of Intake Inventory

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	387	384	369	415	327
<b>Lawyer Applicant Cases★</b>	1	5	0	4	62
<b>Complaints against Licensed Paralegals</b>	56	44	36	54	52
<b>Paralegal Applicant Cases★</b>	1	6	2	9	2
<b>Complaints against Non-Licensees/Non-Applicants*</b>	11	4	11	10	7
<b>TOTAL</b>	456	443	418	492	450

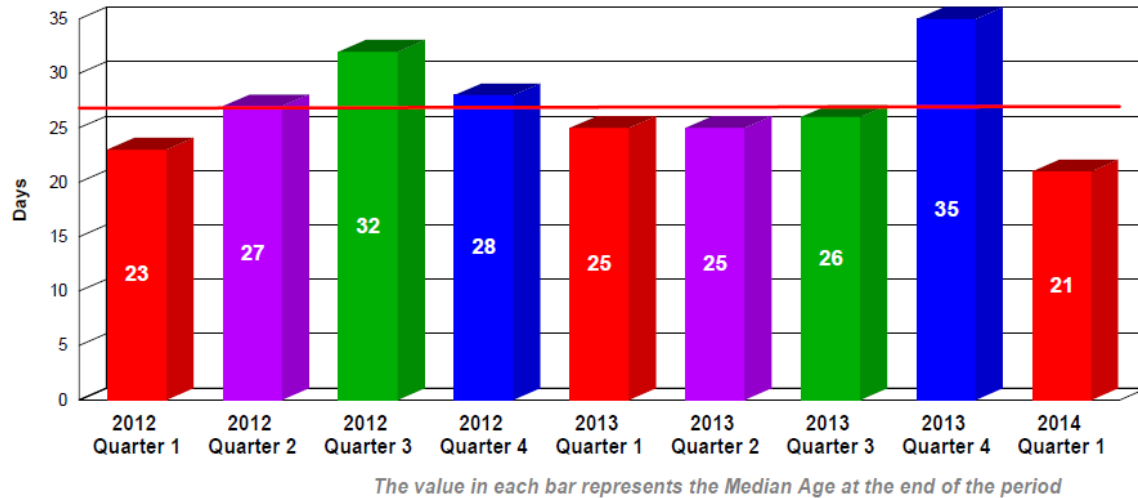
★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.1 – Intake

**Graph 3.1D: Intake - Median Age of Complaints**

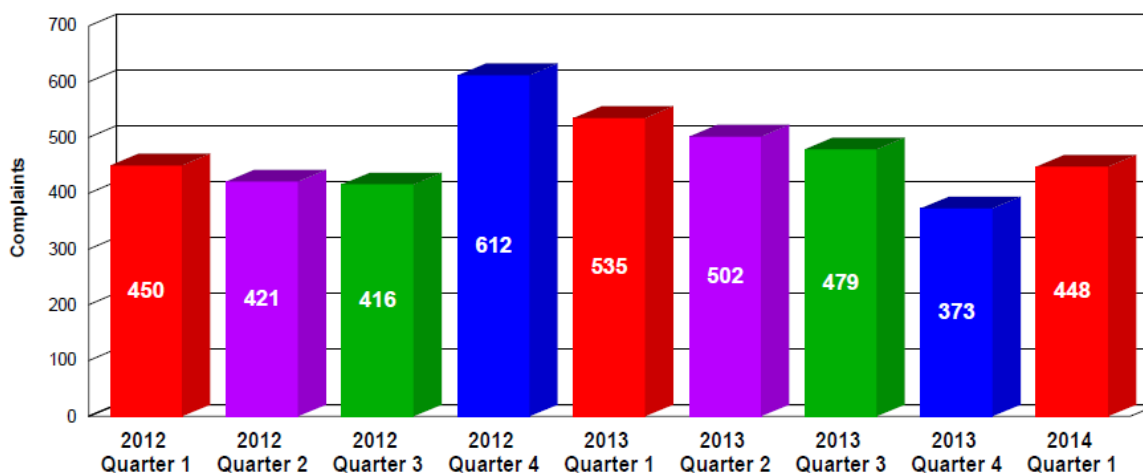


Intake's median age is below the department's 30-day target, indicating a timely case process.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

## 3.2 – Complaints Resolution

**Graph 3.2A: Complaints Resolution – Input<sup>5</sup>**



While the input of cases into Complaints Resolution in Q1 2014 (448) increased by 16% from the input received in Q4 2013 (373), it was 24% lower than the same period in 2013 (536).

### Detailed Analysis of New and Re-opened Complaints in Complaints Resolution

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	492	443	418	330	375
<b>Lawyer Applicant Cases★</b>	0	0	0	0	0
<b>Complaints against Licensed Paralegals</b>	43	59	60	43	72
<b>Paralegal Applicant Cases★</b>	0	0	0	0	0
<b>Complaints against Non-Licensees/Non-Applicants*</b>	0	0	1	0	1
<b>TOTAL</b>	535	502	479	373	448

★ Applicant cases include good character cases and UAP complaints

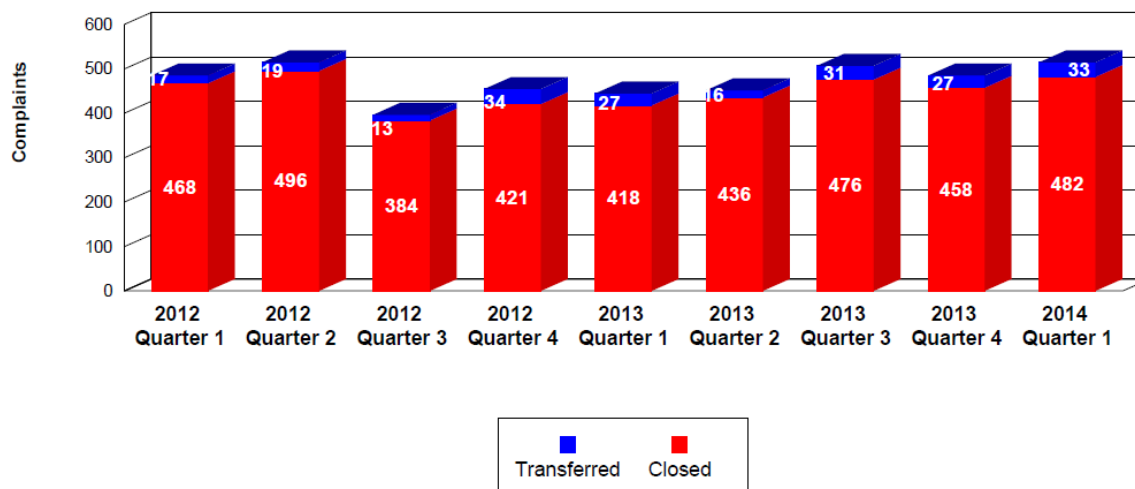
\* For a complete analysis of UAP complaints see section 3.4.

<sup>5</sup> Includes new complaints received into the department as well as complaints re-opened during the Quarter.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

## 3.2 – Complaints Resolution

**Graph 3.2B: Complaints Resolution - Complaints Closed and Transferred Out**



The number of cases completed in Q1 2014 by Complaints Resolution (515) increased by approximately 6% over the number of cases completed in Q4 2013 (485).

### Detailed Analysis of Complaints Closed and Transferred From Complaints Resolution

		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	Closed	379	408	434	405	416
	Transferred	24	14	23	22	25
<b>Lawyer Applicant Cases★</b>	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
<b>Complaints against Licensed Paralegals</b>	Closed	39	28	42	53	66
	Transferred	3	2	7	5	8
<b>Paralegal Applicant Cases★</b>	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
<b>Complaints against Non-Licensees/Non-Applicants*</b>	Closed	0	0	0	0	0
	Transferred	0	0	1	0	0
<b>TOTAL</b>	Closed	418	436	476	458	482
	Transferred	27	16	31	27	33

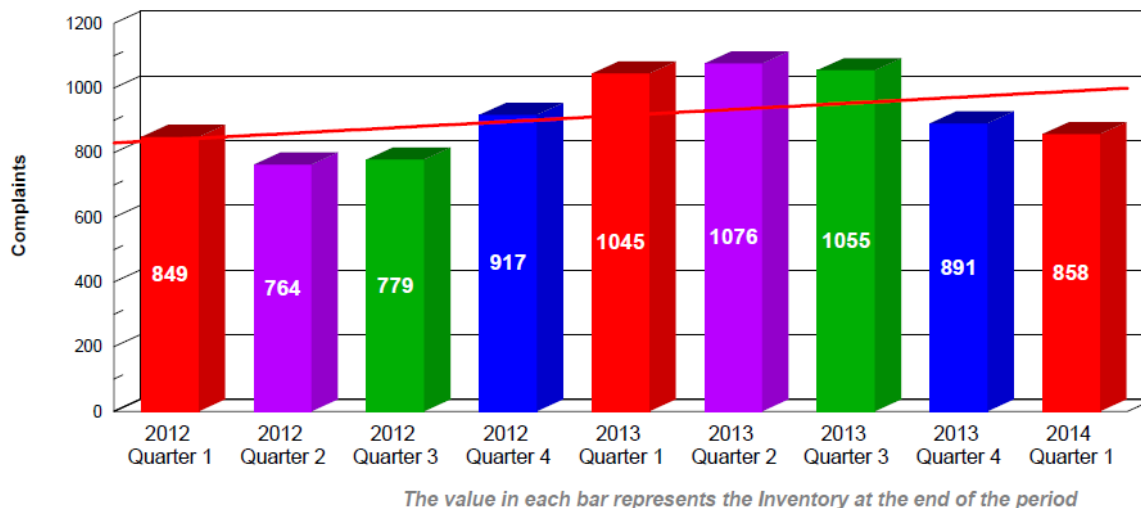
★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.2 – Complaints Resolution

**Graph 3.2C: Complaints Resolution – Department Inventory**



Since a high of 1076 cases at the end of Q2 2013, the department's inventory has decreased by 20% to 858 cases at the end of Q1 2014. The inventory continues to consist mostly of complaints against lawyers.

#### Detailed Analysis of Complaint Resolution's Inventory

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	957	959	928	811	779
<b>Lawyer Applicant Cases★</b>	0	0	0	0	0
<b>Complaints against Licensed Paralegals</b>	88	117	127	80	78
<b>Paralegal Applicant Cases★</b>	0	0	0	0	0
<b>Complaints against Non-Licensees/Non-Applicants*</b>	0	0	0	0	1
<b>TOTAL</b>	1045	1076	1055	891	858

★ Applicant cases include good character cases and UAP complaints

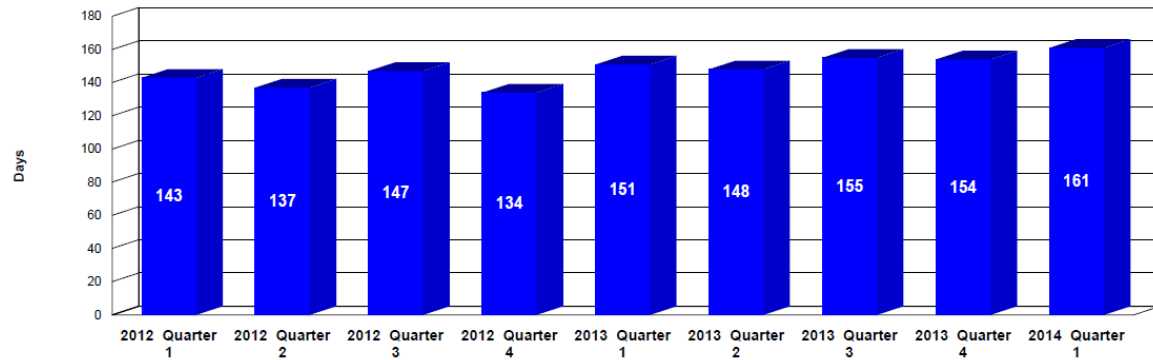
\* For a complete analysis of UAP complaints see section 3.4.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

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## 3.2 – Complaints Resolution

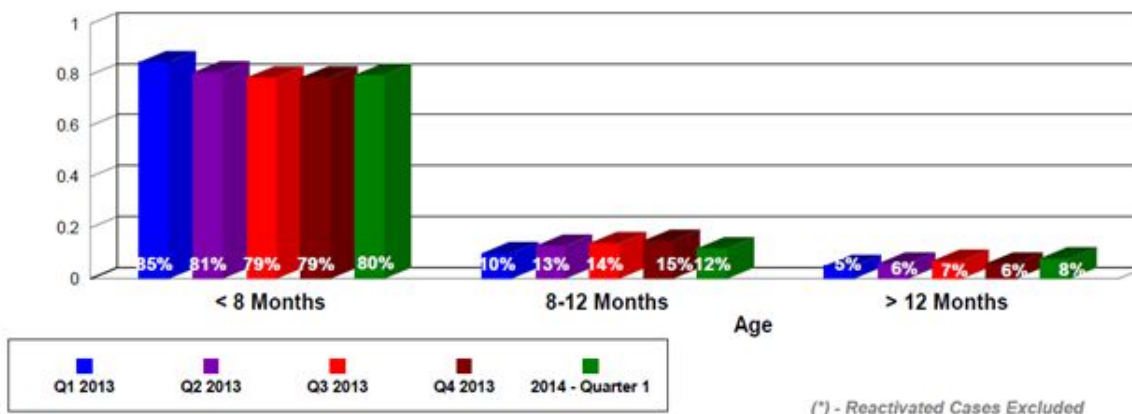
**Graph 3.2D: Complaints Resolution - Median Age of Complaints**



While the department's median age increased from the previous quarter, it remains within the department's target range of 150-170 days.

## 3.2 – Complaints Resolution

**Graph 3.2E: Complaints Resolution – Aging of Complaints**



The above graph sets out the spectrum of aging in the department's inventory (excluding reactivated cases) at the end of each of the 5 quarters displayed. Excluding reactivated cases, Complaints Resolution's department inventory at the end of Q1 2014 was 793 cases involving 725 subjects. The age distribution of those cases was:

Less than 8 months	635 cases involving 584 subjects
8 to 12 months	96 cases involving 88 subjects
More than 12 months	62 cases involving 53 subjects

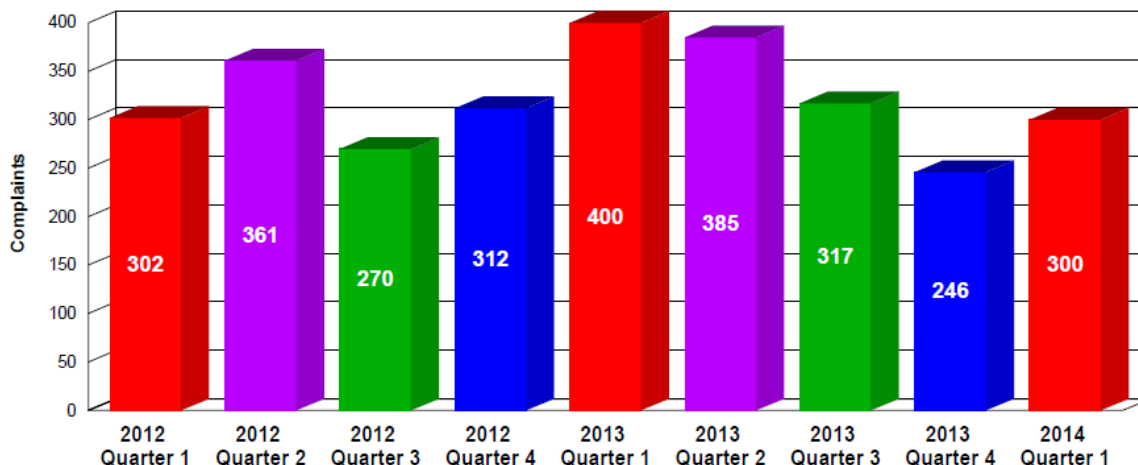
The goal is to reduce the proportion of cases in the older time frames and increase the proportion of cases in the youngest time frame. However, it is recognized that there will always be cases that are older than 12 months in Complaints Resolution for the following reasons:

- Newer complaints against the lawyer/paralegal are received. In some cases existing cases await the completion of younger cases relating to the same licensee;
- Delays on the part of licensees in providing representations and in responding to the investigators' requests. In a number of instances, the Summary Hearing process is required;
- Delays on the part of complainants in responding to licensee's representations and to investigators' requests for additional information; and
- New issues raised by the complainant requiring additional investigation

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.3 –Investigations

**Graph 3.3A: Investigations - Input**



The input of cases into the Investigations department in Q1 2014 increased by 22% from the input in the last quarter (Q4 2013). However, it was 25% less from the input received in the same period last year (i.e. Q1 2013) and virtually identical to the input received in Q1 2012.

#### Detailed Analysis of New and Re-opened Complaints Received in Investigations

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	254	208	197	164	190
<b>Lawyer Applicant Cases★</b>	18	18	11	0	4
<b>Complaints against Licensed Paralegals</b>	67	69	54	40	44
<b>Paralegal Applicant Cases★</b>	15	45	19	6	6
<b>Complaints against Non-Licensees/Non-Applicants*</b>	46	45	36	36	45
<b>TOTAL</b>	400	385	317	246	300

★ Applicant cases include good character cases and UAP complaints

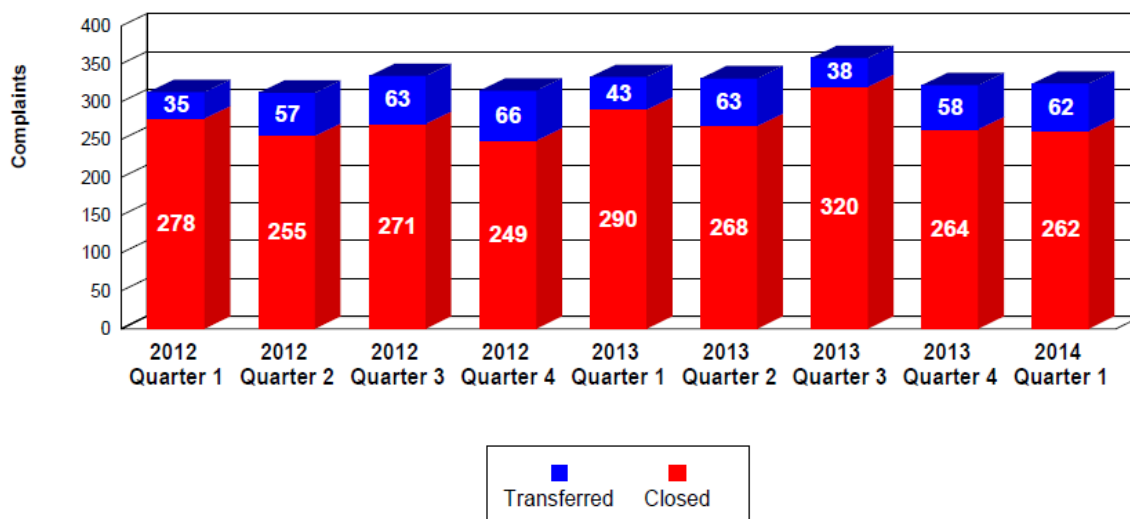
\* For a complete analysis of UAP complaints see section 3.4.



The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.3 –Investigations

**Graph 3.3B Investigations - Complaints Closed and Transferred Out**



The number of cases closed/transferred out of the department in Q1 2014 (324 cases) was almost the same as the number completed in Q4 2013 (322 cases) and approximately 3% less than the number of cases completed in the first quarter of 2013.

#### Detailed Analysis of Complaints Closed and Transferred Out of Investigations

		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	Closed	181	171	194	183	158
	Transferred	23	45	32	46	45
<b>Lawyer Applicant Cases★</b>	Closed	11	17	14	9	5
	Transferred	1	0	0	0	1
<b>Complaints against Licensed Paralegals</b>	Closed	32	39	39	27	38
	Transferred	7	17	4	10	5
<b>Paralegal Applicant Cases★</b>	Closed	23	12	31	22	13
	Transferred	4	1	2	0	1
<b>Complaints against Non-Licensees/Non-Applicants*</b>	Closed	43	29	42	23	48
	Transferred	8	0	0	2	10
<b>TOTAL</b>	Closed	290	268	320	264	262
	Transferred	43	63	38	58	62

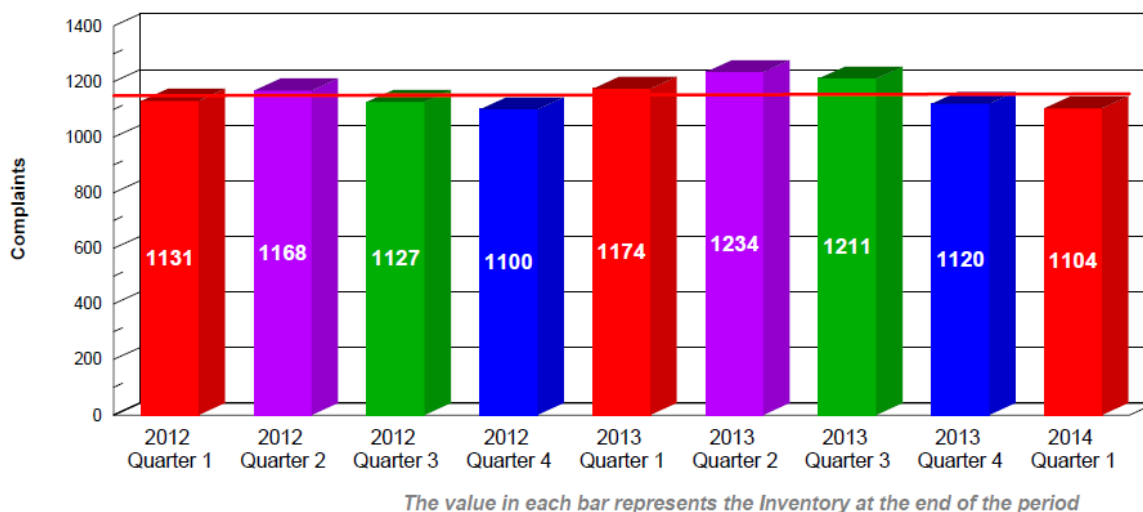
★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.3 – Investigations

**Graph 3.3C: Investigations – Department Inventory**



The number of cases completed by the department in Q1 2014 (324) exceeded the input of cases into the department (300). Hence, Investigations' inventory decreased slightly (by 1.4%) from 1120 at the end of 2013 to 1104 at the end of Q1 2014.

#### Detailed Analysis of Investigations Inventory

	Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Complaints against Lawyers</b>	851	851	837	759	750
<b>Lawyer Applicant Cases★</b>	31	31	28	20	15
<b>Complaints against Licensed Paralegals</b>	174	186	200	202	219
<b>Paralegal Applicant Cases★</b>	32	64	52	36	28
<b>Complaints against Non-Licensees/Non-Applicants*</b>	86	102	94	103	92
<b>TOTAL</b>	1174	1234	1211	1120	1104

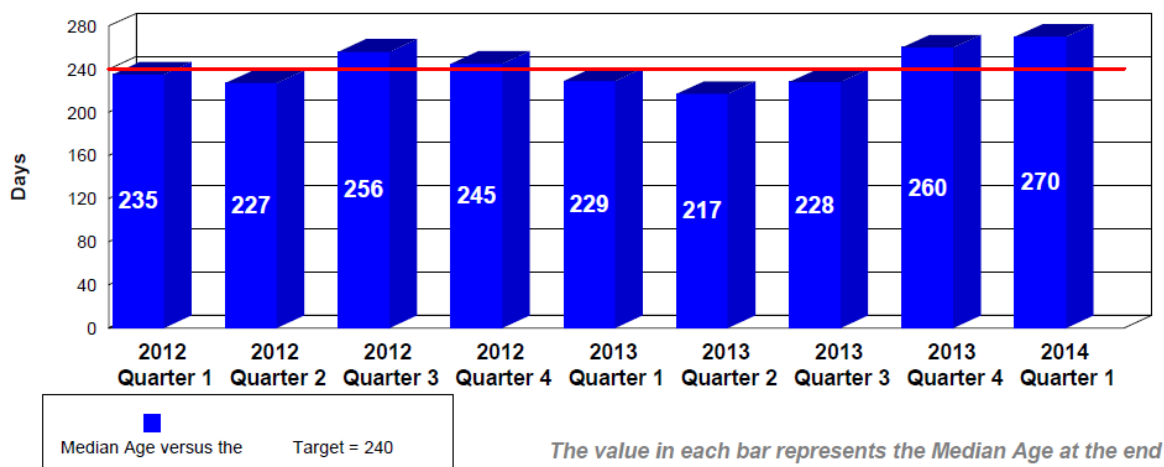
★ Applicant cases include good character cases and UAP complaints

\* For a complete analysis of UAP complaints see section 3.4.

The Law Society of Upper Canada  
 The Professional Regulation Division  
 Quarterly Report (January 1 – March 31, 2014)

### 3.3 – Investigations

**Graph 3.3D: Investigations - Median Age of All Complaints**

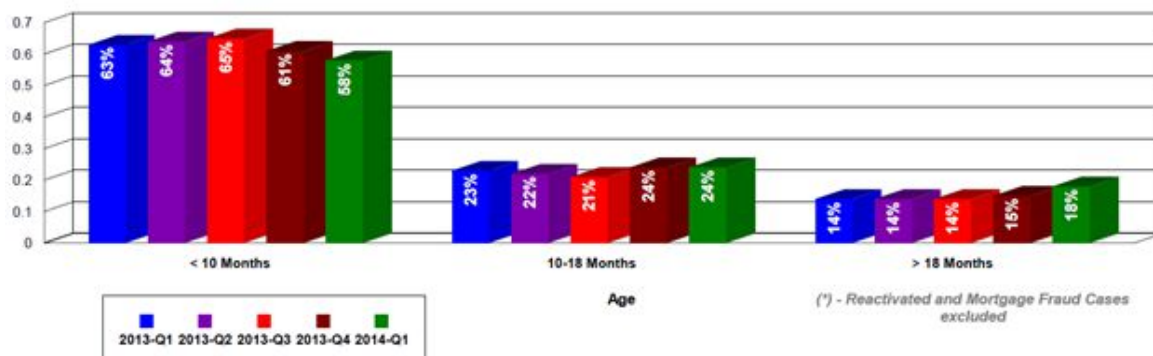


Investigations' median age at the end of Q1 2014 was 4% higher than the median age at the end of Q4 2013, increasing from 260 days to 270 days.

### 3.3 – Investigations

**Graph 3.3E: Investigations – Aging of Complaints**

**(a) Core Cases**



The above graph sets out the spectrum of aging in the department's inventory (excluding reactivated and mortgage fraud cases) at the end of each of the 5 quarters displayed. The inventory of Investigations at the end of the first quarter of 2014, excluding reactivated and mortgage fraud cases, was 936 cases involving 705 subjects. The distribution of those cases was:

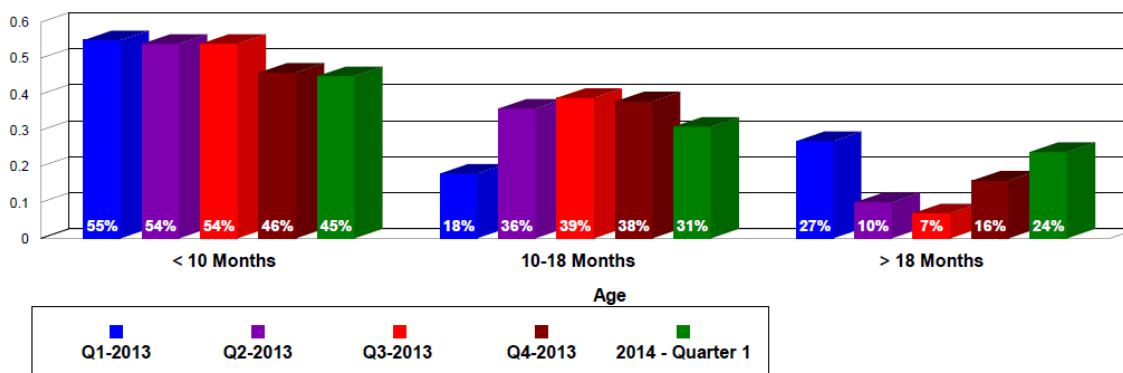
Less than 10 months	544 cases involving 423 subjects
10 to 18 months	227 cases involving 160 subjects
More than 18 months	165 cases involving 122 subjects

While the department strives to reduce the proportion of cases in the older time frame and to increase the proportion of cases in the youngest time frame, it is recognized that there are cases that are older than 18 months in Investigations for the following reasons:

- The investigator has to wait for evidence from a third party (i.e. not the complainant or the licensee/subject), for example psychiatric evaluation, court transcripts, or a key witness;
- Newer complaints are received against the licensee/subject. In order to move forward together to the Proceedings Authorization Committee, the older cases await the completion of younger cases;
- A need to coordinate investigations between different licensees/subject where the issues arise out of the same set of circumstances (e.g. a complainant complains about 2 lawyers in relation to the same matter);
- Multiple cases involve one lawyer. These investigations are complex and time consuming;
- Where capacity issues are raised during a conduct investigation.

### 3.3 – Investigations

#### (b) Mortgage Fraud Cases



The above graph sets out the spectrum of aging in the department's mortgage fraud case inventory at the end of each of the 5 quarters displayed. The inventory of mortgage fraud cases at the end of the first quarter of 2014 was 89 cases involving 75 subjects. The distribution of those cases was:

Less than 10 months	40 cases involving 33 subjects
10 to 18 months	28 cases involving 23 subjects
More than 18 months	21 cases involving 19 subjects

As noted above, the department strives to reduce the proportion of mortgage fraud cases in the older time frame and to increase the proportion of cases in the youngest time frame. However, it is recognized that there will always be mortgage fraud cases that are older than 18 months in Investigations for the reasons cited above, particularly:

- When newer complaints against the licensee/subject are received, existing investigations may have to await their completion in order that all the cases can be taken to Proceedings Authorization Committee together.
- There is a need to coordinate investigations between different licensees/subject where the issues arise out of the same set of circumstances (e.g. a complainant complains about 2 lawyers in relation to the same matter).
- There are multiple cases involve one lawyer resulting in greater complexity.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.4 – Unauthorized Practice (UAP)

**Graph 3.4A: Unauthorized Practice Complaints in Intake**

Quarter	New	Closed/Transferred			Active at end of Quarter
		Closed	Transfer to CR	Transfer to Inv	
<b>Totals: 2008</b>	337	122	50	168	
<b>Totals: 2009</b>	445	165	86	192	
<b>Q1 2010</b>	94	42	0	76	36
<b>Q2 2010</b>	89	32	0	69	32
<b>Q3 2010</b>	67	32	1	50	29
<b>Q4 2010</b>	80	45	0	54	18
<b>Totals - 2010 (+ POL)</b>	330* (398)	151	1	249	
<b>Q1 2011 (+ POL)</b>	61 (74)	24	0	41	20
<b>Q2 2011 (+ POL)</b>	61 (84)	20	1	54	12
<b>Q3 2011 (+ POL)</b>	70 (80)	27	0	49	28
<b>Q4 2011 (+ POL)</b>	63 (83)	16	1	62	15
<b>Totals – 2011 (+POL)</b>	255 (321)	87	2	206	
<b>Q1 2012 (+ POL)</b>	77(91)	16	0	61	17
<b>Q2 2012 (+POL)</b>	58 (80)	22	0	49	6
<b>Q3 2012 (+POL)</b>	41 (44)	16	0	27	11
<b>Q4 2012 (+POL)</b>	80 (84)	32	0	45	19
<b>Totals – 2012 (+POL)</b>	256 (299)	86	0	182	
<b>Q1 2013 (+POL)</b>	71(93)	29	0	59	11
<b>Q2 2013 (+POL)</b>	60(66)	26	0	51	5
<b>Q3 2013 (+POL)</b>	69 (81)	27	0	46	9
<b>Q4 2013 (+POL)</b>	60(71)	20	0	41	11
<b>Totals – 2013 (+POL)</b>	260 (311)	102	0	197	11
<b>Q1 2014 (+POL)</b>	64(76)	26	0	51	6

\* In response to the number of UAP complaints being received in the division, a new allegation of "Practising Outside the Scope of Licence" ("POL") was added to the division's case management system in Q1 2010. This allows for improved identification of the nature of these complaints. In 2014 Q1, complaints alleging practicing outside the scope of licence were received in a total of 12 cases. Prior to Q1 2010, these would have been included in the UAP figures.

As noted in the chart above, in Q1 2014 the Division received 4 UAP complaints more than it did in Q4 2013 (64 vs. 60) but 7 UAP complaints less than it did in Q1n2013 (64 vs. 71).

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.4 – Unauthorized Practice (UAP)

**Graph 3.4B: Unauthorized Practice investigations (in Complaints Resolution and Investigations)**

	New		Closed <sup>6</sup>		Inventory	
	CR	Inv	CR	Inv	CR	Inv
<b>Totals: 2008</b>	52	171	64	126	106	
<b>Totals: 2009</b>	77	187	48	138	168	
<b>Totals: 2010</b>	1	249	28	190	124	
<b>Q1 2011</b>	0	41	0	61	0	104
<b>Q2 2011</b>	1	54	0	56	1	102
<b>Q3 2011</b>	0	49	0	45	1	106
<b>Q4 2011</b>	1	62	0	26	1	139
<b>Totals: 2011</b>	2	206	0	188	140	
<b>Q1 2012</b>	0	61	1	45	0	156
<b>Q2 2012</b>	0	49	0	65	0	140
<b>Q3 2012</b>	0	27	0	41	0	120
<b>Q4 2012</b>	0	45	0	34	0	131
<b>Totals: 2012</b>	0	182	1	185	131	
<b>Q1 2013</b>	0	59	0	62	0	128
<b>Q2 2013</b>	0	51	0	36	0	143
<b>Q3 2013</b>	0	46	0	58	0	129
<b>Q4 2013</b>	0	40	0	31	0	137
<b>Totals: 2013</b>	0	197	0	187	137	
<b>Q1 2014</b>	0	51	0	66	0	122

As more UAP investigations were completed in Q1 2014 (66) than were received (51), the inventory of UAP cases in Investigations was reduced from 137 cases at the end of Q4 2013 to 121 cases at the end of Q1 2014

#### Graph 3.4C: UAP Enforcement Actions

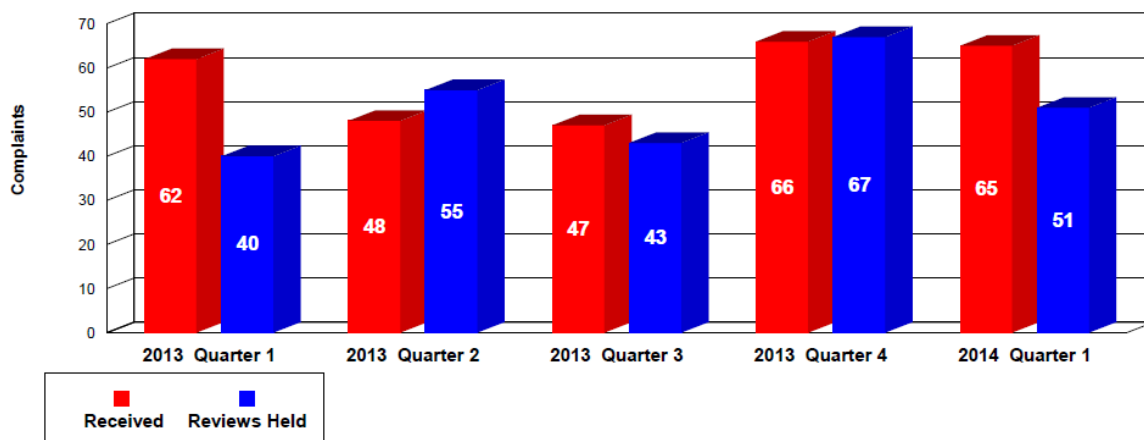
As at March 31, 2014, there were 4 open UAP matters; in two matters, permanent injunctions are being sought; in another matter, a motion has been brought for breach of an injunction; in the fourth matter, the non-licensee has appealed the permanent injunction ordered by the Superior Court.

<sup>6</sup> "Closed" refers to completed investigations and therefore consists of both those investigations that were closed by the Law Society and those that were referred for prosecution/injunctive relief.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

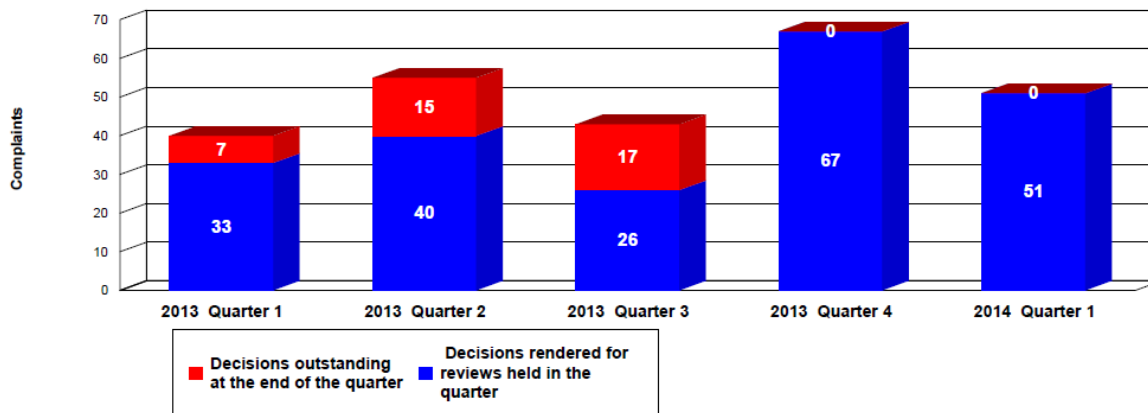
### 3.5 – Complaints Resolution Commissioner

**Graph 3.5A: Reviews Requested and Files Reviewed (by Quarter)**



In the first quarter of 2014, the Complaints Resolution Commissioner received 65 requests for review of cases closed in either Investigations or Complaints Resolution and reviewed 51 cases. Fifteen of the cases reviewed were conducted in writing.

**Graph 3.5B: Status of Files Reviewed in each Quarter**



While the files may be reviewed in one quarter, the final decision by the Commissioner may not be rendered in the same quarter. In the first quarter of 2014, the Commissioner rendered decisions in all 51 cases reviewed in that quarter. As at March 31, 2014, there were no decisions outstanding.



The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

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### 3.5 – Complaints Resolution Commissioner

**Graph 3.5C: Decisions Rendered, by Quarter**

Quarter	Decisions Rendered (# of decisions where review in previous quarter(s))	Files to Remain Closed	Files Referred Back to PRD
<b>Total 2009</b>	194	174 (90%)	20 (10%)
<b>Total 2010</b>	193	160 (83%)	33 (17%)
<b>Total 2011</b>	260	248 (95%)	12 (5%)
Q1 2012	36	32 (89%)	4 (11%)
Q2 2012	50	48 (96%)	2 (4%)
Q3 2012	67	63 (94%)	4 (6%)
Q4 2012	89	81 (91%)	8(9%)
<b>Total 2012</b>	242	224 (93%)	18 (7%)
Q1 2013	40	38 (95 %)	2 (5 %)
Q2 2013	55	49 (89%)	6 (11%)
Q3 2013	43	40 (93%)	3 (7%)
Q4 2013	67	65 (97%)	2 (3%)
<b>Total 2013</b>	205	192 (94%)	13 (6%)
Q1 2014	51	50(98%)	1(2%)

Of the 51 decisions rendered in Q1 2014, the Commissioner referred 1 file back to Professional Regulation with a recommendation for further investigation as he was not satisfied that the decision to close was reasonable. As of the date of this Quarterly Report, The Director's decision concerning the Commissioner's recommendation remains outstanding.

#### Active Inventory

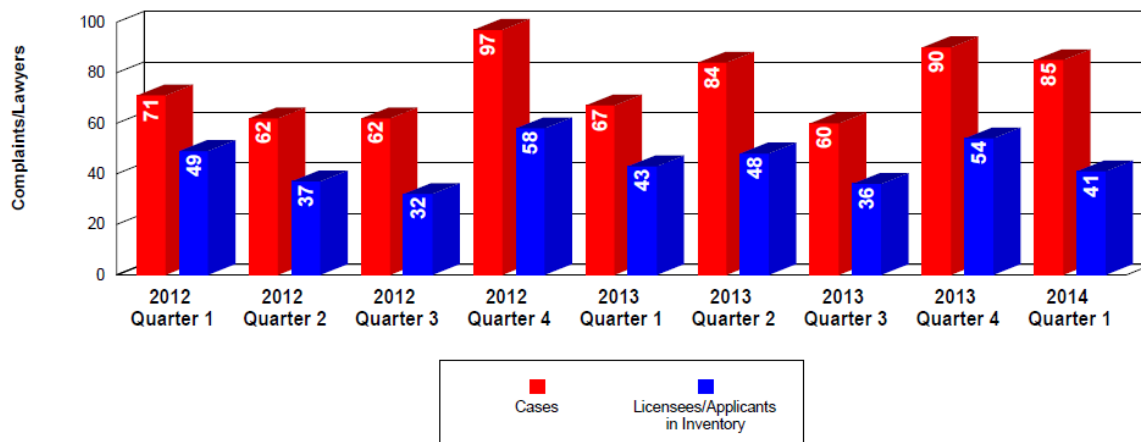
As at March 31, 2014, the Office of the Complaints Resolution Commissioner had an inventory of 119 files:

Request received; awaiting preparation of CRC materials	73 files
Review Meeting Scheduled	36 files
Ready for Scheduling	5 files
In Abeyance	5 files

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.6 – Discipline

**Graph 3.6A: Discipline - Input<sup>7</sup>**



As noted in the chart below, in Q1 2014, the department received complaints from various departments involving 32 lawyers (relating to 72 cases), 8 licensed paralegals (relating to 12 cases) and 1 paralegal applicant.

#### Detailed Analysis of New Cases Received in Discipline

		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Lawyers</b>	Cases	47	65	50	76	72
	Lawyers	29*	36*	27*	43*	32*
<b>Lawyer Applicants</b>	Cases	1	0	0	0	0
	Lawyer Applicants	1*	0	0	0	0
<b>Licensed Paralegals</b>	Cases	9	18	8	14	12
	Licensed Paralegals	7*	11*	8*	11*	8*
<b>Paralegal Applicants</b>	Cases	10	1	2	0	1
	Paralegal Applicants	6*	1*	1*	0*	1*
<b>TOTAL</b>	Cases	67	84	60	90	85
	Licensees & Applicants	43*	48*	36*	54	41

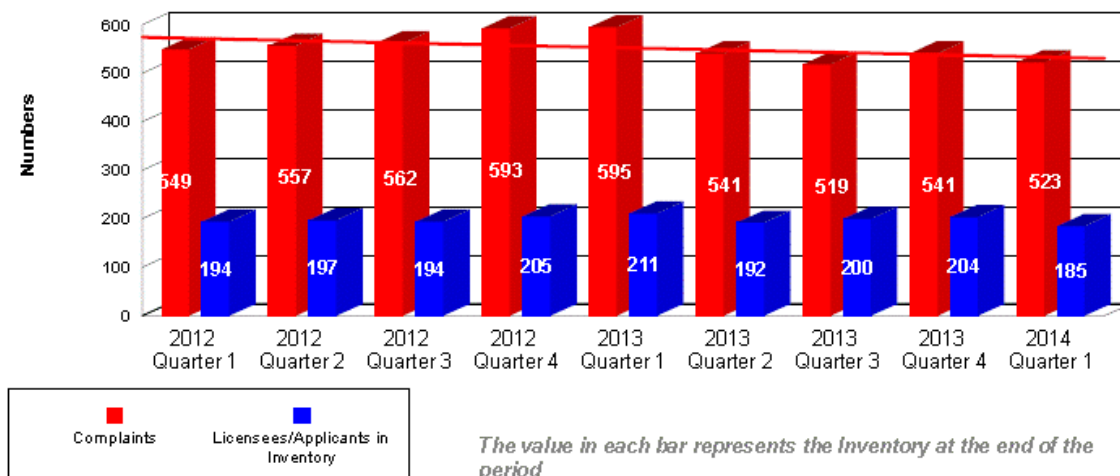
\* The number of new Lawyers and Paralegals cited represents the number coming into the department each quarter. However, there may, in fact, already be cases involving the licensee/applicant in the department.

<sup>7</sup> "Input" refers to complaints that were transferred into Discipline from various other departments during the specific quarter. Includes new complaints/cases received in Discipline and the lawyers/applicants to which the new complaints relate.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.6 – Discipline

**Graph 3.6B: Discipline – Department Inventory<sup>8</sup>**



This graph shows the total number of licensees/applicants and related complaints that are in the Discipline process at the end of each of the last 9 quarters. At the end of Q1 2014, the department's inventory of licensee/applicants (185) was approximately 12% lower than at the end of Q1 2013 (211) and 5% lower than at the end of Q1 2012 (194).

#### Detailed Analysis of Discipline's Inventory

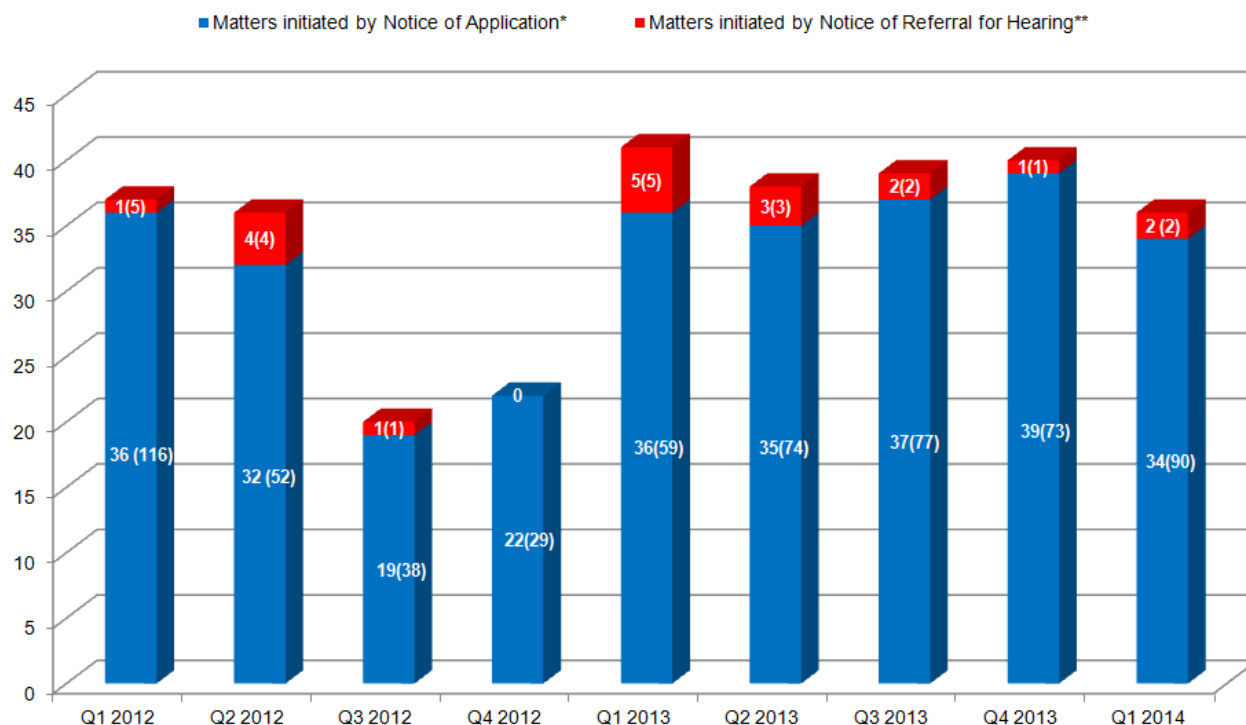
		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Lawyers</b>	Cases	508	460	433	458	454
	Lawyer Applicants	176	160	164	169	156
<b>Lawyer Applicants</b>	Cases	5	3	1	1	0
	Lawyer Applicants	5	3	1	1	0
<b>Licensed Paralegals</b>	Cases	60	57	62	60	52
	Licensed Paralegals	20	20	26	26	22
<b>Paralegal Applicants</b>	Cases	22	21	23	22	17
	Paralegal Applicants	10	9	9	8	7
<b>TOTAL</b>	Cases	595	541	519	541	523
	Licensees & Applicants	211	192	200	204	185

<sup>8</sup> Consists primarily of complaints and lawyers/applicants that are in scheduling and are with the Hearing Panel or on appeal.

The Law Society of Upper Canada  
 The Professional Regulation Division  
 Quarterly Report (January 1 – March 31, 2014)

### 3.6 – Discipline

**Graph 3.6C: Discipline - Notices Issued**



\* Matters which are initiated by Notice of Application include conduct, capacity, non-compliance and competency matters. Also included in this category are interlocutory suspension/restriction motions.

\*\* Matters which are initiated by Notice of Referral for Hearing (formerly Notice of Hearing) include licensing (including readmission matters), reinstatement and restoration matters.

The above graph shows the number of notices issued by the Discipline department in the past 9 quarters. The numbers in each bar indicate the number of notices issued and, in brackets, the number of cases relating to those notices. One notice may relate to more than one case. For example, in Q1 2014, 34 Notices of Application were issued (relating to 90 cases) and 2 Notices of Referral for Hearing were issued (relating to 2 cases).

With respect to the 34 Notices of Application<sup>9</sup>/Notices of Motion for Interim Suspension Order which were issued in Q1 2014:

- 21 were issued less than 1 month after PAC authorization;
- 7 were issued between 1 and 2 months after PAC authorization; and
- 6 were issued more than 2 months after PAC authorization.

<sup>9</sup> Notices of Application are issued with respect to conduct, competency, capacity and non-compliance matters and require authorization by the Proceedings Authorization Committee (PAC).

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.6 – Discipline

**Graph 3.6D: Discipline – Completed Matters**

		Q1 2013	Q2 2013	Q3 2013	Q4 2013	Q1 2014
<b>Conduct Hearings</b>	Lawyers	20	32	18	24	30
	Paralegal Licensees	4	2	3	9	10
<b>Interlocutory Suspension Hearings/Orders</b>	Lawyers	-	1	-	2	2
	Paralegal Licensees	-	-	-	-	-
<b>Capacity Hearings</b>	Lawyers	1	-	-	1	1
	Paralegal Licensees	-	-	-	-	-
<b>Competency Hearings</b>	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
<b>Non-Compliance Hearings</b>	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
<b>Reinstatement Hearings</b>	Lawyers	1	-	-	-	2
	Paralegal Licensees	-	-	1	-	-
<b>Restoration</b>	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
<b>Licensing Hearings (including Readmission)</b>	Lawyer Applicants	-	2	2	-	-
	Paralegal Applicants	1	1	1	-	1
<b>TOTAL NUMBER OF HEARINGS</b>	Lawyers*	22	35	20	27	35
	Paralegals*	5	3	5	9	11
	<b>TOTAL</b>	<b>27</b>	<b>38</b>	<b>25</b>	<b>36</b>	<b>46</b>

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

### 3.6 – Discipline

#### Graph 3.6F: Discipline – Appeals

The following chart sets out the number of appeals filed with the Appeal Division, the Divisional Court or the Court of Appeal in the calendar years 2008 to 2013 and the first quarter of 2014.

Quarter/Year	Appeal Division	Divisional Court	Court of Appeal
2008	14	8 appeal	
2009	19	1 appeal	3 motions for leave; 2 appeals
2010	27	3 appeals; 2 judicial reviews	4 motions for leave
2011	18	6 appeals, 2 judicial reviews	2 motions for leave
2012	23	4 appeals; 5 judicial reviews	2 motions for leave
2013	20	3 appeals; 3 judicial reviews	
2014 1 <sup>st</sup> Quarter	2	5 appeals	1 motion for leave

As of March 31, 2014, there are 7 appeals pending before the Appeal Division, 8 appeals in which the Appeal Division has reserved on judgment, 1 appeal before the Appeal Division that has been adjourned sine die and 1 appeal which the Appeal Division had sent back for re-hearing however, as the Law Society elected not to re-prosecute the matter, the Appeal Division is considering the issue of penalty.

With respect to matters before the Divisional Court, there are 9 appeals and 1 judicial review matter pending. There is one motion for leave to appeal pending in the Court of Appeal.

In the first quarter of 2014, 10 appeals before the Appeal Division were completed:

- With respect to 6 appeals launched by the licensee/applicant,
  - 1 appeal was abandoned;
  - the Appeal Division dismissed 2 of the appeals
  - the Appeal Division allowed or allowed in part 3 of the appeals.
    - In one appeal, the appellant was granted an L1 licence;
    - In another appeal, the Decision and Order of the Hearing Division was set aside and a new hearing was ordered and
    - In the third appeal, the costs ordered by the Hearing Division were varied.
- With respect to 4 appeals launched by the Law Society, the Appeal Division allowed all 4 appeals:
  - In two appeals, the Decisions and Orders of the Hearing Division were set aside and new hearings ordered.
  - In the third appeal, the Decision and Order of the Hearing Division was amended and
  - In the fourth appeal, in which the licensee cross-appealed, the Appeal Division granted the Law Society's appeal against the penalty ordered by the Hearing Division, substituting the ordered reprimand with a 3 month suspension and increasing the costs ordered from \$5,000 to \$20,000. The licensee's cross-appeal was dismissed.

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January1 – March 31, 2014)

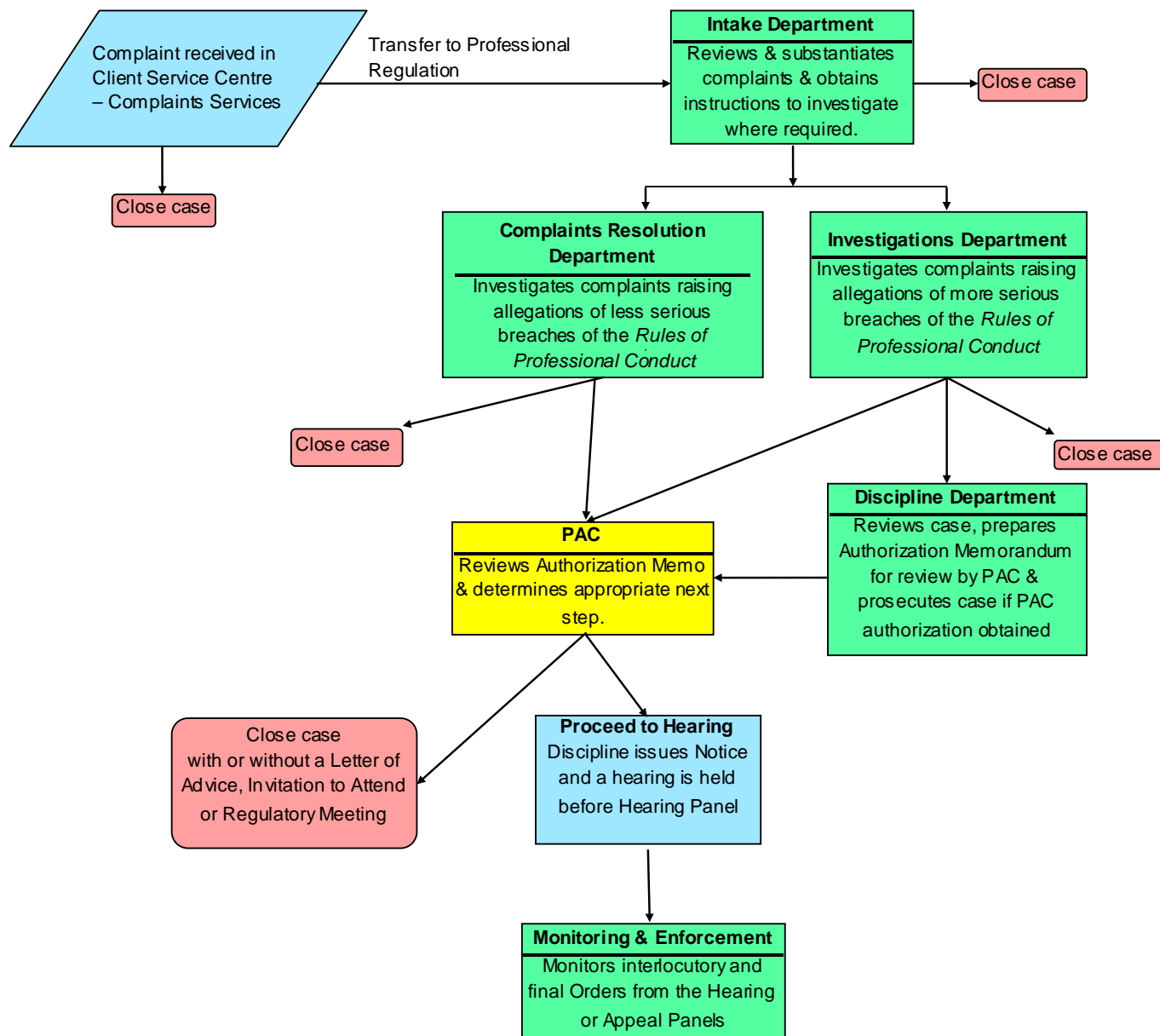
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## **SECTION 4**

## **APPENDICES**

The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

## The Professional Regulation Complaint Process

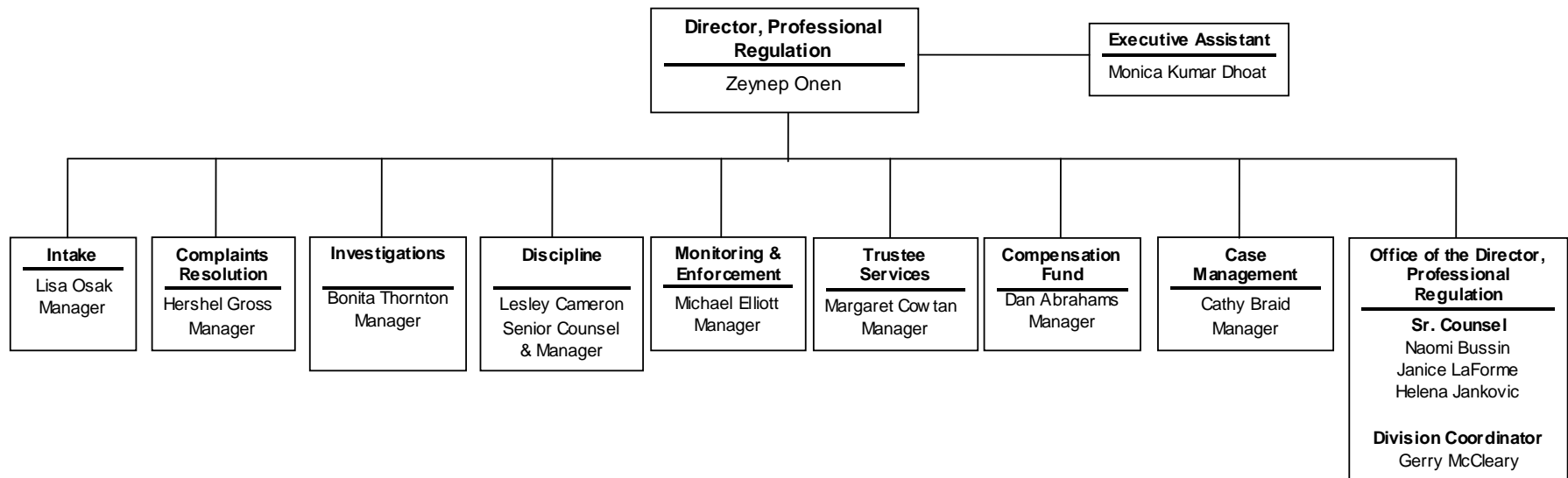




The Law Society of Upper Canada  
The Professional Regulation Division  
Quarterly Report (January 1 – March 31, 2014)

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### PROFESSIONAL REGULATION ORGANIZATIONAL CHART



*THIS SECTION CONTAINS  
IN CAMERA MATERIAL*



**TAB 6**

## **Report to Convocation May 22, 2014**

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### **Tribunal Committee**

#### **Committee Members**

**Raj Anand (Chair)**  
**Adriana Doyle (Vice-Chair)**  
**Larry Banack**  
**Jack Braithwaite**  
**Christopher Breddt**  
**Lee Ferrier**  
**Alan Gold**  
**Howard Goldblatt**  
**Jennifer Halajian**  
**Linda Rothstein**  
**Virginia MacLean**  
**Dow Marmur**  
**Mark Sandler**  
**James Scarfone**

#### **Purposes of Report: Information**

**Prepared by the Policy Secretariat  
(Sophia Sperdakos 416-947-5209)**

## **COMMITTEE PROCESS**

1. The Committee met on May 8, 2014. Committee members Raj Anand (Chair), Jack Braithwaite, Lee Ferrier, Howard Goldblatt, Dow Marmor, and Linda Rothstein attended. Staff members Grace Knakowski, Lisa Mallia and Sophia Sperdakos and Tribunals Chair David Wright also attended.

## INFORMATION

### TRIBUNAL OFFICE QUARTERLY STATISTICS

2. The Tribunal Office's quarterly report for the fourth quarter of 2013 is set out at **TAB 6.1: 2013 Q4 Final** for Convocation's information.

# Tribunals Office Statistics

# 2013

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The Law Society of Upper Canada  
October 1 to December 31

**Fourth Quarter  
Report**

The Law Society of Upper Canada  
Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

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TABLE OF CONTENTS

FILES OPENED.....	3
FILES CLOSED.....	4
AGE OF FILES CLOSED.....	4
OPEN FILES AT QUARTER END.....	5
OPEN FILES BY AGE.....	6
OPEN FILES BY AGE – OVER 24 MONTHS.....	7
SUMMARY FILES OPENED AND CLOSED.....	10
OPEN SUMMARY FILES AT QUARTER END.....	10
NUMBER OF LAWYERS AND PARALEGALS BEFORE THE TRIBUNALS.....	11
NUMBER OF FILES AND FREQUENCY BEFORE THE TRIBUNALS.....	12
TOTAL HEARINGS SCHEDULED AND VACATED.....	13
REASON FOR VACATED HEARINGS.....	14
CALENDAR DAYS SCHEDULED AND VACATED.....	16
REASON FOR AND RESULTING VACATED CALENDAR DAYS.....	17
PARTIES' ADJOURNMENT REQUESTS.....	18
PARTIES' POSITION ON ADJOURNMENT REQUESTS (LAWYER MATTERS).....	19
PARTIES' POSITION ON ADJOURNMENT REQUESTS (PARALEGAL MATTERS).....	20
TRIBUNAL REASONS PRODUCED AND PUBLISHED.....	21

## The Law Society of Upper Canada

## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

## FILES OPENED

The Tribunals Office opens a file when it is issued upon the filing of an originating process that has been served on the parties. An originating process includes a notice of application, referral for hearing, motion for interlocutory suspension or practice restriction, and appeal.

Files related to the same lawyer or paralegal that are heard concurrently are counted as separate files.

	Q1	Q2	Q3	Q4	Cumulative
<b>Total Files</b>	48 (42)	41 (42)	44 (23)	46 (30) <sup>1</sup>	179 (137)
Lawyer	41	36	32	37	146
Paralegal	7	5	12	9	33
<b>Hearing Files</b>	41 (37)	38 (36)	39 (20)	41 (22)	159 (115)
Lawyer	35	33	27	32	127
Paralegal	6	5	12	9	32
<b>Appeal Files</b>	7 (5)	3 (6)	5 (3)	5 (8)	20 (22)
Lawyer	6	3	5	5	19
Paralegal	1	0	0	0	1

<sup>1</sup> Numbers in parentheses are 2012 figures.



## The Law Society of Upper Canada

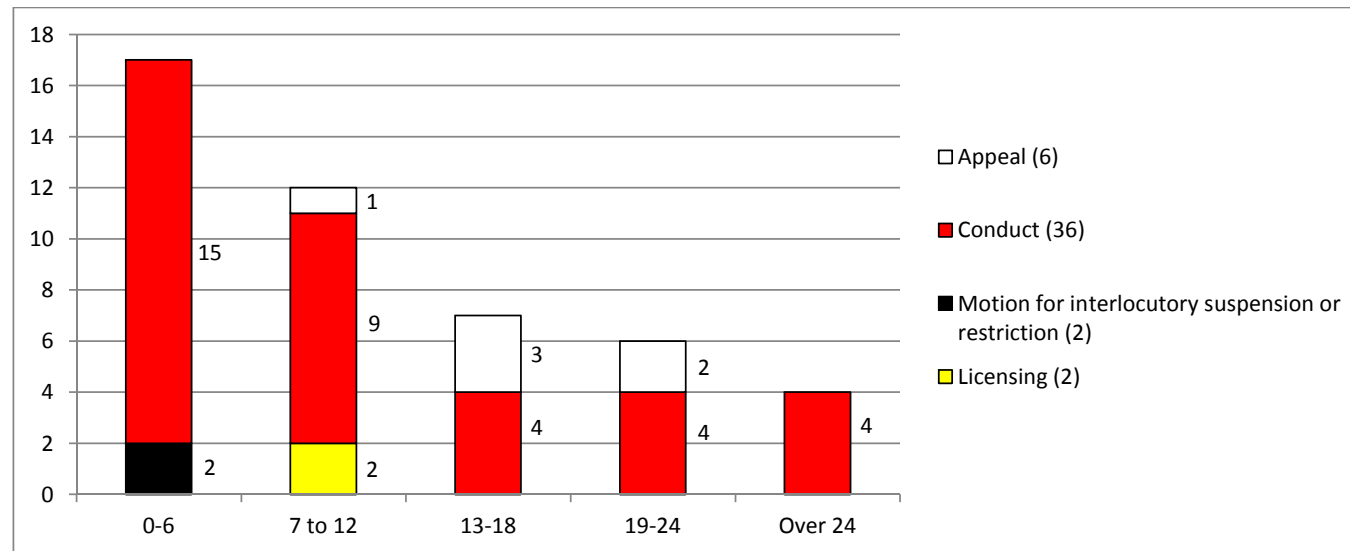
## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

## FILES CLOSED

The Tribunals Office closes a file after the final decision and order, and reasons if any, have been delivered or published. A file that is closed in a quarter may have been opened in that same quarter or anytime prior.

	Q1	Q2	Q3	Q4	Cumulative
<b>Total Files</b>	<b>31 (43)</b>	<b>38 (29)</b>	<b>41 (35)</b>	<b>46 (36)</b>	<b>156 (143)</b>
Lawyer	25	31	36	41	133
Paralegal	6	7	5	5	23
<b>Hearing Files</b>	<b>26 (39)</b>	<b>34 (28)</b>	<b>34 (30)</b>	<b>40 (32)</b>	<b>134 (129)</b>
Lawyer	22	28	29	36	115
Paralegal	4	6	5	4	19
<b>Appeal Files</b>	<b>5 (4)</b>	<b>4 (1)</b>	<b>7 (5)</b>	<b>6 (4)</b>	<b>22 (14)</b>
Lawyer	3	3	7	5	18
Paralegal	2	1	0	1	4

## AGE OF FILES CLOSED



## The Law Society of Upper Canada

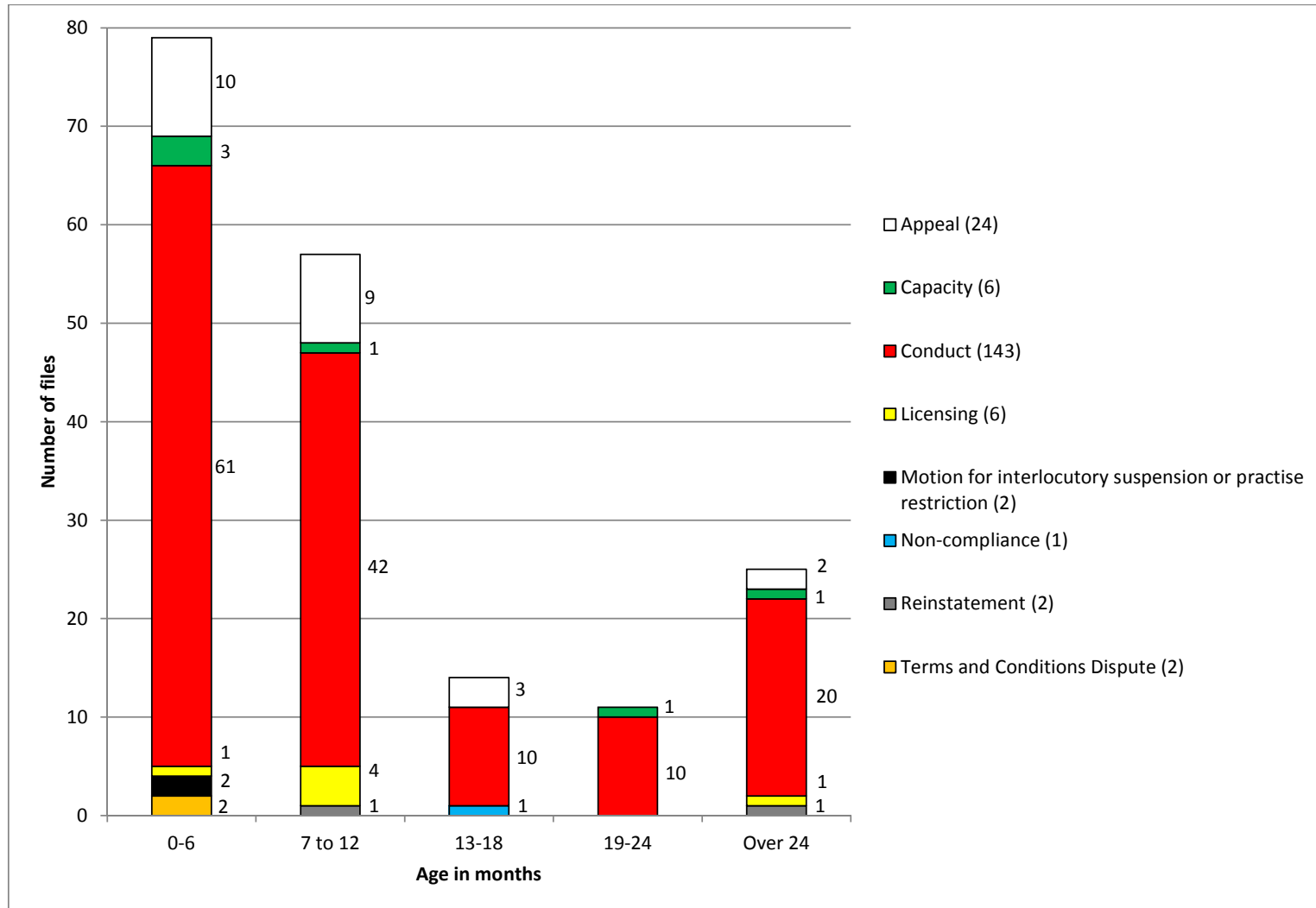
## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

## OPEN FILES AT QUARTER END

	Q1	Q2	Q3	Q4
<b>Total Files</b>	<b>173 (162)</b>	<b>179 (177)</b>	<b>181 (162)</b>	<b>186 (157)</b>
Lawyer	152	159	154	155
Paralegal	21	20	27	31
<b>Hearing Files</b>	<b>146 (146)</b>	<b>153 (155)</b>	<b>156 (142)</b>	<b>162 (133)</b>
Lawyer	129	136	132	133
Paralegal	17	17	24	29
<b>Appeal Files</b>	<b>27 (16)</b>	<b>26 (22)</b>	<b>25 (20)</b>	<b>24 (24)</b>
Lawyer	23	23	22	22
Paralegal	4	3	3	2

The Law Society of Upper Canada  
Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

OPEN FILES BY AGE



**The Law Society of Upper Canada**

**Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)**

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**OPEN FILES BY AGE – OVER 24 MONTHS**

1. File A, a reinstatement application, was filed in April 2000, but the licensee did not pursue the application until February 2008. The applicant has not yet filed materials. A further proceeding management conference (“PMC”) is scheduled for March 2014. Age of file: 165 months.
2. File B, a conduct application, was filed in March 2007. The hearing panel heard a number of motions and began hearing the merits in 2009. A new hearing panel commenced hearings in May 2011 and heard several motions. The hearing on the merits occurred in October 2012. The panel's decision on finding was released in March 2013. A penalty hearing occurred in September and written submissions were provided in October. The panel reserved its decision. The licensee filed a motion in December 2013. Age of file: 82 months.
3. File C, a conduct application, was filed in January 2009. The licensee brought a motion seeking to dismiss/stay the application permanently. The motion was dismissed in March 2010. The licensee brought a judicial review application to the Superior Court of Justice which was dismissed. The hearing on the merits commenced in October 2011 and concluded in January 2013. The panel's decision on finding was released in June 2013. A hearing on penalty and costs occurred in November 2013. The panel reserved. Age of file: 60 months.
4. File D, a conduct application, was filed in May 2009. Several motions were heard. The hearing on the merits concluded in December 2012. The panel's decision was released in October 2013. Cost submissions were received in November 2013. The panel reserved. Age of file: 56 months.
5. File E, a conduct application, was filed in May 2009. Several motions were heard. The hearing on the merits concluded in December 2012. The panel's decision was released in October 2013. Cost submissions were received in November 2013. The panel reserved.. Age of file: 56 months.
6. File F, a licensing application, was filed in June 2009. Several motions were heard. The hearing on the merits commenced in July 2011 and dates are scheduled into April 2014. Age of file: 55 months.
7. File G, a conduct application, was filed in September 2009. At the request of the parties, the hearing on the merits commenced in April 2011. The notice of application was dismissed in April 2013. The licensee filed a motion for costs in October 2013. The motion is scheduled to be heard in January 2014. Age of file: 52 months.
8. File H, a conduct application, was filed in January 2010. The hearing on the merits commenced in November 2010 and concluded in June 2012. A hearing on penalty and costs occurred in April 2013. The panel's decision on penalty and costs was released in June 2013. A reprimand is to be administered. The licensee appealed the decision. The appeal hearing is scheduled for February 2014. Age of file: 48 months.
9. File I, an appeal, was filed in March 2010. The parties appeared before the appeal management conference (“AMC”) numerous times and a motion was heard. The appeal hearing occurred in July 2012. A further appeal hearing occurred in September 2013. Written submissions were received in December 2013. The panel reserved its decision. Age of file: 45 months.
10. File J, a conduct application, was filed in May 2010. The hearing commenced in March 2011. A motion to quash the proceedings was filed in January 2012 and heard in March and April 2012. The panel delivered its decision on the motion in November 2012 recusing themselves from the hearing and received submissions on costs. The panel's decision on costs was delivered in March 2013. In April 2013, the matter returned to the PMC and the licensee filed a motion for a stay of the proceedings pending the outcome of a court matter. The motion was dismissed in December 2013 and the hearing is scheduled to commence in February 2014. Age of file: 44 months.

**The Law Society of Upper Canada**

**Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)**

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11. File K, a conduct application, was filed in October 2010. Several motions were heard. The hearing on the merits commenced in July 2012. The panel made a finding in September 2012 and penalty submissions were scheduled to be heard in January 2013 but a motion to dismiss the notice of application was filed. The motion was heard in April 2013 and the panel's decision was released in June 2013. A penalty hearing is scheduled for January 2014. Age of file: 39 months.
12. File L, a capacity application, was filed in November 2010. Several motions have been heard. Two further motions were filed in May 2013 and heard in June 2013. The hearing on the merits is scheduled for January 2014. Age of file: 38 months.
13. File M, a conduct application, was filed in December 2010. The hearing commenced in March 2011. Several motions were filed and dealt with throughout 2011 and 2012. The panel made a finding of professional misconduct in June 2012 and written reasons were released in January 2013. The panel requested written submissions on penalty. A penalty hearing date is to be scheduled. Age of file: 37 months.
14. File N, a conduct application, was filed in March 2011. Several motions were heard. The hearing on the merits commenced in August 2013 and continued in October 2013. The panel reserved its decision. Age of file: 34 months.
15. File O, a conduct application, was filed in March 2011. The initial hearing dates were vacated due to a change in representation. The hearing on the merits commenced in February 2012 and continued in August 2012. Written submissions were filed in October and December 2012 and January 2013. The panel's decision on finding was released in July 2013. A penalty hearing occurred in December 2013 and the panel reserved. Age of file: 34 months.
16. File P, a conduct application, was filed in March 2011. The commencement of the hearing was delayed pending the outcome of a related court matter. The hearing commenced in October 2012 and continued in January 2013. The panel's decision on finding was released in May 2013. A penalty hearing occurred in October 2013. The panel reserved. Age of file: 34 months.
17. File Q, a conduct application, was filed in July 2011. The hearing commenced in April 2012 and completed in October 2012. The panel ordered a reprimand which was not administered as the licensee appealed the decision. The appeal was abandoned in November 2013 and a hearing is scheduled in January 2014 for the reprimand. Age of file: 30 months.
18. File R, an appeal, was filed in September 2011. Several motions were filed by both parties. The appeal hearing and a motion for fresh evidence commenced in December 2013 and a further date is scheduled in January 2014. Age of file: 28 months.
19. File S, a conduct application, was filed in September 2011. Earlier scheduled dates were vacated as another application was commenced before the hearing dates for the first application. The files were joined in March 2013. The hearing commenced in October 2013 and further dates are scheduled in April 2014. Age of file: 28 months.
20. File T, a conduct application, was filed in September 2011. The hearing commenced in March 2012. Earlier scheduled dates were vacated as other applications were commenced prior to the hearing dates scheduled for the first application. The panel ordered an interim suspension in March 2012 pending the conclusion of the hearing. The hearing continued with dates in 2012 and 2013. A further date is set in February 2014. Age of file: 28 months.

**The Law Society of Upper Canada**

**Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)**

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21. File U, a conduct application, was filed in September 2011. Both parties filed motions, which were heard in 2012. The hearing on the merits commenced in March 2013 and continued through to September 2013. The panel reserved its decision in September 2013. Age of file: 28 months.
22. File V, a conduct application, was filed in October 2011. Several motions were heard. A non-compliance proceeding was commenced in November 2012. A motion was brought to join the matters. That motion was heard and granted in January 2013. The final submissions on penalty were made in September 2013 and the panel reserved. Age of file: 26 months.
23. File W, a conduct application, was filed in November 2011. The Law Society brought a motion to join this matter with two others (Files T and Z) in March 2012. The hearing for this file commenced in March 2012. The panel ordered an interim suspension at that time pending the conclusion of the hearing. The hearing continued in July 2012. The hearing continued with dates in 2012 and 2013. A further date is set in February 2014. Age of file: 26 months.
24. File X, a conduct application was filed in November 2011. The licensee is subject to an interlocutory suspension order. The hearing commenced in September 2012 and continued until July 2013. The panel reserved its decision. Age of file: 25 months.
25. File Y, a conduct application, was filed in December 2011. The Law Society brought a motion to join this matter with two others (Files T and W) in March 2012. The hearing for this file commenced in March 2012. The panel ordered an interim suspension at that time pending the conclusion of the hearing. The hearing continued in July 2012. The hearing continued with dates in 2012 and 2013. A further date is set in February 2014. Age of file: 25 months.

## The Law Society of Upper Canada

## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

SUMMARY<sup>2</sup> FILES OPENED AND CLOSED<sup>3</sup>

	Q1	Q2	Q3	Q4	Cumulative
<b>Total Opened</b>	9 (5)	5 (12)	14 (10)	12 (8)	40 (35)
Lawyer	8	5	9	9	31
Paralegal	1	0	5	3	9
<b>Total Closed</b>	7 (10)	11 (5)	7 (11)	11 (2)	36 (28)
Lawyer	5	10	7	10	32
Paralegal	2	1	0	1	4

## OPEN SUMMARY FILES AT QUARTER END

	Q1	Q2	Q3	Q4
<b>Total Files</b>	23 (11)	17 (18)	24 (17)	25 (23)
Lawyer	22	17	19	18
Paralegal	1	0	5	7

<sup>2</sup> A summary file is a proceeding that is first returnable to a hearing panel and bypasses the PMC in accordance with Rules of Practice and Procedure R.11.01 (2). These files are heard by a single adjudicator.

<sup>3</sup> This is a subset of the information provided in the charts: "Files Opened" on page 3 and "Files Closed" on page 4.

## The Law Society of Upper Canada

## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

## NUMBER OF LAWYERS AND PARALEGALS BEFORE THE TRIBUNALS

The Yearly Total of the “No. of Lawyers / Paralegals” will not equal the sum of the “No. of Lawyers / Paralegals” in Q1 to Q4 because this figure excludes lawyers and paralegals that appeared in more than one quarter.

	Q1	Q2	Q3	Q4	Yearly Total
	No. of Lawyers / Paralegals	No. of Lawyers / Paralegals	No. of Lawyers / Paralegals	No. of Lawyers / Paralegals	No. of Lawyers / Paralegals
<b>PMC</b>	<b>52 (75)</b>	<b>78 (69)</b>	<b>67 (61)</b>	<b>72 (48)</b>	<b>141 (126)</b>
Lawyers	41	67	55	62	115
Paralegals	11	11	12	10	26
<b>Hearing Panel</b>	<b>50 (53)</b>	<b>58 (64)</b>	<b>43 (56)</b>	<b>61 (68)</b>	<b>146 (159)</b>
Lawyers	45	52	35	44	121
Paralegals	5	6	8	17	25
<b>AMC</b>	<b>11 (3)</b>	<b>7 (10)</b>	<b>7 (9)</b>	<b>5 (4)</b>	<b>18 (17)</b>
Lawyers	9	5	7	4	15
Paralegals	2	2	0	1	3
<b>Appeal Panel</b>	<b>7 (5)</b>	<b>10 (4)</b>	<b>8 (4)</b>	<b>10 (9)</b>	<b>27 (18)</b>
Lawyers	7	8	8	9	24
Paralegals	0	2	0	1	3



## The Law Society of Upper Canada

## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

## NUMBER OF FILES AND FREQUENCY BEFORE THE TRIBUNALS

Files heard on more than one occasion by a tribunal within a quarter are counted each time the file proceeds before the tribunal. The Yearly Total of the "No. of Files" will not equal the sum of the "No. of Files" in Q1 to Q4 because this figure excludes files that were considered in more than one quarter.

	Q1		Q2		Q3		Q4		Yearly Total	
	No. of Files	No. of Times Files Considered	No. of Files	No. of Times Files Considered	No. of Files	No. of Times Files Considered	No. of Files	No. of Times Files Considered	No. of Files	No. of Times Files Considered
<b>PMC</b>	55 (81)	91 (147)	83 (73)	162 (126)	72 (63)	114 (106)	78 (49)	139 (72)	155 (142)	506 (451)
Lawyer	44	72	72	140	60	96	68	122	129	430
Paralegal	11	19	11	22	12	18	10	17	26	76
<b>Hearing Panel</b>	56 (55)	72 (83)	65 (68)	93 (113)	51 (62)	69 (88)	68 (73)	87 (109)	168 (176)	321 (393)
Lawyer	51	62	58	81	42	55	51	64	141	262
Paralegal	5	10	7	12	9	14	17	23	27	59
<b>AMC</b>	11 (3)	13 (6)	7 (11)	9 (13)	7 (10)	11 (12)	5 (4)	6 (7)	18 (18)	39 (38)
Lawyer	9	11	5	7	7	11	4	5	15	34
Paralegal	2	2	2	2	0	0	1	1	3	5
<b>Appeal Panel</b>	7 (5)	9 (6)	11 (4)	12 (4)	8 (4)	10 (4)	10 (9)	11 (10)	29 (18)	42 (24)
Lawyer	7	9	9	9	8	10	9	10	26	38
Paralegal	0	0	2	3	0	0	1	1	3	4

## The Law Society of Upper Canada

## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

**TOTAL HEARINGS SCHEDULED AND VACATED**

The number of hearings scheduled in each quarter is listed below. Files scheduled on more than one occasion within a quarter are counted each time the file is scheduled. A hearing is counted as scheduled when the date the hearing is to proceed falls within the quarter. A hearing is counted as vacated when it does not proceed on the scheduled date. Reasons for vacated hearings are noted on pages 14 - 15. The number of hearing calendar days scheduled is noted on page 16.

	Q1	Q2	Q3	Q4	Cumulative
<b>Hearing Panel hearings scheduled</b>	82 (100)	107 (131)	88 (102)	<b>108 (134)</b>	<b>384 (467)</b>
Lawyer	70	93	69	79	310
Paralegal	12	14	19	29	74
<b>All Hearing Panel hearing time vacated</b>	14 (25) 17% (25%)	23 (30) 22% (23%)	24 (20) 27% (20%)	<b>27 (28) 25% (21%)</b>	<b>87 (103) 23% (22%)</b>
Lawyer	13	21	19	22	74
Paralegal	1	2	5	5	13
<b>Some Hearing Panel hearing time vacated<sup>4</sup></b>	8 10%	10 9%	10 11%	<b>11 10%</b>	<b>39 10%</b>
Lawyer	7	9	7	7	30
Paralegal	1	1	3	4	9
<b>Appeal Panel hearings scheduled<sup>5</sup></b>	14 (8)	16 (5)	13 (6)	<b>15 (11)</b>	<b>58 (30)</b>
Lawyer	14	12	13	13	52
Paralegal	0	4	0	2	6
<b>All Appeal Panel hearings vacated</b>	1 (3) 7% (38%)	2 (1) 13% (20%)	2 (1) 15% (17%)	<b>4 (1) 27% (9%)</b>	<b>9 (4) 16% (13%)</b>
Lawyer	1	2	2	3	8
Paralegal	0	0	0	1	1

<sup>4</sup> This is a new statistic, no prior comparator is available.

<sup>5</sup> This includes appeal management conference motion hearings.

## The Law Society of Upper Canada

## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

REASON FOR VACATED HEARINGS <sup>6</sup>								
All hearing time vacated	Q1		Q2		Q3		Q4 <sup>7</sup>	
	L	P	L	P	L	P	L <sup>8</sup>	P
Party / counsel / representative unavailable / ill	3		7	2	6	2		2
Duty counsel unavailable	2							
Licensee representative / counsel removed from record	2				1			
Licensee counsel newly retained / to retain counsel	1	1	2		2	1	5	2
Party to obtain / provide additional evidence	1		5		4	1	5	
Witness unavailable	1				1			
Request to have applications heard together	1						1	
Application / appeal abandoned	1						1	
Licensee is subject of other conduct / court matters	1		1		1			
Submissions to be made in writing	1				1			
Counsel unprepared			3				2	
Agreed statement of facts ("ASF") expected / signed			2		1		2	
Hearing completed ahead of time estimated			2		1		2	
At parties' request			1				1	
Seized panel member unavailable / ill			1				1	1
Motion abandoned			1					
Disclosure to be reviewed					1		1	
Religious holiday					2	1		
Parties require more time to prepare					1			
Matter not reached							1	
Party in custody								1
Party to bring motion							2	

<sup>6</sup> A hearing may have been vacated for more than one reason.

<sup>7</sup> This column represents the number of times the reason resulted in a vacated hearing.

<sup>8</sup> L = lawyer, P = paralegal.

## The Law Society of Upper Canada

## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

Some hearing time vacated	Q1		Q2		Q3		Q4	
	L	P	L	P	L	P	L	P
ASF expected / signed	3		3				1	
Hearing completed ahead of time estimated	2	1	2	1	2		4	2
Party / counsel / representative unavailable / ill	1				1			
Seized panel member unavailable / ill	1		3				1	2
Witness unavailable			1					
Licensee's counsel unprepared			1		1			
Party to obtain / provide additional evidence					1	2		1
Party to bring motion					1	1		
Parties require more time to prepare							1	

## The Law Society of Upper Canada

## Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

**CALENDAR DAYS SCHEDULED AND VACATED**

The number of hearing calendar days scheduled is listed below. Multiple hearings are often scheduled on each calendar day. A vacated calendar day is a day on which no scheduled hearings or appearances before the PMC or AMC proceeded. The day an adjournment request is heard is not counted as a vacated calendar day. For example, if a request to adjourn a hearing was granted on the first day, only the remaining days are counted as vacated. Or, if one hearing was vacated, but other hearings proceeded, that day is not counted as vacated. Some hearings and appeals were heard on the same calendar day.

Reasons for vacated calendar days are noted on page 17.

	Q1	Q2	Q3	Q4	Cumulative
<b>Number of available calendar days</b>	61 (63)	64 (63)	63 (62)	<b>61</b> (61)	<b>249</b> (249)
<b>Hearing Panel calendar days scheduled</b>	55 (60)	59 (63)	55 (57)	<b>54</b> (57)	<b>223</b> (237)
<b>Hearing Panel calendar days vacated</b>	3 (7) 5% (12%)	7 (6) 12% (10%)	6 (5) 11% (9%)	<b>3</b> (3) <b>6%</b> (5%)	<b>19</b> (21) <b>9%</b> (9%)
<b>Appeal Panel calendar days scheduled</b>	15 (9)	11 (11)	11 (12)	<b>14</b> (16)	<b>51</b> (48)
<b>Appeal Panel calendar days vacated</b>	1 (2) 7% (22%)	1 (1) 9% (9%)	1 (1) 9% (8%)	<b>4</b> (2) <b>29%</b> (13%)	<b>7</b> (6) <b>14%</b> (13%)

**The Law Society of Upper Canada**  
**Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)**

**REASON FOR AND RESULTING VACATED CALENDAR DAYS**

Reason	Q1	Q2	Q3	Q4 <sup>9</sup>
ASF expected / signed	1-1			1-1
Witness unavailable	1-1			
Party to bring motion	1-1			2-2
Party / counsel / representative ill / unavailable	1-1	2-2	4-4	
Party to obtain / provide additional evidence	1-1		1-1	2-1
Licensee counsel newly retained / to retain counsel	1-1			1-1
Duty counsel unavailable	1-1			
Seized panel member unavailable / ill		5-4		2-1
Hearing completed ahead of time estimated		2-1		2-2
Licensee's counsel unprepared		1-1	1-1	1-1
Motion abandoned		1-1		
Parties require more time to prepare			1-1	
Hearing to continue in writing			1-1	
Appeal abandoned				1-1
Disclosure to be reviewed				1-1
Request to have applications heard together				1-1

<sup>9</sup> The first figure in this column represents the number of times a panel accepted this reason. The second figure represents the resulting vacated calendar days. The number of calendar days vacated shown on this page may be greater than the calendar days vacated as reported on page 16 because more than one matter may have been scheduled to be heard on the same day and all were vacated; so one calendar day may have been vacated for more than one reason and for more than one matter.

The Law Society of Upper Canada  
 Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

**PARTIES' ADJOURNMENT REQUESTS**

The following table lists the number of adjournment requests to Law Society tribunals in this quarter. Adjournment requests reported below may relate to matters scheduled to be heard during this quarter or in a subsequent quarter.

Adjournment request made to		Requests								
		Q1		Q2		Q3		Q4 <sup>10</sup>		Cumulative
		L	P	L	P	L	P	L	P	
PMC	Granted	4 (10)	1 (2)	10 (16)	1 (2)	13 (7)	1 (0)	7 (11)	3 (0)	40 (48)
	Denied	1 (1)	1 (0)	0 (2)	0 (0)	1 (3)	0 (0)	1 (2)	1 (0)	5 (8)
Hearing Panel	Granted	6 (11)	0 (2)	11 (12)	2 (5)	7 (12)	2 (2)	17 (13)	2 (0)	47 (57)
	Denied	2 (2)	0 (1)	0 (1)	1 (4)	0 (1)	0 (1)	3 (3)	0 (1)	6 (14)
AMC	Granted	1 (1)	0 (0)	0 (1)	0 (1)	2 (0)	0 (0)	0 (0)	1 (1)	4 (4)
	Denied	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (1)	0 (0)	0 (0)	0 (1)
Appeal Panel	Granted	0 (1)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (1)
	Denied	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

<sup>10</sup> L = lawyer, P = paralegal.

## The Law Society of Upper Canada

Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

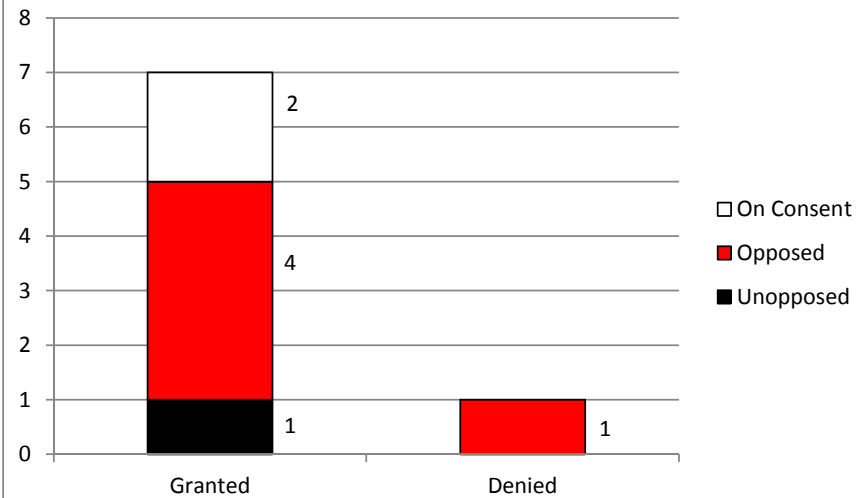
## PARTIES' POSITION ON ADJOURNMENT REQUESTS (LAWYER MATTERS)

**Adjournment Requests Granted by the PMC  
Total: 7**

On Consent    2  
 Opposed       4  
 Unopposed    1

**Adjournment Requests Denied by the PMC  
Total: 1**

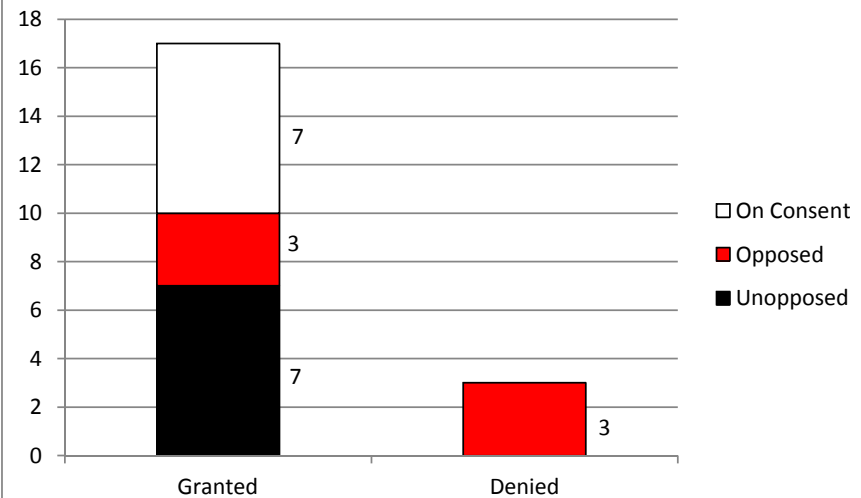
On Consent    0  
 Opposed       1  
 Unopposed    0

**Adjournment Requests Granted by the Hearing Panel  
Total: 17**

On Consent    7  
 Opposed       3  
 Unopposed    7

**Adjournment Requests Denied by the Hearing Panel  
Total: 3**

On Consent    0  
 Opposed       3  
 Unopposed    0

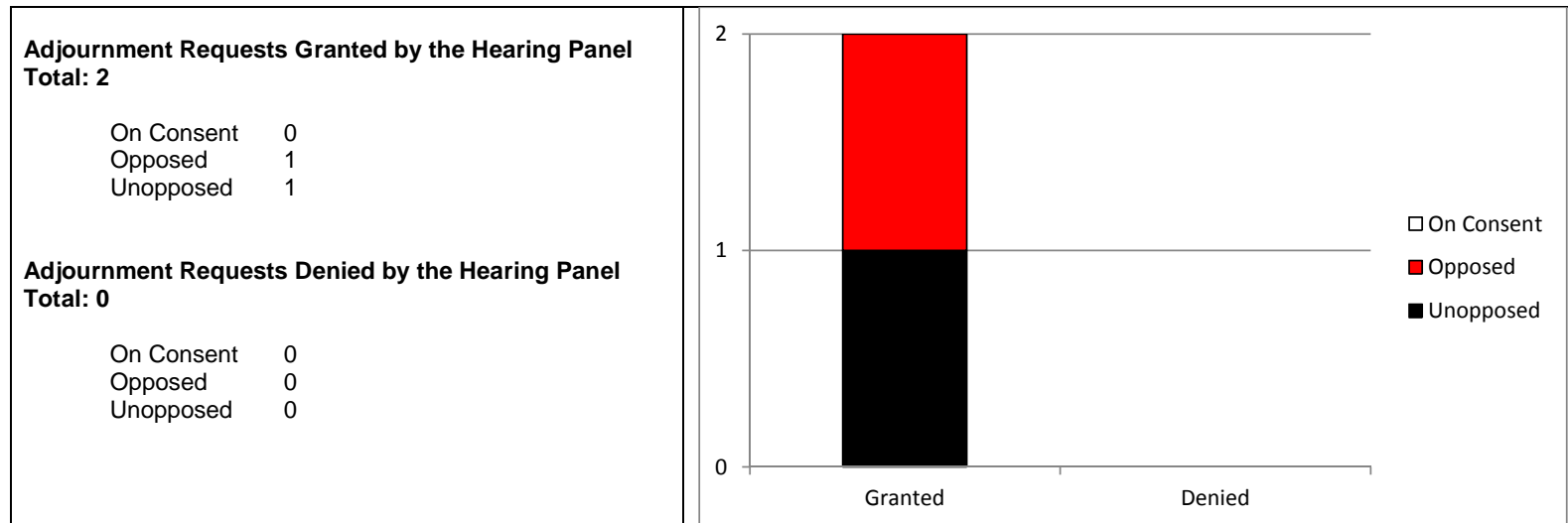
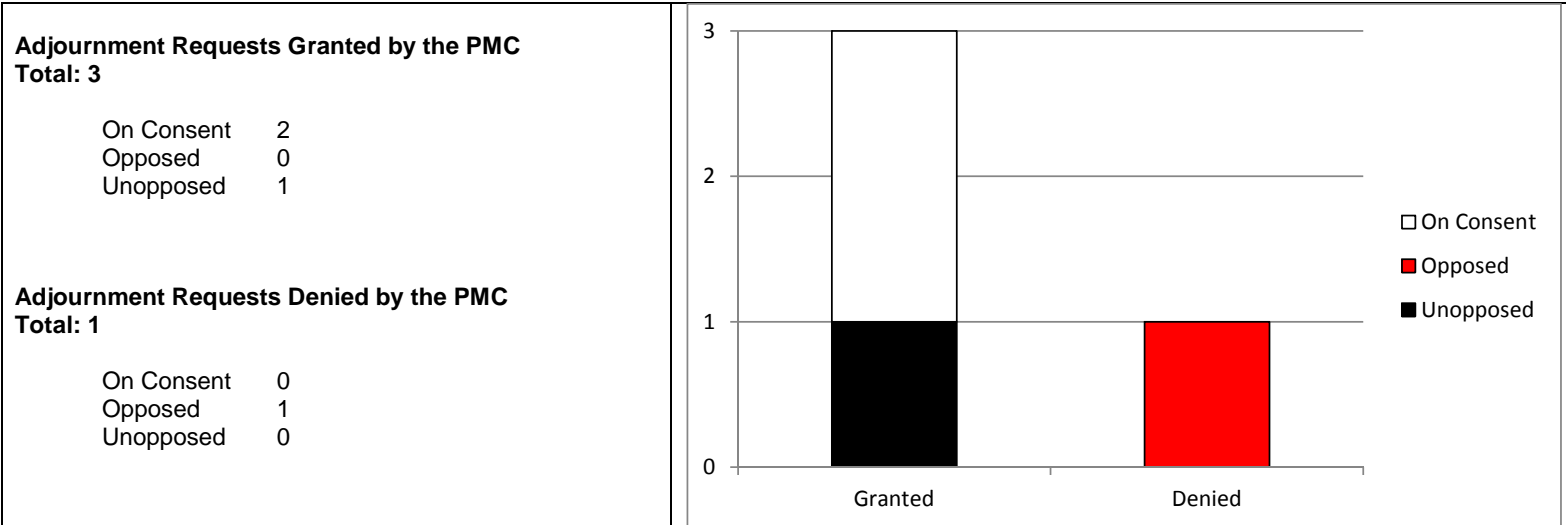




The Law Society of Upper Canada

Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

**PARTIES' POSITION ON ADJOURNMENT REQUESTS (PARALEGAL MATTERS)**



The Law Society of Upper Canada  
Q4 2013 Tribunals Office Statistics (October 1 – December 31, 2013)

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**TRIBUNAL REASONS PRODUCED AND PUBLISHED<sup>11</sup>**

	Q1	Q2	Q3	Q4	Cumulative
<b>Written reasons produced</b>	41 (35)	31 (38)	34 (32)	<b>36 (39)</b>	<b>142 (144)</b>
Lawyer	36	28	28	33	125
Paralegal	5	3	6	3	17
<b>Written reasons published</b>	37 (35)	36 (25)	34 (36)	<b>36 (23)</b>	<b>143 (119)</b>
Lawyer	33	32	30	31	126
Paralegal	4	4	4	5	17
<b>Oral reasons produced</b>	20 (24)	20 (23)	16 (29)	<b>27 (34)</b>	<b>83 (110)</b>
Lawyer	16	19	14	25	74
Paralegal	4	1	2	2	9
<b>Oral reasons published</b>	16 (23)	17 (7)	0 (28)	<b>12 (7)</b>	<b>45 (65)</b>
Lawyer	15	13	0	11	39
Paralegal	1	4	0	1	6

<sup>11</sup> The number of reasons produced does not equal the number of reasons published because some reasons produced in a quarter may not be published or will be published in a subsequent quarter.