

MINUTES OF CONVOCATION

Friday, 28th April 1989  
9:30 a.m.

PRESENT

The Treasurer, Mr. L. K. Ferrier, Mr. Arnup, Ms. Bellamy, Messrs. Bastedo and Bragagnolo, Ms. Callwood, Messrs. Carey, Cass, Carter and Cullity, Messrs. Doran, Epstein, Farquharson, and Ferguson, Mrs. Graham, Messrs. Genest, Ground, Guthrie, Ms. Harvey, Messrs. Howie, Lerner, Lamek, and Lawrence, Mrs. Legge, Mr. Lyons, Mrs. MacLeod, Messrs. McKinnon, Murphy, O'Brien, O'Connor, Outerbridge, and Pepper, Ms. Peters, Messrs. Rock, Ruby, Scace, Shaffer, Somerville, Spence, Strosberg, Thom, Topp, and Wardlaw and Mrs. Weaver.

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"IN PUBLIC"

MOTION RE: AMENDMENT TO RULE 52

It was moved by Mr. Wardlaw, seconded by Mrs Weaver that Rule 52 of The Law Society Act be amended to provide that the quorum for the Annual General Meeting be reduced from 100 members to 50 members.

The Treasurer referred to the Notice which appeared in the Ontario Reports regarding the Rule change and the letter received from the Benchers' Accountability Committee.

Carried

BI-CENTENNIAL COMMITTEE

It was moved by Mr. Lerner, seconded by Mr. Lamek that the following be appointed to the Bi-Centennial Committee:

Treasurer  
J. Callwood  
R. Kemp-Welch  
F. Kiteley  
R. Manes  
R. McMurtry  
D. Murphy  
B. O'Brien  
B. Pepper  
P. Peters  
A. Scace  
M. Somerville  
R. Tinsley  
R. Schaeffer  
S. Traviss

Carried

It was moved by Mr. Somerville, seconded by Mr. Ferguson and carried that representatives from the County and District Presidents Association and the CBAO be added to the Bi-Centennial Committee.

Carried

Convocation adjourned at 12:30 p.m. for lunch and the Benchers' guests were Professor James C. MacPherson, Dean and The Honourable Mr. Justice Paul G. Philp.

Convocation reconvened at 2:30 p.m. the following being present:

The Treasurer, Mr. Lee Ferrier, Ms. Callwood, Messrs. Carey, Carter, and Cass, Ferguson, and Ground, Mrs. Graham, Mr. Lawrence, Mrs. MacLeod, Mr. Murphy, Ms. Peters, Messrs. Rock, Ruby, Shaffer, Spence, Thom and Wardlaw, Mrs. Weaver.

FINANCE COMMITTEE

Mr. J. D. Ground, Chairman, presented the Report of the Finance Committee of its Meeting on Thursday, 13th April, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FINANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th day of April 1989 at three o'clock in the afternoon, the following members being present: Messrs. Ground, (Chairman), Guthrie, (Vice Chairman), Howie, (Vice Chairman), Furlong, Lamek, Lamont, Lerner, Outerbridge, Wardlaw and Mrs. Weaver.

B.

ADMINISTRATION

1. LAW SOCIETY BOOKLET - BUDGET REQUEST \$40,000

At its meeting the Public Information Committee approved the completion of the publishing and distribution of the Law Society booklet before the end of the current fiscal year. This item was originally approved by Convocation in February 1988 but not completed due to delays in drafting the booklet.

The Public Information Committee seeks approval of \$40,000 over and above their 1988/89 budget, to complete the printing and distribution of this booklet before June 30th 1989.

Approved

2. SUSPENSION OF MEMBERS - LATE FILING FEE

There are 12 members who have not complied with the requirements respecting annual filing and who have not paid the late filing fee.

In all 12 cases all or part of the late filing fee has been outstanding four months or more. The 12 members owe \$7,200.00 of which \$1,440.00 has been owing for more than four months.

The Committee was asked to recommend that the rights and privileges of the 12 members be suspended on April 28th 1989 if the late filing fee remains unpaid on that date and remain suspended until the late filing fee has been paid.

Approved

Note: See motion page 68.

C.

INFORMATION

1. ROLLS AND RECORDS

(a) Deaths

The following members have died:

Pamela Jane Thompson  
Vancouver

Called April 7th 1982  
Died May 24th 1988

Joseph Phillip Chetner  
Toronto

Called March 23rd 1977  
Died November 4th 1988

James Montalieu McLean  
Hamilton (Life Member)

Called June 21st 1934  
Died February 3rd 1989

George Herbert Lohead  
Kitchener (Former Benchler)  
(Life Member)

Called June 20th 1935  
Died February 14th 1989

Howard Melville Hines  
Dundas

Called September 14th 1951  
Died February 15th 1989

Leslie Gerald Dollinger  
Toronto

Called March 24th 1972  
Died February 19th 1989

Noted

(b) Permission to Resign

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

James William Christie  
Sarnia

Called March 24th 1972  
Permitted to Resign - Convocation  
February 22nd 1989

Noted

(c) Membership in Abeyance

Upon their appointments to the offices shown below the membership of the following members has been placed in abeyance under section 31 of The Law Society Act:

Ann Elizabeth Louise Earle  
Newmarket

Called April 14th 1978  
Appointed Judge Provincial Court,  
Criminal Division, Regional  
Municipality of York

Julius Alexander Isaac  
Toronto

Called April 8th 1960  
Appointed Judge, Supreme Court of  
Ontario, Regional Municipality of  
York

Susan Elizabeth Lang  
Toronto

Called April 9th 1976  
Appointed Judge, District Court of  
Ontario, Regional Municipality of  
York

Noted

(d) Disbarments

The following members have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Society:

Albin Robert Rogala  
Stoney Creek

Called March 22nd 1974  
Disbarred - Convocation February  
22nd 1989

Peter Krawec  
Islington

Called April 9th 1976  
Disbarred - Convocation February  
22nd 1989

Noted

2. STAFF CHANGES

The Director reported the following staff changes.

Legal Education

Ms. Kitty Cheng commenced employment as a clerk typist in the Continuing Legal Education Department effective February 1st 1989.(R)



28 April 1989

Mr. Ray Gonsalves has resigned as a file clerk in the Bar Admission Course effective February 3rd 1989.

Ms. Judy But has resigned as a clerk typist in the Continuing Legal Education Department effective March 10th 1989.

Ms. Suzanne Thompson has resigned as a bindery operator in the Printing Department effective February 28th 1989.

Ms. Alma Nepomuceno has commenced employment as a file clerk in the Toronto Bar Admission effective March 10th 1989.(R)

Ms. Caroline Trupp has commenced employment as a bindery operator in the Printing Department effective March 20th 1989.(R)

Ms. Kim Glavanovic has resigned as a secretary in the Toronto Bar Admission Course effective March 31st 1989.

#### Secretariat

Ms. Debra Simpson has commenced employment as a lawyer in the Discipline Department effective February 6th 1989.(R)

Ms. Mary Sarnese has resigned as a secretary in the Discipline Department effective January 25th 1989.

Ms. Michelle Moody has commenced employment as a secretary in the Discipline Department effective February 13th 1989.(R)

Ms. Vicki Otsu has resigned as an examiner in the Audit Department effective February 17th 1989.

Ms. Lorraine Campbell has commenced employment as a word processor in the Audit Department effective March 13th 1989.(R)

Ms. Eda Tangedal has commenced employment as an administrative assistant in the Audit Department effective March 13th 1989.(R)

Ms. Ching Yuen Kitchen has resigned as a lawyer in the Practice Advisory Service effective March 31st 1989.

#### Errors and Omissions Department

Ms. Alexandre Lagunenکو has commenced employment as a file clerk effective January 23rd 1989.(R)

#### Great Library

Ms. Lori Jean Sanderson has resigned as a secretary in the Search Law Department effective February 3rd 1989.

Ms. Karen Charchalis has commenced employment as a library assistant effective March 13th 1989.(R)

Ms. Brenda-Lee Maxwell has commenced employment as a cataloguing technician effective March 6th 1989.(R)

Ms. Maria Daunt has resigned as a cataloguing technician effective March 16th 1989.

Ms. Aurora Manalo has commenced employment as a library assistant effective March 22nd 1989.(R)

Noted

3. LEGAL MEETINGS AND ENTERTAINMENT

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

April 27th, 1989	Supreme Court of Ontario Law Clerks Barristers' Lounge/Convocation Hall
September 14th, 1989	Lawyer's Club Barristers' Lounge/Convocation Hall
October 19th, 1989	Lawyer's Club Barristers' Lounge/Convocation Hall
November 16th, 1989	Lawyer's Club Barristers' Lounge/Convocation Hall
January 8th, 1990	Lawyer's Club Judge's Night Barristers' Lounge/Convocation Hall

Noted

ALL OF WHICH is respectfully submitted

DATED this 28th day of April 1989

"J. Ground"  
Chairman

THE REPORT WAS APPROVED EXCEPT B-2

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

It was moved by Mr. Ground, seconded by Mr. Lerner, that the rights and privileges of each member who has not paid the fee for the late filing of Form 2/3 within four months after the day on which payment was due and whose name appears on the attached list be suspended from the 28th of April, 1989 for one year and from year to year thereafter or until that fee has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

LIST A

MEMBERS IN DEFAULT IN ANNUAL FILING AND  
WHO HAVE NOT PAID THE LATE FILING PENALTY

<u>Name</u>	<u>Location</u>	<u>Late Filing Penalty</u>	
		<u>Position as at April 28, 1989</u>	<u>Outstanding</u>
		<u>Over 4 Months</u>	<u>Total Owinq</u>
Barnard, Kathryn Eve	Vanier	\$120.00	\$600.00
Hall, Barbara Joan	Toronto	\$120.00	\$600.00
Lutes, Timothy John (NSF Cheque)	Orillia	\$604.00	\$604.00
Sankey, Richard Villiers	Toronto	\$120.00	\$600.00
Shaw, Donald Nicholas	Mississauga	\$120.00	\$600.00

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DISCIPLINE POLICY COMMITTEE

Mr. P.S.A. Lamek, Chairman, presented the Report of the Discipline Policy Committee of its Meeting on Thursday, the 13th April, 1989.

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

THE DISCIPLINE COMMITTEE begs leave to report:

Your Committee met Thursday, April 13th, 1989 at one thirty in the afternoon, the following members being present: Mr. Lamek (Chairman), Messrs. Carey, Cass, Lerner, McKinnon, O'Connor, Somerville. Also in attendance were Stuart Thom, Q.C. and Professor Marilyn Pilkington.

A.  
POLICY

1A. DISCIPLINE COMMITTEE - CHARTER APPLICATIONS

In recent years Discipline Committees have been faced with the question of adjourning proceedings to allow members to test charter issues in Divisional Court. At the request of the Chairman, an opinion was prepared by Professor Marilyn Pilkington which is attached and numbered as A-1 to A-12 for the Committee's consideration.

Your Committee will continue its review of this matter at its May meeting.

B.  
ADMINISTRATION

1B. REPORT ON MORTGAGE PORTFOLIOS

Mr. Thomas Stephany of the Society's Audit Department has prepared a summary attached and numbered as B-1 to B-6 respecting mortgage portfolios managed by members.

Your Committee will consider this matter at its meeting in May.

C.  
INFORMATION

1C. COMPLAINTS REVIEW PROCESS

Attached and numbered as pages C-1 to C-2 are letters received from a member of the public who was impressed with the Society's handling of the Complaints Review Process. The letters are addressed to Rita Mosevich, Complaints Review Co-ordinator and June Callwood, Complaints Commissioner.

ALL OF WHICH is respectfully submitted

DATED this 28th of April, 1989

"P.S.A. Lamek"  
Chairman

Attached to original Report in Convocation File, copy of:

A-1A - Opinion prepared by Professor Marilyn L. Pilkington,  
Associate Professor of Law Re: Charter Applications  
(marked A-1 - A-12)

B-1B - Inter-office Memorandum dated April 5th, 1989 from Thomas  
Stephany to Ajit John Re: Mortgages in Trust  
(marked B-1 - B-6)

C-1C - Letter dated March 30, 1989 from Scott W. Brown to Secretary to  
the Complaints Commissioner Re: December 8, 1988 Complaints  
Review Hearing and Letter dated March 30, 1989 from Scott W.  
Brown to Complaints Commissioner June Callwood Re: December 8,  
1988 Complaints Review Hearing (marked C1 & C2)

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE

Mr. C. Ruby, Chairman, presented the Report of the Unauthorized  
Practice Committee of its Meeting on Thursday, the 13th April, 1989.

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

The UNAUTHORIZED PRACTICE COMMITTEE begs leave to report:

Your Committee met on Thursday, April 13, 1989 at 10:30 a.m., the  
following members were present: Mr. McKinnon (Vice-Chairman), Messrs.  
Carter, Cass, Ms. Harvey, Messrs. Farquharson, Hickey, Outerbridge and  
Ms. Weaver. Also in attendance were: Messrs. Ballantyne, Beaufoy and  
Bell.

B.  
ADMINISTRATION

1. ACCOUNTS

Accounts of counsel and investigators were approved in the total  
amount of \$16,603.71.

2. INVESTIGATIONS

The Society does not have sufficient evidence in any of these  
cases to commence a prosecution. The Committee authorized a request to  
the Treasurer for the use of an investigator who will not disclose that  
he is from the Law Society and to authorize the commencement of  
prosecutions when the necessary evidence is obtained.

3. APPLICATION FOR INCORPORATION - METROPOLITAN TORONTO LEGAL  
SUPPORT STAFF SOCIETY

The Law Society has received an Application for Incorporation  
under the name METROPOLITAN TORONTO LEGAL SUPPORT STAFF SOCIETY. Your  
Committee referred this matter back to its Secretary for further  
information.

4. QUO FACTA LEGAL SERVICES - LIMITED PARTNERSHIPS

The Unauthorized Practice Department has received correspondence  
from John N. McKay wherein he enclosed a prospectus issued by QUO FACTA  
LEGAL SERVICES. In the prospectus, QUO FACTA appears to be offering  
limited partnerships to non-lawyers. Your Committee has asked its  
Secretary to refer this matter to the Professional Conduct Committee.

5. FAMILY MEDIATION SERVICE - KINGSTON; FRONTENAC REFERRAL SERVICE;  
HELEN FINLEY

The Committee has received correspondence from Mary O'Connor Kaiser, Barrister and Solicitor, in which she outlines her concerns about the activities of one Helen Finley. The concern of Ms. Kaiser is that Ms. Finley has overstepped her role as an impartial mediator and, in fact, has become an advocate for one party. Your Committee has asked that this matter be referred to Mr. Hickey and Mrs. MacLeod for further inquiry. Further, it has instructed its Secretary to contact Mary O'Connor Kaiser and advise her that the Kingston Benchers will be looking into her concerns.

6. REFERRAL OF APPLICATIONS FOR INCORPORATION OF NON-PROFIT  
CORPORATIONS

The Unauthorized Practice Department has received correspondence from the Director of the Companies Branch of the Ministry of Consumer and Commercial Relations. The memorandum outlines a change of procedures for those organizations submitting applications for incorporation to the Companies Branch. Essentially, all future applicants will be required to obtain written approvals or consents from the relevant Ministries, Agencies, Commissions or Boards prior to submitting the application to the Companies Branch. The Ministry has asked the Law Society to review the following four points:

- "(a) Does your Ministry need to review applications for incorporation of a Not-For-Profit Corporation.
- (b) If you need to review applications, what specific objects do you wish the applicant to concentrate on. This message would be incorporated into our application information package so that the applicant may be better prepared when submitting the application for your review.
- (c) Does your Ministry wish to receive only a copy of the copy of the Articles of Incorporation after the issuance of Letters Patent.
- (d) Correct name, address and telephone number of office(s) and contacts which will receive applications for review."

The Ministry has asked that we document our preferences by no later than April 20, 1989. Your Committee instructed its Secretary to advise the Ministry of Consumer and Commercial Relations that it wished to continue to review applications for any "not for profit" incorporation which proposed to use the word "law" or "legal" or related terms in its name. Further, it wished to have sufficient information from the applicant to enable the Committee to determine whether the organization was planning to give legal advice or generally was to offer services which could be in breach of the Unauthorized Practice provisions of the Law Society Act. It also wished to satisfy itself that the applicant was not proposing to use a name which would be misleading to the public.

7. PREPARING OF WILLS BY TRUST COMPANIES

Your Committee considered the appropriate response to complaints that non-lawyers, specifically Trust Companies, are preparing wills on behalf of clients. Your Committee reviewed the existing agreement between the association of Trust Companies and the Law Society. Your Committee has instructed its Secretary to contact the two Trust Companies complained of in the correspondence from members, advising them of the 1965 agreement between the Law Society and the Association of Trust Companies. Further, this letter is to be copied to the Association of Trust Companies with a cover letter referring to the existing agreement and to the Law Society's continued concern in this regard.

A list of matters pending is attached

(Pages 6 - 8)

ALL OF WHICH is respectfully submitted

DATED this 28th day of April, 1989

"C. Ruby"  
Chairman

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE

Mr. D. J. Murphy presented the Report of the Libraries and Reporting Committee of its Meeting on Thursday, the 13th April, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCAION ASSEMBLED

The LIBRARIES AND REPORTING COMMITTEE begs leave to report:

Your Committee met on Thursday, April 13th, 1989 at 9:30 a.m. the following members being present: Messrs O'Connor (in the Chair), Ms Bellamy, Farquharson and Topp. G. Howell and P. Bell also attended.

A.

POLICY

1. COUNTY LAW ASSOCIATIONS - DISTRIBUTION OF LAW SOCIETY  
-LAW FOUNDATION FUNDING BASED ON 1989 LAW LIBRARY BUDGETS

The Chief Librarian reported that at the Committee's February meeting, the schedule of distribution for 1989 funding of county libraries that was approved by the Committee and Convocation contained three errors. Your Committee recommends that the three errors be corrected and that the additional funding for the three county libraries be approved.

B.

ADMINISTRATION

1. BUDGET FOR FISCAL YEAR 1989/90

The Chief Librarian presented the budget proposals for the fiscal year 1989/90 as approved in March, with the Chairman's comments. Your Committee approved of the budget estimates as approved in March, restructured at the suggestion of the Under-Treasurer, for forwarding to the Finance Committee.

2. INCREASE IN COUNTY LIBRARY LEVY

The Chief Librarian reported that a \$5.00 increase in the county library levy (from \$50. to \$55.) is necessary for the 1990 operating year of the county libraries. Mr. Howell indicated that the proposed increase in the levy would help the county libraries keep up with inflation. Your Committee approved of the \$5.00 increase.

Subject to the approval of the Finance Committee.

3. ONTARIO REPORTS - CASE SELECTION GUIDELINES

The Secretary reported that a letter was received from the publisher of the Ontario Reports indicating the conditions under which multi-issue cases would be abridged. The letter also indicated that each time Reasons for Judgment were abridged, judicial approval would be sought. The Committee noted the publisher's response and instructed the Secretary to write to the publisher and indicate that the Guidelines should state that if judicial approval is not obtained then a decision would be made whether the case would be reported at all. The letter would indicate that the Society will try the abridgement policy for six months.

4. CANADIAN ASSOCIATION OF LAW LIBRARIES  
ANNUAL CONFERENCE - MAY 14 - 18, 1989

The Secretary reported that the annual conference of the Canadian Association of Law Libraries is being held in Quebec City from May 14th to 18th inclusive 1989. The Committee approved of sending the Chief Librarian and three professional librarians to the conference. This is the same number as have attended for many years and is within budget.

C.  
INFORMATION

1. BOOK LIST

The Great Library will be adding 57 new titles to its book collection for April 1989. The book list was approved.

2. FINANCIAL STATEMENT

The Financial Statement for the nine months ending March 31st, 1989 was approved.

4. SUB-COMMITTEE ON THE ONTARIO REPORTS DATA BASE

A meeting of the above Sub-Committee will be held on Thursday, April 27th, 1989.

ALL OF WHICH is respectfully submitted

DATED this 13th day of April, 1989

"D. R. O'Connell"  
Chairman

THE REPORT WAS ADOPTED

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LEGAL AID COMMITTEE

Mr. Spence presented the Report of the Legal Aid Committee of its Meeting on Thursday, the 13th April, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCAATION ASSEMBLED

The LEGAL AID COMMITTEE begs leave to report:

Your Committee met on Thursday, April 13, 1989, the following members being present: Thomas G. Bastedo, Chairman, Mr. Bond, Ms. Curtis, Mr. Dunro, Mrs. Fleming, Ms. Janczaruk, Dr. Lamb, Messrs. McDowell, Paisley, Ms. Poulin, Mrs. Smyth and Mr. Topp.

A.  
ADMINISTRATION

1. REPORT OF THE DEPUTY DIRECTOR, FINANCE, FEBRUARY 28, 1989

(a) Finance

The Director's report pursuant to Section 88(2) of the Regulation for the eleven months ended February 28, 1989 takes the form of the following financial statement:

Ontario Legal Aid Plan

Statement of Income and Expenditure  
Eleven Months Ended February 28, 1989

	10 Mo. Actual 1987/88	Revised 10 Mo. Budget 1988/89	10 Mo. Actual 1988/89	Favourable (Unfavourable) Variance 1988/89
<u>Opening Balance</u>	80.1	190.9	190.9	-
<u>Income</u>				
Treasurer of Ontario	82,144.6	98,466.0	105,316.2	6,850.2
Family Violence Grant	-	225.0	275.0	50.0
Law Foundation	10,415.0	10,889.0	16,494.0	5,605.0
Client Contributions	5,202.5	6,266.9	7,032.2	765.3
Client Recoveries	1,322.1	1,338.9	1,429.7	90.8
Research Sales	92.4	138.4	114.6	(23.8)
The Law Society	2,532.4	2,764.6	3,564.6	800.0
Miscellaneous	317.5	291.6	772.1	480.5
	<u>102,106.8</u>	<u>120,571.3</u>	<u>135,189.3</u>	<u>14,618.0</u>
<u>Expenditure</u>				
Certificate Accounts	65,724.9	89,990.4	84,416.6	5,573.8
Duty Counsel Fees & Disbursements	6,442.6	7,014.3	6,542.8	471.5
Salaried Duty Counsel	576.1	614.1	618.4	(4.3)
Community Clinics	16,230.8	17,543.0	17,561.4	(17.4)
Student Legal Aid Societies	749.0	831.6	789.6	42.0
Research Facility	1,102.2	1,210.1	1,223.6	(13.5)
Area Office Administration	7,267.8	7,728.8	7,634.3	94.5
Provincial Office Administration	4,915.1	5,048.7	5,424.9	(376.2)
Refugee Administration	-	-	59.7	(59.7)
	<u>103,008.5</u>	<u>129,982.0</u>	<u>124,271.3</u>	<u>5,710.7</u>
<u>Closing Balance</u>	<u>(901.7)</u>	<u>(9,410.7)</u>	<u>10,918.0</u>	<u>20,328.7</u>

(b) Statistics

The following table compares reported activity for the eleven months ended February 28, 1989 with activity for the previous fiscal year:

	11 Months Ended February 28		% Change From Last Year
	1989	1988	
Summary Legal Advice	49,690	49,455	0.5%
Referrals to Other Agencies	83,638	76,364	9.5%
Applications for Certificates	124,571	119,295	4.4%
Refusals	26,049	26,548	(1.9%)
As a Percentage of Applications	20.9%	22.3%	-
Certificates Issued	98,524	92,768	6.2%
Persons Assisted by Duty Counsel:			
Fee for Service	202,173	199,651	1.3%
Salaried	66,789	N/A	



(c) Leases

SUB-LEASE

Provincial Office:

Address: 481 University Avenue, Toronto  
Term: April 15, 1989 - November 13, 1995  
Rent: \$3,585 per month net to November 14,  
1990 (\$15 per sq. ft.)  
\$4,780 per month net to November 13,  
1995 (\$20 per sq. ft.)  
Additional cost for 1988 amounted to  
\$2,175 per month  
Area: 2,868 square feet

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

A Report on the Payment of Solicitors Accounts for the month of March, 1989 is attached hereto as Schedule "A".

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

A Report on the Status of Reviews in the Legal Accounts Department for the month of March, 1989 is attached hereto as Schedule "B".

ALL OF WHICH is respectfully submitted

"T. G. Bastedo"  
Thomas G. Bastedo, Q.C.  
Chairman

April 13, 1989

Attached to original Report in Convocation File, copy of:

A-Item 2(a) - Report on the Payment of Solicitors Accounts for the  
Month of March, 1989 (Schedule "A")

A-Item 2(b) - Report on the Status of Reviews in the Legal Accounts  
Department for the month of March, 1989 (Schedule "B")

THE REPORT WAS ADOPTED

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CLINIC FUNDING COMMITTEE

Mrs. MacLeod presented the report of the Director of Legal Aid, dated 14th April, 1989, with respect to Clinic Funding.

TO THE BENCHER OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The Director of LEGAL AID begs leave to report:

CLINIC FUNDING

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

The Director recommends to Convocation that the report of the Clinic Funding Committee dated April 14, 1989 be adopted.

28 April 1989

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

ALL OF WHICH is respectfully submitted

"Robert L. Holden"  
Director  
Legal Aid

April 14, 1989

ATTACHMENT:

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

The Clinic Funding Committee met on April 13, 1989. Present were: Philip Epstein, Q.C., Chairman, Helen King MacLeod, Oliver Carroll, Thea Herman.

1. DECISIONS

a. Application for Training Funds

(i) Northern Region Clinics

The Committee has reviewed and approved an application from the Northern Region for the allocation of supplementary funds, in an amount up to \$5,000, to assist the northern clinics with a staff training session scheduled for North Bay in June.

b. Applications for the Payment of Court Costs

(i) West End Legal Services

Pursuant to s.10 of the Regulation on clinic funding, the Clinic Funding Committee has reviewed and approved an application for the payment of court costs, in an amount up to \$250, from West End Legal Services.

(ii) Sudbury Community Legal Clinic

Pursuant to s.10 of the Regulation on clinic funding, the Clinic Funding Committee has reviewed and approved an application for the payment of court costs, in an amount up to \$150, from Sudbury Community Legal Clinic.

c. Application for Incorporation

(i) Southwest Region Legal Clinics' Association

Pursuant to the directions of Convocation, the Clinic Funding Committee has reviewed, as to name and objects, an application for incorporation from the Southwest Region Legal Clinics' Association. The Regional Association is made up of the 16 community legal clinics in southwestern Ontario, which plans and implements staff training programs and acts as a consultative body for the Clinic Funding Committee. The Committee recommends Convocation's approval of this application.

d. Legal Disbursement Funds 1989/90

The Committee has approved the allocation of funds to community legal clinics for legal disbursement purposes for 1989/90 in accordance with the attached Schedule "A". The Committee therefore recommends Convocation's approval of these allocations.

28 April 1989

2. INFORMATION

a. Summer Student Funding

The Clinic Funding Committee does not anticipate receiving approval from the Ministry of the Attorney General for the full budget request for 1989/90 as approved by the Committee and Convocation. Consequently, the Committee expects that it will be necessary to make a series of decisions regarding competing priorities as between various ways in which funds are currently allocated and other needs in the clinic system which have been identified. The Committee will be undertaking an extensive consultation process with community legal clinics concerning these difficult priority decisions. The Committee has already made one such decision: the four clinics which provide legal services through the use of student during the Law School term have been informed that it is highly likely that the Committee will reduce the level of funding to hire summer students by one-third. This action, should it be confirmed following designation of the Committee's 1989/90 budget, will reduce expenditures by approximately \$85,000. Although some reduction in services by student may result, the Committee is satisfied that service consequences will be minor, and that there are more pressing needs which have been identified for the use of these funds.

ALL OF WHICH is respectfully submitted

"Philip Epstein"  
Philip Epstein, Q.C.  
Chairman  
Clinic Funding Committee

April 14, 1989

Attached to original Report in Convocation File, copy of:

Item 1(d) - Legal Disbursement Funding 1989/90 (Schedule "A")

THE REPORT WAS ADOPTED

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PROFESSIONAL CONDUCT COMMITTEE

Mr. R. J. Carter, Vice-Chairman, presented the Report of the Professional Conduct Committee of its Meeting on Thursday, 13th April, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PROFESSIONAL CONDUCT COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th day of April, 1989 at three o'clock in the afternoon, the following members being present: Messrs. Carter (Vice-Chairman in the Chair), Carey, Hickey, Somerville, Ms Harvey and the Treasurer.

A.  
POLICY

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1. CITY OF TORONTO BY-LAW 183-89 (TO  
ADOPT A LOBBYIST REGISTER FOR THE  
CORPORATION OF THE CITY OF TORONTO)

The City of Toronto has passed a by-law to provide for the regulation of lobbyists. A copy of the by-law together with the application to register as a lobbyist is attached. (numbered 1 - 3)

The wording of the by-law is extremely general and it could be argued that it even affects a lawyer closing a house deal or a lawyer making an inquiry of a department at City Hall.

What has upset many in the profession is the requirement to reveal, not merely the identity of the client, but also the matter you are handling for the client. Such revelation could result in a breach of Rule 4 (Confidentiality of Information). While the identity of a client is not usually privileged information what you are representing or advising a client on usually is unless the matter has got into a public form such as a court or tribunal. There are going to be situations where the client requests the lawyer not to reveal his identity. This could arise when a client asks his lawyer to sound out a particular city official or department on a prospective matter.

The by-law came into effect on April 1st.

Those members of the profession that have contacted the Law Society have been advised that the Professional Conduct Committee would be considering the matter on the 13th which in turn would be reporting to Convocation on the 28th.

The Committee's Secretary has informed the City Solicitor of the concerns that have been voiced by those in the profession.

An application challenging the constitutionality of the by-law has been brought in the Supreme Court of Ontario and is scheduled to be heard on June 1st. A copy of the Notice of Application is attached

(numbered 4 - 7)

Mr. George H. Rust-D'Eye of the firm of Weir & Foulds was present during the discussions as the Committee's counsel in this matter.

An invitation was extended to the City Solicitor to attend the meeting. He was unable to be present at the last moment. Attached is his letter (numbered 8 & 9) that was before the Committee.

The Committee considered the question as to whether the Law Society should intervene in the pending application in the Supreme Court of Ontario. It was decided that the Law Society should intervene. Given the urgency of this matter, the Committee, with the approval of the Treasurer, decided to act with dispatch and to intervene right away. After consultation with the Treasurer, a Vice-Chairman of the Committee (Mr. Carter) and the Secretary, Mr. Rust-D'Eye was asked to represent the Law Society as counsel in the Supreme Court of Ontario.

The Law Society's position has been made known to those lawyers who have sought advice respecting the by-law.

2. PREPAID LEGAL SERVICE PLANS

The Society's Secretary has asked that the Professional Conduct Committee approve guidelines respecting prepaid legal services. Attached are two memoranda: one dated February 2nd 1989 and the other dated January 5th 1989. (numbered 10 - 24)

The Society's Secretary explained the evolution of the guidelines.

The value of the guidelines is that both the administrators and participating lawyers will know exactly what is expected of those members participating in prepaid legal service plans.

The Professional Conduct Committee approved the guidelines and requests Convocation to adopt them.

B.

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ADMINISTRATION

1. REQUEST FOR CLARIFICATION

The March issue of Canadian Lawyer contained an article entitled "Answering Requests for Proposals". (RFP - Request for Proposal) The fifth paragraph reads in part:

Obviously, the best way to get an RFP is to develop a good reputation in certain practice areas. However, if you learn that an RFP has been sent to other firms, a polite request to be added to the list is quite proper.

A question has been raised as to whether the request to be added to the list might constitute soliciting.

There was considerable discussion on this point. The consensus was that contrary to what was stated in the article it would not be proper for a law firm or lawyer who had not been asked for a proposal to contact the corporation or individual that asked other law firms or lawyers for proposals.

The Committee has instructed the Committee's Secretary to send a clarifying letter to Canadian Lawyer.

C.

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INFORMATION

1. A LAWYER HAVING AS A PARTNER A NON-LAWYER  
(AND A LAWYER OFFERING INCENTIVES FOR  
PROFIT SHARING TO NON-LAWYER EMPLOYEES)

This Sub-Committee has held two meetings, the second of which took place on February 8th. The Sub-Committee, at the second meeting, heard the views of Professor Michael Trebilcock from the Faculty of Law, University of Toronto and Jack Quinn of Blake, Cassels and Graydon, both of whom were involved with the Professional Organizations Committee and are well known in the field of the law and economics.

The Sub-Committee will be making an interim report to the Committee in May.

Members: Messrs. Somerville (Chairman), Genest, Lyons and O'Connor.

2. SUB-COMMITTEE ON RULE 23  
(LAWYERS IN MORTGAGE TRANSACTIONS)

The Sub-Committee made an interim report in October. It was decided then that no changes to our Rules of Professional Conduct should be made until the Sub-Committee has had an opportunity to examine the draft Mortgage Brokers Act. The Law Society has been told by the Ministry of Financial Institutions that we would be given a copy of a draft when it is available.

The Deputy Registrar under the Mortgage Brokers Act has indicated that the Ministry has put the draft legislation on the back burner for at least six months. The Law Society has been assured that a copy of the draft legislation will be sent to it when the issue has been revived.

3. SUB-COMMITTEE ON RULE 26  
(MEDICAL-LEGAL REPORTS)

The Committee decided that Rule 26 (Medical-legal Reports) ought to be reviewed and has directed that a Sub-Committee composed of Messrs. Strosberg (Chairman), Carey and Cooper look into the adequacy of the Rule.

A very brief meeting of the Sub-Committee was held on February 17th. The Chairman will be sending out some material together with an outline of the relevant issues.

4. SPECIAL COMMITTEE ON CONTINGENCY FEES

The Special Committee, which reported to Convocation last May on the basic question of whether or not contingency fees would be of value to litigants in Ontario, is preparing its second report. This report will put forward for consideration of Convocation and the Attorney General a nuts and bolts scheme as to how contingency fees could be implemented in Ontario. At this stage it does not appear that a report will be ready for consideration by Convocation until the spring.

A very productive meeting was held on February 27th with members of The Advocates' Society's Committee on Contingency Fees.

Members: Messrs. Outerbridge (Chairman), Carter, Furlong and Howie.

5. SPECIAL COMMITTEE TO CONSIDER TITLE INSURANCE

Convocation on March 18th accepted the Professional Conduct Committee's recommendation that a Special Committee be appointed to consider the whole question of title insurance. This recommendation was prompted by a proposal from First American Title Insurance Company.

It is expected that the Treasurer will appoint a Chairman sometime this month.

ALL OF WHICH is respectfully submitted

DATED this 28th day of April, 1989

"Robert Carter"  
Chairman

Attached to original Report in Convocation File, copy of:

- A-Item 1 - City of Toronto by-law and application to register as a lobbyist (Pages 1 - 3)
- A-Item 1 - Notice of Application challenging the constitutionality of the by-law (Pages 4 - 7)
- A-Item 1 - Letter dated April 13, 1989 from Dennis Y. Perlin, City Solicitor, City of Toronto to The Professional Conduct Committee, c/o Mr. Stephen Traviss Re: Lobbyist Registration By-law No. 183-89 (Pages 8 & 9)
- A-Item 2 - Memorandums dated January 5, 1989 and 2nd February, 1989 from Mr. Richard F. Tinsley Re: Proposed General Guidelines for Prepaid Legal Service Plans (Pages 10 - 24)

Mr. Ruby in regard to the question of the City By-Law asked the Professional Conduct Committee to consider the applicability of the same principle to the Federal Lobbyist Legislation. This was accepted by the Chairman.

THE REPORT WAS ADOPTED

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LEGAL EDUCATION COMMITTEE

Mr. Rock, Chairman, presented the Report of the Legal Education Committee of its Meeting on Thursday, 13th April, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL EDUCATION COMMITTEE begs leave to report:

Your Committee met on April 13th, 1989, the following members being present: Messrs, Rock, (Chair), Lamont and Lamek, (Vice-Chair), Bastedo, Epstein, Ferguson, Genest, Levy, Manes, Spence, Thom, Wardlaw, Ms. King-MacLeod, Ms Bellamy, Dean Gold, Dean MacPherson, Christina Tari, Chair, Bar Admission Advisory Committee.

A.

POLICY

1. ADVOCATES' SOCIETY INSTITUTE

A memorandum from the Director of Education providing an update on the Institute's activities is before the Committee. The memorandum also contains a recommendation that the Society lend the Institute a sum in the amount of \$34,000 to help deal with a cash-flow problem that the Institute is likely to have. (Pages 1 - 3)

The Committee recommends that \$34,000 be advanced to the Advocates' Society Institute from Law Society funds, in order to share with the Advocates' Society the outstanding loan that was used to enabled the Institute to begin operations and which it is expected will be repaid sometime this year. In addition, an arrangement is proposed that would have the Law Society donate in-kind services to the Institute at the same time that the Advocates' Society forgives two previous loans to the Institute.

C.

INFORMATION

1. COMPUTER EDUCATION FACILITY

The Committee received a full report on the activities of our computer facility both here and in Ottawa, including the activities planned for next year. The Committee also received an outline of the staffing within the Facility. (Pages 4 - 14)

2. DIRECTOR OF EDUCATION

The Committee expressed its thanks to Mr. George Thomson for his unparalleled service.

ALL OF WHICH is respectfully submitted

DATED this 13th day of April, 1989

"Allan Rock"  
Chairman

Attached to original Report in Convocation File, copy of:

A-Item 1 - Memorandum dated March 28, 1989 from George M. Thomson  
to The Legal Education Committee Re: 'Avocates'  
Society Institute (Pages 1 - 3)

C-Item 1 - Computer Education Facility, Report on Activities  
1988 - 89 (Pages 4 - 14)

THE REPORT WAS ADOPTED

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PUBLIC INFORMATION COMMITTEE

Mr. S. Thom presented the Report of the Public Information Committee of its Meeting on Thursday, the 13th April, 1989.

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

The PUBLIC INFORMATION COMMITTEE begs leave to report:

Your Committee met on Thursday, April 13, 1989, the following members were present: Messrs. Outerbridge (Chair), Guthrie, McKinnon, Thom and Yachetti. Also in attendance were Ms. Angevine, Messrs. Beaufoy, Daniher and Jenkins.

C.  
INFORMATION

1. TRANSLATIONS

The translation of the most popular Dial-A-Law tapes into French and Chinese is proceeding. These tapes should be into the system by the end of the fiscal year. In addition, contact has been made with the Portuguese and Italian communities for assistance in translation.

2. STATISTICS

The updated statistics for the Lawyer Referral and Dial-A-Law programs are attached. The Committee emphasizes to Convocation that the Lawyer Referral Service has reached full capacity. While calls to Dial-A-Law continue to show extraordinary increases, LRS is unable to handle an increase. Partial automation of the LRS process and an increase in staff operators, as proposed in the draft budget for 1989-90, should increase capacity by 49%.

ALL OF WHICH is respectfully submitted

DATED the 28th day of April, 1989

"Stuart Thom  
for" Chairman

PROFESSIONAL STANDARDS COMMITTEE

Mr. R. G. Ferguson presented the Report of the Professional Standards Committee of its Meeting on Thursday, the 13th April, 1989.



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

The PROFESSIONAL STANDARDS COMMITTEE begs leave to report:

Your Committee met on the 13th day of April, 1989 at eleven thirty in the morning, the following members being present: Mr. Lyons (Chair), Mr. Farquharson (Vice-Chair), Ms. Bellamy, Mr. Ferguson, Mr. Furlong, Mr. Guthrie, Ms. Harvey and Mrs. Weaver. Also present were Ms. Angevine, Ms. Poworoznyk, and Messrs. Kerr, Marshall and Stephany.

B.  
ADMINISTRATION

1. SUB-COMMITTEE ON THE COMPETENCY OF CRIMINAL LAWYERS - CHECKLIST

The Committee authorized the production of 15,000 copies of the checklist at a cost of \$11,875.00, in a format that can be incorporated into the Law Society Manual.

The Committee also requested that staff approach the various Legal Publishers regarding the possibility of including the checklist in their respective Criminal Code publications.

The Committee recommended that the efforts of the non-Bencher members of the sub-committee be specifically recognized when the checklist is published.

C.  
INFORMATION

1. PRACTICE REVIEW PROGRAMME - SITUATION SHEET

The Committee approved the format of a situation sheet containing up to date information on all solicitors involved in the programme. The sheet will be updated regularly and provided to Committee members for their consideration.

2. SUB-COMMITTEE ON WILLS AND ESTATES

Mrs. Weaver (Chair) reported that the sub-committee met on April 12, 1989 and is continuing its work on the preparation of a checklist.

3. SUB-COMMITTEE ON FAMILY LAW

Ms. Harvey (Chair) reported that the sub-committee's initial meeting was held on April 3, 1989 and its next meeting is scheduled for May 1, 1989.

4. ARTICLE - DISCIPLINE AND COMPETENCY

Attached as C1 - C25 is a copy of an article from a recent edition of the Temple Law Review.

ALL OF WHICH is respectfully submitted

DATED this 28th day of April, 1989

"R. G. Ferguson for"  
Chairman

Attached to original Report in Convocation File, copy of:

C-Item 4 - Article from the Temple Law Review (marked C-1 - C-25)

THE REPORT WAS ADOPTED

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COUNTY & DISTRICT LIAISON COMMITTEE

Mr. R. G. Ferguson, Vice-Chairman, presented the Report of the County & District Liaison Committee of its Meeting on Thursday, the 13th April, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The COUNTY & DISTRICT LIAISON COMMITTEE begs leave to report:

Your Committee met on Thursday, the thirteenth day of April, 1989 at four o'clock in the afternoon, the following members being present: Messrs. Somerville (Chair), Ferguson (Vice-Chair), Carey, Lamek, McKinnon, Spence, Topp, Wardlaw and Ms. Harvey. Also present from the County & District Law Presidents' Association Executive were Ms. Mossip (Chair), Messrs. Brennan, Lalande, Lovell, McDowell, Morin, O'Dea, Reinhart. Mr. O'Reilly, President of the York County Law Association also attended. Ms. Angevine acted as secretary.

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1. COUNTY & DISTRICT LAW PRESIDENTS' ASSOCIATION  
MAY PLENARY SESSION

Ms. Mossip reviewed the Agenda for the meetings in May and extended an invitation to all Benchers.

2. ONTARIO LAND SURVEYORS

Mr. Wardlaw gave a brief account of the Joint Committee meeting which took place on April 11, 1989. The following matters were considered:

1. Real Estate Agents and Standard Offers
2. Title Insurance Companies
3. Continuing Education
4. Copyright
5. Solicitor/Surveyors Relationships

While the problems encountered with Real Estate Agents were discussed, attention was focused mainly on the Copyright issue. The Joint Committee will be preparing a draft protocol for Convocation's review setting out suggested guidelines for Real Estate Agents. A further meeting of the Joint Committee has been scheduled for July 12, 1989.

Note: See amendment to last paragraph on page 84.

ALL OF WHICH is respectfully submitted

DATED this 28th day of April, 1989

"R. G. Ferguson  
for" Chair

The report was amended to substitute in the second last paragraph "for real estate agents" the following is substituted "guidelines concerning the use of surveys".

THE REPORT AS AMENDED WAS ADOPTED

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## RESEARCH AND PLANNING COMMITTEE

Mr. J. Spence, Chairman, presented the Report of the Research and Planning Committee of its Meeting on Thursday, the 13th April, 1989.

THE RESEARCH AND PLANNING COMMITTEE begs leave to report:

Your Committee met on Thursday, April 13th, 1989 at 8:00 a.m., the following members were present: J. Spence (Chair), T. Bastedo, D. Bellamy, P. Furlong, F. Kiteley, C. McKinnon, and I. Outerbridge. Also present were R. Tinsley, K. Regehr and D. Ashby.

### C. INFORMATION

#### 1C. Bencher's Retreat

Mr. Spence reported that with the addition of the Honourable Mr. W. Z. Estey as Chair of the first session, the speakers for the retreat have been confirmed as listed in the program distributed April 7th, 1989.

It was decided that spouses and guests should be invited to the Luncheon on Friday, May 5th, 1989, if satisfactory arrangements can be made.

The remaining details are being finalized.

#### 2C. Women in the Legal Profession

Ms. Kiteley reported that a graduate student has been hired to analyze the Society's demographic data. She will also identify other areas which could be easily investigated through the Society's information gathering resources. It is anticipated that a report will be submitted to the June Committee Day.

It was agreed that when the report is released to the public, it will be provided to the participants in the Continuing Legal Education Program on Women in the Legal Profession.

#### 3C. Stress Assistance Program

The Sub-Committee has met with representatives of various legal organizations and further meetings are planned.

The CBA(O) and the Society are preparing a joint proposal which will be submitted to the Committee in June.

A general discussion of the program resulted in agreement that any direct service program should be augmented by an extensive educational program. It was suggested that articles relating to identification of stress factors, how to deal with colleagues evidencing signs of stress, and ameliorative techniques for the profession should be included in various publications including the Gazette.

#### 4C. Voluntary Pro Bono Sub-Committee

Due to Mr. Manes' absence, Mr. Keith Regehr, Staff Lawyer, and Secretary to the Sub-Committee reported.

The Sub-Committee has met on two occasions. It has decided to canvass the profession to determine, inter alia; the extent, and type of pro bono services provided in the province.

There is agreement that services should not conflict with those matters funded by the Legal Aid Plan. The expansion of the test case, charter and class action mandate of the Plan may reduce the number of matters requiring pro bono services.

5C. Other Business

(a) Law Foundation Funding Applications

The various Sub-Committees will investigate whether their proposed research projects are within the Foundation funding mandate. They will then submit applications where appropriate.

(b) Law Foundation Bursaries to Provincial Law Schools

It was noted that due to the recent reductions in funding to students at professional schools, the Foundation might be requested to provide bursaries. Mr. Spence will report on the discussion to Mr. Rock, the Chair of the Education Committee.

ALL OF WHICH is respectfully submitted

DATED this 28th day of April, 1989

"J. M. Spence"  
Chairman

THE REPORT WAS ADOPTED

.....

PRACTICE AND INSURANCE COMMITTEE

Mr. J. J. Wardlaw presented the Report of the Practice and Insurance Committee of its Meeting on Thursday, the 13th April, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN COVOCATION ASSEMBLED

The PRACTICE AND INSURANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 13th of April, 1989, the following members being present: Messrs. Furlong (Chair), Howie, Hickey, Lamont, Epstein, Wardlaw, Outerbridge. Also present were: Messrs. Smith, Tinsley and Ms. Oakes.

A.  
ITEM

1. OUTSTANDING DEDUCTIBLES

A number of members are delinquent in meeting their obligation to pay the deductible. As a means of attracting early payment, the Errors and Omissions Department has placed a penalty interest of 15% per annum which has met resistance from the profession. The Committee reviewed the situation and concluded that in the future the levy notices should indicate that when a deductible is payable, if remitted within 30 days of demand, no interest would apply. If the deductible is not paid within 30 days of the demand, an interest rate of 15% per annum will be charged to the lawyer. Letters to the profession demanding payment of the deductible would refer to the notice in the levy. Generally speaking, it is the opinion of the Committee that the rate of interest to be charged should be fixed in accordance with the rate allowed under the Courts of Justice Act.

Note: See amendment page 87.

2. ERRORS AND OMISSIONS BUDGET

The Director noted an error in the salaries item of the budget report which should have read "excluding employee benefits" rather than "including employee benefits". The omission has been brought to the attention of the Finance Committee.

ALL OF WHICH is respectfully submitted

DATED this 28th day of April, 1989

"J. J. Wardlaw"  
Acting Chairman

The report was amended by deleting reference to an interest rate of 15% per annum in the 9th line of Item 1 dealing with Outstanding Deductibles so that the sentence reads "If the deductible is not paid within 30 days of the demand, interest will be charged to the lawyer."

THE REPORT WAS ADOPTED

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Convocation rose at 3:35 p.m.

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Confirmed in Convocation this       day of       , 1989

Treasurer