



The Law Society of
Upper Canada | Barreau
du Haut-Canada

May 28, 2015
9:00 a.m.

CONVOCAATION MATERIAL

PUBLIC COPY

*THIS PAGE CONTAINS
IN CAMERA MATERIAL*

CONVOCATION AGENDA
May 28, 2015

Convocation Room – 9:00 a.m.

Election of Benchers [Tab 1]

Treasurer's Remarks

Consent Agenda - Motion [Tab 2]

- **Confirmation of Draft Minutes of Convocation** – April 23 and May 19, 2015
- **Motion – Appointments**
- **Report of the Director of Professional Development and Competence** - Deemed Call Candidates
- **Audit & Finance Committee Report** – Errors & Omissions Insurance Fund Banking Resolution

Motion – Appointments to the Law Society Tribunal [Tab 3]

Professional Development and Competence Committee Report (*H. Goldblatt*) [Tab 4]

- Competence Enhancement – Law Student Experiential Learning

Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report (*P. Schabas*) [Tab 5]

- Human Rights Monitoring Group Interventions

For Information

- Report of the Director, Equity
- Reappointment of Equity Advisory Group Members
- Equity Legal Education and Rule of Law Series Calendar 2015

Tribunal Committee Report (*R. Anand*) [Tab 6]

- Practice Direction – Tribunal Book of Authorities
- In Camera item

Paralegal Standing Committee Report (*M. Haigh*) [Tab 7]

- In Camera Item
- William J. Simpson Award: Composition of the Selection Committee

For Information

- Update on Competence Initiatives
- Update on Law Society Referral Service

Government Relations and Public Affairs Committee Report (*W. McDowell*) (in camera) [Tab 8]

REPORTS FOR INFORMATION ONLY

Audit & Finance Committee Report (*C. Bredt, P. Wardle*) [Tab 9]

- Law Society of Upper Canada Financial Statements for the three months ended March 31, 2015
- Investment Compliance Reports

Professional Regulation Committee Report (*M. Mercer*) [Tab 10]

- Professional Regulation Division Quarterly Report

Report from The Action Group on Access to Justice (TAG) [Tab 11]

Lunch – Benchers' Dining Room

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 28, 2015

WHEREAS Janet E. Minor was elected as a bencher from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of the votes cast by electors residing in that electoral region.

WHEREAS upon being elected Treasurer on June 26, 2014, Janet E. Minor ceased to hold office as an elected bencher in accordance with subsection 25 (2) of the *Law Society Act*, thereby creating a vacancy in the office of bencher elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of the votes cast by electors residing in that electoral region.

MOVED BY:

SECONDED BY:

THAT under the authority contained in By-Law 3, Janet Leiper, having satisfied the requirements contained in subsections 42 (2) and 45 (1) of the By-Law, and having consented to the election in accordance with subsection 45 (2) of the By-Law, be elected by Convocation as bencher to fill the vacancy in the office of bencher elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of votes cast by electors residing in that electoral region.

AND WHEREAS Janet Leiper's election to fill a vacancy in the office of benchers elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of votes cast by electors residing in that electoral region has created a vacancy in the number of benchers elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of votes cast by all electors;

MOVED BY:

SECONDED BY:

THAT under the authority contained in By-Law 3, Isfahan Merali, having satisfied the requirements contained in subsections 43 (1) and 45 (1) of the By-Law, and having consented to the election in accordance with subsection 45 (2) of the By-Law, be elected by Convocation as bencher to fill the vacancy in the number of benchers elected from the Province of Ontario "A" Electoral Region (City of Toronto) on the basis of votes cast by all electors.

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 28, 2015

MOVED BY:

SECONDED BY:

THAT Convocation approve the consent agenda set out at Tab 2 of the Convocation Materials.

Tab 2.1

DRAFT MINUTES OF CONVOCATION

DRAFT

MINUTES OF CONVOCATION

Thursday, 23rd April, 2015
9:00 a.m.

PRESENT:

The Treasurer (Janet E. Minor), Anand, Backhouse, Banack, Boyd, Braithwaite, Bredt, Burd, Callaghan, Campion, Conway, Copeland (by telephone), Corsetti, Dickson, Earnshaw, Elliott, Epstein, Eustace, Evans, Falconer, Ferrier (by telephone), Fleck, Furlong (by telephone), Go, Goldblatt, Haigh, Halajian, Hare, Hartman, Horvat, Krishna, Lawrie, Leiper, Lem, Lerner (by telephone), Lippa, MacKenzie (by telephone), MacLean, Manes (by telephone) McDowell, McGrath, Mercer, Murchie, Murray, Pawlitz, Porter (by telephone), Potter, Rabinovitch, Richardson, Richer, Ross, Rothstein, Ruby (by telephone), Sandler, Scarfone (by telephone), Schabas, Sheff, Sikand, Silverstein, C. Strosberg, H. Strosberg (by telephone), Sullivan, Swaye, Symes, Wardle, and Wright.

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Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

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MOTION – ELECTION OF BENCHER

It was moved by Ms. Murchie, seconded by Mr. Earnshaw, that, –

WHEREAS Adriana Doyle, who was elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region, has been appointed a judge of the Superior Court of Justice of Ontario, Family Court; and

WHEREAS upon being appointed a judge of the Superior Court of Justice of Ontario, Family Court, Adriana Doyle became unable to continue in office as a bencher, thereby creating a vacancy in the office of bencher elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region; and

THAT under the authority contained in By-Law 3, Constance Backhouse, having satisfied the requirements contained in subsections 42 (2) and 45 (1) of the By-Law, and having consented to the election in accordance with subsection 45 (2) of the By-Law, be elected by Convocation to fill the vacancy in the office of bencher elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region.

WHEREAS Constance Backhouse, who was elected from the Province of Ontario "B" Electoral Region (the area in Ontario outside the City of Toronto) on the basis of the votes cast by all electors, has been elected by Convocation to fill a vacancy in the office of benchers elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region; and

WHEREAS Constance Backhouse's election to fill a vacancy in the office of benchers elected from the East Electoral Region on the basis of votes cast by electors residing in that electoral region has created a vacancy in the number of benchers elected from the Province of Ontario "B" Electoral Region (the area in Ontario outside the City of Toronto) on the basis of the votes cast by all electors; and

THAT under the authority contained in By-Law 3, Carl E. Fleck, having satisfied the requirements contained in subsections 43 (1) and 45 (1) of the By-Law, and having consented to the election in accordance with subsection 45 (2) of the By-Law, be elected by Convocation as benchers to fill the vacancy in the number of benchers elected from the Province of Ontario "B" Electoral Region (the area in Ontario outside the City of Toronto) on the basis of the votes cast by all electors.

Carried

TREASURER'S REMARKS

The Treasurer welcomed Mr. Fleck to Convocation.

The Treasurer advised that the luncheon guests will be:

- Thomas G. Conway, President of the Federation of Law Societies of Canada
- Michele H. Hollins, Q.C., President of the Canadian Bar Association
- Orlando Da Silva, President of the Ontario Bar Association and
- Elizabeth Hall, Director, Policy and Public Affairs for the Ontario Bar Association.

The Treasurer welcomed Thomas G. Conway, President of the Federation of Law Societies of Canada, to Convocation.

The Treasurer reported on her attendance at the Commonwealth Law Conference in Glasgow, Scotland.

The Treasurer announced that the *Magna Carta to Commonwealth Charter* exhibit is coming to Osgoode Hall in the Rotunda from May 4 to 15, 2015.

The Treasurer reported on her attendance at the Federation of Law Societies of Canada meetings in Ottawa from March 25 to 28, 2015.

The Treasurer reported on her aboriginal outreach initiative, including visits to the Anishinabek Nation and Nipissing First Nation in the North Bay area.

The Treasurer updated Convocation on the activities of The Action Group on Access to Justice (TAG). The Treasurer welcomed Sabreena Delhon to the Law Society as the TAG Manager.

The Treasurer announced the Law Society Award Recipients, to be awarded on May 27, 2015:

- Law Society Medalists: Craig R. Carter, Professor Adam Dodek, Susan Eng, Faisal Joseph, John B. Laskin, H. J. Stewart Lavigueur, E. Patrick Shea and Chantal Tie.
- William J. Simpson Distinguished Paralegal Award: W. Paul Dray
- The Lincoln Alexander Award: Paul Le Vay
- The Laura Legge Award: Kimberly R. Murray

The Treasurer announced four recipients of the Honorary LL.D. degree, to be awarded at upcoming calls to the bar:

- Julian Porter, Q.C. – June 23
- Sheila Block – June 24
- Jean Teillet – June 26 in the morning
- James K. Stewart – June 26 in the afternoon

The Treasurer noted that voting in the benchers election closes April 30, 2015 at 5:00 p.m.

The Treasurer paid tribute and expressed heartfelt thanks to the benchers who are not running in the benchers election and who will end their service as benchers next month:

Constance Backhouse
John Campion
Mary Louise Dickson
Larry Eustace
Peter Festeryga
Alan Gold
Jennifer Halajian
Susan Hare
Nick Pustina
Linda Rothstein
Mark Sandler
James Scarfone
Alan Silverstein
Joseph Sullivan
Beth Symes

The Treasurer also thanked Julian Porter and Judith Potter, who will become ex-officio life benchers in the next benchers term, for their dedication and contributions to Convocation. The Treasurer thanked all benchers and staff for their work on the many initiatives in the past term.

The Treasurer reported that on April 8, 2015 the Law Society in partnership with other legal organizations hosted a reception for The Honourable Annemarie Bonkalo, retiring Chief Justice of the Ontario Court of Justice, and acknowledged her outstanding contribution to public service and the administration of justice in Ontario.

The Treasurer congratulated The Honourable Lisa Maisonneuve who will take office as Chief Justice of the Ontario Court of Justice on May 3, 2015.

The Treasurer advised of a notice of motion brought for the Annual General Meeting which has been published on the Law Society website and in the Ontario Reports.

The Treasurer congratulated bencher Paul Schabas who was inducted as a fellow of the International Association of Trial Lawyers on March 19, 2015.

Law Society Tribunal Adjudicator Appointments

The Treasurer announced the appointment of the following lawyer licensees to the Law Society Tribunal, Hearing Division on February 26, 2015 for a two-year term:

- Murray Chitra
- Shayne Kert
- Margaret Leighton
- Sophie Martel

MOTION – CONSENT AGENDA

It was moved by Mr. Campion, seconded by Ms. Murchie, that Convocation approve the consent agenda set out at Tab 2 of the Convocation Materials.

Carried

DRAFT MINUTES OF CONVOCATION – Tab 2.1

The draft minutes of Convocation of February 26, March 30 and April 8, 2015 were confirmed.

MOTIONS – Tab 2.2

Motion – Appointments

THAT Raj Anand be appointed a Co-Chair of the Challenges Faced by Racialized Licensees Working Group.

THAT E. Susan Elliott be appointed Vice-Chair of the Audit and Finance Committee.

Carried

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REPORT OF THE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND COMPETENCE –
Tab 2.3

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

Carried

TREASURER’S REPORT – Tab 2.4

Re: LAWPRO Annual Shareholder Resolutions

THAT Convocation authorize the Treasurer to sign the shareholder resolutions for the Lawyers’ Professional Indemnity Company (LAWPRO) set out at Tab 2.4.1.

Carried

Re: LibraryCo Inc. Annual Meeting

THAT Convocation authorize the Treasurer to sign the proxy in favour of the proposed shareholder resolutions set out at Tab 2.4.4.

Carried

SECRETARY’S REPORT

Ms. Murchie presented the Report.

Re: Amendment to By-Law 3

It was moved by Ms. Murchie, seconded by Mr. Earnshaw, that Convocation make the amendment to By-Law 3 [Benchers, Convocation and Committees] set out in the motion at Tab 3.1 respecting the date for the close of nominations for the election of the Treasurer in a year for the election of lawyer benchers.

Carried

AUDIT AND FINANCE COMMITTEE REPORT

Mr. Bredt and Mr. Wardle presented the Report.

Re: Law Society of Upper Canada, Draft Audited Financial Statements for the Year Ended December 31, 2014

It was moved by Mr. Bredt, seconded by Mr. Wardle, that Convocation approve the draft audited Annual Financial Statements for the Law Society for the financial year ended December 31, 2014 including the transfers to and from the restricted funds which are listed in Note 14 of the Notes to the Annual Financial Statements.

Carried

Mr. Bredt thanked the Law Society's auditors, Deloitte LLP, and the Finance Department staff for their work in the past year.

Re: Investment Policy

Mr. Wardle presented the Report.

It was moved by Mr. Wardle, seconded by Ms. Elliott, that Convocation approve the updated Investment Policy.

Carried

Re: Investment Manager and Custodian

Mr. Wardle presented the Report.

It was moved by Mr. Wardle, seconded by Ms. Elliott, that Convocation approve the continued retention of the Investment Manager, Foyston Gordon & Payne and the Custodian, CIBC Mellon Global Securities Services Company.

Carried

Re: Cheque Signing Authority

Mr. Wardle presented the Report.

It was moved by Mr. Wardle, seconded by Ms. Elliott, that Convocation approve a new banking resolution.

Carried

Re: LAWPRO Report

Ms. McGrath, Chair of the LAWPRO Board of Directors, provided a report based on LAWPRO's annual report, for the information of Convocation.

For Information

- In Camera Item
- LAWPRO Annual Financial Statements for the Year Ended December 31, 2014
- LibraryCo Inc. Annual Financial Statements for the Year Ended December 31, 2014
- Investment Compliance Reporting for the Year Ended December 31, 2014
- LAWPRO Report

TRIBUNAL COMMITTEE REPORT

Mr. Anand presented the Report.

Re: Housekeeping Amendments – Hearing Division Forms

It was moved by Mr. Anand, seconded by Ms. Leiper, that Convocation revoke Hearing Division Forms 9A, 9B, 13A and 24A (English and French) and replace them with revised Hearing Division Forms 9A, 9B, 13A and 24A (English and French) as set out in the motion at Tab 8.1.1.

Carried

Mr. Anand on behalf of Convocation expressed thanks to Mr. Sandler, Ms. Rothstein, Mr. Gold and Mr. Banack for their outstanding leadership in the Tribunal.

Re: Tribunal Annual Report

David Wright, Chair of the Law Society Tribunal, presented the Report for information.

Mr. Wright thanked the benchers and staff for their contributions to the work of the Tribunal.

Mr. Sandler addressed Convocation with comments on the work of the Tribunal.

For Information

- Tribunal Annual Report

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

Mr. Schabas presented the Report.

Re: Human Rights Monitoring Group Request for Interventions

It was moved by Mr. Schabas, seconded by Ms. Go, that Convocation approve the letters and public statements in the following cases:

- a. Lawyer Alberto Nisman – Argentina – letters of intervention and public statement presented at Tab 5.1.1;
 - b. Lawyers in the Philippines – public statement presented at Tab 5.1.2
- subject to confirmation of the reference to the independent investigation by Mr. Nisman's former wife, and that if that reference cannot be confirmed, that the reference be removed.

Carried

Mr. Schabas spoke to the information report on the past intervention, Waleed Albulkhair.

ADDRESS BY THE PRESIDENT OF THE CANADIAN BAR ASSOCIATION

Michele H. Hollins, Q.C. addressed Convocation on the work of the Canadian Bar Association.

ADDRESS BY THE PRESIDENT OF THE ONTARIO BAR ASSOCIATION

Orlando Da Silva addressed Convocation on the work of the Ontario Bar Association.

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

(Continued)

Re: Renewal Process for the Aboriginal Initiatives Strategy

Ms. Hare provided an information report on the status of the Aboriginal Initiatives Strategy, and an update on the renewal process.

The Treasurer thanked Ms. Hare for her contributions to Convocation and the Law Society.

For Information

- Human Rights Monitoring Group Past Intervention
- Renewal Process for the Aboriginal Initiatives Strategy
- Challenges Faced by Racialized Licensees Working Group Status Report
- Snapshots of the Profession
- Discrimination and Harassment Counsel Semi-Annual Report for the Period July 1 to December 31, 2014
- Equity Legal Education and Rule of Law Series Calendar 2015

Re: Challenges Faced By Racialized Licensees Working Group Interim Report

Ms. Leiper and Mr. Anand presented the report for information.

Re: Discrimination and Harassment Counsel Semi-Annual Report for the Period July 1 to December 31, 2014

Ms. Leiper presented the report for information.

Re: Snapshots of the Profession

Mr. Falconer presented the report providing a statistical snapshot of lawyers and paralegals in Ontario for information.

HERITAGE COMMITTEE REPORT

Ms. Backhouse presented the Report.

Re: Proposal for Establishment of the John Shirley Denison Award

It was moved by Ms. Backhouse, seconded by Ms. MacLean, that Convocation approve the establishment of the John Shirley Denison Award as set out in paragraph 13 of the Report, with the first award to be made in 2016.

Carried

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Mr. Goldblatt presented the Report.

Re: CPD Compliance Audits

It was moved by Mr. Goldblatt, seconded by Ms. Murchie, that Convocation approve the elimination of Continuing Professional Development ("CPD") desk audits.

Carried

MENTORING AND ADVISORY SERVICES PROPOSAL TASK FORCE REPORT

Mr. Wardle and Ms. Rothstein presented the Report.

Re: Interim Report to Convocation

Mr. Wardle and Ms. Rothstein presented the report for information.

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. Mercer presented the Report.

Re: Compliance-Based Entity Regulation

Mr. Mercer presented the report for information.

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REPORTS FOR INFORMATION ONLY

ACCESS TO JUSTICE COMMITTEE REPORT

- Proposal for Establishment of an Award to Honour John Shirley Denison

PARALEGAL STANDING COMMITTEE REPORT

- Election of the Chair of the Paralegal Standing Committee

Federation of Law Societies of Canada Update

MENTORING AND ADVISORY SERVICES PROPOSAL TASK FORCE

- Interim Report

PROFESSIONAL REGULATION COMMITTEE REPORT

- In Camera Item
- Entity and Compliance-Based Regulation Review Status Report

Report from The Action Group on Access to Justice

Law Society Submission to the Standing Committee on Justice Policy on Bill 49, *Ontario Immigration Act, 2015*

CONVOCATION ROSE AT 1:12 P.M.

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**MATERIALS TO FOLLOW
WHEN AVAILABLE**

Tab 2.3

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

The Executive Director of Professional Development and Competence reports as follows:

CALL TO THE BAR AND CERTIFICATE OF FITNESS

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

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

All candidates now apply to be called to the bar and to be granted a Certificate of Fitness on Thursday, May 28th, 2015

ALL OF WHICH is respectfully submitted

DATED this 28th day of May, 2015

CANDIDATES FOR CALL TO THE BAR
May 28th, 2015

Transfer from another province (Mobility)

John Scott Barnett
Jeffrey Lawrence Hartman
Tara Lee Letwiniuk
Andrew Justin McFarlane
John William Munnis
Colin Russell Sheppard
Kenneth Mc Clain

Transfer from another province (Quebec)

Suraiya Merali

Licensing Process

Victoria Byelorus
Gillian Eliahoo
Michael Robert Portner Gartke



TAB 2.4

**Report to Convocation
May 28, 2015**

Audit & Finance Committee

Committee Members

Christopher Bredt (Co-Chair)

Peter Wardle (Co-Chair)

Susan Elliott (Vice Chair)

John Callaghan

Seymour Epstein

Michelle Haigh

Vern Krishna

Judith Potter

James Scarfone

Alan Silverstein

Catherine Strosberg

Purpose of Report: Decision

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

TABLE OF CONTENTS

For Decision

Errors & Omissions Insurance Fund Banking Resolution [TAB 2.4](#)

COMMITTEE PROCESS

1. The Audit & Finance Committee (“the Committee”) met on May 13, 2015. Committee members in attendance were Chris Bredt (co-chair), Peter Wardle (co-chair), Seymour Epstein, Michelle Haigh, Vern Krishna, Judith Potter (phone), Alan Silverstein and Catherine Strosberg.
2. Also in attendance were Peter Beach, Paul Cooper, Bob Evans, Rocco Galati, Michael Lerner, Raj Sharda, Andrew Spurgeon and Anne Vesprey.
3. Law Society staff in attendance: Robert Lapper, Wendy Tysall, Fred Grady and Andrew Cawse.

FOR DECISION

ERRORS & OMISSIONS INSURANCE FUND BANKING RESOLUTION

Motion

4. **That Convocation approve a new banking resolution in respect of the bank account for the Law Society's Errors and Omissions Insurance Fund, approving Lisa Weinstein, Vice President, TitlePLUS as an additional signatory.**
5. The Errors and Omissions Insurance Fund ("E&O Fund") accounts for insurance-related transactions between The Lawyers' Professional Indemnity Company ("LAWPRO"), the Society and insured lawyers. The E&O Fund collects premiums and levies from lawyers, reported as revenues, and remits these amounts to LAWPRO, reported as expenses. Pursuant to section 61 of the Law Society Act, the Society arranges mandatory professional liability insurance for practising lawyers with LAWPRO, and through the E&O Fund, levies the insured lawyers.
6. LAWPRO signed an Administrative Services Agreement with the Law Society in 1995. Under the Agreement LAWPRO would administer the affairs of the E&O Fund.
7. Further to the appointment of Lisa Weinstein, Vice President, TitlePLUS as an additional officer of LAWPRO, on April 29, 2015, LAWPRO's board passed a resolution requesting that the Law Society approve the additional signatory. The documents required to update the authorized signers list with the Bank of Montreal are attached, specifically the Certificate and Authorization for the Law Society dated September 25, 2008, along with the Schedule A to Incorporated Company Certificate and Authorization (LF327) and the Banking Resolution Update of Signing Officers incorporating the recent officer changes for signature.

**The Law Society of Upper Canada
Banking Resolution
Update of Signing Officers**

The schedule below provides the names of the individuals associated with the Schedule to the Incorporated Company Certificate and Authorization (LF327) form signed on May 28, 2015 and supported by the signatures on file with the Bank of Montreal.

Signing Officer

Title

Kathleen A. Waters	President & CEO
Duncan D. Gosnell	Executive Vice President & Secretary
Steven W. Jorgensen	Chief Financial Officer
Daniel E. Pinnington	Vice President, Claims Prevention & Stakeholder Relations
Stephen R. Freedman	General Counsel & Chief Privacy Officer
Lisa M. Weinstein	Vice President, TitlePLUS
Iveri Vv Boudville	Controller

Corporation Name: The Law Society of Upper Canada

Robert G.W. Lapper, Q.C.
Chief Executive Officer
The Law Society of Upper Canada

Wendy Tysall
Chief Financial Officer
The Law Society of Upper Canada

**SCHEDULE A TO INCORPORATED COMPANY
CERTIFICATE AND AUTHORIZATION (LF327)**

Effective Date: May 28, 2015

Replacing Schedule Dated: June 27, 2013

Account Number(s): 0000-0000-000 – The Law Society of Upper Canada
Errors and Omissions Insurance Fund

Please Refer to Certificate and Authorization dated: September 25, 2008

<u>Title</u>	<u>Name</u>
LAWPRO President & CEO	Kathleen A. Waters
LAWPRO Executive Vice President & Secretary	Duncan D. Gosnell
LAWPRO Chief Financial Officer	Steven W. Jorgensen
LAWPRO Vice President, Claims Prevention & Stakeholder Relations	Daniel E. Pinnington
LAWPRO General Counsel & Chief Privacy Officer	Stephen R. Freedman
LAWPRO Vice President, TitlePLUS	Lisa M. Weinstein
LAWPRO Controller	Iveri Vv Boudville

Signing Instructions:

That any one of the President & CEO, Executive Vice President & Secretary, Chief Financial Officer, Vice President, Claims Prevention & Stakeholder Relations, General Counsel & Chief Privacy Officer, Vice-President, TitlePLUS or Controller of the Company up to \$10,000, or any two of the above mentioned in excess of \$10,000 up to \$100,000, or any two of the above mentioned but including at least one of the President & CEO, Executive Vice President & Secretary and/or Chief Financial Officer in excess of \$100,000.

Corporation Name: The Law Society of Upper Canada

Wendy Tysall
Chief Financial Officer
The Law Society of Upper Canada

Robert G.W. Lapper, Q.C.
Chief Executive Officer
The Law Society of Upper Canada

The following document is a three-page document which includes a Banking Resolution and Schedule A signed by the Chief Financial Officer on September 25, 2008.

Certificate and Authorization

TO BANK OF MONTREAL

The undersigned certifies:

(A) BANKING RESOLUTION

THAT the following is a copy of the text of a resolution which has been duly passed by the Director(s) of

THE LAW SOCIETY OF UPPER CANADA
Legal Name (e.g. as set out in articles of incorporation)

(hereinafter called the "**Corporation**") and carrying on business under the name

* _____
*Trade Name (*insert trade name, if any, otherwise leave blank)

(hereinafter called the "**Trade Name**") and that the said resolution is now in full force and effect:

RESOLVED:

1. THAT Bank of Montreal (hereinafter called the "**Bank**") be appointed the banker of the Corporation.

AUTHORIZED SIGNATORY(IES) & GENERAL BANKING RESOLUTIONS

2. THAT the ** See Schedule A

 ** Where possible use position only. Add "or any one of them", "or any one of them and countersigned by _____", "or any two of them" or otherwise, as required.

(each an "**Authorized Signatory**") is/are authorized on behalf of the Corporation:

- (a) to make, draw, initiate, accept, countermand, endorse, sign and execute, under the corporate seal or otherwise, whether by original, electronic or other signature or form of instruction, and whether initiated in person, by telephone, electronically or other means acceptable to the Bank, all or any bills of exchange, promissory notes, cheques, drafts, payment instructions, bankers' acceptances, orders for the payment of money (including wire transfers and electronic payments and transfers), securities, coupons, notes, clearing items and other items whether negotiable or non negotiable instruments, contracts for letters of credit and foreign exchange, (hereinafter individually referred to as "**Instrument**" and collectively as the "**Instruments**"), agreements, documents and writings obligating the Corporation to the Bank in respect of obligations or liabilities incurred or to be incurred by the Bank for the account or benefit of the Corporation, all of which shall be valid and binding upon the Corporation;
- (b) to borrow money from the Bank upon the credit of the Corporation in such amounts and on such terms as may be deemed expedient by obtaining loans or advances or by way of overdraft or otherwise;
- (c) to mortgage, hypothecate, charge or pledge, or give security under the *Bank Act (Canada)* or otherwise create a security interest in all or any of the property, real and personal, immovable and moveable, undertaking and rights of the Corporation, owned or subsequently acquired to secure all or any money borrowed or to be borrowed from the Bank, or obligations or liability of the Corporation, present or future, to the Bank the nature and form of any such security and the rights, powers and authorities exercisable by the Bank or any person or persons thereunder or in respect thereof to be satisfactory to the Bank;
- (d) to sign or execute, under the corporate seal or otherwise, and deliver agreements, guarantees, assignments, conveyances, hypothecs, mortgages, charges, pledges, security under the *Bank Act (Canada)* or other security, notices of intention to give security, promises to give security, deeds, releases, discharges and other documents and writing as any one of the Authorized Signatory(ies) in his/her discretion may consider necessary or useful in connection with the Corporation's business with the Bank or as the Bank may request;
- (e) generally to exercise all rights, powers and authorities which the Directors might or could exercise under the authority of the Corporation's Charter or Articles and By-Laws or Articles and Memorandum of Association and the laws governing the Corporation;

Convocation - Consent Agenda - Motion

- (f) to receive from the Bank, and where applicable provide receipt for, all statements of account, passbooks, cheques and other debit vouchers, bills of exchange and other instruments whether negotiable or not and to delegate such authority to one or more persons; and
- (g) to open and close deposit or other accounts with the Bank and to sign documentation and agreements with the Bank with respect to those accounts.

DEPOSITS, TRANSFERS AND EXECUTION OF INSTRUMENTS

- 3. THAT any one Authorized Signatory is authorized on behalf of the Corporation to negotiate with, deposit with or transfer to the Bank (but for credit of the Corporation's account(s) only) all and any Instruments, and to make, draw, initiate, accept, countermand, endorse, sign or execute any such Instruments, whether by original, electronic or other signature or form of instruction, and whether initiated in person, by telephone, electronically or other means acceptable to the Bank, and arrange, settle, balance and certify all books and accounts between the Corporation and the Bank, on behalf of the Corporation. Every such signature, or instruction shall be binding upon the Corporation and the Authorized Signatory is authorized to delegate such authority to one or more other persons.

INDEMNITY

- 4. THAT the Corporation authorizes the Bank without inquiry to accept, honour, certify and pay any or all Instruments or instructions signed or initiated for the Corporation by its Authorized Signatory(ies), drawn or payable to the individual order of any one or more Authorized Signatory signing or initiating the same whether encashed, tendered in payment of the individual's obligation or deposited to the credit of any such Authorized Signatory(ies), and that the Corporation shall hold the Bank harmless and indemnified by reason of such action.

REPEAL OF PREVIOUS RESOLUTIONS

- 5. THAT all resolutions (if any) as to banking and signing officer(s) or any one or more Authorized Signatory passed by the Board of Directors of the Corporation and relating to the Bank previous to this resolution are repealed.
- 6. THAT this resolution shall be irrevocable until a resolution repealing this resolution shall have been passed and a certified copy delivered to the Bank at each branch or agency where an account of the Corporation shall be kept.

(B) DIRECTOR(S) AND OFFICERS

THAT the following are the director(s) and (if applicable) officer(s) of the Corporation with the requisite power to manage its affairs:

(I) Director(s)

See LF331
Name _____

Name _____

Name _____

Name _____

(II) Officer(s)

See LF331
Name _____

Position _____

Name _____

Position _____

Name _____

Position _____

(II) Officer(s)

Name

Position

Until otherwise advised in writing by the Corporation, the Bank is entitled to rely upon the above list of officers and directors.

(C) NON-RESTRICTION

THAT there are no provisions in the articles or by-laws of the Corporation or in any unanimous shareholder declaration or agreement or in any resolutions relating to the Corporation which restrict, limit or regulate in any way: (i) the powers of the directors of the Corporation to borrow money upon the credit of the Corporation, to issue, re-issue, sell or pledge debt obligations of the Corporation, to give a guarantee on behalf of the Corporation, to mortgage, hypothecate, pledge or otherwise create a security interest in all or any of the property of the Corporation present and future as security for any or all liabilities, indebtedness or obligations of the Corporation to the Bank, or (ii) the power, capacity or authority of the director(s) of the Corporation to delegate to a director, a committee of directors or an officer or any other person, the exercise from time to time of any of the said powers for and in the name of the Corporation (except the provisions of

(If restrictions apply, insert reference to: articles, by laws, or unanimous shareholder agreement. Otherwise leave blank.)

a certified copy of which is attached to this Certificate).

(D) RELIANCE AND CURRENCY

THAT the Bank may assume that this Certificate and Authorization, authorizations granted pursuant to the foregoing, and the Corporation's articles, by-laws and resolutions, or other equivalent documents as applicable, copies of each of which will be delivered to the Bank from time to time, are in full force and effect and that each branch of the Bank with which any dealings are had by the Corporation may act upon them until each such branch is notified in writing to the contrary.

(E) HEADINGS

The headings used herein are inserted only as a matter of convenience and for reference and in no way are to be construed as defining, limiting or describing the scope or intent of this Certificate and Authorization.

(F) CERTIFYING PARTY

THAT:

- 1) I am a duly elected director and/or officer of the Corporation and am authorized by the Corporation to certify the matters set out in this Certificate and Authorization;
- 2) set out above are the correct names of individuals authorized to act on behalf of the Corporation as provided herein; and
- 3) the foregoing resolutions have been duly passed by the directors of the Corporation in the manner authorized by law.

Date: 25 Sep 2008


 (Signature of Director or Officer of Corporation)
 Name: Chief Financial Officer
 Position: Wendy Tysall

Applicable in the province of Quebec only: It is the express wish of the parties that this Certificate and Authorization and any related documents be drawn up and executed in English. Les parties conviennent que le présent certificat et tous les documents s'y rattachant soient rédigés et signés en anglais.

NOTE:

Quebec - Obtain LF 90 (Borrowing By-Law) of those companies incorporated or continued under Part 1A of the Companies Act.

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THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON MAY 28, 2015

APPOINTMENTS TO THE LAW SOCIETY TRIBUNAL

Pursuant to Sections 49.21, 49.22.1, 49.29 and 49.30.1 of the *Law Society Act*

MOVED BY:

SECONDED BY:

APPEAL DIVISION

Members

THAT the following be appointed to the Appeal Division of the Law Society Tribunal effective May 28, 2015 for a term ending May 25, 2017:

Raj Anand
Robert P. Armstrong
Marion Boyd
Christopher D. Bredt
Ross F. Earnshaw
Seymour Epstein
Howard Goldblatt
Janet Leiper
Susan T. McGrath
Malcolm M. Mercer
W. A. Derry Millar
Barbara J. Murchie
Judith M. Potter
Jan Richardson
Clayton Ruby
Peter C. Wardle
Roger D. Yachetti

That S. Margot Blight and Susan E. Opler be appointed to the Appeal Division of the Law Society Tribunal effective May 28, 2015 for a term ending March 12, 2016.

Vice-Chair

THAT Christopher D. Bredt be appointed as Vice-Chair of the Appeal Division of the Law Society Tribunal effective May 28, 2015 for a term ending May 25, 2017.

HEARING DIVISION

Members

THAT the following be appointed to the Hearing Division of the Law Society Tribunal effective May 28, 2015 for a term ending May 25, 2017:

Raj Anand
Larry Banack
Peter Beach
Fred J. W. Bickford
Marion Boyd
Jack Braithwaite
Christopher D. Bredt
John E. Callaghan
Paul M. Cooper
Janis P. Criger
Teresa Donnelly
Ross F. Earnshaw
Seymour Epstein
Robert F. Evans
Julian N. Falconer
Patrick Garret Furlong
Rocco Galati
Avvy Yao-Yao Go
Howard Goldblatt
Michelle Haigh
Carol Hartman
Vern Krishna
Janet Leiper
Michael M. Lerner
M. Virginia MacLean
William C. McDowell
Susan T. McGrath
Isfahan Merali
Malcolm M. Mercer
W. A. Derry Millar
Barbara J. Murchie
Ross W. Murray
Sandra Y. Nishikawa
Gina Papageorgiou
Judith M. Potter
Jan Richardson
Susan Richer
Jonathan M. Rosenthal
Heather Joy Ross
Clayton Ruby
Raj Sharda
Baljit Sikand
Andrew Spurgeon
Joanne St. Lewis
Catherine Strosberg

Harvey T. Strosberg
Gerald A. Swaye
Jerry B. Udell
M. Anne Vespry
Peter C. Wardle
Bradley H. Wright
Roger D. Yachetti

Vice-Chair

THAT Raj Anand be appointed as Vice-Chair of the Hearing Division of the Law Society Tribunal effective May 28, 2015 for a term ending May 25, 2017.



TAB 4

**Report to Convocation
May 28, 2015**

Professional Development & Competence Committee

Committee Members

Howard Goldblatt (Chair)
Barbara Murchie (Vice-Chair)
Alan Silverstein (Vice-Chair)
Raj Anand
Constance Backhouse
Jack Braithwaite
Robert Burd
Mary Louise Dickson
Ross Earnshaw
Larry Eustace
Peter Festeryga
Susan Hare
Vern Krishna
Michael Lerner
Marian Lippa
Virginia MacLean
Judith Potter
Nicholas Pustina
Jack Rabinovitch
Joe Sullivan
Gerald Swaye
Peter Wardle

Purpose of Report: Decision

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

TABLE OF CONTENTS

Decision

Competence Enhancement – Law Student Experiential Learning

TAB 4.1

COMMITTEE PROCESS

1. The Committee met on May 14, 2015. Committee members Howard Goldblatt (Chair), Barbara Murchie (Vice-Chair), Alan Silverstein (Vice-Chair), Raj Anand, Constance Backhouse, Jack Braithwaite, Robert Burd, Ross Earnshaw, Larry Eustace, Vern Krishna, Michael Lerner, Marian Lippa, Virginia MacLean, Judith Potter and Gerry Swaye attended. The following additional members of the Access to Justice Committee also attended part of the meeting: Cathy Corsetti (Co-Chair), Paul Schabas (Co-Chair), Brian Lawrie, Marion Boyd and Avvy Go. The following additional members of the Paralegal Standing Committee also attended part of the meeting: Michelle Haigh (Chair), Susan McGrath (Vice-Chair) and Cathy Strosberg. Benchers (effective May 28, 2015) Fred Bickford, Paul Cooper, Jonathan Rosenthal, Raj Sharda, Andrew Spurgeon, Joanne St. Lewis, Sid Troister, Jerry Udell and Anne Vespry also attended. Staff members Diana Miles and Sophia Sperdakos also attended. Staff members Julia Bass and Marisha Roman attended part of the meeting.

FOR DECISION

COMPETENCE ENHANCEMENT – LAW STUDENT EXPERIENTIAL LEARNING

Motion

2. **That Convocation approve the amendment of relevant Law Society By-laws to ensure they enable law student experiential learning, provided law students are adequately supervised.**
3. **That by-law amendments be provided for Convocation's consideration in June 2015.**

Matter under consideration

4. In recent years law schools have increasingly included experiential learning for law students as part of their curricula. The learning takes place through a number of programs, including clinical placements, student legal aid service programs (SLASSes), Pro Bono Students Canada and the Ontario Legal Aid Plan law student programs/initiatives.
5. Recently, law schools have become concerned that aspects of these programs and initiatives may not comply with or may be prohibited by the current provisions in Law Society by-laws, in particular By-Law 4 and By-law 7.1.¹
6. The question for consideration is whether, and how, relevant Law Society by-laws should be amended to ensure that they enable law student experiential learning, provided law students are supervised.
7. If Convocation is of the view that the by-laws should enable experiential learning, by-law amendments would be drafted for subsequent consideration and recommendation to Convocation.
8. The PD&C Committee, Access to Justice Committee and Paralegal Standing Committee met to consider the issue and all agree that the by-laws should be amended to ensure they enable experiential learning, provided law students are adequately supervised.

Rationale

9. The Law Society's strategic plan for 2011-2015 includes as one of the priority areas the following:

¹ By-law 4 may be accessed at <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485805>. By-law 7.1 may be accessed at <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485777>

Competency and Professional Standards:

The work plan includes “considering developments at the front end of legal education to enhance competence,” and “focussing on competency in specific practice areas, including exploration of practice standards in those areas.”

10. The importance of experiential learning for law students as an early means of developing competence is recognized and has become a priority for law schools, law societies and law firms that hire newly-called lawyers. Experiential learning has the ability to inculcate important skills and values that will assist in competent and ethical post-call behaviours. Those who hire newly-called lawyers have often raised the need for more of such training to be undertaken in law schools. To be effective, such learning must also be properly supervised with licensee accountability for student activities.²
11. Although Law Society by-laws address the issue of law student involvement in legal services, recent innovations in SLASS programs to include experiential learning in the family law context have raised the question of whether Law Society by-laws, as currently worded, would permit such activities and other current and future experiential learning activities.

Key Issues and Considerations

12. In considering whether to recommend amendment to Law Society by-laws to ensure that they enable law student experiential learning, Convocation may wish to consider the following points.
 - a. Experiential programs may well advance the Law Society’s strategic priority respecting “developments at the front end of legal education to enhance competence.”
 - b. Provided sufficient safeguards are in place to ensure competent and supervised student representation of clients in appropriate matters, such initiatives may further the public interest. To the extent any court appearances and client assistance with document preparation are permitted within experiential learning, the key issues to address are appropriate supervision of students.
 - c. The programs in which the students are engaged in experiential learning appear to assist in providing useful, accessible, legal services to the public, within the limited context that guides the programs.
 - d. The issue addresses the development of lawyer competence at an early stage and in the context of law school education, under supervision of lawyer licensees and with a focus on experiential learning. The concept of supervised practice activities

² Convocation recently approved the Integrated Practice Curriculum at the Lakehead Faculty of Law as satisfying the Law Society’s experiential training requirement for lawyer licensing. The program will occur during law school with appropriate supervision, accountability and protection of the public.

has been in place across law schools for many years and existed prior to the legislative changes to the *Law Society Act* in 2006.

- e. As the Law Society has adapted its processes and by-laws to reflect its revised mandate to regulate both the practice of law and the provision of legal services, it has been necessary to continually examine its by-laws changes to ensure that addressing the new mandate does not have unintended consequences for other areas of regulation.
- f. As training and licensing for paralegals and their provision of legal services continue to evolve, it is important to reflect on how licensing issues across the professions raise points of common discussion as well as differing approaches that reflect the different stages of their development.
- g. The issue is also relevant in consideration of avenues for enhancing legal services and access to justice for the public. Experiential learning may spark the interest of the law students who participate to undertake practice in under-serviced areas following licensing.

DISCUSSION

- 13. Over the last few decades, experiential learning has been increasing in law schools with programs placing greater emphasis on coherent learning approaches that include teaching best practices, providing exposure to real-life legal issues, ensuring academic rigour in the programs and appropriate student supervision and inculcating appreciation for access to justice issues, client and public interest and competent and ethical behaviour.
- 14. Experiential learning occurs in a number of venues during law school, including in SLASSes, legal clinics where clinical education placements are undertaken, and pro bono student initiatives that engage law students as volunteers and can fulfill pro bono law credits that many law schools require.
- 15. Law student experiential learning can entail a number of activities. In some cases, students shadow lawyers and judges and other professionals doing work relevant to law.
- 16. In some circumstances they provide services without a licence within the provisions of By-law 4, subsection 30(1) paragraphs 2, 3 and 4.
- 17. In some programs they assist lawyer licensees with preliminary drafting of documents and obtaining client information, under a lawyer's supervision and for matters in which the lawyer has carriage of the file, including in court programs for unrepresented litigants.
- 18. Recently the Ontario Legal Aid Plan made funding available to SLASSes to enhance or initiate family law experiential programs in which law students provide some services under lawyer supervision. In these initiatives small groups of students work under a lawyer to gain experience with family law issues and services. The initiatives have been designed to

include a project with the Ontario Court of Justice (OCJ) to enable students to gain some limited experience in family court.

19. Legal Aid Ontario has provided illustrative information respecting aspects of these programs. This is set out at **TAB 4.1.1: Legal Aid Ontario Background to Experiential Programs**, including draft guidelines between the OCJ and the SLASSes respecting the permissible role of law students. This information illustrates the extent of student supervision by lawyer licensees and the competency-based and public interest limits on student activities.
20. As mentioned above, as law schools increase their experiential learning programs they seek to inculcate in law students a commitment to access to justice that will continue upon licensing. While work with clients is done under a lawyer's supervision, there is value in sensitizing law students to the significant implications of access to justice issues in the legal landscape. This dovetails as well with one of the Law Society's strategic priorities respecting access to justice and with the provisions of the *Law Society Act*.
21. In considering the issue, the following further factors may be relevant:
 - a. The Law Society has a direct interest in promoting professional competence at the pre-call and post-call level. In specifying in its strategic plan that it should be "considering developments at the front end of legal education to enhance competence," Convocation recognized the value of inculcating competence as early in the educational process as possible. Ongoing review of competence and standards is necessary for the Law Society to fulfill its regulatory responsibilities in a legal landscape that is changing. This is to be done respecting both lawyer licensing and paralegal licensing in their unique contexts.
 - b. Law students have been engaged in experiential learning under the direct supervision of lawyer licensees across law schools in Ontario for many years. The nature of their learning has changed as the types of programs offered have grown and diversified. Supervision by lawyers is a key feature.
 - c. Convocation has already recognized the importance of law students having exposure to experiential learning at various stages of their legal education including,
 - i. when the *Law Society Act* was amended to include all aspects of the provision of legal services, continuing the ability of law students to do certain types of work in legal clinics, Pro Bono Students Canada and Student Legal Aid Services Societies within the provisions of Part V of By-Law 4, "Providing Legal Services Without a Licence;"
 - ii. allowing students in service under articles of clerkship or an LPP work placement to provide services under the supervision of a licensee;³

³ Section 34(1) of By-law 4 <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485805>

- iii. Allowing law students to be employed by paralegal or lawyer licensees and provide legal services under certain specified provisions;⁴
 - d. The By-Law 7.1 provisions respecting supervision of assigned tasks and functions include a broad range of tasks which can be assigned to non-licensees, including law students, provided the licensee assumes complete professional responsibility for the matter and directly supervises any non-licensee to whom tasks are assigned.
22. No competence or other concerns have been made to the Law Society about the experiential training of law students, including any components related to client interaction and preparing documents under supervision for which the licensee is ultimately responsible. The level of supervision, rigour and control in place, including for the limited SLASS court appearances in family court and the court's ultimate ability to control any student appearances before it, point to the public interest being protected.

⁴ Sections 34(2), (3) and (4).

LEGAL AID ONTARIO

BACKGROUND INFORMATION

ASPECTS OF EXPERIENTIAL TRAINING PROGRAMS

OVERVIEW OF SLASS FAMILY LAW PROGRAMS

Each of the SLASSs are offering slightly different programs, and are at different stages of implementing the family law programs. The following is a high-level overview of SLASS family law programs. A memo providing further detail about the family law program offered at each SLASS is attached at Appendix A.

Legal Issues Covered and Services Provided

Each SLASS provides information, advice and assistance to clients with family law issues including custody, access, child support, spousal support and restraining orders. They assist with summary advice, negotiation, and document preparation. Many of the SLASSs also represent clients at mediation and in court, where possible.

Several of the SLASSs have partnered with their University's Faculty of Social Work to ensure that clients accessing legal services at the SLASS can also benefit from the services of a social worker and/or social work student, who can provide social work advocacy and counselling services to clients of the SLASS. Many of the SLASSs with partnerships with their University's Faculty of Social Work have been providing services using this type of partnership for several years.

Overview of Training Requirements

Family law services at the SLASSs are usually provided by a combination of employed law students (during the summer months), students who are registered in a for-credit clinical education course, and law student volunteers, all of whom are closely supervised by a family lawyer. All of the SLASS family programs provide comprehensive and ongoing training in substantive family law, procedure, oral advocacy, legal drafting, file management, the *Rules of Professional Conduct*, and working with vulnerable clients.

In addition to formal educational sessions, there are many opportunities for informal training and mentoring through regular meetings with the supervising lawyer. In addition, the SLASSs are currently working with LAO, Mary Lou Fassel, Legal Director of the Barbra Schlifer Commemorative Clinic, and Pamela Cross, Legal Director of Luke's Place Resource Centre for Women and Children to develop a tailored training program for students about domestic violence and working with clients who have experienced domestic violence.

Supervision Model

Students work under the close supervision of the SLASS family lawyer. All client contact and services provided by students are carefully monitored and reviewed by the supervising lawyer. The lawyer will be the counsel of record and will attend at all court appearances. In appropriate circumstances, the student will seek the presiding judge's permission under Rule 4 of the *Family Law Rules*, to speak to the matter. In the event permission is not granted, the supervising lawyer will address the court on the client's behalf.

PROPOSED GUIDELINES FOR SLASS STUDENTS APPEARING IN FAMILY COURT

The transition from a single, local program into a provincial access to justice initiative raised reasonable questions about the appropriate model of supervision and the relationship between SLASS family law students and the courts.

As a result, representatives from the six SLASS, LAO, and representatives from the Ontario Court of Justice negotiated draft guidelines for students governing how and when SLASS family law students could appear in the Ontario Court of Justice. The guidelines articulate and expand upon the assumptions and practices governing the original DLS [Downtown Legal Services] program.

The guidelines are designed to ensure that client's interests are protected and that the role of the court is protected. Notable features of the guidelines include:

- **Consistency and Transparency.** The guidelines would establish a transparent, consistent practice and standards for students appearing in family court matters in all Ontario Court of Justice jurisdictions.
- **Ensuring That Students Are Competent and Supervised.** The guidelines ensure that the supervising lawyer is responsible for the client's file and he or she will supervise the student at every step and stage of the file, including accompanying the student to *every* court appearance before a judge. This commitment extends to ensuring that the supervising lawyer actually sits at the counsel table with the student if and when a student is permitted to make submissions. SLASS students will not appear by themselves. Supervising lawyers will also be obligated to provide students with extensive training, supervision and monitoring of students with respect to their court representation and activities, including substantive and procedural family law.
- **Setting Appropriate Limits on SLASS Family Student Activities.** Students will not be allowed to appear on every family matter, even under the supervision of a lawyer. The guidelines only allow students to appear on less complex family law proceedings, such as first appearances, case conference, and non-complex motions, although students may assist the lawyer with other aspects of the file (for

example, drafting court documents) on more complex matters. The guidelines prohibit students from appearing on child protection matters, Hague Convention matters, complex motions or trials.

- **Preserving The Role Of The Court.** Students will comply with Rule 4 of the *Family Law Rules*. Students and their supervising lawyers will be required to request the presiding judge's permission before representing a client in court. The presiding judge has the authority to decide to decline the request. At that point, the supervising lawyer – who of course will be required to be at the counsel table – will step in and speak to the matter.
- **The Program Will Be Evaluated.** The guidelines include a commitment on the part of LAO, SLASSs, and the Ontario Court of Justice that the SLASS family law program will be evaluated to ensure it is operating appropriately.

Finally, it is important to note that the proposed guidelines are a practical demonstration of how several organizations (law schools, the Ontario Court of Justice, and LAO) can work together to promote access to justice and expand family law services.

The most recent draft of the proposed guideline is attached as Appendix B.

PRO BONO STUDENTS CANADA – FAMILY LAW PROJECT STUDENT PROGRAM

PBSC is a national organization with a chapter in every law school in Canada. Its mandate is threefold: (1) to train future lawyers by providing practical, supervised learning experiences for students; (2) to increase access to justice in local communities by integrating law students into an under-resourced system; and (3) to promote a culture of *pro bono* in the profession by exposing law students to the value of public service. PBSC provides a number of legal placements for law students.

The Family Law Project (FLP) trains upper year law students to assist self-represented litigants with their court forms. The FLP has been operating in Ontario since 1997 and trains up to 100 volunteer law students each year to assist clients from October to April in eight Ontario Courthouses: 393 University, 311 Jarvis, 47 Sheppard, Brampton, Kingston, London, Windsor and Newmarket. PBSC receives funding from LAO to hire an additional eleven students to work full-time from May to August. In total the students assist approximately 1200-1500 clients each year, with up to 4400 court forms. PBSC has also successfully expanded versions of the Ontario FLP to five other provinces.

Legal Issues Covered and Services Provided

FLP students assist self-represented litigants with their court forms in the areas of custody, access and child support. Students are not permitted to assist clients with certain matters including spousal support, child protection, adoption, divorce, annulments or property claims. Students draft court forms but do not work on minutes of settlement, appeals or court orders.

Training Requirements

Prior to commencing their volunteer placements or employment with PBSC, all FLP students receive comprehensive training. Summer student employees attend a three day program delivered by PBSC staff, LAO Supervisory Duty Counsel and guest speakers with expertise in relevant topics. In the past, LAO has also sent their articling students to attend this training. Students receive training in substantive family law, family law procedure, court procedures, legal drafting, working with clients including low-income, vulnerable clients and clients who have mental health issues and clients that have experienced domestic violence, ethics and professionalism and the difference between legal information and advice.

School-year volunteers attend the equivalent of two days of training, including a full-day training on court procedures, legal drafting and working with clients, as well as sessions on substantive family law, ethics and professionalism and the difference between legal information and advice, and legal research and writing. Paid summer students continue to work through to the end of November, providing peer-to-peer training and support for the new volunteers, who at all times continue to be supervised by duty and advice counsel.

FLP students are provided with two comprehensive manuals for reference during their court shifts, a Student Manual and a Handbook of Precedents. The table of contents for both manuals are attached as Appendices C and D. PBSC's student handbook has been borrowed by a number of stakeholders for use by their students, including LAO (for articling students) and the SLASS clinics at Osgoode and Queen's.

Supervision Model

FLP students are carefully supervised by LAO staff and *per diem* duty and advice counsel, who are available to support and guide the students and are ultimately responsible for the files. Duty and advice counsel refer clients to PBSC, providing the students with written direction. Overly complex matters and files where there may be domestic abuse or mental health issues are not referred. Students meet with the clients and draft their forms, and then return to duty or advice counsel who carefully review the materials and suggest further revisions as needed. The process continues until the forms are finalized and approved by duty or advice counsel. Only at that point do clients receive their forms so they may be filed with the court.

APPENDICES

Appendix A:

Summary of SLASS Family Law Services, dated January 29, 2015

Appendix B:

Family Law Students at the OCJ – Draft Guideline, dated March 6, 2015

Appendix C:

Pro Bono Students Canada – Family Law Project Training Manual Table of Contents

Appendix D:

Pro Bono Students Canada – Family Law Project Student Precedents Manual Table of Contents

APPENDIX A



40 Dundas Street West, Suite 200, Toronto ON M5G 2H1
40, rue Dundas Ouest, bureau 200, Toronto ON M5G 2H1

Toll free / Sans frais : 1-800-668-8258
Phone / Téléphone : 416-979-2352
Fax / Télécopieur : 000-000-0000
Email / Courriel : employee@lao.on.ca
www.legalaid.on.ca

MEMORANDUM / NOTE

TO / DEST. : Aneurin Thomas, Director General, Policy & Strategic Research

FROM / EXP. : Emma Barz, Policy Counsel

DATE : January 29, 2015

SUBJECT / OBJET : Summary of SLASS Family Law Services

Purpose

To provide a brief summary of the family law services that are being, or will be, provided by the Student Legal Aid Service Societies (SLASSs).

Background:

In August 2014, Legal Aid Ontario (LAO) entered into funding agreements with the Deans of the University of Toronto (U of T), Osgoode Hall at York University (Osgoode), Queen's University (Queen's), the University of Western Ontario (Western), the University of Windsor (Windsor) and the University of Ottawa (Ottawa) for the provision of family law services by the SLASSs. With the exception of the SLASS at U of T, which has been providing family law services for ten years, family law services represent a new service offered by the SLASSs.

Each of the SLASSs are offering slightly different programs, and are at different stages of implementing the family law programs. The following is a brief summary of the programs being offered by each of the SLASSs.

Summary of SLASS Family Law Programs

University of Toronto

The SLASS at U of T has been offering family law services since 2005. Student at the SLASS, under the supervision of review counsel, assist clients by providing information and assistance about legal issues including custody, access, child support, spousal support and restraining orders. They assist with summary advice, negotiation, document preparation and representation before the North Toronto Family Court.

York University, Osgoode Hall

The SLASS at Osgoode launched in November 2014. The program is not yet operating at full capacity. The family review counsel has opened a few cases, and students in other divisions at the SLASS who have expressed an interest in family law are assisting with these cases, after having attended full-day training about family law presented by the review counsel.

Students will assist clients with family law issues including custody, access, child support, spousal support and restraining orders. When the program is operating at full capacity, students will be attending intake meetings, conducting client meetings, drafting documents for clients, and attending in court and at mediation. This will be done with the support and supervision of review counsel.

Queen's University

The Queen's Family Law Clinic is providing family law services to clients. Students assist with client intakes and follow-up interviews. Generally, students take the lead in these meetings; however, review counsel is available to assist and give direction, as well as to give specific advice and recommendations to clients. Student Caseworkers include credit students and volunteers.

Assisting clients with document preparation is a significant aspect of the services provided by the students. Students have completed a wide variety of documents with clients, including applications, answers, motions, affidavits, consents, motions to change, conference briefs and letters of opinion.

Students also attend at Family Court regularly to assist LAO's advice and duty counsel. They sit in on client interviews, help clients with follow-up and, where the client is eligible for a referral to the Queen's Family Law Clinic, the student will complete the collection of intake information at the court with the client. Their attendance at court also gives them the opportunity to sit in and observe when court is in session. As part of their course work, credit students are required to provide a written reflection on their various experiences at court.

University of Ottawa

The SLASS at Ottawa hired a family law review counsel in December 2014. The program is still being developed. They expect to open their first files in early February 2015. From February to April, the lawyer and the LPP student will represent clients. The SLASS offers services in French and in English.

The SLASS will offer family law services including custody, access, child support, spousal support and restraining orders. Students will be hired for the summer and during the academic year, all students will be registered in a full-year clinical education course. Students will receive training in family law as well as many other topics such as oral advocacy, legal drafting, file management, the *Rules of Professional Conduct* and mental health.

The SLASS will provide advice, documents preparation, and representation to clients. Students work under the supervision of the family law lawyer. The lawyer will be the counsel of record and will attend at all court appearances. Students will accompany the lawyer to observe and if possible, to speak to some matters with the permission of the Court and with the lawyer present.

University of Western Ontario

The SLASS at Western has been providing family law services since the fall of 2014. Some students participate in the program for credit, and others are volunteers. All of the family law services provided by students are supervised by the review counsel.

The legal issues that students primarily assist with include: custody, access, child support, spousal support, support enforcement proceedings and divorce. Students assist with client interviews, summary advice, research, drafting opinion letters and other correspondence, negotiation, mediation and document preparation. Students have prepared a variety of documents for clients, including applications, answers, affidavits, financial statements, case conference briefs, and affidavits for uncontested trials.

For the most part, review counsel speaks to matters before the court; however, if review counsel believes that it is appropriate and a judge allows it, students may be able to speak to less complex matters (such as first appearances, consents, and adjournments).

University of Windsor

The SLASS at Windsor launched their program in January 2015. The students involved in the program recently participated in orientation and training.

Students at Windsor will assist clients with custody, access, support and restraining order issues. Students, with the support and under the supervision of, review counsel, will provide a range of services to clients, including summary advice, document preparation, and full representation and mediation. Clients will be referred to the SLASS by LAO staff and clinics.

Clients accessing services at the SLASS at Windsor can also benefit from the services of a social worker and a Masters of Social Work student, who will provide social work advocacy and counselling services to clients of the SLASS.

The local Bench has agreed to allow students to represent clients in court with review counsel present. Review counsel will be the counsel of record and is required to attend every court appearance with the students. Students are expected to have taken evidence and family law.

APPENDIX B

DRAFT March 6-15

Family Law Students at the Ontario Court of Justice Guidelines

Student Legal Aid Services Societies (SLASS), funded by LAO, operate out of Ontario's law schools. SLASS and Legal Aid Ontario have partnered to expand the provision of family law services to litigants through counsel supervised student representation. Of Ontario's seven law schools, three operate in jurisdictions with Unified Family Courts (University of Ottawa, University of Western Ontario and Queen's) and Lakehead is in the early stages of developing a clinical program and do not anticipate offering family law services until 2016. As a result SLASS family LAW services will be limited to Toronto and Windsor.

The Ontario Court of Justice is supportive of law students gaining the knowledge and experience to properly represent family law litigants. The following guidelines are proposed for institutional consistency and the integrity of the litigant's legal representation. Nothing in these guidelines interferes with a presiding judge's discretion under Rule 4 of the Family Rules.

1. Students and supervising lawyers shall comply with the Law Society of Upper Canada's bylaws regarding students appearing in court.
2. Supervising Lawyer and/or the SLASS shall be the Counsel of Record in all matters before the court. Students operate under the careful supervision of the supervising lawyer.
3. As per Rule 4 of the Family Law Rules, students shall:
 - i. identify themselves as law students to the presiding judge and all parties before the Court;
 - ii. request and receive the presiding judge's permission in advance before representing a litigant in court, including on a motion. Students should be able to demonstrate their experience, education, and supervision to the presiding judge. In the event the presiding judge declines to grant permission for a student to appear, the supervising lawyer will speak to the matter.
4. Students shall **not** appear on the following matters:
 - i. Child Protection (CFSA) matters;
 - ii. Hague Convention matters, and
 - iii. Complex Motions
 - iv. Trials.
5. Supervising lawyers must
 - i. be responsible for the client's file and supervise the student at every stage of the file
 - ii. accompany their law students to every court appearance;
 - iii. sit at the Counsel's table with the student, and
 - iv. provide ongoing extensive training, supervision and monitoring of students with respect to their court representation and activities , including substantive and procedural family law.
6. Law schools and Legal Aid Ontario should evaluate the effectiveness of their Student Legal Aid program, including consultation with the judiciary. An annual report should be prepared and presented to the Chief Justice of the Ontario Court of Justice.

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TAB 5



Report to Convocation May 28, 2015

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

Committee Members
Julian Falconer, Chair
Janet Leiper, Chair
Susan Hare, Vice-Chair and Special Liaison with the Access to Justice Committee
Beth Symes, Vice-Chair
Constance Backhouse
Peter Festeryga
Avvy Go
Howard Goldblatt
Jeffrey Lem
Marian Lippa
Barbara Murchie
Judith Potter
Susan Richer

Purposes of Report: Decision and Information

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

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For Information **TAB 5.2**

Report of the Director, Equity

Reappointment of Equity Advisory Group Members

Equity Legal Education and Rule of Law Series Calendar - 2015

COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Committee") met on May 14, 2015. Committee members Julian Falconer, Chair, Janet Leiper, Chair, Beth Symes, Vice-Chair, Constance Backhouse, Avvy Go, Howard Goldblatt, Marian Lippa, Judith Potter and Susan Richer participated. Robert Evans also attended. Benchers (effective May 28, 2015) Fred Bickford, Sandra Y. Nishikawa, Raj Sharda and Joanne St. Lewis also participated. Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario, and Paul Saguil, Chair of the Equity Advisory Group, also participated. Staff members Josée Bouchard, Marisha Roman, Ekuu Quansah and Susan Tonkin also attended.

FOR DECISION

HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTIONS

2. That Convocation approve the letters and public statements in the following cases:
 - a. Lawyer Intigam Aliyev – Azerbaijan – letters of intervention presented at [TAB 5.1.1](#).
 - b. Lawyers Azza Soliman – Egypt– letters of intervention and public statement presented at [TAB 5.1.2](#).
 - c. Lawyer Samiullah Afridi – Pakistan – letters of intervention and public statement presented at [TAB 5.1.3](#).

RATIONALE

3. The request for interventions falls within the mandate of the Human Rights Monitoring Group (the “Monitoring Group”) 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.

KEY ISSUES AND CONSIDERATIONS

4. The Monitoring Group considered the following factors when making a decision about the sentencing of human rights lawyer Intigam Aliyev:
 - a. there are no concerns about the quality of sources used for this report;
 - b. the Law Society of Upper Canada intervened in Intigam Aliyev’s case in October 2014.
 - c. the sentencing of human rights lawyer Intigam Aliyev by Azerbaijani authorities falls within the mandate of the Monitoring Group.
5. The Monitoring Group considered the following factors when making a decision about the ongoing harassment of human rights lawyer Azza Soliman:
 - a. there are no concerns about the quality of sources used for this report;
 - b. the Law Society of Upper Canada has intervened three times in respect of human rights issues in Egypt, most recently in November 2014, concerning the arrest and detention of lawyer Yara Sallam;
 - c. the harassment of Azza Soliman falls within the mandate of the Monitoring Group.
6. The Monitoring Group considered the following factors when making a decision about the murder of lawyer Samiullah Afridi:

- a. there are no concerns about the quality of sources used for this report;
- b. the Law Society of Upper Canada has intervened three times in respect of human rights issues in Pakistan, most recently in June 2014, concerning the murder of lawyer Rashid Rehman;
- c. the murder of lawyer Samiullah Afridi falls within the mandate of the Monitoring Group.

KEY BACKGROUND

AZERBAIJAN – THE SENTENCING OF HUMAN RIGHTS LAWYER INTIGAM ALIYEV

Sources of Information

7. The background information for this report was taken from the following sources:
 - a. Council of Bars and Law Societies of Europe (“CCBE”);¹
 - b. Front Line Defenders;²
 - c. Human Rights Watch;³
 - d. JURIST⁴
 - e. Lawyers for Lawyers (“L4L”);⁵
 - f. Radio Free Europe / Radio Liberty (“RFE/RL”).⁶

1 The CCBE, founded in 1960, represents the bars and law societies of 32 European member States and 13 additional associate and observer countries. It acts as the liaison between the European Union and Europe's national bars, and law societies, representing more than 1 million European lawyers. The CCBE has been at the forefront of advancing the views of European lawyers and defending the legal principles upon which democracy and the rule of law are based.

2 Front Line Defenders is an international charitable organization, founded in Dublin in 2001, with the aim of protecting human rights defenders. The group promotes respect for the UN Declaration on Human Rights Defenders and maintains a special consultative status with the Economic and Social Council of the United Nations. Front Line Defenders also maintains partnership status with the Council of Europe and observer status with the African Commission on Human and Peoples' Rights.

3 Human Rights Watch is a charitable organization that first began in 1978 with the creation of Helsinki Watch, which was designed to support citizens groups within the Soviet bloc to monitor government compliance with the 1975 Helsinki Accords. Related “Watch Committees” arose to address human rights abuses in the Americas, Asia, Africa, and the Middle East. In 1988, the organization formally adopted the all-inclusive “Human Rights Watch” name. In 1997, Human Rights Watch shared the Nobel Peace Prize for its efforts that contributed to banning landmines internationally. Human Rights Watch investigates abuses by using traditional on-the-ground fact-finding, supplemented by new technologies in fact-finding research, to defend the rights of people worldwide.

4 JURIST (<http://jurist.org>) is a web-based legal news and real-time legal research service powered by a mostly-volunteer team of over 60 part-time law student reporters, editors and Web developers led by law professor Bernard Hibbitts at the University of Pittsburgh School of Law in Pittsburgh, Pennsylvania, USA. JURIST is produced as a public service for the continuing legal education of its readers and law student staffers, and uses the latest Internet technology to track important legal news stories and materials and present them rapidly, objectively and intelligibly in an accessible, ad-free format.

5 L4L is an independent and non-political Dutch foundation seeking to promote the proper functioning of the rule of law. L4L provides financial, moral and/or legal support to oppressed lawyers and lawyers' organizations. The organization maintains contact and co-operates with the United Nations, the European Union, governments, embassies, universities, human rights organizations, as well as individual lawyers worldwide. L4L was granted Special Consultative status with the UN Economic and Social Council in July 2013.

6 RFE/RL is one of the most comprehensive media organizations in the world, producing radio, Internet and television programs in countries where a free press is either banned by the government or not fully

- g. The Observatory for the Protection of Human Rights Defenders (“OPHRD”);⁷; and
- h. The United States Department of State.⁸

Background

8. The following information served as the basis for the Law Society’s intervention in Intigam Aliyev’s case in October 2014.
9. Intigam Aliyev is a prominent human rights lawyer in Azerbaijan and the head of the Legal Education Society, a human rights organization that provides legal support to low-income groups and non-governmental organizations.⁹ Mr. Aliyev was awarded the Homo Homini human rights award in the Czech Republic in 2013.¹⁰
10. Reports indicate that Mr. Aliyev was summoned for interrogation in the Serious Crimes Investigation Prosecutor’s Office in Baku on 8 August 2014, where he was subsequently charged with tax evasion, illegal enterprise, and abuse of official power.¹¹
11. During his interrogation, Mr. Aliyev was allegedly asked to present evidence, as a witness, pertaining to a criminal case initiated by Azerbaijani authorities against a group of NGOs.¹²

established. RFE/RL broadcasts in 28 languages in 21 countries. RFE and RL were originally separate organizations, which were established at the beginning of the Cold War to transmit uncensored news and information to audiences behind the Iron Curtain. Initially, both RFE and RL were funded principally by the U.S. Congress through the Central Intelligence Agency. All CIA involvement ceased in 1971 and the two organizations were funded by Congressional appropriation through the Board for International Broadcasting. In 1976 the two corporations merged. In 1991, former Estonian President Lennart Meri nominated RFE/RF for the Nobel Peace Prize.

⁷ The Observatory for the Protection of Human Rights Defenders is a joint program of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT). The OMCT, which is based in Geneva, was created in 1985 and is the main coalition of international non-governmental organizations fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. OMCT has consultative status with ECOSOC (United Nations), the International Labour Organization, the African Commission on Human and Peoples’ Rights, the Organisation Internationale de la Francophonie, and the Council of Europe. OMCT’s International Secretariat provides personalized medical, legal and/or social assistance to hundreds of torture victims and ensures the daily dissemination of urgent interventions across the world, in order to protect individuals and to fight against impunity. FIDH is an international NGO that defends the civil, political, economic, social and cultural rights, set out in the *Universal Declaration of Human Rights*. It acts in the legal and political field for the creation and reinforcement of international instruments for the protection of Human Rights and for their implementation. It is a non-partisan, non-religious, apolitical and non-profit organization and it has public interest status in France, where it is based. FIDH undertakes international fact-finding, trial observation and defence missions, and political dialogue, advocacy, litigation and public awareness campaigns.

⁸ The U.S. Department of State is the United States of America’s diplomatic arm. The mission of the Department of State is to “Shape and sustain a peaceful, prosperous, just, and democratic world and foster conditions for stability and progress for the benefit of the American people and people everywhere”.

⁹ “Azerbaijan – Human rights defender Mr Intigam Aliyev in pre-trial detention while a group of NGOs’ bank accounts are frozen”, *Front Line Defenders* (12 August 2014), online:

<<http://www.frontlinedefenders.org/node/26850>> [FLD].

¹⁰ “Azerbaijani Rights Activist Jailed For Three Months”, *RFE/RL* (8 August 2014), online:

<<http://www.rferl.org/content/azerbaijan-rights-activist-detain-intigam-aliyev/26520249.html>> [RFE/RL].

¹¹ *Ibid.*

¹² “Re: Concerns regarding human rights lawyer Mr Intigam Aliyev”, *President of the CCBE* (Letter) (14 August 2014), online:

There is concern that the authorities were attempting to obtain confidential and/or privileged information relating to the case against the group of NGOs during the interrogation.

12. Later on 8 August 2014, the Nasimi District Court in Baku allegedly ordered Mr. Aliyev's pre-trial detention for three months.¹³ According to reports, he was then transferred to Baku Pre-Trial Detention Facility.¹⁴ His lawyer has appealed the ruling for pre-trial detention.¹⁵ Mr. Aliyev may face up to seven years in prison if convicted of the charges.¹⁶
13. On 9 August 2014, Intigam Aliyev circulated a statement through his lawyer denying the charges and criticizing the motives of his arrest as political rather than legal.¹⁷ There are concerns that his arrest could be related to a recent speech he made at the Parliamentary Assembly of the Council of Europe, in which he criticized Azerbaijani authorities for human rights abuses, increasing numbers of political prisoners, and making less room for independent NGOs.¹⁸ The European Court of Human Rights has also begun addressing complaints submitted with Mr. Aliyev's assistance.
14. The CCBE published a letter, sent from its President to President Ilham Aliyev of Azerbaijan, intervening in this matter. The letter properly draws attention to Article 16 and Article 23 of the United Nations *Basic Principles on the Role of Lawyers*.¹⁹ Article 16 states that:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.²⁰

Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of

<http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/HR_letter_Azerbaijan1_1408349466.pdf> [CCBE]. The CCBE letter indicates that "on 5 August 2014 the court in Baku upheld the petition of the General Prosecutor's office and ruled to freeze the bank accounts of nine national NGOs and one international NGO, including bank accounts of the Legal Education Society and the Association of Lawyers in Azerbaijan."

13 *Ibid.*

14 *FLD*.

15 *Ibid*

16 *Ibid.*

17 *Ibid.*

18 "Intigam Aliyev: Azerbaijan", *Lawyers for Lawyers*, online:

<<http://www.advocatenvooradvocaten.nl/actions/intigam-aliyev/>>.

19 United Nations, *Basic Principles on the Role of Lawyers*, 7 September 1990, online:

<<http://www.refworld.org/docid/3ddb9f034.html>>.

20 *Ibid* at Article 16.

justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organisation.²¹

15. The Law Society of Upper Canada is concerned that Intigam Aliyev's arrest and continued detention is evidence of mounting government pressure against human rights lawyers and defenders in Azerbaijan. RFE/RL reported that human rights defenders Rasul Jafarov, and Leyla and Arif Unus, were also arrested on similar charges.²² The CCBE, Front Line Defenders, and Lawyers for Lawyers believe Mr. Aliyev's claim that his arrest was politically motivated. These groups are calling for his immediate release.

Update

16. On April 22, 2015, an Azerbaijani court sentenced Intigam Aliyev to seven and a half years in prison and a subsequent three-year ban from holding public office.²³ Baku's Grave Crimes Court convicted Intigam Aliyev on charges of tax evasion, illegal business activities, embezzlement, and abuse of authority.²⁴
17. Reports indicate that since Intigam Aliyev has been detained, his health has seriously deteriorated.²⁵ According to The Observatory for the Protection of Human Rights:

Members of his family who visited him on November 7, 2014, have reported that after two hours, he was neither able to talk nor to stand up. He suffers from violent headaches, loss of appetite and insomnia. A medical exam ran at the end of October, revealed that he was suffering from cervical oosteocondrosis and of intervertebral disc disorders – which require hospitalization.²⁶

18. The U.S. Department of State has urged the Government of Azerbaijan to "release Aliyev and others incarcerated in connection with exercising their fundamental freedoms."²⁷

EGYPT – THE ONGOING HARASSMENT OF HUMAN RIGHTS LAWYER AZZA SOLIMAN

Sources of Information

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

²¹ *Ibid* at Article 23.

²² RFE/RL.

²³ "Conviction of Azerbaijani Human Rights Lawyer Intigam", U.S. Department of State (23 April 2015), online: < <http://www.state.gov/r/pa/prs/ps/2015/04/241054.htm> > [US]

²⁴ "Azerbaijan: Human Rights Lawyer Convicted", *Human Rights Watch* (22 April 2015), online: <<http://www.hrw.org/news/2015/04/22/azerbaijan-human-rights-lawyer-convicted>>

²⁵ "Azerbaijan: Intigam Aliyev sentenced to 7.5 years of jail for human rights work", *The Observatory for the Protection of Human Rights Defenders* (22 April 2015), online: < <https://www.fidh.org/International-Federation-for-Human-Rights/eastern-europe-central-asia/azerbaijan/azerbaijan-intigam-aliyev-sentenced-to-7-5-years-of-jail-for-human> >

²⁶ *Ibid*.

²⁷ US *supra* at note 23.

- a. Amnesty International;²⁸
- b. Council of Bar and Law Societies of Europe;
- c. Lawyers for Lawyers ("L4L");²⁹
- d. The Guardian.³⁰
- e. The Huffington Post³¹
- f. The New York Times³²
- g. The Observatory for the Protection of Human Rights Defenders ("OPHRD").³³

Background

20. The following information has been reported about Azza Soliman, human rights lawyer and founder of the Centre for Egyptian Women's Legal Assistance.³⁴

28 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.

29 L4L is an independent and non-political Dutch foundation seeking to promote the proper functioning of the rule of law. L4L provides financial, moral and/or legal support to oppressed lawyers and lawyers' organizations. The organization maintains contact and co-operates with the United Nations, the European Union, governments, embassies, universities, human rights organizations, as well as individual lawyers worldwide. L4L was granted Special Consultative status with the UN Economic and Social Council in July 2013.

30 The Guardian is a globally respected news source, founded in Manchester, England, in 1821, and first printed in that year. It was named Newspaper of the Year in 2011 at the internationally recognized Press Awards.

31 The Huffington Post is an international online news publication, founded in 2005. In 2012, The Huffington Post became the first commercially run U.S. digital media organization to be awarded a Pulitzer Prize.

32 The New York Times was founded in September 18, 1851. Its print edition is the largest local metropolitan newspaper in the United States of America. Its website receives more than 30 million visitors per month according to a report in January 2011. Over the years, it has won 112 Pulitzer Prizes.

33 The Observatory for the Protection of Human Rights Defenders is a joint program of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT). The OMCT, which is based in Geneva, was created in 1985 and is the main coalition of international non-governmental organizations fighting against torture, summary executions, enforced disappearances and all other cruel, inhuman or degrading treatment. OMCT has consultative status with ECOSOC (United Nations), the International Labour Organization, the African Commission on Human and Peoples' Rights, the Organisation Internationale de la Francophonie, and the Council of Europe. OMCT's International Secretariat provides personalized medical, legal and/or social assistance to hundreds of torture victims and ensures the daily dissemination of urgent interventions across the world, in order to protect individuals and to fight against impunity. FIDH is an international NGO that defends the civil, political, economic, social and cultural rights, set out in the *Universal Declaration of Human Rights*. It acts in the legal and political field for the creation and reinforcement of international instruments for the protection of Human Rights and for their implementation. It is a non-partisan, non-religious, apolitical and non-profit organization and it has public interest status in France, where it is based. FIDH undertakes international fact-finding, trial observation and defence missions, and political dialogue, advocacy, litigation and public awareness campaigns.

34 "Concerns regarding the Harassment of Ms Azza Soliman, a Lawyer." Letter to President of the Arab

21. According to reports, on January 24, 2015, Azza Soliman witnessed the violent dispersal of a protest organized by the political party Popular Alliance by security forces, which led to the death of a political activist.³⁵ Azza Soliman was not participating in the protest, but, according to The Observatory for the Protection of Human Rights Defenders, “[she] was coincidentally in the same area and witnessed the dispersal and the shooting of the activist.”³⁶
22. On the same day, Azza Soliman voluntarily went to the Public Prosecutor’s Office to give her testimony regarding the incident she had witnessed. Azza Soliman told the prosecutor that police were responsible for the death of the political activist.³⁷ Reports indicate that after providing her testimony, she was interrogated by the prosecutor and advised that she was under investigation for charges relating to “unauthorized protests” and “breach of security and public order”.³⁸ Azza Soliman was released, pending investigation.³⁹
23. On March 23, 2015, Azza Soliman was informed that she had been formally charged with the abovementioned charges, along with sixteen other witnesses to the January 24, 2015, incident. Azza Soliman’s trial began on April 4, 2015.⁴⁰
24. Human rights organizations have strongly condemned the harassment against Azza Soliman, noting that the harassment against the human rights lawyer is part of a systemic attack on human rights defenders by Egyptian authorities.⁴¹

Republic of Egypt. 20 Apr. 2015. *Council of Bars and Law Societies of Europe*.
[Http://www.ccbe.org/fileadmin/user_upload/NTCdocument/HR_Letter_Egypt__Azz1_1429518555.pdf](http://www.ccbe.org/fileadmin/user_upload/NTCdocument/HR_Letter_Egypt__Azz1_1429518555.pdf), n.d.
 Web. [CBCE]

35 “Urgent Appeal – The Observatory”, *The Observatory for the Protection of Human Rights Defenders* (25 March 2015), online: < <https://www.fidh.org/International-Federation-for-Human-Rights/north-africa-middle-east/egypt/egypt-judicial-harassment-of-ms-azza-soliman>>

36 *Ibid.*

37 “Egyptian law in the dock as Shaimaa al-Sabbagh witnesses go on trial”, *The Guardian* (9 April 2015), online: <http://www.theguardian.com/global-development/2015/apr/09/egyptian-law-shaimaa-al-sabbagh-witnesses-trial-azza-soliman> [GUARDIAN]

38 CBCE *supra* at note 34.

39 “Egypt – Judicial harassment of lawyer Azza Soliman”, *Lawyers for Lawyers* (6 February 2015), online: <<http://www.advocatenvooradvocaten.nl/10179/egypt-judicial-harassment-of-lawyer-azza-soliman/>>

40 GUARDIAN *supra* at note 37.

41 *Ibid.* Also see “Why Is Egypt Prosecuting Human Rights Defenders?”, *Huffington Post* (3 March 2015), online: <http://www.huffingtonpost.com/francoise-girard/why-is-egypt-prosecuting_b_6980688.html>; “Egypt: Women’s rights activists among 17 facing spurious charges in security forces ‘cover up’”, *Amnesty International* (2 April 2015), online: <https://www.amnesty.org/press-releases/2015/04/egypt-womens-rights-activist-among-17-facing-spurious-charges/>; “Witnesses, Who Say Police Killed Activist, Are to Be Charged in Europe”, *The New York Times* (30 March 2015), online: <http://www.nytimes.com/2015/03/31/world/middleeast/witnesses-who-say-police-killed-activist-areto-be-charged-in-egypt.html?_r=0>

PAKISTAN – MURDER OF LAWYER SAMIULLAH AFRIDI

Sources of Information

25. The background information for this report was taken from the following sources:
- a. British Broadcasting Corporation;⁴²
 - b. Council of Bar and Law Societies of Europe;⁴³
 - c. International Bar Association's Human Rights Institute;⁴⁴
 - d. Lawyers for Lawyers ("L4L");⁴⁵
 - e. Reuters.⁴⁶
 - f. The Globe and Mail⁴⁷

Background

26. The following information has been reported about the murder of Samiullah Afridi.
27. On March 17, 2015, lawyer Samiullah Afridi was shot dead by unidentified assailants while on his way home in Peshawar, Pakistan.⁴⁸ According to reports, Samiullah Afridi defended Dr. Shakil Afridi (no relation), a doctor who allegedly assisted CIA agents with their hunt for al Qaeda leader Osama bin Laden.⁴⁹ In 2013, Samiullah Afridi stated that he had received a number of death threats from militant groups and organizations.⁵⁰ In May 2014,

42 The BBC, founded in 1922, is one of the world's most respected sources for news. It has been a global service since 1932.

43 The CCBE, founded in 1960, represents the bars and law societies of 32 European member States and 13 additional associate and observer countries. It acts as the liaison between the European Union and Europe's national bars, and law societies, representing more than 1 million European lawyers. The CCBE has been at the forefront of advancing the views of European lawyers and defending the legal principles upon which democracy and the rule of law are based.

44 The International Bar Association's Human Rights Institute (IBAHRI) works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

45 L4L is an independent and non-political Dutch foundation seeking to promote the proper functioning of the rule of law. L4L provides financial, moral and/or legal support to oppressed lawyers and lawyers' organizations. The organization maintains contact and co-operates with the United Nations, the European Union, governments, embassies, universities, human rights organizations, as well as individual lawyers worldwide. L4L was granted Special Consultative status with the UN Economic and Social Council in July 2013.

46 Thomson Reuters is the world's largest international multimedia news agency, providing investing news, world news, business news, technology news, headline news, small business news, news alerts, personal finance, stock market, and mutual funds information available on Reuters.com, video, mobile, and interactive television platforms. Thomson Reuters' journalists are subject to an Editorial Handbook which requires fair presentation and disclosure of relevant interests.

47 In print for 170 years, The Globe delivers lively and authoritative coverage of national, international, business, technology, arts, entertainment and lifestyle news.

48 "Pakistan Killing of Lawyer", *Lawyers for Lawyers* (24 March 2015), online:

<<http://www.advocatenvooradvocaten.nl/10447/pakistan-killing-of-lawyer/>>

49 "Lawyer for Pakistan doctor who helped CIA find bin Laden shot dead", *The Globe and Mail* (17 March 2015), online: < <http://www.theglobeandmail.com/news/world/lawyer-for-pakistani-doctor-who-helped-cia-find-bin-laden-shot-dead/article23500454/>>

50 "IBAHRI calls for protection of lawyers in Pakistan following the murder of Samiullah Afridi" *International Bar Association's Human Rights Institute* (24 March 2015), online:

<<http://www.ibanet.org/Article/Detail.aspx?ArticleUid=7e3aba9e-1f2a-4e70-80d5-f2714ee5ec25>>

Samiullah Afridi stepped down from Dr. Afridi's case, stating that he had received threats to his life.⁵¹ Samiullah Afridi had recently returned to Pakistan after leaving Pakistan a few months prior.⁵²

28. According to the Council of Bars and Law Societies of Europe, a Taliban faction has claimed responsibility for Samiullah Afridi's death.⁵³

51 "Council of Bars and Law Societies of Europe" Letter to Prime Minister House, Pakistan Secretariat. 7 April 2015. *Council of Bars and Law Societies of Europe*.
http://www.ccbe.eu/fileadmin/user_upload/NTCdocument/HR_Letter_Pakistan_S1_1428412572.pdf. Web. [CBCE]

52 "Lawyer for 'Bin Laden doctor' killed in Pakistan", *BBC* (17 March 2015), online:
<<http://www.bbc.com/news/world-asia-31930913>>

53 CBCE *supra* note 51.

TAB 5.1.1

PROPOSED LETTERS OF INTERVENTION

INTIGAM ALIYEV

His Excellency the President of Azerbaijan
Ilham Aliyev
Presidential Palace
19 Istiqlaliyyat St,
Baku AZ1066,
Azerbaijan Republic

Your Excellency

Re: The sentencing of human rights lawyer Intigam Aliyev

I write on behalf of The Law Society of Upper Canada* further to our letter of 6 October 2014, to voice our continued concern over the sentencing of human rights lawyer Intigam Aliyev. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Intigam Aliyev is a prominent human rights lawyer in Azerbaijan and the head of the Legal Education Society, a human rights organization that provides legal support to low-income groups and non-governmental organizations. Mr. Aliyev was awarded the Homo Homini human rights award in the Czech Republic in 2013.

In our letter of 6 October 2014, the Law Society expressed concern about reports that Intigam Aliyev had been arrested and detained.

The Law Society presently writes to voice its continued deep concern as a result of reports that on April 22, 2015, an Azerbaijani court sentenced Intigam Aliyev to seven-and-a-half years in prison and a subsequent three-year ban from holding public office. Baku's Grave Crimes Court convicted Intigam Aliyev on charges of tax evasion, illegal business activities, embezzlement, and abuse of authority.

Reports indicate that since Intigam Aliyev has been detained, his health has seriously deteriorated.

The Law Society notes that the *Universal Declaration of Human Rights* under Article 3 gives everyone the right to life, liberty, and security of person. Intigam Aliyev has the right to access medical care and to be provided with dietary accommodations for his medical condition.

In concern over these reports, The Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Azerbaijan to:

- a. release Intigam Aliyev immediately, as he is a prisoner of conscience;
- b. guarantee in all circumstances the physical and psychological integrity of Intigam Aliyev;
- a. provide Intigam Aliyev with regular access to his lawyer, family, his physician and adequate medical care;
- c. guarantee all the procedural rights that should be accorded to Intigam Aliyev and other human rights lawyers and defenders in Azerbaijan;
- d. conduct a fair, impartial and independent investigation into any allegations of misconduct in the arrest and trial of Intigam Aliyev in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- e. guarantee that adequate reparation would be provided to Intigam Aliyev if found to be a victim of abuses;
- f. put an end to all acts of harassment against Intigam Aliyev as well as other human rights lawyers and defenders in Azerbaijan;

- g. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 7,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. Fikrat F. Mammadov
Minister of Justice of the Republic of Azerbaijan
AZ 1073, İnshaatchılar ave., 1
Azerbaijan

Mr. Elmar Maharram oglu Mammadyarov
Minister of Foreign Affairs of the Republic of Azerbaijan
AZ 1009, Baku, Shikhali Qurbanov str. 4
Azerbaijan

Mr. Ramil Huseynli, Chargé d'Affaires
Embassy of the Republic of Azerbaijan to Canada
275 Slater Street, Suite 1203
Ottawa, ON, Canada
K1P 5H9

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: The sentencing of human rights lawyer Intigam Aliyev

I write to inform you that on the advice of the Human Rights Monitoring Group*, The Law Society of Upper Canada sent the attached letter to His Excellency Ilham Aliyev, President of Azerbaijan, expressing our deep concerns over reports of the sentencing of human rights lawyer Intigam Aliyev.

We would be very interested in hearing from you concerning the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have any of the facts in the case wrong. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Josée Bouchard, Director, Equity, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to jbouchar@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Paul Schabas
Chair, Human Rights Monitoring Group

* The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 7,000 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary, in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Vincent Forest, Head of European Union Office, Front Line Defenders

- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada
- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

TAB 5.1.2

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

AZZA SOLIMAN

His Excellency Abdel Fattah el-Sisi
President of the Arab Republic of Egypt
Abedine Palace
Cairo, Egypt

Your Excellency:

Re: The ongoing harassment of human rights lawyer Azza Soliman

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

Azza Soliman is a human rights lawyer and founder of the Centre for Egyptian Women's Legal Assistance.

According to reports, on January 24, 2015, Azza Soliman witnessed the violent dispersal of a protest, which led to the death of a political activist. Azza Soliman was not participating in the protest, but she was coincidentally in the same area and witnessed the dispersal and the shooting of the activist.

On the same day, Azza Soliman voluntarily went to the Public Prosecutor's Office to give her testimony regarding the incident she had witnessed. Azza Soliman told the prosecutor that police were responsible for the death of the political activist. Reports indicate that after providing her testimony, she was interrogated by the prosecutor and advised that she was under investigation for charges relating to "unauthorized protests" and "breach of security and public order". Azza Soliman was released, pending investigation.

On March 23, 2015, Azza Soliman was informed that she had been formally charged with the abovementioned charges, along with 16 other witnesses to the January 24, 2015, incident.

In concern over these reports, The Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Egypt to:

- a. guarantee in all circumstances the physical and psychological integrity of Azza Soliman;
- b. guarantee all the procedural rights that should be accorded to Azza Soliman and other human rights lawyers and defenders in Egypt;
- c. put an end to all acts of harassment against Azza Soliman as well as other human rights lawyers and defenders in Egypt;
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

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The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. Ibrahim Mehleb
Prime Minister of the Arab Republic of Egypt
Magles El Shaab Street, Kasr El Aini Street
Cairo, Egypt

Mr. Mahmoud Saber
Minister of Justice of the Arab Republic of Egypt
Ministry of Justice
Magles El Saeb Street, Wezaret Al Adl
Cairo, Egypt

Wael Aboul-Magd
Ambassador of the Arab Republic of Egypt
454 Laurier Avenue East
Ottawa, ON, K1N 6R3

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: The ongoing harassment of human rights lawyer Azza Soliman

I write to inform you that on the advice of the Human Rights Monitoring Group*, The Law Society of Upper Canada sent the attached letter to His Excellency Abdel Fattah el-Sisi, President of Egypt, expressing our deep concerns over reports of the ongoing harassment of human rights lawyer Azza Soliman.

We would be very interested in hearing from you concerning the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have any of the facts in the case wrong. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Josée Bouchard, Director, Equity, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to jbouchar@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Paul Schabas
Chair, Human Rights Monitoring Group

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- Mary Lawlor, Executive Director, Front Line Defenders
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- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada
- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concerns about the ongoing harassment of human rights lawyer Azza Soliman in Egypt

The Law Society of Upper Canada is gravely concerned about the ongoing harassment of human rights lawyer Azza Soliman in Egypt.

Azza Soliman is a human rights lawyer and founder of the Centre for Egyptian Women's Legal Assistance.

According to reports, on January 24, 2015, Azza Soliman witnessed the violent dispersal of a protest, which led to the death of a political activist. Azza Soliman was not participating in the protest, but she was coincidentally in the same area and witnessed the dispersal and the shooting of the activist.

On the same day, Azza Soliman voluntarily went to the Public Prosecutor's Office to give her testimony regarding the incident she had witnessed. Azza Soliman told the prosecutor that police were responsible for the death of the political activist. Reports indicate that after providing her testimony, she was interrogated by the prosecutor and advised that she was under investigation for charges relating to "unauthorized protests" and "breach of security and public order". Azza Soliman was released, pending investigation.

On March 23, 2015, Azza Soliman was informed that she had been formally charged with the abovementioned charges, along with sixteen other witnesses to the January 24, 2015, incident.

In concern over these reports, The Law Society of Upper Canada urges the government of Egypt to consider Articles 16 and 23 of the United Nations *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration

of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Egypt to:

- a. guarantee in all circumstances the physical and psychological integrity of Azza Soliman;
- b. guarantee all the procedural rights that should be accorded to Azza Soliman and other human rights lawyers and defenders in Egypt;
- c. put an end to all acts of harassment against Azza Soliman as well as other human rights lawyers and defenders in Egypt;
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

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TAB 5.1.3

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

SAMIULLAH AFRIDI

Prime Minister Nawaz Sharif
Prime Minister House, Pakistan Secretariat
Constitution Avenue
Islamabad, Pakistan

Your Excellency:

Re: The murder of lawyer Samiullah Afridi

I write on behalf of The Law Society of Upper Canada* to voice our grave concern over the murder of lawyer Samiullah Afridi. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

On March 17, 2015, lawyer Samiullah Afridi was shot dead by unidentified assailants while on his way home in Peshawar, Pakistan. According to reports, Samiullah Afridi defended Dr. Shakil Afridi (no relation), a doctor who allegedly assisted CIA agents with their hunt for al Qaeda leader Osama bin Laden. In 2013, Samiullah Afridi stated that he had received a number of death threats from militant groups and organizations. In May 2014, Samiullah Afridi stepped down from Dr. Afridi's case, stating that he had received threats to his life. Samiullah Afridi had recently returned to Pakistan after leaving Pakistan a few months prior.

Reports indicate that a Taliban faction has claimed responsibility for Samiullah Afridi's death.

In concern over these reports, The Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Pakistan to:

- a. guarantee in all circumstances the physical and psychological integrity of human rights lawyers in Pakistan;
- b. ensure that the investigation into the death of Samiullah Afridi is fair, impartial and independent;
- c. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations;
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Janet E. Minor
Treasurer

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cc:

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: The murder of lawyer Samiullah Afridi

I write to inform you that on the advice of the Human Rights Monitoring Group*, The Law Society of Upper Canada sent the attached letter to Prime Minister Nawaz Sharif of Pakistan, expressing our deep concerns over reports of the murder of lawyer Samiullah Afridi.

We would be very interested in hearing from you concerning the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have any of the facts in the case wrong. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Josée Bouchard, Director, Equity, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to jbouchar@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Paul Schabas
Chair, Human Rights Monitoring Group

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Letter to be sent to:

- Alex Neve, Secretary General, Amnesty International Canada
- Mary Lawlor, Executive Director, Front Line Defenders
- Vincent Forest, Head of European Union Office, Front Line Defenders

- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada
- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the High Commissioner for Human Rights
- Gabriella Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concerns about the murder of lawyer Samiullah Afridi in Pakistan

The Law Society of Upper Canada is gravely concerned about the murder of lawyer Samiullah Afridi in Pakistan.

On March 17, 2015, lawyer Samiullah Afridi was shot dead by unidentified assailants while on his way home in Peshawar, Pakistan. According to reports, Samiullah Afridi defended Dr. Shakil Afridi (no relation), a doctor who allegedly assisted CIA agents with their hunt for al Qaeda leader Osama bin Laden. In 2013, Samiullah Afridi stated that he had received a number of death threats from militant groups and organizations. In May 2014, Samiullah Afridi stepped down from Dr. Afridi's case, stating that he had received threats to his life. Samiullah Afridi had recently returned to Pakistan after leaving Pakistan a few months prior.

Reports indicate that a Taliban faction has claimed responsibility for Samiullah Afridi's death.

In concern over these reports, The Law Society of Upper Canada urges the government of Pakistan to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of Pakistan to:

- a. guarantee in all circumstances the physical and psychological integrity of human rights lawyers in Pakistan;
- b. ensure that the investigation into the death of Samiullah Afridi is fair, impartial and independent;
- c. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations;
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

**The Law Society of Upper Canada is the governing body for more than 47,000 lawyers and 7,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

TAB 5.2

FOR INFORMATION

REPORT OF THE DIRECTOR – EQUITY

Key Background

29. The *Report of the Director – Equity* is presented at TAB 5.2.1. The report focuses on the activities of the Equity Initiatives Department and the Equity and Aboriginal Issues Committee (“EAIC”) in the last few years and addresses the following: the implementation and renewal of the Aboriginal strategy; the work of the EAIC; the work of working, advisory and monitoring groups; programs and initiatives; and the Law Society as a model employer.

REAPPOINTMENT OF EQUITY ADVISORY GROUP MEMBERS

Key Background

30. The terms of Equity Advisory Group (“EAG”) members will expire in October 2015 and EAG members eligible and interested in a reappointment were asked to reapply. The following individuals were eligible for reappointment and indicated an interest in being reappointed. In accordance with the EAG Terms of Reference, the Equity and Aboriginal Issues Committee approved their reappointments. Biographies of the three reappointed members are provided for information.

Sharan Basran, Manager of Litigation, Ontario Nurses’ Association

Sharan has practised for 14 years primarily in the areas of labour, employment, and human rights.

Sharan initially practised at a highly reputable labour & employment law firm for several years where she represented private and public sector unions and their members. A significant portion of her practice was devoted to representing nurses and other regulated health care professionals in labour, professional regulation matters, and human rights complaints under the predecessor system.

Sharan worked at the Human Rights Legal Support Centre from 2008 to 2013, a public agency created under the revamped system for filing human rights claims in Ontario. Sharan worked as Senior Legal Counsel and Acting Manager for a year. In her role, she provided legal representation to members of the public who experienced discrimination, and litigated on behalf of applicants before the Human Rights Tribunal of Ontario. This included several high profile cases in the areas of policing services and employment.

Sharan is now with the Ontario Nurses' Association as the Manager of Litigation and General Counsel. In that role, she manages and leads ONA's in-house legal staff, coordinates the delivery of legal services, and provides legal and strategic advice to the Association and its registered nurses.

Sharan has recently been selected to represent Ontario at the 2015 Governor General Leadership Conference. She will act as co-chair for the PEI Study Group and report to the Governor General with other emerging leaders from across Canada.

Paul Jonathan Saguil, Counsel, TD Bank Group:

Paul Jonathan Saguil is Counsel in TD Bank Group's Legal Department, where he provides advice regarding investigations and litigation risk management. He is an active member of TD's LGBTQA Working Committee. He has served on the Equity Advisory Group since 2009, formerly as a representative of the Federation of Asian Canadian Lawyers, and within his individual capacity, taking on the role of Vice-Chair. He has been actively involved in numerous Equity Advisory Group projects over the years, including working with the Challenges Faced by Racialized Licensees Working Group. He is also the Chair of the OBA's Sexual Orientations and Gender Identity Law Section, the Public Affairs Liaison of the OBA's Equality Committee, and a Board member and Secretary of Pride Toronto.

Paul Scotland, Barrister and Solicitor

Paul holds an Honours, Bachelor of Arts, and Bachelor of Laws Degrees from York University and University of Ottawa, Faculty of Law.

Paul is a criminal defence Lawyer who services the Greater Toronto Area. He opened his own practice in 2002.

Periodically, Paul has been on roster of Per diem Assistant Crown Attorney office in Toronto.

Paul is passionate about equity and equality issues, and providing services to the profession and community in order to engage individuals and community organizations in the work of the Law Society of Upper Canada. In turn, the profession gains the confidence and respect of the members and the public. At the same time members of the profession and service providers also become better equipped with policies and procedures to deal with the wide range of issues that come with serving and protecting an ever changing society and its members, individually and collectively. Paul is committed to advancing access to justice more accessible by the public.

TAB 5.2.1



Equity Initiatives at the Law Society

May 2015

Report of the Director, Equity

**Prepared by: Josée Bouchard
Director, Equity
(416-947-3984)**



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Executive summary

Since the late 1990s, with the increasing diversity of the profession, the Law Society affirmed its commitment to equity, diversity and inclusiveness and developed its internal capacity to promote these principles. It established the Equity Initiatives Department, which is charged with promoting equality and diversity within the legal profession; ensuring inclusion and equality within the Law Society; and building and maintaining relationships with diverse communities and stakeholders. It also created the standing committee of Convocation, the Equity and Aboriginal Issues Committee ("EAIC"), to develop policies, programs and initiatives to best serve and promote an inclusive profession.

Since its inception, the Equity Initiatives Department has developed strong partnerships with stakeholders, has consulted extensively to identify the needs of the profession and the community in the area of equity, diversity and inclusiveness, has conducted numerous important research projects and has implemented groundbreaking programs. As a result, the Law Society is a leader in promoting equity, diversity and inclusiveness.

This report focuses on the activities of the Equity Initiatives Department and the EAIC in the last few years and it addresses the following: the implementation and renewal of the Aboriginal strategy; the work of the EAIC; the work of working, advisory and monitoring groups; programs and initiatives; and the Law Society as a model employer.

Renewal of Aboriginal Strategy

Key to the Law Society's commitment to equity, diversity and inclusion is the implementation of its Aboriginal strategy. In 2014/2015, Convocation affirmed its commitment to place emphasis, through the EAIC, on Aboriginal issues. The Aboriginal Working Group was created in 2004 and in January 2009, Convocation received the *Final Report of the Aboriginal Bar Consultation* with recommendations to collect data on lawyers who practice in Aboriginal law, to continue its mentoring and networking programs, to develop a Continuing Professional Development (CPD) course in Aboriginal law and to continue to develop a Certified Specialist program in Aboriginal law.

Recognizing that the proposals for action in the 2009 report have largely been implemented, in May 2014, the EAIC decided to embark on the renewal of its Aboriginal Initiatives Strategy. It has since then held a number of events at the Law Society with the Aboriginal community, approved a vision for the renewal process to be transparent, respectful, proactive and competent; and met with the leadership in their territories, as described in this report.

EAIC

The research and policy development activities of the EAIC have been extensive. Among other work, the EAIC has commissioned or conducted research about the legal, such as collecting demographic data on lawyers and paralegals, researching gender-based changes of status, departures and re-entry into the legal profession and understanding factors that impact on career choices.

Equity Initiatives

Working, Advisory and Monitoring Groups

The Law Society has also created a number of groups, including the Equity Advisory Group (“EAG”), a group of external experts and associations to advise the EAIC in its research and policy development work, the Challenges Faced by Racialized Licensees Working Group (the “RWG”) to identify and address challenges faced by racialized licensees in different practice environments, the Retention of Women in Private Practice Working Group and the Human Rights Monitoring Group (the “Monitoring Group”) to propose interventions in the cases of human rights violations of lawyers or the judiciary as a result of the discharge of their professional duties.

The EAG has provided advice, among other things, on challenges faced by racialized licensees, alternative business structures, human rights model policies, the *Rules of Professional Conduct*, articling and data collection.

The RWG conducted an informal and formal engagement with the profession and produced the consultation paper, [Developing Strategies for Change: Addressing Challenges Faced by Racialized Licensees](#). The RWG also held twelve (12) open house learning and consultation programs around the province and participated in meetings with representatives from law firms, organizational stakeholders, legal clinics, banks, government and legal associations. The Working Group heard from over 1,000 racialized and non-racialized lawyers, paralegals, law students, articling students and members of the public. It released an [Interim Report in April 2015](#) with a goal of providing a final report in the fall 2015.

In May 2008, Convocation approved nine recommendations to enhance the retention of women in private practice, which in turn led to the creation of a number of programs and initiatives, including the Justicia project, the Career Coaching Program, the Parental Leave Assistance Program, the Contract Registry and the Women’s On-line Resource Centre.

To date, the Monitoring Group has recommended, and Convocation has approved, Law Society interventions in more than 90 cases on behalf of over 100 judges and lawyers originating from foreign countries around the world. Reports indicate that the lawyers and judges have been subjected to various forms of persecutions, including, harassment and intimidation; unlawful detentions and incommunicado detentions; unlawful house arrests; violence, abuse and torture; and assassinations.

On February 12, 2015, the Law Society was honoured to present its inaugural Human Rights Award to The Honourable Irwin Cotler, PC, OC, MP, in recognition of his outstanding contributions to the advancement of human rights and the promotion of the rule of law.

Programs and Initiatives

Over the year, as a response to the needs of an increasingly diverse profession, the Law Society has implemented a number of programs to promote inclusiveness and access to justice.

Equity Initiatives

For example, the Law Society holds each year about twelve Equity Legal Education and Rule of Law events for the public and the legal profession at which it celebrates days and months of significance such as Louis Riel Day and Black History Month. The Equity Initiatives Department works in partnership with stakeholders to organize and host the Equity Legal Education programs.

As the province's regulatory body for the profession, the Law Society has committed itself to providing services in French to its members and the public. The Law Society participated in the Bench and Bar Committee that released the *Access to Justice in French* report in 2012 and that same year it accepted to participate in the Ministry of the Attorney General's steering committee for the implementation of the *Access to Justice in French* recommendations.

In 2014, Convocation amended By-Law 2 [Corporate Provisions] to establish the right of a person to receive services from the Law Society in French and English in designated core areas of its mandate, adopted its *French Language Services Policy* and signed an important protocol with the Office of the French Language Services Commissioner to address complaints received about the Law Society's French language services.

The Law Society is also committed to maintaining an accessible environment for persons with disabilities in the delivery of its goods and services. In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, it maintains policies, conducts training and maintains documents describing its policies, practices and procedures.

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. The DHC confidentially assists anyone who may have experienced discrimination or harassment by a lawyer or paralegal and may attempt to resolve issues through informal means or mediation with the consent of all parties.

Law Society as Model Employer

The Law Society is committed to promoting equality, diversity and inclusion within its organization and implements this commitment through internal policies, training and practices.

Conclusion

Over the years, the Law Society has developed its infrastructure, through standing committees of Convocation and working and advisory groups, adopted a wealth of policies and guidelines, conducted numerous informative research projects and implemented successful programs to promote equity, diversity and inclusion in the legal profession. These initiatives have assisted in making the profession more inclusive and diverse and have provided the processes to address harassment and discrimination and barriers to entry and advancement.

Equity Initiatives at the Law Society

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, Francophone, Aboriginal, racialized, gay, lesbian and bisexual lawyers and lawyers with disabilities 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, diversity and inclusion within the legal profession.
2. The adoption of the *Bicentennial Report* led to a series of systemic changes to promote equality, diversity and inclusion 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 "EAIC")¹, with a mandate to,
 - a. develop for Convocation's approval, policy options for the promotion of equity and diversity having to do in any way with the practice of law or provision of legal services in Ontario and for addressing matters related to Aboriginal peoples and Francophones; and
 - b. to consult with Aboriginal, Francophone and other equality-seeking communities in the development of such policy option.²
3. It also created the Equity Initiatives Department, with seven permanent staff members³ and one articling student, and the Equity Advisory Group (the "EAG")⁴, consisting of expert lawyers in the area of equality rights and legal associations that promote equality and diversity. The Equity Initiatives Department is now part of the Policy, Equity and Public Affairs Division of the Law Society under the leadership of Executive Director Grant Wedge.
4. Since its inception, the Equity Initiatives Department has developed strong partnerships with stakeholders, has consulted extensively to identify the needs of the profession and the community in the area of equity, diversity and inclusiveness, has conducted

¹ The EAIC 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 EAIC, which later became the EAIC.

² By-Law 3 – Benchers, Convocation and Committees.

³ The Department was first created with five permanent staff members and one articling student, but has now grown to seven permanent staff members and one articling student, as the French language services unit was transferred from Communications to the Equity Initiatives Department.

⁴ Formerly the Treasurer's Advisory Group.

Equity Initiatives

numerous important research projects and has implemented groundbreaking programs. As a result, the Law Society is seen as a leader in promoting equity, diversity and inclusiveness.

5. This report focuses on the activities of the Equity Initiatives Department and the EAIC in the last few years.
6. In 1998, the Law Society also established the Discrimination and Harassment Counsel ("DHC") Program, first as a pilot project and in 2001 as a permanent program, to provide services aimed at enabling and supporting individuals who believe that they have been discriminated against and/or harassed by a lawyer. The program was later expanded to also apply to discrimination and harassment by paralegals. The DHC is accountable to Convocation but acts at arm's length from the Law Society. The Director, Equity, manages the DHC Program and its budget. This report includes information about the services offered by the DHC.
7. The purpose of this report is to highlight the ongoing work of the Law Society in promoting equity, diversity, inclusion and access to justice. The Law Society is committed to inclusiveness and access to justice and has shown great leadership in this area. The report is divided as follows:
 - a. The Equity Initiatives Department – Mandate and Goals;
 - b. Implementation and Renewal of the Aboriginal strategy;
 - c. EAIC;
 - d. Working, Advisory and Monitoring Groups;
 - e. Programs and Initiatives; and
 - f. Law Society as Model Employer.

Equity Initiatives Department – Mandate and Goals

8. The Equity Initiatives Department is charged with the following broad mandate: to promote equality and diversity within the legal profession; to ensure inclusion and equality within the Law Society; and to build and maintain relationships with diverse communities and stakeholders.
9. The Department adopted the following goals:
 - a. Policy and Program Development: To develop policies, resources and programs that promote equity, diversity and inclusion in the legal profession, and access to justice, and to ensure that equality principles inform all Law Society policies and programs.
 - b. External: To facilitate an ongoing inclusive dialogue between the public, the Law Society and the legal profession (lawyers and paralegals) for the purpose of increasing access to justice for the public, and equality in the profession, and to develop and promote Law Society equality and diversity policies, programs and services in the interest of the public.

Equity Initiatives

- c. Internal: To embed equality, diversity and inclusion principles within the operations of the Law Society so as to ensure equality of participation and representation of Aboriginal, Francophone and equality-seeking communities.
10. The implementation of the Equity Initiatives Department goals are described below.

Implementation and Renewal of the Aboriginal Strategy

11. Key to the Law Society's commitment to equity, diversity and inclusion is the implementation of its Aboriginal strategy. In 2014/2015, Convocation affirmed its commitment to place emphasis, through the EAIC, on Aboriginal issues. The following provides an overview of the work in this area.
12. The Aboriginal Working Group was created in 2004 and participated through its Chair, Benchers Susan Hare, and the Aboriginal Initiatives and Policy Counsel, Marisha Roman, in the EAIC. In January 2009, Convocation received the *Final Report of the Aboriginal Bar Consultation* [available on-line](#). The report proposed the following action plan:
- a. To expand the Lawyer Annual Report ("LAR") practice categories to include Aboriginal Law;
 - b. To continue to support the development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers;
 - c. To develop a Continuing Professional Development ("CPD") course in Aboriginal law and issues for lawyers/paralegals who provide legal services to Aboriginal clientele;
 - d. To continue to support the development of a Certified Specialist program in Aboriginal Law and/or practice.

Expansion of LAR Practice Categories

13. Aboriginal Law was added as a practice category in the mandatory section of the 2009 LAR. Between 2009 and 2014, the number of lawyers who reported that some of their practice was in Aboriginal law in Ontario grew from roughly 650 to more than 750. These reports have been used to establish a contact database for the promotion of Aboriginal Initiatives programming, including the Equity Legal Education events and Aboriginal Law Career Symposium programs.

Continue Mentoring and Networking

14. The Aboriginal Initiatives and Policy Counsel coordinates First Nations, Métis and Indigenous First Nation, Métis and Inuit ("FNMI") students' events and works with FNMI Licensing Process candidates and lawyers.
15. Formal networking occurs primarily through the Aboriginal Law Career Symposium program. This program has been an annual event since 2004 and is held at the faculties

Equity Initiatives

of law at the University of Ottawa (since 2004) and University of Windsor (since 2008) and the Law Society (since 2004). In 2014, the program was expanded to include the Bora Laskin Faculty of Law at Lakehead University. The event is a 2-hour roundtable discussion on a practice or professionalism topic related to the practice of Aboriginal law and/or the provision of legal services to FNMI people. Since 2011, these programs have been CPD-accredited for professionalism hours. The program was expanded to include paralegals and paralegal Licensing candidates in 2014.

16. The relationship with FNMI law students continues into the Licensing Process through the Aboriginal Student Support Program and through the participation of First Nation Elders at the Calls to the Bar.
17. Since 2010, the Law Society has supported informal networking events across the province, providing FNMI members of the bar an opportunity to meet and establish networking and mentoring opportunities. Events have been held in Kingston, Ottawa, Rama, Sudbury, Thunder Bay, Toronto, North Bay and Windsor. Benchers Susan Hare or Justice Leonard Mandamin have acted as hosts for the majority of the events. Invited participants have included local FNMI law students, lawyers, paralegals and judges.
18. The Law Society offers the Elders Program, a Licensing candidate support program. The Elders Program focuses on establishing and maintaining communication through email and the main components of the program include the following:
 - a. access to local community Elders on an as-requested basis by Licensing candidates;
 - b. access to a contact list of FNMI lawyers from throughout Ontario who expressed interest in communicating with and mentoring Aboriginal Licensing candidates;
 - c. inclusion on the mail-list to receive information about community events, employment opportunities and events offered through the Aboriginal Initiatives program;
 - d. access to the Aboriginal Initiatives Counsel for information and referrals with regard to the Licensing program; and
 - e. an invitation to be acknowledged by a community Elder at the candidates' Call to the Bar ceremony.

Continuing Professional Development (CPD)

19. Two of the annual Equity Legal Education events focus specifically on FNMI legal issues. Each June since 1999, there has been an event to celebrate National Aboriginal History Month. Each November 16 since 2003 (with the exception of 2008), there has been an event to recognize Louis Riel Day.
20. The National Aboriginal History Month events are organized with a variety of partners from the FNMI cultural as well as legal community. Previous partners have included

Equity Initiatives

Aboriginal Legal Services Toronto, the Aboriginal Law Section of the Ontario Bar Association, the Indian Residential Schools Adjudication Secretariat and the Chiefs of Ontario. Since 2011, the National Aboriginal History Month events have focused their panel discussions on specific legal issues and have been CPD-accredited programs. Usually, more than 100 people attend. In 2013 and 2014, the program was webcast, attracting approximately an additional 75 people.

21. The Louis Riel Day events are hosted in partnership with the Métis Nation of Ontario (MNO). The Law Society event is scheduled as the last in a series of community events held throughout Toronto each year. The MNO's focus for the Law Society event is to provide information to both community members as well as the legal professions. For this reason, the MNO opts not to structure the program to qualify for accreditation for professionalism hours, but rather to focus on the historical and substantive legal issues that impact the Métis community broadly. Lawyer and paralegal participants may opt to claim substantive hour credits for attending the Louis Riel panel discussion. Usually, more than 100 people attend.

Development of a Certified Specialist Program

22. The Law Society's Certified Specialist program is designed to help lawyers achieve recognition as leaders in their field⁵. The program enables lawyers to acquire the requisite skills and knowledge to qualify for certification as a specialist in a given practice area
23. In May 2013, the Law Society approved the proposal to create a Certified Specialty in Aboriginal Law. The development of the specialty is well underway.

Renewal of the Aboriginal Initiatives Strategy

24. Recognizing that the proposals for action in the 2009 report have largely been implemented, in May 2014, the Equity and Aboriginal Issues Committee supported the renewal of the Law Society's Aboriginal Initiatives Strategy. A report card on the implementation of the 2009 Strategy was prepared and is available at **TAB 5.2.2**. And, on June 19, 2014, a roundtable with FNMI lawyers and paralegals was held in Toronto to identify potential next steps for the strategy. The response of the roundtable was that the next phase for the Law Society's strategy should include continued engagement with FNMI lawyers and paralegals and an expansion to engage with the FNMI leadership and citizens.
25. In October 2014, Convocation approved a vision for the renewal process based on the teachings of the Medicine Wheel. Through this vision, [available on-line](#), the Law Society committed that, as it develops the next phase of its strategy, it will be transparent,

⁵ Excerpted from the Law Society website, 'About the Certified Specialist Program' webpage at <http://www.lsuc.on.ca/For-Lawyers/About-Your-Licence/About-the-Certified-Specialist-Program/>.

Equity Initiatives

respectful, proactive and competent.

26. Moving forward with engaging the FNMI leadership and community, on November 18, 2014, the Law Society co-hosted a dinner, with the Mississaugas of New Credit First Nation and the Truth and Reconciliation Commission, to celebrate five of the surviving Aboriginal torch runners from the 1967 Pan-American Games. The Pan-ParaPan Am Games 2015 leadership was present and agreed to honour the torch runners in the upcoming Games. On November 20, the Law Society hosted the Law Foundation of Ontario's Guthrie Award reception for Kimberly Murray. This award recognizes an individual's achievements in furthering social justice and access to justice.
27. On November 27, the Law Society hosted an historic meeting with Ontario's First Nation leadership. Treasurer Minor, benchers Falconer, Hare and Symes, CEO Robert Lapper, Executive Directors Grant Wedge and Zeynep Onen and Law Society staff members Marisha Roman and Janice LaForme met with First Nation chiefs, including Grand Chief Harvey Yesno of the Nishnawbe-Aski Nation, Grand Council Chief Patrick Madahbee and Deputy Grand Council Chief Glen Hare of the Anishinabek Nation, Grand Chief Gord Peters of the Association of Iroquois and Allied Indians, Chief Joe Hare of M'Chigeeng First Nation, and Chief Ava Hill of Six Nations of the Grand River First Nation. The goal of the meeting was to initiate a dialogue on issues related to access to justice needs and issues in the First Nations community. Following the meeting, the Treasurer committed to meeting with leadership in their territories.
28. On April 1, Treasurer Minor, bencher Hare, Executive Director Grant Wedge and Aboriginal and Policy Counsel Marisha Roman met with Grand Council Chief Madahbee and senior staff at the Union of Ontario Indians offices on Nipissing First Nation. The Grand Chief provided an overview of the service provided by the Union as well as the priority issues for the Anishinabek Nation in relation to access to justice and the development of the Nation's self-government or Restoration of Jurisdiction agenda. The Treasurer then met with Chief Marianna Couchie, Councillor Arnold May as well as senior staff at Nipissing First Nation to discuss their community's specific issues in relation to access to justice.
29. Further meetings in May and June with First Nation leadership are in the planning stages. The renewal process will continue through 2015 and will expand to include meetings with Metis and Inuit leadership.
30. The goal of the renewal process is to identify proposals for action for the next 5 years that will guide the Law Society in its support and participation in the broader reconciliation process between Canada and the First Peoples.

EAIC

31. The core standing committee of Convocation mandated to promote inclusiveness, equity and diversity is the EAIC. The research and policy development activities of the EAIC have been extensive and are presented below.
32. In order to assist the legal profession in developing its own resources to enhance inclusiveness, the EAIC has developed a wealth of resources for the profession, including model policies and guides, [available on-line](#). Those resources address a range of topics, such as the responsibility of lawyers and paralegals to advise their clients of their language rights, the creation of an inclusive law firm work environment for lesbian, gay, bisexual and transgender lawyers and paralegals, fair hiring practices, law firm obligations under the *Accessibility for Ontarians with Disabilities Act, 2005*, the prevention of harassment, discrimination and violence in the workplace, the provision of legal services in cases involving sexual abuse, guidelines for Aboriginal residential school claims, and the duty to accommodate. The next challenge for the EAIC will be to address mental health issues faced by the profession and in the provision of services to clients with mental health issues.
33. Since its inception, the EAIC has commissioned or conducted research about the legal profession to identify and understand trends. The following significant research projects, [available on-line](#), provide a wealth of information about the legal profession:
 - a. Lawyer and Paralegal Annual Reports – Demographic Data Collection;
 - b. Professor Kay, *The Diversification of Career Paths in Law*, 2014;
 - c. *Change of Status Quantitative Survey*, April 2010, May 2011 and May 2013;
 - d. Professor Kay, *Leaving Law and Barriers to Re-entry*;
 - e. Professor Ornstein, *Racialization and Gender of Lawyers in Ontario*, April 2010;
 - f. Career Choice Study.

Lawyer and Paralegal Annual Reports – Demographic Data Collection

34. Beginning in 2009, the Law Society has included in the Lawyer and Paralegal Annual Reports self-identification demographic questions based on membership in a racialized, Aboriginal, Francophone, gay, lesbian, bisexual, transgender or the disability community. The questions also asked members to provide information about their religion. The structure of the questions at the time permitted the lawyer or paralegal to opt to pass over each question and provide no response. In 2013, the questions were refined and the options were modified so that, while a lawyer or paralegal could still decline to self-identify, the person had to indicate his or her decline by expressly entering that response. The questions are presented at Appendix A.
35. In 2013, the response rate to self-identification for both lawyers and paralegals was excellent, at over 77%. The results provide detailed statistical snapshots of the

Equity Initiatives

professions including data about the representation of women and men, racialized, Aboriginal, Francophone, lesbian, bisexual, gay and transgender lawyers and paralegals and lawyers and paralegals with disabilities. The findings are subdivided into regions, age range, year of call, professional status and business sizes. The results for 2013 are now [available on-line](#) on the Law Society website.

The Diversification of Career Paths in Law

36. The report explores lawyers' movement out of private practice. The focus is on the early career years when more frequent job changes take place. In order to pay close attention to these formative career years, Professor Fiona Kay sampled from a 19-year cohort (1990 to 2009) of law graduates admitted to the Ontario Bar. Using a cross-sectional survey conducted in 2009 of 1,270 law graduates, she examined career paths emerging from the private practice of law.
37. Although the divide between private and non-private practice appears to be more permeable than once thought, little is known about the timing of transitions across sectors and the factors prompting major career moves within and from the legal profession. The study offers new insight to job transitions, specifically career paths that diverge from professional footing in private law practice.
38. The results of this study show that the majority of contemporary law graduates who began their careers in private practice no longer follow the traditional model of a career characterized by continuous employment and a direct path to partnership within a single law firm. More common are career paths that include job changes across firms, across sectors of the profession, and with intervals of unemployment or time away from law practice invested in further education, travel, full-time work outside law practice, or raising children. Women are at greater risk of leaving than their male colleagues with whom they entered private practice following law school. New lawyers are most likely to leave private practice during the early career years, with a peak in departures at about seven to eight years after entering private practice. This pattern is, however, distinctively male. Women's departures from private practice are also elevated during the early career years, but the pattern is better described as an initially rapid exodus followed by a steady stream of women leaving private practice over time.

Change of Status Quantitative Survey

39. In 2008, the Law Society, through the Equity Initiatives Department, retained The Strategic Counsel to conduct a multi-year study with lawyers who change their professional legal status. The purpose of the study is to identify trends in the movement of lawyers in the profession, including gender based trends.

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40. To date, three reports have been produced for the Law Society (2009, 2010 and 2013). The reports outline the findings of lawyers who changed their status from 2009 to 2012. Each year, between 5,100 and 5,700 lawyers changed their status. The response rate for the survey has been strong at about 30%.
41. The 2013 report discusses the respondents' characteristics, their previous and current work settings, influencers in a change of status, perceptions of previous and current positions, the reasons for a change of status and the factors considered important in the decision to make a change of status.
42. The report concludes that "women are leaving private practice in greater numbers than men, despite the fact that they represent a smaller proportion of lawyers in private practice. The stage at which women are most likely to be leaving private practice is when there are dependents in the home and the youngest dependent is under 6 years of age. This is also the case for men. What distinguishes men from women, however, is their behaviour after this stage of child rearing. Men are more likely to go back into private practice after their youngest dependent moves out of the pre-school stage, whereas women do not."⁶
43. The report further states: "Women and men appear to be moving within private practice and out of private practice into non-private positions for many of the same reasons. Further, for the most part, those reasons appear to be similar in influence as drivers of change. However, there are several exceptions. Women are leaving private practice to a greater extent than men are in order to find work environments that allow them to balance their career and family, that allow flexible work arrangements that do not require an unreasonably heavy workload, that are less stressful, and provide paid maternity/parental leave as well as other benefits."⁷
44. In 2012, the scope of the study was expanded to paralegals who change their professional status. A report on the findings related to paralegals is expected in 2015, once the profession has been surveyed for a period of three years.
45. The findings of the survey inform Law Society committees 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.

⁶ *Change of Status Survey Report* (Toronto: Law Society of Upper Canada, 2013) at 19.

⁷ *Ibid.*

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Professor Kay, Leaving Law and Barriers to Re-entry

46. Numerous studies, including the change of status studies, report that women are overrepresented in those leaving the profession, particularly from private practice. There have been, however, few studies that have explored the factors precipitating the departures, such as such as work life balance, discrimination and barriers to career advancement.
47. In this report, Professor Kay analyzes data from a longitudinal study of nearly 1,600 Ontario lawyers, surveyed across a twenty-year period. She examines, through quantitative and qualitative data, factors precipitating exits from private practice and barriers for those seeking to return to private practice.
48. Professor Kay finds, like other studies, that women are leaving private practice at higher rates than men. Her study shows, however, that these departures appear to be largely the consequence of the legal profession's structures and practice culture that have not adapted to flexible schedules, time gaps between jobs, and parental and other leaves. Recently-called lawyers appear to change jobs and move between areas of practice more frequently than the more experienced generation. The report examines broader issues of institutional barriers on career advancement of men and women lawyers. The study explores policy initiatives that could enhance the retention of lawyers in private practice and strategies to reduce barriers for lawyers seeking to return to private practice.

Professor Ornstein, Racialization and Gender of Lawyers in Ontario

49. Professor Michael Ornstein's report provides a statistical portrait of Aboriginal, racialized and women lawyers in Ontario, and a detailed profile of the profession based on the 2006 Canadian Census. The report compares age groups and examines changes in the number of Aboriginal and racialized lawyers since 1981 and women lawyers since 1971. A comparison of the number of lawyers and the number of university graduates with occupations in each community provides information about access to the profession. Lawyers in Ontario are also compared to lawyers in other provinces and territories and to other professions in Ontario.
50. The second part of the report deals with the work environment of Aboriginal, racialized and women lawyers by considering who works at law firms, for government, and as counsel in other areas. The report also differentiates law firm associates and employees, partners and sole practitioners. Further analysis focuses on hours of work and earnings.
51. The report is based mainly on the 2006 Census, which provided very detailed information about Canadian households, including about 6,400 Ontario lawyers. As Statistics Canada no longer conducts the long form survey used in 2006, the data collected through Canada Census is no longer sufficient to provide a reliable analysis of

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the legal profession. However, the Law Society began collecting demographic data of the profession in the 2009 Lawyer and Paralegal Annual Reports. Annual reports have since then included self-identification demographic questions. In 2015, the Law Society released in aggregate form, the 2013 Snapshots of the Professions [available on-line](#).

Career Choice Study

52. In 2008, the Law Society retained the Strategic Counsel to conduct a survey of Licensing candidates and recently-called lawyers. The purpose of the survey was to investigate the preferences and experiences of new Licensees from their entry into law school to their entry into practice. More specifically, the study was conducted to better understand law school preferences, key factors that influence the choice of an articling position and 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 on-line](#). The EAIC decided to survey recent calls to the bar on an annual basis, beginning with the 2009 calls, for three years. A second report was produced in 2013 and is [available on-line](#).

Working, Advisory and Monitoring Groups

53. The Law Society has also created a number of working, advisory and monitoring groups to address equity and access to justice matters.

EAG

54. EAG is a group of lawyers, paralegals and legal organizations with expertise in the area of equality and diversity. It is mandated to assist the EAIC in the development of policy options for the promotion of equity and diversity in the legal profession. EAG identifies and advises the EAIC on relevant issues and provides input to the EAIC on the planning and development of policies and practices related to equity within the profession and within the Law Society. EAG is a non-voting participant in the work of the EAIC. EAG has, in the last few years, provided feedback on various issues and has been involved in projects and activities, including,
- a. providing submissions and important advice to the Challenges Faced by Racialized Licensees Working Group and collaborating with the Working Group in its engagement and consultation processes (2014 – 2015);
 - b. providing submissions to the Alternative Business Structures Task Force (2014);
 - c. assisting with the development of the TAG and participating in the TAG Reference Group;
 - d. developing model policies and information guides, such as *Accessibility for Ontarians with Disabilities Act, 2005 – Guide to Developing a Customer Service Accessibility Policy (2011)*, *AODA Integrated Standards – Legal Obligations for Law Firms (2013)*, and *Sexual Orientation and Gender Identity: Creating an Inclusive Work Environment – A Guide for Law Firms and Other Organizations*

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- (2013);
- e. presenting submissions in response to the Law Society's call for input on the proposed amendments to the *Rules of Professional Conduct* (2012);
 - f. presenting submissions to the Law Society of Upper Canada's Articling Task Force (2012);
 - g. providing advice on Law Society submissions to the Canadian Bar Association's *Measuring Diversity in Law Firms* (2011);
 - h. providing advice and collaborating on the planning of Equity Legal Education and Rule of Law Events.

Challenges Faced by Racialized Licensees Working Group

55. In August 2012, Convocation created the Challenges Faced by Racialized Licensees Working Group (the Working Group). The Working Group is mandated to,
- a. identify challenges faced by racialized licensees in different practice environments, including entry into practice and advancement;
 - b. identify factors and practice challenges faced by racialized licensees that could increase the risk of regulatory complaints and discipline;
 - c. consider best practices for preventive, remedial and/or support strategies;
 - d. if appropriate, design and develop preventative, remedial, enforcement, regulatory and/or support strategies, for consideration by the EAIC and other Committees as appropriate, to address the challenges described above.
56. The Working Group first met in October 2012. From October 2012 on, the Working Group met informally with a number of individuals and organizations to obtain viewpoints on challenges and best practices for racialized licensees and reviewed the data and literature available on this topic.
57. In early 2013, the Working Group retained the services of Strategic Communications Inc. (Stratcom) and Michael Charles of Change DeZign© to formally engage the profession on this matter. This formal engagement included key informant interviews, focus groups and a survey. StratCom and Change DeZign© provided their report to the Law Society in January 2014.
58. The Working Group also engaged in a parallel process, the Community Liaison Process, to gather information from racialized licensees who may not have come forward during the formal consultation process.
59. Based on the findings of the informal and formal engagement process, the Working Group developed a consultation paper, [*Developing Strategies for Change: Addressing Challenges Faced by Racialized Licensees*](#), that included questions for the profession's feedback.

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60. The Working Group embarked on a journey of listening and learning, which involved holding twelve (12) open house learning and consultation programs around the province and participating in meetings with representatives from law firms, legal clinics, banks, government and legal associations.
61. These meetings were focused on practical solutions the Law Society could initiate or facilitate to specifically address the challenges faced by racialized licensees and to enhance diversity and inclusion within the legal profession.
62. The Working Group heard from over 1,000 racialized and non-racialized lawyers, paralegals, law students, articling students and members of the public in the Greater Toronto Area (Downtown Toronto, Brampton, Newmarket, Oshawa), Hamilton, London, Ottawa, Sudbury, Thunder Bay, and Windsor. Three Toronto open houses (one in French and two in English) were webcast to ensure full access to all lawyers, paralegals and members of the public in Ontario.
63. The Working Group also met or heard from a broad range of organizational stakeholders including the following:
 - The Advocates' Society;
 - The African Canadian Legal Clinic;
 - The Arab Canadian Lawyers Association;
 - The Association des juristes d'expression française de l'Ontario;
 - The Association of Law Officers of the Crown;
 - The Canadian Association of Black Lawyers;
 - The Canadian Association of South Asian Lawyers;
 - The Canadian Association of Muslim Women in Law;
 - The Canadian Hispanic Bar Association;
 - The Canadian Italian Advocates Association;
 - The Canadian Muslim Lawyers Association;
 - The Canadian Somali Lawyers Association;
 - The County & District Law Presidents' Association;
 - The Family Lawyers Association;
 - The Federation of Asian Canadian Lawyers;
 - The Human Rights Legal Support Centre;
 - The Indigenous Bar Association;
 - The Law Firms Diversity and Inclusion Network;
 - The Law Society's Equity Advisory Group;
 - The Law Students Society of Ontario
 - The Legal Leaders for Diversity and Inclusion (LLD);
 - The Ontario Bar Association;
 - The Ontario Paralegal Association;
 - The South Asian Bar Association;

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- The Roundtable of Diversity Associations of the Toronto Lawyers' Association⁸;
 - The University of Windsor, Equity and Diversity Committee;
 - The University of Ottawa, Faculty of Law, faculty
 - The Women Legal Mentoring Program;
 - The Women Paralegal Association of Ontario; and
 - Law students and professors.
64. As part of the consultation process, the Working Group also reached out to larger law firms in Toronto to discuss the questions raised in the consultation paper. The Chair of the Working Group and the Director, Equity, met with managing partners and often recruitment partners or partner representatives on the Law Firms Diversity and Inclusion Network. The meetings yielded positive discussions about policy options for addressing many of the challenges identified in the consultation paper. There has been interest and enthusiasm expressed for working collaboratively with the Law Society. Firms have begun a number of initiatives to create more inclusive workplaces. There is recognition of the business and human drivers for increasing competence in the diversity and inclusion aspects of hiring and retention.
65. It is gratifying to see that a corresponding amount of interest exists within the larger firms in addition to the interest already demonstrated by the bar across Ontario during the meetings with groups, individuals and via webcast.
66. Also noteworthy is the exceptional amount of media interest in the consultation paper from media outlets across the province. Numerous stories appeared via mainstream, regional and legal media outlets, including the Globe and Mail, CBC Metro Morning, the Hamilton Spectator, the Brampton Guardian, CKPR Thunder Bay, 1310 News Ottawa, the Lawyers Weekly, Law Times, and CBA National Magazine. All coverage was extremely positive and included key messages from the consultation paper. This underscores the importance of the project to the professions and the public.
67. On April 23, 2015, the Law Society released its [Interim Report](#), providing an overview of the input gathered from the consultation process. Participant feedback shows significant support for the creation of diversity programs for the recruitment, retention and advancement of racialized licensees in firms and other legal organizations.

⁸ Includes the Arab Canadian Lawyers Association, the Association of Chinese Canadian Lawyers of Ontario, the Canadian Association of Black Lawyers, the Canadian Association of South Asian Lawyers, the Canadian Italian Advocates Organization, the Federation of Asian Canadian Lawyers, the Hellenic Canadian Lawyers Association, the Canadian Hispanic Bar Association, the Iranian Canadian Lawyers Association, the Korean Canadian Lawyers Association, the Macedonian Canadian Lawyers Association, Pro Bono Law Ontario, the Sexual Orientation and Gender Identity Conference of the Ontario Bar Association, the South Asian Bar Association, the Toronto Lawyers Association, and the Women's Law Association of Ontario

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68. Numerous participants also agreed that the collection of demographic data would be an important first step. Opinions varied on whether it should be mandatory or not.
69. A large number of participants were also in favour of mandatory CPD training on cultural competence, unconscious bias and anti-racism. As well, several emphasized that the Law Society model the change it is seeking within the legal profession, which would include increasing diversity at both the governance and staff levels.
70. The Working Group plans to continue to consider the balance of submissions and to develop policy options that are within the Law Society's mandate and prepare a final report to Convocation in fall 2015.
71. In addition to developing recommendations to eliminate the barriers faced by racialized licensees, the Working Group discussed initiatives that could be implemented internally to address the engagement process results. One of the suggested initiatives is to strengthen the Law Society policies and programs by conducting an operational equity audit of its services offered to the profession. The Law Society has just completed a request for proposals to conduct an audit or assessment of the services it provides to licensees and the public in specified departments. The purpose of the audit is:
 - a. To determine whether any procedures, policies and /or practices involve actual or perceived systemic discrimination against members of racialized and Aboriginal communities.
 - b. If there are barriers or systemic discrimination, perceived or otherwise, provide options on how to eliminate the identified barriers.
72. The audit will include the following departments that provide direct services to licensees or the public:
 - a. Spot Audit/Practice Review;
 - b. Intake and complaints;
 - c. Investigation;
 - d. Complaint Resolution;
 - e. Office of the Complaints Resolution Commissioner.

Retention of Women in Private Practice Working Group

73. In May 2008, Convocation approved nine recommendations to enhance the retention of women in private practice, which in turn led to the creation of a number of programs and initiatives, including the Justicia project, the Career Coaching Program, the Parental Leave Assistance Program, the Contract Registry and the Women's On-line Resource Centre. An overview of the programs is presented below and a more fulsome report, [Retention of Women in Private Practice Status Report - 2012](#), is available on-line.

Justicia Project

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74. This innovative project — the first of its kind in Canada — was launched on November 17, 2008 and more than 55 firms, including one large out-of-province firm, participated throughout the project.
75. Through the Justicia Project, the Law Society, with the engagement of participating law firms, developed a wealth of resources for law firms and women practitioners. The resources are now available [on-line](#) and include practical guides on business development and leadership skills, career advancement into partnership (one guide for law firms and one for associates), flexible work arrangements and profitability models for flexible work arrangements, gender data collection, pregnancy and parental leaves, the development of parental leave policies for associates and partners.
76. During the Project, managing partners remained engaged by participating in annual Managing Partners' Summits in Toronto, Ottawa, Barrie/Orillia, Sudbury and Hamilton.
77. The success of the Law Society initiative in Ontario led to the launch of Justicia projects in other provinces, making this initiative a national project. For example,
 - a. The Barreau du Québec has 24 participating firms. Phase 1 of the project, the production of 9 guides in French, is complete. The guides will be produced in paper format and accessible on-line. There will be a celebratory event on May 14, 2015. Follow-up activities will include: an annual compilation of law firms' demographic data (voluntary participation), an annual meeting of managing partners, three annual meetings of firm representatives, the development of continuing professional development programs offered in firms and the monitoring of policies and practices through surveys or other methodologies. New firms are also invited to join.
 - b. The Law Society of Alberta adopted Justicia in April 2012 and launched the project in June 2012 with national firms. There are 13 participating firms. Phase 2, in which all other Alberta law firms will be invited to participate, was approved in February 2014. The Law Society is currently organizing the first managing partners introductory meetings in Edmonton and Calgary with a target date of mid-June. There are firms committed to lead in Edmonton, Calgary, Red Deer and Lethbridge.
 - c. The Law Society of British Columbia launched Justicia on November 20, 2012 with 17 national and large regional law firms. Three working groups were created, and have finalized resources on demographic collection, maternity leaves and flexible work arrangements. The working groups are now working on resources for business development, leadership and paths to partnership.
 - d. The Law Society of Manitoba held a Justicia Managing Partners' Summit on May 27, 2013 with former Law Society of Upper Canada Treasurer Laurie Pawlitzka and Kirby Chown as keynotes. Over 30 partners and managing partners attended. Nine firms are participating in Justicia to date, including the six large

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Winnipeg firms and three medium-sized firms. Two working groups have completed their first two policies. The Law Society is planning to set up a portal for Justicia members where resources will be posted.

- e. The Law Society of Saskatchewan launched its program in November 2014 and now have working groups on family leave, flexible work arrangements and mentorship/work arrangements as well as a demographic data collection group. There are about 30 participants from 12 firms in Regina and Saskatoon.
78. On May 28, 2014, the Law Society hosted a Justicia symposium with approximately 200 participants in person and 300 participants on-line. The symposium included concurrent workshops on Justicia topics such as mentoring, career coaching, parental leaves, flexible work arrangements and career advancement. Chief Justice Bonkalo made a very inspirational keynote address at the networking reception.
79. The Law Society continues to hold Justicia Continuing Professional Development Programs. On February 4, 2015, it held the "Business Development for Women Lawyers Justicia CPD", in partnership with the Women's Law Association of Ontario. Approximately 42 lawyers participated in this program.

Career Coaching Program

80. In December 2011, the Law Society created the Career Coaching Program, a program for women lawyers who meet specified eligibility criteria to receive, without charge, up to six hours of career coaching from a qualified career coach. Since 2012, the program is also available to paralegals,
81. The purpose of the Career Coaching Program is to assist women lawyers and paralegals who are sole practitioners or in firms of five lawyers or five paralegals or fewer to maintain their practice while taking a maternity, parental or compassionate leave. The program is structured to allow for two hours of coaching prior to the leave to assist women in ramping down their practice, two hours during the leave to assist women in maintaining their practice, and two hours following the leave, to assist with the reintegration into practice.
82. The program was launched in April 2012, with coaches appointed across the province to provide the services. Services are available in French or English. More than twenty-five women have joined the program to be coached.

Parental Leave Assistance Program

83. The three-year pilot Parental Leave Assistance Program (PLAP) was created to enable more lawyers to stay in practice after the birth or adoption of a child. Effective March 12, 2009, the PLAP provides financial benefits to practising lawyers who are partners in firms of five or fewer lawyers and meet the eligibility criteria.

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84. 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.
85. As of January 1, 2014, to be eligible for benefits under the Parental Leave Assistance Program, the applicant must satisfy all of the following requirements:
- Be a parent of a child.
 - Be a member in good standing.
 - Be a sole practitioner or a partner in a firm of five lawyers or less.
 - Have had an active law practice and earned income from providing legal services, advice or opinions to clients for a period of at least six months immediately preceding the event.
 - Have an active law practice with a business address in Ontario that is not a Post Office (PO) box.
 - With respect to the law practice in Ontario, have insurance against professional liability.
 - Have no access to any other maternity/parental/adoption financial benefits under public or private plans, as defined in the Guidelines.
 - Have a net practice income of less than \$50,000 for the period of twelve months immediately preceding the event.
 - Cease to engage in remunerative work and to practise law during the leave for which he or she is receiving payment of benefits under PLAP.
86. Since the inception of the Program but before the implementation of the means test on January 1, 2014, the Law Society received on average 60 applications annually. In 2014, with the means test in place, the program received approximately 45 applications. The Law Society is assessing the effectiveness of the PLAP.
87. The following table, which is compiled as of the end of December 2014, shows the number of approved and completed applications since the program launch and for the year 2014, the year of the implementation of the means test.

Number of Applicants for approved and completed applications as of the end of 2014

	Total	# Male	# Female	% Male	% Female
2014	32	5	27	16%	84%
Since program launch	304	63	241	21%	79%

Contract Registry

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88. The Contract Registry, created in 2008, is [available on-line](#) and includes resources and a list of available lawyers and paralegals from across the province who are interested and available to provide legal services on contract.
89. As of December 2014, there have been 359 applications posted, with 237 active postings on-line as of December 2014. Approximately 346 individuals have requested contact information for registrants and approximately 547 profiles have been requested. In 2014, the Law Society posted 37 applications. Thirty-five clients have requested access to 68 profiles.
90. The site provides helpful resources for sole and small firm practitioners who require the assistance of a contract lawyer or paralegal while taking maternity, parental or other types of leave. The site is also used by lawyers or paralegals who require assistance for a large trial or a demanding file, or for any other reasons.
91. The Contract Registry offers specific tools to help lawyers or paralegals hire a contract lawyer or paralegal, including sample contract clauses, a contract checklist, as well as information about issues to consider when entering into a contract.

Women's On-line Resource Centre

92. Launched in December 2010, the [Women's On-line Resource Centre](#) (WORC) provides practical, on-line resources for women lawyers and paralegals, including information about,
 - a. legal organizations for women lawyers and paralegals;
 - b. mentoring;
 - c. marketing for women lawyers and their businesses;
 - d. resources available for sole and small firms;
 - e. work/life balance;
 - f. leaves, childcare and parenting;
 - g. returning to practice;
 - h. equity and diversity for women lawyers;
 - i. retention of women; and
 - j. the member assistance program.

Human Rights Monitoring Group

93. 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

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- c. prepare a response for review and approval by Convocation.
94. On September 20, 2007, Convocation approved the recommendation that the Monitoring Group explore the possibility of developing a network of organizations, and work collaboratively with them, to address human rights violations against judges and lawyers.
95. 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. The Monitoring Group has received positive responses to its interventions.
96. To date, the Monitoring Group has recommended, and Convocation has approved, Law Society interventions in more than 90 cases on behalf of over 100 judges and lawyers originating from countries such as Algeria, Azerbaijan, Bahrain, Belarus, China, Colombia, Democratic Republic of Congo, Egypt, Georgia, Guatemala, Honduras, India, Indonesia, Iran, Kenya, Kyrgyzstan, Libya, Malaysia, Myanmar, Nepal, Pakistan, Philippines, Russia, Rwanda, Saudi Arabia, Sudan, Syria, Tajikistan, Tunisia, Turkey, Vietnam, Venezuela and Zimbabwe.
97. 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.
98. 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.
99. The Law Society intervened for example in Justice Afiuni's case and received acknowledgements of the intervention. On December 9, 2009 Judge Maria Lourdes Afiuni was arrested by intelligence officers in Venezuela after ordering the conditional release pending trial of Eligion Cedeno. She was eventually committed to house arrest. The Law Society intervened in the case in May 2010 through a letter of intervention and a public statement. On December 13, 2011, a judge extended the measure of house

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arrest against Judge Afiuni by two years. The Law Society intervened again through a letter of intervention. There was a positive response to the Law Society's intervention. The public statement was released in newspapers in Venezuela and read on television. Justice Afiuni was also informed of the public statement and expressed her gratitude for the Law Society intervention.

100. When Dr. Shirin Ebadi visited the Law Society in June 2012, she remarked on the importance of intervening, through letters to foreign authorities, in support of lawyers and judges. She noted that there are seven lawyers in prison in Iran and she congratulated the Law Society for its intervention work.
101. The Law Society learned in August 2012 that eleven lawyers in Myanmar had their license to practise law reinstated after the Law Society and other advocates for the rule of law and the independence of the legal profession intervened on behalf of 32 lawyers disbarred for political reasons. In April 2012, the Law Society wrote a letter to the President of Myanmar voicing concern that lawyers in the country had been targeted with criminal sanctions and had their licenses revoked in retribution for their political activities. In the letter, the Law Society acknowledged recent positive changes that had taken place in Myanmar and requested further information on the criminal offences that led to the disbarment. The Law Society indicated that it was considering issuing a public statement in support of the rule of law and the independence of the legal profession in Myanmar. In an email in June, one of the lawyers whose license has been reinstated thanked the Law Society for its actions and acknowledged that global support had played a part in the Myanmar Supreme Court's decision to reinstate the lawyers' licenses.
102. The Monitoring Group released, in June 2014, the [*Facilitating International Access to Justice through Intervention*](#) report that provides an overview of the Monitoring Group work over the years from an access to justice perspective by outlining the types of clients that persecuted lawyers serve.
103. Since 2009, the Monitoring Group has expanded its activities by launching a Rule of Law Education Series, which has been extremely successful. The events have been held each year since 2009. One significant rule of law event was held on June 14, 2012, with Dr. Shirin Ebadi as the keynote speaker. An Iranian lawyer, a former judge and human rights activist, she was the first Muslim woman and the first Iranian to receive the award. In 2003, Dr. Ebadi was awarded the Nobel Peace Prize for her exceptional efforts fighting for democracy and human rights.

Law Society Human Rights Award

104. In 2013, at the request of the Monitoring Group, the Law Society created a Human Rights Award. The award is granted every two years to individuals for their devotion to human rights, the rule of law, and access to justice either over a long term, or for a

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single, outstanding act of service. The Law Society was honoured to present, on February 12, 2015, its inaugural Human Rights Award to The Honourable Irwin Cotler, PC, OC, MP, at a ceremony in Toronto. Mr. Cotler received the award in recognition of his outstanding contributions to the advancement of human rights and the promotion of the rule of law.

105. Irwin Cotler has served as an esteemed law professor, legal scholar, mentor, international human rights lawyer and as a Member of Parliament for Mount Royal (1999-present). From 2003 to 2006, Mr. Cotler held the country's most respected justice portfolios as Minister of Justice and Attorney General of Canada. During that time, he issued the first National Justice Initiative against Racism and Hate, and initiated the first prosecution under Canada's *Crimes against Humanity and War Crimes Act* for incitement to genocide in Rwanda.
106. Mr. Cotler is also the recipient of 11 honorary degrees and numerous awards, including the Order of Canada and recently received the Canadian Bar Association's President's Award, the International Raoul Wallenberg Foundation's Centennial Medal, and was elected 2014 Canadian Parliamentarian of the Year by his colleagues.

Programs and Initiatives

107. The Law Society has, over the years, as a response to the needs of an increasingly diverse profession, implemented a number of programs to promote inclusiveness and access to justice.

Equity Legal Education

Identifying the Need for Equity Legal Education

108. Numerous Law Society studies show the importance of networking opportunities in career advancement. Professor Kay, for example, in her study *Diversification of Careers Paths in Law*, notes that networking was suggested by respondents as a support "that may improve access to jobs within private law firms as well as opportunities to recruit clients. Specifically, opportunities to network with colleagues and to develop clientele networks were discussed as support systems that would encourage lawyers to return to private practice firms [...] In sum, respondents emphasized the utility of professional development courses to facilitate re-entry for those seeking to return to private practice."⁹
109. Professor Kay also notes the importance of networks in *Leaving Law and Barriers to Re-entry*, when talking about the assistance for those returning to private practice: "For example, participants noted the value of "networking opportunities"; "marketing and

⁹ Professor Fiona Kay, *Diversification of Careers Paths in Law* (Toronto: Law Society of Upper Canada, 2015) at 89.

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developing client connections”, and “*colleagues must assist just as they assist articling students*”. It is evident that having a reliable network in place is essential to a smooth return to private practice. Without such networks for locating jobs, serving as references and developing a clientele base, lawyers seeking to return to private practice are at a significant disadvantage.”¹⁰

110. The Law Society’s study of the needs of lawyers and students with disabilities also emphasized the importance of developing networking opportunities: “The Strategic Counsel Report noted that initiatives to enhance networking opportunities for students and lawyers with disabilities would be of great assistance. The Disability Working Group proposed that on-line networking opportunities be developed to provide message boards and a list of resources for students and lawyers with disabilities.”¹¹
111. Respondents in the *Aboriginal Bar Consultation Report* emphasized as a top suggestion that providing more networking opportunities was important.¹²
112. The Law Society’s 2007 *Articling Consultation Report*, prepared by The Strategic Counsel, underscored the importance of networks in the search for an articling position. For a variety of reasons, members of each of these communities (racialized, mature and National Committee on Accreditation candidates) expressed concern that their own networks were not as well developed as they might have been. This suggests that the Law Society might consider facilitating ways in which members of these communities could strengthen and enhance their personal networks.”¹³
113. The Retention of Women Working Group¹⁴ research found that gender-based networking opportunities were important for women in private practice. Women in small firms and sole practices were particularly vulnerable because they do not have the financial or human resources to take leaves and access to networking opportunities was seen as key support.
114. The importance of networking opportunities was also raised in the 2005 *Final Report of the Sole Practitioner and Small Firm Task Force* where the findings show: “Within equality-seeker focus groups the participants [...] identified the benefits of being able to serve a particular demographic community, create networks within that community and fill a previous void that existed when there were no lawyers able to address specific cultural or linguistic needs”.¹⁵

¹⁰ *Leaving Law and Barriers to Re-entry* (Toronto: Law Society of Upper Canada, 2014) at 65.

¹¹ *Students and Lawyers with Disabilities – Increasing Access to the Legal Profession* (Toronto: Law Society of Upper Canada, 2005) at 4.

¹² *Aboriginal Bar Consultation Report* (Toronto: Law Society of Upper Canada, 2009) at 21.

¹³ *Articling Consultation* (Toronto: Law Society of Upper Canada, 2007) at 23

¹⁴ *Final Report – Retention of Women in Private Practice Working Group* (Toronto: Law Society of Upper Canada, 2008).

¹⁵ *Final Report of the Sole Practitioner and Small Firm Task Force* (Toronto: Law Society of Upper Canada, 2005) at 37.

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115. In addition, the Association des juristes d'expression française de l'Ontario (AJEFO) emphasized the importance of equity legal education in French for the profession, which led to the adoption of a clause in the 2015 its *French Language Services Policy* that states “the Law Society is committed to facilitating, coordinating and delivering Continuing Professional Development and Legal Education Programs in the French Language”.

Law Society Equity Legal Education Programs

116. As a response to the identified need of equity-seeking communities for enhanced opportunities for networking, the Law Society holds each year about twelve Equity Legal Education and Rule of Law events for the public and the legal profession. The events address legal topics of interest and include panel discussions with experts followed by networking events. The Law Society celebrates days and months of significance such as Louis Riel Day, Black History Month, International Women's Day, Journée des Franco-Ontariens et des Franco-Ontariennes, Journée internationale de la francophonie, National Aboriginal History Month, National Holocaust Memorial Day, Asian and South Asian Heritage Month, Access Awareness and Pride.
117. The Equity Initiatives Department works in partnership with stakeholders to organize and host the Equity Legal Education programs and has, over the years, significantly broadened its network. Partners include the Aboriginal Legal Services of Ontario, Amnesty International, the Arab Canadian Lawyers Association (ACLA), 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 (CABL), the Canadian Association of South Asian Lawyers (CASAL), the City of Toronto, the Federation of Asian Canadian Lawyers (FACL), the Women Lawyers Forum of the Ontario Bar Association (OBA), the Canadian Hispanic Lawyers Association, Human Rights Watch Canada, Lawyers without Borders, Lawyers' Rights Watch Canada, the Legal Education Action Fund (LEAF), Legal Aid Ontario, the Métis Nation of Ontario, the Official Languages Committee of the OBA, Pro Bono Law Ontario, the Schlifer Clinic, the Sexual Orientation and Gender Identity Committee of the OBA, the South Asian Bar Association of Toronto (SABA), the Women's Law Association of Ontario (WLAO), and many more.
118. The events have increased in popularity over the years with attendance as follows:

Program	Organizing partner(s)	2012	2013	2014	2015
Black History Month	CABL	231 An Evening with Author Lawrence Hill	162 Pursuing Social Justice and Equality through Community Advocacy	177 ICC Judge Chile Eboe- Osuji Recalling: Injustice Anywhere is a	320 From “Hands Up! Don't Shoot!” to “I Can't Breathe” — Is the Air Clearer North of the

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Program	Organizing partner(s)	2012	2013	2014	2015
				Threat to Justice Everywhere	Border?
International Women's Day	WLAO, OBA, Schlifer Clinic, LEAF	183 The (Mis)Representation of Women in the Media	140 Global Response to Sexual Violence Against Women and Girls	150 Immigration: The Impact of Recent Legislation on Women & Girls in Canada and on Those Hoping to Move Here	420 (100 of these by webcast) Sexual Violence against Women: The more things change, the more they stay the same?
La journée internationale de la francophonie	AJEFO, OBA	85 Conférencière: Nathalie Des Rosiers Avocate générale, Association canadiennes des libertés civiles	85 Conférencière: Françoise Boivin, Députée néo-démocrate de Gatineau	125 Conférencier: Roger Bilodeau, c.r., registraire à la Cour suprême du Canada	80 Commémoration des 400 ans de présence francophone en Ontario et Jeux panaméricains et parapanaméricains de 2015 à Toronto
Holocaust Remembrance Day	B'nai Brith Canada	85 Remembrance, Reconciliation, Restitution: Is there a way to right the wrongs of the past?	100 The road from democracy to dictatorship, from the Holocaust to the present day	175 Keynote: Justice Rosalie Silberman Abella & Alti Rodal: Reflections on the Holocaust	350 How Do We Stop the Rising Tide of Anti-Semitism Today: Legislation vs. Education?
Mental Health Week event					Fostering Wellness – A Discussion of Mental Health in the Legal Profession As of May 2015, there were 1,500 registrants. Lawyers: 62 %, paralegals: 26%, licensing candidates: 2%, public: 4% 12% are registered to attend in person and 88% via webcast.

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Program	Organizing partner(s)	2012	2013	2014	2015
Diverse Careers for Women in Law	WLA	60 You're a Lawyer – Now What?	50 Panel discussion and networking to promote diverse careers for women in the legal profession	60 8 th Annual Diverse Careers for Women in Law – Panel discussion and networking	To be held on May 7/15 -
Asian and South Asian Heritage Month	FACL, SABA, CASAL	158 Promoting Equality & Diversity on the Bench	85 Balancing Rights in a Multicultural Society – The Impact of Cultural and Social Issues on the Law	100 The Carrot or the Stick: How to Achieve Diversity?	To be held on May 12/15
Access Awareness Event	Access Awareness Event	95 Independent Living and Attendant Services: Tools to Promote and Defend the Rights of Persons with Disabilities	134 Achieving Autonomy and Inclusion for People with Disabilities:	240 Advancing Disability Rights in Theory and Practice	To be held on June 4/15
National Aboriginal History Month		138 Key business law considerations when entering into partnerships with Aboriginal communities	75 Aboriginal Children in Care: What are the Implications for Aboriginal Families and the Legal Profession?	129 The Keewatin Lands Decision: What Could Its Impact Be on The Future of Aboriginal Interests and Resource Development?	To be held on June 19/15
Pride Week event	OBA, SOGIC	193 Impact of the Canadian Charter of Rights and Freedoms on lesbian, gay, bisexual, and transgender (LGBT) rights.	115 The Application of International Human Rights Principles in Relation to Sexual Orientation and Gender Identity	296 Screening of the documentary <i>How We Got Gay</i> <i>Keynote speaker: Ann-Marie MacDonald</i>	To be held on June 23/15
Wrongful Conviction	AIDWYC			120 Film & power	

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Program	Organizing partner(s)	2012	2013	2014	2015
Day				point Presentation by James Lockyer	
Louis Riel Day	Métis Nation of Ontario	65 The State of Métis Law, Research and Self-Government in Canada	200 2013 Program was coordinated by the Métis Nation and held offsite at the Sheraton Centre	136 What's left in section 91(24)? - Crown Responsibilities, Government Jurisdictions and Aboriginal Peoples	Date TBC
Le Jour des Franco-ontariens et Franco-ontariennes	AJEFO, OBA	109 Keynote speaker Micheline Dumont, Francophone author and feminist historian	113 Les défis et les satisfactions de la présidence au féminin...et en français Conférencière: M ^e Pascale Daigneault, présidente de l'ABO	152 Conférencière : L'honorable Madeleine Meilleur, procureure générale et ministre déléguée aux Affaires francophones	Date TBC
Rule of Law program June 14, 2012	LSUC	311 Tribute to renowned human rights activist and Nobel Laureate Dr. Shirin Ebadi			
Rule of Law program International Human Rights Day Dec. 10, 2012	Human Rights Watch Toronto	234 Keeping Canada at the Forefront: Reviving Canada's Leadership Role in International Human Rights			
Additional program October 15, 2012	The Metro Toronto Chinese & Southeast Asian Legal Clinic (MTCSALC)	168 Championing Equality – Progress or Peril? Celebrating 25 Years of the Metro Toronto Chinese & Southeast Asian Legal Clinic			

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Program	Organizing partner(s)	2012	2013	2014	2015
Additional program Annual CABL conference (Registration is managed by CABL)	CABL program hosted in partnership with the Law Society of Upper Canada	70 October 26, 2012 Various seminars	60 October 25, 2013 17 Years strong – Lifting as we Climb: The Lawyers of Tomorrow	100 October 31, 2014 18 Years Strong – “Still I Rise”: Continuing Our Momentum Beyond the Barriers	
Rule of Law program Sept. 16, 2013	Canadian Lawyers for International Human Rights and The Roméo Dallaire Child Soldiers Initiative		311 Conflict Minerals, Child soldiers and Canadian Responses: A Panel Discussion		
Rule of Law program Nov. 21, 2013	Canadian Lawyers for International Human Rights and The Philippe Kirsch Institute on international law		120 (Registration was managed by The Kirsch Institute staff) Domestic Application of International Law: What Lawyers Need to Know		
Rule of Law program Dec. 10, 2014				80 40 th anniversary of the Law Society Rule Prohibiting Discrimination	
Inaugural Human Rights Award					300 Recipient – The Honourable Irwin Cotler

119. Events such as the 2015 Holocaust Memorial Day and the 2015 Mental Health Awareness program met their in-person capacity within one day of advertising, with 350 registrants for the Holocaust Memorial Day event and 250 in-person registrants for the Fostering Wellness – A Discussion of Mental Health in the Legal Profession event. In order to increase the accessibility of Equity Legal Education events, some of the events have been webcast, including the 2015 International Women’s Day and the Fostering

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Wellness – A Discussion of Mental Health in the Legal Profession events. The webcast events allow the Law Society to reach out to large audiences of lawyers and paralegals. For example, the week before the webcast of the Fostering Wellness – A Discussion of Mental Health in the Legal Profession event, there were over 900 registrants for the webcast.

Assessment of Programs

120. Over the last few years, whenever feasible, the Equity Initiatives Department distributed evaluation forms to participants of Equity Legal Education events. Of sixteen programs evaluated, the average to the question “how useful was the session?” was 4.4 out of 5 (as the highest rating). The comments about the events are generally extremely positive and relate to both content and format. The constructive criticism comments generally relate to logistical issues, such as quality of sound, length of program and length of presentations.
121. The Equity Initiatives Department is working on making its registration and evaluation processes more effective with enhanced use of technology. In addition, with the success the equity programming and the importance of decentralizing the programs, along with the effectiveness of webcasting, it is hoped that more Equity Legal Education programs will be webcast in the future.
122. A sample of comments are provided below.



Comments about *Business Development for Women Lawyers*

Excellent event – I wish I attended something like this in my early years in my legal practice. Excellent to have speakers form various stages in their careers present on their journey.

I found this seminar very useful and look forward to reviewing the materials. Thank you to all involved.

A wonderful event. I look forward to the next.

It was helpful to get tips on developing a personal brand and comments from the panelists on their own brands were helpful.

Hearing about personal experiences that were successful and led to marketing traction was very helpful.

All tips generally given, especially those that were accompanied by stories of past experiences, were helpful.



Comments about *From “Hands up! Don’t shoot!” to “I can’t breathe” – Is the Air Clearer North of the Border?*

The panel was diverse with many different points of view.

The panel discussion was topical and informative.

It was all good with a great group of panelists
An important and timely topic, excellent range of speakers.

Excellent panel.

The question and answer period was engaging and impassioned.

Very happy that the Law Society continues to partner with the Canadian Association of Black Lawyers during Black History Month. Discussions of important topics which raise challenging questions makes this partnership feel as though it is truly valued.

Very interesting and very happy to have attended



**Comments on the 40th Anniversary of the
Law Society Rule Prohibiting
Discrimination**

It was a very informative panel discussion

Very interesting to have the living history presented by those who were there.

The wide variety of perspectives from the panel members was excellent.

Thank you for this wonderful panel discussion.

Appreciated the holistic, informal, though highly informative session. Timely topic and good tie-into broader themes currently being investigated by the Law Society. Could have been a longer panel.

Comments about *Sexual Violence Against Women: the more things change, the more they stay the same?*

The varied educational and empirical experiences and expertise each panel members offered was excellent.

The youth perspective was very useful.

The variety of perspectives and ideas was very interesting.

Panel provided great answers to questions.

The multi-generational panel of very well educated and accomplished strong women was excellent.

Learning about the changes in law was helpful.

Excellent range of speakers, very representative and all extremely knowledgeable.

Fascinating panel that covered a broad range of issues in a short period of time. Great diversity of panelists – in terms of experience and role and age. Love to see more of this. Excellent discussion. Wish more men had attended. They need to hear this information as well.

Just needed more time, I would not mind if we were able to go over the time because the conversations were insightful.



**Comments about *What is left in section 91(24)?
Crown Responsibilities, Government Jurisdictions
and Aboriginal Peoples***

Learning about the appropriate terminology, history and treaty relationships was very helpful.

All presentations were helpful and speakers were great.

The history and background of the case was helpful to learn about.

It was useful to get the legal update.

The three speakers were very well qualified and articulate. I knew nothing about the Métis coming in so now I have a good overview. I will likely read a few of the cases now. Understanding the Métis current legal position together with the state of various cases before one court was very useful.

The three speakers were excellent and enthusiastic, even when they did not agree with each other.

Law Society of Upper Canada's French Language Services

123. The percentage of lawyers who can provide legal services to their clients in French is higher than the Francophone community in Ontario. Four point eight percent (4.8%) of the Ontario population self-identifies as Francophone while 14% of lawyers and 3% of paralegals indicate that they can provide services in French.
124. As the province's regulatory body for the profession, the Law Society has committed itself to providing services in French to its members and the public. The following is an update of the Law Society's services in the French language.
125. In June 2012, the Bench and Bar Committee released its *Access to Justice in French* report. Justice Paul Rouleau, Court of Appeal for Ontario, and Paul Le Vay, partner at Stockwoods LLP, co-chaired the Bench and Bar Committee and the Law Society was a member of the Committee. Other members of the Committee included judges of the Superior Court of Justice and the Ontario Court of Justice, representatives of the Ontario government, the National Judicial Institute and the Association des juristes d'expression française de l'Ontario ("AJEFO").
126. Two recommendations focused on the Law Society and indicated that the Attorney General, in cooperation with the Law Society and law faculties, should explore measures to support language rights education. In addition, it was recommended that the Law Society consider assessing language rights knowledge in the Licensing Process, develop strategies to enhance the knowledge of French language rights and services before the Court system and promote language rights and access to legal services in French with the public. As described below, the Law Society is in the process of implementing those recommendations.
127. In November 2012, the Ministry of the Attorney General announced the creation of a steering committee with representatives from the justice sector and other organizations to review and develop an implementation plan that responds to the recommendations outlined in *Access to Justice in French* report. The Law Society was a member of the steering committee.
128. The Law Society makes ongoing efforts to enhance access to justice in French, including a bilingual Licensing Process, core regulatory information, forms, website information, numerous publications and various other communications materials in French. The Law Society also collaborates with many partners in the legal system to strengthen French language services within the justice system.
129. In May 2014, Convocation amended By-Law 2 [Corporate Provisions] to establish the right of a person to receive services from the Law Society in French and English in

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designated core areas of its mandate.

130. On October 4, 2014, the Law Society signed an important protocol, [available on-line](#), with the Office of the French Language Services Commissioner to address complaints received about the Law Society's French language services. This is an important access to justice initiative, as it will allow the Law Society to address complaints about its French language services in a timely, open and efficient manner. The protocol will encourage enhanced opportunities to collaborate with the Office of the French Language Services Commissioner.
131. In 2014, the Law Society also adopted its *French Language Services Policy*, [available on-line](#).
132. The following outlines other important initiatives.

For the Profession

133. The following is a snapshot of services and activities for the profession:
- a. **Protocol with the French Language Services Commissioner:** On October 4, 2014, at the annual Association des juristes d'expression française de l'Ontario (AJEFO) conference, the Law Society signed a protocol with the Office of the French Language Services Commissioner, to address complaints made to the Commissioner about the Law Society. The Law Society is now working closely with the Commissioner to implement the protocol.
 - b. **By-law on French Language Services:** In May 2014, Convocation amended By-Law 2 [Corporate Provisions] to establish the right of a person to receive services from the Law Society in French and English. The By-Law amendments replace the provisions of the Law Society's 1989 French Language Services Policy.
 - c. **French Language Services Policy:** Adopted in 2014, the policy complements By-law 2 and provides details on the implementation of the French language services offered by the Law Society.
 - d. **Licensing Process:** Lawyer and paralegal licensing examinations, along with associated reference materials and other resources, are offered in French and French language rights knowledge is assessed in the Licensing Process, as recommended by the *Access to Justice in French* report. The Law Society also works collaboratively with the University of Ottawa, French Common Law program, in the development of a Law Practice Program in French.
 - e. **Rules of Conduct:** In 2001, the *Rules of Professional Conduct* were amended to include a commentary to Rule 1.03 (Interpretation – Standards of the Legal Profession) that discusses the obligation of lawyers to inform their clients of their linguistic rights when applicable. The new *Rules of Professional Conduct*, effective on October 1, 2014, also include that commentary at Section 2.1-1. The *Paralegal Rules of Conduct* also include a Rule to that effect.

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- f. **Advising the Profession about the Rules:** The guides *Advising Clients of their French Language Rights – Lawyers' Responsibilities* and *Advising Clients of their French Language Rights – Paralegals' Responsibilities* have recently been updated and are available online. This is the first step in the implementation of the *Access to Justice in French* recommendation to collaborate with associations of lawyers and paralegals where possible to develop strategies to enhance the knowledge of lawyers and paralegals of French language rights and services before the court system.
- g. **Working with stakeholders:** The Law Society works collaboratively with stakeholders such as the Ontario Bar Association, the Toronto Lawyers Association, the Criminal Lawyers Association, the Family Lawyers Association, the Advocates' Society and the Paralegal Society of Ontario to promote the resources. In addition, the Equity and Aboriginal Issues Committee is the committee responsible for French language services and AJEFO participates in committee meetings and provides input in policy development. AJEFO is also a member of the Law Society's Equity Advisory Group while the Law Society participates in meetings of the AJEFO board and the Official Languages Committee of the Ontario Bar Association.
- h. **Lawyer and Paralegal Annual Report:** The Lawyer and Paralegal Annual Reports were modified to include the following voluntary questions:
- i. Can you communicate with your clients and provide legal advice to them in the French language?
 - ii. Can you communicate with your clients, provide legal advice to them and represent them in the French language?
- i. **Bilingualism in the Law Society Tribunal:** In addition to the right to proceed in French before the Law Society Tribunal, the Tribunal is now chaired by a bilingual lawyer and has the internal capacity to offer services in French. The Tribunal has also increased the number of lawyers, paralegals and lay adjudicators who can hear cases in French.
- j. **Continuing Professional Development:** Since 2012, the Law Society, in partnership with AJEFO, the Advocates' Society and the Official Languages Committee of the Ontario Bar Association ("OBA"), has organized a number of very successful CPD Programs each year in French. The programs are accredited for professionalism and are on topics such as civil litigation, criminal litigation, family law, French common law and the new *Rules of Professional Conduct*. Participation in the programs have ranged from 50 to more than 200 (including webcast).
- k. **Equity Legal Education:** The Law Society offers at least two Equity Legal Education Programs in French annually. On March 19, 2015, the Law Society held a program to celebrate the Journée internationale de la francophonie by discussing the 400th anniversary of Francophone presence in Ontario and the 2015 Panam and Parapan games. On September 24, 2014, in partnership with AJEFO and the OBA, the Law Society celebrated the Jour des Franco-Ontariens et Franco-Ontariennes with the Attorney General, The Honourable Madeleine

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Meilleur, as the keynote. On March 25, 2014, the Law Society, in partnership with AJEFO and the OBA, celebrated the Journée internationale de la francophonie with Roger Bilodeau, Supreme Court of Canada Registrar, as keynote speaker. On September 25, 2013 the Law Society, in partnership with AJEFO and the OBA, celebrated the Jour des Franco-Ontariens et des Franco-Ontariennes by hosting an event with Pascale Daigneault, President of the OBA. The event was attended by at least 85 lawyers, paralegals and members of the public. On March 28, 2013, the Law Society, with the AJEFO and the OBA, celebrated the Journée internationale de la francophonie by hosting an event with Françoise Boivin, the Deputy for Gatineau for the New Democratic Party. On June 19, 2013, the Law Society offered a public education program entitled *Legal Information for Everyone* in French. The program was organized in partnership with Community Legal Education Ontario, the Ontario Justice Education Network and AJEFO and was a success.

- i. **Internal Capacity:** The Law Society offers services in French, including through the Call Centre, the Practice Management Helpline, the Tribunal's office and the Policy, Equity and Public Affairs Division. The Senior Management Team also has bilingual capacity.
- m. **Communications in French:** The Law Society Portal enables all licensees to choose whether they would prefer to receive Law Society communications in French or English. It has adopted internal guidelines to enhance employees' awareness of this service and posts on the intranet a list of bilingual employees.
- n. **Consultation Reports with the Profession:** The Law Society produces consultation reports for the profession as a whole in French and English.
- o. **Law Society Programs:** Numerous programs offer services in French. For example, the Discrimination and Harassment Counsel Program, the Member Assistance Program and the Career Coaching Program offers services in French and English since their inception.
- p. **Regulatory Forms:** The Law Society has translated most forms mandated under the *Rules of Professional Conduct* and the *Paralegal Rules of Conduct*, laws, regulations and by-laws, into French. The website has been updated to significantly increase the number of forms in French.

For the Public

134. The following is a snapshot of services and activities for members of the public:
 - a. **Call Centre:** Call Centre staff field public calls in both English and French, with equal response times. "Average Delay to Answer" stats for January to September 2014.

Wait Times	French	English
Resource Centre	28 seconds	21 seconds

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Complaints	39 seconds	18 seconds
Reception	25 seconds	20 econds

- b. **Directory of Lawyers and Paralegals:** The online directory of lawyers and paralegals is bilingual and indicates whether a lawyer or paralegal is able to offer services in French.
- c. **Commenting about the Law Society Services:** Contact information is available on the Law Society website for anyone who wishes to comment about Law Society services in French.

Custom-Designed Education Programs for the Profession

135. The Equity Initiatives Department and the Discrimination and Harassment Counsel continue to custom-design education programs for law firms, legal organizations and law schools. Between 2013 and 2015, a number of programs were delivered in law firms, law associations and law schools on topics such as addressing harassment, discrimination and workplace violence and providing legal services to persons with disabilities. With the amendments to the *Occupational Health and Safety Act* to address workplace harassment and violence, and the adoption of the standards under the *Accessibility for Ontarians Act, 2005*, a number of training programs were delivered to firms of all sizes on their legal obligations. Continuing Professional Development workshops were also coordinated by the OBA and delivered by the DHC and the Director, Equity, to members of sole and small firms in Toronto. The programs are usually CPD accredited. Each year, approximately 1500 members of the profession and the public attended the professional development programs.

Services for Persons with Disabilities

136. Following the adoption of its *Students and Lawyers with Disabilities – Increasing Access to the Legal Profession* report¹⁶ and the adoption of regulations under the *Accessibility for Ontarians with Disabilities Act, 2005*¹⁷, the Law Society has affirmed its commitment to maintaining an accessible environment for persons with disabilities in the delivery of its goods and services. As a result, it has enhanced its policies and services to eliminate barriers faced by persons with disabilities.
137. The Law Society maintains, in accordance with the Customer Service Standards and the Integrated Accessibility Standards adopted under the *Accessibility for Ontarians with Disabilities Act, 2005*, documents describing its policies, practices and procedures and will provide a copy of such documents to anyone requesting it. The documents include

¹⁶ Law Society of Upper Canada, December 2005.

¹⁷ SO 2005, c. 11.

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policies, practices and procedures with respect to the following:

- use of guide dogs, service animals and support persons;
- the steps to be taken in connection with a temporary disruption;
- the training policy, including a summary of the contents of the training and details of when the training is to be provided;
- records of the training provided under this policy, including the dates on which the training is provided and the number of individuals to whom it is provided;
- the feedback process.

138. The documents are available upon request and are provided in a format that takes into account a person's disability. The Law Society has also adopted the following resources for the Law Society:

[Law Society of Upper Canada Policy on Accessibility for Persons with Disabilities](#)

[Law Society of Upper Canada Multi-Year Accessibility Plan - January 2014 to December 2018](#)

139. The Law Society has also adopted the following resources for the legal profession:

- [Guide to Developing a Customer Service Accessibility Policy](#)
- [AODA Integrated Standards – Legal Obligations for Law Firms of Fewer than 50 Employees](#)
- [AODA Integrated Standards – Legal Obligations for Law Firms of 50 or more Employees](#)

Equity Mentoring Program

140. 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.¹⁸ The program matches between 10 and 50 mentees each year.

Networking with Law Societies

141. Over the years, the equity advisors and ombudspersons of law societies across Canada have developed a strong and productive network to enhance the exchange of information and collaborations between law societies.

142. In 2005, the Equity Initiatives Department began strengthening its relationship with other

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law societies by working with provincial equity advisors and discrimination and harassment counsels - or equity ombudspersons. The first national meeting of law society equity advisors and equity ombudspersons was held that year at the Law Society of British Columbia in Vancouver. 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.

143. In May 2007, the Law Society of Upper Canada hosted the second national meeting of equity advisors and equity ombudspersons. The two-day meeting in Toronto 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.
144. 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.
145. In 2009, the annual meeting was held in Montréal at the Barreau du Québec. The Law Society of Upper Canada became chair of the group and the Montréal meeting led to the development of the Law Societies Equity Network, including Terms of Reference.
146. In April 2011, the Law Societies Equity Network met in Calgary. In addition to law societies' equity advisors and ombudspersons, two representatives of the Federation of Law Societies participated. The two day meeting allowed the Network to develop a short-term and long-term action plan.
147. In May 2012, the Law Societies Equity Network met in Ottawa. The Federation of Law Societies hosted the meeting and participated in the discussions. The two day meeting allowed the Network to present updates on ongoing projects, discuss ongoing collaborations such as the Justicia project and attend a workshop on best practices in assessing programs.

¹⁸ Information available on Law Society website at www.lsuc.on.ca.

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148. In October 2013 the Law Societies Equity Network met in Halifax. The meeting focused on enhancing the collaboration between law societies and provided a professional development opportunity on cultural competence.
149. In October 2014, the Executive Director, the Director, Equity and the Aboriginal and Policy Counsel attended the Federation of Law Societies meeting to participate in the conference *Access to Justice and Legal Services: Developing Practical Strategies*. The conference was a truly innovative and collaborative experience, and a model in how organizations can all work together towards common purposes.

Collaborating with Law Schools

150. 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. The Equity Initiatives Department visits most law schools in Ontario on an annual basis and has been invited to deliver educational workshops on addressing harassment and discrimination and the diversity of the legal profession to students un a number of Ontario law schools.

Discrimination and Harassment Counsel Program

151. 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. The DHC confidentially assists anyone who may have experienced discrimination or harassment by a lawyer or paralegal and may attempt to resolve issues through informal means or mediation with the consent of all parties. Since its creation, the person who has held the position of DHC has been bilingual (French and English). Since 2003, the DHC is Cynthia Petersen. In 2004, the position of Alternate DHC was created. David Bennett and Lynn Bevan hold the position of Alternate DHC. The Alternate DHC assume the functions of the DHC when she is unable to perform the function.
152. In January 2013, the DHC presented to the Law Society a ten-year report summarizing the data between January 1, 2003 and December 31, 2012. There were a total of 1,765 new contacts with the DHC Program in that 10-year period. There were 180 new contacts in 2003, 234 in 2004, 180 in 2005, 156 in 2006, 130 in 2007, 145 in 2008, 195 in 2009, 192 in 2010 and 188 in 2011 and 165 in 2012. The Program has received an average of 17.6 new contacts per month over the past ten years.
153. The DHC services are offered in French and English. Between January 1, 2003 and December 31, 2012, 52 individuals have communicated with the DHC in French (3% of all new contacts).

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154. Of the 1,765 contacts with the Program during the ten-year period, the DHC dealt with a total of 583 discrimination and/or harassment complaints against lawyers and 3 discrimination and/or harassment complaints against Ontario articling students. (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, 66 in 2009, 70 in 2010, 44 in 2011 and 68 in 2012. In addition, since January 1, 2008, there have been 15 discrimination and/or harassment complaints against paralegals licensed in Ontario.
155. Out of the 583 discrimination and harassment complaints received against lawyers and articling students during the ten-year period, there were 318 complaints from the public and 265 complaints from within the legal profession (i.e., from lawyers, law students, paralegals or paralegal students). All three of the complaints against articling students were made by other articling students. Thus during the ten-year period, complaints from the public have constituted on average 55% of all discrimination and harassment complaints against lawyers.
156. A total of 60 law students¹⁹ have made discrimination and harassment complaints to the DHC Program during the ten-year period (out of a total of 265 complaints from within the legal profession). Student complaints therefore constitute 23% of the discrimination and harassment complaints received from members of the legal profession over the past 10 years.
157. The overwhelming majority (75%) 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.
158. Of the 268 discrimination and harassment complaints against lawyers by members of the legal profession during the ten-year period, 200 (75%) were made by women.
159. Of the 318 members of the public who have made discrimination and harassment complaints against lawyers to the DHC during the ten-year period, 210 (66%) were made by women.
160. There was a total of 586 discrimination and harassment complaints against lawyers and paralegals between January 1, 2003 and December 31, 2012. Of these,²⁰

¹⁹ Either articling students, summer students, or university law students. There have been no complaints against lawyers by paralegal students.

²⁰ The sum of the numbers in this paragraph exceeds 586 and the sum of the percentages exceeds 100% because many of the complaints involved multiple grounds of discrimination.

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- a. sex was raised as a ground of discrimination in 291 complaints (50%);
 - b. disability was raised in 150 complaints (26%);
 - c. race was raised in 95 complaints (16%);
 - d. sexual orientation was raised in 31 complaints (5%);
 - e. age was raised in 21 complaints (4%);
 - f. family status was raised in 21 complaints (4%);
 - g. religion was raised in 19 complaints (3%);
 - h. ethnic origin was raised in 16 complaints (3%);
 - i. marital status was raised in 8 complaints;
 - j. ancestry was raised in 7 complaints;
 - k. place of origin was raised in 5 complaints; and
 - l. record of offences was raised in 4 complaints.
161. The following are examples of complaints made to the DHC by members of the public and the profession over the years:
- A male litigant with severe burn scars reported that the opposing counsel in his case made disparaging remarks and mocked his injuries both inside and outside the courtroom.
 - A number of litigants with disabilities reported that the opposing counsel in their cases exploited their disabilities and/or made derogatory ableist remarks or assumptions about them.
 - A number of disabled litigants reported that their own lawyers exploited their vulnerability and took advantage of them based on their mental disabilities.
 - A law clerk with a speech impediment complained that her boss (a male lawyer) would get drunk and then mock her publicly by imitating her stutter.
 - A Chinese man complained that his lawyer treated him in a dismissive and demeaning manner (e.g. ordering him to “sit down” in front of other parties, interrupting him when he spoke, patronizing him, etc.) that was different from how the man observed the lawyer interacting with other white clients.
 - An Aboriginal man complained that his own lawyer treated him in a demeaning racist manner and did not take his concerns seriously.
 - A secretary in a legal clinic complained that she was pressured not to take a year of pregnancy/parental leave and then was demoted on the day that she returned to work from her shortened leave.
 - A female client complained that her male lawyer always insisted on meeting her outside his office, constantly told her how attractive she was, and put his hands around her waist while alone in an elevator.

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- A secretary in a law firm complained that one of the male lawyers in her office repeatedly tried to hold her hand, stroked her hair, and frequently commented on her appearance.
- A racialized woman complained that her lawyer made a racially derogatory remark by referring to her as a “monkey”.
- A secretary in a law firm complained that lawyers in the office began harassing her after she announced that she intended to marry her same-sex partner.
- A woman complained that her lawyer repeatedly commented on her appearance and always insisted on hugging her after their meetings, even though she had advised him that it made her uncomfortable.
- A female law clerk complained that a male lawyer in her office commented on her breasts and asked her to join him in a hotel room.
- A legal secretary complained that a male lawyer at her workplace regularly made sexual advances toward her. Before leaving the office one night he asked, “how about a quick blow job before you go?” He displayed a violent temper when she rejected his advances. Later he would apologize for his behaviour and say he was “just kidding”.
- A woman of middle-Eastern descent complained that a female lawyer she had retained questioned her about her inter-racial relationship, implying disapproval.
- Two female lawyers complained about their employer’s unwillingness to accommodate their breastfeeding needs after returning from maternity leaves.
- A racialized female paralegal complained about derogatory racialized remarks made by her coworkers about her appearance.
- A number of female lawyers complained about employment discrimination based on pregnancy, ranging from denial of advancement opportunities after a maternity leave to termination of employment.
- A Jewish lawyer complained that she was routinely loaded down with a high volume of work by a partner in her firm just prior to the Jewish holidays, so that she would not be able to take leave for religious observance.
- A Muslim lawyer complained that her employer was refusing to accommodate her request for leave for religious observance of Islamic holy days.
- A senior female associate in a law firm complained that male associates were given better work and had more advancement opportunities within her firm. She also complained about differential partnership structures within her firm that disadvantaged women partners.

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- A female lawyer complained that she was given substandard work after her return from pregnancy/parental leave. She felt she was being put on a “mommy track” that would stifle her advancement opportunities within her department.
- A female associate complained about a male partner who regularly shouted at her, shook his fist in anger, called her “lazy” and “stupid” and said she must have “slept her way to getting hired” at the firm.
- A female lawyer complained that she was given disproportionately more work than her colleagues because she was single and did not have children.
- A number of lawyers with child care obligations, including some with seriously ill children, complained that their employers were refusing to accommodate their family status by making flexible work arrangements for them.

Law Society as Model Employer

162. The Law Society has committed itself to promoting equality of participation and representation of Aboriginal, Francophone and equality-seeking communities within the Law Society.
163. The Equity Initiatives Department works closely with other divisions in the promotion of equality and diversity. Most Law Society divisions have integrated these principles into their operations. The Director, Equity participates on the Senior Management Team. The activities are summarized below.

Systemic Changes and Educational Programs

164. The Department works with the Human Resources Department to ensure that the Law Society is compliant with legislation. For example, the Law Society has an *Accommodation Policy* and a *Prevention of Harassment and Discrimination Policy* that applies to the workplace and the provision of services. It also developed, in collaboration with Human Resources and the Director of the Corporate Services, a *Workplace Violence Prevention Policy*, consistent with the requirements under the amended *Occupational Health and Safety Act*. The policy is reviewed annually as required by legislation.
165. The Law Society also adopted its *Policy on Accessibility for Persons with Disabilities* and its *Multi-Year Accessibility Plan – January 2014 to December 2018*.
166. The Department offers, with the Human Resources Department, workshops designed to promote a positive workplace environment for the Law Society. The following workshops are offered:
- a. Preventing and Addressing Harassment and Discrimination in the Workplace – mandatory workshop for new employees.

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- b. Preventing and Addressing Harassment and Discrimination in the Workplace and the Duty to Accommodate – mandatory workshop for managers.
 - c. Preventing and Addressing Harassment and Discrimination in the Workplace and the Duty to Accommodate – mandatory workshop for Advisors appointed under the Harassment and Discrimination Prevention Policy of the Law Society;
 - d. Mandatory training module for employees, including managers, on the prevention of workplace violence;
 - e. Mandatory training module for employees, including managers, on providing accessible services and communications to persons with disabilities and ensuring accessible workplace.
167. The Director, Equity, also works with the Executive Director, Corporate Services, to address complaints of harassment and/or discrimination in the workplace.

Advisors Appointed under the Harassment and Discrimination Policy

168. Advisors are appointed under the harassment and discrimination policy to assist employees by answering employees' questions about harassment and discrimination and providing advice. Training is provided to Advisors and meetings are held quarterly.

Cooperation with other Law Society Divisions

169. The Department works closely with other divisions of the Law Society. Therefore, employees of the Law Society are increasingly aware of equality principles and how to implement equality programs and initiatives.
170. For example, the Department is often asked to assist when difficult cases of requests for accommodations are made or when updates to relevant policies and guidelines require the input of the Equity Initiatives Department. The Department also developed support initiatives for Aboriginal students.

Translation Services

171. Since 2014, the French Language Services unit of the Law Society is part of the Equity Initiatives Department.
172. The Translation Services has created Translation@lsuc.on.ca, a translation inbox that receives about 2,000 requests annually from departments and units of the Law Society. The following are examples of activities performed: translation of documents and letters from Discipline, Intake, Complaints, Complaints resolution, Complaints Resolution Commissioner and others; translation and update of website pages for the Licensing Process; translation of press releases for communications; translation and posting of public statements; translation and sending of Convocation news and Paralegal Updates;

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translation of monthly bulletins and reports; translating and proofreading of on-line annual reports and financial statements; regularly updating fee notices; updating the translation for the Tribunal Website; and updating by-laws and general web content.

173. The French Language Services Advisor also updates the Licensing professional responsibility exam materials, reviews examinations, writes and translates articles in the Gazette (about 47 over 2014-2015), attends and reports on the AJEFO conference, participates in human resources interviews for bilingual positions, coordinates French language classes for staff and bilingual staff annual lunches, provides linguistic advice, reviews the French Rules of Professional Conduct and more.

Conclusion

174. Since the adoption of the *Bicentennial Report*, the Law Society has developed its infrastructure, through standing committees of Convocation and working and advisory groups, adopted a wealth of policies and guidelines, conducted numerous informative research projects and implemented successful programs to promote equity and diversity in the legal profession. These initiatives have assisted in making the profession more inclusive and diverse and have provided the processes to address harassment and discrimination and barriers to entry and advancement.



The Law Society of Upper Canada

The Law Society is committed to promoting equality and diversity in the legal profession and to enhancing legal services provided by and for Aboriginal, Francophone and equality-seeking communities. The following questions will help the Law Society to better understand demographic trends, to develop programs and initiatives within the mandate of the Law Society and to promote equality and diversity in the profession.

The question is voluntary and the information collected will be kept confidential. The information will only be available in aggregate form and will not be used to identify the demographic identity of individual lawyers and paralegals.

1. Are you Francophone?

- Yes
- No

- I do not wish to answer

2. Are you an Aboriginal person? (select all that apply)

- First Nations, Status Indian, Non-Status Indian
- Inuk (Inuit)
- Métis
- Other – Specify _____
- No, not an Aboriginal person

- I do not wish to answer

3. Are you of the following race or ethnic origin?, (select all that apply)

- 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)

<input type="checkbox"/> West Asian (e.g. Iranian, Afghan) <input type="checkbox"/> White <input type="checkbox"/> Other – Specify _____ <input type="checkbox"/> I do not wish to answer
<p>4. What is your religion or creed? (select all that apply)</p> <input type="checkbox"/> Atheist <input type="checkbox"/> Buddhist <input type="checkbox"/> Catholic <input type="checkbox"/> Christian Orthodox <input type="checkbox"/> Hindu <input type="checkbox"/> Jewish <input type="checkbox"/> Muslim <input type="checkbox"/> Protestant <input type="checkbox"/> Sikh <input type="checkbox"/> No religion <input type="checkbox"/> Other religion – Specify _____ <input type="checkbox"/> I do not wish to answer
<p>5. Do you have a disability?</p> <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> I do not wish to answer
<p>6. Are you transgender, transsexual, gay, lesbian or bisexual? (Select all that apply)</p> <input type="checkbox"/> Transgender <input type="checkbox"/> Transsexual <input type="checkbox"/> Gay <input type="checkbox"/> Lesbian <input type="checkbox"/> Bisexual <input type="checkbox"/> Other – Specify _____ <input type="checkbox"/> No <input type="checkbox"/> I do not wish to answer



Progress Report:
Implementation of the Aboriginal Bar Consultation Report (2009)

June 13, 2014

Prepared by the Equity Initiatives Department

(Marisha Roman: (416) 947-3989)

**PROGRESS REPORT: IMPLEMENTATION OF THE
ABORIGINAL BAR CONSULTATION REPORT (2009)**

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**PROGRESS REPORT:
IMPLEMENTATION OF THE ABORIGINAL BAR CONSULTATION REPORT (2009)**

Summary of Aboriginal Initiatives Strategy and Report Implementation Status

Following the release of the Aboriginal Bar Consultation Report in 2009, the Law Society confirmed its Aboriginal Initiatives strategy as well as four proposals for action to implement that strategy.

Since 2009, the guiding principle of the Aboriginal Initiatives strategy has been the development of policy and implementation of programs designed to enhance access to and retention of Aboriginal lawyers in the legal profession in Ontario. As more Aboriginal paralegals have begun to enter the profession and have self-identified through the Paralegal Licensing process, the strategy has begun to adapt to include their participation.

The following summarizes the four proposals for action for implementing the Aboriginal Initiatives strategy, as they were stated in the Aboriginal Bar Consultation Report (the "2009 Report"), and their current development status:

Proposal for Action 1: "Expanding the Members' Annual Report (MAR) practice categories to include Aboriginal Law."

Current Status: Implemented in the 2009 Lawyer Annual Report (LAR) and included in ongoing LAR.

Proposal for Action 2: "[C]ontinued support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers".

Current Status: Expanded as of 2009 and currently ongoing.

Proposal for Action 3: "[D]evelopment of a CLE (Continuing Legal Education) course in Aboriginal law and issues for lawyers/paralegals who provide legal services to Aboriginal clientele".

Current Status: Initiated in 2011 and currently ongoing.

Proposal for Action 4: "[C]ontinued support of the Law Society for the development of a Certified Specialist program in Aboriginal Law and/or practice".

Current Status: As of May 2014, the development process is underway through the Professional Development and Competence department. Anticipated completion is late 2015.

Background

On January 29, 2009, Convocation received the final report of the Aboriginal Bar Consultation project (the "2009 Report") as an information item. This report, which outlines the purpose, methodology as well as the results of the consultation, is available on the Law Society website at <http://rc.lsuc.on.ca/pdf/equity/aboriginalBarConsultation.pdf>.

The Aboriginal Bar Consultation Project was identified as a priority project by the Equity and Aboriginal Issues Committee and was initiated in 2006. Throughout the project, the Committee relied on the advice of the Aboriginal Working Group (AWG), an external advisory group consisting of approximately 30 Aboriginal lawyers from throughout Ontario. Bencher Susan Hare is the chair of the AWG.

The research was carried out by staff in the Equity Initiatives Department with the assistance of Strategic Counsel in developing the survey instrument and the AWG as an advisory body and a roster of participants in the project.

Outcomes of the Aboriginal Bar Consultation Project

Prior to the release of the 2009 Report, the Law Society had limited access to quantitative information about Aboriginal lawyers in Ontario. The main available source of data was the self-identification information collected through the registration process for the Lawyer and Paralegal Licensing programs. Demographic data has been collected on a volunteer basis from Licensing program applicants since 2000. This information was the foundation for the creation of a contact database for recently called Aboriginal lawyers in Ontario. Through the Aboriginal Bar Consultation project, the Equity Initiatives department was able to build a comprehensive contact database that includes both established and recently called lawyers in Ontario as well as a demographic profile of the Aboriginal bar. As of 2013, there are close to 500 self-identifying Aboriginal lawyers and 60 self-identifying Aboriginal paralegals licensed in Ontario.

In addition, the report confirmed the Law Society's Aboriginal Initiatives strategy and identified four proposals for action to implement the strategy. Specifically, the guiding principle of the strategy is the development of policy and implementation of programs designed to enhance access to and retention of Aboriginal lawyers in the legal profession in Ontario. As more Aboriginal paralegals have begun to enter the profession and have self-identified through the Paralegal Licensing process, the strategy has begun to adapt to include their participation.

The Aboriginal Bar Consultation Report proposals have provided the key components of the work plan for the Equity and Aboriginal Issues Committee and the Aboriginal Initiatives Counsel from 2009 to the present. A detailed summary of the proposals for action and their current development status is provided below.

Detailed Status of Proposals for Action

1. Expand the Lawyer Annual Report (LAR) practice categories to include Aboriginal Law

Following the introduction of the regulation of paralegals, the name of the annual report filed by members was changed to Lawyer Annual Report (LAR) and Paralegal Annual Report (PAR).

Aboriginal Law was added as a practice category in the mandatory section for the 2009 LAR. According to data results for the 2009, 2010, 2011 and 2012 LAR reports, there were 653, 731, 774, and 792 lawyers, respectively, who reported that they practised somewhere between 1% and 100% of their practice in Aboriginal law in Ontario. These results apply to Ontario lawyers in both private practice and the public sector as well as in all practice environments. For the 2013 LAR, the results of which were available in early 2014, 810 lawyers identified that they practice Aboriginal Law.

These reports have been used to establish a contact database for the promotion of Aboriginal Initiatives programming, including the Equity Public Legal Education events and Aboriginal Law Career Symposium programs.

2. Continue support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers

Programs for Law Students and Licensing Candidates

Below is a summary of the existing Law Society support programs for Aboriginal law students and Licensing candidates.

Aboriginal Law Career Symposium

The Aboriginal Law Career Symposium program has been an annual event since 2004. Bencher Susan Hare has participated in these events as moderator since 2007. The symposium events are held at the faculties of law at the University of Ottawa (since 2004) and University of Windsor (since 2008) as well as the Law Society (since 2004). For 2014, the event was also hosted at the faculty of law at Lakehead University, which launched its inaugural class in September 2013.

The format of the event is a 2-hour roundtable discussion on a practice or professionalism topic related to the practice of Aboriginal law and/or the provision of legal services to Aboriginal people. Since 2011, these programs have been CPD-accredited for professionalism hours.

Equity Initiatives staff work with the appropriate law school staff to promote the programs. Law students and Lawyer and Paralegal Licensing candidates are invited to attend. Specific focus is paid to encouraging Aboriginal students and those law students who are specifically interested in

practising in this area. Local Aboriginal lawyers and, more recently, paralegals are invited in order to provide an opportunity for the law students and Licensing candidates to interact with practitioners in the field.

Because of its location at the Law Society, the Toronto event has featured a networking reception since it started. Starting in 2011, the Ottawa and Windsor programs were expanded to include a networking reception. Feedback on the discussions and receptions is consistently positive, particularly from student participants. According to anecdotal responses from students and lawyers, connections leading to summer and articling positions have started at the Symposium events.

Licensing Candidate Support Program

The Law Society offers a Licensing Candidate support program, referred to as the Elders Program. This program has changed formats over the years as the Licensing program has changed. When the Licensing Program included an in-class component for the Skills and Professional Responsibility program (up to 2009), in-person orientation sessions were held in June at the course sites, Ryerson University and the University of Ottawa. Once the Licensing program transitioned to a self-study program, the Elders program was adapted to focus on establishing and maintaining communication through email.

Notwithstanding program changes, the main components of the program have remained the same and include the following:

- Access to local community Elders on an as-requested basis by Licensing candidates;
- Access to a contact list of Aboriginal lawyers from throughout Ontario who expressed interest in communicating with and mentoring Aboriginal Licensing candidates;
- Inclusion in the Aboriginal Initiatives' email-list to receive information about community events, employment opportunities and events offered through the Aboriginal Initiatives program;
- Access to the Aboriginal Initiatives Counsel for information and referrals with regard to the Licensing program; and
- An invitation to be acknowledged by a community Elder at the candidates' Call to the Bar ceremony.

In addition, starting in 2010, a LinkedIn group, "Canadian Aboriginal law students and lawyers" was established. LinkedIn is recognized as an effective social networking site in the professional setting. Through this group, lawyers and law students have the option of communicating directly with each. Currently, there are 190 members of this group.

A table outlining the participation numbers for the Aboriginal Law Career Symposium events as well as Licensing Program orientation events since 2009 is provided at **Appendix 1**. In considering the participation rates, the following changes are notable:

- The numbers of student participants at Ottawa and Windsor have increased sharply since 2013
- Paralegal Licensing candidate participants attended at the Toronto event in 2014 for the first time.

Networking Receptions – Formal and Informal

In 2009, following the release of the Aboriginal Bar Consultation report, a schedule of networking events to promote the Aboriginal Bar Consultation report was developed. Bencher Susan Hare has acted as chair for the majority of the formal networking receptions. Invited participants have included Aboriginal law students, lawyers, paralegals and judges, as well as non-Aboriginal law students in the case of the Aboriginal Law Career Symposium receptions.

Tables summarizing the formal and informal networking events that have been hosted by the Law Society since 2009 are provided in **Appendix 2**. In considering the listing of networking events, the events are differentiated as formal or informal. Formal events are those that are promoted as “networking” or “mentoring” receptions and are part of the regular programming of the Law Society. Informal events are primarily those that arise as a result of an external request for Law Society support for an event or occasion. In both cases, invitations are extended to local Aboriginal law students, lawyers, paralegals and Licensing candidates.

3. Develop a Continuing Professional Development (CPD) course in Aboriginal law and issues for lawyers/paralegals who provide legal services to Aboriginal clientele

Background

The Law Society Continuing Professional Development Requirement

At the time the 2009 Report was released, lawyers voluntarily reported on their annual Continuing Legal Education (CLE) activities. Since January 1, 2011, the Law Society has instituted a mandatory Continuing Professional Development (CPD) requirement for all lawyers and licensed paralegals. Under this CPD requirement, lawyers and licensed paralegals are required to complete 12 hours of CPD annually, including 3 hours in programs accredited for Professionalism and Practice Management.

The Equity Initiatives Department’s Equity Public Legal Education Series

The Equity Initiatives department hosts an annual Equity Public Legal Education (“Equity PLE”) program at the Law Society. This program consists of approximately 12 free-of-charge PLE events that coincide with national and international days of recognition and celebration. The Equity Initiatives department works in partnership with community and legal professional associations to create events that highlight legal issues that are relevant to equity-seeking

communities in Ontario. The events are recorded and the archived videos are available through the Law Society website.

The format for each event is similar: a 2-hour panel discussion on a topical legal issue followed by a reception. The panelists include legal, academic, community and political leaders. A reception will typically follow the panel discussion. On average, between 100 and 150 people attend the events in person in Toronto.

Two of the Equity PLE events focus specifically on Aboriginal issues. Each June since 1999 there has been an event to celebrate National Aboriginal History Month (formerly recognized as National Aboriginal Day). Each November 16 since 2003 (with the exception of 2008), there has been an Equity PLE event to recognize Louis Riel Day.

The National Aboriginal History Month events are organized with a variety of partners from the Aboriginal cultural as well as legal community. Previous partners have included Aboriginal Legal Services Toronto, the Aboriginal Law Section of the Ontario Bar Association, and the Indian Residential Schools Adjudication Secretariat. For 2014, the community partner is the Chiefs of Ontario. Since 2011, the National Aboriginal History Month events have focused their panel discussions on specific legal issues and have been CPD-accredited programs.

The Louis Riel Day events are hosted in partnership with the Métis Nation of Ontario (MNO). The Law Society event is scheduled as the last in a series of community events held throughout Toronto each year. The MNO's focus for the Law Society event is to provide information to both community members as well as the legal professions. For this reason, the MNO opts not to structure the program to qualify for accreditation for professionalism hours, but rather to focus on the historical and substantive legal issues that impact the Métis community broadly. Lawyer and paralegal participants may opt to claim substantive hour credits for attending the Louis Riel panel discussion. On average, between 80 and 120 people attend.

A listing of the free CPD-accredited programs offered through the Aboriginal Initiatives Program since 2011 is provided at **Appendix 3**. In considering the listing, the following should be noted:

- Attendance at the National Aboriginal History Month (NAHM) Equity PLE event was consistent between 2005 and 2011. On average, between 80 and 120 participants attended. Since 2011, when the NAHM was first accredited as a CPD program, attendance increased and the make-up of the audience has shifted from largely Aboriginal community members and members of the public to lawyers and, increasingly, paralegals.
- The inclusion of live webcasting as a feature of the NAHM program in 2013, resulted in a slight decrease in the number of in-person participants although overall participation numbers were higher. The location of webcasting participants was split almost evenly between local participants and those from outside the GTA.

4. Continued support of the Law Society for the development of a Certified Specialist program in Aboriginal Law and/or practice

Background

The Law Society's Certified Specialist program is designed to help lawyers achieve recognition as leaders in their field¹. The program enables lawyers to acquire the requisite skills and knowledge to qualify for certification as a specialist in a given practice area. Full details about the program are available at <http://rc.lsuc.on.ca/jsp/csp/index.jsp> and in a video at <http://www.lsuc.on.ca/with.aspx?id=2147491420>.

The 2009 Report identified the development of a Certified Specialist program in Aboriginal Law as a "future priority". Participants expressed support for this proposal but were also cognizant of potential challenges for the development process, including the breadth of this area of practice. In supporting this proposal, "[r]espondents generally agreed that more consultation and cooperation between the Law Society and the profession, in particular the Indigenous Bar Association and Aboriginal lawyers as well as the community, is [sic] required before a certified specialty could be created."

Approval Process for Development of a Certified Specialist program in Aboriginal Law

The inclusion of Aboriginal Law as a category of practice in the Lawyers Annual Report (LAR) provided the quantitative data required to establish the potential market should a Certified Specialist program in Aboriginal Law and/or Practice become available in Ontario.

This practice category was introduced with the 2009 LAR. As noted above, between the 2009 and 2013 LAR, the number of lawyers reporting that they practised Aboriginal law as a percentage of their practice, ranging from 1 per cent to 100 per cent, increased from 653 to 810 lawyers.

Between 2009 and 2013, awareness of this proposal for action was consistently promoted through distribution of the 2009 Report at the Aboriginal Law Career Symposium, Equity PLE events for National Aboriginal History Month and Louis Riel Day as well as external outreach opportunities undertaken by staff and bencher Susan Hare.

As part of taking concrete steps to determine the potential demand for a Certified Specialist program in this practice area, in January 2013, emails were sent out on behalf of bencher Susan Hare to the following groups:

- Members of the Aboriginal Working Group;

¹ Excerpted from the Law Society website, 'About the Certified Specialist Program' webpage at <http://www.lsuc.on.ca/For-Lawyers/About-Your-Licence/About-the-Certified-Specialist-Program/>.

- Lawyers included in the Equity Initiatives department's Aboriginal lawyers contact database; and
- Lawyers who had reported that they practised Aboriginal Law in their 2011 LAR (as available in 2012).

Approximately 900 emails were sent out to these groups, with some overlap between the Aboriginal lawyer group and the Aboriginal law practitioners groups. The email requested that the lawyer consider whether he or she would support the development of a Certified Specialist program in Aboriginal Law and whether he or she would be willing to participate in an advisory capacity through the process.

As of March 27, 2013, 58 letters and emails of endorsement were received from Ontario lawyers. Of those, 9 respondents endorsed the development of this proposal and 49 provided their endorsement as well as their willingness to participate in the development process for the proposal and/or apply to the program should it be approved.

The request for approval of development of a Certified Specialist program in Aboriginal Law was referred to the Certified Specialist Board for its consideration at its May 30, 2013 meeting. The Board approved the proposal and planning for development was initiated by Professional Development and Competence staff.

As of May 2014, the following steps have been initiated in relation to the development of this initiative:

- February 2014 - Aboriginal Law practitioners were retained to prepare first draft working copies of experience requirements for specialist certification in and learning criteria for the new specialty area.
- April 2014 – A working group of 8 Aboriginal Law practitioners with established experience in the specialty area and from varied jurisdictions, practice areas and practice environments was struck. The group met for the first time to begin development of a definition for the specialty area, sub-specialties, the experience component of the standards for certification, and learning criteria. The group was provided with sample standards from other specialty areas as well as the first-draft working copy of Aboriginal Law experience requirements and learning criteria.

At its first meeting the working group established a broad proposed scheme for subdividing the specialty area into sub-specialties. Development of experience requirements for each sub-specialty and a definition for the new specialty area is in progress. The working group will meet throughout 2014 to continue development of the new specialty area.

A second working group will be struck in 2015 to begin the validation stage of the development of the standards. It is anticipated that the development process could be completed in late 2015.

Other Services Available to Aboriginal Lawyers, Paralegals and the Public

In addition to implementing the proposals for action of the 2009 Report, the Law Society provides and is also developing programs and services to support Aboriginal lawyers, paralegals and the Aboriginal public specifically. A summary of these existing and developing resources is provided below.

Existing Resources

Guidelines for Lawyers Acting in Aboriginal Residential School Cases

These guidelines are available on the Law Society website at <http://www.lsuc.on.ca/with.aspx?id=2147487058>. They are intended to assist lawyers who act for claimants in cases involving Indian Residential Schools, including claims which may be commenced or are already proceeding through legal processes established by the May 8, 2006 Indian Residential Schools Settlement Agreement. Convocation passed similar Practice Guidelines in October 2003. The current version was approved by Convocation at its meeting in February 2012.

The Guidelines highlight a number of issues specific to representation of Aboriginal residential school abuse claimants and the professional conduct expectations for lawyers, with appropriate references to the *Rules of Professional Conduct*.

Adaptation of the Law Society Complaints Process for Indian Residential School Survivors

As of June 2013, the Law Society's Professional Regulation Division adapted its complaints process so as to meet the needs of members of First Nations communities, in particular the survivors of the Indian Residential Schools. This adaptation arose out of communication initiated by the Chief and Deputy Chief Adjudicators of the Indian Residential Schools Adjudication Secretariat (the "Secretariat") with the Director of the Professional Regulation Division around areas of concern with regard to services of counsel to survivor applicants in the Independent Assessment Process (IAP).

The adapted process allows for the Secretariat to file a complaint on behalf of a survivor with the Deputy Chief Adjudicator as the primary contact. The Director has designated specific Law Society staff for the intake, complaints resolution, investigation and prosecution components of the Law Society's complaints process. Specialized training is planned for Division staff in 2014.

Resources in Development

The release of the "*First Nations Representation on Ontario Juries*" report (the "Iacobucci Report")² in February 2013 highlighted the barriers facing Aboriginal people in Ontario, in

² *First Nations Representation on Ontario Juries - Report of the Independent Review Conducted by the Honourable Frank Iacobucci*, ("Iacobucci Report") February 2013 available online at

particular in the North and the Nishnawbe-Aski Nation (NAN) region, in participating in the jury process and also in accessing legal information and services. Recommendation 4 of the report referred specifically to the issue of the adequacy of legal representation for First Nations people in the North.³

Subsequently, in November 2013, the Law Society participated in the NAN-Wide Justice Summit on a panel discussing “Legal Representation in the North”. The report of the conference⁴ also highlights the challenges faced by NAN members in accessing legal services and information.

As a result of these developments, the Law Society has recognized the opportunity to leverage and/or adapt its existing programs to assist Aboriginal individuals. The Law Society is undertaking a review of its current services for the public and exploring options for collecting information on the rates of access of its services by Aboriginal individuals, specifically. The programs under review include the following:

- The Law Society Complaints Process – Information on the frequency of complaints against lawyers by Aboriginal individuals has been collected in the context of IAP process, as noted above. The Law Society is also exploring how to collect information about the frequency of complaints from Aboriginal individuals generally. Further, the Law Society is exploring options for communicating to the Aboriginal community the allowance for third parties to file complaints on behalf of individuals in the context of the IAP and in general.
- The Discrimination and Harassment Counsel (DHC) – The DHC accepts complaints related to discrimination and harassment against lawyers and paralegals and also provides advice and services related to resolution of these complaints. The availability of information about the frequency of complaints lodged by Aboriginal individuals is being explored.
- The Law Society Referral Service (LSRS) – As with the DHC program, the availability of information about the frequency of usage and the nature of requests of this service by Aboriginal individuals is being explored.

http://www.attorneygeneral.jus.gov.on.ca/english/about/pubs/iacobucci/pdf/First_Nations_Representation_Ontario_Juries.pdf.

³ Iacobucci Report at page 8: “RECOMMENDATION 4: the Ministry of the Attorney General carry out the following studies for eventual input by the Implementation Committee:

(a) a study on legal representation that would involve Legal Aid Ontario, particularly in the north, that would cover a variety of topics, including the adequacy of existing legal representation, the location and schedule of court sittings, and related matters.”

⁴ NAN-Wide Justice Summit, November 19 to 21, 2013, Final Report available on-line at <http://www.nanlegal.on.ca/upload/documents/2014.03.25-reprinted-nan-wide-report-low.pdf>.

Conclusion

As outlined in this progress report, the 2009 Report's four proposals for action have all been initiated. In the cases of proposal 1, the inclusion of Aboriginal law as a practice category in the LAR, and proposal 4, the development of a Certified Specialist program in Aboriginal Law, the proposals are fully implemented and well along the process of being fully implemented, respectively.

In considering proposal 2, the continuation of support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers, there remain opportunities to further explore and improve on existing programs.

Formalization of mentoring for Aboriginal law students, Licensing candidates and lawyers is a timely option for consideration. Additionally, advancing the integration of Aboriginal paralegals within the mentoring and networking program is another timely option.

In 2013, Convocation struck a Mentoring and Advisory Services Proposal Task Force. Among other tasks, this benchers task force will study and seek feedback on the relative success of various approaches to mentoring. Contemplation of mentoring as it applies to students, Licensing candidates, lawyers and paralegals from equity-seeking communities, including Aboriginal individuals, will inform the work of this task force. Future recommendations from this task force will influence the development of Law Society mentoring initiatives.

Similarly, in considering Proposal 3, the development of a CPD course in Aboriginal law and issues for lawyers or paralegals who provide legal services to Aboriginal clientele, there remain opportunities to explore options.

There are a number of external service providers who host and charge fees for CPD-accredited programs in Aboriginal law topics. The Law Society partnered with the Aboriginal Law Section of the Ontario Bar Association to co-host a two-part program on Aboriginal economic development in June and November 2011. For the November event, the OBA charged participants between \$210 and \$310 per person. Consistent attendance numbers at the free Equity PLE events has demonstrated that a demand for CPD courses in Aboriginal issues, particularly those that are accredited for professionalism, exists. Determining whether demand exists for a Law Society CPD-accredited program that carries a fee and, more particularly, options for content of such a program could be explored.

Law Society CPD programming in Aboriginal law and practice issues has focused on the legal services of lawyers. Exploring CPD opportunities for paralegals who provide legal services in Aboriginal law and/or for Aboriginal clients is another option.

APPENDIX 1

Proposal for Action 2: Continue support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers

The following table shows the participation numbers for the Aboriginal Law Career Symposium events since 2009. The table indicates that in Toronto, the events attract on average 17 lawyers, paralegals or judges and 11 students or Licensing candidates each year. At the University of Windsor, on average 4 lawyers and 6 students participate each year. At the University of Ottawa, on average 7 lawyers and 10 students participate. The Law Society held its first event in Lakehead in 2014 with 8 lawyers and 18 students participating.

	Numbers	2009	2010	2011	2012	2013	2014
Law Society⁵	Lawyers/paralegals	14	25 lawyers, 1 judge	13	15	15	11 lawyers, 9 paralegals
	Students/Licensing candidates	14	13	10	10	10	11
U of W⁶	Lawyers/Paralegals	4	4 in person, 3 by phone	2	4	4	4 lawyers, 1 paralegal
	Students/Licensing candidates	5	5	5	5	10	7
U of O⁷	Lawyers/Paralegals	9	40 ⁸	8	8	6	6
	Students/Licensing candidates	7	60	6	8	12	17
Lakehead⁹	Lawyers/Paralegals	N/A	N/A	N/A	N/A	N/A	8
	Students/Licensing candidates	N/A	N/A	N/A	N/A	N/A	18

⁵ Law Society of Upper Canada, Toronto

⁶ Faculty of Law, University of Windsor

⁷ Faculty of Law, University of Ottawa

⁸ The Law Society hosted the opening reception for the Kawaskimhon Moot in 2010 in lieu of the regular Aboriginal Law Career Symposium program.

⁹ Faculty of Law, Lakehead University

APPENDIX 2

Proposal for Action 2: Continue support and development of mentoring and networking programs for Aboriginal law students, Licensing candidates and lawyers

The following is a list of formal networking events hosted by the Law Society since 2009.

	Month	Event	Location
2009	March	Reception following Aboriginal Law Career Symposium	Law Society
	October	Reception for Indigenous Sovereignty Week	Law Society
2010	March	Opening reception of the Kawaskimhon Moot	U of Ottawa
	March	Reception following Aboriginal Law Career Symposium	Law Society
2011	June, July and November	Promotion of Aboriginal Bar Consultation Report	Thunder Bay, Sudbury and Rama
	March/April	Reception following the Aboriginal Law Career Symposium (Ottawa event – Roger Jones named recipient of National Aboriginal Achievement Award)	Ottawa, Windsor and Law Society
2012	September	IBA ¹⁰ luncheon, "Promoting Relations between First Nations and Industry: Energy, Mining & Claims", featuring National Chief Shawn Atleo	Law Society
	February/ March	Reception following the Aboriginal Law Career Symposium (Ottawa event - Violet Ford named recipient of National Aboriginal Achievement Award and recipient for Law and Justice. Windsor event - Mary Fox named as Law Society Medal recipient.	Ottawa, Windsor and Law Society
2013	March	Reception following Aboriginal Law Career Symposium	Ottawa, Windsor and Toronto
	October	Sponsorship of Student Day for IBA's Annual Conference	Rama
2014	February/ March	Reception following Aboriginal Law Career Symposium	Ottawa, Windsor, Thunder Bay and Toronto

¹⁰ Indigenous Bar Association ("IBA")

The following is a list of informal networking events hosted by the Law Society since 2010.

	Month	Event	Location
2010	June	Hosted with Justice Leonard Mandamin	Toronto
2011	June	Reception for David Nahwegahbow named as Law Society Medal recipient	Toronto
	December	Hosted with Justice Harry LaForme	Toronto
2012	February	In conjunction with Waterkeeper Alliance Toronto event	Toronto
	June	Reception in conjunction with Ottawa Call to the Bar.	Ottawa
2013	December	Hosted with Justice Leonard Mandamin	Toronto
	April	Reception for Delia Opekokew named as Law Society Medal recipient	Toronto
	September	Reception before the Opening Ceremony for the Faculty of Law at Lakehead University	Thunder Bay

APPENDIX 3

Proposal for Action 3: Develop a Continuing Professional Development course in Aboriginal law and issues for lawyers/paralegals who provide legal services to Aboriginal clientele

The following tables outline CPD-accredited programs in Aboriginal Law and practice issues.

2011

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
March/April	Career Symposium ¹¹	Criminal Practice Case Studies	1.5 professionalism	44
June	Equity PLE ¹²	Providing Legal Services and Doing Business with Aboriginal Peoples: What Lawyers Need to Know	1.5 professionalism	150
September	IBA event with Law Society support	Law Society Indian Residential Schools Guidelines and the Rules of Professional Conduct	0.75 professionalism	75

2012

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
February/March	Career Symposium	Discussion of updated Guidelines for Lawyers Acting in Aboriginal Residential School Cases	1.0 professionalism, 1.0 substantive	50
May	Equity PLE in partnership with Toronto events Committee of the Truth and Reconciliation Commission and	Truth, Reconciliation and the Law: Practice Issues for Lawyers Representing Aboriginal Clients	0.5 professionalism, 2.5 substantive	100 in person 75 webcast

¹¹ Aboriginal Law Career Symposium ("Career Symposium")

¹² Equity Public Legal Education program ("Equity PLE")

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
June	Olthuis Kleer Townshend			
	Equity PLE in partnership with the Aboriginal Law Section of the Ontario Bar Association	Aboriginal Economic Development: The Legal Toolbox – Theory and Practice (Part I)	1.0 professionalism, 3.0 substantive	120
November	Aboriginal Law Section of OBA with Law Society support	Aboriginal Economic Development: The Legal Toolbox – Theory and Practice (Part II)	4.0 substantive	50 ¹³

2013

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
March	Career Symposium	Leveraging Cultural Competence in providing legal services to Aboriginal clients	1.5 professionalism	57
June	Equity PLE	Aboriginal Children in Care: What are the implications for Aboriginal families and the legal profession?	0.75 hours professionalism, 1.25 substantive	80 in person 80 webcast

2014

Month	Program type	Title	CPD Credit Hours	Approximate number of participants
February/March	Career Symposium	Providing Public Legal Education (PLE) programs to Aboriginal audiences	1.0 professionalism	92

¹³ The OBA charged between \$210 and \$310 per person for this event.

EQUITY LEGAL EDUCATION AND RULE OF LAW SERIES CALENDAR 2015

ACCESS AWARENESS FORUM

Date: June 4, 2015
Location: Donald Lamont Learning Centre
Time: Panel Discussion: 4:00 – 6:00 p.m.
Reception: 6:00 – 8:00 p.m.

Title: The *Carter* decision on physician-assisted suicide: where do people with disabilities go from here?

Description

The recent decision of the Supreme Court of Canada in *Carter* has raised serious questions about its impact on persons with disabilities — many are concerned that the decision leaves them vulnerable.

Join the ARCH Disability Law Centre and the Law Society for a discussion about the *Carter* decision. The discussion will address what *Carter* means for persons with disabilities; explore the community's concerns about the decision; and offer guidance on how community members can ensure that their voices are heard in any legislative process that develops, in order to guarantee that the interests of all persons with disabilities are recognized and protected.

NATIONAL ABORIGINAL HISTORY MONTH

Date: June 19, 2015
Location: Donald Lamont Learning Centre and Upper and Lower Barristers Lounges
Time: Panel Discussion: 4:00 p.m. – 6:00 p.m.*, Donald Lamont Learning Centre
Reception: 6:00 – 7:30 p.m., Convocation Hall

***This program is also available via simultaneous webcast**

NATIONAL ABORIGINAL HISTORY MONTH - continued

Title: Aboriginal History Month Celebration

Description:

From May 31 to June 3, the Truth and Reconciliation Commission (TRC) of Canada will host its closing ceremonies with community events and ceremonies in Ottawa. The TRC will also release its final report with recommendations for charting the future of the reconciliation process for Canada and its First Peoples.

The Law Society and the Toronto Council Fire Native Cultural Centre invite you to learn from TRC Chair, Justice Murray Sinclair, Indian Residential School survivors, First Nation community leaders and legal experts about what the future could hold for this important step in Canada's history.

PRIDE WEEK

Date: June 23, 2015

Time: Panel Discussion: 5:00 p.m. – 6:30 p.m., Donald Lamont Learning Centre
Reception: 6:30 – 8:00 p.m., Convocation Hall

Title: Exploring LGBTQ Youth Challenges

Description:

LGBTQ youth face a variety of unique challenges in their relationships with parents, schools, governments and more. Explore the rights of this group of young people and the obligations of those involved in their care at this important program. Hear from our expert panel as they unravel the intricacies and make sense of the recent developments in this area of the law, including:

Medical Issues and Access to Care

- Clarifying trans youth's right to treatment and an analysis of medical issues that may arise during transition
- Exploring MPP Cheri DiNovo's private member's bill on conversion therapy
- When does a lack of parental support raise child protection concerns?

Expression

- What are a LGBTQ youth's rights to express gender identity in school, on government-issued identification or otherwise
- How do school boards and medical staff reconcile confidentiality obligations to LGBTQ youth and disclosure obligations to parents?

Social Impact

- What are the main support systems available to address trans youth homelessness
- What community resources are available for trans youth and their allies?



TAB 6

**Report to Convocation
May 28, 2015**

Tribunal Committee

Committee Members

Raj Anand (Chair)
Janet Leiper (Vice-Chair)
Larry Banack
Jack Braithwaite
Christopher Bredt
Robert Burd
Lee Ferrier
Alan Gold
Barbara Murchie
Linda Rothstein
Mark Sandler
Baljit Sikand
Peter Wardle

Purpose of Report: Decision

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

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In Camera Item

TAB 6.2

COMMITTEE PROCESS

1. The Committee met on May 14, 2015. Committee members Raj Anand (Chair), Janet Leiper (Vice-Chair), Larry Banack, Jack Braithwaite, Chris Brecht, Robert Burd, Lee Ferrier, Barbara Murchie, Mark Sandler, and Baljit Sikand participated. Benchers (effective May 28, 2015) Peter Beach, Fred Bickford, Paul Cooper, Rocco Galati, Jonathan Rosenthal, Raj Sharda, Joanne St. Lewis, Sid Troister and Jerry Udell also attended. Tribunal Chair, David Wright, and staff members David Draper, Grace Knakowski, Lisa Mallia and Sophia Sperdakos also attended.

FOR DECISION

PRACTICE DIRECTION – TRIBUNAL BOOK OF AUTHORITIES

Motion

2. That Convocation approve the Practice Direction respecting a Tribunal Book of Authorities, set out at [TAB 6.1.1: Practice Direction - English](#) and [TAB 6.1.2 Practice Direction - French](#), to be effective August 17, 2015.

Proposal under Consideration

3. The *Rules of Practice and Procedure* for both the Hearing Division and the Appeal Division provide for books of authorities. Some cases are cited frequently in Tribunal proceedings. The introduction of a Tribunal Book of Authorities means that a party relying on any case included in it need not reproduce that case in its book of authorities.
4. The Committee has considered the draft Practice Direction on this issue set out [TAB 6.1.1: Practice Direction - English](#) and [TAB 6.1.2 Practice Direction - French](#) and recommends it to Convocation.

Rationale

5. The Tribunal Book of Authorities is meant to facilitate the process by relieving parties of the need to copy or file frequently cited cases. To assist parties and reduce costs, the Tribunal proposes developing a Tribunal Book of Authorities containing frequently cited cases. For Convocation's information only, a list of authorities to be included at this time is provided at [TAB 6.1.3: Authorities](#). The Tribunal will update this, as needed.
6. The proposed approach is cost effective and will modestly reduce costs to parties and the Law Society as well as enhance the Tribunal process. The Chair's Practice Roundtable has provided input on the draft Practice Direction.



Law Society Tribunal
Tribunal du Barreau

PRACTICE DIRECTION: TRIBUNAL BOOK OF AUTHORITIES

The *Rules of Practice and Procedure* for both the [Hearing Division](#) and the [Appeal Division](#) provide for books of authorities. Some cases are cited frequently in Tribunal proceedings. To assist parties and reduce costs, the Tribunal has developed a Tribunal Book of Authorities containing frequently cited cases. A party relying on any case included in the Tribunal Book of Authorities need not reproduce that case in its book of authorities. In written and oral argument, parties should refer to the citation and tab number of the case in the Tribunal Book of Authorities, and the paragraph number(s) relied upon.

The Tribunal Book of Authorities is posted on the Tribunal website at www.lawsocietytribunal.ca. It is available to all adjudicators and a hard copy is available in each hearing room.

The Tribunal Book of Authorities is meant to facilitate the hearing process by relieving parties of the need to copy or file frequently cited cases. It is not a complete list of relevant cases or a statement of law. Tribunal reasons are reported on the CanLII website at <http://www.canlii.org/en/on/onlst/>.

Cases are added to and deleted from the Book of Authorities from time to time. Any questions or comments concerning the Book of Authorities, including recommendations for additions to or deletions from the list, should be directed in writing to the [Tribunal Office](#). The parties remain responsible for making copies of all other authorities to which they wish to refer. Parties are asked to make all books of authorities double sided.



DIRECTIVE DE PRATIQUE : RECUEIL DE SOURCES JURIDIQUES DU TRIBUNAL

Les *Règles de pratique et de procédure* de la [Section de première instance](#) et de la [Section d'appel](#) pourvoient aux recueils de sources juridiques. Certains cas sont fréquemment cités dans les procédures du Tribunal. Pour aider les parties et réduire les coûts, le Tribunal a élaboré un recueil de sources juridiques contenant des cas fréquemment cités. Une partie se fondant sur tout cas inclus dans le Recueil de sources juridiques du Tribunal n'a pas à reproduire ce cas dans son recueil de sources juridiques. Dans les plaidoiries écrites et orales, les parties devraient faire référence à la citation et au numéro d'onglet de l'affaire dans le Recueil de sources juridiques du Tribunal, ainsi qu'au numéro du paragraphe correspondant.

Le Recueil de sources juridiques du Tribunal est affiché sur le site Web du Tribunal www.tribunaldubarreau.ca. Il est disponible pour tous les arbitres, et une copie papier est disponible dans chaque salle d'audience.

Le Recueil de sources juridiques du Tribunal est destiné à faciliter le processus d'audience en dégageant les parties de la nécessité de faire des copies ou de déposer les cas fréquemment cités. Il ne s'agit pas d'une liste complète des cas pertinents ni d'une déclaration de droit. Les motifs du Tribunal sont publiés sur le site Web de CanLII à www.canlii.org/fr/on/ontb.

Des cas sont ajoutés ou retirés du Recueil de sources juridiques du Tribunal de temps à autre. Si vous avez des questions ou des commentaires concernant le Recueil de sources juridiques du Tribunal, y compris des recommandations d'ajouts ou de suppressions dans la liste, veuillez vous adresser par écrit au [bureau du Tribunal](#). Les parties ont toujours la responsabilité de faire des copies de toutes les autres sources auxquelles elles souhaitent faire référence. Les parties sont priées d'imprimer leurs recueils de sources juridiques des deux côtés de la page.

Tribunal Book of Authorities*

*NOTE: These indexes do not form part of the Practice Direction. These are samples and will be formatted differently in the physical books and on the website.

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Convocation - Tribunal Committee Report

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*THIS SECTION CONTAINS
IN CAMERA MATERIAL*



TAB 7

**Report to Convocation
May 28, 2015**

Paralegal Standing Committee

Committee Members
Michelle Haigh, Chair
Susan McGrath, Vice-Chair
Marion Boyd
Robert Burd
Cathy Corsetti
Ross Earnshaw
Robert Evans
Brian Lawrie
Marian Lippa
Malcolm M. Mercer
Barbara Murchie
Baljit Sikand
Catherine Strosberg

Purpose of Report: Decision and Information

**Prepared by the Policy Secretariat
Julia Bass 416 947 5228**

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William J. Simpson Award: Selection Committee [TAB 7.2](#)

For Information

Update on Competence Initiatives [TAB 7.3](#)

Update on Law Society Referral Service..... [TAB 7.4](#)

COMMITTEE PROCESS

1. The Committee met on May 13th, 2015. Committee members present were: Michelle Haigh (Chair), Susan McGrath (Vice-Chair), Marion Boyd, Robert Burd (by telephone), Cathy Corsetti, Ross Earnshaw, Robert Evans, Brian Lawrie, Marian Lippa, Malcolm Mercer, Barbara Murchie, Baljit Sikand and Catherine Strosberg.
2. The meeting was joined by newly-elected Benchers (taking office May 28th 2015) Raj Sharda and Anne Vespry.
3. Staff in attendance were: Diana Miles, Terry Knott, and Julia Bass.

*THIS SECTION CONTAINS
IN CAMERA MATERIAL*

FOR DECISION

WILLIAM J. SIMPSON AWARD SELECTION COMMITTEE

Motion

14. **That the Selection Committee for the William J. Simpson Paralegal Award be expanded to include two additional members: one justice, or retired justice, of the Ontario Court of Justice and one Justice of the Peace or member of a judicial tribunal.**

Background

15. In September 2011, Convocation approved the creation of The Law Society Distinguished Paralegal Award, to recognize a paralegal who has demonstrated the following criteria:
 - a. outstanding professional achievement;
 - b. contribution to the development of the profession;
 - c. devotion to professional duties;
 - d. adherence to best practices and mentoring of others in best practices;
 - e. a history of community service, and
 - f. personal character that brings credit to the paralegal profession.
16. On May 22, 2014, Convocation renamed the award the William J. Simpson Distinguished Paralegal Award, in honour of Mr Simpson's outstanding role in the creation of the paralegal regulatory model.
17. Recipients of the award have been as follows:
 - a. 2012, Brian James Lawrie;
 - b. 2013, Elaine Page;
 - c. 2014, Paula Stamp.
 - d. 2015, Paul Dray (to be presented in May).
18. The nominations for the award are currently reviewed by a selection committee comprising all five paralegal members of the Paralegal Standing Committee, the Vice-Chair of the Paralegal Standing Committee, a lay bencher member of the Paralegal Standing Committee and the Treasurer of the Law Society (or designate).
19. Other Law Society awards are considered by a Selection Committee with several outside representatives, including the Chief Justice of Ontario and a representative of the Ontario law deans.

Proposal

20. The Committee was of the view that the Selection Committee's deliberations on the most appropriate award recipient would be enhanced by the addition of a judge and a Justice of the Peace or judicial tribunal member. Within these parameters, the choice of the two additional members would be at the Treasurer's discretion.

FOR INFORMATION

UPDATE ON COMPETENCE INITIATIVES

21. The Executive Director of Professional Development & Competence, Diana Miles, provided a review of current initiatives with regard to paralegal competence, including the new substantive examination, approved by Convocation in October 2012, which will be launched this August, the new accreditation and audit process for paralegal colleges, approved by Convocation in February 2014, and possible further enhancements to paralegal education.

FOR INFORMATION

LAW SOCIETY REFERRAL SERVICE

22. The Executive Director of Client Service, Terry Knott, provided a review of recent developments regarding the Law Society Referral Service (LSRS), used by members of the public seeking a free half-hour consultation with a lawyer or paralegal.
23. The LSRS has evolved from a primarily phone-based system to a primarily online service. In the past, members of the public using the online feature of the service made their request but had to wait for LSRS staff to process the referral and send them an email. There was thus a delay in receiving the referral. The online service has now been automated, which means that the referral is immediate when a match is available. Work is underway to make the online service more visible on the Law Society's website and to revise the material sent to community organizations.
24. Callers to the LSRS main line (416-947-3330 or 1-800-268-8326) will be directed to an interactive website at <http://lsrs.lsuc.on.ca> for an immediate referral where a match is available. Members of the public may also reach LSRS staff lawyers and paralegals for assistance through the addition of a new email address, lsrs@lsuc.on.ca.
25. The online service is available at any time of day and the system will email the information about the referral so the person has all of the details they need immediately. The online service is now available at: www.lawsocietyreferralservice.ca

Crisis Line

26. Legal professionals in LSRS will continue to assist callers in need through the addition of a crisis line: 416-947-5255 or toll free 1-855-947-5255. This is intended for people who are unable to use the online service, such as those in custody, in a shelter, or in a remote community without access to a computer.
27. LSRS staff will be directing people who are not in such a situation to the online service, as callers in crisis may not be able to get through if referrals over the phone are provided to everyone who calls.
28. Automating the service allows Legal Information Officers, who are trained lawyers and paralegals, to spend more time with those truly in need of assistance.

Web Referral Statistics

29. There is a trend of increased requests for referrals online. In 2014, the number of referrals issued online increased by 48.47%. Comparing the first quarter of 2015 with

the same time period in 2014, the number of online requests for referrals increased almost sevenfold.

30. The Lawyer & Paralegal Directory has been enhanced to allow members of the public to search for licensees who provide services in a particular area of law/legal services. LSRS promotes the use of the directory where a referral is not appropriate, so that in addition to searching for a paralegal by name, city, and postal code, members of the public can now search by area of legal services.

Legal Resources Page

31. With the move towards increasing efficiencies by offering more self-service applications online, the Law Society is adding a page to the website that lists legal resources. The webpage will serve as a centralized location of contact information and links to alternative legal resources for members of the public.
32. Resources are listed under main categories such as Family, Criminal, Civil, Tickets and Fines, Wills and Estates, Immigration, Government Resources, Boards and Tribunals, as well as a list of more general resources.

Paralegal Use of LSRS

33. As of May 1, 2015, it will be three years since the Law Society enhanced the service to include paralegals. Since May 1, 2012 when paralegals joined the service, LSRS has provided almost 10,000 referrals to paralegals (9,758 as of April 20, 2015). In the first quarter of 2015, there were 828 referrals to paralegals.
34. At the end of the first quarter of 2015, there were 89 active paralegals on the service (as of March 30, 2015).

LSRS Statistics on Paralegal Referrals

35. In 2014, 3,286 referrals were provided to paralegals. 54% of referrals to paralegals in 2014 were for Civil Litigation (Small Claims Court) matters, 33% were for Administrative Boards and Tribunals, while 13% were for Criminal and Quasi-Criminal matters.

*THIS SECTION CONTAINS
IN CAMERA MATERIAL*



TAB 9

**Report to Convocation
May 28, 2015**

Audit & Finance Committee

Committee Members

Christopher Bredt (Co-Chair)

Peter Wardle (Co-Chair)

Susan Elliott (Vice Chair)

John Callaghan

Seymour Epstein

Michelle Haigh

Vern Krishna

Judith Potter

James Scarfone

Alan Silverstein

Catherine Strosberg

Purpose of Report: Information

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

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Investment Compliance Statements as at March 31, 2015 [TAB 9.2](#)

COMMITTEE PROCESS

1. The Audit & Finance Committee (“the Committee”) met on May 13, 2015. Committee members in attendance were Chris Bredt (co-chair), Peter Wardle (co-chair), Seymour Epstein, Michelle Haigh, Vern Krishna, Judith Potter (phone), Alan Silverstein and Catherine Strosberg.
2. Also in attendance were Peter Beach, Paul Cooper, Bob Evans, Rocco Galati, Michael Lerner, Raj Sharda, Andrew Spurgeon and Anne Vesprey.
3. Law Society staff in attendance: Robert Lapper, Wendy Tysall, Fred Grady and Andrew Cawse.

TAB 9.1

FOR INFORMATION

LAW SOCIETY OF UPPER CANADA FINANCIAL STATEMENTS FOR THE THREE MONTHS ENDED MARCH 31, 2015

4. The Audit & Finance Committee recommends that Convocation receive the financial statements of the Law Society for the first quarter of 2015 for information.

5. Supplemental schedules include Schedules of Revenues and Expenses for the Lawyer and Paralegal General Funds, the Compensation Fund and the Errors and Omissions Insurance Fund.

Law Society of Upper Canada Financial Statements
For the three months ended March 31, 2015

Financial Statement Highlights

6. The Lawyer General Fund shows a surplus of \$2.2 million at the end of the first quarter of 2015, compared to a surplus of \$2 million for the same period of 2014. The Paralegal General Fund generated a surplus of \$481,000 at the end of the first quarter of 2015 compared to surplus of \$321,000 in the prior year. The 2015 budget planned deficits in the General Funds, allocating \$641,000 from the General Fund accumulated surplus to mitigate a fee increase for lawyers and \$541,000 to mitigate a fee increase for paralegals.

7. The main factors in the operating performance are:

- continuing professional development revenues have exceeded budget and last year's comparatives
- licensing process revenues have exceeded budget
- all major expense lines are under budget.

While some variances from budget are attributable to timing differences, it is still too early to say whether this will be representative of the remainder of the year.

8. The Law Society's restricted funds report a deficit of \$2.8 million (2014 - \$1.5 million). The deficit primarily comprises:

- \$1.9 million in the Compensation Fund after an increase in the provision for grants
- \$461,000 in the E&O Fund because of the prorated amount of \$600,000 of the total \$2.5 million expected to be drawn from the available surplus in the E&O Fund and applied to LAWPRO's 2015 insurance premium
- amortization of \$882,000 in the Invested in Capital Assets Fund.

9. The 2015 budget planned deficits in the Compensation Fund, allocating \$707,000 from the accumulated surplus in the lawyer Compensation Fund and \$77,000 from the paralegal Compensation Fund to mitigate fee increases.

Balance Sheet

10. At this time of year, the primary components of current assets are accounts receivable - annual fees, insurance premiums and licensing process fees; and prepaid expenses - annual E&O insurance premiums paid or payable for the year, which are expensed over the full year. The primary components of current liabilities are deferred revenue - annual fees, licensing process revenues, insurance premiums and levies which are recognized over the full year. Fluctuations in these amounts depend on the numbers of licensees and candidates, the amount of fees and premiums and the timing of transactions.
11. The amount due to LAWPRO will decline by year-end as insurance premiums and levies collected are paid to LAWPRO.
12. The investment in subsidiaries represents the 100% ownership of LAWPRO totaling \$35.6 million and the 100% ownership of LibraryCo totaling \$200.
13. Portfolio investments are shown at fair value of \$73 million compared to \$78 million at the same time last year, declining because of a capital withdrawal from the E&O Fund portfolio over the 12 month period to mitigate insurance premium increases for lawyers.
14. The provision for unpaid grants of \$23.5 million (2014 - \$10.9 million) represents the estimate for unpaid claims and inquiries against the Compensation Fund, supplemented by the costs for processing these claims. This increase is attributable to some large alleged defalcations on the part of certain licensees. The Compensation Fund describes a major defalcation as being over 35 claims arising from the conduct of one licensee in a single year and the Fund currently has two of these major defalcations. Most of these claims are still being evaluated and in some instances related investigations are still ongoing. The paralegal Compensation Fund provision for unpaid grants comprises \$246,000 of the total Compensation Fund provision for unpaid grants.
15. The Law Society Act permits a member who has dormant trust funds, to apply for permission to pay the money to the Law Society. Money paid to the Law Society is held in trust in perpetuity for the purpose of satisfying the claims of the persons who are

entitled to the capital amount. At the end of March, unclaimed money held in trust amounts to \$3.9 million (2014 - \$3.3 million).

16. The operating surpluses in the lawyer and paralegal General Funds have increased the fund balances to \$20.7 million and \$3.4 million respectively, still within the parameters established by Convocation's fund balance administration policy. The lawyer Compensation Fund's deficit in the period of \$1.9 million continues to erode the lawyer Compensation Fund balance. While most of the claims attributable to the two major defalcations are still being evaluated, at the present time it appears the fund balance may fall below the minimum level which is required by Convocation's fund balance administration policy, approximately \$16 million, and an increase in the Compensation Fund levy in 2016 may be required.

Statement of Revenues and Expenses and Change in Fund Balances

17. The Lawyer General Fund generated a surplus of \$2.2 million at the end of the first quarter of 2015, compared to \$2 million in 2014. The 2015 budget incorporates the use of \$641,000 in annual funding from the Fund Balance to provide for a budgeted operating deficit. Actual use of funds is contingent on a deficit occurring. In addition, the 2015 budget incorporates the use of \$1.5 million in funding from surplus investment income in the E&O Fund which has been received during the second quarter.
18. The Paralegal General Fund generated a surplus of \$481,000 at the end of the first quarter of 2015 compared to a surplus of \$321,000 at the end of the first quarter of 2014. The 2015 budget incorporates the use of \$541,000 in annual funding from the Fund Balance to provide for a budgeted operating deficit. Actual use of funds is contingent on a deficit occurring.
19. The Law Society's restricted funds report a deficit of \$2.8 million. This is primarily comprised of deficits of \$1.9 million in the Lawyer Compensation Fund and \$461,000 in the E&O Fund. The Compensation Fund's adverse claims experience in 2014 continues into 2015. The E&O Fund deficit is anticipated as a result of Convocation approving the use of \$2.5 million from the E&O Fund balance to reduce the insurance levy otherwise required for payment of the LAWPRO insurance premium in 2015.

20. Annual fee revenue is recognized on a monthly basis. Annual fees recognized in the first quarter of \$18.5 million have increased by \$187,000 due to an increase in the number of full-fee-paying licensees, the lawyer and paralegal annual fee was the same as 2014.
21. LAWPRO's base premium (\$3,350) has not changed from 2014, leading to relatively static E&O Fund premium and levy revenue although an increase in insured members is projected.
22. Lawyer licensing process revenues of \$2.7 million have decreased slightly by \$200,000 compared to last year but is over budget by a similar amount. The total Licensing Process fee including the fees for the initial application, the Barrister and Solicitor Licensing Examinations and the Call to the Bar, is \$4,710, unchanged from last year.
23. Continuing professional development revenues of \$1.8 million have increased by \$200,000 compared to last year and exceed budget by a similar amount. It is still too early to assess trends in registration and the ratio of nominal fee programs to the traditional fee generating programs.
24. Paralegal licensing process revenues of \$569,000 are slightly exceeding 2014 levels and budget.
25. Total regulatory expenses of \$6.8 million are much the same as the same period last year and are under budget by \$525,000. It is still early in the year and most departments and expense categories are contributing to the positive budget variance, in particular some unfilled staff positions. There are currently some potentially material cost award claims against the Law Society which are too uncertain to accrue in the financial statements.
26. Total professional development and competence expenses have increased from \$5.9 million to \$6.3 million in the current year but are still under budget. The variances from the prior year and budget are spread over most departments and expense categories, in particular, operating expenses in the licensing process and continuing professional development areas.

27. Total corporate services expenses of \$5.4 million are much the same as 2014 and are \$300,000 under budget with the biggest contributors to this variance being in facilities, human resources and information systems. The current projections are for the costs of litigation involving TWU to exceed budget. The application for judicial review of the Law Society's decision to not accredit TWU is currently scheduled to be heard June 1 to June 4, 2015.
28. At March 31, 2015, Convocation, outreach and policy expenses totaled \$1.7 million, 30% less than budget attributable to variances in benchers expense and the budgeted contingency of \$1 million is unused to date. The Society has received a \$400,000 grant from the Law Foundation of Ontario funding the development and delivery of Access to Justice initiatives.
29. The Compensation Fund experienced an abnormally high claims experience in 2014 and this experience continues in the first quarter of 2015 with total Compensation Fund expenses increasing by \$1.4 million from the first quarter of 2014, substantially reflecting the change in the balance sheet provision for unpaid grants. The provision is adjusted monthly based on the number of new inquiries and open claims and cases closed.

General Fund – Lawyers & Paralegals – Schedule of Revenues and Expenses
Budget to Actual Comparison

30. In addition to the summaries below, actual to budget variances are also discussed in the analysis above.

Revenues:

31. Annual fees are slightly under budget. Ultimately, any variance will depend on new members called to the bar during the year.
32. Continuing professional development and licensing process revenues are exceeding budget but it is still too early to assess trends in CPD registration and the ratio of nominal-fee programs to paid programs. CPD revenues in 2015 were budgeted at \$800,000 less than 2014 to reflect trends in that year.

Expenses:

33. Most major expense categories are under budget, although it is still early in the year and most variances are likely attributable to timing differences rather than permanent savings.

The Errors and Omissions Insurance (E&O) Fund

34. The E&O Fund accounts for the mandatory professional liability insurance program of the Law Society which is administered by LAWPRO. The insurance premium expense, as well as related levies and income from their investment are tracked within this fund. The Law Society is insured for lawyers' professional liability and recovers annual premium costs from lawyers through a combination of annual base levies and additional levies that are charged based on a lawyer's claims history, status, and real estate and litigation levies. The fund is reporting a deficit of \$461,000 (2014 - \$1 million) as expected due to the use of \$2.5 million (2014 - \$5 million) of the fund balance to mitigate the base insurance levy for lawyers.

The Compensation Fund

35. The Compensation Fund is reporting a deficit of \$1.9 million in the first quarter of 2015, continuing the adverse financial results in the full 2014 financial year when a deficit of \$10 million was reported after the fund received claims relating to two alleged large-scale defalcations which continue to develop in 2015. The provision for unpaid grants for lawyers increased by \$2.6 million in the first quarter of 2015, well above the historical normal new claims of approximately \$2 million per year. Most of these claims are still being evaluated but at the present time it appears likely the fund balance may fall below the minimum level which is required by Convocation's policy and an increase in the Compensation Fund levy in 2016 may be required.

THE LAW SOCIETY OF UPPER CANADA

Balance Sheet

Unaudited

Stated in thousands of dollars

As at March 31

	2015	2014
Assets		
Current Assets		
1 Cash	34,276	33,618
2 Short-term investments	47,220	41,378
3 Cash and short-term investments	81,496	74,996
4 Accounts receivable	52,988	53,872
5 Prepaid expenses	84,342	85,417
6 Total current assets	218,826	214,285
7 Investment in subsidiaries	35,642	35,642
8 Portfolio investments	73,226	78,069
9 Capital assets	11,667	12,836
10 Total Assets	339,361	340,832
Liabilities and Fund Balances		
Current Liabilities		
11 Accounts payable and accrued liabilities	8,888	6,070
12 Deferred revenue	128,003	125,829
13 Due to LAWPRO	57,549	60,338
14 Total current liabilities	194,440	192,237
15 Provision for unpaid grants/claims	23,548	10,899
16 Unclaimed trust funds	3,896	3,262
17 Total Liabilities	221,884	206,398
Fund Balances		
General funds		
18 Lawyers	20,737	17,402
19 Paralegals	3,455	2,203
Restricted funds		
20 Compensation - lawyers	13,693	25,804
21 Compensation - paralegals	436	498
22 Errors and omissions insurance	57,844	64,032
23 Capital allocation	8,377	9,923
24 Invested in capital assets	11,667	12,836
24 County libraries	(22)	(3)
25 Other	1,290	1,739
26 Total Fund Balances	117,477	134,434
27 Total Liabilities and Fund Balances	339,361	340,832

THE LAW SOCIETY OF UPPER CANADA

Statement of Revenues and Expenses and Change in Fund Balances

Unaudited

Stated in thousands of dollars

For the three months ended March 31

	2015	2014	2015	2014	2015	2014	2015	2014
	General Fund Lawyer		General Fund Paralegal		Restricted Funds		Total	
Revenues								
1 Annual fees	12,343	12,201	960	959	5,205	5,161	18,508	18,321
2 Insurance premiums and levies	-	-	-	-	25,470	24,923	25,470	24,923
3 Professional development and competence	4,508	4,515	819	692	-	-	5,327	5,207
4 Investment income	221	383	21	32	742	1,413	984	1,828
5 Other	2,884	2,245	335	195	46	31	3,265	2,471
6 Total revenues	19,956	19,344	2,135	1,878	31,463	31,528	53,554	52,750
Expenses								
7 Professional regulation, tribunals and compliance	6,212	6,440	588	533	-	-	6,800	6,973
8 Professional development and competence	5,779	5,404	559	506	-	-	6,338	5,910
9 Corporate services	4,967	4,641	458	399	-	-	5,425	5,040
10 Convocation, policy and outreach	1,594	1,711	130	135	-	-	1,724	1,846
11 Services to members and public	915	954	54	55	-	-	969	1,009
12 Allocated to Compensation Fund	(1,689)	(1,843)	(135)	(71)	-	-	(1,824)	(1,914)
13 Restricted (schedule of restricted funds)	-	-	-	-	34,247	33,007	34,247	33,007
14 Total expenses	17,778	17,307	1,654	1,557	34,247	33,007	53,679	51,871
15 Surplus (Deficit)	2,178	2,037	481	321	(2,784)	(1,479)	(125)	879
16 Fund balances, beginning of year	18,507	21,410	2,974	1,882	96,121	110,263	117,602	133,555
17 Interfund transfers	52	(6,045)	-	-	(52)	6,045	-	-
18 Fund balances, end of period	20,737	17,402	3,455	2,203	93,285	114,829	117,477	134,434

Convocation - Audit and Finance Committee Report

THE LAW SOCIETY OF UPPER CANADA

Schedule of Restricted Funds

Unaudited

Stated in thousands of dollars

For the three months ended March 31

	2015							2014	
	Compensation Fund		Errors and omissions insurance	Capital allocation	Invested in capital assets	County libraries	Other restricted	Total Restricted funds	Total
	Lawyer	Paralegal							
1 Fund balances, beginning of year	15,618	426	58,305	8,096	12,549	-	1,127	96,121	110,263
Revenues									
2 Annual fees	2,119	150	-	734	-	1,902	300	5,205	5,161
3 Insurance premiums and levies	-	-	25,470	-	-	-	-	25,470	24,923
4 Investment income	410	-	332	-	-	-	-	742	1,413
5 Other	(18)	36	-	28	-	-	-	46	31
6 Total revenues	2,511	186	25,802	762	-	1,902	300	31,463	31,528
Expenses									
7 Allocated expenses	1,689	135	-	-	-	-	-	1,824	1,914
8 Provision for grants	2,621	28	-	-	-	-	-	2,649	1,026
9 Direct expenses	126	13	26,263	483	882	1,924	83	29,774	30,067
10 Total expenses	4,436	176	26,263	483	882	1,924	83	34,247	33,007
11 (Deficit) Surplus	(1,925)	10	(461)	279	(882)	(22)	217	(2,784)	(1,479)
12 Interfund transfers	-	-	-	2	-	-	(54)	(52)	6,045
13 Fund balances, end of period	13,693	436	57,844	8,377	11,667	(22)	1,290	93,285	114,829

THE LAW SOCIETY OF UPPER CANADA
Lawyers and Paralegals General Fund
Schedule of Revenues and Expenses

Unaudited

Stated in thousands of dollars

For the three months ended March 31

	2015 Actual	Budget YTD	Variance
REVENUES			
1 Annual fees	13,303	13,567	(264)
2 Professional development and competence	5,327	4,694	633
3 Investment income	242	213	29
4 Ontario reports revenue	516	543	(27)
5 Other	2,703	1,798	905
6 Total revenues	22,091	20,815	1,276
EXPENSES			
7 Professional regulation, tribunals and compliance	6,800	7,325	525
8 Professional development and competence	6,338	6,995	657
9 Corporate services	5,425	5,784	359
10 Convocation, policy and outreach	1,724	2,529	805
11 Services to members and public	969	1,048	79
12 Allocated to Compensation Fund	(1,824)	(1,963)	(139)
13 Total expenses	19,432	21,718	2,286
14 Surplus (Deficit)	2,659	(903)	3,562

THE LAW SOCIETY OF UPPER CANADA
General Fund - Lawyers
Schedule of Revenues and Expenses

Unaudited

Stated in thousands of dollars

For the three months ended March 31

	2015 Actual	Budget YTD	Variance
REVENUES			
1 Annual fees	12,343	12,632	(289)
2 Professional development and competence	4,508	4,070	438
3 Investment income	221	195	26
4 Ontario reports revenue	484	511	(27)
5 Other	2,400	1,695	705
6 Total revenues	19,956	19,103	853
EXPENSES			
7 Professional regulation, tribunals and compliance	6,212	6,705	493
8 Professional development and competence	5,779	6,278	499
9 Corporate services	4,967	5,256	289
10 Convocation, policy and outreach	1,594	2,368	774
11 Services to members and public	915	991	76
12 Allocated to Compensation Fund	(1,689)	(1,816)	(127)
13 Total expenses	17,778	19,782	2,004
14 Surplus (Deficit)	2,178	(679)	2,857

THE LAW SOCIETY OF UPPER CANADA
General Fund - Paralegals
Schedule of Revenues and Expenses

Unaudited

Stated in thousands of dollars

For the three months ended March 31

	2015 Actual	Budget YTD	Variance
REVENUES			
1 Annual fees	960	935	25
2 Professional development and competence	819	624	195
3 Investment income	21	18	3
4 Ontario reports revenue	32	32	-
5 Other	303	103	200
6 Total revenues	2,135	1,712	423
EXPENSES			
7 Professional regulation, tribunals and compliance	588	620	32
8 Professional development and competence	559	717	158
9 Corporate services	458	528	70
10 Convocation, policy and outreach	130	161	31
11 Services to members and public	54	57	3
12 Allocated to Compensation Fund	(135)	(147)	(12)
13 Total expenses	1,654	1,936	282
14 Surplus (Deficit)	481	(224)	705

THE LAW SOCIETY OF UPPER CANADA**Compensation Fund****Schedule of Revenues and Expenses and Change in Fund Balances***Unaudited**Stated in thousands of dollars**For the three months ended March 31*

	2015			2014		
	Lawyers	Paralegals	Total	Lawyers	Paralegals	Total
Revenues						
1 Annual fees	2,119	150	2,269	2,206	164	2,370
2 Investment income	410	-	410	757	-	757
3 Recoveries	(18)	36	18	(1)	-	(1)
4 Total Revenues	2,511	186	2,697	2,962	164	3,126
Expenses						
5 Provision for unpaid grants	2,621	28	2,649	1,012	14	1,026
6 Spot audit	1,161	105	1,266	1,016	29	1,045
7 Share of investigation and discipline	488	27	515	509	18	527
8 Administrative	37	16	53	330	25	355
9 Salaries and benefits	129	-	129	121	-	121
10 Total Expenses	4,436	176	4,612	2,988	86	3,074
11 (Deficit) Surplus	(1,925)	10	(1,915)	(26)	78	52
12 Fund balances, beginning of year	15,618	426	16,044	25,829	419	26,248
13 Fund Balances, end of period	13,693	436	14,129	25,803	497	26,300

THE LAW SOCIETY OF UPPER CANADA
Errors and Omissions Insurance Fund
Schedule of Revenues and Expenses

Unaudited

Stated in thousands of dollars

For the three months ended March 31

	2015 Actual	2014 Actual
REVENUES		
1 Insurance premiums and levies	25,470	24,923
2 Investment income	332	656
3 Other income	-	-
4 Total revenues	25,802	25,579
EXPENSES		
5 Administrative	-	-
6 Claims	168	(1)
7 Insurance	26,095	26,590
8 Total expenses	26,263	26,589
9 Deficit	(461)	(1,010)

TAB 9.2

FOR INFORMATION

INVESTMENT COMPLIANCE REPORTING

36. **Investment Compliance Statements as at March 31, 2015 are for information.**

**STATEMENT OF INVESTMENT COMPLIANCE
SHORT TERM
For the three months ended March 31, 2015**

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



Fred Grady
Manager of Finance

**STATEMENT OF INVESTMENT COMPLIANCE
LONG TERM
For the three months ended March 31, 2015**

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



Fred Grady
Manager of Finance

**The Law Society of Upper Canada
Compensation Fund
Manager: Foyston, Gordon & Payne Inc.
Compliance Report
(Period ending March 31, 2015)**

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

Note: In mid June 2014 Law Society Compensation Fund moved into the FGP Short Term Bond Fund from the segregated Short Term Bonds.

Investment policy dated May 2014.

*If policy not complied with, comment on specifics.

Date:

APRIL 16/15


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

**The Law Society of Upper Canada
General Fund
Manager: Foyston, Gordon & Payne Inc.
Compliance Report
(Period ending March 31, 2015)**

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

Note: In mid June 2014 Law Society General Fund moved into the FGP Short Term Bond Fund from the segregated Short Term Bonds.

Investment policy dated May 2014.

*If policy not complied with, comment on specifics.

APRIL 16/15
Date:


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



April 2015

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

Dear Wendy:

Re: Manager Compliance Reporting

For the Law Society of Upper Canada Errors and Omissions Insurance Fund, we wish to confirm that the portfolio being managed by Foyston, Gordon & Payne Inc. was in compliance with the Fund's Investment Policy Statement in effect (latest revision May 2014), for the quarter ending March 31, 2015.

Yours truly,

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



TAB 10

Report to Convocation May 28, 2015

Professional Regulation Committee

Committee Members

Malcolm Mercer (Chair)
Susan Richer (Vice-Chair)
Paul Schabas (Vice-Chair)
Robert Armstrong
John Callaghan
Cathy Corsetti
Seymour Epstein
Robert Evans
Julian Falconer
Patrick Furlong
Carol Hartman
Jacqueline Horvat
Brian Lawrie
Jeffrey Lem
William C. McDowell
Ross Murray
Jan Richardson
Heather Ross

Purpose of Report: Information

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

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For Information

Professional Regulation Division Quarterly Report.....[Tab 10.1](#)

COMMITTEE PROCESS

1. The Professional Regulation Committee (“the Committee”) met on May 14, 2015. In attendance were Malcolm Mercer (Chair), Paul Schabas (Vice-Chair), Susan Richer (Vice-Chair), John Callaghan, Cathy Corsetti, Seymour Epstein, Robert F. Evans, Julian N. Falconer, Patrick Furlong, Carol Hartman (by telephone), Jacqueline Horvat, Brian Lawrie, Ross Murray, Jan Richardson, and Heather Ross. Benchers (effective May 28, 2015) Peter Beach, Teresa Donnelly, Jonathan M. Rosenthal, and Jerry Udell also attended the meeting. Staff members attending were Zeynep Onen, Jim Varro, Naomi Bussin, Sabreena Delhon, and Margaret Drent.

FOR INFORMATION

PROFESSIONAL REGULATION DIVISION

QUARTERLY REPORT

2. The Professional Regulation Division's Quarterly Report (first quarter 2015), provided to the Committee by Zeynep Onen, the Executive Director of Professional Regulation, appears at [Tab 10.1.1](#). The report includes information on the Division's activities and responsibilities, including file management and monitoring, for the period January to March 2015. The report was also considered by the Paralegal Standing Committee on May 13, 2015.



The Law Society of
Upper Canada | Barreau
du Haut-Canada

The Professional Regulation Division

Quarterly Report
January – March 2015

The Law Society of Upper Canada
The Professional Regulation Division
Quarterly Report (January 1 – March 31, 2015)

The Quarterly Report

The Quarterly Report provides a summary of the Professional Regulation Division's complaints activity and achievements during the past quarter, January 1 to March 31, 2015. The purpose of the Quarterly Report is to provide information on the production and work of the Division during the quarter and to explain the factors that may have influenced the Division's performance.

The Professional Regulation Division

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

See Appendices for a case flow chart describing the complaints process as well as a chart of the Professional Regulation's departments.

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The Professional Regulation Division
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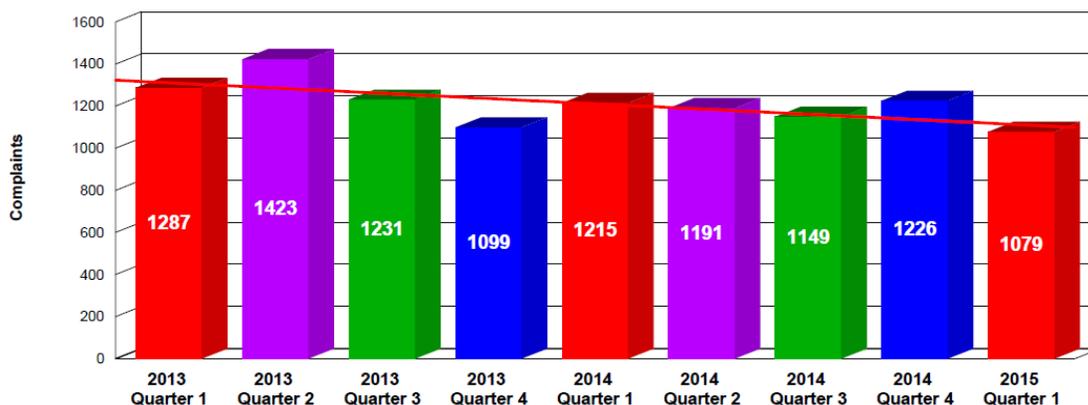
SECTION 1

DIVISIONAL PERFORMANCE DURING THE QUARTER

The Law Society of Upper Canada
 The Professional Regulation Division
 Quarterly Report (January 1 – March 31, 2015)

PERFORMANCE IN THE PROFESSIONAL REGULATION DIVISION

Graph 2A: Complaints¹ Received in the Division



Detailed Analysis of Complaints Received in the Division

	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Complaints against Lawyers	912	882	936	1004	962
Lawyer Applicant Cases ★	69	17	25	4	7
Complaints against Licensed Paralegals	150	126	117	150	134
Paralegal Applicant Cases ★	22	118	20	20	33
Complaints against Non-Licensees/Non-Applicants*	62	48	51	48	43
TOTAL	1215	1191	1149	1226	1079

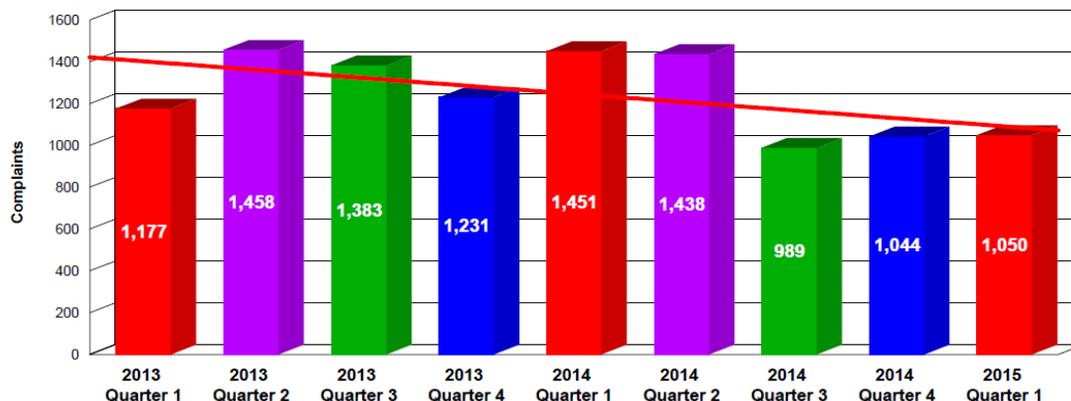
★ Applicant cases include good character cases and UAP complaints

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

¹ Includes all complaints received in PRD from Complaints Services.

The Law Society of Upper Canada
 The Professional Regulation Division
 Quarterly Report (January 1 – March 31, 2015)

Graph 2B: Complaints Closed² in the Division (by Quarters)



Detailed Analysis of Complaints Closed in the Division

	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Complaints against Lawyers	1140	1067	780	826	832
Lawyer Applicant Cases ★	13	69	16	14	9
Complaints against Licensed Paralegals	181	134	133	122	125
Paralegal Applicant Cases ★	41	100	22	32	29
Complaints against Non-Licensees/Non-Applicants*	76	68	38	50	55
TOTAL	1451	1438	989	1044	1050

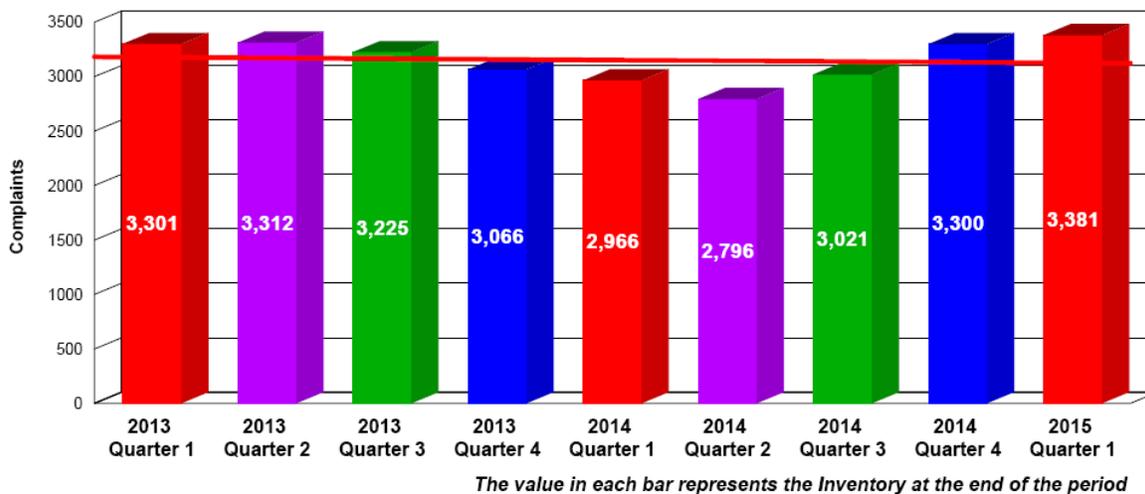
★ Applicant cases include good character cases and UAP complaints

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

² This graph includes all complaints closed in Intake, Complaints Resolution, Investigations and Discipline.

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Graph 2C: Total Inventory³



³ This graph does not include active complaints in the Monitoring & Enforcement Department.

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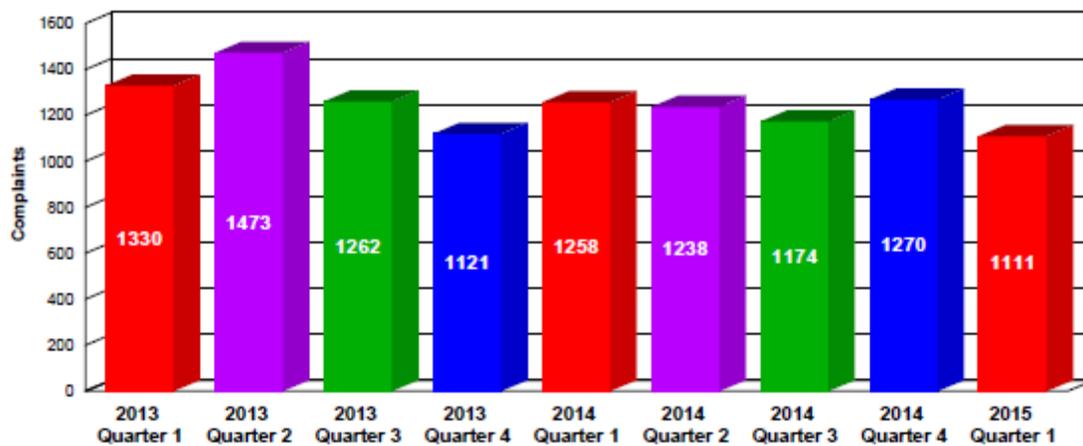
SECTION 2

DEPARTMENTAL PERFORMANCE DURING THE QUARTER

The Law Society of Upper Canada
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2.1 – Intake

Graph 2.1A: Intake - Input⁴

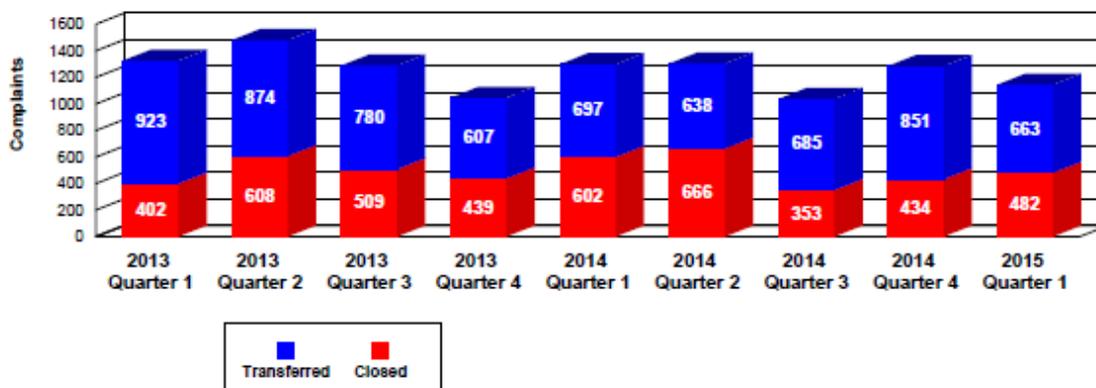


⁴ Includes new complaints received and re-opened complaints

The Law Society of Upper Canada
 The Professional Regulation Division
 Quarterly Report (January 1 – March 31, 2015)

2.1 – Intake

Graph 2.1B: Intake - Complaints Closed and Transferred Out



Detailed Analysis of Complaints Closed and Transferred From Intake

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Complaints against Lawyers	Closed	489	439	291	342	399
	Transferred	545	482	576	687	525
Lawyer Applicant Cases ★	Closed	7	66	12	7	4
	Transferred	4	12	10	1	3
Complaints against Licensed Paralegals	Closed	58	60	32	41	35
	Transferred	96	79	74	116	97
Paralegal Applicant Cases ★	Closed	22	85	7	21	21
	Transferred	6	30	6	11	10
Complaints against Non-Licensees/Non-Applicants*	Closed	26	16	11	23	23
	Transferred	46	35	19	36	28
TOTAL	Closed	602	666	353	434	482
	Transferred	697	638	685	851	663

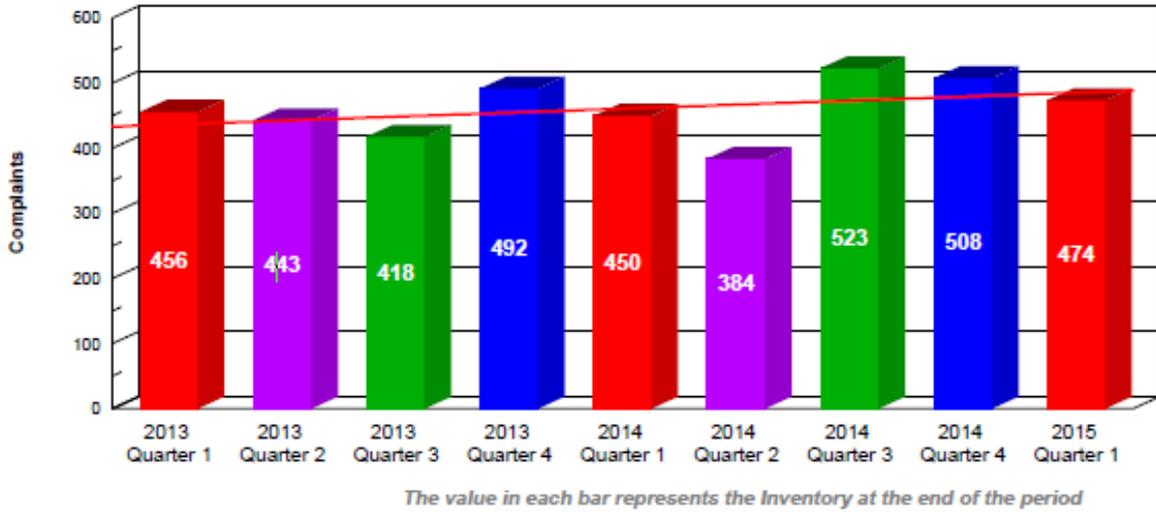
★ Applicant cases include good character cases and UAP complaints

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

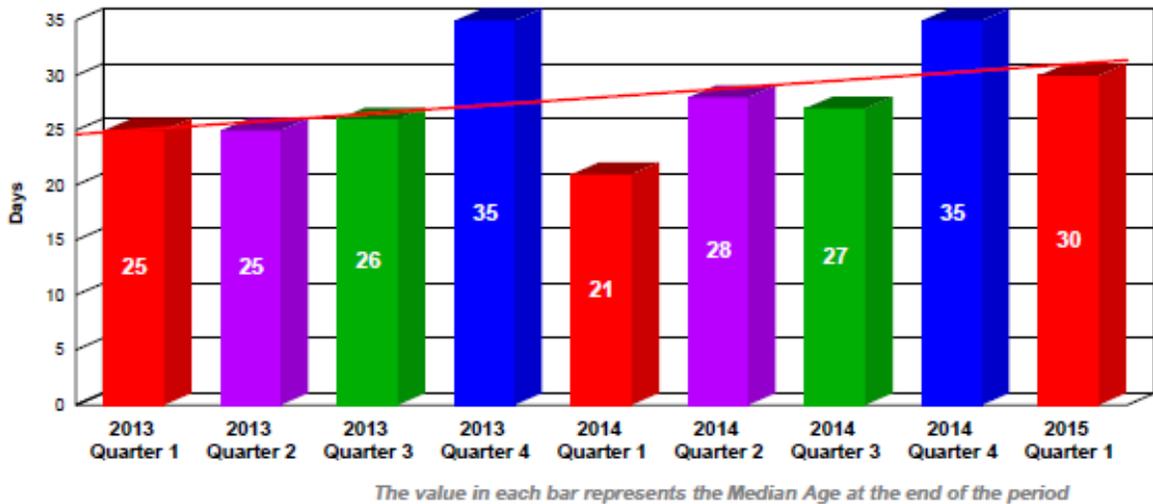
The Law Society of Upper Canada
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 Quarterly Report (January 1 – March 31, 2015)

2.1 – Intake

Graph 2.1 C: Intake - Department Inventory



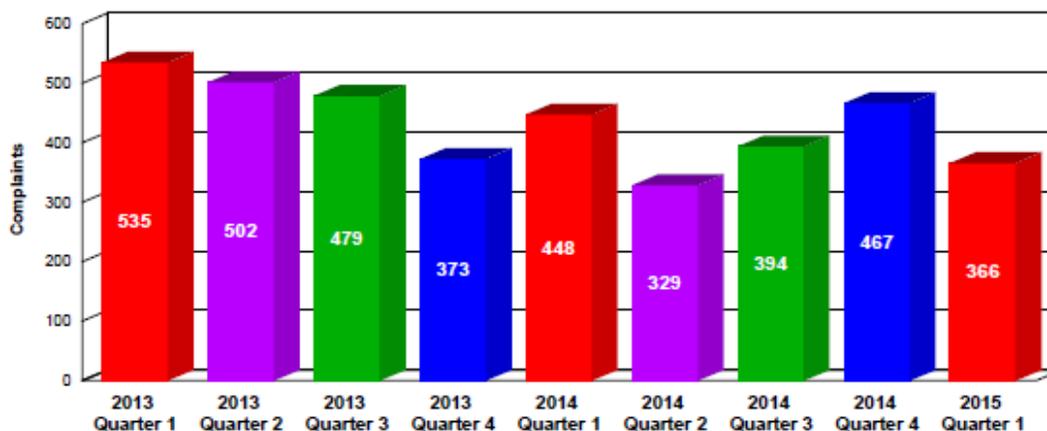
Graph 2.1D: Intake - Median Age of Complaints



The Law Society of Upper Canada
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 Quarterly Report (January 1 – March 31, 2015)

2.2 – Complaints Resolution

Graph 2.2A: Complaints Resolution – Input⁵



Detailed Analysis of New and Re-opened Complaints in Complaints Resolution

	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Complaints against Lawyers	375	295	346	410	325
Lawyer Applicant Cases ★	0	0	0	0	0
Complaints against Licensed Paralegals	72	34	48	210	41
Paralegal Applicant Cases ★	0	0	0	0	0
Complaints against Non-Licensees/Non-Applicants*	1	0	0	2	1
TOTAL	448	329	394	467	367

★ Applicant cases include good character cases and UAP complaints

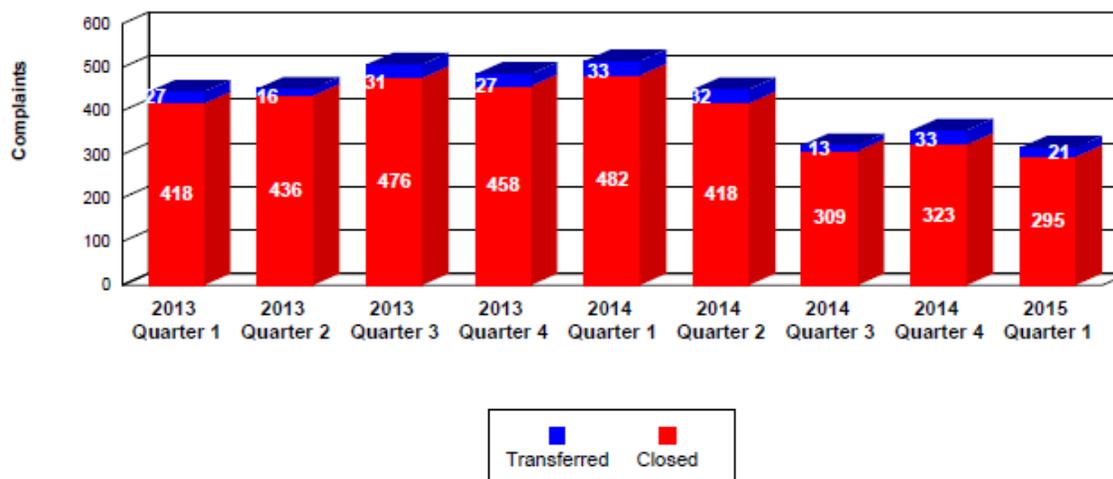
* For a complete analysis of UAP complaints see section 3.4.

⁵ Includes new complaints received into the department as well as complaints re-opened during the Quarter.

The Law Society of Upper Canada
The Professional Regulation Division
Quarterly Report (January 1 – March 31, 2015)

2.2 – Complaints Resolution

Graph 2.2B: Complaints Resolution - Complaints Closed and Transferred Out



Detailed Analysis of Complaints Closed and Transferred From Complaints Resolution

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Complaints against Lawyers	Closed	416	389	273	286	265
	Transferred	25	30	13	28	13
Lawyer Applicant Cases★	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
Complaints against Licensed Paralegals	Closed	66	29	36	37	30
	Transferred	8	2	0	5	8
Paralegal Applicant Cases★	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
Complaints against Non-Licensees/Non-Applicants*	Closed	0	0	0	0	0
	Transferred	0	0	0	0	0
TOTAL	Closed	482	418	309	323	295
	Transferred	33	32	13	33	21

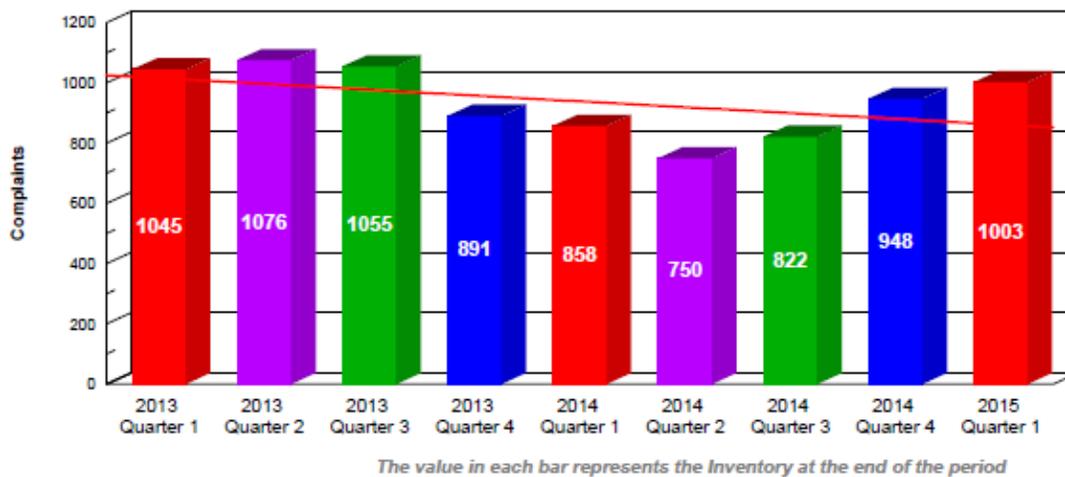
★ Applicant cases include good character cases and UAP complaints

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

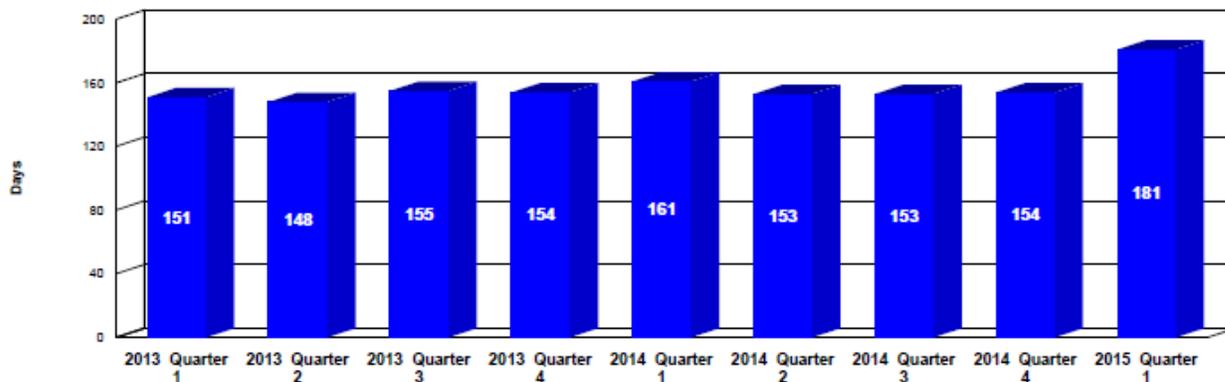
The Law Society of Upper Canada
 The Professional Regulation Division
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2.2 – Complaints Resolution

Graph 2.2C: Complaints Resolution – Department Inventory



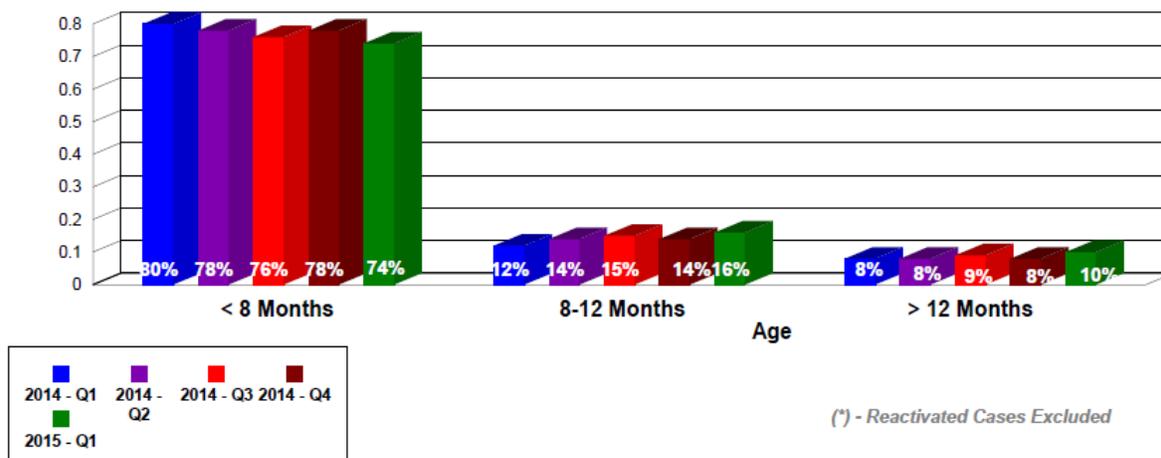
Graph 2.2D: Complaints Resolution - Median Age of Complaints



The Law Society of Upper Canada
 The Professional Regulation Division
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2.2 – Complaints Resolution

Graph 2.2E: Complaints Resolution – Aging of Complaints



	<8 months	8 to 12 months	>12 months
Q1 2014	635 cases involving 584 subjects	96 cases involving 88 subjects	62 cases involving 53 subjects
Q2 2014	534 cases involving 487 subjects	100 cases involving 95 subjects	53 cases involving 42 subjects
Q3 2014	574 cases involving 521 subjects	114 cases involving 106 subjects	67 cases involving 54 subjects
Q4 2014	673 cases involving 620 subjects	120 cases involving 112 subjects	73 cases involving 60 subjects
Q1 2015	679 cases involving 625 subjects	147 cases involving 137 subjects	94 cases involving 70 subjects

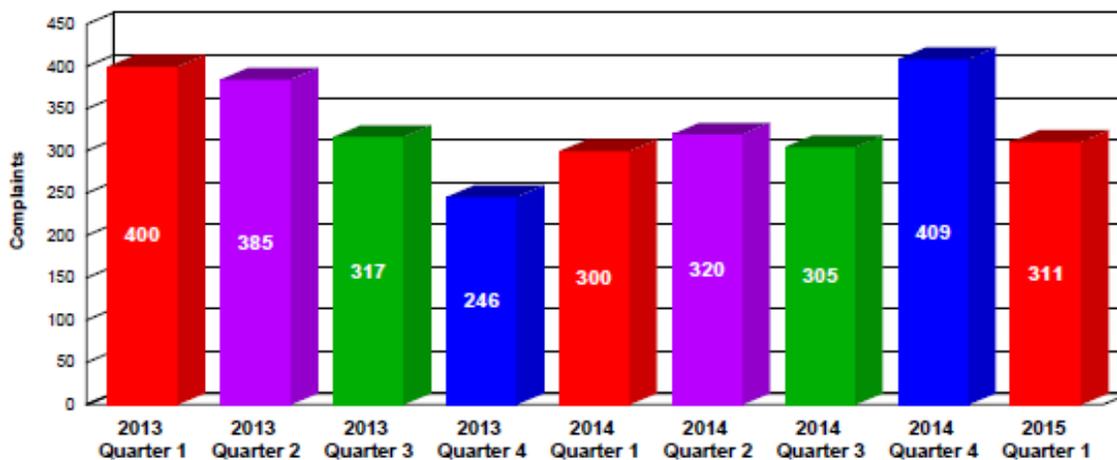
Cases which have been in the process longer than 12 months are closely monitored. In almost all instances, the case is in this category due to reasons beyond the control of the Law Society. Cases are usually older than 12 months in Complaints Resolution for the following reasons:

- Newer complaints against the lawyer/paralegal are received. In some cases existing cases await the completion of younger cases relating to the same licensee;
- Delays on the part of licensees in providing representations and in responding to the investigators' requests. In a number of instances, the Summary Hearing process is required;
- Delays on the part of complainants in responding to licensee's representations and to investigators' requests for additional information; and
- New issues raised by the complainant requiring additional investigation.

The Law Society of Upper Canada
 The Professional Regulation Division
 Quarterly Report (January 1 – March 31, 2015)

2.3 – Investigations

Graph 2.3A: Investigations - Input



Detailed Analysis of New and Re-opened Complaints Received in Investigations

	Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Complaints against Lawyers	190	201	240	296	210
Lawyer Applicant Cases ★	4	12	10	2	3
Complaints against Licensed Paralegals	55	42	30	65	60
Paralegal Applicant Cases ★	6	30	6	11	11
Complaints against Non-Licensees/Non-Applicants*	45	35	19	35	27
TOTAL	300	320	305	409	311

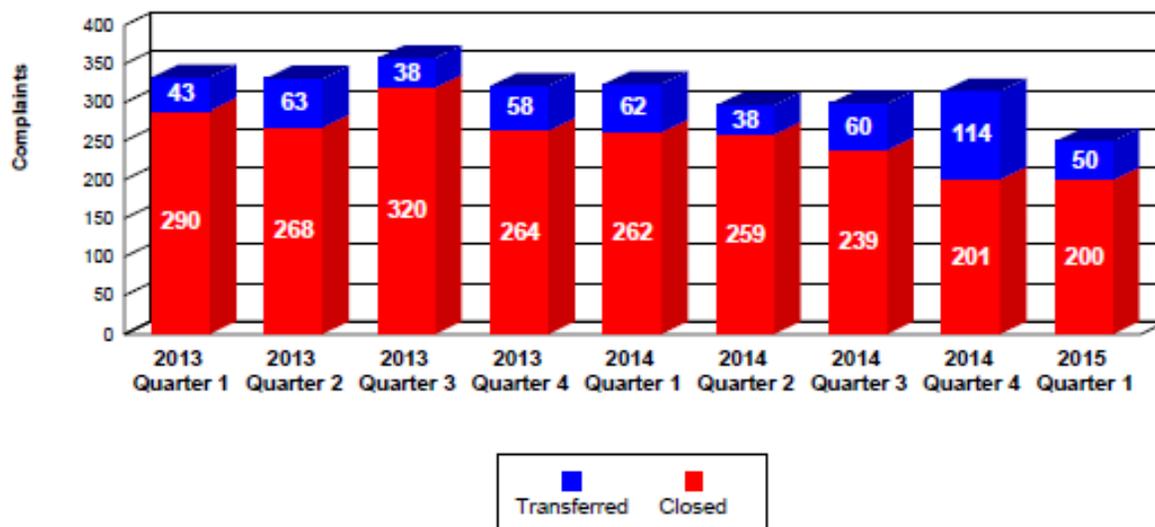
★ Applicant cases include good character cases and UAP complaints

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

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2.3 – Investigations

Graph 2.3B Investigations - Complaints Closed and Transferred Out



Detailed Analysis of Complaints Closed and Transferred Out of Investigations

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Complaints against Lawyers	Closed	158	166	147	122	121
	Transferred	45	31	48	90	27
Lawyer Applicant Cases ★	Closed	5	3	4	6	5
	Transferred	1	1	0	0	0
Complaints against Licensed Paralegals	Closed	38	32	51	37	48
	Transferred	5	1	11	20	17
Paralegal Applicant Cases ★	Closed	13	8	10	11	5
	Transferred	1	1	0	4	4
Complaints against Non-Licensees/Non-Applicants*	Closed	48	50	27	25	21
	Transferred	10	4	0	0	2
TOTAL	Closed	262	259	239	201	200
	Transferred	62	38	59	114	50

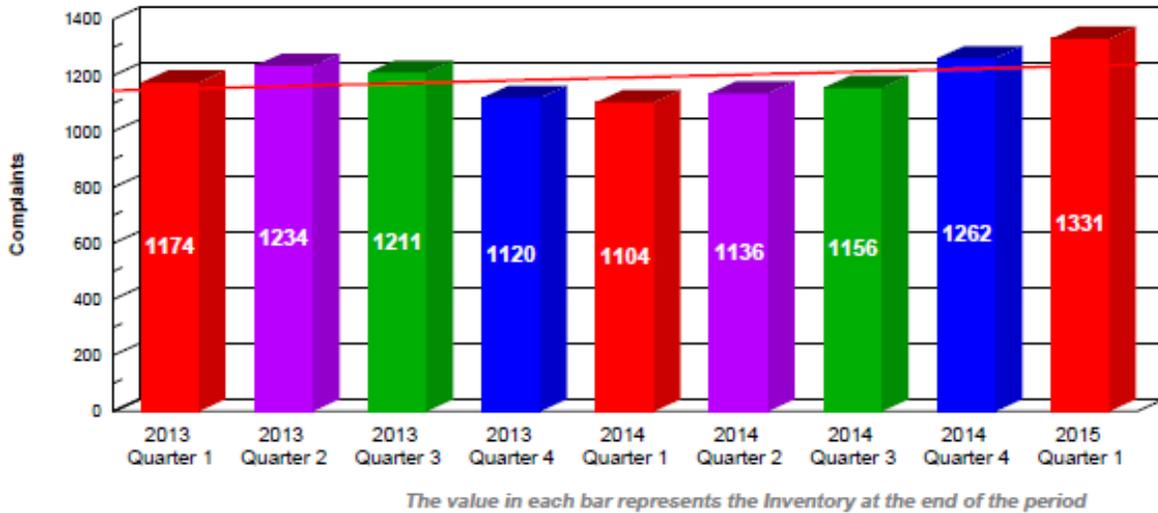
★ Applicant cases include good character cases and UAP complaints

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

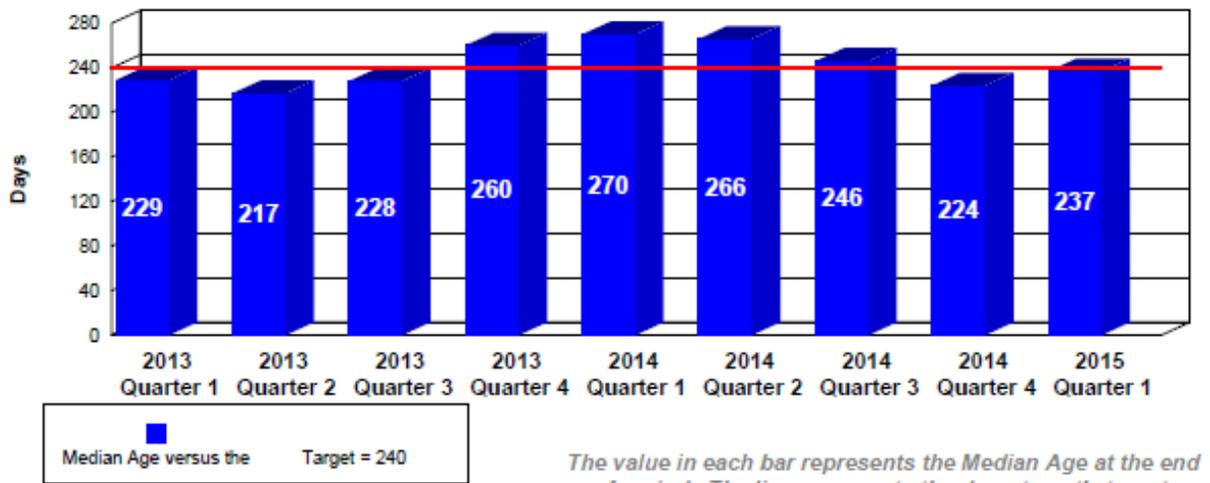
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2.3 – Investigations

Graph 2.3C: Investigations – Department Inventory

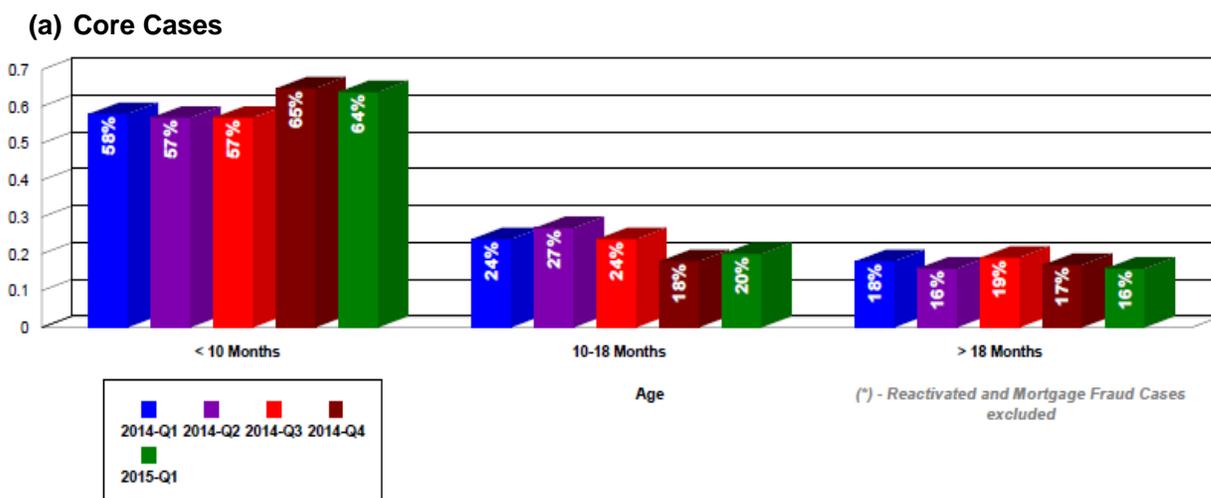


Graph 2.3D: Investigations - Median Age of All Complaints



2.3 – Investigations

Graph 2.3E: Investigations – Aging of Complaints



	<10 months	10 to 18 months	>18 months
Q1 2014	544 cases involving 451 subjects	227 cases involving 160 subjects	165 cases involving 122 subjects
Q2 2014	549 cases involving 433 subjects	256 cases involving 178 subjects	160 cases involving 120 subjects
Q3 2014	540 cases involving 395 subjects	223 cases involving 180 subjects	180 cases involving 124 subjects
Q4 2014	693 cases involving 451 subjects	193 cases involving 152 subjects	181 cases involving 119 subjects
Q1 2015	740 cases involving 476 subjects	226 cases involving 186 subjects	185 cases involving 125 subjects

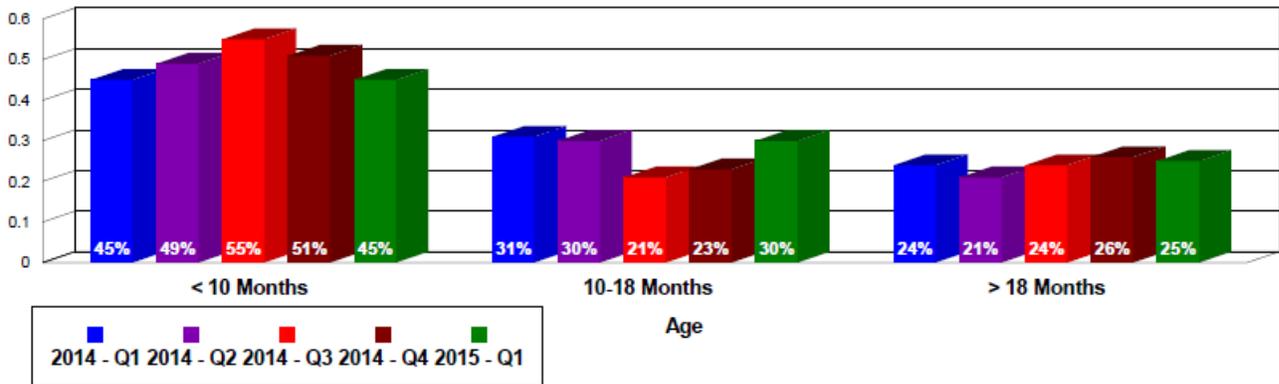
While the department strives to reduce the proportion of cases in the older time frame and to increase the proportion of cases in the youngest time frame, it is recognized that there are cases that are older than 18 months in Investigations for the following reasons:

- The investigator has to wait for evidence from a third party (i.e. not the complainant or the licensee/subject), for example psychiatric evaluation, court transcripts, or a key witness;
- Newer complaints are received against the licensee/subject. In order to move forward together to the Proceedings Authorization Committee, the older cases await the completion of younger cases;
- A need to coordinate investigations between different licensees/subject where the issues arise out of the same set of circumstances (e.g. a complainant complains about 2 lawyers in relation to the same matter);
- Multiple cases involve one lawyer. These investigations are complex and time consuming;
- Where capacity issues are raised during a conduct investigation.

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2.3 – Investigations

(b) Mortgage Fraud Cases



	<10 months	10 to 18 months	>18 months
Q1 2014	40 cases involving 33 subjects	28 cases involving 23 subjects	21 cases involving 19 subjects
Q2 2014	49 cases involving 41 subjects	30 cases involving 24 subjects	21 cases involving 19 subjects
Q3 2014	61 cases involving 46 subjects	23 cases involving 19 subjects	26 cases involving 21 subjects
Q4 2014	57 cases involving 41 subjects	26 cases involving 23 subjects	29 cases involving 26 subjects
Q1 2015	46 cases involving 32 subjects	31 cases involving 28 subjects	26 cases involving 23 subjects

As noted above, the department strives to reduce the proportion of mortgage fraud cases in the older time frame and to increase the proportion of cases in the youngest time frame. However, it is recognized that there will always be mortgage fraud cases that are older than 18 months in Investigations for the reasons cited above, particularly:

- When newer complaints against the licensee/subject are received, existing investigations may have to await their completion in order that all the cases can be taken to Proceedings Authorization Committee together.
- There is a need to coordinate investigations between different licensees/subject where the issues arise out of the same set of circumstances (e.g. a complainant complains about 2 lawyers in relation to the same matter).
- There are multiple cases involve one lawyer resulting in greater complexity.

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2.4 – Unauthorized Practice (UAP)

Graph 2.4A: Unauthorized Practice Complaints in Intake

Quarter	New	Closed	Transferred for Investigation	Active at end of Quarter
Q1 2013	71	29	59	11
Q2 2013	60	26	51	5
Q3 2013	69	27	46	9
Q4 2013	60	20	41	11
Total for 2013	260	102	197	11
Q1 2014	64	26	51	6
Q2 2014	52	15	38	7
Q3 2014	44	13	21	20
Q4 2014	63	23	44	21
Total for 2014	223	77	154	21
Q1 2015	45	22	37	11

Graph 2.4B: Unauthorized Practice Investigations (in Complaints Resolution and Investigations)

	New Investigations	Closed ⁶ Investigations	Inventory at Quarter End
Q1 2013	59	62	128
Q2 2013	51	36	143
Q3 2013	46	58	129
Q4 2013	40	31	137
Totals: 2013	197	187	
Q1 2014	51	66	122
Q2 2014	38	82	82
Q3 2014	21	29	74
Q4 2014	44	29	90
Totals: 2014	154	206	
Q1 2015	37	26	101

Graph 2.4C: UAP Enforcement Actions

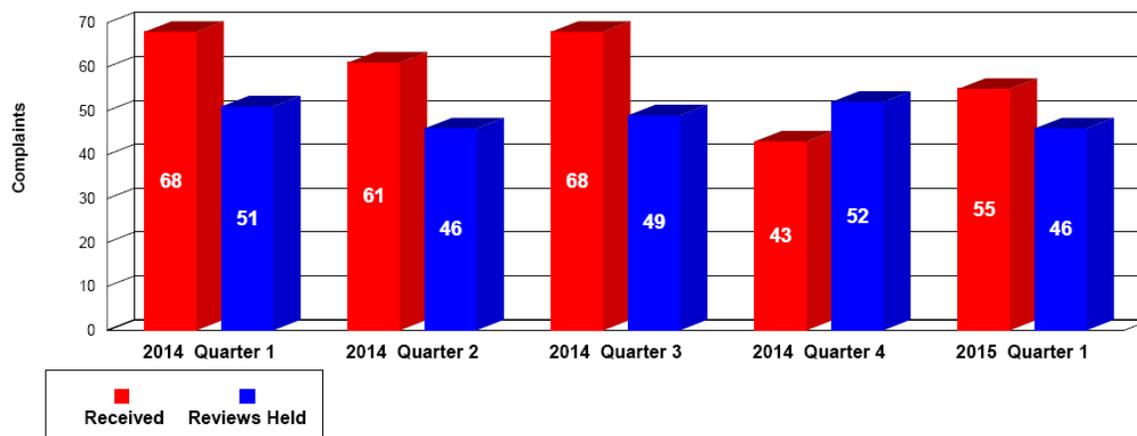
There were no new UAP enforcement matters commenced in Q1 2015. As at March 31, 2015, there were 3 active UAP matters.

⁶ "Closed" refers to completed investigations and therefore consists of both those investigations that were closed by the Law Society and those that were referred for prosecution/injunctive relief.

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2.5 – Complaints Resolution Commissioner

Graph 2.5A: Reviews Requested and Files Reviewed (by Quarter)



Graph 2.5B: Decisions Rendered, by Quarter

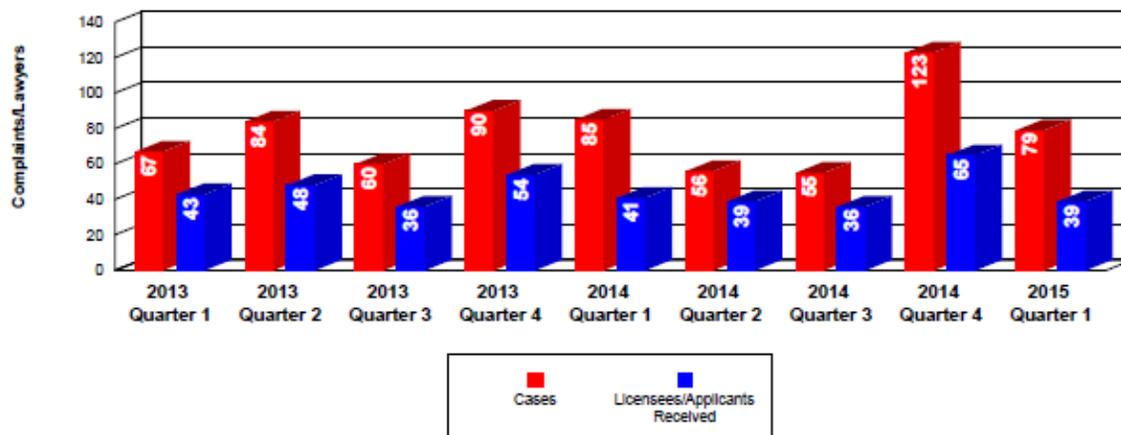
Quarter	Decisions Rendered	Files to Remain Closed	Files Referred Back to PRD
Q1 2013	40	38 (95 %)	2 (5 %)
Q2 2013	55	49 (89%)	6 (11%)
Q3 2013	43	40 (93%)	3 (7%)
Q4 2013	67	65 (97%)	2 (3%)
Total 2013	205	192 (94%)	13 (6%)
Q1 2014	51	50(98%)	1(2%)
Q2 2014	36	33(92%)	3(8%)
Q3 2014	30	29(97%)	1(3%)
Q4 2014	50	48 (98%)	2 (2%)
Total 2014	167	160(96%)	7(4%)
Q1 2015	39	37 (95%)	2 (5%)

Of the 39 decisions rendered in Q1 2015, the Commissioner referred 2 files back to Professional Regulation. In one case, the Commissioner was not satisfied that the decision to close was reasonable and referred the case back with a recommendation for further investigation. In the other case, while he found the Law Society's decision to close to be reasonable, the Commissioner referred the case back with a recommendation that the Law Society consider new information that had been provided by the Complainant at the review meeting.

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2.6 – Discipline

Graph 2.6A: Discipline - Input⁷



Detailed Analysis of New Cases Received in Discipline

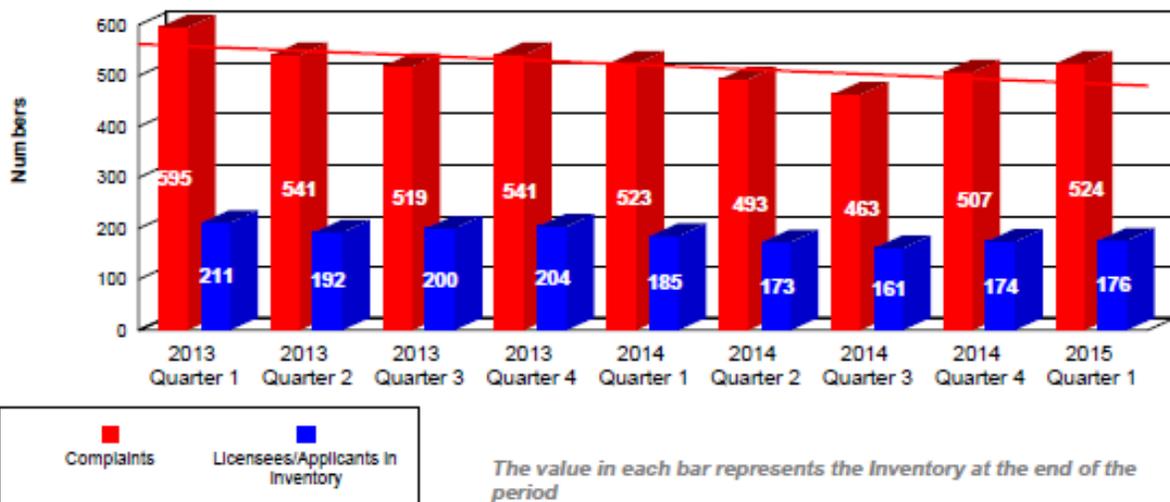
		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Lawyers	Cases	72	46	49	100	50
	Lawyers	32	33	33	52	26
Lawyer Applicants	Cases	0	1	0	0	0
	Lawyer Applicants	0	1	0	0	0
Licensed Paralegals	Cases	12	8	6	20	29
	Licensed Paralegals	8	4	3	10	12
Paralegal Applicants	Cases	1	1	0	3	1
	Paralegal Applicants	1	1	0	3	1
TOTAL	Cases	85	56	55	65	39
	Licensees & Applicants	41	39	36	123	82

⁷ "Input" refers to complaints that were transferred into Discipline from various other departments during the specific quarter. Includes new complaints/cases received in Discipline and the lawyers/applicants to which the new complaints relate.

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2.6 – Discipline

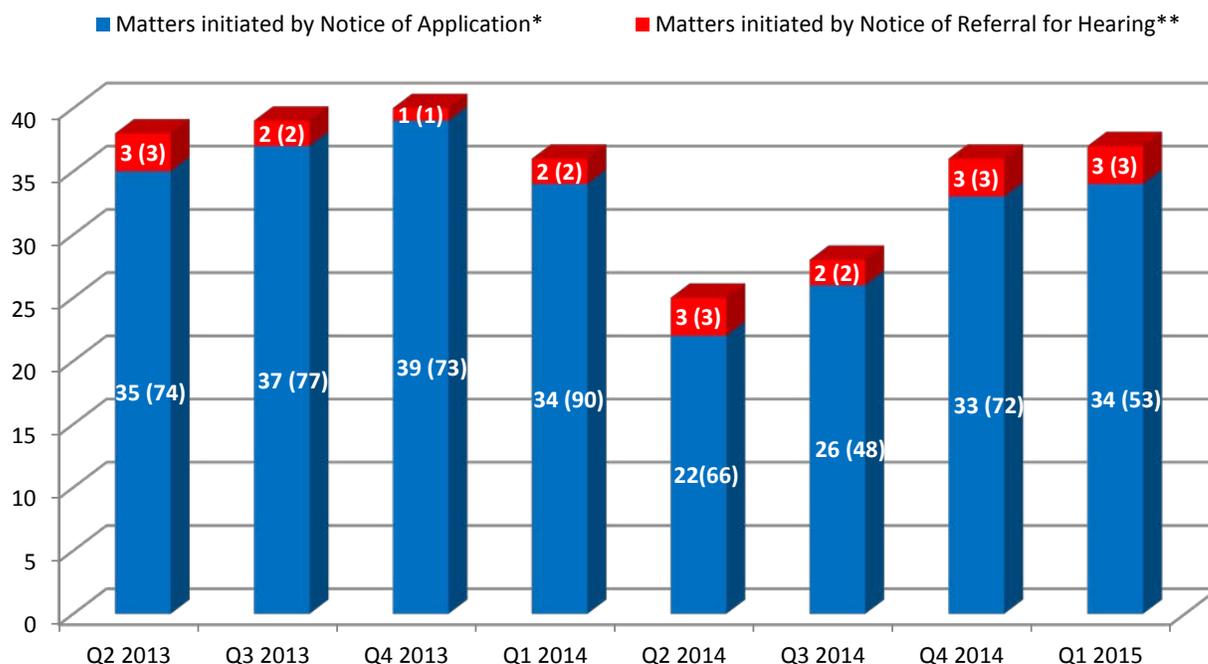
Graph 2.6B: Discipline – Department Inventory⁸



⁸ Consists primarily of complaints and lawyers/applicants that are in scheduling and are with the Hearing Division or on appeal.

2.6 – Discipline

Graph 2.6C: Discipline - Notices Issued



* Matters which are initiated by Notice of Application include conduct, capacity, non-compliance and competency matters. Also included in this category are interlocutory suspension/restriction motions.

** Matters which are initiated by Notice of Referral for Hearing include licensing (including re-licensing matters), reinstatement and restoration matters.

The numbers in each bar indicate the number of notices issued and, in brackets, the number of cases relating to those notices. One notice may relate to more than one case. For example, in Q1 2015, 34 Notices of Application were issued (relating to 53 cases) and 3 Notices of Referral for Hearing were issued (relating to 3 cases).

With respect to the 34 Notices of Application⁹/Notices of Motion for Interim Suspension Order and 3 Notices of Referral for Hearing (licensing matters) which were issued in Q1 2015:

- 84% were issued within 60 days of PAC Authorization;
- 86% were issued within 90 days of PAC Authorization.

⁹ Notices of Application are issued with respect to conduct, competency, capacity and non-compliance matters and require authorization by the Proceedings Authorization Committee (PAC).

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2.6 – Discipline

Graph 2.6D: Discipline – Completed Matters

		Q1 2014	Q2 2014	Q3 2014	Q4 2014	Q1 2015
Conduct Hearings	Lawyers	30	21*	23	30	14
	Paralegal Licensees	10	6	4	3	6
Interlocutory Suspension Hearings/Orders	Lawyers	2	3	2	4	2
	Paralegal Licensees	-	-	-	3	1
Capacity Hearings	Lawyers	1	-	-	1	2
	Paralegal Licensees	-	-	-	-	-
Competency Hearings	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
Non-Compliance Hearings	Lawyers	-	1*	-	-	-
	Paralegal Licensees	-	-	-	-	-
Reinstatement / Terms Dispute	Lawyers	2	-	1	1	1
	Paralegal Licensees	-	-	1	-	-
Restoration	Lawyers	-	-	-	-	-
	Paralegal Licensees	-	-	-	-	-
Licensing Hearings**	Lawyer Applicants	-	1	-	1	2
	Paralegal Applicants	1	2	1	-	3
TOTAL NUMBER OF HEARINGS	Lawyers*	35	25	26	37	21
	Paralegals*	11	8	6	6	10
	TOTAL	46	33	32	43	31

* In Q2 2014, a conduct application and a non-compliance application were heard together in one hearing. Both are included in the totals for lawyer conduct and lawyer non-compliance categories. However, the hearing is only counted once in the total numbers for the quarter.

** including Readmission

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2.6 – Discipline

Graph 2.6F: Discipline – Appeals

The following chart sets out the number of appeals filed with the Appeal Division, the Divisional Court or the Court of Appeal in the calendar years 2010 to 2014 and the first quarter of 2015.

Quarter/Year	Appeal Division	Divisional Court	Court of Appeal
2010	27	3 appeals; 2 judicial reviews	4 motions for leave
2011	18	6 appeals, 2 judicial reviews	2 motions for leave
2012	23	4 appeals; 5 judicial reviews	2 motions for leave
2013	20	3 appeals; 3 judicial reviews	
2014	23	14 appeals; 5 judicial reviews	4 motions for leave
2015 1 st Quarter	6	1 appeal; 1 judicial review	3 motions for leave

As of March 31, 2015, there are 10 appeals pending before the Appeal Division, 2 appeals in which the Appeal Division has reserved on judgment, 2 appeals before the Appeal Division that have been adjourned sine die and 5 appeals in which costs or penalty decisions remained outstanding.

With respect to matters before the Divisional Court, there are 8 appeals and 6 judicial review matters pending. There are 4 motions for leave to appeal pending in the Court of Appeal.

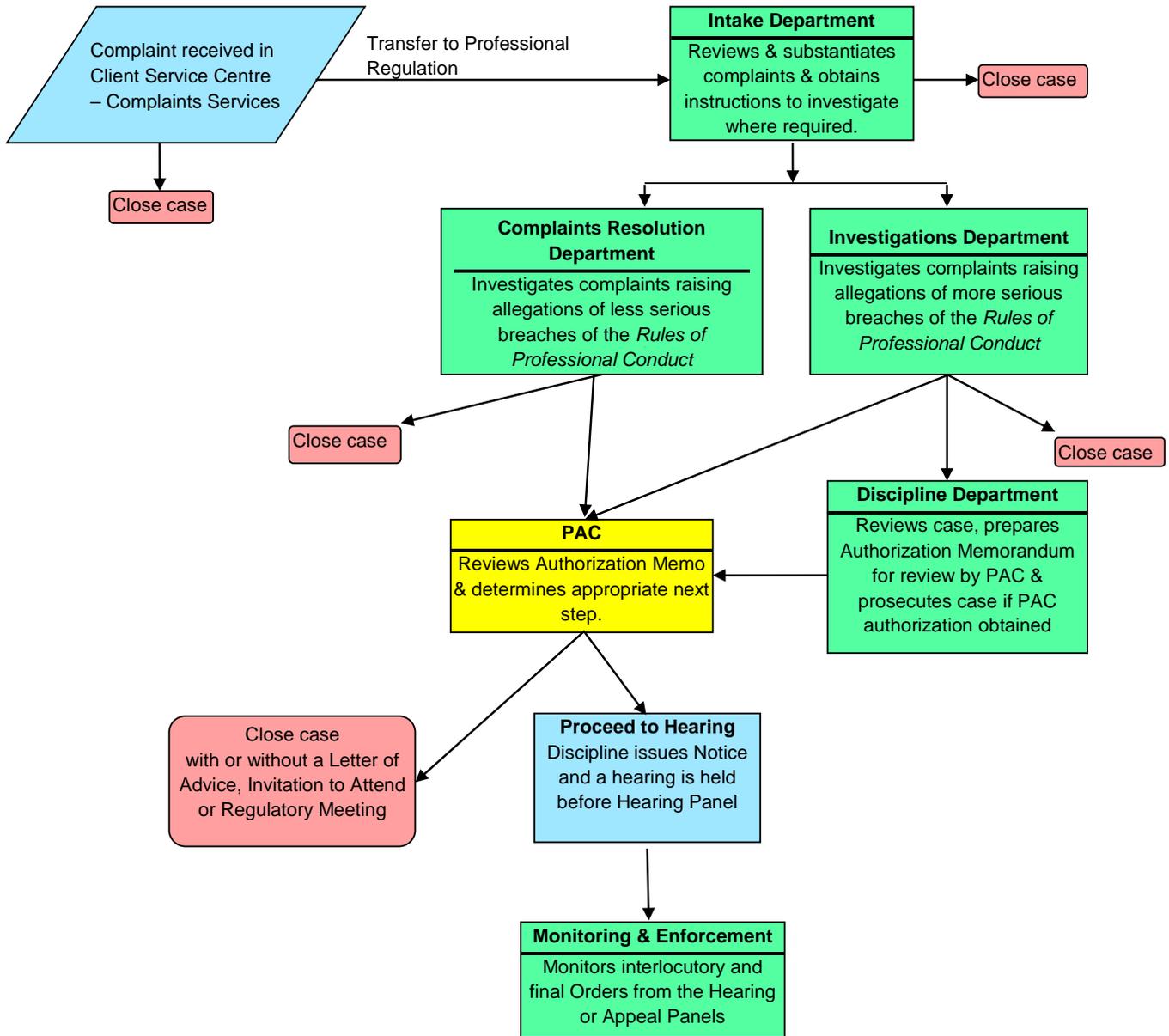
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SECTION 3

APPENDICES

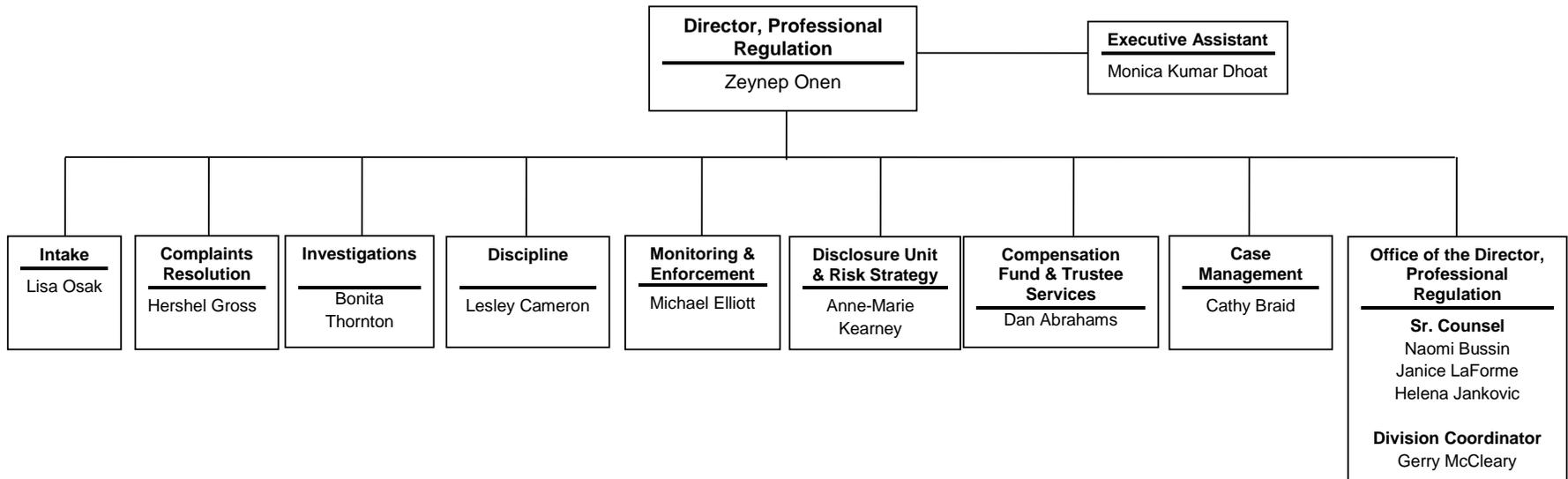
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The Professional Regulation Complaint Process



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PROFESSIONAL REGULATION ORGANIZATIONAL CHART





May 28, 2015

Update Report

TAG – The Action Group on Access to Justice

PLANNING ACTIVITIES

Reference Group Meeting

Reference Group Meeting #8 is scheduled for May 29, 2015. David Hole, Project Manager for Connecting Ottawa¹, will be speaking to the group about the practical application of collective impact methods. Hole will share best practices for developing a shared agenda, success metrics and communication processes. The meeting will also include updates from Grant Wedge and Sabreena Delhon about cluster and outreach activities.

OUTREACH

Innovation in Access to Justice Conference

Submissions are invited to the Innovation in Access to Justice Conference taking place in Montreal from October 1-2, 2015. Provided there is sufficient interest, this could be an opportunity to submit a joint proposal from the Law Society and TAG. The proposal deadline is June 15. The conference “will provide an opportunity in a non-academic setting for a wide array of stakeholders, practitioners, and individuals to contribute to frank and direct discussions about innovation and access to justice. The conference will explore creative ways of thinking about justice. It will offer participants new methods, ideas, and tools to build capacity for innovation in the justice system. It will also provide opportunities for hands-on learning through panel discussions and innovation workshops.”²

The County & District Law Presidents’ Association (CDLPA) Spring Plenary

Grant Wedge and Sabreena Delhon attended the CDLPA Spring Plenary in Thunder Bay on May 14- 15, 2015. Mr. Wedge gave a presentation about TAG on an access to justice panel that also featured Lee Stuesser (Dean, Faculty of Law, Lakehead University) and former Attorney General Chris Bentley (Executive Director, Legal Innovation Zone, Ryerson University). CDPLA members expressed interest in being part of the efforts to improve access to justice across Ontario, particularly outside Toronto and especially in small towns, rural, remote and Northern Ontario.

¹ Connecting Ottawa aims to improve access to justice for linguistic minorities by drawing upon a network of 40 community health, legal, immigration, disability, and social services agencies.

² <http://iaj2015.openum.ca/>

Ryerson University's Legal Innovation Zone

On April 29, 2015 Sabreena Delhon attended the launch of Ryerson's Legal Innovation Zone (LIZ) where Attorney General Madeleine Meilleur provided opening remarks. Described as Canada's first legal incubator, LIZ aims to "foster, support and develop innovative solutions and technologies that will help make Canada's legal system smarter, faster, better and more accessible."³ LIZ works with students, entrepreneurs, technology experts, government members and licensees. The Executive Director of the organization is Chris Bentley. TAG currently has a legal innovation cluster in early stages of development and is exploring a potential partnership with LIZ.

Ismali Conciliation & Arbitration Board Roundtable

On April 28, 2015 Grant Wedge attending a roundtable organized by the Ismaili Conciliation & Arbitration Board titled "ADR in Cities of Arrival – How do Immigrant and First General Populations Access Dispute Resolution." John McCamus (Legal Aid Ontario), Patricia Hughes (Law Commission of Ontario), Lai King Hum (Federation of Asian Canadian Lawyers), Avvy Go (Toronto Chinese & Southeast Legal Clinic), Orlando Da Silva (Ontario Bar Association) and Barbara Caruso (Canadian Bar Association) were among the 25 invited attendees. There was an in-depth discussion of accessible, culturally sensitive, community-based dispute resolution options.

Courthouse Consultation

On April 27, 2015 Sabreena Delhon along with Terry Knott, Sheena Weir and Moni Elali of the Law Society participated in a consultation session for the proposed Toronto Courthouse slated for construction within the coming years. Discussion revolved around how the new building could promote access to justice for the public.

CLUSTER ACTIVITIES

Targeted Legal Services Symposia

The Targeted Legal Services symposia co-organized by TAG, the Law Society of Upper Canada and Social Justice Tribunals Ontario held its second event on May 12, 2015. At the first symposium in February, participants explored new ideas about how targeted legal services could be implemented in a variety of practice settings. The second symposium focused on success stories with an eye to the innovative ways that practitioners are responding to the public's need for competent, professional and customized legal services. The event had approximately 100 attending in person and 145 viewing by webcast. Access to Justice Committee Co-Chairs, Paul Schabas and Cathy Corsetti spoke on the panel titled "Targeted Legal Services as a Business Model: From Concept to Reality in a Changing Landscape".

³ http://www.ryerson.ca/news/news/General_Public/20150504-right-brain-meets-left-at-legal-innovation-zone.html

Custody & Access Assessor Task Force

For the past five years, family justice system participants, including lawyers, judges, psychologists, social workers and psychiatrists have been calling for reforms to address the shortage of qualified custody and access assessors in the family court system. One of the major concerns that has repeatedly been identified as contributing to this problem is the impact of frivolous complaints on the willingness of assessors to do this important and challenging work. On June 3, 2015, the Custody & Access Assessor Task Force will meet to explore potential solutions for this access to justice problem. Professor Nicholas Bala (Faculty of Law, Queen's University) will speak about his current research aimed at improving access and outcomes in the family justice system. A facilitated session with meeting attendees will follow Professor Bala's presentation.

Online Family Law “Shared Steps” Resource

This initiative focuses on common legal problems faced by people who have low or moderate incomes or face other disadvantages. It enhances Community Legal Education Ontario's existing “Shared Steps” materials. The project is aimed at the first-contact community workers whom these people trust and turn to for help. The aim with this initiative is to adopt a “no wrong door” approach by embedding the same content into multiple, targeted websites. Planning is currently underway to operationalize content production and embedding processes.

Mental Health

TAG was pleased to participate in the May 6, 2015 Mental Health Event organized by the Law Society and looks forward to attending the May 22, 2015 All Rise: A Summit on Mental Health in the Professions organized by the Ontario Bar Association. These events will advance the development of a mental health cluster. Currently ideas for this cluster involve consideration of social determinants of health/justice and the inclusion of a trauma informed approach that ultimately equips licensees with the necessary tools for success in their respective practices. TAG is working with Legal Aid Ontario as well as the Advocate's Society, the County & District Law Presidents' Association and other organizations beyond the justice sector in order to develop an informed cluster that is coordinated with substantive, existing strategic objectives.

Other Clusters

Other clusters that are in progress and/or in early stages of development pertain to:

- Access to justice issues faced by the trans*⁴ community.
- Access to justice issues faced by those with limited or constrained access to technology with a specific focus on the internet. There is interest from the Law Commission of Ontario to convene a symposium in the fall that facilitates the

⁴ Trans* (with the asterisk) is an umbrella term that refers to all identities within the gender identity spectrum.

development of principles on technology use in court. This approach is informed by Access to Justice Technology Principles developed by the Washington State justice system.