

## MINUTES OF CONVOCATION

Thursday, 23<sup>rd</sup> June, 2011  
9:30 a.m.

## PRESENT:

The Treasurer (Laurie H. Pawlitza), Anand, Backhouse, Banack, Boyd, Bredt, Callaghan, Campion, Conway, Dickson, Doyle, Dray, Elliot, Eustace (by telephone), Evans, Falconer, Feinstein, Furlong, Gold, Goldblatt, Gottlieb, Haigh, Halajian, Hare, Hartman, Horvat, Hunter (by telephone), Krishna, Leiper, Lerner, MacLean, McDowell, McGrath, Manes, Marmur, Matheson, Mercer, Minor, Murchie, Murphy, Murray, Porter, Potter, Pustina, Rabinovitch, Richardson, Richer, Ross, Rothstein, Ruby, Sandler, Scarfone, Schabas, Silverstein, C. Strosberg, H. Strosberg (by telephone), Sullivan, Swaye (by telephone), Symes, Wadden and Wright.

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Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

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ELECTION OF TREASURER

The Secretary declared Laurie Pawlitza elected as Treasurer by acclamation.

TREASURER'S REMARKS

The Treasurer thanked benchers, the Chief Executive Officer and Law Society staff for their support over the past year.

The Treasurer informed Convocation that a horsechestnut tree to commemorate Laura Legge has been planted in the Law Society garden.

The Treasurer noted the passing of Norman Craig Brown, Q.C. of Bayfield, Ontario on June 11, 2011, noting his many contributions to the legal profession and his community.

The Treasurer thanked Diana Miles and her staff for their excellent work in organizing the recent calls to the bar.

The Treasurer congratulated bencher Alan Gold who was honoured by Osgoode Hall Law School for his commitment to continuing legal education.

The Treasurer also congratulated Sydney Robins, Q.C., LSM on the 50<sup>th</sup> anniversary of his election as bencher in April 2011.

#### DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of May 26, 2011 and Special Convocation of June 3, 2011 were confirmed.

#### MOTION – APPOINTMENTS

It was moved by Mr. Anand, seconded by Mr. Sandler, –

THAT Malcolm Mercer be removed from the LawPRO Board of Directors at his own request.

THAT Constance Backhouse be appointed as the Law Society's representative on the Ontario Justice Education Network Board of Directors (OJEN) to replace Avvy Go who has resigned.

THAT the following benchers be appointed as members of the LL.D. Advisory Committee:

Laurie Pawlitza (Chair)  
Carol Hartman  
William McDowell  
Janet Minor  
Catherine Strosberg  
Joseph Sullivan

Carried

#### REPORT OF THE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND COMPETENCE

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, June 23<sup>rd</sup>, 2011.

ALL OF WHICH is respectfully submitted

DATED this 23<sup>rd</sup> day of June, 2011

CANDIDATES FOR CALL TO THE BAR

June 23, 2011

Anthony Stuart Abato  
Timothy Clayton Bailey  
Catherine Marie Bélair-Noël  
Irene Insun Chang  
Daniel Joseph Chapman  
Neha Chugh  
Violet May Ford  
Alex Joseph Pierre Luc Goupil  
Weiguo He  
Nausheen Husain  
Guy Joseph Jacques Lachapelle  
Cory Rapps Levi  
Jennifer Tracy Li  
Sergio Damian Lopez  
Patrick Valéry Mathurin  
Raman Deep Singh Minhas  
Mira Aileen Novek  
Jennifer Jay Olijnyk  
Ashley Amanda Veaudry Reid  
Sarah Alexis Stewart  
William Robert Walters  
Leanne Wendy Zabudsky  
Mark Lorne Zinck

It was moved by Mr. Conway, seconded by Mr. Champion, that the Report of the Director of Professional Development and Competence listing the names of the call to the bar candidates be adopted.

Carried

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Mr. Conway presented the Report.

Report to Convocation  
June 23, 2011

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## Professional Development &amp; Competence Committee

## COMMITTEE MEMBERS

Thomas Conway (Chair)	Vern Krishna
Mary Louise Dickson (V-Chair)	Michael Lerner
Alan Silverstein (V-Chair)	Dow Marmur
Constance Backhouse	Wendy Matheson
Larry Banack	Susan McGrath
Jack Braithwaite	Janet Minor
John Callaghan	Barbara Murchie
Cathy Corsetti	Judith Potter
Adriana Doyle	Nicholas Pustina
Larry Eustace	Jack Rabinovitch
Alan Gold	Linda Rothstein
Howard Goldblatt	Catherine Strosberg
Susan Hare	Joseph Sullivan
Jacqueline Horvat	Robert Wadden
George Hunter	Peter Wardle

Purpose of Report: Decision

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

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Ontario as Summer Students ..... TAB B

## COMMITTEE PROCESS

1. The Committee met by teleconference on June 20, 2011. Committee members Tom Conway (Chair), Alan Silverstein (Vice-Chair), Cathy Corsetti, Adriana Doyle, Larry Eustace, Jacqueline Horvat, Susan McGrath, Dow Marmur, Wendy Matheson, Barbara Murchie, Nicholas Pustina, Linda Rothstein, Cathy Strosberg and Joseph Sullivan participated. Staff members Diana Miles and Sophia Sperdakos also participated.

## FOR DECISION

### AMENDMENT TO BY-LAW 4 - LICENSING EXAMINATIONS

#### MOTION

2. That Convocation amend By-Law 4 in accordance with section 1 - 16 of the official bilingual motion at APPENDIX 1 to reflect Convocation's April 28, 2011 policy changes to the licensing examination process.

#### Introduction and Background

3. On April 28, 2011 Convocation approved the following proposal respecting Law Society of Upper Canada licensing examinations:
  - a. To qualify for a Class L1 licence, candidates would have three years from the time of registering with the Law Society as licensing candidates to pass the licensing examinations and would be limited in the number of total attempts they would have to pass the licensing examinations;
  - b. Initially, licensing candidates would only have a total of three attempts to pass the licensing examinations. However, there would a "right" for candidates who failed the licensing examinations after three attempts to seek a waiver of the "three attempt rule" from the Director, Professional Development and Competence.
  - c. A request for a waiver could only be made once, and the Director, Professional Development and Competence, could only permit one further attempt at the licensing examinations.
  - d. Licensing candidates who failed the licensing examinations after three attempts and did not seek permission to make a fourth attempt, candidates who failed the licensing examinations after three attempts and are not permitted by the Director, Professional Development and Competence to make a fourth attempt or candidates who fail the licensing examinations after four attempts would have their registration with the Law Society cancelled.
  - e. Thereafter, the (now former) licensing candidates would be permitted to re-register with the Law Society only after a year had passed (from the time registration was cancelled) and only after demonstrating to the Director, Professional Development and Competence a change in circumstances.

4. Convocation directed by-law amendments to reflect the approved proposal.
5. Sections 1 to 17 of the Motion at APPENDIX 1 contain the relevant changes to By-Law 4 in English and French for Convocation's consideration. APPENDIX 2 is the black-lined version of the current relevant provisions of By-Law 4 to illustrate the changes.

#### AMENDMENT TO SECTION 34(4) OF BY-LAW 4 RESPECTING LAW STUDENTS

##### MOTION

6. That Convocation amend By-Law 4 in accordance with section 17 and 18 of the official bilingual motion at APPENDIX 1 as follows:
  17. Subsection 34 (4) of the English version of the By-Law is amended by deleting "an accredited law school" and substituting "a law school in Canada that is accredited by the Society".
  18. Subsection 34 (4) of the French version of the By-Law is amended by deleting "faculté de droit agréée" and substituting "faculté de droit canadienne agréée par le Barreau".

##### Introduction and Background

7. Part V of By-Law 4 sets out who may provide legal services without a licence and under what circumstances.
8. Section 34(2) and (3) of the By-law provide the circumstances under which a law student (other than an articulated student, for whom there are separate provisions) may "without a licence, provide legal services in Ontario." Law students who work as summer students in legal settings do so within these provisions.
9. As currently worded, section 34 (4) defines a "law student" for the purposes of section 34(2) and (3) as "an individual who is enrolled in a degree program at an accredited law school."
10. Pursuant to section 29 of By-law 4, however, "accredited law school" is restricted to "a law school *in Ontario* that is accredited by the Law Society" (emphasis added). This precludes summer students from law schools outside Ontario (but in Canada) from providing the legal services that summer students from law schools in Ontario can provide.
11. This differential treatment is unintended. The proposed By-law amendment corrects this inadvertent result.
12. The section 29 definition of "accredited law school" continues to be applicable to the rest of Part V of the By-law.

**APPENDIX 1**

## THE LAW SOCIETY OF UPPER CANADA

**BY-LAWS MADE UNDER  
SUBSECTIONS 62 (0.1) AND (1) OF THE *LAW SOCIETY ACT*****BY-LAW 4  
[LICENSING]**MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON JUNE 23, 2011

MOVED BY

SECONDED BY

THAT By-Law 4 [Licensing], made by Convocation on May 1, 2007 and amended by Convocation on May 25, 2007, June 28, 2007, September 20, 2007, January 24, 2008, April 24, 2008, May 22, 2008, June 26, 2008, January 29, 2009, June 25, 2009, June 29, 2010, September 29, 2010, October 28, 2010 and April 28, 2011, be further amended as follows:

**1. Section 8 of the English version of the By-Law is amended by adding the following subsections:**

**Time for submitting application**

(1.1) An application for a licence shall be submitted contemporaneously with the applicant's registration form under section 18.

**Submitting another application after one is deemed abandoned**

(1.2) If an application for a licence is deemed to have been abandoned by the applicant under clause (4) (b), another application for a licence may not be submitted until after one year after the date on which the previous application was deemed to have been abandoned and may only be submitted if a material change in circumstances is demonstrated to the Society.

**2. Section 8 of the French version of the By-Law is amended by adding the following subsections:**

**Délai de présentation de la demande**

(1.1) La demande de permis se présente en même temps que la demande d'inscription prévue à l'article 18.

**Présentation d'une nouvelle demande après une renonciation réputée survenue**

(1.2) Le requérant ou la requérante qui est réputé avoir renoncé à une demande de permis en application de l'alinéa (4) b) ne peut pas en présenter une nouvelle dans l'année qui suit la date à laquelle il est réputé avoir renoncé à la demande précédente et seulement s'il démontre au Barreau un changement important dans sa situation.

**3. Subsection 8 (4) of the English version of the By-Law is revoked and the following substituted:**

**Failure to do something: abandonment of application**

- (4) An applicant's application for a licence is deemed to have been abandoned by the applicant if the applicant,
- (a) fails to do anything required to be done under subsection (3), under paragraph 2 of subsection 9 (1), under paragraph 2 of subsection 13 (1), under subclause 13 (2) (b) (iii), subclause 13 (2) (c) (iii) or subclause 13 (2) (d) (iii) or under subsection 15 (2.2) within the time specified for the thing to be done; or
  - (b) takes the same licensing examination three, or if entitled four, times and fails to successfully complete the licensing examination.

**4. Subsection 8 (4) of the French version of the By-Law is revoked and the following substituted:**

**Omission de prendre une mesure : renonciation à la demande**

- (4) Est réputé avoir renoncé à sa demande de permis le requérant ou la requérante qui :
- a) soit ne prend pas une mesure exigée au paragraphe (3), à l'alinéa 2 du paragraphe 9 (1), à l'alinéa 2 du paragraphe 13 (1), au sous-alinéa 13 (2) b) (iii), au sous-alinéa 13 (2) c) (iii) ou au sous-alinéa 13 (2) d) (iii) ou au paragraphe 15 (2.2) dans le délai imparti;
  - b) soit passe le même examen d'admission à trois reprises ou, à condition d'y avoir le droit, à quatre reprises, et y échoue.

**5. Paragraph 2 of subsection 9 (1) of the English version of the By-Law is amended by striking out "not more than three years prior to the application for licensing" and substituting "by not later than two years after the end of the licensing cycle into which the applicant was registered".**

**6. Paragraph 2 of subsection 9 (1) of the French version of the By-Law is amended by striking out "au plus trois ans avant la demande de permis" and substituting "au plus tard deux ans après la fin du cycle d'admission pour lequel il est inscrit".**

**7. Paragraph 1 of subsection 14 (1) of the English version of the By-Law is revoked and the following substituted:**

- 1. The person must be registered with the Society.
- 1.1 The person must not have taken the same licensing examination more than twice in the licensing cycle into which the person was registered.

**8. Paragraph 1 of subsection 14 (1) of the French version of the By-Law is revoked and the following substituted:**

1. La personne doit être inscrite au Barreau.
- 1.1 La personne ne doit pas avoir passé le même examen d'admission à plus de deux reprises durant le cycle d'admission pour lequel elle est inscrite.

**9. Section 14 of the English version of the By-Law is amended by adding the following subsection:**

**Entitlement to take licensing examination if same taken more than twice**

(1.1) A person who meets the requirements set out in paragraphs 1, 2, 3, 4 and 5 of subsection (1) but does not meet the requirement set out in paragraph 1.1 of subsection (1) is entitled to take a licensing examination set by the Society if the person,

- (a) has not taken the same licensing examination more than three times in the licensing cycle into which the person was registered; and
- (b) satisfies the Society that there exist extraordinary circumstances that would affect or could be expected to affect the person's ability to successfully complete the licensing examination.

**10. Section 14 of the French version of the By-Law is amended by adding the following subsection:**

**Droit de passer le même examen d'admission à plus de deux reprises**

(1.1) La personne qui satisfait aux exigences énoncées aux dispositions 1, 2, 3, 4 et 5 du paragraphe (1) mais non à celles énoncées à la disposition 1.1 de ce paragraphe a le droit de passer un examen d'admission établi par le Barreau si les conditions suivantes sont réunies :

- a) elle n'a pas passé le même examen d'admission à plus de trois reprises au cours du cycle d'admission pour lequel elle était inscrite;
- b) elle convainc le Barreau que des circonstances extraordinaires ont ou pourraient avoir une incidence sur sa capacité à réussir l'examen d'admission.

**11. Paragraph 1 of section 16 of the English version of the By-Law is amended by striking out "register" and substituting "be registered".**

**12. Paragraph 1 of section 16 of the French version of the By-Law is amended by striking out "s'inscrit" and substituting "est inscrit".**

**13. Paragraph 1 of subsection 17.1 (1) of the English version of the By-Law is amended by striking out "register" and substituting "be registered".**

**14. Paragraph 1 of subsection 17.1 (1) of the French version of the By-Law is amended by striking out “s’inscrire” and substituting “être inscrite”.**

**15. Section 18 of the English version of the By-Law is amended by adding the following subsection:**

**Registration after application for licence deemed abandoned**

(1.1) Despite subsection (1), a person whose registration is cancelled because the person’s application for a licence is deemed to have been abandoned by the person under clause 8 (4) (b) is not entitled to be registered with the Society again until the time when the person may submit another application for a licence under subsection 8 (1.2).

**16. Section 18 of the French version of the By-Law is amended by adding the following subsection:**

**Inscription après une renonciation réputée survenue**

(1.1) Malgré le paragraphe (1), la personne dont l’inscription est annulée parce qu’elle est réputée avoir renoncé à sa demande de permis en application de l’alinéa 8 (4) b) n’a pas le droit d’être inscrite au Barreau à nouveau jusqu’au moment où elle peut présenter une autre demande de permis en application du paragraphe 8 (1.2).

**17. Subsection 34 (4) of the English version of the By-Law is amended by deleting “an accredited law school” and substituting “a law school in Canada that is accredited by the Society”.**

**18. Subsection 34 (4) of the French version of the By-Law is amended by deleting “faculté de droit agréée” and substituting “faculté de droit canadienne agréée par le Barreau”.**

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

Copy of the black-lined version of the current relevant provisions of By-Law 4.

(Appendix 2, pages 13 – 28)

Re: Amendment to By-Law 4 – Licensing Examinations

It was moved by Mr. Conway, seconded by Mr. Champion, that Convocation amend By-Law 4 in accordance with sections 1 to 16 of the official bilingual motion at Appendix 1 of the Report to reflect Convocation’s April 28, 2011 policy changes to the licensing examination process.

Carried

Re: Amendment to Section 34(4) of By-Law 4 – Law Students from Elsewhere in Canada Working in Ontario as Summer Students

It was moved by Mr. Conway, seconded by Mr. Campion, that Convocation amend By-Law 4 in accordance with sections 17 and 18 of the official bilingual motion at Appendix 1 of the Report.

Carried

**APPENDIX 1**

THE LAW SOCIETY OF UPPER CANADA

**BY-LAWS MADE UNDER  
SUBSECTIONS 62 (0.1) AND (1) OF THE *LAW SOCIETY ACT***

**BY-LAW 4  
[LICENSING]**

THAT By-Law 4 [Licensing], made by Convocation on May 1, 2007 and amended by Convocation on May 25, 2007, June 28, 2007, September 20, 2007, January 24, 2008, April 24, 2008, May 22, 2008, June 26, 2008, January 29, 2009, June 25, 2009, June 29, 2010, September 29, 2010, October 28, 2010 and April 28, 2011, be further amended as follows:

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**Droit de passer le même examen d'admission à plus de deux reprises**

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- a) elle n'a pas passé le même examen d'admission à plus de trois reprises au cours du cycle d'admission pour lequel elle était inscrite;
- b) elle convainc le Barreau que des circonstances extraordinaires ont ou pourraient avoir une incidence sur sa capacité à réussir l'examen d'admission.

**11. Paragraph 1 of section 16 of the English version of the By-Law is amended by striking out “register” and substituting “be registered”.**

**12. Paragraph 1 of section 16 of the French version of the By-Law is amended by striking out “s’inscrit” and substituting “est inscrit”.**

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**Registration after application for licence deemed abandoned**

(1.1) Despite subsection (1), a person whose registration is cancelled because the person’s application for a licence is deemed to have been abandoned by the person under clause 8 (4) (b) is not entitled to be registered with the Society again until the time when the person may submit another application for a licence under subsection 8 (1.2).

**16. Section 18 of the French version of the By-Law is amended by adding the following subsection:**

**Inscription après une renonciation réputée survenue**

(1.1) Malgré le paragraphe (1), la personne dont l’inscription est annulée parce qu’elle est réputée avoir renoncé à sa demande de permis en application de l’alinéa 8 (4) b) n’a pas le droit d’être inscrite au Barreau à nouveau jusqu’au moment où elle peut présenter une autre demande de permis en application du paragraphe 8 (1.2).

**17. Subsection 34 (4) of the English version of the By-Law is amended by deleting “an accredited law school” and substituting “a law school in Canada that is accredited by the Society”.**

**18. Subsection 34 (4) of the French version of the By-Law is amended by deleting “faculté de droit agréée” and substituting “faculté de droit canadienne agréée par le Barreau”.**

TRIBUNALS COMMITTEE REPORT

Mr. Anand presented the Report.

Report to Convocation  
June 23, 2011

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Tribunals Committee

Committee Members  
Raj Anand (Chair)  
Adriana Doyle (Vice-Chair)  
Jack Braithwaite  
Christopher Bredt  
Paul Dray  
Howard Goldblatt  
Jennifer Halajian  
Dow Marmor  
Wendy Matheson  
Linda Rothstein  
Mark Sandler  
Beth Symes  
Robert Wadden  
Peter Wardle

Purposes of Report: Decision

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

#### COMMITTEE PROCESS

1. The Committee met on June 9, 2011. Committee members Raj Anand (Chair), Adriana Doyle (Vice-Chair), Christopher Bredt, Paul Dray, Howard Goldblatt, Jennifer Halajian, Dow Marmor, Wendy Matheson, Linda Rothstein, Mark Sandler, Robert Wadden and Peter Wardle attended. Malcolm Heins also attended. Staff members Helena Jankovic, Grace Knakowski, Elliot Spears, and Sophia Sperdakos also attended.

#### FOR DECISION

#### AMENDMENT TO ADJUDICATOR CODE OF CONDUCT

#### MOTION

2. That Convocation approve the proposed amendments to the Adjudicator Code of Conduct set out at Appendix 1.

### Introduction and Background

3. On April 28, 2011 Convocation approved the Professional Regulation Committee's motion that Law Society benchers be prohibited from acting as representatives of licensees who are the subject of an investigation by the Law Society.
4. On April 28, 2011 Convocation also approved the Tribunals Committee's related motion as follows:
  - That upon Convocation approving the Professional Regulation Committee's motion respecting a prohibition on benchers representing licensees in an investigation, it
    - a. approve the policy as applicable to all members of the Hearing and Appeal Panels and,
    - b. authorize an amendment to the Adjudicators Code of Conduct to include such a prohibition.
5. The Tribunals Committee has now prepared proposed amendments to the Adjudicator Code of Conduct to include the relevant prohibition. The proposed amendments to the current Code are set out in the marked text at Appendix 1.

### APPENDIX 1

#### Proposed Amendments to Adjudicator Code of Conduct Respecting Prohibition on Adjudicators Representing Licensees

...

- V. Appropriate Conduct
14. Any conflict of interest, actual or perceived, arising from an adjudicator's professional or personal interests and the adjudicator's responsibilities as an adjudicator should be resolved in favour of the public interest.
15. Law Society adjudicators are prohibited from representing a licensee or licensee applicant who is the subject of a complaint and/or an investigation by the Law Society, appearing as counsel before the tribunal and from being retained as professional or legal consultants in the preparation of a matter before the tribunal or in any matter relating to the work of the tribunal. Adjudicators are prohibited from engaging in these activities for 24 months following the end of their term as a bencher or their appointment to, the Hearing Panel or Appeal Panel, or after the release of any outstanding decisions, orders or reasons, whichever is later. This does not preclude adjudicators from providing informational advice, without a fee, to licensees or licensee applicants who may be the subject of a complaint and/or an investigation or subject to disciplinary proceedings.
16. Adjudicators should not adjudicate in any proceeding, or participate in tribunal discussions of any matter, in which they, or a business associate, have a financial interest that is neither remote nor trivial and may be affected by the resolution or treatment of a matter before the tribunal.

17. Adjudicators should not adjudicate in any proceeding, or participate in tribunal discussions with respect to any matter in which a party or the party's representative appearing before the tribunal or providing evidence (other than a written testimonial) is from their current law firm. A similar prohibition applies where a party or a party's representative practises in association with the Law Society adjudicator.
18. Adjudicators will not normally be eligible to conduct a proceeding involving a party or the party's representative with whom they were formerly in a significant professional relationship until at least 24 months have elapsed from the termination of the relationship. In some circumstances it may never be appropriate for the adjudicator to conduct a proceeding involving that individual. When evaluating whether the adjudicator's participation in the proceeding would give rise to a reasonable apprehension of bias, the position of all parties, although not determinative, and the circumstances of the relationship should be carefully considered.
19. Adjudicators will not normally be eligible to conduct a proceeding involving a party or a party's representative with whom they have a personal relationship. When evaluating whether the adjudicator's participation in the proceeding would give rise to a reasonable apprehension of bias, the position of all parties, although not determinative, and the circumstances of the relationship should be carefully considered.
20. Adjudicators should not generally adjudicate in any proceeding in which they, a relative or a business associate, have had any prior involvement in the proceeding.
21. Adjudicators should not adjudicate in any proceeding in which the outcome may have an impact on any other legal proceeding in which they have a significant personal interest.
22. Adjudicators should not take improper advantage of information obtained through official tribunal duties.
- ...
- XIII. Temporary Panelists Appointed Pursuant to the *Law Society Act*
  62. Temporary panelists appointed pursuant to the *Law Society Act* should not allow their personal or professional activities to undermine the discharge of their responsibilities as Law Society adjudicators.
  63. Temporary panelists appointed pursuant to the *Law Society Act* should minimize the likelihood of conflicts arising that may affect their neutrality or give rise to an allegation of bias.

64. Temporary panelists appointed pursuant to the *Law Society Act* are prohibited from representing a licensee or licensee applicant who is the subject of a complaint and/or an investigation by the Law Society, appearing before the tribunal as representatives, expert witnesses or consultants for the duration of their appointment and until at least 24 months after the release of any outstanding decisions, orders or reasons appearing as counsel before the tribunal and from being retained as professional or legal consultants in the preparation of a matter before the tribunal or in any matter relating to the work of the tribunal. Temporary panelists are prohibited from engaging in these activities for 24 months following the end of their appointment to, the Hearing Panel or Appeal Panel, or after the release of any outstanding decisions, orders or reasons, whichever is later. This does not preclude temporary panelists from providing informational advice, without a fee, to licensees or licensee applicants who may be the subject of a complaint and/or an investigation or subject to disciplinary proceedings.
- XIV. Post-Term Responsibilities
65. Adjudicators are prohibited from representing a licensee or licensee applicant who is the subject of a complaint and/or an investigation by the Law Society, appearing before the tribunal as a representative, expert witness or consultant until at least 24 months after the expiry of their membership in, or appointment to, the hearing Panel or Appeal Panel, or after the release of any outstanding decisions, orders or reasons, whichever is later. appearing as counsel before the tribunal and from being retained as professional or legal consultants in the preparation of a matter before the tribunal or in any matter relating to the work of the tribunal. Adjudicators are prohibited from engaging in these activities for 24 months following the end of their term as a bencher or their appointment to, the Hearing Panel or Appeal Panel, or after the release of any outstanding decisions, orders or reasons, whichever is later. This does not preclude adjudicators from providing informational advice, without a fee, to licensees or licensee applicants who may be the subject of a complaint and/or an investigation or subject to disciplinary proceedings.
66. Adjudicators have an on-going duty of confidentiality after the expiry of their membership in, or appointment to, the Hearing Panel or Appeal Panel.
67. Adjudicators whose term of appointment has expired, but who have continuing responsibilities by virtue of on-going proceedings in which they participated as adjudicators continue to be guided by this Code.

Re: Amendment to Adjudicator Code of Conduct

It was moved by Mr. Anand, seconded by Ms. Doyle, that Convocation approve the proposed amendments to the Adjudicator Code of Conduct set out at Appendix 1 of the Report.

Carried

TREASURER'S REPORT

Report to Convocation  
June 23, 2011

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## Treasurer's Report

Purpose of Report: Decision-Making

Prepared by the Policy Secretariat

## FOR DECISION

1. This report deals with two matters:
  - a. The establishment of the Articling Task Force.
  - b. The establishment of the Working Group on the Bench Election.

## ARTICLING TASK FORCE

## Motion

2. That Convocation approve the establishment of the Articling Task Force, including the appointment of Laurie Pawlitz (Treasurer), Tom Conway (Chair), Raj Anand, Adriana Doyle, Jacqueline Horvat, Vern Krishna, Dow Marmur, Janet Minor, Barbara Murchie, Paul Schabas, Joseph Sullivan and Peter Wardle as its members, its terms of reference set out in Appendix 1 and the proposed budget of up to \$75,000 to May 2012.

## Introduction and Background

3. On May 26, 2011 the Treasurer advised Convocation that for some time the Law Society has had concerns about the articling program, relating in particular to the growing number of unplaced candidates. A number of factors have been contributing to the placement issue including,
  - a. increasing law school enrolments;
  - b. the growing number of internationally trained candidates who are seeking entry to the Law Society through the National Committee on Accreditation; and
  - c. economic conditions that have affected the number of available placements.

4. The Treasurer noted that the information on articling contained in the May 2011 Professional Development and Competence Department Resource and Program Report highlights the placement difficulties and the likelihood of these difficulties continuing and increasing.
5. The articling issue was considered in 2008 as part of the mandate of a task force that considered a number of licensing and accreditation issues. The recommendations made at that time, and accepted by Convocation, made it clear that it might be necessary to examine the issue again in the near future if placement pressures continued to grow, as has turned out to be the case.
6. On May 26, 2011 the Treasurer announced at Convocation that she would be establishing a working group of the Professional Development & Competence (PD&C) Committee to look into the issues related to articling. After additional consideration, the Treasurer has determined that a Task Force is a more appropriate structure for the inquiry to,
  - a. allow for the appointment of members beyond the members of the PD&C Committee;
  - b. allocate a budget; and
  - c. establish terms of reference and a reporting time line.
7. The proposed terms of reference for the Task Force are set out at Appendix 1 for Convocation's consideration.

#### WORKING GROUP ON THE BENCHER ELECTION

##### Motion

8. That Convocation approve the establishment of a working group on the bencher election, the members of which would be Derry Millar (Chair), Constance Backhouse, Julian Falconer, Janet Leiper, Wendy Matheson, Susan Richer and James Scarfone.
9. The Elections Officer noted several issues arising from the 2011 bencher election process that would be appropriate for review prior to the next bencher election in 2015. As planning for the next bencher election begins as early as next year, including budget considerations, the Treasurer has determined that a working group should review these issues and make any recommendations it deems appropriate to Convocation.
10. The issues include but are not limited to,
  - a. the nomination process;
  - b. candidacy and the region specified for election;
  - c. the length of the election period, including the voting period;
  - d. information on the progress of voting;

- e. campaign materials and methods;
  - f. distribution of and access to the e-mail to launch voting; and
  - g. accommodation issues relating to online voting.
11. The working group will examine these and other issues that may arise in the course of its deliberations. The review will include consultation with benchers, candidates, Law Society committees or other groups as appropriate.
  12. As its review proceeds, the working group will consider the merits of any changes to the current system and process, including changes that may result in By-Law amendments and the financial implications of the changes being considered.
  13. The working group may provide interim reports to Convocation and will aim to provide a final report by June 2012.

## APPENDIX 1

## ARTICLING TASK FORCE

## TERMS OF REFERENCE

JUNE 2011

1. Convocation authorizes the establishment of a task force to consider the articling system in Ontario.
2. The members of the Task Force are the Treasurer, Laurie Pawlitzka, Tom Conway (Chair), Raj Anand, Adriana Doyle, Jacqueline Horvat, Vern Krishna, Dow Marmur, Janet Minor, Barbara Murchie, Paul Schabas, Joseph Sullivan and Peter Wardle.
3. Since the adoption in September 2008 of the recommendations of the Licensing & Accreditation Task Force concerning articling, pressures continue to mount on the articling system, necessitating further consideration of the issue. The Articling Task Force will,
  - a. consider the competency-related principles that articling is intended to address, and its effectiveness in addressing those principles,
  - b. examine the historic and current approaches to articling,
  - c. identify the challenges facing the current program, including the increasing number of unplaced candidates,
  - d. consider additional/alternative approaches to articling, and
  - e. make recommendations to Convocation respecting the future of the articling system.
4. The Task Force will have a budget of up to \$75,000 to be funded from the Licensing Process budget in Professional Development and Competence for 2011, to be used for research, consultation, travel and related expenses to May 2012.

5. The Task Force will report to Convocation no later than May 2012. It will provide periodic interim reports to Convocation, including a brief report in September 2011 to further refine its terms of reference, if necessary.

Re: Articling Task Force

It was moved by Mr. Silverstein, seconded by Ms. Hartman, that Convocation approve the establishment of the Articling Task Force, including the appointment of Laurie Pawlitza (Treasurer), Tom Conway (Chair), Raj Anand, Adriana Doyle, Jacqueline Horvat, Vern Krishna, Dow Marmur, Janet Minor, Barbara Murchie, Paul Schabas, Joseph Sullivan and Peter Wardle as its members, its terms of reference set out in Appendix 1 of the Report and the proposed budget of up to \$75,000 to May 2012.

Carried

Re: Working Group on the Bencher Election

It was moved by Mr. Schabas, seconded by Mr. Wadden, that Convocation approve the establishment of a working group on the bencher election, the members of which would be Derry Millar (Chair), Constance Backhouse, Julian Falconer, Janet Leiper, Wendy Matheson, Susan Richer and James Scarfone.

Carried

FINANCE COMMITTEE REPORT

Ms. Hartman presented the Report.

Addendum to the Report to Convocation  
June 23, 2011

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Finance Committee

Committee Members  
Carol Hartman (Chair)  
Alan Silverstein (Vice-Chair)  
Bob Aaron  
John Callaghan  
Mary Louise Dickson  
Paul Dray  
Larry Eustace  
Susan Hare  
Vern Krishna

Janet Leiper  
Michael Lerner  
Dan Murphy  
Ross Murray  
Judith Potter  
Gerald Swaye  
Robert Wadden  
Peter Wardle

Purpose of Report: Decision

Prepared by the Finance Department  
Fred Grady, Manager, Finance, 416-947-3439

#### COMMITTEE PROCESS

1. The Finance Committee (“the Committee”) met by teleconference on June 17, 2011. The Committee members in attendance were: Carol Hartman (Chair), Alan Silverstein (Vice-Chair), John Callaghan, Paul Dray, Larry Eustace, Janet Leiper, Gerald Swaye, and Peter Wardle.
2. Staff in attendance were Sophia Sperdakos and Andrew Cawse.

#### FOR DECISION

#### FUNDING OF ARTICLING TASK FORCE

##### Motion:

3. That Convocation allocate up to \$75,000 from the existing 2011 Professional Development & Competence Licensing Process budget to the Articling Task Force proposed in the Treasurer’s Report to Convocation.
4. Part of the mandate of the Finance Committee is “to review the plans for any expenditure arising during a financial year that was not included in the annual budget or other budget approved by Convocation for that year, to provide comments and advice to Convocation thereon and to recommend approval of the expenditure by Convocation”.
5. On May 26, 2011, the Treasurer advised Convocation that for some time the Law Society has had concerns about the articling program, relating in particular to the growing number of unplaced candidates. In her current Report to Convocation the Treasurer proposes establishing a Task Force to look into the issues related to articling.
6. A very preliminary budget has been prepared for the Task Force prior to its first meeting as set out below.

DESCRIPTION	BUDGET
Travel (if required)	\$40,000
Consultation with profession	\$20,000
Task Force support/catering	\$5,000
Miscellaneous/contingency	<u>\$10,000</u>
TOTAL	<u>\$75,000</u>

7. It is proposed that this budget be financed from existing resources in the Professional Development and Competence budget. The high volume of Continuing Professional Development activity, together with the fact that budgeted expenses in Professional Development and Competence will be under spent in the licensing process, allows the Law Society not to draw on the contingency to finance the Articling Task Force.
8. The budget is intended to take the Task Force through to its probable conclusion in 2012.
9. The proposed terms of reference for the Task Force are set out at Appendix 1 for Convocation's approval on June 23, 2011.

## APPENDIX 1

## ARTICLING TASK FORCE

## TERMS OF REFERENCE

JUNE 2011

1. Convocation authorizes the establishment of a task force to consider the articling system in Ontario.
2. The members of the Task Force are the Treasurer, Laurie Pawlitzka, Tom Conway (Chair), Raj Anand, Adriana Doyle, Jacqueline Horvat, Vern Krishna, Dow Marmur, Janet Minor, Barbara Murchie, Paul Schabas, Joseph Sullivan and Peter Wardle.
3. Since the adoption in September 2008 of the recommendations of the Licensing & Accreditation Task Force concerning articling, pressures continue to mount on the articling system, necessitating further consideration of the issue. The Articling Task Force will,
  - a. consider the competency-related principles that articling is intended to address, and its effectiveness in addressing those principles,
  - b. examine the historic and current approaches to articling,
  - c. identify the challenges facing the current program, including the increasing number of unplaced candidates,
  - d. consider additional/alternative approaches to articling, and
  - e. make recommendations to Convocation respecting the future of the articling system.

4. The Task Force will have a budget of up to \$75,000 to be funded from the Licensing Process budget in Professional Development and Competence for 2011, to be used for research, consultation, travel and related expenses to May 2012.
5. The Task Force will report to Convocation no later than May 2012. It will provide periodic interim reports to Convocation, including a brief report in September 2011 to further refine its terms of reference, if necessary.

Re: Funding of Articling Task Force

It was moved by Ms. Hartman, seconded by Mr. Silverstein, that Convocation allocate up to \$75,000 from the existing 2011 Professional Development & Competence Licensing Process budget to the Articling Task Force proposed in the Treasurer's Report to Convocation.

Carried

Re: 2012 Operational Reviews

It was moved by Ms. Hartman, seconded by Mr. Silverstein, that Convocation approve the areas of the Client Service Centre and Legal Information (library services) for operational review.

Carried

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FINANCE COMMITTEE REPORT

Report to Convocation  
June 23, 2011

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Finance Committee

Committee Members  
Carol Hartman (Chair)  
Alan Silverstein (Vice-Chair)  
Bob Aaron  
John Callaghan  
Mary Louise Dickson  
Paul Dray  
Larry Eustace

Susan Hare  
 Vern Krishna  
 Janet Leiper  
 Michael Lerner  
 Dan Murphy  
 Ross Murray  
 Judith Potter  
 Gerald Swaye  
 Robert Wadden  
 Peter Wardle

Purpose of Report: Decision and Information

Prepared by the Finance Department  
 Fred Grady, Manager, Finance, 416-947-3439

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### COMMITTEE PROCESS

1. The Finance Committee (“the Committee”) met on June 9, 2011. The Committee members in attendance were: Carol Hartman (Chair), Alan Silverstein (Vice-Chair), John Callaghan, Larry Eustace, Vern Krishna, Janet Leiper, Michael Lerner, Judith Potter (Teleconference), Gerald Swaye (Teleconference), Robert Wadden and Peter Wardle.
2. Staff in attendance were Malcolm Heins, Diana Miles, Fred Grady and Andrew Cawse.

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FOR DECISION

2012 BUDGET - OPERATIONAL REVIEWS

Motion

15. That Convocation approve the areas of the Client Service Centre and Legal Information (library services) for operational review.
16. Typically, Convocation adopts the annual budget at its October meeting (under the By-Laws the budget must be approved by Convocation prior to the end of November). The process leading up to this approval was approved by Convocation in April and is set out below for information.

### Operational Reviews

17. A comprehensive system of operational reviews linked to the budget has been in place since the 2003 Budget Process. The operational reviews consist of an overview of the program and an assessment of the efficacy of its operations.
18. The rotational review of operations has the benefits of:
  - Allowing a more meaningful and focused analysis of revenues and expenditures relating to program activities under review;
  - Reducing the length of the budget process;
  - Increasing benchers understanding of a number of specific activities each year.
  - Increasing the accountability of management for the programs underlying the financial information contained in the annual budget.
19. A history of operational reviews since Convocation approved the process for the 2003 budget is set out below.
 

2011	Professional Regulation and Communications
2010	Professional Development & Competence and Information Systems
2009	Policy and Government Relations Departments and Client Service Centre
2008	Professional Regulation and Communications
2007	Professional Development & Competence and Information Systems
2006	Compensation Fund and the Customer Service Centre
2005	Professional Regulation and Policy & Legal Affairs
2004	Professional Development & Competence and Communications
2003	Client Service Centre, Lawyers Fund for Client Compensation and Great Library
20. All significant Law Society programs have had previous reviews as the process works its way through a third cycle.
21. The Client Service Centre has been selected for operational review as it is a significant area of the Law Society and was last reviewed for the 2009 budget. Client Service Centre expenses in the 2011 budget totaled \$5.7 million. Legal information includes the Great Library and the Law Society's contributions to CanLII and LibraryCo, which together account for \$10.7 million, a significant part of Law Society resources.
22. It is intended that the Client Service Centre and Legal Information operational reviews for the 2012 budget be completed and presented to the Finance Committee in September 2011 as set out in the timetable on page 9.

DATE (2011)	PROCESS
April / May	<p>The Senior Management Team (SMT) commences the budget process by considering individual and collective budget assumptions, variables and objectives. This review also includes how the proposed 2012 budget fits into longer-term plans for the organization and departments.</p> <p>Finance Committee and Convocation approve a process for preparing the 2012 budget that includes Standing Committee endorsement of operational reviews.</p> <p>Bencher's comments on the program reviews and budget process are invited</p>
June July	SMT Budget Planning session – how each division will address the priorities of Convocation.
July August	<p>The components reviewed and approved above are compiled into an operating budget for the Law Society.</p> <p>Facilities and Information Systems compile a capital budget with the assistance of user departments.</p> <p>Further assessments of LibraryCo operations.</p>
September	<p>Preliminary operating budgets for lawyers and paralegals and a capital budget for 2012 are presented to the Finance Committee.</p> <p>Operational reviews for the Client Service Centre and Legal Information are presented to the Finance Committee and any other benchers who wish to attend. The Finance Committee reports results of the program reviews to Convocation and program review material is available to all benchers. Bencher's comments on the program reviews and budget process are invited.</p> <p>A budget information session is held for all benchers to ensure a full exchange of information on the 2012 budget on September 22<sup>1</sup>.</p> <p>Bencher priority planning retreat to be held on September 25-27.</p> <p>LibraryCo submits preliminary submissions on 2011 activities and 2012 projections to the Finance Committee at this time.</p> <p>2012 budget requests from external organizations such as CDLPA received by this time.</p>
October/ November	Draft operating budgets for lawyers and paralegals and a capital budget for 2012 are presented to the Finance Committee and Convocation for approval. The budget is typically approved by Convocation in October. If any of the recommendations and/or priorities from the bencher priority planning retreat are to be incorporated in the 2012 budget, approval by Convocation will have to be delayed until November.

<sup>1</sup> The bencher priority planning retreat is being held after the budget information session and may result in changes.

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Resignation of the Chief Executive Officer

The Treasurer announced the resignation of Malcolm Heins, Chief Executive Officer of the Law Society, effective January 1, 2012.

The Treasurer thanked Mr. Heins for his outstanding contribution to the Law Society as Chief Executive Officer.

The Treasurer announced that Amrop Knightsbridge is being retained for the recruitment of the Chief Executive Officer.

*REPORTS FOR INFORMATION*

## Priority Planning Committee Report

Report to Convocation  
June 23, 2011

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Priority Planning Committee

Committee Members  
Treasurer Laurie H. Pawlitza (Chair)  
Marion Boyd  
Christopher Bredt  
Thomas Conway  
Michelle Haigh  
Carol Hartman  
Janet Minor  
Julian Porter  
Paul Schabas

Purpose of Report: Information

Prepared by the Policy Secretariat  
(Jim Varro 416-947-3434)

## FOR INFORMATION

## CONVOCATION'S PRIORITY PLANNING

## Committee Process

1. The Priority Planning Committee ("the Committee") met on June 10, 2011. In attendance were Treasurer Laurie H. Pawlitza (Chair), Marion Boyd, Christopher Bredt, Thomas Conway, Michelle Haigh (by telephone), Carol Hartman, Julian Porter (by telephone), Paul Schabas, Chief Executive Officer Malcolm Heins, Diana Miles, Jim Varro and Sheena Weir.

## Background

2. In March 2007, Convocation approved the following recommendations of the Governance Task Force with respect to prioritizing and planning Convocation's policy agenda:
  - a. Convocation shall institute a full review of Convocation's priorities for achieving strategic objectives for the Law Society, to be held at a meeting of benchers soon after each bencher election and as appropriate during the bencher term; and

- b. Convocation shall establish a standing committee called the Priority Planning Committee to assist Convocation in planning its priorities. In particular,
  - i. The Treasurer shall recommend members of the Committee for Convocation's approval, in accordance with the By-Laws;
  - ii. Convocation shall appoint the chair and any vice-chairs of the Committee, in accordance with the By-Laws;
  - iii. In addition to the bencher members of the Committee, the Chief Executive Officer shall be a non-voting member of the Committee;
  - iv. The mandate of the Committee is to
    - A. recommend for Convocation's consideration and approval the priorities for policy objectives and submit those recommendations to Convocation in the process described in a. above,
    - B. periodically review the priorities previously established by Convocation, and new policy issues that may arise, and recommend to Convocation on an ongoing basis the priorities to be considered and approved by Convocation in the future, and
    - C. report annually to Convocation on the status of Convocation's priorities.
3. In 2007, a Planning Session was held from September 23 to 25 shortly after the 2007 bencher election.
4. At the Planning Session, benchers identified nine priority areas for the Law Society to focus on over the bencher term from 2007 to 2011. The nine priority areas identified were as follows:
  - Discipline
  - Access to justice
  - Regulation of paralegals
  - Small firms and sole practitioners
  - Governance structure
  - Strategic communications
  - Maintenance of high standards and ensuring effective competence
  - Diversity within the profession
  - Licensing and accreditation
5. At its meeting on November 22, 2007, Convocation approved the nine priority areas. The priority identified as Licensing and Accreditation was subsumed into the priority identified as "Maintenance of high standards and ensuring effective competence," leaving a total of eight priority areas.
6. Following consultation with the chairs of the standing committees and major task forces and members of the senior management team, the Committee presented to Convocation a work plan to achieve the priorities approved by Convocation for the 2007 – 2011 term. The Committee also presented an update on the implementation of initiatives that had been carried out by the Law Society to address the approved priorities and implement the work plan.

7. On January 29, 2009, Convocation approved the work plan. Also on January 29, 2009, Convocation approved the following process for adding new issues and initiatives to the work plan:
  - a. Depending on the nature of the issue that arises, the Treasurer may discuss it with the chair of the relevant committee and the Chief Executive Officer to determine whether the issue can be accommodated within the current work plan. If it can be accommodated, the work plan will be amended and reported to Convocation for information.
  - b. If the issue cannot be accommodated within the current work plan, the issue will have to be scoped out, and the financial and resource implications determined. The Committee will then present the issue to Convocation for its decision on whether to add it to the work plan.
  
8. Convocation has been updated on the status of the initiatives undertaken to achieve Convocation's priorities on four occasions.
  - a. The Chief Executive Officer reported on the initiatives in his Report to Convocation on November 27, 2008.
  - b. The Committee updated Convocation in its Report to Convocation on January 29, 2009.
  - c. The Compensation Committee provided an update on the initiatives in its Report to Convocation on January 28, 2010.
  - d. The Committee provided an update in its Report to Convocation on June 29, 2010.
  
9. On June 10, 2011, the Committee reviewed the work done on the priorities for the 2007 – 2011 bench term.

#### The Status of Work on the Priorities

10. The areas identified by Convocation in 2007 as priority areas remained priorities throughout the bench term. Many of them related directly to the core function of the Law Society set out in s. 4.1 of the *Law Society Act* to ensure that lawyers and paralegals meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide. These include discipline, paralegal regulation, and maintenance of high standards and ensuring effective competence.
  
11. Others, such as access to justice and governance structure, relate to the principles the Law Society must have regard to in carrying out its functions, duties and powers, as required by s. 4.2 of the *Law Society Act*.
  
12. Finally, others, such as diversity, small firms and sole practitioners, and strategic communications, flow from important policy initiatives Convocation has undertaken. Some of these initiatives are also relevant to the principles articulated in s.4.2 of the *Law Society Act*.

13. The Committee assessed the progress of work on the priorities Convocation identified in accordance with its March 2007 policy. The assessment shows that significant work has been completed on the priorities, as set out in the detailed work plan at Appendix 1, and that some work is ongoing. In the Committee's view, the priority planning process Convocation follows provides a valuable and structured approach to planning and prioritizing the Law Society's policy agenda. This has greatly assisted in advancing the effectiveness of the Law Society's mandate.

#### Next Steps

14. As the 2011 bencher election is now completed and the 2011 – 2015 bencher term has begun, the Committee is making plans for a bencher priority planning session.
15. At this session, benchers will consider the Law Society's strategic direction for the next four years and establish priorities for the 2011 – 2015 bencher term. Dr. David Weiss, President and CEO of Weiss International Ltd., the consultant hired by the Law Society for the session, will provide an outline of the agenda for the session at Convocation on June 23, 2011.
16. Following the September planning session, the priorities will be reported by the Committee to Convocation for approval. This process will also be relevant for the budget planning process that will begin shortly and conclude in the fall of 2011, when the 2012 budget is adopted.

Appendix 1

#### Current Work Plan of Eight Identified Priorities

1. MAINTAIN HIGH STANDARDS AND ENSURE EFFECTIVE COMPETENCE
  - A. ENTRY LEVEL COMPETENCE

The Law Society has focused on entry-level competence for the past 20 years. The Licensing Process has undergone major changes as a result of two major reviews. The Licensing and Accreditation Task Force focused on entry level competency. The Federation of Law Societies' Task Force on the Canadian Common Law Degree developed a national requirement that law school graduates must meet for entry to law society admission programs.

#### Work ongoing in 2011

1. A full entry-level competencies review and validation process is being conducted in 2011 to update and confirm the appropriate competencies and assessment of those competencies through the lawyer licensing examinations. Members of the lawyer profession will provide input into this process through working groups and surveys.
2. Work continues on the evolution of the competency profile for the establishment of national standards. Focus groups and other validation activities are scheduled to take place mid-year with the goal of finalizing the profile of entry-level competencies by year end. Once finalized at the Federation, the competencies will be presented to individual law societies.

Work completed in 2010:

1. Consideration of a national requirement for graduates of Canadian common law schools who seek entry to law society admission and licensing programs. Convocation approved the Federation's report in February 2010.
2. Federation of Law Societies' consideration of National Admission Standards. Licensure experts were retained to assist in the development of a competency profile for lawyers nationally. A technical working group of members from a variety of law societies across the country, including the Director of PD&C, had input into the initial framework.

Work completed 2009:

1. Implementation of the Licensing Process for 2009 / 2010 licensing year. This includes the following:
  2. Online Professional Responsibility and Practice Course
  3. Professional Conduct and Practice Course for internationally trained candidates
  4. Online Articling Registry and outreach and promotion of articling initiatives and job placements.
5. National Committee on Accreditation Reform. The CEO is a member of the Federation of Law Societies National Committee on Accreditation (NCA) Futures Committee. A new Executive Director has been hired. A plan is in place for a new corporate structure and efforts are being made to provide as seamless a transition as possible and to relocate the NCA's office by June 30th of this year.
6. Completion of the audit of Registration Practices under FARPA as required by the Office of the Fairness Commissioner.

Work completed 2008:

1. Examination of the licensing processing, including the skills program and articling. In September 2008, Convocation approved the Licensing and Accreditation Task Force Report recommendations.
2. Review of the NCA program to establish a more transparent and efficient foreign legal accreditation process.

**B. QUALITY ASSURANCE (POST LICENSING COMPETENCE)**

Once lawyers and paralegals are licensed to practise law and provide legal services, the Law Society must ensure that they remain competent throughout their careers.

Work ongoing in 2011:

1. Increase in the number of spot audits to be conducted in 2011 to 1800 to ensure that all law firms in the province are audited once every five years.
2. Review the risk management implications of the contingency planning questions in the Lawyer and Paralegal Annual Reports and possible next steps.
3. Develop precedents and resources to support and promote the completion of contingency and succession plans by members.
4. Discussion and consultations with the Ontario Bar Association and other providers of CPD with respect to the concept of establishing an independent entity to provide CPD in support of the post-call competence mandate.

Work completed in 2010:

1. Implementation of the final phase of increases to the number of spot audits to ensure that all firms are audited every five years.
2. Exploration of establishment of independent organization responsible for providing lawyers and paralegals with continuing professional development programmes and other resources designed to maintain and enhance post-licensing competence. .

Work completed 2009:

1. Implementing the first phase of increases to the number of spot audits to ensure that all firms are audited every five years in accordance with the original plan. Currently the Law Society audits all firms every 8.5 – 9 years.
2. Implementation of the Re-entry Review Program.
3. Implementation of the new risk criteria approved by Convocation for Practice Management Reviews; implementation of the increased number of 400 Practice Management Reviews (and up to an additional 100 focused reviews) for 2009.

Work completed 2008:

1. Approval of post-call compulsory professional development component of the new Licensing Process.
2. In June 2008, Convocation approved in principle a plan to increase the Spot Audit Program to work towards achieving a target of auditing all firms every five years.
3. Termination of the Private Practice Refresher Program. In April 2008 Convocation approved a policy that will require a lawyer returning to private practice in firms of five or fewer be subject to re-entry review requirements or a practice management review within the first 12 months. The new approach is now implemented.
4. In November 2008, Convocation approved the risk based selection criteria for the Practice Management Review Program to make the most efficient use of resources. All sole and small firm practitioners (firms with five or fewer lawyers) will now be reviewed in the first two years of practice, are eligible for selection.
5. Addressing risk factors in sole practice. The Risk Factors Working Group was struck in 2008 to examine the factors that lead sole practitioners to become involved in the Law Society's regulatory processes. Mentoring initiatives have been implemented and a review program for all new practitioners has been put into place.

### C. QUALITY IMPROVEMENT

The Law Society must continue to support lawyers and paralegals in their own efforts to maintain their competence.

Work ongoing in 2011:

1. Implementation of the CPD requirement for all full fee-paying licensees. Includes the development and management of an accreditation process for professionalism content, exemption processes, over 130 CPD programs to be offered in the calendar year, and significant increases in services provision to assist members to familiarize themselves with the requirement and the reporting obligations.
2. Development and offering of over 130 CPD programs including 40 professionalism programs offered free of charge to members.

3. Ongoing revisions to the CPD section of the Member Portal to support ease of use based on member feedback.
4. Establishment of a new Web Content Management unit within the PD&C Department to assist in streamlining the organization's content, including the provision of online practice resources and member support information.
5. Revision and streamlining the supports in the resource centre to reflect importance and member usage.

Work completed in 2010:

1. Development of content and processes to support new continuing professional development (CPD) requirement for lawyers and paralegals in their first two years of practice, including provision of fully accredited programming and accreditation of external providers of content.
2. Development of content and processes to support new CPD requirement for lawyers and paralegals with two or more years of experience in practice, including accreditation systems for providers.
3. Establish and communicate the CPD plans and processes through the professions in anticipation of the formal reporting requirement commencing January 1, 2011.
4. Development of the Member Portal to facilitate online reporting of the CPD requirement once in effect in 2011.
5. Implement the CPD requirement and a policy framework to accredit other legal education providers.
6. Continue to develop and improve continuing legal education products and programs.
7. Continue to maintain and improve current supports such as the Practice Management Helpline, guidelines and Resource Centre tools and resources.
8. Continue to move toward increased electronic delivery of legal information and Great Library services pursuant to the collections and distribution policy.
9. Restructure and streamline the lawyer and paralegal online resource centres utilizing a new content management system and taxonomies for search.

Work completed in 2009:

1. Develop and improve continuing legal education products and programs.
2. Maintain and improve current supports such as the Practice Management Helpline, guidelines and Resource Centre tools and resources.
3. The Professional Development and Competence Committee consider whether continuing professional development should be required of newly licensed paralegals or all licensees. Convocation considered the report in February 2010.
4. Review the Great Library collection and develop a five year strategy to refine the collection.
5. Development of a Guideline on the use of Powers of Attorney.

Work completed in 2008:

1. New CLE program format Teleseminar Plus introduced in 2008.
2. Launch of the *Best Practices* series for Paralegal licensees.
3. Launch of the Access CLE electronic library for CLE material.
4. Development of an information package to assist lawyers and paralegals to comply with the client identification and verification requirements.
5. Development of a basic management checklist for paralegals for use in the Practice Audits process and for personal practice use.
6. Development of a bookkeeping guide for paralegals.

## 2. DISCIPLINE

### I. PROFESSIONAL REGULATION

#### A. GENERAL

Work ongoing in 2011:

1. Unbundling – The objective of this project is to provide guidance and clarification to licensees on their professional obligations when involved in limited scope retainers. Proposed rule of conduct amendments were the subject of a call for input in October 2010 and were reported to a joint working group of the PRC, PSC and Access to Justice Committee in June 2011. A second part of this project will involve consultations with the Civil Rules Committee, the Courts and other similar organizations to discuss civil process issues related to limited scope retainers.
2. Guidelines for Law Office Searches and the protection of client information in the event of the execution of a lawful search of a law office. The draft Guidelines were presented to Convocation in January 2011 and are the subject of consultation with the Attorney General. They will then be reported to PRC and to Convocation for approval.
3. Dealing with lawyers and paralegals with frequent complaints. Over the past few years, Professional Regulation has implemented a number of new strategies for dealing with lawyers and paralegals against whom the Law Society receives repeated, often minor complaints. The Director, Professional Regulation plans to report to the PRC on this issue later in 2011.
4. Business structures - The Law Society is reviewing business structures for the delivery of legal services, including the practice needs of lawyers, paralegals and their clients, the current regulatory requirements and the possibility of new and innovative ways to delivery services that might suit client needs better. This complex issue will be addressed incrementally.
5. Consideration of the merits of expanding of the current mentoring program beyond judicial referrals – Further to the mentoring program for judicial complaints created as part of the Civility Complaints Protocol, discussions have begun with stakeholders such as the Advocates' Society, the Criminal Lawyers Association and the Association of Law Officers of the Crown to consider the feasibility of expanding this program.
6. Consideration of the merits of providing pro bono support or representation of lawyers who are the subject of a Law Society investigations - Discussions have begun with the Advocates' Society and the Criminal Lawyers' Association to determine the feasibility of creating such a program.
7. National discipline standards – A working group on discipline standards has been established through the Federation of Law Societies and the Law Society is part of the steering committee. The working group will be designing and implementing a pilot project in 2011 and 2012.
8. Implementation of the Federation of Law Societies Model Code of Conduct.

## Work completed in 2010/2011

1. The Treasurer reported on the Civility Forum held in various locations in Ontario. Civility Complaints Protocols designed to improve civility and professionalism among lawyers and paralegals appearing in court proceedings were implemented in 2010. The Director, Professional Regulation reported to Convocation on the implementation of the Protocol and the status of judicial complaints.
2. Trust account rules and requirements were clarified to specify that the purpose for which a trust account can be used is limited to situations where there is a connection between monies held in trust and the provision of legal services.
3. A policy was created prohibiting benchers and members of the Hearing and Appeal Panels from representing licensees who are the subject of a Law Society investigation.
4. The Director, Professional Regulation reported to Convocation on the current status of unauthorized practice complaints, investigations and prosecutions, indicating that these issues were stable.
5. The Director, Professional Regulation created a number of new reports, reporting on case aging, summary hearings, complaint trends, per capita complaints, all of which were reported to Convocation.
6. Convocation approved revised rules dealing with communication by a lawyer with a represented corporation or organization.
7. Convocation approved changes to the conflicts of interest standard for lawyers participating in PBLO's brief services programs to increase access to justice.

## Work completed in 2009:

1. Case books have been developed for hearing panels and are available in Hearing Rooms. Binders contain specific types of processes, standard case law and authority.
2. Standard particulars and penalty disposition charts by particular are in place. The Discipline Counsel Handbook was prepared by Brian Gover and is now in use.
3. Three Discipline Forum meetings were held in 2009 including defence counsel, and prosecution counsel in February, September and November.
4. Two training sessions for prosecutors were held in 2009.
5. Revisions to the quarterly reports to the Professional Regulation Committee to monitor regulatory performance were implemented in 2009.
6. The program for the Treasurer's Civility Forum was completed in the fall 2009. The tour to 11 locations across the province was scheduled from November 2009 to February 2010.
7. Completion of the Good Character Investigations for those paralegal grandparent applicants that are going to hearing. In 2009, Discipline issued 42 originating notices for paralegal good character hearings and completed 22 hearings (some of which were reserved).

## Work completed 2008:

1. Discipline history database.
2. Approval of amendments to By-law 7.1 to implement the Federation's model rule on client identification and verification requirements.
3. A casebook for counsel has been updated and is available in hearing rooms.
4. Completed standard particulars.
5. A Discipline Forum including defence counsel, prosecution counsel, and tribunal members was held in February 2009.
6. Professional development for discipline counsel.

## B. EFFICIENCY OF DISCIPLINE PROCESS

### Work ongoing in 2011:

1. Identifying suitable cases for the consent process, and moving these cases forward to PAC and to the pre-proceeding case conference.
2. Provide a report discussing the Law Society's experience on the issue of timeliness of interlocutory suspensions.
3. A new protocol is under development for the retention of external counsel to broaden the pool of candidates, particularly in geographic regions outside the Greater Toronto Area.

### Work completed in 2010:

1. Implementation of the pre-proceeding case conference process.
2. Report summarizing the Professional Regulation Division's experience on the investigation and prosecution of paralegal good character hearings in order that the problems with the existing regime can be addressed should there be a similar good character process for exempt categories of paralegals.
3. A proposal was taken to PRC regarding changing some types of hearing panel orders including supervision orders and short suspensions.
4. A system was developed in the Professional Regulation system (IRIS) to capture general dockets for discipline counsel and for use in costs requests before hearing panels.
5. A standard expert report was developed for use in mortgage fraud cases to reduce delay and costs involved in obtaining expert reports in individual cases.
6. A disclosure protocol was developed to train new discipline counsel and to promote consistent practice among counsel.
7. Existing tools were updated and refined. These include the discipline counsel handbook, standard particulars, penalty charts, templates for various letters to complainants, licensees, witness.
8. Discipline supported the development of the new Appeal Rules.
9. Met production and aging targets.

### Work completed in 2009:

1. Examine current process for admission and readmission hearings with a view to streamlining it. Options to streamline the process were discussed with the Professional Regulation Committee. The Committee was of the view that the current process should be maintained, and that any attempt to alter the process and advance admission requirements into law schools would not be successful.
2. A proposal for a two-year pilot project for a pre-proceeding consent resolution conference was approved by Convocation in January 2010.
3. A protocol to deal with complaints dealing with civility in the courts in response to the Code Lesage Report was developed.
4. Case process in Investigations was revised in 2009. A number of strategies were initiated to reduce the inventory and improve efficiencies and has resulted in an improved rate of closings and the time required for the completion of investigations.
5. Developed mortgage fraud evidence tracking system in IRIS.
6. Mortgage fraud: Discipline developed standardized templates for case preparation for investigators to improve consistency, including control charts, property summaries and written interrogatories.

Work completed in 2008:

1. Review of process for obtaining interlocutory suspensions.
2. Creation of a standard document book for mortgage fraud counsel.
3. Expansion of the summary hearing process for issues that are less serious in nature approved by Convocation in January 2009.
4. The Rules of Practice and Procedure have been redrafted with a view to increasing the efficiency of the hearing process. The rules were approved by Convocation in February 2009.

## C. TRANSPARENCY

Work ongoing in 2011:

1. Conduct applications and hearing notices will be published on the Law Society web site when issued to support accessibility and transparency.

Work completed in 2010:

1. Completion of the web enabled, real time discipline history and practice status summary for lawyers and paralegals. The application was introduced to the Law Society's public website in 2010.
2. Stindar Lal was selected as the new Complaints Resolution Commissioner in 2010.

Work completed in 2008 and 2009:

1. Numerous revisions to the Current Hearings and Tribunal Decisions sections of the Law Society website to provide real time updates to information and make the sections more user- friendly.

## II. LAW SOCIETY TRIBUNALS

Work ongoing in 2011:

1. Review of and consultation on new appeal rules for the Appeal Panel.
2. Creation of an adjudicator education curriculum.
3. Adjudicator orientation sessions for new benchers and appointed adjudicators.
4. Improved automation of the Tribunals Office's file management system and processes.
5. Devising and implementing an adjournment practice direction.

Work completed 2010:

1. Development of new appeal rules for the Appeal Panel.
2. Training for new non-bencher adjudicators, including French-speaking and paralegal adjudicators.
3. Ongoing adjudicator education sessions to maintain quality and consistency of adjudication.
4. Provision of adjudicator resources through up-dates to the Adjudicator Guide.
5. Undertaking a review of business processes in Tribunals to explore the possibility of automating business processes.
6. Posting of regulatory notices on the Law Society's website to enhance transparency.
7. Redesign of the Law Society's Hearing Room.

## Work completed 2009:

1. Approval and implementation of the new *Rules of Practice and Procedure* in July 2009
2. Offered education sessions to adjudicators on the new Rules.
3. Training for new adjudicators.
4. Ongoing adjudicator education sessions to maintain quality and consistency of adjudication.
5. Provision of adjudicator resources through up-dates to the Adjudicator Education Binder.
6. Improvements to the Law Society's Current Hearings and Tribunal Orders and Dispositions web pages to increase transparency, better organize content and accurately reflect changes to posted information.

## Work completed 2008:

1. Approval of remuneration for decision writing and travel time.
2. Implementation of adjudicator education sessions on committee day and Convocation in 2008.
3. Creation of a jurisprudence binder containing all Appeal Panel and Divisional Court decisions since January 2004.
4. Numerous revisions to the Current Hearings and Tribunal Orders and Dispositions sections of the Law Society website to provide real time updates to information and make the sections more user friendly.
5. Amendments to Rule 9 to facilitate hearings and address the situation where a member has not engaged with the Law Society's process.
6. Recruitment and appointment of lawyer and non-lawyer appointees to the Hearing Panel to facilitate French and other hearings.

## 3. ACCESS TO JUSTICE

## Work ongoing in 2011:

1. Phase 3 of the Ontario Civil Legal Needs Project (OCLNP), a mapping of legal services in Ontario, to be completed by the project partners in 2011; next stage will be for the Law Society to reconsider its access to justice initiatives in light of the findings of all 3 phases of the project and to contemplate what additional initiatives it may wish to engage in, including consideration of:
  - a. Examining means to attract more lawyers to smaller towns and underserved areas.
  - b. Family Law – The OCLNP survey revealed that legal needs related to family law emerged as the primary civil legal problem for low and middle-income Ontarians. Issues include how the justice system deals with family matters, the high number of unrepresented litigants, and the length of time required to resolve family law problems. The findings in the OCLNP will inform the Access to Justice Committee in this area.
  - c. Technology and Access to Justice – monitor developments in the use of technology to enhance access to justice and consider options for the Law Society's role in this process.
2. Unbundling of legal services, through a Working Group of members of the Access to Justice, Professional Regulation and Paralegal Standing Committees; the group considered the responses from a call for input to the profession on proposed professional conduct rules related to unbundled legal services or limited legal services retainers and will formulate a report through the Committees for Convocation in 2011.

3. Committee assessment of priorities and the completion of a facilitated planning process to establish goals and priorities for the 2011-2015 term.

Work completed in 2010:

1. Report on phases 1 and 2 of the OCLNP titled *Listening to Ontarians* was publicly released on May 31, 2010.
2. Civil Justice Reform/Osborne Report – The Access to Justice Committee continued to monitor the work of the Attorney General to implement the recommendations of the Osborne Report.
3. Continued monitoring of developments with legal expense insurance; DAS Canada was approved to begin marketing legal expense insurance products in Canada in July 2010 (link to DAS Canada's website through Law Society Access to Legal Services webpage).
4. Consideration of the Law Commission of Ontario's (LCO) application for renewal of its mandate in principle for a further 5 years from January 1, 2012; the LCO will return to the Law Society with a specific financial request in 2011.
5. Developed Guidelines for Sponsoring External Access to Justice Events, approved by Convocation.
6. The Law Society initiated a consultation with the profession in late 2010 on proposed professional conduct rule changes related to unbundled legal services. A Working Group consisting of members of the Access to Justice, Professional Regulation and Paralegal Standing Committees was struck to examine the proposed changes to the Rules of Professional Conduct for lawyers and paralegals and consider the results of the consultation.

Work completed in 2009:

1. Ontario Civil Legal Needs Project (OCLNP) consists of a three-phase project aimed at identifying the civil legal needs of low and middle-income Ontarians. The project is a partnership between the Law Society, Pro Bono Law Ontario and Legal Aid Ontario. A research firm conducted the survey and consultation phases (the first two phases). The research portion of these phases was completed in 2009.
2. Civil Justice Reform/Osborne Report – The Access to Justice Committee continued to examine the role of the Law Society in contributing to civil justice reform. Convocation committed to work with the Attorney General to implement the recommendations of the Osborne Report.
3. The Access to Justice Committee examined the potential for legal expense insurance in Ontario and considered its impact on access to justice in other jurisdictions.
4. The Trebilcock report (Legal Aid Review 2008) on the state of legal aid in the province of Ontario was considered by the Access to Justice Committee.
5. Family Law – The members of the Access to Justice Committee recognized that the entire issue of how the justice system deals with family matters is an area for examination by the Law Society and other stakeholders in Ontario's civil justice system. This area of law features a high number of unrepresented litigants. The Law Society receives many complaints from unrepresented litigants. This is a significant access to justice issue for members of the public, particularly women. The OCLNP will provide empirical data related to the family law needs of Ontarians.

Work completed in 2008:

1. In June 2008, Convocation approved amendments to By-Law 5 and By-Law 4 to permit a lawyer who is in the 50% or 25% fee category (not practising law) who wishes to provide pro bono services to be exempt from the requirement to pay the full fee.

#### 4. DIVERSITY WITHIN THE PROFESSION

Work ongoing in 2011:

1. Continuing the consultation of the Return to Practice Working Group: Completion of the consultation and the Return to Practice Working Group report (to Convocation in May 2011 for information). Recommendations to partner with external programs and to develop online resources are being implemented.
2. Under the Retention of Women initiatives, “Meet the Treasurer” event organized in London, Ontario for 2011.
3. The Law Society, in partnership with the Women’s Law Association of Ontario, hosting on May 4, 2011 the WLAO’s 5th annual Alternative Careers for Women in Law program entitled “You’re a Lawyer – Now What? Alternative Career’s for Women in the Law.”
4. Treasurer’s participation in a number of panel discussions for Women & the Law, including an International Women’s Day event at Queen’s Law School in March 2011.
5. Summary of Hiring Practice Guidelines, released in 2011.
6. Report on the findings of the 2010 Change of Status Survey released in spring 2011.

Work completed in 2010:

1. Implementation of the Retention of Women initiatives approved by Convocation, including the following activities:
  - a. Resources in the Justicia Project related to gender data collection, parental leave and flexible work arrangements;
  - b. Women’s Leadership Institute, in particular, the Women Lawyers’ Symposium – Fostering and Celebrating Success, held in Ottawa on February 5, 2010, with approximately 100 participants from across the province; allowed women to network and attend workshops on the business of law.
  - c. Partnering with the Women’s Law Association of Ontario in 2010 for a panel discussion entitled *Guide to Success – A Dialogue with Women in Law* (the experiences of senior women in various sectors of the legal profession.)
  - d. A workshop series in Ottawa, Toronto and Southwestern Ontario in partnership with law associations across the province, such as the County of Carleton Law Association (CCLA), Women’s Law Association of Ontario (WLAO), South West Region Women’s Law Association (SWRWLA) and others; the workshops included “Meet the Treasurer” events in Toronto (November 2010), Ottawa (November 2010) and Windsor (February 2011.)
  - e. Attendances by the Treasurer and Lawyer Liaison Counsel at law associations and law schools to discuss, among other topics, the retention of women in private practice project.
  - f. Lawyer Liaison Counsel has organized and participated in a series of Women & the Law panel discussions at law schools throughout Ontario (Windsor, University of Western Ontario, Osgoode, and the University of Toronto.)

- g. As part of the Articling & Beyond program in November 2010 (an event designed to bring law students together with sole and small firm practitioners from across the province), the Lawyer Liaison Counsel participated in a panel discussion dedicated to issues related to women in private practice. Over 60 female law students participated in the discussion.
  - h. Development of on-line resources; Women's Online Research Centre (WORC) was launched in 2010.
  - i. Development of the Contract Lawyers' Registry (CLR); The CLR was launched and 126 lawyers are registered in the CLR.
  - j. Coordinating the Women's Equality Advisory Group (WEAG); The WEAG was created and meets regularly.
2. Ongoing implementation of initiatives arising from the Aboriginal Bar Consultation. Bencher and Law Society staff visits across the province to network with Aboriginal Bar undertaken in 2010.
  3. Analysis of the 2006 Census Data by Professor Ornstein released in April 2010.
  4. Report on the findings of the 2009 Change of Status Survey with the Profession released in April 2010.

Work completed/ongoing in 2010:

1. Ongoing implementation of the Retention of Women initiatives approved by Convocation, including the following activities:
  - a. Co-ordination of the Justicia Project- to be completed are career advancement guides, business development, marketing and leadership resources.
  - b. Women's Leadership Institute – Ongoing activities;
  - c. on-line resources – to complement resources already online, original resources will be developed;
  - d. Contract Lawyers' Registry – ongoing registration of lawyers;
  - e. managing the Parental Leave Assistance Program - ongoing;
  - f. coordinating the Women's Equality Advisory Group - ongoing;
  - g. the Return to Practice Working Group – on hold until decision on recommendations about coaching and loans program.
2. Ongoing implementation of initiatives arising from the Aboriginal Bar Consultation.
3. Report on the findings of the 2010 Change of Status Survey with the Profession.
4. Fiona Kay longitudinal transition study– this will conclude a 20 year longitudinal study about gender based trends in the legal profession and lawyers' work histories, family circumstances, work conditions and career satisfaction.
5. Fiona Kay Career Diversity Survey, the study aims to examine the factors leading to departures from law practice as well as the different conditions that operate either as barriers to or facilitators of re-entry to law practice following a period of absence.
5. Analysis of demographic information collected by way of the Lawyer Annual Report and Paralegal Annual Report.
6. Development of resources for the legal profession to assist in the implementation of the *Accessibility for Ontarians with Disabilities Act 2005*.
7. Bencher Election Campaign Study – Candidates in the 2007 bencher election were surveyed about their election expenses and campaign practices. The Equity Committee will study this issue further and propose means to enhance accessibility in the office of bencher for all lawyers and paralegals. It is expected that a proposal will be developed for consideration before the next bencher election in 2011.
8. A study on barriers faced by racialized lawyers.

Work completed in 2009:

1. Implementation of the first phase of Retention of Women initiatives approved by Convocation.
2. Development of a guideline on fair hiring practices for the profession.
3. Development of a policy proposal to collect demographic information by way of the Lawyer Annual Report and Paralegal Annual Report.

Work completed in 2008:

1. Approval of the Retention of Women Initiative.
2. Aboriginal Bar Consultation.
3. Implementation of the Disability Working Group Report.
4. Career Choice Survey – conducted annually.
5. Symposium for NCA Candidates.
6. Bencher Election Campaign Study – a report has been prepared setting out the findings.

## 5. SMALL FIRMS AND SOLE PRACTITIONERS

Many of the initiatives noted under other priorities will have an impact on small firms and sole practitioners. For example, the recommendations of the Retention of Women Working Group will affect small firms and sole practitioners, as will the examination of risk factors in sole practice noted under Discipline. In addition, most of the day-to-day activities of the Professional Development and Competence Department support the small firm and sole practitioner.

Work ongoing in 2011:

1. Continue to have a Law Society of Upper Canada presence in the regions at local association meetings, in law schools and through other means of communication, both in-person and online.
2. Address the graying of the bar issue by assessing the risk management issue related to contingency planning for members and succession planning supports and resources.
3. Develop precedents and resources to assist members to plan for contingencies in practice and to consider appropriate succession planning.
4. Offer the Articling Symposium in the fall of 2011, for the second year, and promote the need for small firms and sole practitioners to participate in articling placements as a means to ensure appropriate succession planning for their practices.

Work completed in 2010:

1. Develop a network of contacts in law firms, law associations and law schools for the purpose of promoting and facilitating initiatives to support sole and small firm practitioners.
2. Law school visits to present practice options to the student body with practitioners from small communities and small firms.
3. Work with CDLPA and other organizations to increase awareness of practice options outside of the GTA through attendances and information exchange at job and career fairs at law schools, promoting alternatives and joint articling opportunities.
4. Complete the articling survey of all 8500 law firms in the province and undertake follow up with interest firms in an attempt to establish joint articling positions outside of the GTA.

Work completed in 2009:

1. Succession Planning Toolkit was launched in April 2009.
2. Completion of the Contract Lawyers' Registry for lawyers who are looking for short-term contract work or who need someone to take over their practice while on leave.
3. Law school visits to present practice options to the student body with practitioners from small communities and small firms.
4. Ongoing collaboration with the Ontario Bar Association and County and District Law Association Presidents on various initiatives that support sole and small firm practices.

Work completed in 2008:

1. In February 2009 the Professional Development and Competence Committee reported on the work of the Working Group of the Sole Practitioner and Small Firm Lawyers. A detailed analysis of the resources that are now in place to implement the recommendations of the Task Force was presented to Convocation.

## 6. PARALEGAL REGULATION

Work ongoing in 2011:

1. Implementation of integration process for licensing for some exempt groups and collection agents. Operation of new applications process; applications to close September 30, 2011.
2. Addressing issues arising from federal legislative amendments respecting Immigration & Refugee Board permitted appearances by licensed paralegals.
3. Accreditation of diploma-granting college programs (ongoing through 2011).
4. Development of welcome reception for newly licensed paralegals, to be held twice per annum in April and November.
5. Development of Law Society Achievement Award for paralegals.
6. Development of educational equivalency for tribunal members with 5 years experience
7. Submissions to Law Commission of Ontario regarding the *Provincial Offences Act*.
8. Paralegal good character hearings; conduct hearings for licensed paralegals.
9. Continued audits of paralegal college programs and review of audit processes based on audit results to date.

Work completed in 2010:

1. First Paralegal Standing Committee Election.
2. Review of exemptions from paralegal licensing – two exemptions removed.
3. Resolution of issues with Ottawa non-profit seeking further exemption.
4. Development of integration process for licensing for some exempt groups including collection agents. Includes establishing a new applications process and development on the new online learning course for the integration of exempted groups into the paralegal licensing process.
5. Accreditation of diploma-granting college programs (ongoing through 2010).
6. Paralegal good character hearings.
7. Conduct hearings for licensed paralegals.

Work completed in 2009:

1. Collection and processing the first Paralegal Annual Report filings.

2. Accreditation of diploma-granting college programs (ongoing through 2009)
3. Development of a policy framework for onsite auditing of college paralegal programs.
4. Paralegal good character hearings. Completion of all grandparent applicant good character investigations.
5. Roll-out of the two year review on paralegal regulation.
6. Paralegal election scheme.
7. Review of exemptions from paralegal licensing.

Work completed in 2008:

1. Development and implementation of a paralegal licensing process.
2. Established a college education accreditation process.
3. Implementation of a regulatory scheme for paralegal licensees.
4. Administration of an insurance scheme for paralegals.
5. Established a self-funding operating budget and annual fee for 2008 and 2009.
6. Established a Paralegal Compensation Fund.
7. Regulatory scheme for permitted business structures.
8. Paralegal representation on the Proceedings Authorization Committee.
9. Paralegal Professional Conduct Guidelines.
10. Supervision rules for paralegals.
11. Client identification and verification requirements.
12. Rules governing advertising and firm names.
13. Development of continuing legal education programs for paralegals.
14. Implementation of Practice Audits for paralegal practices.
15. Development of the Paralegal Annual Report.
16. Development and implementation of applications processes for paralegals such as exemption and surrender.
17. Development and implementation of a suspension process for paralegals.

7. STRATEGIC COMMUNICATIONS

Work ongoing in 2011:

1. Implement new design and navigational improvements to the public website.
2. Extend implementation of new content management system to Bencher Net and ELF.
3. Provide designated staff in other departments with training and support to manage their own content for the public website, and for Bencher Net and ELF.
4. Develop and implemented a comprehensive communications strategy using electronic and print media to support the 2011 Bencher Election and ensure all lawyers had access to information about the candidates and the election process. These efforts contributed to an increase in voter turnout.
5. Promote the Lawyer Referral Service to lawyers.
6. Add UAP information and disciplinary summaries to the regulatory pages of the website.
7. Create a social media strategy to supplement ongoing communications efforts and support key Law Society initiatives.
8. Continue to monitor media coverage of stories relating to the Law Society, the legal profession and self-regulated professions.
9. Advertising in community media.

## Work completed in 2010:

1. Development of a short series of video vignettes for the public. Each vignette highlights a particular area of law and informs consumers on how to deal with a particular common legal problem.
2. Collaborate with other legal organizations to institute positive messaging around the work of lawyers to improve access to justice.
3. Develop and post a new web section to ensure information on discipline cases is easily accessible.
4. Implementation of a new content management system to facilitate more efficient use of the website.
5. Explore the possibility of creating an online version of the Ontario Lawyers Gazette.
6. Worked with LexisNexis on the delivery of a digitized version of the *Ontario Reports*.

## Work completed in 2009:

1. Develop a series of information pieces that focus on the public service aspects of the Law Society's mandate for circulation to smaller newspapers and community press. Pieces will highlight the kinds of legal services and legal service providers available to citizens of Ontario, how to access them, and how the Law Society can assist.
2. Collaborate with other legal organizations to institute positive messaging around the work of lawyers to improve access to justice.
3. Ensure information on discipline cases is easily accessible.
4. Refresh the public pages of the website.
5. Work with the Equity Initiatives department to promote and raise awareness of diversity events.
6. Enhance the presentation of Law Society material in the Ontario Reports.
7. Develop an electronic newsletter on Convocation highlights to be distributed to members.
8. Update Law Society public brochures.
9. Advertise on websites of legal publications, social networking sites and legal associations.

## Work completed:

1. Implemented a system to monitor and track media coverage of Law Society issues.
2. Completion of a qualitative study on the perceptions of lawyers and understanding of lawyer regulation and governance.

## 8. GOVERNANCE

## Work ongoing in 2011:

1. Election of Treasurer in June 2011.
2. Elected Chair of the Paralegal Standing Committee in April.
3. Completion of bench orientation following bench election in April.
4. Commencing review of 2011 bench election and processes.
5. Planning for bench priority planning session for September.

## Work completed 2010:

1. Completed a by-law review and obtained legislative amendments to implement the Governance Task Force Report recommendations approved by Convocation in December 2009.
2. Implemented the Paralegal Standing Committee Election.
3. Elected two paralegal benchers and Chair of the Paralegal Standing Committee.
4. Elected Treasurer in June 2010.
5. Prepared Bencher Election scheduled for 2011.
6. Reviewed procedures to conduct the Annual General Meeting.
7. Examined the impact of Bill 65, *An Act to revise the law in respect of not-for-profit corporations*, on Law Society governance.

## Work completed in 2009

1. Convocation approved recommendations of the Governance Task Force.

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

- Equity Advisory Group Appointments
- Lawyer and Paralegal Annual Reports – Snapshot of the Professions
- Information Reports: Equity Advisor, Aboriginal Initiatives Counsel, The Retention of Women in Private Practice and Human Rights Monitoring Group Reports

Report to Convocation  
June 23, 2011

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

Committee Members  
Janet Minor, Chair  
Raj Anand, Vice-Chair  
Susan Hare, Vice Chair  
Constance Backhouse  
Paul Copeland  
Cathy Corsetti  
Mary Louise Dickson  
Adriana Doyle  
Seymour Epstein  
Julian Falconer  
Howard Goldblatt  
Janet Leiper  
Virginia MacLean  
Dow Marmur

Wendy Matheson  
 Judith Potter  
 Susan Richer  
 Heather Ross  
 Paul Schabas  
 Baljit Sikand  
 Beth Symes

Purpose of Report: Information

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

## COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (Equity Committee) met on June 8, 2011. Committee members Raj Anand, Co Vice-Chair, Raj Anand, Constance Backhouse, Cathy Corsetti, Adriana Doyle, Seymour Epstein, Julian N. Falconer, Howard Goldblatt, Janet Leiper, M. Virginia MacLean, Dow Marmur, Wendy Matheson, Judith M. Potter, Susan Richer and Paul Schabas participated. Milé Komlen, Chair of the Equity Advisory Group (EAG), participated. Staff members Josée Bouchard, Marisha Roman and Mark Andrew Wells attended.

## FOR INFORMATION

### EQUITY ADVISORY GROUP APPOINTMENTS

2. The Equity Advisory Group (EAG) is a group of approximately ten legal organizations and ten lawyers and paralegals who are experts in equity, diversity and human rights. The mandate of EAG is to assist the Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the Equity Committee) in the development of policy options for the promotion of equity and diversity in the legal profession by,
  - a. identifying and advising the Equity Committee on issues affecting equity communities, both within the legal profession and relevant to those seeking access to the profession;
  - b. providing input to the Equity Committee on the planning and development of policies and practices related to equity, both within the Law Society and the profession; and
  - c. commenting to the Equity Committee on Law Society reports and studies relating to equity issues within the profession.
3. In January 2011, the EAG undertook a recruitment process in accordance with its Terms of Reference to fill some or all of the three vacant individual positions and eight vacant legal organization positions. The positions were advertised in the Ontario Reports in January 2011. A total of 49 applications were received.
4. A Selection Committee was formed to review the applications, shortlist candidates and recommend the shortlisted candidates to the Interview Committee. The Selection

Committee was comprised of the current chair of EAG, Milé Komlen, individual EAG member Nicole Nussbaum and former member and chair of EAG, David Smagata.

5. The Selection Committee took into account the need to reflect diversity (including, but not limited to race, gender, disability, linguistic, sexual orientation, gender identity and regional representation and experience) and the need to enhance and broaden the expertise of EAG in certain areas (e.g. access to justice).
6. After a review of the application, the Selection Committee recommended that two individual members and six organizational members be approved for appointment/renewal to EAG. The Equity Committee approved the recommendations at its June 8, 2011 meeting and presents the new members to Convocation for information.
7. Individual members:
  - a. Sandra Yuko Nishikawa, Department of Justice, Ontario Regional Office, Toronto;
  - b. Kirsti Mathers McHenry, Policy Counsel, Legal Aid Ontario, Toronto.
8. Legal Associations:
  - a. Aboriginal Law Students' Association;<sup>1</sup>
  - b. ARCH – Disability Law Centre (ARCH);<sup>2</sup>
  - c. Association des juristes d'expression française de l'Ontario (AJEFO);<sup>3</sup>

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<sup>1</sup> The Aboriginal Law Students' Association at the University of Toronto (ASLA) is a student group that provides students of Aboriginal descent, and those interested in Aboriginal law and culture, access to mentorship, education and career initiatives from an Aboriginal perspective. The club's objectives are to provide a social and support network for Aboriginal students at the Faculty of Law; create professional networks and provide opportunities for Aboriginal students and other students interested in practicing in the area of Aboriginal Law; advocate for the inclusion of Indigenous laws in the curriculum, programming and in resources at the Bora Laskin Library at the Faculty of Law; and raise awareness on Aboriginal legal issues among students at the Faculty of Law and in the broader legal community. Its yearly activities and opportunities include informal social and cultural outings; organizing a Fall Feast/ potluck at the school; hearing from invited speakers and practitioners in the field of Aboriginal law; attending and hosting conferences relating to Aboriginal peoples and the law; and providing input to Faculty of Law on courses and programming.

<sup>2</sup> ARCH Disability Law Centre (ARCH) is a community legal aid clinic dedicated to defending and advancing the rights of people with disabilities. ARCH was founded in 1979 as a not-for-profit charitable organization and is funded by Legal Aid Ontario. Its staff report to a consumer-controlled volunteer board of directors. ARCH has an Ontario-wide mandate that it fulfills in many ways: through law reform initiatives, community development, a telephone summary advice and referral service, legal representation, public legal education, and test case litigation.

<sup>3</sup> Founded in 1980, the Association of French Speaking Jurists of Ontario (AJEFO) speaks for lawyers, judges, personnel of the administration of justice, law professors, law students and others who work to promote access to justice in French and English, the official languages of the courts of Ontario. AJEFO strives to ensure equal access to justice, without penalty, delay, obstruction or hesitation by the use of either official languages by the judiciary, members of the Bar and the citizens of our province.

- d. Canadian Association of Black Lawyers (CABL);<sup>4</sup>
  - e. South Asian Bar Association (SABA);<sup>5</sup>
  - f. Women's Law Association of Ontario (WLAO).<sup>6</sup>
9. The following EAG members did not require reappointments and remain on EAG:
- a. Milé Komlen (Chair), McMaster University, Hamilton;
  - b. Gwen Boniface, United Nations – Department of Peacekeeping Operations, Orillia;
  - c. Amandi Esonwanne, City of Toronto, Toronto;
  - d. Isfhan Merali, Ontario Human Rights Commission, Toronto;
  - e. Chantal Morton, Consultant in adult education and professional development, Toronto;
  - f. Nicole Nussbaum, Barrister and Solicitor, London;
  - g. Tariq Remtulla, Barrister and Solicitor, Oakville;
  - h. Renée Maria Tremblay, Legal Counsel, Supreme Court of Canada, Ottawa;
  - i. Arab Canadian Lawyers Association;
  - j. Federation of Asian Canadian Lawyers;
  - k. Hispanic Ontario Lawyers Association.

## LAWYER AND PARALEGAL ANNUAL REPORTS – SNAPSHOT OF THE PROFESSIONS

### Background

10. In 2009, Convocation approved the inclusion of the following voluntary question in the Lawyer Annual Report (LAR) and the Paralegal Annual Report (PAR). The question reproduced on the following page is the question included in the LAR. The same question was included in the PAR but the term “lawyer” was substitute for “paralegal”.

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<sup>4</sup> The Canadian Association of Black Lawyers' (CABL) mission is to enhance the fabric of Canadian society by facilitating the increased representation of Black Canadians in all sectors of the legal profession and by promoting the advancement of legal and social justice for all Canadians. Since its conception in 1996, CABL has been active in partnering with diverse communities on issues of access to justice. Among other things, CABL has established scholarships for Black law students at different law faculties and has mentored recent calls to the bar, and hosted various conferences.

<sup>5</sup> The South Asian Bar Association (SABA) represents the interests of those members of the legal community who identify themselves as individuals of South Asian origin or who advocate on legal issues affecting the South Asian community in the Greater Toronto Area. SABA-Toronto was formed in 2005 as the 21st chapter of the North American South Asian Bar Association, a continent-wide organization of South Asian legal professionals. SABA's activities have included advocating for greater South Asian representation in the judiciary, interacting with law students in Ontario's law schools, promoting the cause of South Asian legal professionals in positions of responsibility and liaising with the provincial bar association and corporations to promote the needs of SABA members. SABA-Toronto also functions as a networking forum, an advocacy group and an employment resource.

<sup>6</sup> Women's Law Association of Ontario (WLAO) was established in 1919 as a medium to assist woman lawyers in the practice of law. WLAO's mandate is to advance the interests of women in the legal profession and society through advocacy, professional achievements, success in practice, progressive law reform and equitable policies. WLAO members are province wide, with events in Toronto and Ottawa.

11. The question was first asked in the 2009 LAR and PAR. The response rate to the self-identification question was 51% of all lawyers (20,620 responses) and 58% of all paralegals (1,588 responses) who returned their LAR or PAR, making the response rate significant.
12. There were only 31 Aboriginal paralegal respondents, 96 paralegal respondents with disabilities, and 19 LGBT<sup>7</sup> paralegal respondents, making the sample too small to draw any conclusions and as a result there is no analysis of that data.
13. The results produced at Appendices 1 and 2 are the snapshots of the profession that will be posted on the Law Society website.

#### EQUITY ADVISOR, ABORIGINAL INITIATIVES COUNSEL, THE RETENTION OF WOMEN IN PRIVATE PRACTICE AND MONITORING GROUP REPORTS

14. The Equity Advisor's Report, the Aboriginal Initiatives Counsel Operational Report, the Retention of Women in Private Practice Report and the Human Rights Monitoring Group – Overview of Activities Report are presented at Appendices 3,4, 5 and 6 respectively.

#### Appendix 1

Statistical Snapshot of Paralegals – Paralegal Annual Report (PAR) 2009<sup>8</sup>

Categories in PAR	Number of Paralegal Respondents	% of all Paralegals Respondents	Total Ontario Population Census 2006 <sup>9</sup>
Arab	15	1%	2%
Black (e.g. African-Canadian, African, Caribbean) <sup>10</sup>	80	6%	4%
Chinese	53	4%	5%
East-Asian (e.g. Japanese, Korean) <sup>11</sup>	10	1%	1%

<sup>7</sup> The acronym "LGBT" refers to the Lesbian, Gay, Bisexual and Transgender communities and includes Transsexual, Intersex, Queer, Questioning and 2-Spirited communities.

<sup>8</sup> The demographic question was first asked in the 2009 PAR. The response rate to the self-identification question was 58% of all paralegals who returned their PAR, making the response rate significant. There were 1433 respondents to the demographic question. There were only 31 Aboriginal paralegal respondents, 96 paralegal respondents with disabilities, 19 LGBT paralegal respondents and 34 Francophone respondents, making the sample too small to draw any conclusions and as a result there is no analysis of that data.

<sup>9</sup> Professor Michael Ornstein, *Racialization and Gender of Lawyers in Ontario* (Toronto: Law Society of Upper Canada, 2010). For Francophones, the percentage of Francophones in Ontario as per total population (Census Canada 2006) is taken from the Government of Ontario website at <http://www.ofa.gov.on.ca/en/franco-map.html>.

<sup>10</sup> The 2006 Canada Census uses the term "Black" only.

Latin American, Hispanic <sup>12</sup>	60	4%	1%
South Asian (e.g. Indo-Canadian, Indian Subcontinent) <sup>13</sup>	124	9%	7%
South-East Asian (e.g. Vietnamese, Cambodian, Thai, Filipino) <sup>14</sup>	23	2%	1%
West Asian (e.g. Iranian, Afghan)	36	3%	1%
<b>All racialized communities</b>	<b>401</b>	<b>28%</b>	<b>23%</b>
First Nation	22	2%	NC
Inuit	0	*% <sup>15</sup>	NC
Métis	9	*%	NC
<b>All Aboriginal</b>	<b>31</b>	<b>2%</b>	<b>2%</b>
Persons with Disabilities	96	7%	NC
LGBT <sup>16</sup>	19	1%	NC
Francophones	34	2%	5%

Responses to questions in the PAR about providing services to the Francophone community  
Can you communicate with your clients and provide legal advice to them in the French language? 5%

Can you communicate with your clients, provide legal advice to them, and represent them in the French language? 3%

## Region

Each community distributed by region

Region	% of all Paralegals	% of all Racialized Paralegals
Central East	20%	12%
Central South	1%	2%
Central West	19%	26%
East	1%	2%
Metropolitan Toronto	39%	56%
Northeast	2%	*%

<sup>11</sup> The 2006 Canada Census uses “Korean” and “Japanese” separately.

<sup>12</sup> The 2006 Canada Census uses “Latin American” only.

<sup>13</sup> The 2006 Canada Census uses the following examples for South Asian: “East Indian, Pakistani, Sri Lankan etc.”

<sup>14</sup> The 2006 Canada Census classifies “Filipino” in a category of its own.

<sup>15</sup> \*% refers to a percent that is lower than 1%.

<sup>16</sup> The acronym “LGBT” refers to the Lesbian, Gay, Bisexual and Transgender communities and includes Transsexual, Intersex, Queer, Questioning and 2-Spirited communities.

Northwest	1%	*%
Southwest	6%	2%
Outside Ontario	1%	*%
Total	100%	100%

### Age Range

Age distribution by community

Age Range	% of Paralegals	% of Racialized Paralegals
<30	12%	12%
30 – 39	21%	29%
40 – 49	30%	30%
50 – 65	33%	25%
>65	4%	4%
Total	100%	100%

### Status

Each community divided by status

Status	% of all Paralegals	% of Racialized Paralegals
Sole Practitioner	32%	31%
Partner	4%	5%
Employee	13%	13%
Associate	2%	3%
Education	*%	*%
Government	7%	5%
All Others	42%	43%
Total	100%	100%

### Business Size

Each respective community distributed by business size

Business Size	% of all Paralegals	% of all Racialized Paralegals
None	37%	36%
Sole	34%	35%
2-5	20%	21%
6-10	3%	2%
11-20	4%	4%
21-50	1%	2%
51-100	*%	*%

101-200	*%	*%
201+	1%	*%
Total	100%	100%

## Appendix 2

Statistical Snapshot of Lawyers from the Lawyer Annual Report (LAR) 2009<sup>17</sup>

Categories from LAR	Number of Lawyer Respondents <sup>18</sup>	% of all Lawyer Respondents	Total Ontario Population Census 2006 <sup>19</sup>
Arab	191	1%	2%
Black (e.g. African-Canadian, African, Caribbean) <sup>20</sup>	693	4%	4%
Chinese	699	4%	5%
East-Asian (e.g. Japanese, Korean) <sup>21</sup>	280	2%	1%
Latin American, Hispanic <sup>22</sup>	101	1%	1%
South Asian (e.g. Indo-Canadian, Indian Subcontinent) <sup>23</sup>	1164	6%	7%
South-East Asian (e.g. Vietnamese, Cambodian, Thai, Filipino) <sup>24</sup>	148	*% <sup>25</sup>	1%
West Asian (e.g. Iranian, Afghan)	99	*%	1%
<b>All racialized communities</b>	<b>3375</b>	<b>18%</b>	<b>23%</b>
First Nation	279	2%	NC <sup>26</sup>

<sup>17</sup> Note: The demographic question was first asked in the 2009 LAR. The response rate to the question was 51% of all lawyers who returned their LAR, making the response rate significant.

<sup>18</sup> Total respondents to the demographic question: 18536.

<sup>19</sup> Professor Michael Ornstein, *Racialization and Gender of Lawyers in Ontario* (Toronto: Law Society of Upper Canada, 2010). For Francophones, the percentage of Francophones in Ontario as per total population (Census Canada 2006) is taken from the Government of Ontario website at <http://www.ofa.gov.on.ca/en/franco-map.html>.

<sup>20</sup> The 2006 Canada Census uses the term "Black" only.

<sup>21</sup> The 2006 Canada Census uses "Korean" and "Japanese" separately.

<sup>22</sup> The 2006 Canada Census uses "Latin American" only.

<sup>23</sup> The 2006 Canada Census uses the following examples for South Asian: "East Indian, Pakistani, Sri Lankan etc."

<sup>24</sup> The 2006 Canada Census classifies "Filipino" in a category of its own.

<sup>25</sup> \*% refers to a percentage that is lower than 1%.

<sup>26</sup> "NC" refers to the categories that have no accurate comparisons. In 2007, the PALS, Statistics Canada, data was released related to disability rate in Canada. The disability rate rises significantly as

Inuit	3	*%	NC
Métis	96	*%	NC
All Aboriginal communities	378	2%	2%
Persons with disabilities	628	3%	NC
LGBT <sup>27</sup>	645	3%	NC
Francophones	1130	6%	5%

### Responses to questions in the LAR about providing services to the Francophone community

Can you communicate with your clients and provide legal advice to them in the French language? 13%

Can you communicate with your clients, provide legal advice to them, and represent them in the French language? 9%

#### Region

Each respective community distributed by region

Region	% of all Lawyer Respondents	% of all Racialized Lawyers	% of all Aboriginal Lawyers	% of all Lawyers with Disabilities	% of all LGBT <sup>28</sup> Lawyers	% of all Francophone Lawyers
Central East	7%	6%	8%	7%	2%	1%
Central South	5%	2%	7%	6%	4%	1%
Central West	7%	11%	4%	6%	4%	3%
East	14%	10%	19%	23%	15%	53%
Metropolitan Toronto	49%	54%	25%	42%	59%	18%
Northeast	1%	*%	10%	1%	*%	6%
Northwest	1%	*%	5%	1%	*%	*%
Southwest	5%	3%	6%	5%	2%	2%
Outside Ontario	11%	14%	16%	9%	14%	16%
Total	100%	100%	100%	100%	100%	100%

#### Age Range

the population ages. The PALS data provides rates of disability in the population overall, while most lawyers are under the age of 65. Therefore, the data is not used here as a comparator. The PALS, Statistics Canada report may be consulted at

[http://www.hrsdc.gc.ca/eng/disability\\_issues/reports/fdr/2008/page00.shtml](http://www.hrsdc.gc.ca/eng/disability_issues/reports/fdr/2008/page00.shtml).

<sup>27</sup> The acronym "LGBT" refers to the Lesbian, Gay, Bisexual and Transgender communities and includes Transsexual, Intersex, Queer, Questioning and 2-Spirited communities.

<sup>28</sup> The acronym "LGBT" refers to the Lesbian, Gay, Bisexual and Transgender communities and includes Transsexual, Intersex, Queer, Questioning and 2-Spirited communities.





## Appendix 3

Equity Advisor's Report  
2010 - 2011

June 8, 2011

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Report to the Equity and Aboriginal Issues Committee  
Comité sur l'équité et les affaires autochtones

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

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## Background

1. In May 1997, the Law Society of Upper Canada unanimously adopted the *Bicentennial Report and Recommendations on Equity Issues in the Legal Profession (the "Bicentennial Report")*.<sup>29</sup> The *Bicentennial Report* reviewed the status of women, and members of the Francophone, Aboriginal, racialized, disability, gay, lesbian, bisexual and transgender communities in the profession, and the initiatives the Law Society had taken to promote equality and diversity. The *Bicentennial Report* made sixteen recommendations that have since guided the Law Society as it promotes equality and diversity within the legal profession.
2. The adoption of the *Bicentennial Report* led to a series of systemic changes to promote equality and diversity within the legal profession and within the Law Society. In the mid-1990's, the Law Society created a standing committee of Convocation, the Equity and Aboriginal Issues Committee (the "Equity Committee")<sup>30</sup>, with a mandate to develop for Convocation's approval, policy options for the promotion of equity and diversity having to do in any way with the practice or provision of legal services in Ontario and for addressing matters related to Aboriginal peoples and Francophones; and to consult with Aboriginal, Francophone and other equality-seeking communities in the development of such policy option.<sup>31</sup> It also created the Equity Initiatives Department, with, since 2010, six permanent staff members and one articling student, and the Equity Advisory Group (the "EAG")<sup>32</sup>, consisting of expert lawyers in the area of equality rights and legal associations that promote equality and diversity.
3. On July 31, 2003, Convocation established the Bicentennial Report Working Group to review and report on the implementation status of the recommendations contained in the *Bicentennial Report*. In January 2004, the Bicentennial Report Working Group presented the *Bicentennial Implementation Status Report and Strategies*<sup>33</sup> to Convocation detailing the programs, services and policies created by the Law Society as a result of the recommendations of the *Bicentennial Report*, analyzing the implementation status of each recommendation and proposing strategies to be examined and further implemented.
4. The Equity Advisor's report 2010-2011 focuses on the activities of the Equity Initiatives Department and the Equity Committee in the last year. In 2007, the Equity Initiatives Department also took on the responsibility of providing support to the Access to Justice Committee. Activities of that Committee are also included in this report, as they inform the work of the Equity Initiatives Department and the Equity Committee.

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<sup>29</sup> *Bicentennial Report and Recommendations on Equity Issues in the Legal Profession* (Toronto: Law Society of Upper Canada, May 1997). Report available on-line at [www.lsuc.on.ca](http://www.lsuc.on.ca).

<sup>30</sup> The Equity Committee was not the first Law Society committee created to address equality issues in the legal profession. In 1988, the Law Society established a Women in the Legal Profession Subcommittee to consider emerging issues relating to women in the profession. In 1990, it became a standing committee of Convocation. In 1989, the Equity in Legal Education and Practice Committee was created. In 1996, the Women in the Legal Profession Committee and the Equity in Legal Education and Practice Committee were merged into the Admissions and Equity Committee, which later became the Equity Committee.

<sup>31</sup> By-Law 3 – Benchers, Convocation and Committees.

<sup>32</sup> Formerly the Treasurer's Advisory Group.

<sup>33</sup> Available on-line at [www.lsuc.on.ca](http://www.lsuc.on.ca).

5. The purpose of the report is to inform and assist the Equity Committee in the ongoing development of its work plan by outlining ongoing work and the deployment of resources of the Equity Initiatives Department. The report is divided as follows:
  - a. Policy Development and Working Groups;
  - b. Research Projects;
  - c. Program Development and Initiatives;
  - d. Public Education and Professional Development;
  - e. Law Society as Leading Employer.

#### Policy Development and Working Groups

6. Over the years, the Equity Committee, under the advice of the Equity Advisory Group and the Equity Initiatives Department, developed a number of guidelines and model policies for the legal profession. The following are made readily available to the public and the profession, in both French and English:
  - a. *Summary of Hiring Practices Guidelines*, April 2011;<sup>34</sup>
  - b. *Addressing Harassment and Discrimination – A Guide to Developing a Policy for Law Firms or Legal Organizations*, April 2009;<sup>35</sup>
  - c. *Advising a Client of her or his French Language Rights in the Judicial and Quasi-Judicial Context - Information about Lawyers' Responsibilities*, January 2007;
  - d. *Guide to Developing a Law Firm Policy Regarding Accommodation Requirements*, updated May 2005;
  - e. *Respect for Religious and Spiritual Beliefs – A Statement of Principles of the Law Society of Upper Canada*, March 2005;
  - f. *Sexual Orientation and Gender Identity: Creating an Inclusive Work Environment - A Model Policy for Law Firms and other Organizations*, May 2004;
  - g. *Guide to Developing a Policy Regarding Workplace Equity in Law Firms*, updated March 2003;
  - h. *Guide to Developing a Policy Regarding Flexible Work Arrangements*, updated March 2003.
7. In 2010-2011, the following working groups were actively engaged in developing policies and initiatives.

#### *Equity Advisory Group*

8. The EAG is a group of lawyers and legal organizations with expertise in the area of equality and diversity and has a mandate to assist the Equity Committee in the development of policy options for the promotion of equity and diversity in the legal profession. EAG identifies and advises the Equity Committee on relevant issues and provides input to the Equity Committee on the planning and development of policies and practices related to equity within the profession and within the Law Society. In 2010-2011, EAG provided expert advice and substantive comments on the following projects:

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<sup>34</sup> The guidelines and model policies are available on-line at <http://rc.lsuc.on.ca/jsp/equity/policies-publications-reports.jsp>

<sup>35</sup> The guidelines and model policies are available on-line at <http://rc.lsuc.on.ca/jsp/equity/policies-publications-reports.jsp>

- a. Fiona Kay Transition and Exit and Re-entry studies –reviewed and provided advice on the survey instruments.
- b. *Model Policy: Fair and Accessible Recruitment, Interview and Hiring* - developed a first draft of this model policy, to be considered by the Equity Committee.
- c. Law Foundation of Ontario: Linguistic and Rural Access to Justice Project – participated in submissions by the Access to Justice Committee and the Equity Committee to the Law Foundation of Ontario.
- d. *Accessibility for Ontarians with Disabilities Act, 2005* –the Equity Initiatives Department is developing resources for the profession.
- e. Return to Practice Working Group – provided feedback to the Working Group on barriers faced by lawyers from equality-seeking communities who leave practice for extended periods of time and wish to return. Also assisted in organizing focus groups with lawyers who are members of equality-seeking communities.
- f. Initiative to address barriers faced by racialized and ethnic lawyers and students – provided feedback on potential barriers and resources to guide the Equity Committee in identifying a course of action.
- g. Initiative to address barriers faced by lesbian, gay, bisexual and transgender (LGBT) lawyers and students – provided feedback on potential barriers to guide the Equity Committee in its work.

*Retention of Women in Private Practice Working Group*

9. In May 2008, Convocation approved the following nine recommendations to enhance the retention of women in private practice. The project is now in its third year of implementation and activities are described further in the Retention of Women in Private Practice Progress Report available online at [www.lsuc.on.ca](http://www.lsuc.on.ca). The Project has led to the creation of a number of very active and dedicated working groups, also described in the Retention of Women in Private Practice Progress Report.

- a. That the Law Society implement a three-year pilot project (the “Justicia Project”) for firms of more than 25 lawyers and the two largest firms in each region, in which firms commit to adopting programs for the retention and advancement of women [Recommendation 1].
- b. That the Law Society, in collaboration with legal associations where appropriate, provide direct support to women through programs such as a leadership and professional development institute and on-line resources. This recommendation includes the implementation of a change of status survey and the establishment of a Women’s Leadership and Professional Development Institute [Recommendation 2].
- c. That the Law Society develop a five-year pilot project to promote and support practice locums to address the challenges women face in finding available and competent lawyers to maintain their practice during leaves of absence. Such concerns were also raised in the report of the Law Society of Upper Canada’s Sole Practitioner and Small Firm Task Force [Recommendation 3].
- d. That the Law Society implement a three-year Parental Leave Benefit Pilot Program, effective in 2009, as follows:

- i. benefits are available to lawyers in firms of five lawyers or less, including sole practitioners, who have no access to other maternity/parental/adoption financial benefit programs under public or private plans;
  - ii. provide a fixed sum of \$3,000 a month for three months (maximum \$9,000 per leave per family unit) to cover among other things expenses associated with maintaining their practice during a maternity, parental or adoption leave [Recommendation 4].
- e. That the Law Society provide access, in collaboration with legal associations where appropriate, to resources for women in sole practices and small firms through programs such as on-line resources and practice management and career development advice [Recommendation 5].
  - f. That the Law Society work with law schools to provide access to information and education opportunities about the practice of law, the business of law, types of practices, practising in diverse work settings and available resources [Recommendation 6].
  - g. That the Law Society create an advisory group of women lawyers from Aboriginal, Francophone and/or equality-seeking communities to assist with the implementation of the recommendations outlined in this report [Recommendation 7].
  - h. That the Equity Committee facilitate the development of networking strategies focused on the needs of women from Aboriginal, Francophone and/or equality-seeking communities in firms of all sizes [Recommendation 8].
  - i. That, after a period of three years of implementation of programs, and after a period of five years of implementation of the Practice Locum program, the Law Society assess the effectiveness of each program and identify further strategies for the retention and advancement of women in private practice [Recommendation 9].

#### *Aboriginal Working Group*

10. The Aboriginal Working Group continued its work under the leadership of its Chair, bencher Susan Hare, and the Aboriginal Initiatives Counsel, Marisha Roman. In January 2009, the *Final Report of the Aboriginal Bar Consultation*<sup>36</sup> was presented to Convocation for its information. As a result of the consultation, "Aboriginal law" was added as a practice category in the Lawyer Annual Report. The final report outlined three primary initiatives for the Law Society to maintain and/or develop in order to support Aboriginal Licensing candidates and lawyers. They related to maintaining networking and mentoring programs, developing continuing professional development programs in Aboriginal issues and continuing the development of a certified specialist program in Aboriginal law. In 2010, the Aboriginal Initiatives Counsel and bencher Susan Hare embarked on province-wide outreach initiatives with Aboriginal members of the bar and Licensing candidates to provide information about Law Society initiatives, to enhance networking opportunities for Aboriginal Licensing candidates and lawyers and to gather further information from the bar. Benchers and the Aboriginal Initiatives Counsel held networking events in Kingston, Ottawa, Rama, Sudbury, Thunder Bay, Toronto and Windsor.

<sup>36</sup> Available on-line at <http://rc.lsuc.on.ca/pdf/equity/aboriginalBarConsultation.pdf>

*Human Rights Monitoring Group*

11. The Monitoring Group was created in 2006. The original mandate of the Monitoring Group approved by Convocation was to,
  - a. 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. determine if the matter is one that requires a response from the Law Society; and
  - c. prepare a response for review and approval by Convocation.
12. The mandate was further expanded to state 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 Monitoring Group shall report on the matters at the next meeting of Convocation.
13. On September 20, 2007, Convocation approved the following recommendations, which expanded the Monitoring Group's mandate:
  - a. 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;
  - b. That the Monitoring Group be authorized to collaborate with the Law Society of Zimbabwe (the "LSZ") to assist it in strengthening its self-regulation capabilities and the independence of the profession.
14. Since its inception in 2006, the Monitoring Group has recommended interventions to Convocation in support of lawyers and judges generally through letters of intervention to foreign authorities and public statements.
15. The legal profession reacted very strongly and positively to the Law Society's actions in support of lawyers in Pakistan, and numerous lawyers from foreign countries have noted that public interventions from organizations such as the Law Society are helpful in informing the community that human rights violations of lawyers and judges do not go unnoticed. The activities show support to the civil societies and legal organizations involved, enhance the public scrutiny of the authorities' treatment of lawyers and judges and increase the profile and awareness of cases within the legal profession.
16. To date, the Monitoring Group recommended, and Convocation approved, Law Society interventions in approximately 60 cases on behalf of over 90 judges and lawyers originating from 26 countries such as Algeria, Bahrain, Belarus, China, Colombia, Democratic Republic of Congo, Egypt, Georgia, Honduras, India, Iran, Kenya, Kyrgyzstan, Malaysia, Nepal, Pakistan, Philippines, Russia, Rwanda, Saudi Arabia, Sudan, Syria, Tunisia, Vietnam, Venezuela and Zimbabwe.
17. The interventions relate to cases of human rights violations against both judges and lawyers as a result of the discharge of their professional duties. Reports of the incidents indicate that the lawyers and judges have been subjected to various forms of persecutions, including,

- a. harassment and intimidation;
  - b. unlawful detentions and incommunicado detentions;
  - c. unlawful house arrests;
  - d. violence, abuse and torture; and
  - e. assassinations.
18. The Monitoring Group has expanded its activities by launching a Rule of Law Education Series. In 2009, it held a Rule of Law Education Series event, organized by the Equity Initiatives Department, at which more than 100 participants attended. Christopher Alexander, former Ambassador of Canada and United Nations Deputy Special representative of the Secretary- General for Afghanistan spoke on the topic “ *Peace, Reconciliation and Justice: The Afghanistan experience Reflections of a Canadian Diplomat*”.
19. The Law Society hosted its second Rule of Law event on March 29, 2011 on the topic “*Road to Justice*”. The event, hosted by the Law Society and the Metro Toronto Chinese & Southeast Asian Legal Clinic, included the launch of a website featuring some of the first Chinese Canadian lawyers and activists who worked on the Head Tax and Exclusion Act Redress Campaign. The event also included a panel discussion with bencher Avvy Go, lawyer Dora Nipp, The Honourable Justice Maryka Omatsu and lawyer Gary Yee, followed by a reception with Treasurer Pawlitza and Susan Eng, Vice President, CARP. Approximately 150 participants were in attendance.

*Return to Practice Working Group*

20. In the spring of 2009, the Return to Practice Working Group was created as part of the Retention of Women in Private Practice Project. The Return to Practice Working Group has the following mandate:
- a. To identify strategies and develop resources to facilitate the return of women lawyers, following extended absences, to the workforce and more specifically into the medium and large firms and small firms and sole practice; and
  - b. To identify strategies that would also be applicable to women lawyers who wish to re-enter the legal workforce in non private practice work environments.
21. The Working Group has undertaken the following activities:
- a. Held 8 focus group meetings across Ontario with women who have left the practice of law for extended periods of time (5 years);
  - b. Conducted individual meetings with women who did not attend the focus group meetings;
  - c. Met with Professor Fiona Kay to explore the possibility of surveying the profession about gender based trends when lawyers take extended leaves from practice; and
  - d. Conducted research synthesizing the findings of the focus groups and reviewing existing programs and initiatives to address barriers to returning to practice.

22. The report of the Working Group was presented to the Equity Committee and the Priorities and Planning Committee in the spring 2011 and to Convocation in May 2011 for information. The first two recommendations, to make available online informational resources for lawyers and paralegals focused on the departure from and return to the practice of law, and partnering with external associations to promote and assist in the delivery of their programs were approved by the committee and are in the process of being implemented. It is anticipated that the report, and more particularly recommendations regarding a loans program for women attending return to practice professional courses and a coaching program, will be further considered in the fall at the 2011 benchers planning session.

#### Research Projects

23. In 2010-2011, the Equity Committee, the Access to Justice Committee and the Equity Initiatives Department undertook the following significant research projects:
- a. *Change of Status Quantitative Survey*, April 30, 2010 and May 2011;
  - b. Professor Ornstein, *Racialization and Gender of Lawyers in Ontario*, April 2010
  - c. OCLNP – *Listening to Ontarians* report, May 2010 and upcoming mapping project;
  - d. Professor Kay, *Transitions Survey*, ongoing;
  - e. Professor Kay, *Exit/Re-entry Survey*, ongoing;
  - f. Lawyer and Paralegal Annual Report – Demographic Question;
  - g. Career Choice Study;
  - h. Other noteworthy initiatives.

#### *Change of Status Quantitative Survey*

24. In 2008, the Law Society of Upper Canada retained The Strategic Counsel to undertake a longitudinal study with lawyers who change their professional legal status. The 2009 *Change of Status Quantitative Study – Report of Research Findings* was released publicly and is available on-line at <http://www.lsuc.on.ca/news/b/conv/>. The report is also available on the Law Society website ([www.lsuc.on.ca](http://www.lsuc.on.ca)) in the Retention of Women Project section.
25. The report provides findings from a survey conducted via an online methodology among a sample of Law Society lawyers who changed status in 2009. In total, 5263 lawyers filed a change of status with the Law Society last year and a total of 1257 respondents completed the survey, a strong response rate of 31%.
26. The 2010 Change of Status Research report is now complete and provides the findings from the 2009 and 2010 survey with lawyers who changed their professional status. In 2010, 5179 lawyers filed a change of status with the Law Society. Among the lawyers who filed a change of status in 2010, a total of 1214 lawyers completed the survey for a strong response rate of 29%. The report is available online at <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485106>.

27. The findings of the survey are used to inform the Retention of Women in Private Practice Working Group and the Equity and Aboriginal Issues Committee in the development of policies and initiatives. The findings are also used in presentations and conferences about the legal profession and have received media attention.

*Professor Ornstein, Racialization and Gender of Lawyers in Ontario*

28. Professor Ornstein's report provides a statistical portrait of Aboriginal, visible minority and women lawyers in Ontario, beginning with a detailed profile of the profession based on the 2006 Canadian Census. To understand the pace of change in the profession, the report compares age groups and examines changes in the number of Aboriginal and visible minority lawyers since 1981 and women lawyers since 1971. Comparisons between the number of lawyers from each racialized community and its population are used to measure the profession's capacity to serve Aboriginal and visible minority communities. A comparison of the number of lawyers to the number of university graduates with occupations in each community measures equity in access to the profession. Then the report considers the impact on access to the profession of immigration, the age at which immigrants come to Canada and a person's first language. To contextualize the degree of diversity in the legal profession, lawyers in Ontario are compared to lawyers in other provinces and territories and to other professions and managers in Ontario.
29. The second part of the report deals with the status of Aboriginal, visible minority and women lawyers, beginning with the numbers who work at law firms, for government, and as counsel in other areas, and then differentiating law firm associates and employees from partners and sole practitioners. Further analysis focuses on hours of work and earnings.
30. The report is based mainly on the 2006 Census, which collected highly detailed information about every person in one in every five Canadian households, including about 6,400 Ontario lawyers. The Census provides exact comparisons between lawyers and the entire population of Ontario and relevant sub-groups.

*OCLNP – Listening to Ontarians report, May 2010*

31. The Law Society of Upper Canada, Legal Aid Ontario and Pro Bono Law Ontario agreed in 2008 to undertake a joint research project, The Ontario Civil Legal Needs Project (OCLNP), to identify and quantify for the first time the civil legal needs experienced by low and middle-income Ontarians. The research has the following two phases: phase one consists of a phone survey to assess quantitatively the civil legal needs along with a series of focus groups with front-line legal and social service providers to identify gaps and areas for collaboration, and phase two is a mapping exercise to show the availability and range of existing services. For the purpose of this project, low and middle-income is defined as annual household income of less than \$75,000.

32. A Steering Committee was formed to lead the project. The Honourable R. Roy McMurtry is chair while bencher Marion Boyd for the Law Society, John McCamus for LAO and Lorne Sossin for PBLO are members of the Committee. The Steering Committee is responsible for making decisions governing the overall management of the OCLNP and the approval of the final report for release to the OCLN partners' respective boards of governors prior to its public release.
33. The *Listening to Ontarians* report was launched in May 2010 in English and French as the first part of the study. The report provides an overview of civil legal needs of low and middle-income Ontarians, examines how those needs are being met, identifies gaps, and suggests strategies for addressing those gaps. The report is available on-line at <http://www.lsuc.on.ca/latest-news/a/ontario-civil-legal-needs-project/>. It is anticipated that the mapping exercise report will be released in the fall 2011.

*Professor Kay, Transitions Survey*

34. Professor Fiona Kay, Queen's University, received a grant from the Social Sciences and Humanities Research Council of Canada and the Law School Admissions Council to undertake a 20 year follow-up study to three surveys of the profession conducted in 1990, 1996 and 2002.
35. The purpose of these surveys is to assist the Law Society in identifying work transitions in the legal profession, including entries and exits from private practice, changes across and within various work settings, and motives for leaving the practice of law entirely. Participation in each of these surveys has been at an average response rate of 70 percent.
36. The findings of each of these surveys were published in several reports by the Law Society entitled *Transitions in the Ontario Legal Profession* (1991), *Barriers and Opportunities within Law* (1996), and *Turning Points and Transitions* (2004). The findings of the surveys also contributed to a number of important Law Society policy initiatives (e.g., Rules of Professional Conduct dealing with discrimination and sexual harassment; model policies for alternative workplace arrangements; reduction in annual fee for members on parental leave; continuing education programs).
37. The fourth survey was conducted in 2009/2010 and a report is anticipated in the fall 2011.

*Professor Kay, Exit/Re-entry Survey*

38. Professor Kay also received funding to undertake another study that aims to examine the factors leading to departures from law practice as well as the different conditions that operate either as barriers to or facilitators of re-entry to law practice following a period of absence.
39. The study consists of a questionnaire that includes the following topics:
  - a. Education & professional training;
  - b. Work history (key transitions prior to departure from practice);
  - c. Duration of absence from the practice of law & activity (occupation) during this span;

- d. Mentoring and networks (support, networking strategies, and professional development);
  - e. Returning to practice (intentions, points of re-entry, strategies, preparation, and job-seeking tactics);
  - f. Resources to enable re-entry to practice (useful as identified by respondents);
  - g. Family and household responsibilities;
  - h. Demographic information.
40. The survey consists of a sample of newer entrants (individuals called to the bar as of 1990 to 2009), spanning nearly twenty years of calls to the Ontario Bar. Approximately 5000 members have been surveyed. A report is expected in 2011.

*Lawyer and Paralegal Annual Report – Demographic Question*

41. The Law Society included in the 2009 Lawyer and Paralegal Annual Reports for 2009 the following self-identification demographic question:

*Please check any of the following characteristics to which you self-identify (please select all that apply):*

**Aboriginal**

- First Nations, Status Indian, Non-Status Indian
- Inuit
- Métis

**Racialized / Person of Colour / Ethnic Origin**

- Arab
- Black (e.g. African-Canadian, African, Caribbean)
- Chinese
- East-Asian (e.g. Japanese, Korean)
- Latin American, Hispanic
- South Asian (e.g. Indo-Canadian, Indian Subcontinent)
- South-East Asian (e.g. Vietnamese, Cambodian, Thai, Filipino)
- West Asian (e.g. Iranian, Afghan)
- White

**Other**

- Transgender/ Transsexual
- Gay/Lesbian/Bisexual
- Person with Disability<sup>2</sup>

- Francophone<sup>1</sup>

**Religion or Creed**

- Agnostic
- Atheist
- Buddhist
- Catholic
- Christian Orthodox
- Christian (not included elsewhere)
- Eastern religions
- Hindu
- Jewish
- Muslim
- Protestant
- Sikh
- Other

42. The results of the first survey of lawyers and paralegals are expected in the spring 2011.

*Career Choice Study*

43. In 2008, the Law Society retained the Strategic Counsel to conduct a survey of licensing candidates and recently-called lawyers to investigate preferences and experiences of new licensees and those enrolled in the Licensing Process from their entry into law school to their entry into practice. More specifically, the research was conducted to better understand law school preferences, key factors that influence the choice of an articling position, key factors that influence the choice of post-call workplace setting and practice areas, sources used to pay for law school education and debt among Licensing candidates and recent graduates. The first report was released in 2008 and is available online at <http://rc.lsuc.on.ca/jsp/equity/policies-publications-reports.jsp>. The Equity Committee decided to survey recent calls to the bar on an annual basis for the next three years with a report of the cumulative findings expected in 2013/2014.

*Other Noteworthy Initiatives*

44. The Equity Committee and the Access to Justice Committee, in collaboration with the EAG, made submissions to the Law Foundation of Ontario about access to justice and equity considerations related to the *Linguistic and Rural Access to Justice Project*.
45. The Equity Committee made submissions, in collaboration with EAG, on the equity implications of the Federation of Law Societies' *Consultation Paper on Canadian Common Law Degree* and provided its views on the Continuing Professional Development requirement.
46. The Equity Committee made submissions, in collaboration with the EAG, on the Consultation on Continuing Professional Development requirement.

## Program Development and Initiatives

47. In 2010/2011, the Equity Initiatives Department and the Equity Committee continued to implement the following programs:
- a. The Retention of Women in Private Practice Project;
  - b. Networking with Law Societies;
  - c. Collaborating with Law Schools;
  - d. Aboriginal Initiatives;
  - e. Discrimination and Harassment Program;
  - f. Mentoring Program.

*Retention of Women in Private Practice Project*

48. Because the implementation progress of the Retention of Women project is extensive, we produced a separate report that outlines the progress of the project. The report is available online at [www.lsuc.on.ca](http://www.lsuc.on.ca).

*Networking with Law Societies*

49. In 2005, the Equity Initiatives Department began strengthening its relationship with other law societies by working with provincial equity advisors and discrimination and harassment counsels - or equity ombudspersons - in organizing the first national meeting of law society equity advisors and equity ombudspersons. The objective of the meeting was to exchange information about initiatives undertaken by provincial law

societies and to establish network and collaborative opportunities. Issues such as the role of law societies in promoting equality and diversity, education programs for the legal profession, mentoring programs and policy development were discussed. Following the first successful meeting, the equity advisors and equity ombudspersons continued to exchange information about successful initiatives and programs via teleconference calls, emails and meetings.

50. In May 2007, the Law Society hosted the second national meeting of equity advisors and equity ombudspersons. The two-day meeting provided an opportunity to exchange information about initiatives undertaken by law societies and allowed participants to develop strategies for further collaborations. The meeting was organized in conjunction with a national diversity summit conference held at the Faculty of Law of the University of Toronto. The summit meeting combined networking and professional development opportunities for equity advisors and equity ombudspersons.
51. In March 2008, the provincial equity advisors and equity ombudspersons held their third annual meeting at the Friends of Simon Wiesenthal Center for Holocaust Studies in Los Angeles. The meeting included two days of professional development on effective teaching pedagogy in the area of equality and diversity. The annual meeting led to further discussions about inter-provincial cooperation between the law societies in the area of diversity and equality. In 2009, the annual meeting was held in Montreal. The success of the meeting led to the development of the Law Societies Equity Network, including Terms of Reference adopted in December 2009.
52. In April 2011, the Law Societies Equity Network met in Calgary. In addition to law societies' equity advisors and ombudspersons, the Federation of Law Societies was represented by two staff members. The two day meeting allowed the Network to develop a short-term and long-term action plan.

#### *Collaborating with Law Schools*

53. The Equity Initiatives Department works closely with the six Ontario law schools. In addition to annual visits to law schools to discuss available resources at the Law Society and exchange information about law schools and the Law Society, staff members of the department have held meetings with career officers and staff involved in equity initiatives and academic support programs in law schools. In 2010, the Equity Initiatives Department visited most law schools in Ontario and delivered mandatory programs on addressing harassment and discrimination and the diversity of the legal profession to all first year law students at the University of Ottawa (French and English Common Law).
54. Throughout the past year, the Lawyer Liaison Counsel has organized and participated in a series of Women & the Law panel discussions at law schools throughout Ontario (Windsor, University of Western Ontario, Osgoode Hall, and the University of Toronto.)
55. On November 29, 2010, the Law Society, in partnership with the Ontario Bar Association and the County & District Law Presidents' Association, hosted the symposium *Articling & Beyond – Finding Work that Works for You*. Law students and recent calls to the bar from across the province and sole and small firm practitioners throughout Ontario attended. The symposium was a great success with 250 students and recent calls and 130 firms participating.

56. The goals of this event were twofold. The primary goal was to provide law students with information and resources to encourage them to explore a variety of articling and career options. The secondary goal was to build awareness about issues such as the “greying of the bar” in communities outside of the GTA, and the importance of creating articling opportunities in smaller communities beyond the GTA. As part of *Articling & Beyond*, the Lawyer Liaison Counsel participated in a panel discussion dedicated to issues related to women in private practice. Over 60 female law students participated in the discussion.
57. The Lawyer Liaison Counsel is planning the second *Articling & Beyond* event, to be held on November 18, 2011.

#### *Aboriginal Initiatives*

58. The Aboriginal Initiatives Counsel coordinates Aboriginal students’ symposia and works with Aboriginal Licensing Process candidates and lawyers. In 2010/2011, the Law Society continued to organize career symposia for Aboriginal students, giving Aboriginal students from all Ontario law schools an opportunity to meet with Aboriginal lawyers and leaders of Ontario’s legal profession. Events are held annually in Toronto, Ottawa and Windsor. In 2010/2011 additional events and meetings were held at Queen’s Law School, Western Law School and Osgoode Hall Law School. Students and lawyers meet to discuss navigating career paths, the importance of developing mentoring relationships, exploring career options, work-life balance and professionalism.
59. The relationship with Aboriginal law students continues into the Licensing Process through the Aboriginal Student Support Program and through the participation of Aboriginal Elders at the Calls to the Bar.
60. In 2010/2011, benchers and the Aboriginal Initiatives Counsel organized networking events across the province to meet Aboriginal members of the bar and establish networking and mentoring opportunities. Events were held in Kingston, Ottawa, Rama, Sudbury, Thunder Bay and Windsor.
61. Through these and other initiatives, the Law Society is making steady progress in ensuring the legal profession reflects the communities it serves.

#### *Discrimination and Harassment Counsel Program*

62. In June 2001, the Law Society adopted the permanent DHC Program. Funded by the Law Society, the program operates at arms-length, and is available free-of-charge to the Ontario public and lawyers.<sup>37</sup> Since its creation, the person who has held the position of DHC has been bilingual (French and English). In 2004, the position of Alternate DHC was created. In 2005, the Law Society appointed two Alternate DHC. The Alternate DHC assume the functions of the DHC when she is unable to perform the function. The Alternate DHC may also provide mediation services. The DHC was reappointed for a three year mandate on September 26, 2009. The Alternate DHC were reappointed for a three year mandate May 27, 2008 and again May 27, 2011.

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<sup>37</sup> Minutes of Convocation, June 22, 2001.

63. In January 2010, the DHC presented a seven-year report summarizing the data between January 1, 2003 and December 31, 2009. There have been a total of 1,220 contacts with the DHC Program during the seven-year period since January 1, 2003. There were 180 new contacts in 2003, 234 in 2004, 180 in 2005, 156 in 2006, 130 in 2007, 145 in 2008 and 195 in 2009. The Program has received an average of 14.5 new contacts per month over the past 5 years.
64. The DHC services are offered in French and English. Since January 1, 2003, 46 individuals have communicated with the DHC in French.
65. Of the 1,220 contacts with the Program over the past seven years, the DHC dealt with a total of 404 discrimination and harassment complaints against lawyers. (The remaining contacts with the Program involved general inquiries or matters outside the Program mandate.) There were a total of 66 complaints against lawyers in 2003, 78 in 2004, 60 in 2005, 56 in 2006, 35 in 2007, 43 in 2008, and 66 in 2009.
66. Out of the 404 discrimination and harassment complaints received since January 1, 2003, there have been 229 complaints from the public and 175 complaints from within the legal profession (i.e., from lawyers, law students, paralegals or paralegal students). Thus over the past 7 years, complaints from the public have constituted on average 57% of all discrimination and harassment complaints against lawyers.
67. A total of 38 law students<sup>38</sup> have made discrimination and harassment complaints to the DHC Program in the seven years since January 1, 2003 (out of a total of 175 complaints from within the legal profession). Student complaints therefore constitute 22% of the discrimination and harassment complaints received from members of the legal profession over the past 7 years.
68. The overwhelming majority (81%) of complaints by lawyers, law students and paralegals arise in the context of the complainant's employment or in the context of a job interview. There have been some discrimination and harassment complaints from lawyers in non-employment contexts, such as complaints about the conduct of opposing counsel, mediators or investigators. There have also been a few complaints by lawyers who had retained other lawyers to act for them and were complaining as clients.
69. Of the 175 discrimination and harassment against lawyers by members of the legal profession since January 1, 2003, 136 (78%) were made by women.
70. Of the 229 members of the public who have made discrimination and harassment complaints against lawyers to the DHC over the past 7 years, 143 (62%) were women.
71. There was a total of 404 discrimination and harassment complaints against lawyers between January 1, 2003 and December 31, 2009. Of these,<sup>39</sup>

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<sup>38</sup> Either articling students, summer students, or university law students. There have been no complaints against lawyers by paralegal students.

<sup>39</sup> The sum of the numbers in this paragraph exceeds 404 and the sum of the percentages exceeds 100% because many of the complaints involved multiple grounds of discrimination.

- a. sex was raised as a ground of discrimination in 204 complaints (50%);
  - b. disability was raised as a ground of discrimination in 100 complaints (25%);
  - c. race was raised as a ground of discrimination in 61 complaints (15%);
  - d. sexual orientation was raised as a ground of discrimination in 22 complaints (5%);
  - e. religion was raised as a ground of discrimination in 16 complaints (4%);
  - f. age was raised as a ground of discrimination in 15 complaints (4%);
  - g. family status was raised as a ground of discrimination in 15 complaints (4%);
  - h. ethnic origin was raised as a ground of discrimination in 12 complaints (3%);
  - i. place of origin was raised as a ground of discrimination in 4 complaints;
  - j. ancestry was raised as a ground of discrimination in 3 complaints;
  - k. record of offences was raised as a ground of discrimination in 3 complaints and
  - l. marital status was raised as a ground of discrimination in 2 complaints.
72. The Reports of the Activities of the Discrimination and Harassment Counsel for the Law Society of Upper Canada for the period from January 1, 2010 to December 31, 2010 were released, indicating that 192 individuals contacted the program with new matters of discrimination or harassment by a lawyer, law student or paralegal in Ontario. Of the new contacts, 73 individuals reported specific complaints of discrimination or harassment by a lawyer, paralegal or law student. There were 40 complaints against lawyers and law students by licensees, and 30 complaints against lawyers by members of the public. Of the three complaints against paralegals, one was made by a lawyer, two by paralegals.
73. The reported complaints include harassment or discrimination based on grounds such as disability, sex, sexual orientation, race and age. The program offers confidential advice to members of the public and the professions free of charge.
74. Since its creation as a permanent program, the expenses and budget for the DHC Program are as follows:

	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
<b>Expenses</b>	88,002	95,045	78,080	42,555	65,184	74,714	66,298	79,401	71,412	106,740
<b>Budget</b>	150,000	150,000	150,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
<b>Under/(Over)</b>	61,998	54,955	71,920	57,445	34,816	25,286	33,702	20,599	28,588	(6,740)

#### *Equity Mentoring Program*

75. The Law Society offers a structured Equity Mentoring Program that promotes law as a career choice and assists law students and recent calls to the bar by matching mentors – experienced members of the bar – with new lawyers, students-at-law, students in law school as well as university and high school students.<sup>40</sup> The following represents the number of matches made through the Equity Mentoring Program.

<sup>40</sup> Information available on Law Society website at [www.lsuc.on.ca](http://www.lsuc.on.ca).

	2003	2004	2005	2006	2007	2008	2009	2010
<b>Mentees</b>	15	46	58	35	30	22	30	35
<b>Matches</b>	8	38	47	29	26	21	25	28

*Public Education and Professional Development*

76. The Law Society holds the following equity educational programs for the public and the legal profession.

<b>Public Education Events and Panels</b>	2006	2007	2008	2009	2010	2011
<b>Louis Riel Day</b>	80	100	N/A	250	115	N/A
<b>Black History</b>	250	150	120	200	190	250
<b>International Women's Day</b>	155	187	75	150	110	100
<b>Rule of Law Series (formerly International Day for the Elimination of Racial Discrimination)</b>	185	217	150	250	100	120

<b>Public Education Events and Panels</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>National Holocaust Memorial Day</b>	120	105	115	200	130	70
<b>Asian/South Asian Heritage Month</b>	140	120	140	150	150	200
<b>Access Awareness</b>	N/A	175	170	150	150	N/A
<b>National Aboriginal Day</b>	90	115	120	150	100	N/A
<b>Pride</b>	250	150	175	225	N/A	N/A
<b>Francophonie</b>	N/A	N/A	N/A	N/A	80	80

77. The Equity Initiatives Department has broadened its network of partners and community engagements. Partners include: Aboriginal Legal Services of Ontario, Association des juristes d'expression française de l'Ontario, ARCH Disability Law Centre, B'nai Brith Canada, Canadian Association of Black Lawyers, City of Toronto, Feminist Legal Analysis Committee of the Ontario Bar Association (OBA), Human Rights Research and Education Centre of the University of Ottawa, Human Rights Watch Canada, Legal Aid Ontario, Métis Nation of Ontario, Official Languages Committee of the OBA, Pro Bono Law Ontario, Sexual Orientation and Gender Identity Committee of the OBA, South Asian Bar Association of Toronto, South Asian Legal Clinic of Ontario, Women's Law Association of Ontario; and many more.

78. The Equity Initiatives Department and the Discrimination and Harassment Counsel continue to custom-design training programs for law firms, legal organizations and law schools. In 2010/2011, a number of programs were delivered in law firms, law associations and law schools on topics such as preventing harassment and discrimination and providing legal services to persons with disabilities. With the adoption of Bill 168, which addresses workplace harassment and workplace violence, a number of training programs were delivered to firms of all sizes on the new legal requirements. Over the last year, approximately 1000 members of the profession and the public attended the professional development programs.

#### Law Society as Leading Employer

79. The Equity Initiatives Department worked with the Human Resources Department to develop and amend workplace policies to address legislative changes, such as Bill 168 on addressing workplace harassment and workplace violence and the Customer Service Standard of the *Accessibility for Ontarians with Disabilities Act, 2005*. The department also delivered workshops for all new employees and Law Society managers on the prevention of harassment and discrimination and the duty to accommodate.

Appendix 4

#### Aboriginal Initiatives Operational Review (September, 2010 to May (2011) and Work Plan (2011-2012)

##### Background

1. In May 1997, the Law Society unanimously adopted the *Bicentennial Report and Recommendations on Equity Issues in the Legal Profession (the Bicentennial Report)*. The *Bicentennial Report* reviewed the status of women, Francophones, Aboriginal peoples, racialized persons, gays and lesbians and persons with disabilities in the profession and the initiatives the Law Society had taken to address the identified barriers. The Report made sixteen recommendations that have since guided the Law Society as it seeks to advance the goals of equity and diversity within the legal profession.
2. In 1999, the Law Society created the position of Equity Advisor to implement the recommendations of the *Bicentennial Report*. Four other positions were created following the appointment of an Equity Advisor and the Department became a unit of five permanent full-time positions. The position of Aboriginal Initiatives Counsel was created as a full-time position in 2000 to develop policies, programs, resources and initiatives for Aboriginal members of the bar, law students, the public and the Law Society.
3. In 2004, the Aboriginal Initiatives Counsel initiated the Aboriginal Bar Consultation. The two phases of the Aboriginal Bar Consultation Project included a mail-out survey and a face-to-face consultation with Aboriginal members of the bar. The survey instrument and consultation guide were developed in consultation with members of the Aboriginal Working Group of the Equity and Aboriginal Issues Committee (the Committee). The goals of the survey and consultation were to,

- a. collect information about Aboriginal lawyers identifying their experiences in law school, the Bar Admission Course (BAC) and Licensing Program and since their calls, the geographic region in which they live, where they work, what type of work they do and who their clientele is to create a demographic profile of the Aboriginal bar;
  - b. identify the most common stressors among Aboriginal lawyers in law school, the BAC and Licensing Program and post-call and how these stressors have influenced Aboriginal lawyers' career choices and views regarding the profession for the purpose of developing relevant Aboriginal programs and supports;
  - c. identify what Law Society services Aboriginal lawyers have used during the BAC, Licensing Program, post-call and currently for the purpose of assessing those services;
  - d. identify what other sources of support Aboriginal lawyers have accessed in law school, the BAC, the Licensing Program and post-call and how these support sources have helped them for the purpose of developing relevant Aboriginal programs and supports; and
  - e. identify how Aboriginal lawyers view the Law Society overall for the purpose of assessing current programs and initiatives for Aboriginal lawyers and the Aboriginal community.
4. On January 29, 2009, Convocation received the final report of the Aboriginal Bar Consultation report for its information. This report is available on the Law Society website at <http://rc.lsuc.on.ca/pdf/equity/aboriginalBarConsultation.pdf>. In addition to providing a demographic profile of the Aboriginal bar, the report identified four proposals for the Law Society to develop to enhance access to and retention in the legal profession of Aboriginal lawyers. The following summarizes the four proposals:
- a. Expand the Lawyers' Annual Report (LAR) practice categories to include Aboriginal Law to enable the collection of data on how many lawyers in Ontario self-identify as practising Aboriginal law.
  - b. Continue the development of the Law Society's mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers with a focus on face-to-face and more interactive participation.
  - c. Work with the Professional Development and Competence department and the Aboriginal Working Group to develop a Continuing Professional Development (CPD) course in Aboriginal law or practice for lawyers/paralegals who provide legal services to Aboriginal clientele.
  - d. Continue to work with the Indigenous Bar Association externally and the Professional Development and Competence department for the development of a Certified Specialist program in Aboriginal Law and/or practice.
5. The Aboriginal Bar Consultation Report proposals identified the key components of the work plan for the Aboriginal Initiatives Counsel for 2009 on.
6. The purpose of this report is to outline Aboriginal initiatives undertaken by the Aboriginal Initiatives Counsel and the Equity Initiatives Department from September 2010 through May, 2011 and to provide an overview of the Aboriginal Initiatives Counsel's work plan for the balance of 2011 and 2012.

#### Commitment of Law Society and Equity Initiatives Department

7. The goals, objectives and service standards of the Equity Initiatives Department (the Department) have been developed to implement Convocation policy on equality and diversity within the legal profession, the Law Society's departments and in the legal profession's relationship to the public.
8. The Department's goals aim at ensuring that,
  - a. equality principles inform all Law Society policies;
  - b. equality and diversity principles are integrated within the operations of the Law Society so as to ensure that Aboriginal, Francophone and equality-seeking communities have equal rights within the Law Society;
  - c. policies and programs that promote diversity and equality are offered to the legal profession;
  - d. there is public awareness of Law Society equality and diversity policies, programs and services; and
  - e. the dialogue between the public, the Law Society and the legal profession is inclusive and promotes equality and diversity.
9. The Aboriginal Initiatives Counsel works to enhance these goals and objectives by providing services and developing programs, policies and resources for the Aboriginal bar and the community and building the Law Society's relationships with the Aboriginal bar and communities.

#### Objectives of the Aboriginal Initiatives Counsel

10. In keeping with the objectives of the Equity Initiatives Department, the Aboriginal Initiatives Counsel identified the following four main objectives for the development of Aboriginal initiatives for 2010 and 2011:
  - a. to coordinate and support equity and Aboriginal policy research and programs;
  - b. to develop the profile of the Law Society in the Aboriginal community and in equality-seeking communities;
  - c. to conduct outreach and relationship building with the Aboriginal legal community and legal institutions; and
  - d. subject to the operating budget of the Equity Initiatives department, to develop and implement the proposals of the Aboriginal Bar Consultation Report.
11. The following outlines the work undertaken to fulfill these objectives.

#### Coordinate and Support Policy Research and Programs

12. The core objective of the Aboriginal Initiatives Counsel is to coordinate and support equity and Aboriginal policy research and programs and, in 2010 and 2011, the Aboriginal Initiatives Counsel undertook the following activities.

#### *Aboriginal Bar Consultation Project*

13. In 2010 and 2011, the Aboriginal Initiatives Counsel undertook the following steps toward the implementation of the report proposals:

- a. maintained and updated the database of Aboriginal lawyers of the Law Society;
  - b. promoted the Consultation project and report to Aboriginal legal organizations for Aboriginal lawyers, including the Indigenous Bar Association, the Aboriginal Advisory Group for Legal Aid Ontario, Aboriginal Law Section of the Ontario Bar Association, Aboriginal Employees group for the Department of Justice, the Aboriginal Working Group of the Committee as well as the 2010 Aboriginal Calls to the Bar; and
  - c. promoted and continues to promote the project and report at all speaking engagements and outreach events.
14. The following components of the Consultation Project proposals were implemented in 2010 and 2011:
- a. The results from the 2009 Lawyer Annual Report (LAR) were collected. Approximately 700 lawyers in Ontario indicated that they practice Aboriginal law in some capacity. This figure was used to develop an accredited CPD program for National Aboriginal History Month on June 9, 2011. This figure will continue to be traced and used in future development of programs featuring Aboriginal law and/or practice issues;
  - b. A schedule of networking events for Aboriginal lawyers, judges, Licensing candidates and students was developed for 2010 and 2011.

*Coordinate and Support the Aboriginal Working Group (AWG)*

15. The AWG was created in December 2004 as an advisory body to the Committee on issues of importance to the Aboriginal legal profession and the community in general. Bencher Tracey O'Donnell chaired the AWG from 2004 to 2007 during her term as bencher. Bencher Susan Hare took over as Chair in December 2007. The AWG is comprised of 29 Aboriginal members of the bar. The AWG meets in person and by teleconference 4 times per year or as required.
16. In 2010 and 2011, the Aboriginal Initiatives Counsel undertook the following steps with regard to the AWG:
- a. in furtherance of the Aboriginal Bar Consultation report, coordinated 5 formal and informal networking events for lawyers, Licensing candidates and law students in late 2010 and early 2011 with AWG members; and
  - b. maintained communication with the members of the AWG throughout 2010 and 2011.

*Support the Committee and Equity and Diversity Initiatives*

17. The Aboriginal Initiatives Counsel supports the Committee as well as the diversity initiatives of the Equity Initiatives Department. From September, 2010 until May, 2011, the Aboriginal Initiatives Counsel provided support to the department in the following ways:

- a. acted as resource to the Committee and the Equity Initiatives Department for all public legal education events and outreach efforts.
- b. provided primary staff support to the Access to Justice Committee and to the project staff for the Ontario Civil Legal Needs Project.
- c. participated in external events to represent the Law Society and the Equity Initiatives Departments. Specifically, the Aboriginal Initiatives Counsel participated in speaking engagements and training sessions at Ontario law schools.

#### Develop the Profile of the Law Society in the Aboriginal Community

18. The Aboriginal Initiatives Counsel's role in this regard focuses on creating partnerships between the Law Society and external organizations, in particular Aboriginal legal and community-based organizations. The purpose of these partnerships is to develop opportunities for positive relationships between Aboriginal lawyers, individuals, organizations and communities and the Law Society. The positive relationships will, in turn, enable the Law Society to determine where needs exist with Aboriginal lawyers and the Aboriginal community in general to provide relevant supports and services. A positive relationship also provides to the Law Society the opportunity to educate the Aboriginal community about its existing services and supports.

#### *Participation in Aboriginal Community Events and Initiatives*

19. In 2010 and early 2011, the Aboriginal Initiatives Counsel participated in the following activities for the purpose of developing the Law Society's profile in the Aboriginal community:
  - a. maintained membership on the Board of Aboriginal Legal Services Toronto;
  - b. maintained membership with the Indigenous Bar Association;
  - c. regularly attended Aboriginal Law Students Association of the University of Toronto (U of T) meetings and social gatherings;
  - d. made presentations at Queen's University, U of T, Osgoode Law School, University of Windsor, University of Western Ontario and University of Ottawa on career path choices for Aboriginal law students and support services offered by the Law Society;
  - e. collaborated with the Métis Nation of Ontario, the Métis National Council, and the Aboriginal Working Group for a public education equality event to commemorate Louis Riel Day on November 16, 2010. The panel discussion between 4:30pm and 6:15pm focused on the topic: "2010 – Year of the Métis: What Have We Learned in 125 Years?" Brenda MacDougall, University of Ottawa, Chair of Métis Studies, spoke on "The Year of the Métis and Understanding Métis History Today." Jason Madden, JTM LAW, spoke on "The Year of the Métis and Métis Identity Today." David Zimmer, MPP, presented the Ontario government's perspective on "The Year of the Métis and Métis-Ontario Relations." Gary Lipinski, the President of the Métis Nation of Ontario, provided keynote remarks at the reception between 6:15pm and 8:00pm. Approximately 100 people attended this event;

- f. collaborated with Bernd Christmas, Aboriginal lawyer, to develop a CPD-accredited program for the seminar portion of the Law Society's National Aboriginal History Month event, scheduled for June 9, 2011. Mr. Christmas is adapting his existing program on providing legal services to Aboriginal peoples and organizations in the corporate context to include discussion on practice management considerations in providing legal services to Aboriginal clients. The program will run from 4:00pm to 6:00pm. Pre-registration is required. As of the date of writing (May 30, 2011), more than 150 participants have pre-registered, a significant increase in participation from previous years. The reception portion of the program will feature Tom Molloy, Q.C., Counsel with the Saskatoon firm of MacPherson, Leslie & Tyerman LLP. Mr. Molloy has represented the Crown on several successful land claim settlement negotiations. Most recently, Mr. Molloy was retained by the Ontario government to facilitate the resolution of the disputed lands in Caledonia in the Haudenosaunee/Six Nations territory;
- g. Bencher Susan Hare attended and provided remarks at the Indigenous Bar Association's annual conference in October 2010. Copies of the Aboriginal Bar Consultation report were also distributed to participants;
- h. invited to attend Ryerson Aboriginal Student Service events at Ryerson University;
- i. coordinated the attendance of Aboriginal Elders in Ottawa, London and Toronto for the five summer Calls to the Bar in June 2011;
- j. maintained a network of Aboriginal elders in Ottawa, Toronto, Windsor and London; and
- k. hosted one formal networking event for Aboriginal lawyers and students at Rama. Susan Hare welcomed participating lawyers. Janet Minor and Doug Lewis also attended on behalf of the Law Society. Approximately 15 local and Toronto-area lawyers attended. Two Licensing candidates also attended.
- l. hosted an informal networking event in Ottawa in March 2011 to celebrate the naming of Roger Jones as a recipient of a National Aboriginal Achievement Award for Law and Justice. 13 lawyers and 1 Licensing candidate attended.
- m. developed the network of Aboriginal lawyers throughout Ontario through regular email communications and the LinkedIn group: Canadian Aboriginal Lawyers and Law Students.

#### Conduct Outreach and Relationship Building with the Aboriginal Legal Community

20. In addition to relationship building with the Aboriginal community, the Aboriginal Initiatives Counsel's role is to develop relationships with Aboriginal law students and Licensing students, current Aboriginal lawyers and Aboriginal legal organizations and institutions. The outcome of positive relationships with these parties will enable the Law Society to promote its Aboriginal services and supports for students and members. Similarly, opportunities exist for Aboriginal students and lawyers to inform the Law Society of where gaps and opportunities exist for developing relevant services and supports.

#### *Aboriginal Law and Licensing Student Outreach*

21. The Aboriginal Initiatives Counsel undertook the following activities in 2010 and 2011:

- a. Completed law school visit to Ontario law schools and to McGill University with the Professional Development and Competence Department in both 2010 and 2011. The Aboriginal Initiatives Counsel presented on Equity Initiatives and Aboriginal Initiatives at all visits as well as distributed information on the Equity and Diversity Mentorship Program, the articling positions available at the Law Society and the Discrimination and Harassment Counsel;
- b. Coordinated the Aboriginal Law Student Symposium in Ottawa, Windsor and Toronto. The 2011 events were accredited for 1.5 credit hours for professionalism under the Law Society's CPD requirement. The participants discussed a criminal law scenario as well as the relevant Rules of professional Conduct and practice management issues relevant to providing legal services to Aboriginal clients. Opportunity was also provided to students to ask participating lawyers about starting out in practice and navigating early career choices. The Ottawa event hosted 6 students and 8 lawyers. The Windsor event hosted 5 students and 2 lawyers and the Toronto event hosted 13 lawyers and 10 students. The law student events enable the Aboriginal Initiatives Counsel to create a database of Aboriginal law students and to facilitate an informal communication network. Through this network the Aboriginal Initiatives Counsel distributes information about community events and meetings, for example, the Law Society's equity public education series.
- c. Hosted the Queen's University Aboriginal Law Students Association members for a tour of Osgoode Hall and coordinated a visit to Gladue Court at Old City Hall on April 1, 2011.
- d. Hosted the Aboriginal Intensives Program (Osgoode Hall Law School) in both January and April 2011.
- e. Coordinated Aboriginal Licensing student services (Elders program, tutoring service, resume review and mentorship) with the Law Society's Education Support Services Unit for the 2010/2011 Licensing program. The Aboriginal Initiatives Counsel maintained regular electronic and telephone communications with Licensing students throughout 2010 and early 2011.
- f. Coordinated an off-site student-lawyer networking event in Toronto for Justice Harry LaForme in December 2011. Approximately 4 students and 15 lawyers attended.
- g. Participated in a high school student information sessions for Ontario Justice Education Network (OJEN) events in Fall 2010.

#### *Aboriginal Bar Outreach*

22. In addition to promoting the Equity and Diversity Mentorship program, throughout 2010 and 2011, the Aboriginal Initiatives Counsel,
  - a. coordinated informal introductions for Aboriginal law and Licensing students to Aboriginal practitioners;
  - b. coordinated referrals to an Aboriginal lawyer at the request of community members and the Indian residential School Adjudication Secretariat; and
  - c. maintained an informal electronic communications network with Aboriginal lawyers and community members to distribute information about job postings, events and developments of interest to the community.

*Outreach to Legal Institutions and Organizations*

23. For the purpose of creating a network of contact with legal organizations, the Aboriginal Initiatives Counsel developed relationships with and maintained regular contact with the following organizations:
- a. Ontario Justice Education Network;
  - b. Aboriginal Law Section of the OBA;
  - c. Aboriginal Advisory Group of LAO;
  - d. Aboriginal Employee Group of Department of Justice;
  - e. Aboriginal Legal Services Toronto;
  - f. Native Women's Association of Canada;
  - g. Assembly of First Nations;
  - h. Indigenous Bar Association;
  - i. Pro Bono Law Ontario;
  - j. Métis Nation of Ontario;
  - k. Community Legal Education Ontario;
  - l. EcoJustice Canada; and
  - m. Ontario Federation of Indian Friendship Centres.

Develop and Implement the Aboriginal Bar Consultation Report Proposals

24. Subject to the operating budget of the Equity Initiatives department, the Aboriginal Initiatives Counsel initiated the implementation of the proposals of the Aboriginal Bar Consultation Report.

*Results of the Addition of Aboriginal Law as Practice Category in the 2009 Lawyers' Annual Report (LAR)*

25. The 2009 LAR results indicated that more than 700 lawyers in Ontario practice Aboriginal law in some proportion of their practice. Ongoing analysis of the results of the LAR will enable the Law Society to collect data on the number of lawyers in Ontario who practice in this category year over year. This data will then be used in the development process for CPD programs at the Law Society. Further, the 2009 LAR and Paralegal Annual Report (PAR) provided respondents the opportunity to voluntarily self-identify as a member of one or more of the prescribed equity categories. This data will be used to assist the Law Society in developing programs to support lawyers and paralegals.

*Law Society's Mentoring and Networking Programs*

26. The Aboriginal Initiatives Counsel initiated a series of interactive and face-to-face networking events in 2010 and early 2011. The events were held in the following locations:
- a. Rama on November 19, 2010
  - b. Ottawa on March 3, 2011 for a reception for Roger Jones;
  - c. Toronto on April 1, 2011 after the Aboriginal Law Student Career Symposium.

27. The format of the events focuses on informal interaction between local Aboriginal law students, Licensing candidates, lawyers and, where possible, judges. Bencher Susan Hare chaired the majority of the events and provided welcoming remarks. Copies of the Aboriginal Bar Consultation report are handed out to all participants along with an invitation to provide contact information to the other participants. The goal of sharing contact information is the continuation of these informal meetings by the participants independent of the Law Society.

#### Work Plan Summary for 2011 and 2012

28. The Aboriginal Initiatives Counsel will continue to coordinate existing programs as well as work with internal and external stakeholders to develop new policies and programs consistent with the goals of the Law Society, the Equity Initiatives Department and the position. Two specific areas of focus for the Equity Initiatives Department and the Aboriginal Initiatives Counsel are the development and, where appropriate, the implementation of the proposals of the Aboriginal Bar Consultation report and the enhancement of supports for Aboriginal candidates in the Licensing Process and for newly called Aboriginal lawyers. The following summary will provide the elements of the Aboriginal Initiatives Counsel's work plan with regard to these two issues.

#### *Development and Implementation of the Proposals of the Aboriginal Bar Consultation Report*

29. Development and implementation of the proposals of the Aboriginal Bar Consultation report remain the main goal for the Aboriginal Initiatives Counsel for 2011 and 2012.
30. Further networking and mentoring events are planned for 2011. The Aboriginal Initiatives Counsel will continue to work with Susan Hare as well as lawyers and judges in regions of Ontario where there are concentrations of Aboriginal practitioners to plan future events.
31. The collection of self-identification information on Aboriginal lawyers as well as the number of lawyer who indicate that they practice Aboriginal law through the 2009 LAR will provide data to support the development of CPD course(s) in Aboriginal law and practice management for lawyers/paralegals who provide legal services to Aboriginal clientele and will contribute to the development of a Certified Specialist Program in Aboriginal Law and/or practice. The seminar planned for the June 11 public legal education equality event on June 9, 2011 will constitute the pilot project for the development of CPD programming in this area.

#### *Delivery of Aboriginal Candidate Services for Licensing Process*

32. A primary responsibility of the Aboriginal Initiatives Counsel is to coordinate and promote the academic and student support program for Aboriginal Licensing candidates. The Aboriginal Initiatives Counsel maintains regular contact with Aboriginal Licensing Candidates through email to distribute information about the support programs offered by the Law Society. They are also invited to participate in the LinkedIn group, "Canadian Aboriginal Law Students and Lawyers." In addition, through the Aboriginal Working Group, the Aboriginal Initiatives Counsel has also developed a contact list of almost 30

Aboriginal and non-Aboriginal lawyers throughout Ontario. These lawyers have volunteered to share their contact information with the 2011-2012 Aboriginal Licensing candidates and the new 2011 Aboriginal Calls for the purpose of fostering communication and mentoring relationships. This list continues to be supplemented by the contact information of the lawyers and judges who participate in the informal networking events.

*Goal of the 2011-2012 Aboriginal Candidate Support Program Plan*

33. The 2011-2012 Aboriginal Candidates Support Program will focus on offering a range of services to Aboriginal Licensing candidates. Through the program, the Aboriginal Initiatives Counsel will maintain regular communication with those students during the phases of the Licensing Process and invite them to utilize the services available to them through the Law Society and the networking opportunities through external organizations such as the Indigenous Bar Association. Encouraging the involvement of external organizations will also serve to strengthen the relationship between the Law Society and the Indigenous Bar Association.

*Components of the Aboriginal Candidate Support Program under the Licensing Program*

34. The following program of services is in place to address the needs of Aboriginal students in the Licensing program:
- a. Annual Aboriginal law student career symposia in Toronto, Windsor and Ottawa in March, hosted by the Law Society. All Aboriginal law students and Licensing candidates from throughout Ontario are invited and receive subsidization for their travel costs to attend information and discussion sessions featuring the Professional Development and Competence (PD&C) Department staff as well as Aboriginal lawyers.
  - b. Visits by the PD&C Department and the Aboriginal Initiatives Counsel to Ontario law schools occur in March of each year. At each visit, the supporting services and programs available to all Licensing candidates as well as to equality-seeking and Aboriginal Licensing candidates are outlined by Law Society staff.
  - c. The option of self-identification is available to Aboriginal and other equality-seeking students through the Licensing application form.
  - d. Direct contact by mail, telephone and/or email of self-identifying Aboriginal Licensing students by the Aboriginal Initiatives Counsel prior to the start of and during the Licensing program.
  - e. The Elders Program is a culturally-based program available to Aboriginal candidates. The Aboriginal Initiatives Counsel informs candidates of this program during initial contact. Upon request by the candidate, an appointment with an Aboriginal Elder or spiritual teacher who is situated local to the candidate will be arranged. Costs in the form of an honorarium for the Elder, are covered by the Law Society. Elders may present teachings and/or offer counseling.
  - f. Promotion of no-charge tutoring services available during the Licensing Program.
  - g. The attendance of Aboriginal Elders at Call to the Bar Ceremonies at the request of Aboriginal calls.
  - h. Ongoing contact with the Aboriginal Initiatives Counsel and inclusion on the Community Contact list-serve for announcements regarding aboriginal events at the Law Society and in the community.

35. Based on the feedback of both the Licensing candidates and Law Society staff, the above components will be maintained through the 2011-2012 Licensing Program. The Licensing Candidate Support program will be promoted and conducted in the following manner:
- a. In March-April 2011, the Aboriginal Initiatives Counsel promoted the program during the Aboriginal Law Student Symposia, in Toronto, Ottawa and Windsor.
  - b. In June 2011, the Aboriginal Initiatives Counsel will contact all Aboriginal Licensing program candidates who self-identified in their Licensing applications to notify them of the support program and encourage them to return contact.
  - c. In May 2011, the Aboriginal Initiatives Counsel contacted the Licensing candidates who will be called in June 2011 to inform them that Aboriginal elders will attend the calls.
  - d. Elders will be invited again to the main calls to the bar in London, Toronto and Ottawa through June 2011.
  - e. Licensing candidates were invited to the networking receptions held in November 2010 and March 2011. They will also be invited to the planned future events.

Appendix 5

THE LAW SOCIETY OF UPPER CANADA  
Retention of Women in Private Practice  
Status Report

June 2011

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## Background

In May 2008, Convocation approved nine recommendations to enhance the retention of women in the private practice of law.

These recommendations have resulted in approved initiatives designed to empower women to take charge of their careers and help maintain the viability of small law firms.

This status report outlines the progress made in implementing the nine Retention of Women in Private Practice recommendations.

The recommendations are as follows:

### Recommendation 1 – The Justicia Project

That the Law Society implement a three-year pilot project (the “Justicia Project”) for firms of more than 25 lawyers and the two largest firms in each region, in which firms commit to adopting programs for the retention and advancement of women.

### Recommendation 2 – Direct Support

That the Law Society, in collaboration with legal associations where appropriate, provide direct support to women through programs such as a leadership and professional development institute and online resources. This recommendation includes the implementation of a change of status survey and the establishment of a Women’s Leadership and Professional Development Institute.

### Recommendation 3 – Contract Lawyers’ Registry

That the Law Society develop a five-year pilot project to promote and support contract lawyers to address the challenges women face in finding available and competent lawyers to maintain their practices during leaves of absence.

### Recommendation 4 – Parental Leave Assistance Program

That the Law Society implement a three-year Parental Leave Benefit Pilot Program, effective in 2009, as follows:

1. benefits are available to lawyers in firms of five lawyers or less, including sole practitioners, who have no access to other maternity/parental/adoption financial benefit programs under public or private plans;
2. provide a fixed sum of \$3,000 a month for three months (maximum \$9,000 per leave per family unit) to cover, among other things, expenses associated with maintaining their practice during a maternity, parental or adoption leave.

#### Recommendation 5 – Resources for Women in Sole Practices and Small Firms

That the Law Society provide access, in collaboration with legal associations where appropriate, to resources for women in sole practices and small firms through programs such as online resources and practice management and career development advice.

#### Recommendation 6 – Beginning at Law School

That the Law Society work with law schools to provide access to information and education opportunities about the practice of law, the business of law, types of practices, practising in diverse work settings and available resources.

#### Recommendation 7 – Women’s Equality Advisory Group

That the Law Society create an advisory group of women lawyers from Aboriginal, Francophone and/or equality-seeking communities to assist with the implementation of the recommendations outlined in this report.

#### Recommendation 8 – Networking

That the Equity and Aboriginal Issues Committee facilitate the development of networking strategies focused on the needs of women from Aboriginal, Francophone and/or equality-seeking communities in firms of all sizes.

#### Recommendation 9 – Evaluation of programs

That, after a period of three years of implementation of the programs, and after a period of five years of implementation of the Contract Lawyers’ Registry, the Law Society assess the effectiveness of each program and identify further strategies for the retention and advancement of women in private practice (not discussed in this report).

#### Recommendation 1 – The Justicia Project

That the Law Society implement a three-year pilot project (the “Justicia Project”) for firms of more than 25 lawyers and the two largest firms in each region, in which firms commit to adopting programs for the retention and advancement of women.

This innovative project – the first of its kind in Canada -- was launched on November 17, 2008 and Justicia now has 57 participating firms, including one large out-of-province firm. For information about participating law firms and the project please consult the Law Society website at: <http://www.lsuc.on.ca/with.aspx?id=635>.

Participating firms have been very engaged in the project through their firm representatives and Managing Partners. Most Managing Partners attended the launch meeting and reception, and the Managing Partners’ Summits held across the province.

The firms are divided into the following three groups, based on their size and location:

- Medium out-of Toronto and Ottawa: co-chairs bencher Thomas Conway and Heather Williams
- Between 25 and 100 lawyers: co-chairs bencher Linda Rothstein and Megan Shortreed
- 100 and more lawyers: co-chairs Treasurer Laurie Pawlitza and Kirby Chown

The groups have been meeting regularly to discuss the project and develop valuable resources for participating law firms. The groups have met as follows:

- November 17, 2008 - launch of project with Managing Partners and firm representatives
- Firm representatives of out- of- GTA and Ottawa - four meetings by phone and in Orillia, Hamilton and Sudbury
- Firm representatives of medium firms – six meetings
- Firm representatives of large firms – six meetings

The Law Society surveyed participating law firms to identify and establish benchmarks of policies and practices based on firm size. Reports of the findings are available to participating firms and have been useful in the development of their own resources.

Participating firms have committed to developing processes to compile and maintain their own gender data, and most firms are now collecting and maintaining such data. Although firms do not have to report the results of the gender data collection to the Law Society or publicly, firms find this information useful in tracking their own progress and developing their own programs..

To work effectively, firm representatives have created a number of working groups to develop resources in the core areas in which Justicia firms have committed to implement policies and programs (written policies to address parental leaves, tracking gender demographic data, flexible work arrangements, networking and business development initiatives and mentoring and leadership skills development for women). The following working groups have been working collaboratively to develop best practices and guides for law firms:

- The Compensation Working Group developed options relating to: compensation during and following leaves of absences; bonuses; reviews and billings; and the impact of leaves on admission to partnership. The working group also reviewed the maternity and parental leave guides and provided advice on format and content.
- The Firm Checklist Working Group developed the Preparing for a Lawyer's Pregnancy or Parental Leave – Guide for Law Firms.
- The Ramp Down Ramp Up Working Group developed options to assist lawyers who leave and return to private practice. The options were included in the guides on pregnancy and parental leaves. The Working Group also developed the New Parent Tool Kit Template.
- The Managing Partners' Summits Working Group assisted in the development of an agenda and format for the Managing Partners' Summits.

- The Flexible Work Arrangements Working Groups (one working group for small and medium firms and one for large firms) are developing best practices and implementation models for flexible work arrangements within firms. The Groups have also worked with Deloitte to develop a template to calculate the profitability of flexible work arrangements.
- The Gender Data Collection Working Group is developing best practices to maintain quantitative and qualitative information about lawyers in law firms.
- The Career Advancement Working Group is considering initiatives to provide career advancement opportunities for women in law firms. It is developing two guides, for lawyers and firms, to assist women lawyers in progressing from junior associates to the partnership and leadership positions.

The Working Groups have held regular meetings as follows:

- Compensation Working Group – six meetings
- Firm Checklist Working Group – one meeting
- Ramp Down Ramp Up Working Group – one meeting
- Managing Partners' Summits Working Group – two meetings
- FWA Working Group (small and medium) – four meetings
- FWA Working Group (large) – nine meetings
- Gender Data Collection Working Group – four meetings
- Career Advancement Working Group – more than fifteen meetings

Justicia firm representatives of the FWA Working Groups invited Patricia Gillette to attend a meeting on April 7, 2010 regarding FWA initiatives. Ms. Gillette is a senior partner at the law firm Orrick in San Francisco and an expert on the retention of women in private practice and career advancement strategies. She provided information about her firm's restructuring, including the adoption of customized work arrangements and alternative compensation schemes, along with alternative billing practices. Ms. Gillette was inspiring and her expertise has been invaluable to the project. She will continue to assist in the Justicia Project and attended the 2010 Toronto Managing Partners' Summit.

Because of the extraordinary work of the Justicia firm representatives, numerous resources are now available for participating firms and are posted on the Justicia web portal, available to participating law firms. The guides and templates are available in formats that can be manipulated by law firms. The following resources have been developed to date:

- *Justicia Flexible Work Arrangements Profitability Model – available in the spring 2011*
- *Guide to Assist Law Firms and Lawyers in Developing Successful Flexible Work Arrangements*
- *Gender Data Collection – Guide for Law Firms*
- *Gender Data Collection Template*
- *Summary of Firm Pregnancy and Parental Leave Policies*
- *Report of the Survey of Justicia Out of GTA and Ottawa Firms*
- *Report of the Survey of Justicia Firms of Under 100 Lawyers*
- *Report of the Survey of Justicia Firms of Over 100 Lawyers*
- *New Parent Tool Kit Template*

- *Preparing for a Lawyer's Pregnancy or Parental Leave – Guide for Law Firms*
- *Guide to Assist Law Firms in Developing Pregnancy and Parental Leave Policies for Associates*
- *Guide to Assist Law Firms in Developing Pregnancy and Parental Leave Policies for Partners*
- *Law Firm's Self-Assessment Tool*

A Justicia icon has also been developed as a visual identity symbol and has recently been trade marked.

In the fall of 2009, the Law Society held a series of Managing Partners' Summits which were very well attended and provided a useful forum to exchange information about progress and challenges.

#### 2009 Managing Partners' Summits

<b>Toronto - October 21 and November 9</b>	Approximately 50 Managing Partners in attendance. Then Treasurer Millar and Co-Chairs bencher Thomas Conway and Treasurer Laurie Pawlitza presented the project, followed by roundtable discussions.
<b>Ottawa – November 18</b>	Approximately 20 Managing Partners and firm representatives in attendance. Co-Chairs Thomas Conway (bencher), Treasurer Laurie Pawlitza and Heather Williams presented the project. The presentation was followed by roundtable discussions about the project.
<b>Sudbury – November 23</b>	Approximately 6 Managing Partners and firm representatives in attendance. Co-Chairs Thomas Conway (bencher), Treasurer Laurie Pawlitza and Heather Williams presented the project. This was followed by roundtable discussions about the project.
<b>Hamilton – November 24</b>	Approximately 10 Managing Partners and firm representatives in attendance. Co-Chairs Thomas Conway (bencher) and Heather Williams presented the project. This was followed by roundtable discussions about the project.

## 2010 Managing Partners' Summits

<b>Ottawa – November 8</b>	Ten Managing Partners and firm representatives in attendance. Co-Chairs Thomas Conway (bencher), Treasurer Laurie Pawlitzka and Heather Williams presented the project. The presentation was followed by roundtable discussions about the project.
<b>Toronto – November 15</b>	Approximately 40 Managing Partners in attendance. Patricia Gillette, Senior Partners at Orrick in San Francisco, attended as keynote speaker. Co-Chairs bencher Thomas Conway and Treasurer Laurie Pawlitzka presented an update of the project. The presentations were followed by roundtable discussions.
<b>Hamilton – November 16</b>	Seven Managing Partners and firm representatives in attendance. Heather Williams presented the project. This was followed by roundtable discussions about the project.
<b>Sudbury – November 22</b>	Six Managing Partners and firm representatives in attendance. Josée Bouchard, Equity Advisor, and Alison Hurst, Lawyer Liaison Counsel, presented the project. This was followed by roundtable discussions about the project.
<b>Orillia – November 24</b>	Four Managing Partners and firm representatives in attendance. Heather Williams presented the project. This was followed by roundtable discussions about the project.

Since the 2010 Managing Partners' Summits, the following meetings were held:

- Out of GTA and Ottawa firm representatives – March 10, 2011 – A conference call meeting was held to discuss updates in the project. Most firms indicated that they have ad hoc flexible work arrangements but found the resources developed through Justicia, including those on parental leave, very helpful.
- Medium firms – February 22, 2011 – Firm representatives held in person meetings to discuss the flexible work arrangement resources and updates in the project. The general view was that the resources on flexible work arrangements would be helpful and that the template would be useful to calculate profitability at a specific point in time.
- Large firms – February 25, 2011 - Firm representatives held in person meetings to discuss the flexible work arrangement resources and updates in the project. The general view was that the guide to developing a policy on flexible work arrangements should be read in conjunction with the model to calculate profitability.

The next meetings of firm representatives are scheduled for May 2011. The Career Advancement Working Groups continue to meet on a regular basis. It is anticipated that the guides will be released in the fall 2011.

#### Recommendation 2 – Direct Support

That the Law Society, in collaboration with legal associations where appropriate, provide direct support to women through programs such as a leadership and professional development institute and online resources. This recommendation includes the implementation of a change of status survey and the establishment of a Women's Leadership and Professional Development Institute.

This recommendation focuses on conducting a change of status survey and on the establishment of a Women's Leadership and Professional Development Institute. The online resources are developed through the Justicia project for medium and large firms and through the Women's Resource Centre for smaller firms, as described under Recommendation 5.

#### Change of Status Survey

In 2008, the Law Society of Upper Canada retained The Strategic Counsel to undertake a longitudinal study with lawyers who change their professional legal status. The 2009 *Change of Status Quantitative Study – Report of Research Findings* was released publicly and is available on-line at <http://www.lsuc.on.ca/news/b/conv/>. The report is also available on the Law Society website ([www.lsuc.on.ca](http://www.lsuc.on.ca)) in the Retention of Women Project section.

The report provides findings from a survey conducted via an online methodology among a sample of Law Society lawyers who changed status in 2009. In total, 5263 lawyers filed a change of status with the Law Society last year and a total of 1257 respondents completed the survey, a strong response rate of 31%.

The 2010 Change of Status Research report is now complete and provides the findings from the 2009 and 2010 survey with lawyers who changed their professional status. In 2010, 5179 lawyers filed a change of status with the Law Society. Among the lawyers who filed a change of status in 2010, a total of 1214 lawyers completed the survey for a strong response rate of 29%. The report is available online at <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485106>.

The findings of the survey are used to inform the Retention of Women in Private Practice Working Group and the Equity and Aboriginal Issues Committee in the development of policies and initiatives. The findings are also used in presentations and conferences about the legal profession and have received media attention.

### Women's Leadership Institute

In 2009/2010, the Law Society held a number of events in the context of the Women's Leadership Institute. The most significant was the *Women Lawyers' Symposium – Fostering and Celebrating Success*, held in Ottawa on February 5, 2010. With approximately 100 participants from across the province, the symposium allowed women to network and attend workshops on the business of law. The symposium was well received and participants indicated an interest in continued networking opportunities in Ottawa.

The Law Society also partnered with the Women's Law Association of Ontario in 2010 to hold a panel discussion entitled *Guide to Success – A Dialogue with Women in Law*. The panel discussion allowed women lawyers to hear about the experiences of senior women in various sectors of the legal profession.

In the fall of 2010, the Law Society launched a workshop series in Ottawa, Toronto and Southwestern Ontario. The Law Society works in partnership with law associations across the province, such as the County of Carleton Law Association (CCLA), Women's Law Association of Ontario (WLAO), South West Region Women's Law Association (SWRWLA) and others.

The first three "workshops" or events in the series were "Meet the Treasurer" events in Toronto (November 2010), Ottawa (November 2010) and Windsor (February 2011.) All three events were well received with approximately 60 participants in Toronto and Windsor, and 80+ in Ottawa. Another Meet the Treasurer event is being organized in London, Ontario for 2011.

Other workshops will focus on practical skills. Topics such as the following may be addressed:

- Opening and operating a legal practice – a discussion about going into sole practice, relevant issues and benefits and Law Society resources.
- Delegation – a discussion about effective delegation.
- Mentoring – a discussion about best practices relating to mentoring and how to make the most of your mentor relationship.
- Using law office technology – a discussion about new technology, what is required in a law business and how to avoid spending too much time on technology.
- Time management systems – a discussion about time management systems, what works, and great tips.

The Law Society also participated as a sponsor at the Canadian Bar Association's two-day conference entitled, "Leadership Conference for Professional Women: Skills for Success," held on January 28-29, 2011 in Toronto. The conference was designed by women lawyers for all professional women. It provided women with tools to enhance productivity and job satisfaction.

The Treasurer and Lawyer Liaison Counsel have also attended and organized numerous speaking engagements with law associations and law schools to discuss, among other topics, the retention of women in private practice project. Throughout the past year, the Lawyer Liaison Counsel has organized and participated in a series of Women & the Law panel discussions at law schools throughout Ontario (Windsor, University of Western Ontario, Osgoode Hall, and the University of Toronto.) As part of the Articling & Beyond program in November 2010 (an event designed to bring law students together with sole and small firm practitioners from across the province), the Lawyer Liaison Counsel participated in a panel discussion dedicated to issues related to women in private practice. Over 60 female law students participated in the discussion.

The Treasurer has also participated in a number of panel discussions for Women & the Law, including an International Women's Day event at Queen's Law School in March 2011. She was also the key note speaker at the SWRWLA Fall 2010 retreat, where she discussed the Retention of Women in Private Practice project.

The Law Society, in partnership with the Women's Law Association of Ontario, will host on May 4, 2011 the WLAO's 5th annual Alternative Careers for Women in Law program entitled You're a Lawyer – Now What? Alternative Career's for Women in the Law.

The Law Society is also partnering with the National Conference of Women's Bar Associations to present the 2011 Women's Bar Leadership Summit: Strengths Across Borders, to be held at the Law Society on August 5, 2011.

### Recommendation 3: Contract Lawyers' Registry

That the Law Society develop a five-year pilot project to promote and support contract lawyers to address the challenges women face in finding available and competent lawyers to maintain their practice during leaves of absence.

The Contract Lawyers' Registry is available online and includes resources and a list of available lawyers from across the province who are interested and available to provide legal services on contract. There are approximately 126 lawyers registered on the site.

This site provides helpful resources for sole and small firm practitioners who require the assistance of a contract lawyer while taking maternity, parental or other types of leave. The site is also used by lawyers who require assistance for a large trial or a demanding file, or for any other reasons. The Contract Lawyers' Registry offers specific tools to help lawyers hire a contract lawyer, including sample contract clauses, a contract checklist as well as information about issues to consider when entering into a contract.

To consult the site, join the registry, or retain a contract lawyer, please visit <http://rc.lsuc.on.ca/jsp/contractLawyer/index.jsp>.

#### Recommendation 4 - Parental Leave Assistance Program (PLAP)

That the Law Society implement a three-year Parental Leave Benefit Pilot Program, effective in 2009, as follows:

1. benefits are available to lawyers in firms of five lawyers or less, including sole practitioners, who have no access to other maternity/parental/adoption financial benefit programs under public or private plans;
2. provide a fixed sum of \$3,000 a month for three months (maximum \$9,000 per leave per family unit) to cover, among other things, expenses associated with maintaining their practice during a maternity, parental or adoption leave.

The Law Society launched the three-year pilot parental leave program to enable more lawyers to stay in practice after the birth or adoption of a child. Effective March 12, 2009, the Parental Leave Assistance Program provides financial benefits to practising lawyers who are partners in firms of five or fewer lawyers and meet the eligibility criteria.

Under the program, the Law Society provides a fixed sum of \$750 a week to eligible applicants for up to 12 weeks (maximum \$9,000 per leave, per family unit) to help cover, among other things, expenses associated with maintaining their practice during a maternity, parental or adoption leave.

In January 2010, the federal *Employment Insurance Act* was amended to provide self-employed persons special benefits including maternity, parental, adoption, sickness, and compassionate care benefits. These benefits were previously available only to wage-earners and salaried workers.

The new legislation came into effect on January 1, 2010, and benefits are payable in January 2011. Self-employed persons need to opt into the Employment Insurance plan and pay premiums for at least one year before they can claim benefits. The Law Society will continue to offer PLAP, which will coexist with the federal EI Special Benefits plan.

To be eligible for benefits under the Parental Leave Assistance Program, the applicant must satisfy all of the following requirements:

- be a birth parent (mother or father) or an adoptive parent (mother or father);
- be a member in good standing;
- be a sole practitioner or a partner in a firm of five lawyers or less;
- cease to engage in remunerative work or to practise law during the leave for which he or she is receiving payments under PLAP; and
- have no access to other maternity, parental, or adoption financial benefits under a public or private plan.

Lawyers who meet the above eligibility criteria are also eligible for PLAP if they have not opted to receive EI Special Benefits; have entered into an agreement with the Canada Employment Insurance Commission, but are in the one-year waiting period for EI Special Benefits; have opted to receive the EI Special Benefits, but have terminated their agreement; and are still eligible to claim EI Special Benefits but have signed an affidavit indicating that they forego any EI Special Benefits. To find out if you are eligible for PLAP, please visit <http://rc.lsuc.on.ca/jsp/equity/PLAP.jsp>

The following tables provide an outline of approved and completed applications by gender and practice type and by type of leave, as of May 27, 2011.

#### Approved & Completed Applicants by Gender and Practice Type

Gender	2009	2010	2011	Total
Female, Small Firm	8	7	5	20
Female, Sole	27	47	10	84
Male, Small Firm	5	2	1	8
Male, Sole	10	12	4	26
<b>Total</b>	<b>50</b>	<b>68</b>	<b>20</b>	<b>138</b>

#### Approved & Completed Applicants by Type of Leave

Type of Leave	2009	2010	2011	Total
Birth of Child	48	60	17	125
Adoption	1	2	1	4
Miscarriage	0	0	1	1
Medical prior to Birth	1	6	1	8
<b>Total</b>	<b>50</b>	<b>68</b>	<b>20</b>	<b>138</b>

#### Recommendation 5 – Direct Resources

That the Law Society provide access, in collaboration with legal associations where appropriate, to resources for women in sole practices and small firms through programs such as online resources and practice management and career development advice.

The Law Society launched the Women's Online Resource Centre (WORC) in December 2010. The WORC includes practical, online resources for women, such as a list of legal organizations for women lawyers, information about work-life balance, mentoring, marketing and networking and resources for sole and small firm practitioners. The WORC also includes a section on returning to practice, as recommended by the Return to Practice Working Group. To consult the site, please visit <http://rc.lsuc.on.ca/jsp/worc/index.jsp>

We are extensively promoting the WORC and monitoring its use.

#### Recommendation 6 – Beginning at Law School

That the Law Society work with law schools to provide access to information and education opportunities about the practice of law, the business of law, types of practices, practising in diverse work settings and available resources.

Between 2009 and 2011, representatives of the Law Society, including the Lawyer Liaison Counsel, the Equity Advisor, the Aboriginal Initiatives Counsel, other Law Society staff members and benchers have visited all of the Ontario law school, where they have met with female law students and presented on women's issues.

Throughout the past year, the Lawyer Liaison Counsel has organized and participated in a series of Women & the Law panel discussions at law schools throughout Ontario (Windsor, University of Western Ontario, Osgoode, and the University of Toronto.)

On November 29, 2010, the Law Society, in partnership with the Ontario Bar Association and the County & District Law Presidents' Association, hosted the symposium *Articling & Beyond – Finding Work that Works for You*. Law students and recent calls to the bar from across the province and sole and small firm practitioners throughout Ontario attended. The symposium was a great success with 250 students and recent calls and 130 firms participating.

The goals of this event were twofold. The primary goal was to provide law students with information and resources to encourage them to explore a variety of articling and career options. The secondary goal was to build awareness about issues such as the “greying of the bar” in communities outside of the GTA, and the importance of creating articling opportunities in smaller communities beyond the GTA. As part of *Articling & Beyond*, the Lawyer Liaison Counsel participated in a panel discussion dedicated to issues related to women in private practice. Over 60 female law students participated in the discussion.

The Lawyer Liaison Counsel is planning the second *Articling & Beyond* event, to be held on November 18, 2011.

#### Recommendation 7 – Creation of Advisory Group

That the Law Society create an advisory group of women lawyers from Aboriginal, Francophone and/or equality-seeking communities to assist with the implementation of the recommendations outlined in this report.

In May 2009, the Women's Equality Advisory Group (WEAG) was created and is composed of 10 women with expertise in issues related to equality and diversity.

The WEAG meets regularly to discuss activities and resources arising out of the Retention of Women in Private Practice Project. WEAG members appointed Jacqueline Beckles as Chair and Sue-Lynn Noel as Vice-Chair. The WEAG recommended a list of resources to be included in the Women's Online Resource Centre and is consulted about ongoing projects.

#### Recommendation 8 – Networking

That the Equity and Aboriginal Issues Committee facilitate the development of networking strategies focused on the needs of women from Aboriginal, Francophone and/or equality-seeking communities in firms of all sizes.

The Law Society facilitates the development of networking opportunities by holding approximately 10 Public Education Equality and Rule of Law events and five continuing professional development programs with organizations such as the Aboriginal Legal Services of Ontario, the Association des juristes d'expression française de l'Ontario (AJEFO), ARCH Disability Law Centre, B'nai Brith Canada, the Canadian Association of Black Lawyers, the

Feminist Legal Analysis Committee of the Ontario Bar Association, the South Asian Bar Association of Toronto, the Indigenous Bar Association, the Métis Nation of Ontario, the Official Languages Committee of the OBA, the Sexual Orientation and Gender Identity Committee of the Ontario Bar Association (OBA), the South Asian Legal Clinic of Ontario and the Women's Law Association of Ontario.

The Law Society also sponsors events or partners with associations to organize external events that facilitate networking opportunities, such as the Women's Law Association of Ontario's annual President's Award gala, the Canadian Association of Black Lawyers' gala reception, the annual AJEFO conference and the Women's Legal Education and Action Fund. The Equity Committee developed sponsoring guidelines to assist the Equity Initiatives Department in planning these events.

In addition, the Equity Committee organizes networking events with the Equity Advisory Group (and now also the Women's Equality Advisory Group) to ensure continued dialogue between committee members and the advisory groups.

On March 2, 2011, the Law Society hosted an event and reception in the context of International Women's Day. The event, organized in partnership with the Women's Law Association of Ontario, the Feminist Legal Analysis Section of the Ontario Bar Association, the Women's Legal Education and Action Fund, and the Barbra Schlifer Commemorative Clinic included the film screening of a documentary entitled *Constitute!* on the making of Sections 15 and 28 of the *Charter*.

In addition, intergenerational feminist voices discussed the journey of feminism in Canada and its popularity now and in the future. Using the new book, *Feminist Journeys/Voies feministes* as a basis for discussion, speakers were asked to comment on the status of feminism. The panel examined the question of why few women self-identify as feminist and why many have done so over the years. Feminists and experts discussed their journeys and reflected on the richness of the past 50 years of feminism, and looked at what the future holds.

As mentioned earlier, the Law Society, in partnership with the Women's Law Association of Ontario, will host on May 4, 2011 the WLAO's 5th annual Alternative Careers for Women in Law program entitled You're a Lawyer – Now What? Alternative Career's for Women in the Law. The Law Society is also partnering with the National Conference of Women's Bar Associations to present the 2011 Women's Bar Leadership Summit: Strengths across Borders, to be held at the Law Society on August 5, 2011.

#### Recommendation 9 – Evaluation of programs

That, after a period of three years of implementation of the programs, and after a period of five years of implementation of the Contract Lawyers' Registry, the Law Society assess the effectiveness of each program and identify further strategies for the retention and advancement of women in private practice.

The Equity Initiatives Department provides monthly progress reports on the implementation of the Retention of Women in Private Practice Project to the Equity and Aboriginal Issues Committee. It is expected that the programs developed in that context will be assessed at the end of the pilot period to identify further strategies for the retention and advancement of women in private practice.

## HUMAN RIGHTS MONITORING GROUP OVERVIEW OF ACTIVITIES

### Background

1. Since its inception, the Human Rights Monitoring Group (“Monitoring Group”) has recommended interventions to Convocation in support of lawyers and judges to foreign authorities through letters and public statements. The following report provides an overview of the activities of the Monitoring Group by compiling data and statistics on its interventions.
2. Between September 2006 and April 2011, the Monitoring Group has recommended and Convocation has approved almost 60 interventions on behalf of over 90 judges and lawyers originating from 26 countries. These countries include Algeria, Bahrain, Belarus, China, Colombia, Democratic Republic of Congo, Egypt, Georgia, Honduras, India, Iran, Kenya, Kyrgyzstan, Malaysia, Nepal, Pakistan, Philippines, Russia, Rwanda, Saudi Arabia, Sudan, Syria, Tunisia, Vietnam, Venezuela and Zimbabwe.<sup>41</sup>

### History of the Monitoring Group

3. The mandate of the Law Society of Upper Canada (“Law Society”) is to govern the legal profession in the public interest. This is accomplished by ensuring that the people of Ontario are served by lawyers and paralegals who meet high standards of learning, competence and professional conduct. The Law Society is also responsible for upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law. It is fundamental to Canada’s justice system that the legal profession is independent and that lawyers and judges be able to perform their legitimate professional duties without undue or illegal interference.
4. In light of these values, Convocation approved in March 2006, a policy “to systemically respond to the human rights violations that target members of the legal profession and judiciary as a result of the discharge of their legitimate professional duties and that a group of benchers be charged with monitoring human rights violations that target members of the legal profession and judiciary as a result of the discharge of their legitimate professional duties. The composition of the group and particulars of its mandate are to be determined following Convocation’s approval of the proposal.”<sup>42</sup> The policy was based on a report of a working group chaired by bencher Paul Copeland and the initiative was championed by bencher Heather Ross through the Emerging Issues Committee.

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<sup>41</sup> See Addendum 1 for a Table of Interventions, Addendum 2 for a Timeline of Interventions and Addendum 3 for examples of the interventions.

<sup>42</sup> Excerpted from the transcript of Convocation on March 23, 2006.

5. At Convocation, bencher Derry Millar presented the Emerging Issues Committee report and suggested that once Convocation approved the motion, the group would come back to Convocation for approval of its mandate. It was noted that, once appointed, the Monitoring Group would report to the Equity and Aboriginal Issues Committee (the "Equity Committee"). Convocation approved a motion, brought by bencher Derry Millar, seconded by bencher Heather Ross, that a Monitoring Group be created.
6. In April 2006, Convocation adopted a motion to "appoint a group of benchers, to be responsible for monitoring human rights violations that target members of the legal profession and judiciary, here and abroad, as a result of the discharge of their legitimate professional duties". The group of benchers was mandated "to report to Convocation through the Equity Committee" and was chaired by bencher Paul Copeland.

#### Mandate of the Monitoring Group

7. Upon creation, the Monitoring Group was charged with the mandate to (a) review information that comes to its attention about human rights violations that target members of the profession and the judiciary, both nationally and internationally, as a result of the discharge of their legitimate professional duties; (b) determine if a matter requires a response from the Law Society; and (c) prepare a response for review and approval by Convocation.
8. The mandate of the Monitoring Group also allows the Treasurer to review interventions in the place of Convocation and take the appropriate action where Convocation's meeting schedule makes a review and approval impractical. In these cases, the Monitoring Group is obliged to report on the matters at the next meeting of Convocation.
9. In September 2007, Convocation approved recommendations, which expanded the Monitoring Group's mandate to include exploring the possibility of developing networks or organizations, and working collaboratively with these organizations to address human rights violations against judges and lawyers and also collaborating with the Law Society of Zimbabwe (the "LSZ") to assist it in strengthening its self-regulation capabilities and the independence of the profession.

#### Methodology of the Monitoring Group

10. The interventions of the Law Society relate to cases of human rights violations against both judges and lawyers as a result of the discharge of their professional duties. Interventions are recommended to Convocation in response to incidents of human rights violations against judges and lawyers which are brought to the Monitoring Group's attention by advocacy organizations. The information received will indicate that the lawyers and/or judges have been subjected to various forms of persecution, including, harassment and intimidation, unlawful and/or incommunicado detentions, unlawful house arrests, violence, abuse, torture, attempted assassinations and assassinations.

11. The cases are verified through research, contacts with human rights/non-governmental organizations, news sources and external partners of the Law Society.<sup>43</sup> A report is prepared by the Equity Initiatives Department (“Equity Department”) and presented to the Monitoring Group. The Monitoring Group meets in person or by teleconference once every month prior to the Equity Committee meeting. All cases brought to the attention of the Monitoring Group are confirmed by at least three two sources.
12. The Monitoring Group will review the report prepared by the Equity Department and any other available information and make a determination whether an intervention by the Law Society is warranted. The method of intervention is usually a letter sent to the appropriate government or country authority or a public statement that is released via the Law Society’s website.
13. While it might be difficult to assess whether the intervention activities of the Law Society are effective, the Law Society has received responses to its intervention efforts.<sup>44</sup> However, it is believed that there is value in the Law Society’s intervention activities. Moreover, the legal profession reacted very strongly and positively to the Law Society’s actions in support of lawyers in Pakistan, and numerous lawyers from foreign countries have noted that public interventions from organizations such as the Law Society are helpful in informing the community and ensuring that human rights violations of lawyers and judges do not go unnoticed. The activities show support to the civil societies and legal organizations involved, enhance the public scrutiny of the authorities’ treatment of lawyers and judges and increase the profile and awareness of cases within the legal profession.

#### Collaborating with other Organizations

14. In 2007, the Monitoring Group considered options to enhance its intervention strategy. Having recognized that the Law Society is not the only Canadian organization involved in promoting and protecting the human rights of judges and lawyers internationally, the Monitoring Group began to informally explore options for collaboration, exchanging information and strategizing with some of these organizations as to how best to positively impact on judges and lawyers who are the subject of human rights violations as a result of the discharge of their legitimate professional duties.

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<sup>43</sup> See Addendum 4 for description of selected news sources used to compile reports presented to the Monitoring Group.

<sup>44</sup> To date, the Law Society has received three responses from its letters of intervention. The Law Society sent an intervention letter dated November 27, 2006, to the government of the Philippines expressing concern over reports of attacks and killings of lawyers in the Philippines. The Law Society received a reply dated February 14, 2007, from the National President of the Integrated Bar of the Philippines, acknowledging receipt of the letter and thanking the Law Society for its concern. In February 2007, the Law Society sent a letter of intervention to the Georgian authorities in support of a lawyer who had been accused of corruption while he himself was investigating allegations of corruption in a prison. The Law Society received a reply dated March 28, 2007 from the Office of the Prosecutor General of Georgia assuring the Law Society that all necessary measures were being taken to ensure the interests of justice in this case.

15. In September 2007, the mandate of the Monitoring Group was expanded to include the possibility of developing a network of organizations with which to work collaboratively to address human rights violations. Since then, the Equity Department has been working with numerous human rights organizations in its intervention and education activities.
16. The Law Society has been working in collaboration with the following:
  - a. Amnesty International Canada;<sup>45</sup>
  - b. Lawyers' Rights Watch Canada;<sup>46</sup>
  - c. Canadian Lawyers for International Human Rights ("CLAIHR");<sup>47</sup>

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<sup>45</sup> Amnesty International's vision is of a world in which every person enjoys all of the human rights enshrined in the *Universal Declaration of Human Rights* standards. In pursuit of this vision, Amnesty International's mission is to undertake research and action focused on preventing and ending grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote all human rights. Amnesty International is independent of any government, political ideology, economic interest or religion.

<sup>46</sup> 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.

<sup>47</sup> Canadian Lawyers for International Human Rights ("CLAIHR") is a non-profit, non-governmental organization, established to promote human rights globally through legal education, advocacy and law reform. CLAHR analyses laws, institutions and practices affecting human rights; contributes to developing and strengthening laws and institutions that protect human rights; promotes awareness of human rights issues within the legal community; supports lawyers, legal organizations and others dedicated to achieving human rights.

- d. Canadian Lawyers Abroad;<sup>48</sup>
  - e. Human Rights Watch – Canada Committee;<sup>49</sup> and
  - f. Lawyers Without Borders.<sup>50</sup>
17. The most successful interventions have been made in conjunction with other organizations and it appears that interventions are more meaningful when they condemn governments' systematic violations of the rule of law. This was true, for example, of interventions in partnership with Lawyers' Rights Watch Canada in the cases of China and the Philippines.

#### Systemic Approach: Public Statements

18. In 2007-2008, the Monitoring Group began taking on a more strategic approach to its interventions in countries where human rights violations against lawyers and judges appear to be more systemic. It began working more closely with other human rights organizations to undertake joint interventions, and it released a number of public statements.
19. This strategic approach to interventions was taken in the case of countries such as China, Iran, Pakistan, Philippines and Zimbabwe. The Law Society issued public statements with respect to the decline of the rule of law and the consequent threat to human rights in these countries. In the case of Pakistan, the Law Society, along with the Ontario Bar Association, organized a public gathering of the legal profession to protest violations of the rule of law.

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<sup>48</sup> Canadian Lawyers Abroad ("CLA") provides opportunities for the Canadian legal community to become more actively involved in understanding and providing solutions to pressing good governance, rule of law and human rights issues. CLA pursues its mission by: running a national student chapter and internship program; developing innovative legal projects focused on systemic change; and raising awareness about pressing international legal issues.

<sup>49</sup> Human Rights Watch is the largest human rights organization based in the United States. Human Rights Watch researchers conduct fact-finding investigations into human rights abuses in all regions of the world. Human Rights Watch then publishes those findings in dozens of books and reports every year, generating extensive coverage in local and international media. This publicity helps to embarrass abusive governments in the eyes of their citizens and the world. Human Rights Watch then meets with government officials to urge changes in policy and practice - at the United Nations, the European Union, in Washington and in capitals around the world.

<sup>50</sup> Lawyers without Borders Canada/Avocats sans frontières Canada ("LWB") is a non-governmental, not for profit, non partisan and volunteer organization. Established on October 23, 2002 as a legal person, it is registered as a charity. LWB is the Canadian branch of the *Avocats sans frontières* international movement. LWB's fundamental objective is to contribute to the defence of the rights of the most vulnerable individuals or groups in the developing world or in countries facing a crisis, particularly by reinforcing the capacity of lawyers and other officials of justice. LWB thus allows Canadian lawyers and other volunteers to become involved in international cooperation and to take part in solidarity actions aiming at: defending and promoting human rights; reinforcing the rule of law and democratic governance; fighting against impunity; strengthening the security and independence of human rights defenders; insuring that fair trials are held; and training officers of justice and the civil society on human rights issues.

20. The Law Society's increasing use of a systemic approach appears to have increased the awareness of the profession to human rights violations against lawyers and judges. The use of a systemic approach has helped to focus the work and resources of the Monitoring Group on cases where the violations against judges and lawyers are symptomatic of broader rule of law violations.

#### Methodology used to compile Statistics

21. The methodology used to compile these statistics is as follows. A list of countries was generated where letters of intervention were sent to authorities or public statements relating to the particular country have been released. This included countries where the intervention was related to a foreign lawyer in that jurisdiction.<sup>51</sup> Each letter of intervention and each public statement was counted once. However, each lawyer and judge was counted individually, even where for efficiency, lawyers and judges may have been grouped together in either a letter or public statement.<sup>52</sup>
22. In certain cases, this has resulted in the number of persons on whose behalf the Law Society intervened, exceeding the number of interventions that the Law Society has made with respect to the particular country. In circumstances where the persecution was generalized to either a group of lawyers or judges, but the exact number of lawyers and judges could not be determined, they were counted as three individuals. An analysis of the interventions reveals two noteworthy trends.

#### Trends of the Monitoring Group: Iran and China

23. The Law Society's first intervention was by way of letters sent to Sudanese and Tunisian authorities in October 2006. In February 2007, the Law Society sent letters to Iranian authorities on behalf of three lawyers (Saleh Kamrani, Abdolfattah Soltani and Nasser Zarafshan). To date the Law Society has intervened with Iran in excess of 10 times. Most recently, in September 2010, November 2010 and January 2011, the Law Society released public statements expressing its general concern and condemning the widespread persecution and human rights violations against lawyers and activists in Iran. In particular, the Law Society mentioned the arrest of Nasrin Sotoudeh and Houtan Kian, both prominent human rights lawyer in Iran.
24. It is because the systemic harassment, arrest and imprisonment of human rights lawyers in Iran remains an ongoing concern for the Law Society that the Monitoring Group has adopted a systemic approach to cases involving Iran. The history of interventions with Iran highlights that the Monitoring Group initially recommended letters of intervention to Iran. However, as the number of reports of persecutions of lawyers in Iran increased, the Monitoring Group began recommending public statements to Convocation and this has subsequently become the default mode of intervention by the Monitoring Group with respect to Iran.

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<sup>51</sup> In June 2008, the Law Society sent a letter of intervention to the government of Belarus with respect to Emanuel Zeltser an American lawyer who was being detained. In May 2010, the Law Society released a public statement with regards to Peter Erlinder, an American lawyer who was being detained in Rwanda.

<sup>52</sup> For example, in October 2007, the Law Society sent a one letter of intervention to the Sudanese authorities, but the intervention was with respect to four lawyers.

25. Similarly, the release of public statements has also become the default method of intervention for China. Prior to April 2008, the Law Society had only intervened with respect to China by way of letter of intervention. In April 2008, the Law Society released a public statement on behalf of 18 lawyers who were warned against representing Tibetans who had been detained by the government. The sheer number of lawyers and the systemic nature of the issue that these lawyers were facing warranted, based on the recommendation of the Monitoring Group, a public statement. Since the release of the April 2008 public statement coupled with the fact that Chinese lawyers continued to be harassed, persecution and prohibited from fulfilling their professional obligations, the Law Society continues to use public statement to draw attention to China.

Trends of the Monitoring Group: The Use of Public Statements and Judges

26. The use of public statement has also been observed in other circumstances. Public statements are used in cases where a group of lawyers are being persecuted, even where their persecutions are not related to the same issue. The Monitoring Group recommends and Convoctions also approves the use of public statements when intervention is on behalf of someone well-known, as in the case of Benazir Bhutto.
27. The use of public statements has also become to default means of intervention when the case involves judges. The Law Society has intervened on behalf of judges approximately 8 times. The first intervention was a letter sent to Egyptian authorities. Egyptian judges who had been protesting the impartiality of the disciplinary process of other judges, had restrictions placed on their freedom of movement. While the first interventions made on behalf of judges were letters sent to the respective authorities, since April 2008 when the Law Society intervened in the case of judges in the Philippines, the Law Society has employed the use of public statements to denounce human rights violations against judges. Similar to cases involving China and Iran, the use of public statement involving judges has become the default method of intervention.

Addendum 1

Table of Interventions

Country	Number of Interventions	Number of Lawyers/Judges
Algeria	1	1
Bahrain	1	1
Belarus (U.S. National)	1	1
China	7	32
Columbia	3	3
Congo	2	3
Egypt	1	2
Georgia	1	1
Honduras	3	3
India	1	1
Iran	11	11
Kenya	1	1
Kyrgyzstan	1	1
Malaysia	1	4
Nepal	1	1

Pakistan	2	4
Philippines	2	3
Russia	1	1
Rwanda (U.S. National)	1	1
Saudi Arabia	2	3
Sudan	2	8
Syria	3	3
Tunisia	2	4
Venezuela	1	1
Vietnam	2	2
Zimbabwe	2	2
<b>26 Countries</b>	<b>56 Interventions</b>	<b>95 Lawyers and 8 Judges</b>
	44 Letters/ 12 Public Statements	

## Addendum 2

## Timeline of Interventions

	Date	Country	Lawyer(s)	Judge(s)	Method of Intervention
1.	October 2006	Sudan	Lawyers Mossaad Mohamed Ali, Rasha Souraj, Ebtisam Alsemani, Najat Dafaalla and Mohamed Badawi (lawyers)		Letters
2.	October 2006	Tunisia	Mohammed Abbou		Letter
3.	November 2006	India	Leitanthem Umakanta Meitei		Letter
4.	November 2006	Syria	Anwar Al-Bunni		
5.	February 2007	Algeria	Amine Sidhoum Abderramane and Hassiba Boumerdesi		Letter
7.	February 2007	Georgia	Giorgi Getsadze		Letter
8.	February 2007	Honduras	Dionisio Díaz Garcia		Letter
9.	February 2007	Iran	Saleh Kamrani		Letter
10.	February 2007	Iran	Abdolfattah Soltani		Letter
11.	February 2007	Iran	Nasser Zarafshan		Letter
12.	February 2007	Vietnam	Bui Thi Kim Thanh		Letter
13.	February 2007	Democratic Republic of Congo	Marie-Thérèse Nlandu Mpolo-Nene		Letter
14.	February 2007	Philippines	Yes	Yes	Letter
15.	April 2007		Sulieman al-Rushudi and Essam al-Basrawi		Letter
16.	August 2007	Vietnam	Nguyen Van Dai		Letter

	Date	Country	Lawyer(s)	Judge(s)	Method of Intervention
17.	October 2007	Nepal	Le Thi Cong Nhan Jitman Basnet		Letter
18.	October 2007	Sudan	Alam Aldeed Abd Alghni, Emad Merghni Seed Ahmed, Abd Allah Abd Alghume and Hakim Nasor		Letter
19.	November 2007	Pakistan	Yes		Public Statement
20.	January 2008	Pakistan	Benazir Bhutto		Public Statement
21.	January 2008	Saudi Arabia	Abdul Rahman al-Lahem		Letter
22.	February 2008	Syria	Anwar Al-Bunni		Letter (Second Intervention)
23.	March 2008	Kenya	Haroun Ndubi		Letter
24.	April 2008	China	Cheng Hai, Guo Yan, Jiang Tianyong, Li Xiongbing, Li Dunyong, Li Subing, Liu Yajun and Wen Haibao, Mo Hongluo, Peng Jian, Sun Jianguo, Teng Biao, Tang Jingling, Wei Rujiu, Wu Hongwei, Zhang Hai, Zhang Jiankang and Zhang Jianguo		Public Statement
25.	April 2008	Philippines	Yes	Yes	Letter and Public Statement
26.	March 2008	Egypt		Hisham Bastawissi and Mr. Ashraf El- Baroudi	Letter
27.	June 2008	Belarus	Emanuel Zeltser (U.S. National)		Letter
28.	June 2008	Democratic Republic of Congo	Charles Cubaka and Jean-Claude Mubalama		Letter
29.	June 2008	Iran	Shirin Ebadi		Letter
30.	June 2008	Malaysia	P. Uthayakumar, M. Manoharan, R. Kenghadharan, and V. Ganabati Rao		Letter
31.	June 2008	Zimbabwe	Yes		Public Statement
32.	February 2010	Colombia	Lawyers with José	Yes	Public

	Date	Country	Lawyer(s)	Judge(s)	Method of Intervention
			Aklvear Restrepo Lawyers' Association		Statement
33.	February 2010	China	Li Heping, Li Xiongbing, Li Chunfu, Wang Yajun and Guo Shaofei, Gao Zhisheng		Public Statement
34.	April 2010	Malaysia	Yes	Yes	Public Statement
35.	April 2010	Vietnam	Le Cong Dinh		Letter
36.	April 2010	Turkey	Muharrem Erbey		Letter
37.	April 2010	India	Devi Singh Rawat		Letter
38.	May 2010	Rwanda	Peter Erlinder (U.S. National)		Public Statement
39.	June 2010	Colombia		Diego Fernando Escobar Munera and others	Public Statement and Letter
40.	June 2010	Venezuela		Maria Lourdes Afiuni	
41.	July 2010	China	Tang Jitian and Liu Wei		Public Statement
42.	October 2010	Iran	Nasrin Sotoudeh		Letter and Public Statement
43.	November 2010	Iran	Houtian Kian		Letter and Public Statement
44.	November 2010	Kyrgyzstan	Tahir Asanov		Letter
45.	November 2010	Tunisia		Association of Tunisian Judges	Public Statement
46.	December 2010	Russia	Sapiyat Magomedova		Letter
47.	January 2011	Colombia	William Cristancho Duarte		Letter
48.	January 2011	Syria	Radeef Moustafa		Letter
49.	January 2011	Iran	Nasrin Sotoudeh, Shadi Sadr, Sara (Hajar) Sabaghian, Maryam Karbasi and Maryam Kiansersi		Letter and Public Statement
50.	January 2011	Honduras	Lawyers (2) with Association for a More Just Society (ASJ)		Letter
51.	April 2011	Bahrain	Mohamed Issa Al Tajer		Letter
52.	April 2011	China	Jiang Tianyong, Tang Jitian and Teng Biao		Public Statement

## Examples of Intervention to Authorities and Public Statements

## Bahrain

*Lawyer Mohamed Issa Al Tajer*

1. On 15 April 2011, a group of more than 20 masked and armed plain-clothes men, belonging to security forces, entered the house where Mr. Mohamed Issa Al Tajer was present with his wife and young children. After thoroughly searching his house and office and taking computers and mobile phones, the men arrested Mr. Al Tajer and took him to an unknown destination.
2. Reports suggest that the Bahrainian authorities are attempting to put pressure on those who provide legal and medical assistance to protesters. Further, the information received suggests that about 600 people, including human rights defenders, political leaders, trade unionists, doctors and paramedics and clerics have been arrested since February 2011.
3. In May 2011, the Law Society sent a letter of intervention the Bahrainian authorities.

## Colombia

*Judge Diego Fernando Escobar Munera and Others*

4. In April 22, 2010 it was reported that Judge Diego Fernando Escobar Munera, a criminal judge in Colombia, was killed in broad daylight in the northwestern city of Medellin while waiting for a taxi. The suspected shooter fled the scene on a city bus, but was captured shortly thereafter by police.
5. Judge Escobar Munera spent 19 years in the judiciary and was widely recognized for his transparency, honesty and dedication to justice. The authorities are investigating the possibility that his murder was connected with one of the cases he handled.
6. The President of Colombia, Álvaro Uribe Vélez, issued a statement denouncing the murder of Judge Escobar Munera and vowing not to permit the resurgence of violence against judges that was prevalent in Colombia in the 1980's and 1990's. The government also offered a reward of up to 100 million pesos (\$50,000 USD) for information leading to the arrest of anyone involved in the death of Judge Escobar Munera.
7. The murder of Judge Escobar Munera appeared to be linked to a systemic issue of Colombian judges facing threats and assassinations. It was reported that in the last two years other judges (2) and a court official had been killed, in addition to an assassination attempt on another judge. Judges in Colombia have also received over 600 threats in the last four years.

8. In March 2010, Colombian authorities revealed a plot to assassinate Supreme Court judges, including the former head of the court, who have been responsible for uncovering links between politicians and paramilitaries. The Supreme Court judges have also been the victims of illegal wiretapping by Colombia's security agency. Police intercepted and arrested two alleged assassins close to the homes of one of the three judges and it was reported that one of the assassins was carrying a pistol with a silencer. It has also been reported that a suspicious vehicle containing firearms was found near the home of another targeted judge and that Colombian authorities have intercepted various communications involving the group of assassins.
9. The Law Society sent a letter of intervention dated June 3, 2010.

*Lawyer William Cristancho Duarte*

10. During the armed conflict in Colombia, which has lasted over four decades, extrajudicial executions have been carried out by the security forces in a widespread and systematic manner. They are part of the terror tactics used by the security forces as part of their counter-insurgency strategy. The Attorney General's Office is investigating more than 2,000 cases of extrajudicial executions reportedly committed by the security forces. Repeatedly those campaigning for justice in cases of extrajudicial executions have been subject to death threats or have been killed by members of the security forces or paramilitaries working with security forces.
11. Reports indicate that William Cristancho Duarte, who is working on cases involving the extrajudicial executions, has received death threats including an assassination attempt. In December 2010, Mr. Duarte had shots fired at his car. One bullet shattered the rear window and bullets were also found in the car door and the seat where Duarte was sitting. The Law Society is concerned about situations where lawyers who work to defend the rights of others are themselves targeted for exercising their freedoms and rights under the law.
12. In January 2011, the Law Society sent a letter of intervention to the Colombian authorities.

### Public Statements

China

1. In addition to repeatedly condemning the persecution and ill-treatment of lawyers in China through letters of intervention to Chinese authorities and the release of a 2008 public statement about the escalating human rights violations against lawyers in China and a 2010 public statement about the Suspension, Disbarment, Detention and Disappearance of Human Rights Lawyers in China, the Law Society released the following public statement in July 2010:

The Law Society of Upper Canada Expresses Grave Concerns about the Disbarment and Disappearances of Human Rights Lawyers in China

*The Law Society of Upper Canada continues to condemn the persecution, ill-treatment and escalating human rights violations against lawyers in China through letters of intervention to Chinese authorities and the release of public statements. Most recently, the Law Society denounces the revocation of the practice licences of lawyers Tang Jitian and Liu Wei and the disappearance of Gao Zhisheng.*

Reports indicate that on 12 April 2010, Beijing lawyers Tang Jitian and Liu Wei received a notice from the Beijing Municipal Justice Bureau informing them of an administrative punishment to permanently revoke their legal practice licences. The imposition of a revocation was predicated on the grounds that they had disturbed the order of the court while defending a Falun Gong practitioner. On 7 May 2010, it was reported that the licences of Tang Jitian and Liu Wei were revoked and they were barred from practising law for life.

Tang Jitian and Liu Wei had been active in defending the rights of those persecuted for their beliefs, the rights of victims of illegal requisition and home demolition, the rights of those discriminated against for being HIV/AIDS and hepatitis B positive and the rights of parents of children victims of melamine-tainted milk powder. The revocation of the licences of Tang Jitian and Liu Wei represents the escalation of tactics to deter lawyers from taking on politically sensitive cases.

Similarly, the disappearance of Gao Zhisheng, one of China's leading human rights lawyers further represents efforts to restrict and weaken the independence of the legal profession in China and undermines China's commitment to the rule of law.

In the past, the Law Society of Upper Canada has repeatedly condemned the persecution and ill-treatment of lawyers in China, including the treatment of human rights lawyers Gao Zhisheng, Zheng Enchong, Chen Guangcheng, Li Jianqiang, Teng Baio, Li Heping, by raising its concerns with the Chinese authorities about the ongoing human rights violations against lawyers.

International human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the UN Basic Principles on the Independence of the Judiciary state that judicial independence and human rights are necessary to advancing the rule of law.

The Law Society urges the Chinese authorities to,

- a. reinstate Tang Jitian and Liu Wei and other lawyers whose licences have been suspended or revoked for taking on sensitive human rights cases, and discontinue the practice of suspending or disbaring human rights lawyers based on political considerations or other arbitrary factors;
- b. immediately and unconditionally release and guarantee in all circumstances the physical and psychological integrity of Gao Zhisheng and other human rights lawyers whose detention is arbitrary and is aimed at penalizing them for their human rights activities;

- c. ensure that all lawyers be allowed to carry out their peaceful and legitimate activities without fear of arbitrary detention, torture or ill treatment or other human rights violations;
  - d. put an end to all acts of harassment and intimidation against human rights lawyers in China;
  - e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with national human rights standards and international instruments ratified by China;
  - f. uphold the Constitution of the Republic of China and the rule of law; and
  - g. take immediate steps to promote the independence of the legal profession.
2. The Law Society of Upper Canada also released the following public statement in May 2011:

The Law Society of Upper Canada Expresses Grave Concerns about the Harassment, Arrests and Disappearances of Human Rights Lawyers in China

The Law Society of Upper Canada continues to condemn the persecution, harassment, arrests, detentions, disappearances and escalating human rights violations against lawyers in China through letters of intervention to Chinese authorities and the release of public statements. Most recently, the Law Society denounces the revocation of the practice licenses of lawyers Tang Jitian and Liu Wei and the disappearance of Gao Zhisheng.

According to reports, on 16 February, 2011, Jiang Tianyong, Tang Jitian, Teng Biao and several other lawyers and human rights activists from Beijing had met in a restaurant to discuss the case of Mr. Chen Guangcheng, a Chinese lawyer and defender of reproductive rights currently under house arrest since his release from custody in September 2010.

The information received indicated that the restaurant was surrounded by police officers from the Beijing Municipal Public Security Bureau at around 12:15 pm. The police remained until the end of the meeting and arrested Mr. Jiang Tianyong. He was brought to the police station, where he was interrogated. During his detention, Mr. Jiang Tianyong was allegedly ill-treated and pushed against a wall, where he banged his head. He was released five hours later.

On February 19, 2011, men identified to Mr. Jiang Tianyong's family as Beijing police officers took Mr. Jiang Tianyong from his brother's home, where he was temporarily staying. In the evening, the Beijing police returned to Mr. Jiang Tianyong brother's house and confiscated a computer. It has been reported that he remained in detention until he was released on April 21, 2011.

Reports also indicate that after the meeting at the restaurant, two police officers entered Mr. Tang Jitian's home forcing the doors and dragging him away. At present, Mr. Tang Jitian's whereabouts are unknown. In addition, Mr. Teng Biao has also been missing since February, although he is believed to be in custody.

The disappearances of leading human rights lawyers in China further represents efforts to restrict and weaken the independence of the legal profession and undermines China's commitment to the rule of law. In the past, the Law Society of Upper Canada has repeatedly condemned the persecution and ill-treatment of lawyers in China, including the treatment of Human Rights lawyers Gao Zhisheng, Zheng Enchong, Chen Guangcheng, Li Jianqiang, Teng Baio, Li Heping, by raising its concerns with the Chinese authorities about the ongoing human rights violations against lawyers.

International human rights instruments, including the *Universal Declaration of Human Rights*, *the International Covenant on Civil and Political Rights* and *the UN Basic Principles on the Independence of the Judiciary* state that judicial independence and human rights are necessary to advancing the rule of law. Moreover, lawyers and judges must be able to fulfill their professional obligations without fear for their security in order to advance the rule of law.

The Law Society urges the Chinese authorities to,

- a. immediately and unconditionally release and guarantee in all circumstances the physical, psychological and professional integrity of human rights lawyers;
- b. provide a response to this public statement outlining the status of the aforementioned lawyers;
- c. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of arbitrary detention, torture or ill treatment or other human rights violations;
- d. put an end to all acts of harassment and intimidation against human rights lawyers in China;
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by China;
- f. uphold the rule of law as defined by public international law; and
- g. take immediate steps to promote the independence of the legal profession.

*The Law Society of Upper Canada is the governing body for some 42,000 lawyers and 3000 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 China in their effort to maintain the independence of the legal profession, to advance the respect for human rights and to promote the rule of law.*

## SELECTED DESCRIPTION OF SOURCES

## 1. Agence France-Presse (AFP)

Agence France-Presse is the oldest and one of the largest news agencies in the world, alongside the Associated Press and Reuters. It is also the largest French news agency.

## 2. Associated Press (AP)

The Associated Press (AP) is a global news network, delivering news from every corner of the world to all media platforms and formats. On any given day, more than half the world's population sees news from the AP. Founded in 1846, the AP is one of the largest and most trusted sources of independent newsgathering. The AP is headquartered in New York and about 3,700 employees – two-thirds of them news gatherers – work in more than 300 locations worldwide.

## 3. Amnesty International (AI)

Amnesty International is an independent and democratically-run organization. The movement's mission and policies, and its long-term directions, are all set by Amnesty members. Amnesty representatives from around the world gather every two years to set policy at the International Council Meeting (ICM). The Council also elects an International Executive Committee which ensures that the ICM's decisions are carried out.

Where Amnesty International is formally organized in a particular country, such as in Canada, Amnesty members set policy and key priorities within the framework of the worldwide movement. Amnesty International's work is always being assessed by its members and staff in the light of changing world circumstances. When major changes in policy and approach are needed, Amnesty members make the final decision.

## 4. British Broadcasting Corporation (BBC) News

The British Broadcasting Corporation (BBC) is the largest broadcasting network in the world. BBC News is a department of the British Broadcasting Corporation responsible for news and current affairs output. As the world's largest broadcast news organization, it generates over 120 hours of radio and television news each day, as well as online news coverage. The service maintains 44 foreign news bureaus and has correspondents in almost all countries around the world.

## 5. The Canadian Press (CP)

The Canadian Press, along with its French-language counterpart, La Presse Canadienne, is Canada's not-for-profit, multimedia national news agency. It was established in 1917 as a vehicle to permit Canadian newspapers to exchange their news and information. The Toronto-based company is a private, not-for-profit cooperative, owned and operated by its member newspapers.

6. Frontline

Front Line is the International Foundation for the Protection of Human Rights Defenders. It was founded in Dublin in 2001 with the specific aim of protecting human rights defenders at risk; people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR). Front Line aims to address some of the needs identified by defenders themselves, including protection, networking, training and access to international bodies that can take action on their behalf. Front Line seeks to provide rapid and practical support to at-risk human rights defenders, including through a 24 hour emergency response phone line, and to promote the visibility and recognition of human rights defenders as a vulnerable group.

Front Line runs a small grants program to provide for the security needs of defenders. It mobilizes campaigning and lobbying on behalf of defenders at immediate risk. In emergency situations, Front Line can facilitate temporary relocation and conducts research and publishes reports on the situation of human rights defenders in specific countries. The organization also develops resource materials and training packages on behalf of human rights defenders as well as facilitating networking and exchange between defenders in different parts of the world. In addition, Front Line promotes strengthened international and regional measures to protect human rights defenders including through support for the work of the UN Special Representative on Human Rights Defenders.

7. Globe and Mail

The Globe and Mail is a nationally distributed newspaper, based in Toronto and printed in six cities across the country. With a weekly readership of 935 000, it is Canada's largest-circulation national newspaper and second-largest daily newspaper after the Toronto Star.

8. The Guardian

The Guardian is a British national daily newspaper owned by the Guardian Media Group. Founded in 1821, the Guardian has a daily circulation average of 283,063 copies. Its website is one of the highest-traffic English-language news websites and it has the second largest online readership of any English-language newspaper in the world, after the New York Times.

9. Huffington Post

Huffington Post is a liberal/progressive American news website and content aggregating blog. It features various news sources and columnists. The site offers coverage of politics, media, business, entertainment, living, style, the green movement, world news, and comedy, and has news, blogs, and original content.

10. Human Rights Watch (HRW)

Human Rights Watch is one of the world's leading independent organizations dedicated to defending and protecting human rights. By focusing international attention where human rights are violated, the organization gives a voice to the oppressed and holds oppressors accountable for their crimes. Its rigorous, objective investigations and strategic, targeted advocacy build intense pressure for action and raise the cost of human rights abuse. For 30 years, Human Rights Watch has worked to lay the legal and moral groundwork for deep-rooted change and has fought to bring greater justice and security to people around the world.

11. Lawyers' Rights Watch Canada (LRWC)

Lawyers' Rights Watch Canada 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. It promotes the implementation and enforcement of international standards designed to protect the independence and security of human rights defenders around the world.

Lawyers' Rights Watch Canada campaigns for lawyers whose rights, freedoms or independence are threatened as a result of their human rights advocacy. In addition, it also produces legal analyses of national and international laws and standards relevant to human rights abuses against lawyers and other human rights defenders, while working in cooperation with other human rights organizations. Lawyers' Rights Watch Canada seeks to identify illegal actions against advocates, campaign for the cessation of such actions and lobby for the implementation of effective immediate and long-term remedies.

12. New York Times

The New York Times is an American daily newspaper founded in 1851 and published in New York City. It is owned by the New York Times Company, a leading media company with 2008 revenues of \$2.9 billion. It includes the International Herald Tribune, The Boston Globe, 15 other daily newspapers and more than 50 web sites. The company's core purpose is to enhance society by creating, collecting and distributing high-quality news, information and entertainment.

13. The Observatory for the Protection of Human Rights Defenders

The Observatory for the Protection of Human Rights Defenders is a joint program of the International Federation for Human Rights (FIDH) and the World Organization Against Torture (OMCT). It is an action program based on the absolute necessity to establish a systematic response from NGOs and the international community to the repression against defenders.

## 14. Reuters

The company was founded by Paul Julius Reuter, a German-Jewish immigrant to London who as early as 1851 began transmitting stock-market quotes between Paris and London via the new Calais-Dover telegraph cable. Reuter's agency built a reputation in Europe for being the first to report scoops from abroad, like the news of Abraham Lincoln's assassination. Today, almost every major news outlet in the world subscribes to Reuters. It operates in 200 cities in 94 countries.

## 15. Toronto Star

The Toronto Star is Canada's highest-circulation newspaper, though its print edition is distributed almost entirely within the province of Ontario. It was established in 1892.

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

Copy of the voluntary question in the Lawyer Annual Report (LAR).

(page 7)

CONVOCATION ROSE AT 12:20 P.M.

Confirmed in Convocation this 22<sup>nd</sup> day of September, 2011

Treasurer