

MINUTES OF CONVOCATION

Friday, 22nd March, 1996
9:00 a.m.

PRESENT:

The Treasurer (Susan E. Elliott), Aaron, Adams, Armstrong, Backhouse, Banack, Bobesich, Carey, R. Cass, Cole, Copeland, Cronk, Crowe, DelZotto, Epstein, Feinstein, Finkelstein, Furlong, Gottlieb, Goudge, Krishna, Lamont, Lawrence, Legge, MacKenzie, Manes, Marrocco, Millar, Murphy, Murray, O'Connor, Pepper, Puccini, Ruby, Sachs, Scott, Sealy, Stomp, Strosberg, Swaye, Thom, Topp, Wardlaw, Wilson and Wright.

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IN PUBLIC

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CALL TO THE BAR

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

Christopher Todd Bean	37th Bar Admission Course
Surinder Singh Binopal	37th Bar Admission Course
Malcolm Wallace Boyd	37th Bar Admission Course
Gi-Young Choi	37th Bar Admission Course
Shailesh Raj Dubey	37th Bar Admission Course
Mitchell Paul Finkelstein	37th Bar Admission Course
Jean-Paul Glenn Hoffman	36th Bar Admission Course
Rhonda Lea Cornea Hull	37th Bar Admission Course
Catrina Doreen Kraan	37th Bar Admission Course
Wen Nie Li	37th Bar Admission Course
Larry Jack Linton	37th Bar Admission Course
Michelle Marie Mann	37th Bar Admission Course
Stephanie Anne Rogers	36th Bar Admission Course
James Andrew Ruddock	37th Bar Admission Course
Kuen Chun Frank Wong	37th Bar Admission Course

Convocation took a brief recess and resumed in camera.

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IN CAMERA

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IN CAMERA Content Has Been Removed

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IN PUBLIC

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AGENDA - Additional Matters Requiring Debate and Decision by Convocation

MOTIONS - ANNUAL MEETING AND COUNTY AND DISTRICT LAW PRESIDENTS PLENARY SESSION

The Motions carried by the Annual Meeting held on November 8th, 1995 and the County and District Law Presidents' Association Plenary Session held on November 10th, 1995 were received by Convocation. The motions would be considered by the appropriate Committees: Insurance, Legal Aid, Libraries and Reporting and Professional Standards.

EPSTEIN/EBERTS MOTION

The Epstein/Eberts motion re: whether to use Law Society licensing powers to enforce family support payments was deferred to the May Convocation.

NOTICE OF MOTION - April Convocation

Moved by: Laura Legge

Seconded by: Stuart Thom

IT IS HEREBY MOVED that the Law Society of Upper Canada endorse and support the Lawyers Wellness Program being initiated by the Legal Profession Assistance Conference of the Canadian Bar Association, and encourage the members of the profession in Ontario to participate in the Program and support it financially.

AGENDA - Committee Reports to be taken as Read

It was moved by Mr. Swaye, seconded by Mr. MacKenzie THAT the Reports listed in paragraph 3 of the Agenda (Reports to be taken as read) excluding Item A.-A.1. of the Admissions and Membership Committee Report, be adopted.

Carried

Admissions and Membership(2 Reports)
Clinic Funding Committee
Discipline Policy
Draft Minutes - February 1996
Equity in Legal Education and Practice
Finance and Administration
Lawyers Fund for Client Compensation
Legal Education
Libraries and Reporting
Professional Standards
Real Estate Issues
Specialist Certification Board
Women in the Legal Profession

(Excluding Item A.-A.1. of the
March 14, 1996 Report)

COMMITTEE REPORTS

Admissions and Membership Committee

Meeting of March 14, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The ADMISSIONS AND MEMBERSHIP COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th of March, 1996, the following being present: Mr. Epstein (Chair) and Messrs. Goudge and Mackenzie.

Also present: M. Angevine and A. Treleaven

A.

POLICY

A.1. RECOMMENDED CHANGE TO SECTION 6 OF REGULATION 708 - RECIPROCAL WAIVER OF FEE FOR OCCASIONAL APPEARANCE

A.1.1 Currently, the Law Society requires an applicant, seeking approval for an occasional appearance under sec. 6 of Regulation 708, to pay a fee of \$535.00 (GST incl.) for each matter in which they are permitted to appear in Ontario.

A.1.2 The Federation of Law Societies suggests that the Occasional Appearance fee be discontinued.

A.1.3 To date the following jurisdictions now waive Occasional Appearance fees on a reciprocal basis:

British Columbia
Manitoba
Nova Scotia

A.1.4. The following jurisdictions have agreed to waive Occasional Appearance fees on a reciprocal basis effective April 1st, 1996:

Alberta
New Brunswick

A.1.5. The statistics of the number of applications for Occasional Appearances approved in Ontario over the last three years are as follows:

1993 - 45
1994 - 40
1995 - 41

Your Committee recommends that the Law Society of Upper Canada apply a similar policy on a reciprocal basis only effective April 1st, 1996.

B.
ADMINISTRATION

B.1. REINSTATEMENT FOLLOWING SUSPENSION - REQUEST FOR WAIVER OF
REQUALIFICATION EXAMINATIONS

B.1.2. Bruce Russell Allen was called to the Bar of Ontario on the 17th March 1967 and was suspended for non payment of the annual fee on the 27th February 1987.

B.1.3. Mr. Allen has already provided the Membership Department with cheques to cover all arrears of fees and requests permission to be reinstated without being required to complete the requalification examination. Mr. Allen seeks reinstatement to the non-practising category. He has no intention of practising again. In his letter of March 7th, 1996, he states that he is willing to sign an undertaking that he will not engage in the practice of law until he has taken whatever requalification examinations may be in place at that time.

Your Committee recommends that the applicant be reinstated to a non-practising membership category conditional on his signing the usual undertaking that he will not engage in the practice of Ontario law without first obtaining the Society's permission and, in the Society's discretion, completing the Society's requirements for requalification at that time.

B.2 CALL TO THE BAR AND CERTIFICATE OF FITNESS

B.2.1. (a) Bar Admission Course

B.2.2. The following candidates having successfully completed the Bar Admission Course now have filed the necessary documents and paid the required fee and apply to be called to the Bar and to be granted a Certificate of Fitness at Regular Convocation on Friday, March 22nd, 1996:

Christopher Todd Bean	37th BAC
Mitchell Paul Finkelstein	37th BAC
Choi Gi-Young	37th BAC
Jean-Paul Hoffman	36th BAC
Rhonda Lea Cornea Hull	37th BAC
Catrina Doreen Kraan	37th BAC
Wen Nie Li	37th BAC
Michelle Marie Mann	37th BAC
Stephanie Anne Rogers	36th BAC
James Andrew Ruddock	37th BAC
Kuen Chun Frank Wong	37th BAC

Approved

B.2.3. The following candidates expect to complete all Bar Admission Course requirements and apply to be called to the Bar and to be granted a Certificate of Fitness at Regular Convocation on Friday, March 22nd, 1996:

Larry Jack Linton	37th BAC
David Wayne Pelley	37th BAC
Malcolm Wallace Boyd	37th BAC
Surinder Singh Binopal	37th BAC

Approved

B.2.4. (b) Transfer from another Province - Sections 4

B.2.5. The following candidates having completed successfully the Transfer Examination, filed the necessary documents and paid the required fee now apply for call to the Bar and to be granted a Certificate of Fitness at Regular Convocation on Friday, March 22nd, 1996:

Barry Winston Bussey
Gordon Levine

Province of Newfoundland
Province of Quebec

Approved

B.3. MEMBERSHIP UNDER RULE 50

B.3.1. (a) Retired Members

B.3.2. The following members who are sixty-five years of age and fully retired from the practice of law, have requested permission to continue their memberships in the Society without payment of annual fees:

Stanley Gerald Hurowitz
Angus Malcolm MacDonald
Christopher Douglas MacKintosh
Willem Johan Bernard Meyer
Clifford Harold Reeves

Toronto
Stormont
Leeds
North York
Middlesex County

Approved

B.3.3. b) Incapacitated Members

B.3.4. The following members are incapacitated and unable to practise law and have requested permission to continue their memberships in the Society without payment of annual fees:

Rebecca Gayle Cohn
Lois Shereen Winstock

Toronto
Toronto

Approved

B.4. RESIGNATION - REGULATION 12

The following members have applied for permission to resign their memberships in the Society and have submitted Declarations/Affidavits in support. These members have requested that they be relieved of publication in the Ontario Reports:

- (1) Keith Christopher Carvalho of Aylmer, Quebec, was called to the Bar on February 12, 1992. He claims he has not engaged in the practice of law since February 1995, and that he has not engaged in the private practice of law since December 1993. He states that he has not held clients' property or trust funds. The annual fee is outstanding. The annual filings are up to date.
- (2) Gordon Burton Clapperton of York, Ontario was called to the Bar on April 19, 1963. He declares that he has not engaged in the practice of law since May 1993. He is currently suspended for non-payment of the 1994/95 annual fees. His annual filings are up to date.

- (3) Donald Lee Citron of Toronto, Ontario, was called to the Bar on March 22, 1974. He states that he has not engaged in the practice of law since June 1994. He declares that the trust account for which he was responsible for was closed in June of 1994. All old files remain with his former partner Michael K. Housley. The second instalment of the annual fee is outstanding. The annual filings are up to date.
- (4) Anne Elizabeth Giardini of Kamloops, British Columbia, was called to the Bar on March 30, 1990. She resigned under Regulation 12 in February 1994, and was readmitted in June 1994. She states that she has not practised in Ontario since December 1993. The annual fee has been paid in full. The annual filings are up to date.
- (5) Clark Bain Ledingham of Vancouver, British Columbia, was called to the Bar on March 30, 1990. He states that he has not engaged in the practice of law in Ontario. The annual fee is outstanding. The annual filings are up to date.
- (6) Judy Dawn MacLachlan of Calgary, Alberta was called to the Bar on April 14, 1988. She states that she has not engaged in the practice of law since 1990, and that she has never handled clients' trust funds or property. The annual fee is paid in full. The annual filings are up to date.
- (7) Susan Paula Safer of California, USA, was called to the Bar on March 30, 1990. She declares that she ceased practising law in Ontario in June 1995. She states that all clients' trust funds, property have been accounted for and paid over to the persons entitled. The annual fee is outstanding. The annual filings are up to date.
- (8) James Douglas Sharples of Toronto, Ontario, was called to the Bar on March 25, 1966. He declares that he has not engaged in the practice of law since June 1995. He declares that he has not personally handled trust funds or clients' property. Client matters have been turned over to his former firm of Aird & Berlis. The annual fee is outstanding. The annual filings are up to date.
- (9) John James Leighton White of Muskoka District, Ontario, was called to the Bar on April 10, 1964. He declares that he has not engaged in the practice of law since 1985. He states he has never handled client trust funds or property. The annual fee is outstanding. The annual filings are up to date.

Approved

C.
INFORMATION

C.1. LIFE MEMBER

C.1.1. Pursuant to Rule 49, the following member is eligible to become a Life Member of the Society with an effective date of June 15, 1994:

Charles Leonard Dubin	Toronto	1944	<u>Noted</u>
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C.2. CHANGE OF NAME

C.2.1.	<u>From</u>	<u>To</u>
	Cathy Lynn <u>Jones</u>	Cathy Lynn <u>Coplea</u> (Marriage Certificate)
	Kerry Lee <u>Kalm</u>	Kerry Lee <u>Thompson</u> (Marriage Certificate)
	Hazelyn <u>Cheryl</u> Ross	Hazelyn Ross (Change of Name Certificate)
	Bertha Mary <u>Warren</u>	Bertha Mary <u>Yuan</u> (Marriage Certificate)

Noted

C.3. STUDENTS

C.3.1.	<u>From</u>	<u>To</u>
	Jose Regimbal	Marie-Jose Anne Regimbal (Birth Certificate)

Noted

C.4. ROLLS AND RECORDS

C.4.1. (a) Deaths

The following members have died:

Dezso Windischmann Don Mills, Ontario	Called 10/03/70 Died 20/09/95
Enver Hassim Toronto, Ontario	Called 19/03/70 Died 28/11/95
Bih Ru Tan Thornhill, Ontario	Called 25/11/94 Died 24/12/95
Sydney Ezrin Willowdale, Ontario	Called 29/06/50 Died 25/12/95
William Bruce Affleck Oshawa, Ontario	Called 20/09/57 Died 05/02/96

22nd March, 1996

Richard William Snell
Perth County

Called 13/04/82
Died 18/02/96

Noted

C.4.2. (b) Disbarments

The following member has been disbarred and his name removed from the rolls and records of the Society:

James Keith Deroux
Dufferin County, Ontario

Called April 10, 1984
Disbarred - Convocation
February 22, 1996

Noted

C.4.3. (c) Memberships in Abeyance

Upon his appointment to the office shown below, the membership of the following member has been placed in abeyance under Section 31 of the Law Society Act:

Salvatore Merenda
Toronto, Ontario

Called April 5, 1979
Appointed to Ontario Court
(Provincial Division)
February 21, 1996

Noted

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

P. Epstein
Chair

THE REPORT WITH THE EXCEPTION OF ITEM A.-A.1. WAS ADOPTED

Meeting of March 21, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The ADMISSIONS AND MEMBERSHIP COMMITTEE begs leave to report:

On Thursday, the 21st of March, 1996, your Committee, composed of Mr. Epstein (Chair) and Messrs. Goudge and Mackenzie approved the following names for Call to the Bar:

22nd March, 1996

B.

B.1 CALL TO THE BAR AND CERTIFICATE OF FITNESS

B.1.1. (a) Bar Admission Course

The following candidates having successfully completed the 37th Bar Admission Course now have filed the necessary documents and paid the required fee and apply to be called to the Bar and to be granted a Certificate of Fitness at Regular Convocation on Friday, March 22nd, 1996:

Shailesh Raj Dubey
Rhonda Lea Cornea Hull

Approved

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

P. Epstein
Chair

THE REPORT WAS ADOPTED

Clinic Funding Committee

Meeting of March 7, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The CLINIC FUNDING COMMITTEE begs leave to report:

Your Committee met on March 7, 1996. Present were: Paul Copeland, Chair, Harriet Sachs, Gordon Wolfe, Pamela Mountenay-Giffin, Mark Leach. Also present: Joana Kuras, Clinic Funding Manager.

A.

POLICY

The following resolution was passed by the Committee.

That Convocation communicate to Ontario's Premier, Treasurer, and Attorney General, its view that the province's community legal aid clinic system and the clinic system's role is an important part of the province's justice system, and specifically request that the status quo regarding clinics remain and that no cuts be made to the clinic system's budget until the review of the entire Legal Aid Plan is completed.

22nd March, 1996

B.
ADMINISTRATION

Pursuant to the Regulation on clinic funding, monies were designated for fiscal 1995/96 in late December, 1995. The Committee advanced funding, based on 1994/95 approvals, as necessary and now recommends approval of funding allocations, in an amount up to \$184,340 (Schedule A).

C.
INFORMATION

- C.1 The Clinic Funding Committee met with the Attorney General for Ontario on Monday, February 26, 1996 to discuss our concern about possible funding cutbacks and the effect on services provided by community legal clinics. The Committee invited three members of the Clinic Funding Advisory Group to participate, as well as the Clinic Funding Manager. We discussed the consequences of a reduced budget and emphasized the need to maintain the status quo, particularly during a period of review of legal aid programs. The Attorney General indicated that information about 1996/97 funding will be made available at the time the provincial budget is announced in May.

ALL OF WHICH is respectfully submitted.

Paul Copeland
Chair
Clinic Funding Committee

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

Item B. - Copy of Schedule A setting out funding allocations.

THE REPORT WAS ADOPTED

Discipline Policy Committee

Meeting of March 14, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

THE DISCIPLINE POLICY COMMITTEE begs leave to report:

Your Committee met on March 14, 1996 at 1:30 in the afternoon, the following members being present:

D. Scott (Chair), C. Curtis (Vice-Chair), N. Backhouse, L. Banack, E. Delzotto, G. Gottlieb, L. Legge, G. MacKenzie, S. O'Connor, T. Stomp, G. Swaye, S. Thom, B. Wright.

M. Brown, S. Jenkins, S. Kerr, G. Macri, R. Tinsley and J. Yakimovich also attended.

A.
POLICY

A.1. Government Relations

A.1.1 The Committee was asked to consider whether they are presently or will in future be dealing with issues which may require consultation with government and which would therefore need to be brought to the attention of the Government Relations Committee.

A.1.2 Committee members were asked to contact either the Committee Chair or its secretary with any issues requiring attention.

B.
ADMINISTRATION

B.1. Rule 20 Application

B.1.1 Rule 20 of the Rules of Professional Conduct stipulates that no lawyer shall, without Convocation's express approval, employ a disbarred or suspended lawyer.

B.1.2 Jonathan Marler, a solicitor practising in Oakville, is seeking approval to employ James William Andrew. Mr. Andrew was suspended on February 24, 1995 for failing to pay the late filing fee levy in connection with his forms.

B.1.3 Attached as B1 to B38 is material submitted by Mr. Marler in support of his request and by the Society.

B.1.4 Your Committee recommends that Mr. Marler's application be refused at this time with the provision that he be entitled to re-submit it once all outstanding discipline matters involving Mr. Andrew are completed.

B.2. Discipline Convocation - Quorum Proposal

B.2.1 Your Committee considered a proposal by Bradley Wright which, if implemented, would divide Benchers into two groups which would, on an alternating basis, be responsible for ensuring that the quorum requirements for Discipline Convocation were satisfied.

B.2.2 Your Committee agreed to defer consideration of the proposal pending Convocation's debate of the legislative reform package. The proposal will be re-considered at the April Committee meeting.

C.
INFORMATION

C.1. Authorization of Discipline Charges

C.1.1 The Chair and Vice-Chairs of the Committee meet each month to consider requests for disciplinary action. The following table summarizes the results of the meetings held in the first two months of this year and contrasts those results with the same period last year (in brackets).

22nd March, 1996

Month	Complaints Authorized	Invitations to Attend
January	40 (30)	2 (1)
February	51 (45)	4 (1)
TOTAL	91 (75)	6 (2)

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

D. Scott
Chair

THE REPORT WAS ADOPTED

Draft Minutes - February 22 and 23, 1996

THE DRAFT MINUTES WERE ADOPTED

(Copy of Draft Minutes in Convocation file)

Equity in Legal Education and Practice Committee

Meeting of March 14, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The EQUITY IN LEGAL EDUCATION AND PRACTICE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th of March, 1996, the following persons being present: Nancy Backhouse(Chair), Paul Copeland, Helene Puccini, Andre Chamberlain, Judith Keene, Cheryl Medley, Marilyn Pilkington, Jocelyn Churchill, Mimi Hart and Alexis Singer.

C.
INFORMATION

- C.1 The Chair reported on the meeting of the subcommittee dealing with the *Report to the Commission on Systemic Racism in the Ontario Criminal Justice System* which had been held at 8:00 a.m. just prior to the regular committee meeting. She advised that all of the chapters have been assigned to various members of the subcommittee who were present; the chapters will be examined and summarized for content as well as for steps which the Law Society might take with respect to recommendations that impact on members' obligations.

C.2 Visible Minority Forum

The committee discussed the possibility of having a Visible Minority Forum to discuss with students and members of the profession some of the activities with respect to diversity that the Law Society has been involved in and to get input on other initiatives that the Law Society should be taking. The Forum will probably take the form of small workshops reporting to the larger group and, involving facilitators. The Forum will be publicized at a conference dealing with equity issues to be held at the Canadian Bar Association of Ontario on May 31, 1996.

C.3 Managing Partners Forum

The Chair reported on a Managing Partners Forum which will take the form of breakfast with the Treasurer to be held on May 30, 1996 between 8:00 a.m. and 10:00 a.m. at the Law Society. There will be ten minute presentations from representatives of the Law Society, Marilyn Pilkington, and representatives of client groups such as banks and trust companies. The business case for equity will be made. The second half of the session will involve brainstorming around equity issues and equity initiatives. The importance of involving law firm Associates Committee and Student Committee Chairs was recognized. A separate meeting will be arranged with the Equity Committee.

C.4 Unplaced Articling Students

A Working Group of the Equity in Legal Education and Practice Committee to deal with equity initiatives to place students of diverse backgrounds was struck to deal with the fact that many students have still not obtained articling placements. The Working Group will consist of Nancy Backhouse (Chair), Marilyn Pilkington, Andre Chamberlain, Jay Rudolf (Chair of the Articling Subcommittee of the Legal Education Committee) and Mimi Hart. The Working Group will examine the efforts which have been made in the past to determine which efforts could be revitalized as well as to examine possible new initiatives.

C.5 Report of the Visible Minority Women Committee of the CBAO

The Equity in Legal Education and Practice Committee discussed the Report of the Visible Minority Women Committee of the CBAO briefly and will further examine how the Law Society can best deal with its recommendations at the next committee meeting.

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

N. Backhouse
Chair

THE REPORT WAS ADOPTED

22nd March, 1996

Finance and Administration Committee

Meeting of March 14, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FINANCE AND ADMINISTRATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th of March, 1996 at 10:30 a.m., the following Benchers being present: R.W. Murray (Chair), K.A. Carpenter-Gunn, E.L. DelZotto, A. Feinstein, P.G. Furlong, J.D. Harvey, V. Krishna, D.H.L. Lamont, P.B.C. Pepper, H.J. Ross, G.A. Swaye, and B.H. Wright. Staff in attendance were J.T. Saso, W.D. Tysall, M. Angevine, G. Zecchini, and D.N. Carey. Also in attendance was B. Graham of Coopers & Lybrand.

B.
ADMINISTRATION

1. FINANCIAL STATEMENTS FOR THE YEAR ENDED DECEMBER 31, 1995

Draft financial statements and highlights prepared by management were before the Committee. Coopers & Lybrand, the Society's auditors, continue their audit work and are expected to complete that by March 29, 1996.

The audited financial statements will be presented to the Committee in April in order that they be approved at April Convocation for inclusion in the annual report.

It was recommended that the Ontario Legal Aid Plan submit quarterly financial statements to the Committee for review.

Approved

2. 1996 BUDGET ADJUSTMENTS

(a) Dial-a-law

The 1996 Budget reflected a change to the Dial-a-law program and related expenses. The current 1-800 number was to be replaced with a 1-900 number, effective March 1, 1996, for an estimated savings for the year of \$250,000. During the budget debate at February Convocation, a decision was made to postpone the implementation of the 1-900 until Convocation fully debated the issue in May. The budget effect of this postponement is an additional cost of approximately \$25,000 per month for a total of \$75,000 if the 1-900 is implemented in June 1996.

The Committee was asked to approve the additional \$75,000 from prior years' surplus.

Approved

(b) Audio-Visual Equipment

A request was made to purchase and install audio-visual equipment for use in Convocation Room. Members of the profession, media and staff could then monitor public proceedings without disturbing Benchers in their deliberations. A copy of a memorandum prepared by the Communications Director was before the Committee [pages 4 - 5], outlining the rationale and alternatives considered.

22nd March, 1996

The estimated cost is \$20,000. The funds could be found in the 1996 operating budget through cost savings from spending reallocations and restraints.

The Committee approved the project in principle but asked that a formal budget be prepared for the Committee's information.

Approved

3. PAYMENT OF ARREARS OF FEES BY MEMBERS

The following item was before the Committee in October 1995:

"Prior to February 26, 1993, members were required to pay the annual fee for all years for which they were suspended. In cases of financial hardship, members were allowed to be reinstated upon partial payment of arrears and arrangement of a suitable payment plan for the balance. Many members had asked for a waiver of all or part of their arrears of fees and, as a result, a subcommittee was struck, chaired by Mr. J. Wardlaw. The recommendation of this subcommittee was approved by Convocation on February 26, 1993 which is stated, in part:

- I. *That suspended members be reinstated upon payment of all outstanding fees and levies for the year of suspension, together with a reinstatement fee. On reinstatement, the member will be billed for the fees and levies for the current year.*
- ii. *The policy will not be applied retroactively. Members currently suspended who apply for reinstatement will be required to pay the arrears which have accrued to the date the policy is adopted by Convocation.*
- iii. *That arrangements for financial assistance continue to be made available.*

Since the implementation of that reviewed policy, several members who remain subject to the prior policy have asked that consideration be given to a waiver of the annual fees for prior years. Their applications have heretofore been denied. Recently two applications have been received and the members are asking, again, that this policy be reviewed.

The Chair asked Mr. J. Wardlaw, Q.C. to review the most recent requests and make a recommendation to the Committee."

Mr. Wardlaw, in consultation with the Deputy Secretary, has reviewed the requests and has concluded that there is no basis upon which to grant relief to these members. A submission from one member was before the Committee.

22nd March, 1996

The Committee was asked to adopt the position articulated by Mr. Wardlaw.

Approved

C.
INFORMATION

1. INVESTMENT REPORTING - DECEMBER 31, 1995

Investment schedules for the General Fund and the Lawyers' Fund for Client Compensation were before the Committee.

The Chair asked Elvio DelZotto, Vern Krishna, John Saso and Wendy Tysall to review and recommend changes to the Society's investment policy and to seek outside opinions.

2. AUDITOR'S MANAGEMENT LETTER - PROGRESS ON ACTION PLAN

A schedule showing progress to date toward completion of the Action Plan was before the Committee.

3. LEGAL MEETINGS AND ENTERTAINMENT

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

March 26 & 27, 1996	CLE Programme Barristers' Lounge
March 26-29, 1996	Boards of Inquiry Tribunal Museum Room (March 26 & 27/96) Discipline Room (March 28 & 29/96)
March 27, 1996	Osgoode Society Dinner Benchers' Dining Room
March 28, 1996	Lawyers' Club Barristers' Lounge and Convocation Hall

Noted

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

R. Murray
Chair

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

22nd March, 1996

- Item B.- 2.(b) - Copy of Memorandum from Ms. Gemma Zecchini to Ms. Wendy Tysall
dated March 6, 1996 re: Public Access to Convocation's
Proceedings. (pages 4 - 5)

THE REPORT WAS ADOPTED

Lawyers Fund for Client Compensation Committee

Meeting of March 14, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

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

Your Committee met on Thursday, the 14th of March, 1996, at 10:30 a.m., the following members being present: C. Ruby (Chair), T. Stomp (Vice Chair), R. Aaron, D. Batstone, R. Cass, G. Farquharson, G. Gottlieb, H. Sealy and R. Wilson; D. McKillop (secretary), S. Hickling, M. Seto, H. Werry and J. Yakimovich also attended.

A.
POLICY

1. REPORT OF THE SUB-COMMITTEE ON REDUCING
MORTGAGE CLAIMS TO THE FUND

The December 1995 Committee meeting was dedicated to discussing the increase in claims to the Fund during the 1994/95 fiscal year. It was reported at the meeting that approximately 73% of all claims to the Fund involve mortgage investments. In response to this figure, the Chair appointed a Sub-Committee comprised of Gary Lloyd Gottlieb, Q.C. to investigate and recommend methods to minimize mortgage claims to the Fund. Attached is the report of the Sub-Committee.

Members of the Committee were directed to the second recommendation of the Sub-Committee which proposed the elimination of Forms 4 and 5. In anticipation of this recommendation being discussed at the meeting, the Chair requested that staff report to the Committee on the issues of compliance with the requirement to complete the Forms and their effectiveness in minimizing mortgage claims to the Fund. The staff report revealed that of the mortgage claims on file with the Fund as at December 31st, 1995, 96% were in regard to advances made before the Forms came into existence. Only 4% of mortgage claims related to mortgage advances from the period after the Forms were introduced. The staff report further concluded that the reports of public accountants and Law Society audits disclose minimal non-compliance with the requirement to complete the Forms. It was acknowledged that introduction of Forms 4 and 5 did not fully account for the drop in mortgage claims to the Fund and that the decline in private mortgage activity since the recession was also a factor.

The majority of the Committee expressed their support of Forms 4 and 5 and the role they play in minimizing mortgage claims to the Fund. The Committee refused to adopt the report of the Sub-Committee in so far as it related to the elimination of Forms 4 and 5. However, the Committee was of the opinion that the profession requires greater education as to the purpose of the Forms and in what circumstances they are or are not required.

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IT IS RECOMMENDED that staff develop and implement a plan to better educate the profession on Forms 4 and 5. It is further recommended that the input of the Real Estate Issues Committee and the Ontario Real Estate Lawyers Association be sought as to the best method to convey the needed information. The Sub-Committee's recommendation on the Red Alert early warning program will be discussed at a future Committee meeting.

(Pg. A1)

Approved

2. PROCEDURES WHEN A STAFF RECOMMENDATION
IS DENIED BY REVIEW SUB-COMMITTEE

In a recent claim to the Fund, the staff counsel responsible negotiated a resolution of the matter with counsel for the claimant and a recommendation for a grant was made to the Review Sub-Committee. The Review Sub-Committee refused to approve the staff recommendation and consequently a Referee hearing was scheduled to hear the matter. Following a one day hearing, the Referee recommended that a grant be paid to the claimant. Staff were of the opinion that the same members of the Review Sub-Committee that refused to approve the staff recommendation should not consider the Referee Report as it was felt there was a reasonable apprehension of bias. With the consent of the Chair, the Referee Report was considered by non-active members of the Review Sub-Committee and once again the recommendation for a grant was denied.

IT IS RECOMMENDED that staff adopt the procedure followed in this case in future. If the Review Sub-Committee refuses to approve a staff recommendation for payment, the claimant will be offered a Referee hearing. The Referee's recommendation will then be considered by a differently constituted Review Sub-Committee. As is currently the case, if either the claimant is unhappy with the decision of the Review Sub-Committee, a right of appeal exists to the Appeal Sub-Committee.

Approved

B.
ADMINISTRATION

No items

C.
INFORMATION

1. PHILIP UPSHALL AND THE TORONTO-DOMINION BANK

At its meeting on April 14th, 1994 the Committee authorized an application naming the Toronto-Dominion Bank as respondent. Disbarred member, Philip Upshall, had maintained a trust account at the T-D Bank. In furtherance of a mortgage transaction on behalf of a client, the bank deposited \$173,000 to Mr. Upshall's trust account. When the bank learned that

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Mr. Upshall had made an attempt on his own life and the Law Society was investigating Mr. Upshall, the bank adopted a self-help remedy and removed the \$173,000 from trust. The result of this move was that the bank recovered 100% of the trust funds it had advanced whereas the remaining trust creditors were left to shoulder the large shortage which was eventually uncovered. The Fund has paid grants to many of the clients whose funds should have been in trust but there is substantially less money available for recovery because of the bank's move.

Attached are the reasons for decision in the Law Society's application for an order that the T-D bank return the \$173,000 removed from Mr. Upshall's trust account. Justice Farley ordered the bank to return the funds to which they then be entitled to a pro rata share similar to any other client. At page 4 of the decision, Justice Farley writes:

"It is troubling to me that the Bank would think that it could penetrate into the mixed trust account in either of its capacities to withdraw the \$173,000. I am certain that once it reflects on the topic, it will realize how dangerous and wrong this foray was. It cannot dip into an account without authority; it had none from anyone in authority (the Law Society representatives at the subject time) nor otherwise in law."

The Toronto-Dominion Bank has appealed this decision.

Noted

2. REFEREE REPORT AND STAFF MEMORANDA

The Staff Memoranda that were approved by the Review Sub-Committee were before the Committee for information purposes only with the grants to be paid from the Fund shown on Schedule "A" of this report.

Approved

3. A copy of the Financial Summary as of December 1995 is attached.
(Pgs. C1 - C2)
4. Accounts approved by staff in February 1996 amounted to \$4,702.

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

C. Ruby
Chair

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

- Item A.-1. - Copy of the recommendation of the Sub-Committee on Reducing Mortgage Claims to the Fund. (Schedule A1)
- Item C.-2. - Copy of the Staff Memoranda by the Review Sub-Committee setting out the grants to be paid from the Fund.
(Schedule A)

22nd March, 1996

Item C.-3. - Copy of the Financial Summary as of December 1995.
(marked C1 - C2)

THE REPORT WAS ADOPTED

Legal Education Committee

Meeting of March 13, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL EDUCATION COMMITTEE begs leave to report:

The Committee met on Thursday, the 14th of March, 1996, at 10:30 a.m.

The Treasurer and the following members attended: Philip Epstein (Chair), Gavin MacKenzie (Vice-chair), Derry Millar (Vice-chair), Larry Banack, Tom Carey, Dean Neil Gold (University of Windsor), Stephen Goudge, Allan Lawrence, Laura Legge, Shirley O'Connor, Dean Marilyn Pilkington (Osgoode Hall Law School) and Helene Puccini. The Chair of the Articling Subcommittee, Jay Rudolph, and the following staff attended: Brenda Duncan, Mimi Hart, Alexandra Rookes, Lynn Silkauskas, Sophia Sperdakos and Alan Treleaven.

A.
POLICY

There are no policy matters for approval this month.

B.
ADMINISTRATION

B.1 PHASE ONE REQUIREMENTS FOR STANDING

B.1.1 The Phase One Requirements for Standing encompass the procedures that will govern Phase One of the Bar Admission Course in 1996. The draft Phase One Requirements for Standing are attached (pages 1 - 4), and with some minor drafting improvements are the same as those that governed Phase One in 1995.

B.1.2 Recommendation: It is recommended that the Phase One 1996 Requirements for Standing be approved.

C.
INFORMATION

C.1 MANDATORY CONTINUING LEGAL EDUCATION SUBCOMMITTEE

C.1.1 The M.C.L.E. Subcommittee has prepared draft recommendations. The Legal Education Committee has decided to make the draft report available to the profession for comment, as follows:

- 1) An executive summary of the draft report is being published in the *Ontario Reports* in the first week of April in French and English;
- 2) The profession is being notified in the *Ontario Reports* that the full draft report is available in the county and district libraries or by contacting the M.C.L.E. Project Director; and
- 3) The notice asks members for comments on the full draft report, and provides members with a date by which comments should be submitted to the Project Director (4 -6 weeks from the publication date in the *Ontario Reports*).

C.1.2 At the conclusion of the period for comments on the draft report, the M.C.L.E. Subcommittee will consider the comments it has received and determine the best means for considering the comments in the final report. The final report will be presented to Convocation in June 1996 for its consideration.

C.1.3 Benchers who wish to receive a copy of the draft report may contact the Project Director, Sophia Sperdakos, or Alan Treleaven.

C.2 ARTICLING: O.P.S.E.U. STRIKE

C.2.1 A number of students are articling with the Government of Ontario, and are required as a term of their employment to be members of the Ontario Public Service Employees Union ("O.P.S.E.U."). A number of articling students have written to the Law Society out of a concern that they might not be able to satisfy the articling requirement if their articles are cut short by the strike.

C.2.2 In the spring of 1995, the Legal Education Committee and Convocation authorized the granting of an abridgment of the articling requirement of up to four weeks based on compassionate circumstances. The Articling Director has indicated to students and articling principals that the Law Society would receive such requests sympathetically on an individual basis, on being satisfied that individual students had not been able to make up lost articling time through an alternate means, including taking vacation time during the strike or extending the articling term following the eventual conclusion of the strike.

C.2.3 The staff are continuing to monitor the situation, and are contacting all students articling with the Government of Ontario to determine their individual needs, and to provide appropriate assistance. The Articling Subcommittee meets at 4:30 p.m. on March 27, and will be considering whether further action might be taken.

C.3 BAR ADMISSION COURSE SENIOR INSTRUCTOR APPOINTMENT

C.3.1 Robert Morrison has retired from the practice of law, and accordingly has stepped down as Senior Instructor for the Estate Planning and Administration section in the London Bar Admission Course.

C.3.2 Daniel MacNamara of London has been appointed to assume the vacant Senior Instructor position. Mr. MacNamara joins the Head of Section, Elena Hoffstein, and the Ottawa Senior Instructors, Bernie Roach and Denis Sicotte (French language program).

C.4 1996-1997 ARTICLING PLACEMENT REPORT

C.4.1 The application form filed by students in the third year of law school who intend to enter Phase One of the Bar Admission Course in the Summer of 1996 asks if the applicant has secured an articling position. The application filing deadline was November 15, 1995. Of the 1,155 students who filed an application by November 15, 1995, 872 (75.5%) indicated they had secured an articling position, and 283 (24.5%) indicated that they continued to seek a position.

C.4.2 In January 1996, the Placement Office wrote to the 283 students who indicated they continue to seek articles. The letter provides details of the Society's articling placement program, and requests that students update the Placement Office as to their articling status.

C.4.3 As of March 7, 1996, 182 students have responded (153 of whom are still looking and 29 of whom have secured articles). Assuming the students who have not responded are all continuing to seek articles, the articling placement situation for students seeking articles in the 1996-1997 term is as follows:

Total students seeking Articles	1,173
(100.00%)	
Total students with Articles	910
(77.58%)	
Total students seeking Articles to commence by September 1, 1996	263
(22.42%)	

C.4.4 With 100 students not responding, these results continue to be strongly influenced by the November deadline. However, even if all the students who have not responded are placed, the situation in 1996 is significantly more pressing than in previous years.

C.4.5 Urgent appeals to the profession outlining the qualifications and numbers of available students are underway, in addition to the existing placement programs e.g., the Mentor Program, the Resume Writing and Interview Skills Workshop and counselling sessions, promotional letters and notices. Additional measures are being considered by the Articling Subcommittee. The Placement Office will continue to monitor the unplaced students, and attempt to ascertain the status of those who have not yet responded.

C.5 GRADUATE PLACEMENT REPORT - CALL TO THE BAR SURVEY RESULTS 1996

C.5.1 The Placement Office conducted a survey at the signing of the rolls for Call to the Bar to determine the employment status of students who had completed Phase Three in 1995.

C.5.2 753 students responded to the survey. This represents 69.3% of the 1,087 students Called to the Bar in February, and 60.1% of the 1,253 students in Phase Three.

C.5.3 60.8% (458) of survey respondents report that they have secured permanent employment following Phase Three. The 60.8% placed group breaks down as follows:

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- | | | |
|-----------|----------------|---|
| 282 | (37.5%) | Returning to their Articling Employer |
| 129 | (17.1%) | Secured a position with other than their Articling Employer |
| <u>47</u> | <u>(6.2%)</u> | Setting up own practice |
| 458 | (60.8%) | |
- C.5.4 36.3% (273) of survey respondents report that they continue to seek a permanent position, and 2.9% (22) report that they are not seeking employment at this time.
- C.5.5 A chart detailing where those who have secured placement will be working is attached, together with a table providing graduate placement results over a ten year period. (pages 5 - 6)
- C.6 CONTINUING LEGAL EDUCATION REPORT ON COURSES
- C.6.1 The Continuing Legal Education Report, prepared by the Director of Continuing Legal Education, Brenda Duncan, is attached. (pages 7 - 10)

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

P. Epstein
Chair

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

- Item B.-B.1.1 - Copy of the draft Phase One 1996 Requirements for Standing. (pages 1 - 4)
- Item C.-C.5.5 - Copy of the Graduate Placement Data from Informal Survey - February 1996. (pages 5 - 6)
- Item C.-C.6.1 - Copy of the Continuing Legal Education Report. (pages 7 - 10)

THE REPORT WAS ADOPTED

Libraries and Reporting Committee

Meeting of March 14, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

THE LIBRARIES AND REPORTING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th of March, 1996 at 9:30 a.m., the following benchers being present: Mary Eberts (Chair), Michael Adams (Vice-chair), Jane Harvey, Richmond Wilson, Bradley Wright, Hope Sealy, Barry Pepper, Gordon Farrquharson, Tamara Stomp. Also in attendance were Dino DiGussipe (CDLPA), Law Society staff Richard Tinsley, Dana Dvorak and Maureen Highland.

A.
POLICY

There were no policy items.

B.
ADMINISTRATION

B.1 COUNTY LAW LIBRARY GRANTS

The Committee had before it for approval the grants to be paid to each county law library by the Law Society in 1996. In January the Committee had agreed that of the \$800,000 raised by the library levy, \$500,000 would be used to fund technology and other projects in the counties and \$300,000 would be used to fund library operating deficits. It was decided that the \$300,000 would be distributed among the counties on a prorata basis with each library receiving 5.92% of its anticipated revenue. Year over year, this means that libraries will receive 12% more than they received last year. Schedule A sets out the grants to each library.

It was recognized that there may be unexpected expenses due to, for example, the closure of the courthouse and in such circumstances the county association can make application to the Committee for additional funding.

A sub-committee chaired by Michael Adams is developing a funding formula for the 1997 financial year and the Committee will be reporting further as the formula is developed. The Committee will be consulting with CDLPA and others during the development process. This issue will be on the agenda when the Committee meets with CDLPA in April.

Another matter which will be coming forward is the question of the equalization grant for the County of York so that its grant will match that given to Carleton as recommended in the Topp Report.

B.2 TERMINATION OF OMB DIGEST

The Law Society has for some years produced a digest of OMB cases. A review of the situation showed that there are only 35 subscribers to the publication. This together with the fact that OMB decisions are now available on-line through Quick Law led to the decision to cease publication.

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C.
INFORMATION

The Committee also discussed the issue of technology and the manner in which the Committee would proceed to investigate the technology aspects of library services.

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

M. Eberts
Chair

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

Item B.-B.1 - Copy of grants to be paid to the county law libraries by the Law Society in 1996. (Schedule A)

THE REPORT WAS ADOPTED

Professional Standards Committee

Meeting of March 14, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PROFESSIONAL STANDARDS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th of March, 1996 at 1:30 p.m., the following members being present: W.A. Derry Millar (Chair), Heather J. Ross (Vice-Chair), W. Michael Adams, Ronald W. Cass, Mary A. Eberts, Helene B. Puccini, Richmond C.E. Wilson.

Also Present: N. Amico, S. McCaffrey, P. Rogerson.

C.
INFORMATION

C.1. RULES OF PROFESSIONAL CONDUCT - RULE 28 - DRAFT BULLETIN #4

C.1.1. The Equity in Legal Education and Practice Committee publishes bulletins intended to provide guidance to members of the public on Rule 28 (Discrimination) of the Rules of Professional Conduct. In April, 1995, Convocation approved a recommendation of that Committee that all such bulletins be circulated for consultation to, *inter alia*, the Professional Standards Committee, before consideration by Convocation and ultimately distribution to the profession.

- C.1.2. A copy of Draft Bulletin #4 was considered by your Committee. Your Committee will forward its recommendations to the Equity in Legal Education and Practice Committee.

C.2. REQUALIFICATION

- C.2.1. At its meeting in November 1995, the Committee endorsed a staff recommendation that uniform requalification requirements should be established for members required to requalify. The Committee agreed with the staff recommendation that individual members have an opportunity to establish that they should be subject to some lesser requirement. The recommendation involved a change to the requalification policy, adopted by Convocation in March 1994, which provides that the requalification requirements to be met by each member are to be considered on an individual basis. The Committee also endorsed the recommendation that the uniform requalification requirements comprise the eight examinations currently written by student members in Phase III of the Bar Admission Course.
- C.2.2. The Women in the Legal Profession Committee, at its meeting in January 1996, raised concerns about the staff recommendations. With respect to the proposed change from individualized requalification requirements to uniform requalification requirements, the Committee wondered whether the number of members who would seek to requalify would be high enough to justify the change. It was noted that individualized requalification requirements were originally supported on the basis that few members would seek to requalify. The Committee wondered whether there had been an upward shift in the number of members the Law Society believed would seek to requalify to justify a change to uniform requalification requirements.
- C.2.3. The concern was expressed that the requirement to write all of the Bar Admission Course examinations was an onerous one, particularly where a member sought to resume practising law in a specialty field (e.g. labour law.) In such a situation, it was felt that the member should not be required to write all of the BAC examinations. It was recognized that the proposal would permit a member to argue for an exemption from that requirement, but nonetheless the onus would be on the member to raise the issue.
- C.2.4. After discussion, the Women in the Legal Profession Committee agreed that members of its Committee would meet with staff to discuss requalification requirements further. That meeting occurred on February 2, 1996. At the regular meeting of the Women in the Legal Profession Committee on March 7, 1996, it was recommended that representatives be appointed jointly from that Committee and the Professional Standards Committee to meet with staff periodically in order to provide guidance in the development of proposals for the implementation of the requalification policy. The former Chair of the Joint Sub-Committee on Requalification, Stephen Goudge, has also been invited to participate in these meetings.
- C.2.5. It was therefore agreed that the Chair and Vice-Chair of your Committee would act as its representatives, together with any other members of the Committee who express an interest in so acting.

C.3. PRACTICE ADVISORY SERVICE - STATUS REPORT

- C.3.1. The Service dealt with 900 calls during the month of January, with no particular trend in areas of concern. Almost one third of the calls were questions regarding the *Rules of Professional Conduct*. Two hundred of the 900 calls were from non-members and almost half of those calls were from student members awaiting their Call to the Bar and seeking information about different practice arrangements.
- C.3.2. The Start-Up-Workshop during February attracted a large number of attendees who have been in practice for some years and are now opening their own offices.
- C.3.3. Staff of the Practice Advisory Service are enjoying the challenge of working on the new computer system, which they were trained on during the last week of February.

C.4. DEPARTMENTAL REPORT - PROFESSIONAL STANDARDS

- C.4.1. In February, 11 files were closed and 13 lawyers were authorized to participate in the Practice Review Programme, bringing the total number of open files to 156. Staff attendances were scheduled in the offices of 43 lawyers, across the province, during the month. A review panel was held in February; Benchers Larry Banak and Tamara Stomp presided. Three participating lawyers appeared before the panel. Benchers assistance in these matter is greatly appreciated.
- C.4.2. The Professional Standards staff, as part of the Law Society's systematized organizational conversion to a networked windows environment, received training in the use of a windows program, e-mail, and a network system. A "cut and paste" facility allows the transfer of member information from the AS400 into WordPerfect, without the necessity of retyping same. Once staff become fully familiar with this feature, significant time savings should ensue, with a resulting improved utilization of staff resources.

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

D. Millar
Chair

THE REPORT WAS ADOPTED

Real Estate Issues Committee

Meeting of March 14, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The REAL ESTATE ISSUES COMMITTEE submits this report:

The Committee met on Thursday, the 14th of March, 1996 at 4:00 p.m., with the following members present:

Benchers: R. Aaron (Chair), R. Wilson (Vice-Chair), M. Adams, R. Cass, E. Delzotto, A. Feinstein, G. Gottlieb, D. Lamont, H. Puccini, B. Wright;

Non-Benchers: L. Bremner, S. Esbin, E. Franklin, J. Leal, R. Leclair, P. Lukasewich, C. Rosenstein, A. Silverstein.

Also present: D. Godden.

A
POLICY

- A.1 STRIKE BY ONTARIO PUBLIC SERVICE EMPLOYEES' UNION ("OPSEU")
- A.1.1 At the February 8, 1996 meeting of the Committee, there was a discussion about some of the ways that closing the Land Registry Offices and Sheriffs' Offices in the event of a strike by OPSEU may have a significant negative impact on the interests of members of the public being served by these Offices.
- A.1.2 In light of these concerns, the Committee requested that the Treasurer of the Law Society send a letter asking the Minister of Consumer and Commercial Relations ("MCCR"), in the public interest, to keep the Land Registry offices and Sheriffs' offices open in the event of a strike by OPSEU.
- A.1.3 In the result, the Land Registry Offices and the Sheriffs' Offices were not considered an essential service in connection with the ongoing OPSEU strike, although partial service has been maintained during the strike.
- A.1.4 A further issue is the complete shutdown of the Companies Branch, preventing the public from incorporating Ontario companies or conducting corporate status searches or PPSA searches. As a result, the closing of many corporate and commercial transactions has been postponed. However, in real estate transactions, the inability to conduct the necessary searches (such as to confirm the valid existence of corporations that own or owned land) does not always result in a postponed closing date. Instead, persons involved in these transactions often have no real option other than to direct their lawyers to close without conducting the appropriate searches, and they thereby assume risks in so doing.
- A.1.5 Rent registration is another area where the inability of lawyers to conduct searches puts persons at risk who must choose between directing their lawyers to close without conducting searches and breaching a contract that obliges them to close.

- A.1.6 The Committee, therefore, requests that Convocation authorize the Treasurer to send a letter on behalf of the Law Society to the Minister of MCCR, in the public interest, to restore partial corporate, PPSA and rent registration service during the remainder of the strike. .

B
ADMINISTRATION

NOTHING TO REPORT

C.
INFORMATION

C.1 THE COMMITTEE'S AGENDA

The Committee extends its gratitude to Richmond C.E. Wilson for chairing this portion of the meeting.

- C.1.1 In order to ensure that the function of the Committee will become more productive, the Committee identified the current issues of the real estate bar which should be addressed by the Committee. It was acknowledged that some issues that affect the real estate bar (such as title insurance and paralegals) are being addressed by other Law Society Committees. It is, therefore, not appropriate for these issues to also be addressed by the Committee.

- C.1.2 The energies of the Committee will be directed to producing a strong, reasoned position paper on the current issues, and the outlook for and issues of real estate and the real estate bar in the future.

- C.1.3 The issues identified by the Committee, and the status of the Subcommittees which will address them are:

(a) Specialization

The Specialization Subcommittee is an existing subcommittee chaired by Richmond C. E. Wilson. The Subcommittee's focus is whether real estate should be an area of specialization and, if so, the criteria for awarding a certificate of specialization. A written report has been prepared and will be circulated to members of the Committee with the agenda for the April 11 meeting of the Committee.

(b) Standards and Fees

The Standards and Fees Subcommittee is an existing subcommittee composed of Daniel Murphy Q.C. (chair) and Donald Lamont Q.C.. The subcommittee's focus will be to examine the roles of standards and fees in real estate practice, with due regard to the context of the Law Society's/LPIC's litigation with the Competition Bureau. A status report will be provided at the April 11 meeting of the Committee.

(c) Remote Registration of Title Documents ("Teranet")

The Teranet Subcommittee is an existing subcommittee composed of Robert Aaron, Abraham Feinstein Q.C., and non-bencher members James Leal (chair), Raymond Leclair, Audrey Loeb, John McKay, Alan Silverstein and Elaine Franklin. The Teranet Subcommittee met after the Committee's meeting on April 14. A status report will be provided at the April 11 meeting of the Committee.

(d) Practice Issues

The Practice Issues Subcommittee is a new subcommittee composed of Bradley Wright (chair), Abraham Feinstein Q.C., and non-bencher James Leal. Some areas of practice that the Subcommittee will address are a standard retainer, streamlining the conveyancing process, and possibly standard mortgage forms and standard municipal responses. The Practice Issues Subcommittee will submit a draft of issues, a format, and a time line for the Subcommittee's tasks at the April 11 meeting of the Committee.

(e) Professional Liability Insurance

The Professional Liability Insurance Subcommittee is a new subcommittee composed of non-benchers Lawrence Bremner (chair) and Elaine Franklin. The manner in which the LPIC program affects real estate lawyers and the status of possible changes to Rule 5 on Conflicts (in the Rules of Professional Conduct) are some issues to be addressed. The Professional Liability Insurance Subcommittee will submit a list of issues, a format, and a time line for the Subcommittee's tasks at the April 11 meeting of the Committee.

(f) Forms 4 and 5

The Forms 4 and 5 Subcommittee is a new subcommittee composed of Gary Gottlieb Q.C.. The Subcommittee will address the necessity of Forms 4 and 5 as a part of the Annual Filings by lawyers. The Subcommittee will submit a list of issues, a format, and a time line for the Subcommittee's tasks at the April 11 meeting of the Committee.

22nd March, 1996

(g) "Adapting for the Future"

A report of the Law Society's (England) special working party on conveyancing services was distributed at the April 14 meeting of the Committee. The report will be discussed at the April 11 meeting of the Committee. In addition, the need for, and the cost of, a similar report in Ontario will be discussed. Bradley Wright will contact the Law Foundation regarding a possible research grant for a similar report by the Committee.

ALL OF WHICH is respectfully submitted

DATED this 22nd of March 1996

R. Aaron
Chair

THE REPORT WAS ADOPTED

Specialist Certification Board

Meeting of March 14, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCAION ASSEMBLED

The SPECIALIST CERTIFICATION BOARD begs leave to report:

Your Board met on Thursday the 14th of March 1996 at nine o'clock in the morning, the following members being present: J. Callwood (acted as Chair), L. Banack, D. Millar, M. Pilkington, G. Sadvari, and G. Swaye. C. Giffin and D. Moreira of the Law Society, were also present.

Since the last report, Specialty Committees have met as follows:

The Civil Litigation Specialty Committee met on Tuesday, the 13th day of February, 1996 at eight-thirty in the morning.

The Family Law Specialty Committee met on Wednesday, the 14th day of February, 1996 at four o'clock in the afternoon.

The Criminal Law Specialty Committee met on Friday, the 23rd day of February, 1996 at one o'clock in the afternoon.

The Workers' Compensation Law Specialty Committee met on Thursday, the 7th day of March, 1996 at five o'clock in the afternoon.

A.
POLICY

A.1. ACCREDITATION OF CLE PROGRAMS

- A.1.1. Your Board considered whether it should implement a procedure for accrediting CLE programs that certification applicants and/or Specialists may be participants at.
- A.1.2. After much discussion, your Board voted against this proposal until the future development of a complete education component for certification is defined. It was agreed that Larry Banack, Derry Millar, and Marilyn Pilkington would meet in the near future to determine how the Board should move forward toward achieving that goal.
- A.1.3. In the meantime, CLE programs developed for certification applicants and/or Specialists may use the following general statement:

"The Specialist Certification Board will consider this a course for credit towards the CLE requirements for certification."

A.2. APPROVAL PROCESS OF SPECIALTY COMMITTEE MEMBERS

- A.2.1 Your Board established a new policy procedure in the approval process of Specialty Committee members.
- A.2.2. All prospective new members will be subjected to a professional standards review. When the names of these members are presented to the Board, along with their Curriculum Vitae the Administrator will provide a copy of their Internal Member Record which has been reviewed and cleared by the Professional Standards Department.

B.
ADMINISTRATION

B.1. CRIMINAL LAW SPECIALTY COMMITTEE MEMBERSHIP

- B.1.1. Your Board approved the appointment of three new members, Gail Dobney (of Toronto), Mark Sandler (of Toronto) and Randy Semeniuk (of Windsor), to sit on the Criminal Law Specialty Committee.

C.
INFORMATION

C.1. CERTIFICATION OF SPECIALISTS

- C.1.1. Your Board is pleased to report the certification of the following lawyer as a Bankruptcy & Insolvency Law Specialist:

William Neville (of Ottawa)

22nd March, 1996

C.1.2. Your Board is pleased to report the certification of the following lawyers as Civil Litigation Specialists:

Kim Carpenter-Gunn (of Hamilton)
Paul Henry (of Toronto)
Paul LeVay (of Toronto)

C.1.3. Your Board is pleased to report the certification of the following lawyer as a Criminal Law Specialist:

Richard Schneider (of Toronto)

C.1.4. Your Board is pleased to report the certification of the following lawyer as a Family Law Specialist:

Catherine Aitken (of Ottawa)

C.1.5. Your Board is pleased to report the certification of the following lawyer as an Immigration Law Specialist:

Roderick McDowell (of Fort Erie)

C.2. RECERTIFICATION OF SPECIALISTS

C.2.1. Your Board is pleased to report the recertification for an additional five years of the following lawyers as Civil Litigation Specialists:

Joseph Bisceglia (of Sault Ste. Marie)
Bernard Gasee (of Toronto)
Robert Reynolds (of Belleville)

C.2.2. Your Board is pleased to report the recertification for an additional five years of the following lawyers as Family Law Specialists:

Warren Fullerton (of Windsor)
Leonard Levencrowne (of Ottawa)
Evlyn McGivney (of Toronto)
Ruth Mesbur (of Toronto)
Nancy Mossip (of Mississauga)
Jon Snipper (of Ottawa)
Jeffrey Wilson (of Toronto)

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

R. Manes
Chair

THE REPORT WAS ADOPTED

22nd March, 1996

Women in the Legal Profession Committee

Meeting of March 7, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

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

Your Committee met on Thursday, the 7th of March, 1996, at 10:00 a.m., the following members being present: H. Sachs (Chair), M. Adams, P. Hennessy, B. Luke.

Also present: D. Millar.

Staff: M. Angevine, S. McCaffrey, A. Singer, S. Sperdakos, E. Spears.

A.
POLICY

No items to report.

B.
ADMINISTRATION

No items to report.

C.
INFORMATION

C.1. REQUALIFICATION

- C.1.1. In November 1995, a staff committee appointed to prepare proposals for requalification recommending, *inter alia*, the range of reasonable conditions to be met by members required to requalify, presented its first report. The committee recommended that uniform requalification requirements be established with the opportunity for individual members to establish that they should be subject to some lesser requirement. This recommendation differs from the requalification policy approved by Convocation on March 25, 1994, which provides that requalification requirements to be met by members are to be considered on an individual basis.
- C.1.2. The recommendation of the staff committee was approved by the Professional Standards Committee in November 1995. Consideration of the recommendation by Convocation was deferred to permit the Women in the Legal Profession Committee to consider it.

22nd March, 1996

- C.1.3. In January 1996, your Committee met with Derry Millar, Chair of the Professional Standards Committee, and Sue McCaffrey, Director of the Professional Standards Department and secretary to the Professional Standards Committee, to discuss the recommendation. In February 1996, the Chair of your Committee met with Mr. Millar and the staff committee to discuss requalification requirements further. On Thursday, March 7, your Committee met again with Mr. Millar and also with the staff committee. A memorandum addressing various aspects of, and raising questions about, the requalification policy was before the Committee.
- C.1.4. The Committee will continue to discuss the requalification policy with representatives from the Professional Standards Committee and the staff committee.
- C.2. RESEARCH PROJECT: MONITORING THE PROGRESS OF WOMEN AND OTHER MINORITY GROUPS IN THE LEGAL PROFESSION
- C.2.1. In *Touchstones for Change: Equality, Diversity and Accountability* (1993), the Canadian Bar Association Task Force on Gender Equality in the Legal Profession recommends that law societies monitor the progress of women and other minority groups in the legal profession through analysis of their own membership data.
- C.2.2. At present, the Law Society obtains various information on its membership through the Annual Membership Fee Form. The Form asks members to indicate, among other things, whether they are partners or employees/associates in law firms, the areas of law which they practise, and the sectors of the profession in which they practise law. The Committee has been exploring the extent to which data gathered through use of the Annual Membership Fee Form could be used to monitor the career status and movement of women and other minority groups in the legal profession.
- C.2.3. It has come to the Committee's attention that consideration is being given to replacing the Annual Membership Fee Form by a new "Member Information Form". The creation of the new form presents the Law Society with an opportunity to ensure that it obtains from its members the information necessary to effectively monitor the progress of women and other minority groups in the legal profession. Your Committee is considering retaining an expert to draft questions to include in the form.

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

H. Sachs
Chair

THE REPORT WAS ADOPTED

AGENDA - Additional Matters Requiring Debate and Decision by Convocation

LEGISLATIVE AMENDMENTS PACKAGE

Mr. Scott presented the proposed amendments to the Law Society Act R.S.O. 1990, c. L.8 and Regulation 708, R.R.O. 1990 for Convocation's approval. Two documents had been prepared:

- (i) A "Background and Outline" of the proposed amendments, dated February 27, 1996 (the "Red Book").
- (ii) A "Working Draft" of the text of the proposed amendments, dated March 11, 1996 ("the Green Book")

It was moved by Mr. Scott, seconded by Messrs. MacKenzie and Swaye that the proposed amendments to the Law Society Act as outlined in the red and green books provided to Convocation be approved for submission to the government

A debate followed.

Paragraph 72 (Red Book)

It was moved by Mr. Topp, seconded by Mr. Cole that Convocation reconsider those provisions of the legislative package dealing with the Appeal Panel.

Lost

ROLL-CALL VOTE

Aaron	Against
Adams	Against
Armstrong	Against
Backhouse	Against
Banack	Against
Bobesich	For
Carey	Against
Cole	For
Copeland	Against
Cronk	Against
Crowe	For
DelZotto	For
Feinstein	Against
Finkelstein	Against
Gottlieb	For
Goudge	Against
Krishna	Against
Legge	For
MacKenzie	Against
Manes	Against
Marrocco	Against
Murphy	Against
Murray	Against
O'Connor	Against
Puccini	For
Ruby	For
Sachs	Against
Scott	Against
Sealy	Against

22nd March, 1996

Stomp	For
Strosberg	Against
Swaye	Against
Thom	Against
Topp	For
Wilson	For
Wright	For

It was moved by Mr. Adams, seconded by Mr. Thom that the members of the Appeal Panel not be appointed for a term of 2 years but that Convocation select panels on a random basis in order that all members have an opportunity to sit.

Withdrawn

Convocation took a brief recess at 10:45 a.m. and resumed at 11:00 a.m.

Section 44.1 ("Green Book")

It was moved by Mr. Strosberg, seconded by Mr. Finkelstein that section 44.1 be amended to read that Benchers be appointed to the Appeal Panel for such terms as Convocation in its discretion shall determine and for such length of time it deems appropriate.

Carried

It was moved by Mr. DelZotto but failed for want of a seconder that non-bencher members be eligible for appointment to the Appeal Panel.

It was moved by Mr. Carey, seconded by Ms. Cronk that the maximum term of an Appeal panel not exceed 24 months and that one-half of the panel be replaced every year.

Not Put

Paragraph 73.3 ("Red Book")

It was moved by Mr. Topp, seconded by Mr. Bobesich that Appeals by the Society be restricted to errors in principle with regard to penalty and errors in law with regard to finding.

Carried

Paragraph 75 ("Red Book")

It was moved by Mr. Armstrong, seconded by Mr. Copeland that there be a right of appeal to the Divisional Court from the Appeal Panel for a finding of professional misconduct or conduct unbecoming on the same grounds as an appeal to the Appeal Panel.

Carried

ROLL-CALL VOTE

Adams	Against
Armstrong	For
Backhouse	For
Banack	Against
Bobesich	For
Carey	For
Cole	For

Copeland	For
Cronk	For
Crowe	For
DelZotto	Against
Epstein	For
Feinstein	For
Finkelstein	For
Gottlieb	For
Goudge	Against
Krishna	For
Legge	For
MacKenzie	For
Manes	Against
Marrocco	For
Millar	Against
Murphy	For
Murray	For
O'Connor	Abstain
Puccini	For
Ruby	Against
Sachs	For
Scott	For
Sealy	For
Stomp	Against
Strosberg	For
Swaye	For
Thom	Against
Topp	For
Wilson	For
Wright	For

Subsection 44(1) ("Green Book")

It was moved by Mr. Wright, seconded by Mr. Gottlieb that subsection 44(1) be amended to read that Convocation shall appoint an Appeal Panel of no fewer than seven members.

Carried

Paragraph 88 ("Red Book")

It was moved by Mr. Murphy, seconded by Mr. DelZotto that the office of life bencher be continued pursuant to the provisions of the Act.

Carried

Paragraph 72.1 ("Red Book")

It was moved by Mr. Murphy, seconded by Mr. DelZotto that life benchers be eligible to sit on the Appeal Panels.

Carried

ROLL-CALL VOTE

Aaron	For
Adams	For
Backhouse	For
Bobesich	For
Cole	For
Copeland	Against
Cronk	Against

22nd March, 1996

Crowe	For
DelZotto	For
Feinstein	For
Finkelstein	For
Gottlieb	Against
Krishna	For
Legge	For
MacKenzie	Against
Manes	For
Marrocco	For
Millar	For
Murphy	For
Murray	For
O'Connor	Against
Puccini	For
Ruby	For
Sachs	Against
Scott	Against
Sealy	Against
Stomp	For
Strosberg	For
Swaye	For
Thom	Abstain
Topp	For
Wilson	Against
Wright	For

Paragraph 28 ("Red Book")

It was moved by Mr. Murphy, seconded by Mr. DelZotto that life benchers be eligible to sit on discipline hearing panels.

Carried

ROLL-CALL VOTE

Aaron	For
Adams	For
Backhouse	For
Bobesich	For
Cole	For
Copeland	Against
Cronk	For
Crowe	For
DelZotto	For
Feinstein	For
Finkelstein	For
Gottlieb	For
Krishna	For
Legge	For
MacKenzie	For
Manes	For
Marrocco	For
Millar	For
Murphy	For
Murray	For
O'Connor	Against
Puccini	For
Ruby	For
Sachs	Against
Scott	Against
Sealy	Against

22nd March, 1996

Stomp	For
Strosberg	For
Swaye	For
Thom	Abstain
Topp	For
Wilson	Against
Wright	For

Paragraph 28 and 72.1 ("Red Book")

It was moved by Mr. Wright, seconded by Mr. Bobesich that life benchers not be permitted to constitute more than one-third of the quorum of discipline hearing panels or the Appeal Panel.

Carried

It was moved by Mr. Wright, seconded by Ms. Sachs that the retirement age of life benchers be 75.

Withdrawn

It was moved by Mr. Murphy, seconded by Mr. Millar that Convocation have the authority to establish professional standards.

Carried

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:50 P.M.

CONVOCATION RECONVENED AT 2:15 P.M.

PRESENT:

The Treasurer, Aaron, Adams, Armstrong, Backhouse, Banack, Carey, R. Cass, Cole, Copeland, Cronk, Crowe, DelZotto, Epstein, Feinstein, Finkelstein, Furlong, Gottlieb, Goudge, Lamont, Legge, MacKenzie, Manes, Marrocco, Millar, Murphy, Murray, Pepper, Puccini, Ruby, Sachs, Scott, Sealy, Stomp, Strosberg, Swaye, Thom, Topp, Wardlaw, Wilson and Wright.

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IN PUBLIC

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LEGISLATIVE AMENDMENTS PACKAGE (cont'd)

Sections 34.14 and 34.16 ("Green Book")

It was moved by Mr. Ruby, seconded by Mr. Gottlieb that sections 34.14 and 34.16 re: disclosure to third parties, be deleted.

Lost

Paragraph 29 ("Red Book")

It was moved by Mr. Adams, seconded by Mr. Wright that the requirement for French language hearing panels be deleted.

Carried

ROLL-CALL VOTE

Aaron	For
Adams	For
Armstrong	Against
Backhouse	Against
Banack	For
Carey	Against
Cole	For
Copeland	For
Cronk	For
Crowe	Against
DelZotto	For
Feinstein	Against
Finkelstein	Against
Gottlieb	For
Goudge	For
Legge	For
MacKenzie	Against
Manes	For
Millar	Against
Murphy	Against
Murray	Against
O'Connor	For
Puccini	For
Ruby	Against
Sachs	Against
Scott	Against
Sealy	For
Stomp	For
Strosberg	Against
Swaye	Against
Thom	For
Topp	For
Wilson	Against
Wright	For

Paragraph 1 ("Red Book")

It was moved by Ms. Sealy, seconded by Mr. Manes that the number of lay benchers be set at five.

Carried

It was moved by Mr. MacKenzie, seconded by Ms. Sealy that the only panel requirement under the Act to have a lay bencher among its membership be the Appeal Panel but that Convocation develop a policy to provide, where possible, for lay bencher membership on every discipline hearing panel.

Carried

It was moved by Mr. Swaye, seconded by Mr. Aaron that the number of lay benchers remain at four.

Not Put

22nd March, 1996

It was moved by Mr. Murphy, seconded by Mr. Gottlieb that the mandatory requirement of lay benchers participation on Authorization Committees, discipline hearings and Appeal panels, be deleted.

Not Put

BOARD OF LAWYERS' PROFESSIONAL INDEMNITY COMPANY

Meeting of March 20, 1996

Mr. Strosberg presented the Insurance Report re: the issue of the Mandatory Errors and Omissions Program. The matter would be considered at Convocation in July.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The BOARD OF LAWYERS' PROFESSIONAL INDEMNITY COMPANY begs leave to report:

The Board of Directors last met on March 20, 1996.

The current members of the Board are Messrs. Strosberg (Chairman), Feinstein, Murray, Holbrook, McCormick, Cutbush, Crowe, Croft, Sonley, Schjerner, Heins and Mesdames Carpenter-Gunn and Sachs.

A. MANDATORY ERRORS & OMISSIONS PROGRAM

1. Part I of the Insurance Committee Task Force report considered whether or not the Society should continue with the Errors & Omissions Program. Paragraph 53 of the report stated as follows:

Again, then, the Task Force and the Insurance Committee believe that the E&O Program should continue, but the question of whether the Society should support a mandatory E&O Program is not free from doubt and should be reconsidered as a threshold question in every year, bearing in mind LPIC's experience, the cost of insurance, the coverages available, the deficit and whether an efficient management structure is functioning.

2. A full financial year has now passed and the 1996 insurance program is in place. It is the view of LPIC's Board of Directors that reconsideration should be given to whether Errors & Omissions insurance should be mandatory and whether the Society should continue to offer professional liability insurance through its LPIC subsidiary.
3. It is the intention of LPIC's Board of Directors to Report to Convocation on these matters for July of 1996 Convocation.
4. LPIC invites written comments from members of Convocation and ask that they be directed to the Chair or President of LPIC so that their views may be considered and incorporated in the report to Convocation. The Chair and President of LPIC can be contacted as follows:

22nd March, 1996

Lawyers' Professional Indemnity Company
1 Dundas Street West, Suite 2200
Toronto, Ontario
M5G 1Z3

Tel: (416) 598-5800
Fax: (416) 599-8341

B. FINANCIAL RESULTS FOR 1995

1. The Finance Committee will be reviewing the financial statements of LPIC and the Errors & Omissions Fund at its meeting in April. Their full report to Convocation will no doubt follow shortly thereafter. The Treasurer, however, has requested a brief report on how the Errors & Omissions Program performed in 1995, given that LPIC's Board of Directors has reviewed and approved the financial statements of LPIC and the Errors & Omissions Insurance Fund.
2. LPIC ended the year with net income (profit) after taxes of \$2.4 M. This was essentially on budget and flowed from better results than anticipated in the 1995 underwriting year combined with increased loss reserves on claims in the 1990 and 1991 underwriting years.
3. LPIC is well on-side with respect to its regulatory tests and is in good financial shape for the 1996 underwriting year.
4. The following chart reflects the deficit reduction since June 30, 1994.

June 30, 1994	\$153.2 M
June 30, 1995	\$125.1 M
December 31, 1995	\$118.4 M

5. From June 30, 1995 to December 31, 1995 the deficit was reduced by \$6.7 M:

	(millions \$)
Deficit @ 6/95	125.1
LPIC Capitalization	-9.5
Levy Surcharges	-12.8
Difference between base levy collected & premiums paid	2.0
Change in claim forecasts 1994 and prior	12.3
Change in 1995 claims forecast	-2.8
Write-off of uncollectible member deductibles	1.9
Change in discount rate	5.0
Net other	-2.8
Deficit @ 12/95	118.4

One of the factors that slowed the deficit reduction during the last six months of 1995 was the decrease in interest rates. Since the deficit is reported on a discounted basis, reduction in interest rates effectively increases the deficit. The 1.5% decline in interest rates between June 30, 1995 and December 31st, 1995 effectively added \$5 million to the deficit.

22nd March, 1996

There follows a *summarized balance sheet* as at December 31, 1995.

(millions \$)	LPIC	E&O Fund	Combined Fund
Assets	98.4	25.6	124.0
Liabilities	67.4	175.0	242.4
Capital/(Deficit)	31.0	-149.4	-118.4
	98.4	25.6	124.0

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

Harvey Strosberg

Chair

Lawyers' Professional Indemnity Company

THE REPORT WAS RECEIVED

Convocation took a brief recess and resumed in camera.

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IN PUBLIC

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LEGISLATIVE AMENDMENTS PACKAGE (cont'd)

Paragraph 2 ("Red Book")

It was moved by Mr. DelZotto, seconded by Ms. Puccini that the provision to increase the quorum of Convocation to fifteen Benchers be deleted.

Carried

It was moved by Ms. Puccini, seconded by Mr. Finkelstein that the fifth lay bencher appointment alternate between inside and outside Toronto.

Carried

22nd March, 1996

Paragraph 66 ("Red Book")

It was moved by Ms. Puccini, seconded by Mr. DelZotto that the period of time which must elapse between the due date for payment of fees etc. and the earliest date of summary suspension be retained at four months (as in the existing Act) rather than reduced to two months (as proposed).

Carried

ROLL-CALL VOTE

Adams	For
Armstrong	Against
Banack	For
Carey	Against
Cole	For
Copeland	Against
Cronk	Against
DelZotto	For
Epstein	For
Feinstein	For
Finkelstein	For
Gottlieb	For
Goudge	For
Legge	For
MacKenzie	For
Manes	For
Millar	For
Murphy	For
Murray	For
Puccini	For
Sachs	For
Scott	Against
Sealy	For.
Swaye	For
Thom	Against
Wilson	Against
Wright	For

The Scott/Swaye/MacKenzie motion to adopt the balance of the legislative package carried.

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AGENDA - Reports or Specific Items Requiring Convocation's Consideration and Approval and Reports to be spoken to

ADMISSIONS AND MEMBERSHIP COMMITTEE

Meeting of March 14, 1996

It was moved by Mr. Epstein, seconded by Mr. MacKenzie that Item A.-A.1. re: Reciprocal Waiver of Fee for Occasional Appearance, be adopted.

Carried

ITEM A.-A.1. WAS ADOPTED

FINANCE AND ADMINISTRATION COMMITTEE

Motion to Suspend - Errors and Omissions Insurance Levy

It was moved by Mr. Murray, seconded by Mr. Epstein that the rights and privileges of each member who has not paid all of their Errors and Omissions Insurance levy for which they had been granted deferral and whose name on the attached list be suspended from March 22, 1996 and until their levy is paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Carried

(see list in Convocation file)

LEGAL AID COMMITTEE

Meeting of March 13, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL AID COMMITTEE begs leave to report:

Your Committee met on Wednesday, the 13th of March, 1996 at 2:00 p.m. the following members being present: Stephen Goudge, Chair, H. Burroughs, M. Buist (by telephone), C. Curtis, L. Hart, A. Rady, M. Stanowski, T. Stomp and B. Sullivan.

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

A.
POLICY

A.1 REPORT OF THE FINANCIAL ELIGIBILITY WORKING COMMITTEE

The Legal Aid Committee recommends the adoption of the Report of the Financial Eligibility Working Committee which is attached hereto and marked as SCHEDULE A.

B.
ADMINISTRATION

B.1 LEGAL AID BUDGET 1996/1997

The Legal Aid Committee recommends the adoption of the Legal Aid Budget for the fiscal year 1996/1997. The Budget, together with explanatory notes, is attached hereto and marked as SCHEDULE B.

B.2 STATEMENT OF RECEIPTS AND DISBURSEMENTS FOR
THE TEN MONTHS ENDED JANUARY 31, 1996

The Legal Aid Committee received the Statement of Receipts and Disbursements for the Ten Months ended January 31, 1996 which is attached hereto and marked as SCHEDULE C.

22nd March, 1996

B.3 REPORT ON THE PAYMENT OF SOLICITORS ACCOUNTS
FOR THE MONTH OF FEBRUARY, 1996

The Legal Aid Committee received the Report on the Payment of Solicitors Accounts for the Month of February, 1996 which is attached hereto and marked as SCHEDULE D.

B.4 REPORT ON THE STATUS OF REVIEWS IN THE LEGAL
ACCOUNTS DEPARTMENT FOR THE MONTH OF FEBRUARY, 1996

The Legal Aid Committee received the Report on the Status of Reviews in the Legal Accounts Department for the Month of February, 1996 which is attached hereto and marked as SCHEDULE E.

B.5 AREA COMMITTEES - APPOINTMENTS AND RESIGNATIONS

APPOINTMENTS

Hastings and Prince Edward

Kimberley Smith Maynard, solicitor

Kenora

Peter G. Kirby, solicitor

Middlesex

Janet Collins, solicitor

Simcoe

John P.L. McDermot, solicitor

Wentworth

Joyce Valerie Evans, certified general accountant
Cheryl Lafreniere, solicitor
Robert Tick, insurance broker

RESIGNATIONS

Lanark

Brooke McNabb

Wentworth

Michael L. Baker, Q.C.
Shirley Molot
Allen Greenleaf
Patrick D. Lennon

22nd March, 1996

C.
INFORMATION

C.1 FAMILY LAW PRIORITIZATION

The Family Law Prioritization list has been refined since the February meeting and is attached hereto, for Convocation's information, as SCHEDULE F.

ALL OF WHICH is respectfully submitted

DATED this 22nd day of March, 1996

S. Goudge
Chair

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

- Item A.-A.1 - Copy of the Report of the Financial Eligibility Working Committee. (Schedule A)
- Item B.-B.1 - Copy of the Legal Aid Budget for the fiscal year 1996/1997. (Schedule B)
- Item B.-B.2 - Copy of the Statement of Receipts and Disbursements for the Ten Months ended January 31, 1996. (Schedule C)
- Item B.-B.3 - Copy of the Report on the Payment of Solicitors Accounts for the Month of February, 1996. (Schedule D)
- Item B.-B.4 - Copy of the Report on the Status of Reviews in the Legal Accounts Department for the Month of February, 1996. (Schedule E)
- Item C.-C.1 - Copy of the Report of the Family Law Prioritization Consultation Group. (Schedule F)

It was moved by Mr. Goudge, seconded by Mr. Cole that the Report of the Legal Aid Committee be adopted.

Carried

THE REPORT WAS ADOPTED

CONVOCATION ROSE AT 5:15 P.M.

Confirmed in Convocation this 24 day of May, 1996.


Treasurer