

MINUTES OF CONVOCATION

Friday, 26th January, 1996
9:00 a.m.

PRESENT:

The Treasurer (Susan Elliott), Aaron, Adams, Angeles, Armstrong, Backhouse, Carey, Carpenter-Gunn, Copeland, Crowe, DelZotto, Eberts, Farquharson, Feinstein, Furlong, Gottlieb, Goudge, Harvey, Krishna, Lawrence, Lamont, Legge, MacKenzie, Manes, Marrocco, Millar, Murphy, Murray, O'Brien, O'Connor, Pepper, Puccini, Ross, Ruby, Sachs, Scace, Sealy, Stomp, Swaye, Thom, Topp, Wilson and Wright.

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IN PUBLIC

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ELECTION OF BENCHER

It was moved by Ms. Ross, seconded by Mr. Murray THAT Elvio DelZotto be elected a Bencher to fill the vacancy resulting from the appointment to the Bench of Madam Justice Joan Lax.

Carried

ANNUAL GENERAL MEETING

It was moved by Ms. Ross, seconded by Mr. Murray THAT the next Annual Meeting of the Law Society of Upper Canada be held on Wednesday, May 8, 1996 at 5:15 p.m. at Osgoode Hall, Toronto.

Carried

COMMITTEE APPOINTMENTS

It was moved by Ms. Ross, seconded by Mr. Murray THAT Nancy Backhouse be appointed to serve as a member of the Women in the Legal Profession Committee and THAT Ms. Backhouse be appointed Chair of the Equity in Legal Education and Practice Committee.

It was moved by Ms. Ross, seconded by Mr. Murray THAT Paul Copeland be appointed Chair of the Clinic Funding Committee.

It was moved by Ms. Ross, seconded by Mr. Murray THAT Tamara Stomp be appointed to serve as a member of the Legal Aid Committee.

It was moved by Mr. Millar, seconded by Ms. Ross THAT Michael Somers, previously appointed by Convocation to serve as a lawyer-member of the Research and Planning Committee until August 31, 1996, be appointed to serve as a member of the Professional Standards Committee, the appointment to continue until August 31, 1996.

Carried

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Agenda - Committee Reports Taken as Read

It was moved by Ms. Ross, seconded by Mr. Murray THAT the Reports listed in paragraph 4 of the Agenda (Reports to be taken as read) excluding the Report of the Clinic Funding Committee, be adopted.

Carried

Changes to Regulation 708
Discipline Policy
Draft Minutes - November 1995
Equity in Legal Education and Practice
Legal Education
Professional Conduct
Professional Standards
Real Estate Issues
Specialist Certification Board
Women in the Legal Profession

COMMITTEE REPORTS

Changes to Regulation 708

On December 14, 1995, the following regulations to amend Regulation 708 were filed in the office of the Registrar of Regulations and came into force:

1. O. Reg. 513/95: This regulation amends section 9 of Regulation 708 to permit the quorum of the Discipline Committee convened to hear a complaint against a member to be one benchner in certain instances.
2. O. Reg. 514/95: This regulation repeals section 4 of Regulation 708 and substitutes anew section 4, which establishes a uniform set of requirements to be met by applicants seeking admission to membership in the Law Society of Upper Canada by transfer from any Canadian jurisdiction.
3. O. Reg. 515/95: This regulation repeals section 15.2 of Regulation 708 and substitutes a new section 15.2. The section outlines the requirement to maintain Forms 4 and 5.

CHANGES TO REGULATION 708 WERE ADOPTED

Discipline Policy Committee

Meeting of January 11, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCAION ASSEMBLED

THE DISCIPLINE POLICY COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th of January, 1996 at 1:30 in the afternoon, the following members being present:

E. Cronk (Acting Chair), C. Curtis (Vice-Chair), R. Armstrong, N. Backhouse, L. Banack, P. Copeland, E. DelZotto, N. Finkelstein, G. Gottlieb, G. MacKenzie, D. McPhadden, S. O'Connor, C. Ruby, G. Swaye, S. Thom, B. Wright.

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M. Brown, S. Kerr, H. Levin, G. Macri, D. Robertson, M. Seto and J. Yakimovich also attended.

A.
POLICY

- A.1. CBAO Lawyer/Client Fee Dispute Mediation Pilot Project
 - A.1.1. The Committee considered a request for assistance from the ADR Section of the CBAO in implementing a mediation alternative to the Assessment procedure for dealing with fee disputes.
 - A.1.2. Attached as Attachment A are the materials considered by the Committee.
 - A.1.3. The Committee recommended approval of the request.
- A.2. Pro Bono Counsel at Discipline Hearings
 - A.2.1. The Committee considered whether a roster of duty counsel should be formed to assist unrepresented members appearing before Discipline Committees.
 - A.2.2. The success to date of the pro bono duty counsel roster in Discipline Convocation was noted by the Committee.
 - A.2.3. The Committee approved *in principle* the creation of a roster of pro bono duty counsel prepared to offer their services to unrepresented lawyers at Discipline Committee hearings *subject to* the preparation of a feasibility study by staff to be discussed at a future committee meeting.

B.
ADMINISTRATION

- B.1. Discipline Convocation - Quorum Panels Proposal
 - B.1.1. The Committee considered a proposal developed by Bradley Wright which, if implemented, would divide Benchers in to two groups. These groups would, on an alternating basis, be responsible for ensuring that the quorum requirements for Discipline Convocation were met.
 - B.1.2. A sub-committee will be organized to consider the proposal in detail, and report back to the Committee at its February meeting.
- B.2. Legislative Changes to Regulation 708 to Permit Electronic Transfers of Trust Funds

- B.2.1. In April 1995, Convocation adopted the recommendation of the Discipline Policy Committee that the following proposals of the Sub-Committee on Electronic Transfers of Trust Funds be approved. The Sub-committee was composed of Kenneth E. Howie, Q.C. (Chair), and staff members, G. Macri, W. Edward and D. Godden.
- B.2.2. Due to security concerns and lack of an audit trail, the Sub-committee was reluctant to recommend wide spread use of electronic transfers of trust funds. However, in order to accommodate those members who wish to transfer funds electronically from time to time, the Sub-committee was prepared to recommend that Regulation 708 be amended to permit electronic transfers of trust funds, provided that certain minimal procedures (as provided below) are complied with so as to reduce associated risks (see "Restriction" in paragraph 6 below).
- B.2.3. Convocation adopted the following procedures and held that Regulation 708 be amended accordingly.
- a) Money drawn from the trust account by electronic transfer shall be drawn only if a member has signed an electronic transfer requisition in a form prescribed by the Rules.
 - b) The Electronic Transfer system must require a separation of duties between the person entering the information into the computer and the person authorizing the transfer at the computer terminal (as distinct from the written electronic transfer requisition signed by the member), except when no one else but the member is available to enter the information into the computer and authorize the transfer.
 - c) The Electronic Transfer system must produce a confirmation in writing of the funds transferred containing the information required in a form prescribed by the Rules and signed by a member not later than the following banking day.
 - d) The transfer requisitions and confirmations shall be preserved for the same length of time as cashed cheques.
- B.2.4. Convocation ordered that the proposed amendments to the Regulation and the proposed forms referred to above in clauses (a) and (c) be referred to the Legislation and Rules Committee for consideration.
- B.2.5. Staff members have compiled a draft of the changes to the relevant portions of Regulation 708 so as to implement the above adopted recommendations.
- B.2.6. **RESTRICTION:**
For the sake of greater clarity, please note that the contemplated regulatory changes and the envisioned procedures permitting electronic transfers of trust funds do not enable members to enter into agreements permitting third parties to automatically debit members' trust accounts. Consequently, providers of services requested by members will not be able to directly draw monies from members' trust accounts in order to satisfy accounts (for example, accounts with Official Examiners, motor vehicle search fees and registration fees). Members will remain in control of payment of funds from their trust accounts.

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- B.2.7. Since the adoption of the recommendations by Convocation, the Legislation & Rules Committee was dissolved. Therefore the draft changes were submitted to this Committee for consideration.
- B.2.8. The Committee recommended approval by Convocation of the draft changes so that they could be forwarded to the Ontario Legislature and would then be subject to final approval in legislative form by Convocation.
- B.3. Classification of Existing Activities of Every Committee
- B.3.1. The Committee considered the Treasurer's request that activities be classified into operational, policy, or other matters.
- B.3.2. Committee members and staff were asked to submit their views to Eleanore Cronk or Carole Curtis for compilation.

C.
INFORMATION

- C.1. REGULATION 708 MADE UNDER THE LAW SOCIETY ACT: SECTION 9: SINGLE-BENCHER DISCIPLINE HEARING PANELS
- C.1.1. On October 27, 1994, Convocation, in the exercise of its power under section 63 of the *Law Society Act*, made a regulation to amend section 9 of Regulation 708 to permit the quorum of the Discipline Committee convened to hear a complaint against a member to be one bencher in certain instances.
- C.1.2. The regulation was approved by the Lieutenant Governor in Council (O. Reg. 513/95). On December 14, 1995, it was filed with the Registrar of Regulations and came into force.
- C.1.3. The portions of section 9 which were amended by O. Reg. 513/95 now read (amended text underlined):

INVESTIGATION AND HEARING OF COMPLAINTS

9.

* * * *

(3) Subject to subsections (3.1), (4) and (5), a quorum of the Committee is three members of the Committee who are not benchers by virtue of their office.

(3.1) A quorum of the Committee is one member of the Committee who is not a bencher by virtue of his or her office,

(a) where the particulars of the complaint to be heard by the Committee are confined to allegations that a member has,

(i) practised as a barrister or solicitor while his or her rights and privileges were suspended,

(ii) breached an undertaking to the Society,

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- (iii) failed to honour financial obligations to the Society,
- (iv) failed to file a certificate or report required by section 16,
- (v) failed to maintain an investment authority or a report on investment as required by section 15.2,
- (vi) failed to respond to inquiries from the Society,
- (vii) failed to co-operate with auditors or investigators acting for the Society,
- (viii) failed to pay costs as ordered by Convocation or a committee of Convocation,
- (ix) committed more than one of the types of conduct referred to in subclauses (i) to (viii); or

- (b) where, before the hearing begins, the member and counsel for the Society consent to a hearing before a single benchner.

* * * *

(5) Except in the case of a hearing before a single benchner, if a member of the Committee, after beginning the hearing of a complaint, is unable to continue because he or she has been appointed to the judiciary, has ceased to be a benchner, has become permanently physically or mentally disabled, suffers from a long-term illness or has died, the quorum of the Committee for the purpose of completing the hearing of the complaint and reporting to Convocation is two members of the Committee who are not benchners by virtue of their office.

* * * *

C.1.4. There are a number of issues dealing with the implementation of the regulation change. The Committee referred these issues to the sub-committee currently reviewing the potential impact on the Discipline process of recent amendments to the Statutory Powers Procedure Act (SPPA).

C.2. SPPA Sub-Committee

C.2.1 Eleanore Cronk, who chairs the sub-committee, updated the Committee on its activities.

C.3. Benchner Orientation on Discipline Hearing Practice & Procedure

C.3.1. At the request of David Scott (Chair), Eleanore Cronk and Carole Curtis are currently in the process of organizing a proposed orientation session for Benchers which will deal with the adjudicative roles and responsibilities of Benchers concerning discipline in Discipline Hearings and Convocation.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

D. Scott
Chair

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

Item A.-A.1. - Copy of the Mediation Process material re: Dealing with Fee Disputes. (marked A-1 - A-8)

THE REPORT WAS ADOPTED

Draft Minutes - November 23 and 24, 1995

(Draft Minutes in Convocation file)

THE DRAFT MINUTES WERE ADOPTED

Equity in Legal Education and Practice Committee

Meeting of January 11, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

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

Your Committee met on Thursday, the 11th of January, 1996, the following persons being present: Paul Copeland (Chair), Nancy Backhouse (Vice Chair), Andre Chamberlain, Audrea Goulding, Patricia Hennessey, Judith Keene, Brigid Luke, Vusi Msi, Marilyn Pilkington, Jocelyn Churchill, Mimi Hart, Alexis Singer and Gemma Zecchini.

C.
INFORMATION

C.1 Future of the Equity in Legal Education and Practice Committee

C.1.1 The committee received a memorandum from the Treasurer requesting classification of existing activities of every committee and will file its report by January 24, 1996 as requested. The committee indicated that many of its programs and functions have both a policy and operational component and it was the view of the committee that its continued existence is important to ensure representation of the diverse groups of lawyers and citizens of Ontario many of whom are not normally represented in Convocation. The committee indicated that input from people who are not benchers but who sit on the committee is very helpful and would not otherwise get to Convocation should the Equity in Legal Education and Practice Committee be terminated.

C.2 Rule 28

C.2.1 The committee received a draft of bulletin #4 entitled "Partnership and Relations with Other Members of the Profession" written by Judith Keene. After discussion, it was agreed that Judith Keene would provide a redraft of the bulletin for the committee's February 1996 meeting.

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C.3 COMMITTEE MANDATE

C.3.1 The committee agreed that gay and lesbian students and lawyers should be covered under the committee's mandate which is sufficiently broad to include all groups affected by all grounds of protection under the *Ontario Human Rights Code*. A paper entitled "Sexual Orientation as an Equity Issue" prepared by Andre Chamberlain is attached.

C.4 Law Society Bicentennial Equity Project

C.4.1 Gemma Zecchini discussed qualifications for funding by the Law Foundation, indicating that to meet the requirements for such funding, any project must be determined to be in the public interest.

C.4.2 The committee agreed that Nancy Backhouse, Marilyn Pilkington, Audrea Goulding, Andre Chamberlain and Alexis Singer would meet and refine the Bicentennial Equity Mentoring Project Proposal by the February 1996 meeting for approval by the Equity in Legal Education and Practice Committee and subsequent presentation to the Bicentennial Committee.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

P. Copeland
Chair

THE REPORT WAS ADOPTED

Legal Education Committee

Meeting of January 11, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The Committee met on Thursday, the 11th of January, 1996, at 10:30 a.m.

The following members attended: Derry Millar (Vice-chair in the Chair), Gavin MacKenzie (Vice-chair), Robert Armstrong, Larry Banack, Tom Carey, Allan Lawrence, Shirley O'Connor, Dean Marilyn Pilkington (Osgoode Hall Law School), Mohan Prabhu (non-Bencher member) and Helene Puccini. The following staff attended: Marilyn Bode, Katherine Corrick, Brenda Duncan, Mimi Hart, Ian Lebane, Alexandra Rookes, Lynn Silkauskas and Alan Treleaven.

B.
ADMINISTRATION

- B.1 PROCEDURES GOVERNING THE RECRUITMENT OF ARTICLING STUDENTS FOR THE 1997-98 ARTICLING TERM
- B.1.1 A draft document entitled "Procedures Governing the Recruitment of Articling Students for the 1997-98 Articling Term" is attached. (pages 1 - 7)
- B.1.2 Based on general satisfaction on the part of firms and students with the Articling Student Recruitment process, adoption of the same procedures in place in prior years is recommended.
- B.1.3 Recommendation: It is recommended that the document entitled "Procedures Governing the Recruitment of Articling Students for the 1997-98 Articling Term" be approved.

C.
INFORMATION

- C.1 REVIEW BY LEGAL EDUCATION COMMITTEE OF A DECISION OF THE ARTICLING SUBCOMMITTEE - APPLICATION TO SERVE AS ARTICLING PRINCIPAL FOR THE 1996-97 TERM
- C.1.1 The member requested a review of the decision of the Articling Subcommittee. The Subcommittee had denied his application to serve as an articling principal.
- C.1.2 The member has a significant complaints record. Since 1986, 49 complaints have been filed against him, including eight complaints by other lawyers.
- C.1.3 The complaints largely deal with his manner of practice. For example, 15 of the 49 complaints are for failure to account, seven complaints allege negligence, four complaints raise conflict of interest concerns, and four complaints allege failure to inform clients of his actions on their files. The remaining complaints include concerns regarding undertakings, fees, delay, failure to follow instructions, and financial obligations.
- C.1.4 The member was invited but was unwilling to participate in the Practice Review Programme. As a result, the member's file was closed.
- C.1.5 The member was advised that his application to serve as an articling principal was denied by the Articling Subcommittee. He then wrote to the Law Society advising that he had hired a student for the 1996-97 term.
- C.1.6 Section 4.0 (pages 8 - 10) of *The Proposals for Articling Reform Report*, approved by Convocation in October 1990, specifies who may act as an articling principal. *The Report* starts from the proposition that to serve as a principal is a privilege, not a right.

C.1.7 *The Report* at page 5 states:

In all cases, the decision by the Articling Sub-Committee whether to permit a member to serve as an articling principal will be governed by the policy that the principal serves as an exemplar. Articling students are taught as much by example as they are by instruction. The Law Society's objective must be to ensure that all principals share a dedication to professional excellence and an awareness of and commitment to the highest standards of ethical behaviour....

4.2.2 Competence

The Articling Sub-Committee must be satisfied that those who would serve as principals maintain a standard of practice that is appropriate for a professional who will be teaching by example and inculcating methods, habits and attitudes that will remain with students into their practising years. In that regard, the Articling Sub-Committee may consider any relevant information...

C.1.8 The Articling Subcommittee does not believe that he is an appropriate individual to serve as an articling principal. The Subcommittee had considered the volume and type of complaints filed against him, and particularly his unwillingness to participate in the Practice Review Programme.

C.1.9 Pursuant to section 4.2 of *The Report* (pages 8 - 9) the Legal Education Committee reviewed the decision of the Articling Subcommittee and confirmed its decision.

C.2 1995-96 ARTICLING PLACEMENT REPORT

C.2.1 Of the 1,187 students seeking articles in the 1995-96 articling term:

- C.2.2
- 1,140 (96.04%) have secured a permanent position;
 - 16 (1.35%) are volunteering their time or articling for modest remuneration while continuing to search for a position offering remuneration in the normal range;
 - 6 (.51%) have just completed Phase Three and have commenced their search for articles in January 1996;
 - 8 (.67%) are no longer in contact with the placement office and are presumed to have temporarily suspended their search for articles; and,
 - 17 (1.43%) are unplaced and seeking articles.

C.2.3 As of December 31, 1994, 11 students (1% of the 1994 class) were unplaced and actively continuing their search for articles.

C.2.4 The Society's current Articling Vacancy List for 1995-96 advertises 5 available positions. In addition, there are 8 positions with Community Legal Clinics on the Interim Voluntary Articling List.

C.2.5 Students commencing articles after September 1 are permitted to suspend their articles to attend Phase Three on schedule in 1996 and to complete any remaining portion of their articles following Phase Three. Unplaced students have been reminded of this accommodation by the Placement Office.

C.3. 1996-97 ARTICLING PLACEMENT REPORT

C.3.1 The application form filed by law school students in third year who intend to enter Phase One of the Bar Admission Course in the summer of 1996 asks if the applicant has secured an articling position. The application filing deadline was November 15, 1995.

C.3.2 Of the 1,155 students who have filed an application:

- 872 (75.5% of the class) secured an articling position as of November 15, 1995; and,
- 283 (24.5% of the class) continue to seek a position to commence by September 1, 1996.

C.3.3 In prior years, the application deadline was in January. Therefore, there are no comparable figures for placement as at November 15. The number of students who continued to seek placement as of January in prior years is as follows:

- January 1995 - 188 students (16.8% of the class)
- January 1994 - 217 students (17.9% of the class)
- January 1993 - 155 students (13.5% of the class)
- January 1992 - 101 students (9.6% of the class)

C.3.4 The 283 students who continue to seek articles will be registered with the Society's Placement Office and tracked over the coming months. The Legal Education Committee will receive regular reports on the progress of these students, and the programs and services implemented to assist them.

C.4. 1995 GRADUATE PLACEMENT SURVEY RESULTS

C.4.1 Each year, the Placement Office conducts a survey to determine the employment status of students completing Phase Three. A detailed survey of the 1996 graduating class was conducted in December 1995.

C.4.2 414 students (representing 33% of the Phase Three class of 1,254) responded to the survey. 247 students (59.7% of respondents) indicate they have secured permanent employment following Phase Three. 167 students (40.3% of respondents) indicate they have not yet secured employment.

C.4.3 The attached Bar Admission Course Bulletin (page 11), distributed to students in December 1995, provides historical results of the employment survey. The 1995 results are within the range of results seen over the past few years.

C.4.4 A short follow-up survey will be conducted at the signing of the Call to the Bar rolls. The follow-up survey is expected to have a higher rate of response. Results of the follow-up will be provided to the Committee and Convocation in March, together with a detailed analysis of the survey results.

C.5 ARTICLING SUBCOMMITTEE

- C.5.1 The Subcommittee met at 4:30 p.m. on December 5. In attendance were Tom Carey (Acting Chair), Frank Marrocco, Dean Neil Gold, Victoria Colby, Priti Sachdeva, and Gordon Andreiuk. Regrets were received from Jay Rudolph (Chair) and Erin Kuzz. Staff members attending were Marilyn Bode, Mimi Hart, Lynn Silkauskas, and Alan Treleven.
- C.5.2 The Subcommittee gave conditional approval to a further 35 applications from prospective articling principals for the 1995-96 articling term. To December, applications to serve as principals for the 1995-96 articling term of approximately 1,115 members have been considered. Of those, approximately 1,114 applications have been approved. One application was denied.
- C.5.3 The Subcommittee approved a further 221 applications from prospective articling principals for the 1996-97 articling term. To December, applications to serve as principals for the 1996-97 articling term of approximately 579 members have been considered and approved.
- C.5.4 The Subcommittee considered one policy item. The item was the Report of the Bar Admission Course Review Subcommittee. The Articling Subcommittee continued its discussion from its October meeting. The Subcommittee reviewed in particular detail the recommendations regarding articling, the effect of the timing of licensing examinations on articling, and mentoring. The Subcommittee is of the unanimous view that articling serves a useful function and should remain part of the Bar Admission Course. The Subcommittee is also of the view that the licensing examinations must not interfere with the articling term. The Subcommittee raised some questions and concerns about the mentoring proposal. It is forwarding these to the Bar Admission Course Review Subcommittee.
- C.5.5 The Subcommittee considered articling placement issues. The Director of Placement provided updated statistics on 1995-96 articling placement. For updated figures, please see section C.2.
- C.5.6 The Director of Placement also provided preliminary statistics on 1996-97 articling placement. For updated figures, please see section C.3 of this Agenda.
- C.5.7 The next meeting of the Subcommittee has been scheduled on January 31 at 4:30 p.m.

C.6 MANDATORY CONTINUING LEGAL EDUCATION SUBCOMMITTEE

- C.6.1 The Subcommittee met in a one day session on December 1, 1995 to discuss the results of the M.C.L.E. consultation process and the various options that have emerged from those consultations and the Subcommittee's research.
- C.6.2 The Subcommittee discussed the possible responses it could now give to the following questions, which are posed in its mandate:
- 1) How could M.C.L.E. be delivered most effectively and at a reasonable cost?
 - 2) If M.C.L.E. were to be introduced what kind of program would be designed?
 - 3) Should M.C.L.E. be introduced?

C.6.3 In the course of its discussion the Subcommittee considered the responsibilities that all the stakeholders in the educational process should have, including the Law Society, the C.L.E. providers, and the profession, and considered a number of steps that could be implemented to further the goals of continuing education.

C.6.4 The Subcommittee will now prepare a report setting out its recommendations, to be discussed at a Subcommittee meeting scheduled on February 6, 1996. It was agreed that the report should be circulated for written comments to the profession before it is submitted to Convocation in the spring.

C.7 CONTINUING LEGAL EDUCATION REPORT ON COURSES

C.7.1 The Continuing Legal Education Report, prepared by the Director of Continuing Legal Education, Brenda Duncan, is attached. (pages 12 - 15)

C.8 STUDENT REQUEST FOR FINANCIAL ASSISTANCE

C.8.1 A Bar Admission Course student requested Law Society financial assistance to support himself while completing his articling requirement. The student was unemployed since October 9, 1995, and recently procured a position he refers to as "nearly unpaid."

C.8.2 The student states that he is eligible on an immediate basis for government funded social assistance, but will not apply because it could cause a delay of one to two years in his ability to bring his wife and daughter to Canada.

C.8.3 The Committee considered three issues:

- 1) Does the Law Society want to provide financial assistance to students seeking articles? (The Law Society does not currently provide financial assistance to students seeking articles. The financial implications for the Law Society in expanding its financial assistance to students seeking articles are considerable.)
- 2) Is the Committee concerned that students might use Law Society financial resources to support marketing themselves for little or no pay to private law firms, and of the potential impact on the articling market generally?
- 3) Is the student's situation sufficiently exceptional that the Law Society should provide financial support to him while refusing other unplaced students?

C.8.4 The Legal Education Committee decided not to extend financial assistance to this student.

C.9 PROPOSALS FOR LL.B.-M.I.R. CO-OPERATIVE PROGRAM

C.9.1 The Committee considered a proposal from Queen's University for Law Society approval of a new co-operative program to be offered by the Faculty of Law and the School of Industrial Relations.

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C.9.2 The Committee will continue its deliberations at its February meeting.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

P. Epstein
Chair

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

- Item B.-B.1.1 - Copy of a draft document entitled "Procedures Governing the Recruitment of Articling Students for the 1997-98 Articling Term. (pages 1 - 7)
- Item C.-C.1.6 - Copy of The Proposals for Articling Reform Report. (pages 8 - 10)
- Item C.-C.4.3 - Copy of the Bar Admission Course Bulletin. (page 11)
- Item C.-C.7.1 - Copy of the Continuing Legal Education Report. (pages 12 - 15)

THE REPORT WAS ADOPTED

Professional Conduct Committee

Meeting of January 11, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PROFESSIONAL CONDUCT COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th of January, 1996 at three o'clock in the afternoon, the following members being present: N. Finkelstein (Chair), R. Aaron, L. Banack, K. Braid, E. Cronk, E. DelZotto, G. Gottlieb, J. Harvey, A. Lawrence, W. D. Miller, C. Ruby, T. Stomp and G. Swaye. The following staff were present: S. Jenkins, F. Smith, S. Traviss and J. Varro.

C.
INFORMATION

1. ADR IMPLEMENTATION SUB-COMMITTEE'S
 RECOMMENDATIONS ADOPTED BY CONVOCATION
 ON APRIL 28, 1995 - NEED TO AMEND THE RULES
 OF PROFESSIONAL CONDUCT TO REFLECT THIS

The subject has been discussed at some length at both the June 1995 and January 1996 meetings of the Committee.

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The Committee voted to refer the subject to a sub-committee so that an amendment could be drafted that would address all of the concerns raised at both meetings.

2. IS THERE A NEED FOR A PROHIBITION AGAINST SOLICITATION (PARAGRAPH 4 OF RULE 12) AND STEERING (PARAGRAPH 5 OF RULE 12) OF THE RULES OF PROFESSIONAL CONDUCT

This will be discussed at the February meeting of the Committee.

3. CONCERNS EXPRESSED ABOUT THE BANK OF NOVA SCOTIA'S "SCOTIA LEGAL PROTECTION PLAN", A PREPAID LEGAL SERVICES PLAN - LAW SOCIETY'S POSITION ON PREPAID LEGAL SERVICES PLANS

This matter is scheduled to be discussed at the February meeting of the Committee.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

N. Finkelstein
Chair

THE REPORT WAS ADOPTED

Professional Standards Committee

Meeting of January 11, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCAION ASSEMBLED

The PROFESSIONAL STANDARDS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th of January at 1:30 p.m., the following members being present: W.A. Derry Millar (Chair), Heather J. Ross (Vice-Chair), Robert B. Aaron, W. Michael Adams, Nora R. Angeles, Ronald W. Cass, Thomas E. Cole, Donald H.L. Lamont, Daniel J. Murphy, Helene B. Puccini, Michael Somers, Hilary Warder-Abicht, Richmond C.E. Wilson, Bradley H. Wright. Bruce Durno was also in attendance.

Also Present: N. Amico, S. Carlyle, S. McCaffrey, P. Rogerson, G. Zecchini.

A.
POLICY

A.1. PRACTICE REVIEW AND THE LAWYER REFERRAL SERVICE

A.1.1. Pursuant to the policy of Convocation, when a lawyer is authorized to participate in the Practice Review Programme, the Communications Department (which operates the Lawyer Referral Service) is so notified, and that lawyer's name is removed from the Lawyer Referral Service roster. A lawyer may ask your Committee to recommend to the Media and Public Relations Sub-committee that the member be reinstated on the roster.

A.1.2. Referrals

In 1986, the Special Committee on Competence recommended the creation of what has become the Practice Review Programme. The Special Committee endorsed a system of referrals to the Programme, by various departments of the Law Society identifying members who could be considered appropriate candidates. The Special Committee considered that referrals would be made upon the following bases:

A.1.3. While the more likely candidates will be those solicitors in respect of whom multiple complaints have been received over time, it should be made clear that even a single complaint, depending upon its nature, might give rise to intervention.

A.1.4. Similarly, the Errors and Omissions Department should establish a threshold to identify solicitors whose conduct merits attention: for example, where two or more claims are reported within a single year.

A.1.5. Finally, your Committee feels that in any case where the Society's auditors form the judgment that a particular solicitor's practice requires the attention of the Competence Committee, then that should be done.

A.1.6. Referrals are now made to the Programme by the Complaints, Audit and Discipline Departments; by LPIC; by Complaints Review Commissioners; through the Specialist Certification and Articling Principal processes; and through miscellaneous other sources, both internal and external, such as the Lawyer Referral Service and county or district law associations.

A.1.7. Authorization Procedure

After a member has been referred to the Programme, a "profile" of the member is prepared, which profile details the member's complaints, claims, audit, discipline and membership history since 1990. A staff committee composed of representatives from the Audit, Complaints, Discipline and Professional Standards departments reviews the profiles, provides additional information regarding the member, and advises as to whether the member appears to be an appropriate candidate for the Programme.

A.1.8. The member's profile, any referring memorandum, and the information and recommendations of the staff committee are reviewed by the Chair or Vice-Chair of the Professional Standards Committee, who then decides whether authorization should be granted to invite the member to participate in the Programme. If authorization is granted, a letter is sent to the member advising of the Law Society's concerns, and inviting that member to participate. All information gained about members in the authorization process, including the fact that authorization was granted, is confidential as between the member and the Law Society.

A.1.9. Lawyer Referral Service

The Lawyer Referral Service (LRS) was established as a pilot project in 1970, the primary function of which appears to be to facilitate access by the public to competent legal counsel. The Special Committee report on the LRS had recommended that lawyers on the service roster should have at least 3 years' experience at the Bar. This stipulation arose from a belief that the public would assume that the Society was warranting a certain level of competence in lawyers participating in the service. This qualification requirement was not, however, imposed.

A.1.10. Discipline Cases

If a formal discipline complaint is authorized against a member, the word "discipline" flashes on the computer screen when that member's name is called up on the AS 400 computer system. It is the policy of the Media and Public Relations Sub-Committee that referrals are not made by the LRS to such members. This policy has been in effect since 1981, when a client was referred to a soon-to-be-disbarred lawyer who took a cash retainer which could not subsequently be recovered. The member is not notified that referrals by the LRS are no longer being made, nor is a hearing held, in part to avoid jeopardizing any discipline investigation that may be underway.

A.1.11. In circumstances where a referral to discipline may be inappropriate, there are few mechanisms available by which to protect the public from members who appear, from data collected by the various Law Society departments, to provide less than competent services. The public does not have access to information about the number or nature of complaints or insurance claims made against a member; an enquiring member of the public can learn only whether a member is currently in good standing, perhaps whether there is a formal discipline complaint pending against the member, and whether the member is presently subject to discipline sanctions.

A.1.12. Present Practice Review Programme Policy

The policy of removing the names of Practice Review Programme participants from the LRS roster has been reviewed on several occasions, and reaffirmed by your Committee in the past on the basis of the following rationale:

the purpose in notifying the LRS is to protect the public and, to a lesser extent, the Law Society, from the danger of creating a solicitor/client relationship involving a lawyer whom the Society, based on a significant body of data, believes may have a competency problem;

A.1.13. Your Committee also decided that the LRS should be made aware of the names of all lawyers authorized, regardless of whether they agree to participate in the programme.

A.1.14. Upon the successful completion of the Practice Review Programme, the lawyer's name is restored to the LRS.

A.1.15. Typical candidates have exhibited a pattern of conduct over a considerable period of time which suggests that they might benefit from participation. Practice review is generally arranged within a month or two of authorization. If the reviewer determines that there are no problems with the member's practice, the process comes to an end shortly thereafter and the member's revenue potential will not have been affected significantly. Only a very small percentage of the matters authorized to date (approximately 1%) have resulted in the prompt termination of a review on the basis of inaccurate Law Society data.

A.1.16. Reinstatement of Participating Lawyers

Where it considers it appropriate to do so, your Committee can recommend to the LRS that a lawyer's name be restored to the LRS roster even though that lawyer is participating in the Practice Review Programme. Discretion remains with the Media and Public Relations Sub-committee as to whether to accept your Committee's recommendation in this regard. It was recognized that many participants in the Programme rely heavily on the LRS to augment their limited client base, and some competency problems can be directly related to the tenuous financial viability of a practice. Removal of the lawyer's name from the roster could, in some circumstances, exacerbate the problems leading to competency concerns. In addition, the purpose of the Programme is not to eliminate a lawyer's practice or make it financially impossible for a lawyer to continue in practice.

A.1.17. Reinstatement of Non-Participating Lawyers

Your Committee also recommended, and Convocation approved, in November, 1992, the implementation of the following procedure:

a) where a lawyer is authorized to participate but refuses, and the lawyer's Practice Review file is accordingly closed, Professional Standards Department staff continue for the following year to monitor the member's profile for complaints, LPIC claims, audits and other information. If there are no additions to the profile, staff recommend to the LRS that the lawyer's name be restored to the LRS roster. If the Law Society has continued to receive complaints, claims and other information about the lawyer, no recommendation is made to restore the lawyer's name unless your Committee decides it is appropriate to do so.

b) if the lawyer begins to participate in the Programme, but subsequently withdraws, and the file comes before your Committee to be closed, each lawyer's situation is assessed on an individual basis by your Committee in order to determine the length of time, if any, during which that lawyer's profile should be monitored and the lawyer's name remain off the LRS roster.

A.1.18. Policy and Procedure in Other Jurisdictions

There are 340 lawyer referral services in North America. In the U.S.A., to obtain the imprimatur of the American Bar Association, the state bar must institute standards for members' eligibility to participate in the service, which standards must go beyond the mere fact that a member has been called to the bar and paid membership fees. The standards to be met vary from jurisdiction to jurisdiction. In some instances, members must have a certain level of experience (e.g. a prescribed number of homicide cases) to be on a particular panel; in other cases, the areas of law in which they can register are circumscribed based on their practice backgrounds. In Ontario, by comparison, members in good standing can participate in the Service automatically, by paying an annual fee, and are only removed if they are involved in either the discipline process or the Practice Review Programme.

A.1.19. In California, all complaints received about lawyers are a matter of public record, and any client referred to a particular lawyer through their referral service can review that lawyer's complaints history. In Ontario, information about complaints (and claims) is confidential.

A.1.20. In New York, if 3 or 4 complaints are made to the referral service about a participating lawyer, a hearing is held before the Bar Committee, and the lawyer's name may be removed from the panel. The New York State Bar limits the number of lawyers on the referral service to 700, and is vigilant about maintaining the reputation of the service.

A.1.21. The American Bar Association conducted a one-day audit of the Law Society's Lawyer Referral Service in the fall of 1994. The ABA strongly recommended that the Law Society consider instituting standards to be met for admission onto the LRS roster. The ABA also recommended that the Service obtain random assessments from clients of the lawyers to whom they are referred; this recommendation was implemented, and has demonstrated a link between client dissatisfaction at the LRS level, and a history of complaints against the lawyer.

A.1.22. Additional Considerations

1. The LRS markets itself as providing "the right type of lawyer for the legal problem you have". The public expectation is that the governing body of the profession will not knowingly refer a member of the public to a lawyer who is in the discipline or competence process.
2. Because members of the Ontario public have no access to a lawyer's discipline, complaints, insurance, audit or standards history, the public reliance on the Law Society to refer members of the public to competent, honest lawyers is even greater than might otherwise be the case.
3. The LRS recently referred a client to a lawyer who was under investigation, but not yet charged, in a criminal matter. The day after the referral, the lawyer was charged criminally. The client contacted the Service in anger about the referral, and also contacted a local newspaper, which resulted in unfavourable publicity for the Society.

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4. If a client is referred by the Service to a lawyer who is participating in the Practice Review Programme, and that lawyer is negligent, the client may have a cause of action against the Law Society as well as against that individual lawyer.
5. Public expectations of all professionals, including lawyers, are very high.
6. We live in a very litigious society.

A.1.23. Your Committee affirmed that the policy should remain in effect, as follows: when a lawyer is authorized to participate in the Practice Review Programme, the Communications Department should be so notified, and that lawyer's name removed from the Lawyer Referral Service roster.

B.
ADMINISTRATION

B.1. RECONSIDERATION OF AUTHORIZATION

- B.1.1 Two requests for reconsideration of authorization to participate in the PRP were considered by the Committee. In the first instance, the member, as well as three other members of the firm, were authorized to participate in the Programme. The referral came from the Audit Department, and in the case of this member, a separate referral was also made by the Complaints Department.
- B.1.2. In February of 1995 the Committee concluded that authorization for 3 of the firm members should be withdrawn. The Committee recommended, however, that the particular firm member who was referred by the Complaints department should remain in the Programme.
- B.1.3. In April of 1995, the member again requested that his authorization be reconsidered. The Committee reviewed a copy of the member's Law Society history as well as his submissions outlining reasons for his request. The Committee affirmed the authorization.
- B.1.4. In November, 1995, the member again provided written submission to the Committee detailing each complaint and claim and requesting that his authorization be withdrawn. Your Committee considered his submissions and the fact that no new complaints or claims had been received since the authorization. Your Committee withdrew the member's authorization, but directed staff of the Professional Standards department to monitor the member's profile for additional complaints for a period of one year. If appropriate to do so at the end of that time, reauthorization can be sought.

B.1.5. In the second instance, the member was authorized to participate in the Practice Review Programme in September, 1995, as the result of a referral from the Audit Department. A complaint had been made to a member of that department, alleging that the member's practice was "out of control" and could lead to a negligence claim, based on his handling of a real estate transaction. The member was sent a letter inviting him to participate in the Programme, and explaining the basis on which the referral was made. In response, the member advised that he had never been informed of this complaint, and wanted an opportunity to respond to it. His relationship with the lawyer who complained had been extremely acrimonious, and he felt that the complaint was more of a personal vendetta than a legitimate concern. The information provided by the member contradicted many details of the complaint made.

B.1.6. Upon further investigation, it was found that the complaining lawyer had never actually communicated with the Complaints Department. The Audit Department based its referral solely on the information it had received from the complaining lawyer. Your Committee reviewed this information and the member's complaints and claims and withdrew the authorization for participation in the Practice Review Programme.

B.2. ASSESSMENT OF CONTINUED PARTICIPATION

B.2.1 A member was authorized to participate in the Programme on the basis that an initial staff review only was to be conducted. The matter was then to be considered by the Committee to determine whether further participation in the Programme was warranted.

B.2.2. Staff conducted the review and some recommendations were made to the member. In the staff reviewer's opinion, the practice was well-organized and made use of appropriate systems. The member has taken appropriate steps to ensure that the causes underlying the spate of complaints resulting in the referral have been addressed. No further complaints and claims have been received. Your Committee closed the file on the basis that further participation in the Programme is not warranted.

B.3. REQUEST FOR FILE CLOSURE

B.3.1. The member was authorized to participate in the Programme as a result of a referral by the Complaints Department. At the time of the authorization, the member had received 18 complaints since 1987 and 9 potential LPIC claims.

B.3.2. The member is a partner in a firm that employs several other lawyers and almost 70 staff members. A reviewer met with the member and staff met with the member on two occasions. A review panel was held in September 1995 and made a number of recommendations, including the recommendation that the member continue to participate in the Practice Review Programme.

B.3.3. The member made submissions to the Committee that continued participation in the Programme was not warranted. Your Committee reviewed the submissions and the member's Law Society profile and directed that the member's participation continue until such time as it is appropriate to close the file.

B.4. REINSTATEMENT ON LAWYER REFERRAL SERVICE

- B.4.1. A former participant in the Practice Review Programme made submissions to the Committee seeking reinstatement on the LRS. The member had been authorized for participation in December of 1990, based on a referral from the Complaints Department due to the volume of the complaints received.
- B.4.2. The member's file was closed in May 1994 on the basis that he could no longer benefit from participation in the Programme. Your Committee recommended and Convocation approved that the lawyer's name not be restored to the Lawyer Referral Service at that time, because of concerns about the quality of service being provided.
- B.4.3. There appeared to be a fundamental difference in philosophy between the lawyer's perspective on what could be done with the practice, and the client perspective that was leading to complaints and claims.
- B.4.4. In December, 1995, the member wrote requesting that the Committee recommend that his name be restored to the Lawyer Referral Service.
- B.4.5. Your Committee denied the member's request for reinstatement on the LRS on the basis that since the file closure, the member had received two complaints, which appear to be of the same "quality of service" type that the member had received in the past. Your Committee felt that these complaints may indicate that the member has not yet changed his approach to practice.

C.
INFORMATION

C.1. CLASSIFICATION OF ACTIVITIES - REPORT TO GOVERNANCE COMMITTEE

- C.1.1. On December 7, 1995, Convocation decided to move towards implementation of a policy governance model. The Governance Restructuring Committee is considering the role to be played by committees in the new model. All committees have been asked to report on their activities, classified under the following headings:
1. Activities that are "operational" (i.e. can be transferred completely to staff).
 2. Activities that are solely matters of policy (i.e. requiring consideration and decision by benchers).
 3. Activities that do not appear to fit into classifications 1 or 2.
- C.1.2. The Professional Standards Committee is defined in the rules under subsection 62(1) of the *Law Society Act* as a "standing committee", but is not mentioned in the regulations.
- C.1.3. Your Committee will submit a report, on the terms described above, to the Governance Restructuring Committee no later than January 24, 1996.

C.2. CRIMINAL DEFENCE CHECKLIST

- C.2.1. A draft of the Criminal Defence Checklist was distributed to your Committee in December. Portions of the checklist had been reviewed by the Criminal Justice Section of the Canadian Bar Association, and the Criminal Lawyers' Association. The sub-committee which prepared the checklist was chaired by Bruce Durno, who attended this meeting of your Committee. The sub-committee was composed of Robert Carter, Q.C., Fletcher Dawson, Michelle Fuerst, Berk Keaney, the Honourable Terrence O'Hara, the Honourable Mr. Justice Marc Rosenberg (prior to their appointments to the Bench), George Walker, Q.C., and Philip Zylberberg.
- C.2.2. Two members of the sub-committee brought to your Committee's attention some amendments to the checklist required as a result of changes in legislation. Further amendments to the checklist were proposed. Those proposals will be reviewed by the sub-committee and this matter will be brought before the Committee in February.
- C.2.3. Your Committee expressed its appreciation for the efforts of the members of the sub-committee in producing such an excellent document.

C.3. PRACTICE ADVISORY SERVICE - STATUS REPORT

- C.3.1. The Service responded to 733 calls in October, 75 calls more than were received in October, 1994, and anticipates reaching, if not exceeding, the record-breaking figures that were set in November and December, 1994.
- C.3.2. Reception at Osgoode Hall has been asked to ensure that there is information about LINK, and about dealing with upset members, on the desk for any temporary receptionist.
- C.3.3. An "Alternatives to Practice" seminar is being offered by the CBA-O in the spring of 1996. The Law Society Placement Office supplied a report describing its activities in this area, which include providing individual counselling for Bar Admission Course students.
- C.3.4. On November 23, 1995, Don Godden participated in a Bar Admission Course panel discussion on ethics in London. Felecia Smith became a staff resource person on the Government Relations Committee and acted as a facilitator for the Goals & Objectives Conference.

C.4. PROFESSIONAL STANDARDS DEPARTMENTAL REPORT

- C.4.1. In November and December, 1995, 17 additional lawyers were authorized to participate in the Practice Review Programme, and 12 files were closed. A review panel was held in November, at which 4 lawyers participating in the Programme were reviewed. The assistance of Benchers Larry Banack, David Scott and Richmond Wilson, who sat on the panel, is greatly appreciated.
- C.4.2. Two new staff members have joined the department: J. Robert Kelly, Q.C., as staff lawyer, and Suzanne Roy as secretary. Bob Kelly was a partner with the firm McCabe, Kelly & Filkin in Brampton, and was called to the Bar in 1966. He practised residential and commercial real estate, land development, municipal law, corporate law, and

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wills and estates. He was also very involved in the management of the firm, with a particular interest in technology and office systems. Suzanne Roy has 18 years of varied secretarial experience, including temporary employment with the CBA-O. She will be working 3 days per week in the department. We welcome both to the department, and look forward to an enjoyable working relationship.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

D. Millar
Chair

THE REPORT WAS ADOPTED

Real Estate Issues Committee

Meetings of January 7 and 11, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The REAL ESTATE ISSUES COMMITTEE begs leave to report:

Your Committee met on Thursday, the 7th of December, 1995 at 10:30 a.m., the following members being present:

Benchers: R. Aaron (Chair), R. Wilson (Vice-Chair), M. Adams, L. Banack, G. Bobesich, R. Cass, T. Cole, A. Feinstein, G. Gottlieb, D. Lamont, L. Legge, D. Murphy, H. Puccini, B. Wright;

Non-Benchers: L. Barsky, L. Bremner, A. Direnfeld, S. Esbin, E. Franklin, E. Gutstein, J. Leal, R. Leclair, A. Loeb, P. Lukasewich, J. McKay, C. Rosenstein, A. Silverstein, J. Stiff, G. Wilkki.

Also present: D. Godden, S. Hodgett.

Your Committee also met on Thursday, January 11, 1996 at 4:00 p.m., the following members being present:

Benchers: R. Aaron (Chair), R. Wilson (Vice-Chair), M. Adams, L. Banack, R. Cass, T. Cole, G. Gottlieb, D. Lamont, D. Murphy, H. Puccini, B. Wright;

Non-Benchers: S. Esbin, E. Franklin, J. Leal, R. Leclair, A. Loeb, P. Lukasewich, J. McKay, R. Rosenblatt, C. Rosenstein, A. Silverstein, J. Stiff, G. Wilkki.

Also present: B. Duncan, D. Dymont, D. Godden, G. Macri, M. Pujolas, M. Seto.

A.
POLICY

A.1 FIRE v. LONGTIN - NOTICE AND THE 40 YEAR RULE

- A.1.1 As a result of the Supreme Court of Canada decision upholding the decision of the Ontario Court of Appeal in *Fire v. Longtin*, the holders of interests in real property registered under the *Registry Act* are at risk of losing certain benefits provided by such registration unless notice of such interest was registered on title within the last 40 years.
- A.1.2 Your Committee notes that it is clearly in the public interest that there be broad public awareness of the potential consequences of the decision in *Fire v. Longtin* to some members of the public who risk the loss of their long-standing real estate interests. An area of particular concern is recreational property in rural areas that often pass through estates by way of wills, letters probate or letters of administration registered on the General Register, but not shown on the register for the particular property, under the *Registry Act*.
- A.1.3 Although your Committee acknowledges that Practice Advisory Bulletins are not the responsibility of this Committee, your Committee is of the view that it would be in the public interest for the Communications Department to prepare a Practice Advisory Bulletin regarding *Fire v. Longtin*.
- A.1.4 It was noted that no onus should be placed on lawyers to contact any of their clients or former clients regarding former transactions. Such an onus would create a formidable, time consuming, and expensive task. In some circumstances, particularly transactions that were completed 40 or more years ago, it may even be impossible to ascertain all of the appropriate persons to contact.
- A.1.5 Accordingly, any such Practice Advisory Bulletin should clearly state that its purpose is only to inform lawyers. Nothing should be said or done that could put an onus on lawyers to seek out their clients or former clients in order to notify them about the decision in *Fire v. Longtin*.
- A.1.5 Your Committee therefore RECOMMENDS:
- (a) that the Communications Department of the Law Society be requested to consider preparing a Practice Advisory Bulletin, and possibly a press release, regarding *Fire v. Longtin*; and
 - (b) that the purpose of any such Practice Advisory Bulletin should be only to inform lawyers; and
 - (c) that press release, if any, should be timed after the distribution of the Practice Advisory Bulletin, so that lawyers will be properly informed about *Fire v. Longtin* if and when clients contact them as a result of the press release.

B.
ADMINISTRATION

NOTHING TO REPORT

C.
INFORMATION

C.1 POLICY AND OBJECTIVES OF THE LAW SOCIETY OF UPPER CANADA

C.1.1 On December 7, 1995, your Committee discussed some issues related to real estate which should be considered at the Policy and Objectives Conference scheduled for January 5th and 6th, 1996.

C.1.2 Your Committee established a Subcommittee composed of Richmond C.E. Wilson, Q.C. (Chair) and Donald Lamont, Q.C. to:

- (a) prepare a statement setting out objectives which should be achieved in fulfilling the Law Society's Current Role Statement; and to
- (b) distribute copies of such statement to bench members of the Committee prior to the Conference.

C.1.3 A copy of the statement prepared by the Subcommittee and distributed to bench members is attached hereto as Appendix C.1.

C.2 ELECTRONIC REGISTRATION OF TITLE DOCUMENTS

C.2.1 In 1984 the *Land Registration Reform Act* introduced a new Province of Ontario Land Registration System (Polaris) which contemplated the complete automation of land title registers, title searches and document registration. For several years the Ontario Ministry of Consumer and Commercial Relations ("MCCR") and Teranet Land Information Services Inc. ("Teranet") have been working together to automate the system.

C.2.2 At the November 9, 1995 meeting of the Committee, Mr. John K.H. Stiff, one of the non-bench members of the Real Estate Issues Committee, presented a report on the present status of MCCR and Teranet proposals for the electronic registration of title documents. Mr. Stiff is also a member of the "Electronic Registration Consultation Group" formed by MCCR and Teranet to review, comment and advise upon the implementation of electronic document registration devised by Teranet.

C.2.3 At the December 7, 1995 meeting of the Committee, it was decided that representatives of MCCR and Teranet should be invited to attend the meeting of the Committee on Thursday, January 11, 1996 to provide further particulars and answer questions about electronic registration and to demonstrate its operation.

C.2.4 At the January 11, 1996 meeting, representatives of MCCR and Teranet demonstrated the manner in which documents will be registered in the land registration system when the proposed facility for remote registration is implemented. There was an opportunity for members of the Committee to ask questions and express concerns regarding remote registration.

C.2.5 Title documents would actually consist of electronic data (as opposed to an image of a paper document) that would be input into the system from remote locations (as opposed to attending at a land registry office).

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- C.2.6 Several concerns were identified regarding the proposals, including: the potential for mistakes and even fraud and the corresponding need to control the input of data; the responsibility for errors and the reliance on lawyers' support staff to input documents into the system; the possible need to supplement the electronic record with a paper/audit trail; and the attraction to some computer "hackers" to meet the challenge of tampering with such important data. Concerns were also identified regarding the costs for a lawyer who has access to the system, whether there is any real choice for a lawyer who would prefer not to incur those costs, and the impact of the new system on lawyers who are not computer literate.
- C.2.7 Your Committee has asked James Leal to Chair a sub-committee to consider and report further concerning these matters.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January 1996

R. Aaron
Chair

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

Item C.-C.1.3 - Copy of a statement of Objectives to be achieved in fulfilling the Law Society's Current Role Statement.

(Appendix C.1)

THE REPORT WAS ADOPTED

Specialist Certification Board

Meeting of January 11, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The SPECIALIST CERTIFICATION BOARD begs leave to report:

Your Board met on Thursday the 11th of January, 1996 at nine o'clock in the morning, the following members being present: R. Manes (Chair), D. Murphy (Vice-Chair), L. Banack, P. Furlong, D. Millar, M. Pilkington, and G. Swaye. C. Giffin and D. Moreira of the Law Society, were also present.

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

The Civil Litigation Specialty Committee met (conference call) on Tuesday, the 14th day of November, 1995 at eight-thirty in the morning.

The Bankruptcy & Insolvency Law Specialty Committee met (conference call) on Thursday, the 16th day of November, 1995 at four-thirty in the afternoon.

The Intellectual Property Law Specialty Committee met on Wednesday, the 22nd day of November, 1995 at twelve o'clock in the afternoon.

The Criminal Law Specialty Committee met (conference call) on Friday, the 24th day of November, 1995 at one o'clock in the afternoon.

The Family Law Specialty Committee met (conference call) on Tuesday, the 28th day of November, 1995 at four o'clock in the afternoon.

The Workers' Compensation Law Specialty Committee met on Thursday, the 30th day of November, 1995 at five o'clock in the afternoon.

The Civil Litigation Specialty Committee met (conference call) on Tuesday, the 12th day of December, 1995 at eight-thirty in the morning.

The Civil Litigation Specialty Committee met (conference call) on Tuesday, the 9th day of January, 1996 at eight-thirty in the morning.

A.
POLICY

A.1. BASIC CRITERIA FOR THE DEVELOPMENT OF NEW SPECIALTY AREAS

A.1.1. Your Board reviewed draft documents proposing basic criteria for the development of new specialty areas, but voted to defer this policy issue to the next meeting of the Board as further discussion is needed.

A.2. PROCESSING APPLICATIONS OF SPECIALTY COMMITTEE AND BOARD MEMBERS

A.2.1. At the request of members of the specialty committees, your Board revisited the procedure used in processing applications of committee members. It was agreed that the current procedure should not change, in that all applicants, including committee members, must undergo the usual two-tiered review process.

A.2.2. In order to protect the confidentiality of references provided, the committee member who is applying, should not participate in the review of their own application.

B.
ADMINISTRATION

No items.

C.
INFORMATION

C.1. CERTIFICATION OF SPECIALISTS

C.1.1. Your Board is pleased to report the certification of the following lawyers as Bankruptcy & Insolvency Law Specialists:

Lawrence Crozier (of Toronto)
Rodolph Groulx (of Ottawa)
John Honsberger (of Toronto)
Stanley Kershman (of Ottawa)

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

Jonathan Spiegel (of Brampton)
Ian Stauffer (of Ottawa)
Paul Tushinski (of Toronto)

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

Ralph Steinberg (of Toronto)

- C.1.4. Your Board is pleased to report the certification of the following lawyers as Family Law Specialists:

Malcolm Kronby (of Toronto)
Jacqueline Mills (of Toronto)

- C.1.5. Your Board is pleased to report the certification of the following lawyer as a Labour Law Specialist:

David Wakely (of Toronto)

- C.1.6. Your Board is pleased to report the certification of the following lawyer as a Workers' Compensation Law Specialist:

S. David Gorelle (of Toronto)

C.2. RECERTIFICATION OF SPECIALISTS

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

Stephen Appotive (of Ottawa)
Jack Berkow (of Toronto)
J. Murray Davison (of Toronto)
Barbara Grossman (of Toronto)
John Hornak (of Thunder Bay)
S. Russell Kronick (of Ottawa)
S. Wayne Morris (of Toronto)
Jerome Morse (of Toronto)
Dermot Nolan (of Hamilton)
Barry Papazian (of Toronto)
Philippa Samworth (of Toronto)
Nancy Spies (of Toronto)
Guy Wainwright (of Kapuskasing)
David Wires (of Toronto)

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

Norman Boxall (of Ottawa)
Lawrence Feldman (of Downsview)
Brian Heller (of Toronto)
P. Berk Keaney (of Sudbury)
Colin McKinnon (of Ottawa)

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C.2.3. Your Board is pleased to report the recertification for an additional five years of the following lawyers as Family Law Specialists:

Nancy Backhouse (of Toronto)
Terry Hainsworth (of London)
Robert Montague (of Ottawa)
H. Hunter Phillips (of Ottawa)

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

R. Manes
Chair

THE REPORT WAS ADOPTED

Women in the Legal Profession Committee

Meeting of January 11, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

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

Your Committee met on Thursday, the 11th day of January, 1996, at 11:30 a.m., the following members being present: H. Sachs (Chair), M. Adams, N. Angeles, N. Backhouse, P. Copeland, P. Hennessy, B. Luke.

Also present: D. Millar

Staff: A. Brockett, S. McCaffrey, A. Singer, E. Spears.

A. _____

POLICY

No items to report.

B. _____

ADMINISTRATION

B.1. JOINT ACTION COMMITTEE ON GENDER EQUALITY: REQUEST FOR FUNDING

B.1.1. The Joint Action Committee on Gender Equality was formed in 1992, at the instance of the Law Society, with a mandate to consolidate the efforts of a number of professional legal organizations across Ontario working to promote gender equality in the profession.

Along with the Law Society, the following organizations are members of the Joint Action Committee: Canadian Bar Association - Ontario, The Advocates' Society, the Ontario Crown Attorneys' Association, Women's Law Association of Ontario, Women and the Law (University of Toronto), Black Law Students' Association of Canada, The Criminal Lawyers' Association, Ministry of the Attorney General, University of Toronto - Out-in-Law, and Delos Davis Law Guild. In the past, the Law Society, through the Women in the Legal Profession Committee, has contributed funds to the Joint Action Committee. The Canadian Bar Association - Ontario has contributed to the Joint Action Committee in kind (chiefly by the provision of office space).

- B.1.2. The Joint Action Committee has made a request for further funding from the Law Society.
- B.1.3. In support of its request, the Joint Action Committee was asked to provide a budget of its operating expenses and information on the monetary (and in kind) contributions of its other member organizations. Further consideration of the funding request was deferred until after the budget and other information was received from the Joint Action Committee.
- B.1.4. At its meeting on Thursday, January 11, your Committee had before it a budget of the 1996 operating expenses of the Joint Action Committee, and the Chair provided information on the monetary (and in kind) contributions of the other member organizations of the Joint Action Committee. Your Committee also considered the importance, at present, of the continuing existence of the Joint Action Committee.
- B.1.5. Your Committee recommends that, provided the budget of the Women in the Legal Profession Committee for the fiscal year 1996 is approved, the Law Society, through its Women in the Legal Profession Committee, provide the Joint Action Committee on Gender Equality with funding in the amount of \$7,500. This funding is to be provided without any commitment for future funding, and the Joint Action Committee on Gender Equality is to be encouraged to be more active in seeking funds from other sources.

C.
INFORMATION

C.1. REQUALIFICATION

- C.1.1. In November 1995, a staff committee appointed to prepare proposals for requalification recommending, *inter alia*, the range of reasonable conditions to be met by members required to requalify, presented its first report. The committee recommended that uniform requalifications requirements be established with the opportunity for individual members to establish that they should be subject to some lesser requirement. This recommendation differed from the requalification policy approved by Convocation on March 25, 1994, which provided that requalification requirements to be met by members would be considered on an individual basis.

26th January, 1996

- C.1.2. The recommendation of the staff committee was approved by the Professional Standards Committee in November 1995. Consideration of the recommendation by Convocation was deferred to permit the Women in the Legal Profession Committee to consider it.
- C.1.3. On Thursday, January 11, your Committee met with Derry Millar, Chair of the Professional Standards Committee, and Sue McCaffrey, Director of the Professional Standards Department and secretary to the Professional Standards Committee to discuss the recommendation. Concerns were raised about the shift from individualized requalification requirements to uniform requalification requirements.
- C.1.4. It was agreed that representatives from the Women in the Legal Profession Committee would meet with the staff committee to discuss requalification requirements further.

C.2. WOMEN IN THE LEGAL PROFESSION COMMITTEE: WORK IN PROGRESS

C.2.1. The Committee has on its current agenda the following items:

1. The *Ontario Transitions Re-contact Survey* (a follow-up to the 1991 *Transitions* report).
2. Research project: Monitoring the progress of women and other minority groups in the legal profession using data gathered by Law Society from its members.
3. Research projects suggested by the Joint Action Committee on Gender Equality:
 - Exploring the feasibility of creating an ombudsperson's office to deal with complaints relating to gender and equity issues in the legal profession.
 - Development of model policies.
 - Research on the business costs associated with the failure of firms and other employers to accommodate the needs of lawyers who are women and minorities and the consequent departure of women and minorities from the profession.
4. The impact of insurance levies on female lawyers.

5. The organization of an exchange of information between professional organizations on work undertaken to advance gender equality within various professions and businesses (e.g., architecture, engineering, accounting, nursing, teaching, medicine, banking).

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

H. Sachs
Chair

THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and the degree of Barrister-at-Law was conferred upon each of them. They were then taken by Mr. Lamont before Madam Justice Fran Kiteley to sign the Rolls and take the necessary oaths.

Jeffrey Richard Cuthbert	36th Bar Admission Course
Andrew James Green	35th Bar Admission Course
Oliver John Hobday	36th Bar Admission Course
Susan Lynn Hunt	33rd Bar Admission Course
Anand Thansingh	35th Bar Admission Course
Judith Therese Weeks	35th Bar Admission Course

TREASURER'S REMARKS

The Treasurer presented a timetable of matters to be dealt with at upcoming Convocations. A preliminary Agenda was distributed to the Benchers.

REPORT OF THE SPECIAL COMMITTEE ON GOVERNANCE II

Mr. Feinstein spoke to the Report of the Special Committee on Governance II. The Report was tabled until the February Convocation.

Background and Context

Convocation's commitment

This is the second report of the Governance Committee to Convocation. On December 7, 1995, based on the content of the first report, and after hearing representations from the Treasurer and Secretary of the Law Society of British Columbia concerning the application of the policy governance model (also known as the Carver model) to a law society setting, Convocation unanimously agreed to the following:

- that it was committed to a fundamental change in the way it governs;

- that Convocation's governance model should satisfy eight primary objectives, namely: outward vision, long-term strategic focus, clear distinction between staff and bench roles, proper legal and fiscal oversight, sound management (of the Society), effective self-management (of Convocation) and effective linkage with the membership and the public through consultation and advocacy;
- that the Governance Committee should draft policies consistent with the objectives expressed above.

Policy-building through the Governance Committee

In attending to its task of drafting policies the Governance Committee is guided by the fundamental principles set out in the contemporary literature on board governance and particularly the work of John Carver who attended at the Law Society twice in 1995, once in April and again in October, to give a presentation on how policy governance is distinct from other forms of board governance. Primarily, the dominant view of board governance today is that boards are not responsible for managing, but are responsible for governing. Board leadership therefore, requires that the board provide vision. Policy governance is an approach to the job of governing that emphasizes values, vision and the strategic ability to lead.

To that end, the Governance Committee has embarked on the process of drafting four sets of governance policies described briefly as follows:

1. **Ends.** Ends statements serve to answer the question of what results or impact the Law Society will achieve, for whom and at what cost. These statements include policies about products/services, users/clients, costs and standards. Ends statements expand upon the mission statement which answers the question: what business are we in? Draft ends policies are included in this report and are scheduled for debate at February's Convocation.
2. **Governance Process.** These policies include how Convocation will approach the governance job, how it will relate to its ownership (public/members), and how it will use its own membership as individuals and as committees. Draft policies are being refined by the Governance Committee and will be tabled with Convocation in February for debate at a later date.
3. **Board-staff relationships.** These policies speak to the basic approach to delegation--how the CEO is empowered and appraised.
4. **Executive limitations.** These policies put limits and prohibitions on staff authority; they are the means constraints policies with respect to treatment of staff, assets, compensation and so forth.

Because in some cases three of the four sets of policies (excepting Ends) are inter-related and it will be important for benchers to consider them as a whole, the Governance Committee recommends that debate on Governance Process, Board-Staff Relationships and Executive Limitations take place at one time. Convocation's debate on ends may proceed in February as scheduled.

Foundation policies: Ends

The plenary session of the Goals and Objectives Conference which took place on January 6, 1996 generated much debate on the ends statements derived from the Society's mission statement. After much discussion it was agreed that the Governance Committee should review the suggestions made by the benchers in plenary and draft Ends policies, together with options, for debate at Convocation at a later date.

The Governance Committee scheduled a one day meeting on Wednesday, January 10 for this purpose. Committee members expressed a clear desire to express ends statements succinctly and parsimoniously. As such, it is recommended that the original eight ends statements now be condensed to four with a possible fifth statement to come in the near future.

It is important to note that the ends statements recommended to Convocation below are neither exhaustive nor immutable. It is fully contemplated that ends statements will be revised on a regular basis, and that over time statements will be added and deleted as new priorities arise and others are abandoned. The draft Governance Process policies, which the committee will be circulating to Convocation in February, commits the benchers to an annual planning exercise during which time each ends statement will be re-examined. Given that ends are the foundation policies of the Society's work, it is contemplated that ends-related debates will occur regularly, if not frequently, at Convocation.

The recommended ends statements which follow were unanimously endorsed by members who attended the committee.

Part 1: Mission and Ends

A. Mission

The Law Society of Upper Canada exists to govern the legal profession in the public interest by:

- *ensuring that the people of Ontario are served by lawyers who meet high standards of learning, competence and professional conduct; and*
- *upholding the independence, integrity and honour of the legal profession; for the purpose of advancing the cause of justice and the rule of law.*

B. Ends

1.0 Recommendation

Convocation shall govern the affairs of the Society effectively and efficiently, guided by long term objectives.

1.1 Options

- a) Convocation shall govern the affairs of the Society effectively and efficiently.
- b) Convocation shall govern the affairs of the Society effectively and efficiently in accordance with a long term plan.
- c) Convocation shall govern the affairs of the Society with a long term plan.
- d) Convocation shall govern the affairs of the Society.

2.0 Recommendation

The Law Society shall govern the legal profession in the public interest with the understanding that the public interest is best served by a healthy and independent legal profession characterized by high standards of education, competency and professional conduct.

2.1 Options

- a) The Law Society shall govern the legal profession in the public interest.
- b) The Law Society shall govern the legal profession in the interests of the public and the profession, where the profession's interests are consistent with the public interest or do not derogate from the public interest.

3.0 Recommendation

The Law Society shall work to ensure that the people of Ontario have access to legal services.

4.0 Recommendation

The Law Society shall uphold and promote the integrity and honour of the legal profession.

5.0 Recommendation re: justice and the rule of law

The need for a recommendation in this area is currently being explored by the committee.

THE REPORT WAS TABLED

Convocation went in camera to discuss personnel issues at the request of Mr. Topp.

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IN CAMERA

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IN CAMERA Content Has Been Removed

IN CAMERA Content Has Been Removed

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IN PUBLIC

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NOTICES OF MOTIONS - February Convocation

The following two Notices of Motion are to be moved in Convocation on February 23, 1996:

- (1) Amendment of Rules made under subsection 62(1) of the Law Society Act (Annual Fees); and
- (2) Amendment of Rules made under subsection 62(1) of the Law Society Act (Professional Liability Levies).

NOTICE OF MOTION

A Notice of Motion by Ms. Harvey and Ms. Ross regarding the approval of the Ontario Legal Aid Plan financial Statements was tabled to be discussed along with the Legal Aid Report.

ANNUAL MEETING MOTIONS

The two motions which were carried at the Annual Meeting of the Law Society held on November 8, 1995 will be considered at the March Convocation together with the motions carried at the November Plenary meeting held on November 10, 1995.

SPECIAL COMMITTEE ON RELIEF FROM FEES AND LEVIES

Ms. Sealy presented the Report of the Special Committee on Relief from Fees and Levies for the purpose of information.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The SPECIAL COMMITTEE ON RELIEF FROM FEES AND LEVIES begs leave to report:

C.
INFORMATION

- C.1 Pursuant to the Report of the Insurance Task Force, Convocation in March 1995 approved guidelines for the granting of waivers and established a fund of \$250,000 for this purpose.

26th January, 1996

- C.2 Your Committee met on two separate occasions in 1995 to deal with applications from members seeking a waiver of the 1995 Errors and Omissions insurance levy.
- C.3 The Committee members present at the meeting held Tuesday, May 2, 1995 were: Mary Weaver, Hope Sealy, Donald Lamont and Ron Cass.
- C.4 The Committee members present at the meeting held Monday, December 4, 1995 were: Hope Sealy, Jane Harvey, Michael Adams and Ron Cass.
- C.5 A total of 117 applications were considered by the Committee in 1995. Of these, 30 were granted a waiver of all or part of the 1995 levy, representing a total cost of \$84,769.38.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

THE REPORT WAS RECEIVED

ADMISSIONS AND MEMBERSHIP COMMITTEE

Meeting of January 26, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The ADMISSIONS AND MEMBERSHIP COMMITTEE begs leave to report:

Your Committee met on Friday, the 26th of January, 1996, the following being present: Messrs. Adams, Goudge and Mackenzie.

Also present: M. Angevine.

B.
ADMINISTRATION

- B.1. REINSTATEMENT FOLLOWING SUSPENSION - REQUEST FOR WAIVER OF REQUALIFICATION EXAMINATIONS
- B.1.2. John Joseph Michael Stoesser was called to the Bar of Ontario on the 22nd March 1974 and was suspended for non payment of the annual fee on the 26th February 1982.
- B.1.3. Mr. Stoesser requests permission to be reinstated upon payment of all arrears of fees and without being required to complete the requalification examination on the strength of his having continued to actively practise law in another Canadian common law jurisdiction. His letter of 20th December, 1995 includes a curriculum vitae which sets out the nature of his practice in Saskatchewan since the date of his suspension in Ontario.

26th January, 1996

It is recommended that the applicant be reinstated upon payment of all arrears of fees or upon making the appropriate payment arrangements with the Director Finance. It is also recommended he be exempt from sitting the requalification examination in light of his having continued to actively practise in another Canadian common law jurisdiction.

B.2. DIRECT TRANSFER - SECTION 4

B.2.1. The following candidates have met all the requirements to transfer under section 4 of Regulation 708 made under the Law Society Act:

Brigitte Boutin	Province of Quebec
Daniel Lawrence Frajman	Province of Quebec
Caroline Sophia Holland	Province of Quebec
Sharon Kirshenblatt	Province of Quebec
Julie Loranger	Province of Quebec
Ian S. MacKay	Province of Nova Scotia
Holly McManus	Province of Quebec
Gary Nachshen	Province of Quebec
Graham Robert Nattress	Province of Manitoba
Marie-Josée Normand	Province of Quebec
Said Mohammedally	Province of Alberta
Tammy J. Shulman	Province of Quebec
Bogdan Teofilovici	Province of Quebec
Theodore John Tjaden	Province of British Columbia
Maryse Tremblay	Province of Quebec

Approved

B.3. APPLICATIONS TO BE LICENSED AS A FOREIGN LEGAL CONSULTANT

B.3.1. Anupama Bansal Kumar has applied to be licensed as a foreign legal consultant in the Toronto office of Shearman & Sterling.

B.3.2. Ms. Kumar's application is complete and both she and the firm have filed all necessary undertakings.

Approved

B.3.3. Jeffrey Adam Haar has applied to be licensed as a foreign legal consultant in the Toronto office of Skadden, Arps, Slate, Meagher & Flom.

B.3.4. Mr. Haar's application is complete and both he and the firm have filed all necessary undertakings.

Approved

B.4. CALL TO THE BAR AND CERTIFICATE OF FITNESS

B.4.1. (a) Bar Admission Course

The following candidates having successfully completed the Bar Admission Course now have filed the necessary documents and paid the required fee and apply to be called to the Bar and to be granted a Certificate of Fitness at Regular Convocation on Friday, January 26th, 1996:

26th January, 1996

Jeffrey Richard Cuthbert	36th BAC
Andrew James Green	35th BAC
Oliver John Hobday	36th BAC
Susan Lynn Hunt	33rd BAC
Anand Thansingh	35th BAC
Judith Thérèse Weeks	35th BAC

Approved

B.5. MEMBERSHIP UNDER RULE 50

B.5.1. (a) Retired Members

B.5.2. The following members who are sixty-five years of age and fully retired from the practice of law, have requested permission to continue their memberships in the Society without payment of annual fees:

Ralph Gordon Barker	Rainy River District
Franklin Jack Wesley Corner	Hamilton
Kenneth Stewart Dawe QC	Renfrew
Emilio John Gambin QC	York Region
Henry Campbell Kerr	North York
George Alvin Ray Leake	Toronto
Rupert Frederick Righton QC	Toronto

Approved

B.5.3. b) Incapacitated Members

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

John Joseph Cameron	Wellington County
Wendy Lynne Gross	Toronto
Daniel Leonard Sanci	Toronto
Robert Clair Thompson	Simcoe

Approved

B.6. RESIGNATION - REGULATION 12

B.6.1. The following members have applied for permission to resign their memberships in the Society and have submitted Declarations/Affidavits in support. These members have requested that they be relieved of publication in the Ontario Reports:

- (1) John Michael Armstrong of Paris, France, was called to the Bar on February 7, 1992. He states that during the period of February 1992 to August 1994 he was an employee with the law firm of Fasken Campbell Godfrey. He declares that all client matters have been handed over to other lawyers at Fasken Campbell Godfrey, to the clients' satisfaction. He states that he has never handled trust funds or other clients' property.

The 1995/96 annual fee is outstanding. The annual filings are up to date.

- (2) Geoffrey Douglas Baker of Calgary, Alberta, was called to the Bar on January 27, 1989. He states that he ceased practising law in Ontario on August 31, 1989. He declares that all trust funds or other clients' property has been accounted for; and, that all clients' matters have been completed or arrangements made to the clients' satisfaction. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (3) Frederick William Benn of Toronto, Ontario, was called to the Bar on January 16, 1981. He states that from July 1987 to December 1995, he has practised as a partner with Smith, Lyons, Torrance, Stevenson & Mayer. He declares that he has never handled any trust funds or other clients' property. All client matters have been dealt with, or arrangements made. The annual filings are up to date.
- (4) Arthur John Cockfield of Toronto, Ontario, was called to the Bar on February 9, 1995. He states that he ceased practising on August 16, 1995. All trust funds or clients' property has been accounted for, paid over, or left with his former firm of Goodman, Phillips & Vineberg. All clients' matters have been attended to the clients' satisfaction. The 1995 levy is outstanding. The annual filings are up to date.
- (5) William Allan Corbett of Nassau, Bahamas, was called to the Bar on June 27, 1957. He declares that he ceased practising law on October 31, 1995; and, that all clients' matters have been dealt with to the clients' satisfaction. He states that there is a claim made against him, which has been reported to the Society. Mr. P.S.A Lamek QC, is representing Mr. Corbett and the firm of Fraser & Beatty in this matter. The annual filings are up to date.
- (6) Mark Joseph Doucet of St. John, New Brunswick, was called to the Bar on February 7, 1992. He declares that since his call to the Bar, he has not practised in Ontario. The annual fee is outstanding. The annual filings are up to date.
- (7) John Gordon Harrison of Winnipeg, Manitoba, was called to the Bar on April 15, 1988. He declares that he has not practised law since December 1989. The first instalment of the annual fee has been paid. The annual filings are up to date.
- (8) Corinna Sabrina Ienna of Scarborough, Ontario, was called to the Bar on June 23, 1995. She declares that she has never been in private practice in Ontario, and never handled trust funds or clients' property. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (9) Alan Lyness Irwin of Toronto, Ontario, was called to the Bar on March 24, 1972. He declares that he ceased practising law on November 1, 1995. All trust funds or other clients' property have been accounted for, and paid over to the persons entitled thereto. There is a Release executed against Mr. Irwin, which was delivered to the Lawyers Professional Indemnity Company. The annual fee is outstanding. He is required to file a Form 2/3 for October 1995. There are two open complaints against Mr. Irwin.

- (10) Ronald Karam of Ottawa was called to the Bar on April 14, 1986. He states that he ceased practising law in July 1995. All trust funds or clients' property have been paid over or transferred to the care of another law firm. All client matters have been attended to. The 1995/96 annual fee is outstanding. He is required to file a Form 2/3 for November 1995.
- (11) Katherine Elizabeth Ellen Laird of Toronto, Ontario, was called to the Bar on April 6, 1979. She declares that since her call to the Bar, she has not engaged in private practice. She states that she has never been responsible for trust funds on a private basis, nor held property. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (12) Wilfrid Christopher Martin of Nepean, Ontario, was called to the Bar on April 18, 1988. He states that since his call to the Bar, he has never practised law in Ontario. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (13) Mary Anne McKellar of Toronto, Ontario, was called to the Bar on April 8, 1987. She states that she has not engaged in the private practice of law since December 31, 1989. Ms. McKellar declares that she has never handled trust funds on a private basis, nor held property for a client. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (14) Theodore Henry Miller of Ottawa, Ontario, was called to the Bar on March 23, 1973. He declares that he has not engaged in the practice of law since April 29, 1988. He currently holds \$12,659.31 in his trust account, and states that most of this money is his own. He will be submitting statements of account to transfer these funds out of trust. He further declares that all clients' matters have been dealt with to the clients' satisfaction. The 1995/96 annual fee is outstanding. He is required to file a Form 2 for 1995.
- (15) Kathleen Susan Mitchell of Calgary, Alberta, was called to the Bar on April 16, 1980. She declares that since her call to the Bar, she has not engaged in the practice of law in Ontario. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (16) Gregory Ace Nuttall of Winnipeg, Manitoba, was called to the Bar on February 7, 1992. He states that he practised with Tory Tory DesLauriers & Binnington until September 1992. He declares that he has never handled any trust funds or other clients' property since 1992, and that all client matters were dealt with to the clients' satisfaction. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (17) Gerald Otto Siegbart Oyen of Vancouver, BC, was called to the Bar on March 17, 1967. He declares that since January 1994, he has not acted for any Ontario clients and has not handled any trust funds or clients' property. All client matters have been dealt with to the clients' satisfaction. The 1995/96 annual fee is outstanding. The annual filings are up to date.

- (18) Neil David Durant Patterson of Calgary, Alberta, was called to the Bar on April 14, 1988. He declares that he ceased practising law on December 30, 1994. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (19) Linda Yolande Pollon of Ottawa, Ontario, was called to the Bar on April 13, 1983. She declares that she has not engaged in the practice of law since May 1994. Her practice has been taken over by Mark J.W Snider of Ottawa. The 1995/96 annual fee is outstanding. Ms. Pollon is required to file a Form 2/3 for March 1995. She owes \$10 per day effective November 20, 1995, in late filing penalties.
- (20) Peter Laird Raymond of Huron County, Ontario, was called to the Bar on June 25, 1959. He ceased practising law on December 31, 1995. All trust accounts have been paid over, or retained by Keith I. McLean. The annual filings are up to date. There is one open complaint against Mr. Raymond.
- (21) Deirdre Ann Rice of Victoria, BC, was called to the Bar on March 30, 1990. She declares that she has not practised law in Ontario since August 27, 1993. The 1995/96 annual fee is owing. The annual filings are up to date.
- (22) Harold Warren Rosen of North York, Ontario was called to the Bar on April 10, 1986. He declares that he has not practised law since June 1995. He states that he has not handled trust funds or other clients' property. The 1994 Supplementary Levy and 1995 Insurance Levy is outstanding. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (23) Gary Thomas Stanoulis of Toronto, Ontario, was called to the Bar April 8, 1987. He claims that he ceased practising law effective December 21, 1995. He declares that all trust funds or clients' property have been paid over, or taken over by another partner of the firm Tsapralis, Stanoulis. The annual filings are up to date. There are 2 open complaints against Mr. Stanoulis.
- (24) Frances Joanne Sweeney of London, Ontario, was called to the Bar on March 28, 1989. She states that she has never engaged in private practice in Ontario. The 1995/96 annual fee is outstanding. The annual filings are up to date; however, she is required to file a Form 2.
- (25) Patricia Aldyen Austin Taylor of Toronto, Ontario, was called to the Bar on April 9, 1987. She declares that she has not practised in Ontario since April 1993. The second instalment of the annual fee is outstanding. The annual filings are up to date.
- (26) William Jerome Thorne of Kelowna, BC, was called to the Bar on March 29, 1977. He is currently suspended for non-payment of 1994 Insurance Levy, the levy has been paid in full. Mr. Thorne claims he ceased practising law in July, 1994. There is one open complaint against Mr. Thorne. The annual filings are up to date; however, he is required to file a Form 2.

26th January, 1996

- (27) Nancy Ruth Tobin of Stouffville, Ontario, was called to the Bar on April 10, 1986. She states that she has not engaged in the practice of law since August, 1991. There is a claim against Ms. Tobin - #50139/90 (LPIC File #T0480). Triple Seven Wonders Investment Corporation et al as Plaintiffs, 835594 Ontario Limited et al as Defendants, and Nancy Tobin et al as Third Party. The 1995/96 annual fee is outstanding. The annual filings are up to date.
- (28) Paul Douglas Trotter of Calgary, Alberta, was called to the Bar on April 9, 1979. He declares that he has never practised law in Ontario. The 1995/96 annual fee is owing. The annual filings are up to date.

Approved

B.7. LIFE MEMBER

- B.7.1. Pursuant to Rule 49, the following member is eligible to become a Life Member of the Society with an effective date of January 19, 1996:

Benjamin Bernard Grossman	Jerusalem	1946
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Approved

C.
INFORMATION

C.1. CHANGE OF NAME

C.1.1.	<u>From</u>	<u>To</u>
	Allison Yvonne <u>Cummins</u>	Allison Yvonne <u>Peckover</u> (Marriage Certificate)
	Cathy Pooi Foong <u>Joe</u>	Cathy Pooi Foong <u>Lum</u> (Change of Name Certificate)
	Karyn Lee <u>Triffo</u>	Karyn Lee <u>Triffo Berridge</u> (Marriage Certificate)

Noted

C.2. STUDENTS

C.2.1.	<u>From</u>	<u>To</u>
	Carolyn Diane <u>Cepler</u>	Carolyn Diane <u>Kolers</u>
	Mary Kathryn <u>Turner</u>	Mary Kathryn <u>Grosso</u> (Change of Name Certificate)
	Kelly Lee <u>Ireland</u>	Kelly Lee <u>Ireland-Camps</u> (Marriage Certificate)

26th January, 1996

Marcia Lianne Mills-Brown

Marcia Lianne Brown
(Birth Certificate)

Noted

C.3. ROLLS AND RECORDS

C.3.1. (a) Deaths

The following members have died:

William Ralph Ramsay QC Temiskaming District	Called June 16, 1932 Died October 1, 1991
John Lewis Leibel QC North York, ON	Called September 17, 1936 Died May 16, 1995
Gordon Thomas McMichael QC Ottawa, ON	Called November 18, 1937 Died November 11, 1995
John Walter Bailey Hastings County	Called March 24, 1972 November 22, 1995
Randall Derrick Emberson Brantford, ON	Called March 26, 1990 Died December 18, 1995

Noted

C.4. Permission to Resign

C.4.1. The following member was permitted to resign his membership in the Society and his name has been removed from the rolls and records of the Society:

Nigel Svami Toronto, ON	Called March 26, 1971 Permitted to Resign - Convocation December 8, 1995
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Noted

C.5. RESULTS OF THE TRANSFER/REQUALIFICATION EXAMINATION

C.5.1. The following candidates successfully completed the September 1995 Transfer/Requalification Examination:

Laurie Gayle Ballantyne-Gaska -	Requalification
Brahm Segal -	Province of Quebec

26th January, 1996

C.5.2. One candidate failed.

Noted

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

P. Epstein
Chair

It was moved by Mr. MacKenzie, seconded by Mr. Adams that the Report of the Admissions and Membership Committee be adopted.

Carried

THE REPORT WAS ADOPTED

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

FINANCE AND ADMINISTRATION COMMITTEE

Meeting of January 11, 1996

Mr. Murray presented the Report of the Finance and Administration Committee for Convocation's approval.

Item B.-1. re: Ontario Legal Aid Plan Financial Statements was stood down.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FINANCE AND ADMINISTRATION COMMITTEE begs leave to report:

Your Committee met on Thursday, January 11, 1996 at 10:30 a.m., the following Benchers being present: R.W. Murray (Chair), K.A. Carpenter-Gunn, T.E. Cole, M. Crowe, E.L. DelZotto, N. Finkelstein, P.G. Furlong, S.T. Goudge, J.D. Harvey, D.H.L. Lamont, R.D. Manes, P.B.C. Pepper, H.J. Ross, G.A. Swaye, and B.H. Wright. Staff in attendance were J.T. Saso, D.E. Crack, M. Angevine, and D.N. Carey. Legal Aid staff in attendance were R. Holden and R. Rowe. Also in attendance were B. Graham of Coopers & Lybrand, and J. Gipp of BDO Dunwoody.

B.
ADMINISTRATION

1. ONTARIO LEGAL AID PLAN FINANCIAL AUDITED STATEMENTS FOR THE YEAR ENDED MARCH 31, 1995

Robert Rowe, Deputy Director-Finance of The Ontario Legal Aid Plan, presented the audited financial statements for the year ended March 31, 1995. The statements are to be approved by the Legal Aid Committee prior to being presented to Convocation.

Received

It was recommended that the audited financial statements of the Plan for the year ended March 31, 1997 and thereafter be prepared using Generally Accepted Accounting Principles (GAAP), including a Balance Sheet which will reflect full accruals including a provision for the value of work to be done by lawyers on outstanding Legal Aid certificates.

Approved

Note: Motion, see page 157

2. PREPARATION OF FINANCIAL STATEMENTS FOR THE YEAR END DECEMBER 31, 1995

A timetable for completion of work related to the preparation of the financial statements for the year ended December 31, 1995 was before the meeting. (pages 4 - 5)

The timetable envisages that the Finance and Administration Committee will review the management statements at its March 14 meeting, and the audited financial statements its April 8 meeting in order that final approval be given by Convocation in April. This anticipates that the annual general meeting will now be held in May. (This is similar to the timing followed for previous year ends, in that management statements were presented to the Committee in the third month following the year end, audited statements in the fourth month and the annual meeting was held in the fifth month.)

It was recommended that the annual meeting be held on May 8, 1996.

Approved

3. SUSPENSION OF MEMBERS - LATE FILING FEE

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

In all cases all or part of the late filing fee has been outstanding for four months or more.

The Committee was asked to recommend that the rights and privileges of these members be suspended on January 26, 1996 if the late filing fee remains unpaid on that date.

Approved

Note: Item deleted

4. SUSPENSION OF MEMBERS - N.S.F. CHEQUE

There are members who paid their Annual Fees or their Errors and Omissions Insurance levies with cheques which were subsequently dishonoured by the bank.

26th January, 1996

The Committee was asked to recommend that the rights and privileges of these members be suspended by Convocation on January 26, 1996 if the fees or levies remain unpaid on that date.

Approved

Note: Motion, see page 158

C.
INFORMATION

1. PROGRESS OF BUDGET FOR THE YEAR ENDED DECEMBER 31, 1996

In approving the change in the year end to December 31, Convocation, in November, approved the recommendation of the Finance and Administration Committee that:

" in preparing the budget for the six-month period July to December 1996, the target be to decrease the General Fund portion of the annual fee by 5% and that the budget be prepared by staff under the direction of the Chief Executive Officer for presentation to the Finance and Administration Committee."

To this end, the attached schedule (pages 6 - 8) sets out the steps to be taken in order that the draft budget be presented to the Committee in February 1996.

The following table sets out the annual fee for the year ended June 30, 1995 (as approved by Convocation April 28, 1995), the annual fee for 1994/95 and the projected annual fee for 1996 and 1997 (assuming a 5% reduction in the General Fund portion of the annual fee in each year).

	1994/95	1995/96	% Chg.	*1996	% Chg.	1997	% Chg.
i) General Fund	\$758	\$841	11.0	400	-5.0	760	-5.0
ii) County & District Libraries	81	116	43.2	58	0.0	116	0
iii) Lawyers Fund for Client Comp.	1	1	0.0	1	0.0	1	0
iv) Legal Aid levy	292	266	-8.9	**133	0.0	**266	0
v) LPIC capitalization	-	600		300	0.0	600	0
vi) E&O levy waiver fund	-	11		6	9.1	11	0
	<u>1,132</u>	<u>1,835</u>	<u>62.1</u>	<u>898</u>	<u>-2.1</u>	<u>1,754</u>	<u>-2.3</u>

*six month period July 1, 1996 - December 31, 1996

** to be determined

Noted

2. UPDATE ON SUSPENSION OF MEMBERS - DECEMBER 31, 1995

The Deputy Secretary presented information with respect to the suspension on December 31, 1995. A memorandum is attached. (pages 9 - 10)

Noted

26th January, 1996

3. REQUEST TO THE LAW FOUNDATION FOR FURTHER FUNDING

A letter from Roger Yachetti, Chair of The Law Foundation of Ontario, is attached. (page 11)

Noted

4. LEGAL MEETINGS AND ENTERTAINMENT

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

January 19, 1996

Court of Appeal
Small Dining Room

February 7, 1996

Advocates' Society
Barristers' Lounge and Convocation Hall

Noted

ALL OF WHICH is respectfully

DATED this 26th day of January, 1996

R. Murray
Chair

Item B.-3. re: Suspension - Late Filing Fee was deleted.

It was moved by Mr. Murray, seconded by Mr. Feinstein that the Report with the exception of Item B.-1. be adopted.

Carried

THE REPORT WITH THE EXCEPTION OF ITEMS B.-1. & 3. WAS ADOPTED

MOTION TO SUSPEND - RE: ANNUAL FEES AND INSURANCE LEVIES

It was moved by Mr. Murray, seconded by Mr. Feinstein THAT the rights and privileges of each member who has not paid all of the first instalment of the annual fee for 1995-96 or who has not complied with the requirements of the Errors and Omissions Insurance Plan and whose name appears on the attached list be suspended from January 26, 1996 and until their fees are paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Carried

(see list in Convocation file)

26th January, 1996

MOTION TO SUSPEND - RE: N.S.F. CHEQUE

It was moved by Mr. Murray, seconded by Mr. Feinstein THAT the rights and privileges of each member who paid the Annual Fees or the Errors and Omissions Insurance Levy with a cheque which was subsequently dishonoured by the bank and whose name appears on the attached list be suspended from January 26, 1996 and until the necessary fee or levy has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Carried

(see list in Convocation file)

LEGAL AID COMMITTEE

Mr. Goudge presented the Reports of the Legal Aid Committee for Convocation's approval with the exception of the Financial Statements.

Meeting of December 6, 1995

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL AID COMMITTEE begs leave to report:

Your Committee met on Wednesday, the 6th of December, 1995, at 2:00 p.m. the following members being present: Stephen Goudge, Chair, H. Burroughs, P. Copeland, M. Eberts, L. Hart, R. Lalande, A. Rady, M. Stanowski and B. Sullivan.

The Treasurer of the Law Society, Susan Elliott, was also in attendance.

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

A.
POLICY

1. LEGAL AID TARIFFS

The new Legal Aid Tariffs are being developed with the assistance of Deloitte, Touche and it is hoped that the Legal Aid Committee meeting scheduled for January 23, 1996 will focus mainly on the tariffs. A report prepared by the Deputy Director, Legal was presented to the Committee at its December meeting and a copy is attached hereto and marked as SCHEDULE A.

2. PRIORITIZATION OF LEGAL AID CERTIFICATES

A series of consultation meetings with the criminal, civil and immigration and refugee bars are being held during January. It is anticipated that the February meeting of the Legal Aid Committee will focus mainly on prioritizing. An April 1, 1996 implementation date is being targeted.

26th January, 1996

B.
ADMINISTRATION

1. STATEMENT OF INCOME AND EXPENDITURE FOR
THE SEVEN MONTHS ENDED OCTOBER 31, 1995

The Statement of Income and Expenditure for the Seven Months ended October 31, 1995, attached hereto and marked as SCHEDULE B, was presented by the Deputy Director, Finance.

2. REPORT ON THE PAYMENT OF SOLICITORS ACCOUNTS
FOR THE MONTH OF NOVEMBER, 1995

The Legal Aid Committee received the Report on the Payment of Solicitors Accounts for the Month of November, 1995 which is attached hereto and marked as SCHEDULE C.

3. REPORT OF THE STATUS OF REVIEWS IN THE LEGAL
ACCOUNTS DEPARTMENT FOR THE MONTH OF NOVEMBER, 1995

The Legal Aid Committee received the Report on the Status of Reviews in the Legal Accounts Department for the Month of November, 1995 which is attached hereto and marked as SCHEDULE D.

4. AREA COMMITTEES - APPOINTMENTS AND RESIGNATIONS

APPOINTMENTS

Essex

David Ziriada, solicitor

Haldimand

Roland B. Craig, financial consultant

Thomas H. Clarke, teacher

Hugh M. Simon, solicitor

RESIGNATIONS

Ottawa/Carlton

Andrew P. Davis

Riad Tallim

Peel

Ava Hillier

Simcoe

Art Kneeshaw

ALL OF WHICH is respectfully submitted

DATED this 26th of January, 1996

Stephen Goudge
Chair

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

26th January, 1996

- Item A.-1. - Copy of re: Report Concerning Proposed Criminal and Family Law Tariffs. (Schedule A)
- Item B.-1. - Copy of Statement of Income and Expenditure for the Seven Months Ended October 31, 1995. (Schedule B)
- Item B.-2. - Copy of Report on the Payment of Solicitors Accounts for the Month of November, 1995. (Schedule C)
- Item B.-3. - Copy of Report on the Status of Reviews in the Legal Accounts Department for the Month of November, 1995. (Schedule D)

It was moved by Mr. Goudge, seconded by Mr. Copeland that the Report be adopted.

Carried

THE REPORT WAS ADOPTED

Meeting of January 23, 1996

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL AID COMMITTEE begs leave to report:

Your Committee met on Tuesday, the 23rd of January, 1996 at 4:00 p.m. the following members being present: Stephen Goudge, Chair, M. Buist (by phone), P. Copeland, C. Curtis, M. Eberts, R. Lalande, E. Lay, M. Stanowski and B. Sullivan.

The Treasurer of the Law Society, Susan Elliott, was also in attendance.

The following senior members of staff were present: Bob Holden (Provincial Director), George Biggar (deputy Director - legal), Bob Rowe (Deputy Director - Finance), Ruth Lawson (Deputy Director - Appeals) and Heather Robertson, Legal Accounts Officer.

A.
POLICY

1. PROPOSED NEW TARIFFS

The Legal Aid Committee discussed the proposed new tariffs and these discussions will continue at the February meeting.

2. PRIORITIZATION OF CERTIFICATES

The Legal Aid Committee discussed the prioritization of certificates. These discussions will also continue in February.

B.
ADMINISTRATION

1. REPORT OF THE PROVINCIAL AUDITOR ON THE
ONTARIO LEGAL AID PLAN FOR THE YEAR ENDED MARCH 31, 1995

The Legal Aid Committee recommends the adoption of the Report of the Provincial Auditor on the Ontario Legal Aid Plan for the Year Ended March 31, 1995 which is attached hereto and marked as SCHEDULE A.

Note: Motion, see page 162

2. STATEMENT OF INCOME AND EXPENDITURE FOR
THE NINE MONTHS ENDED DECEMBER 31, 1995

The Statement of Income and Expenditure for the Nine Months ended December 31, 1995, attached hereto and marked as SCHEDULE B, was presented by the Deputy Director, Finance.

3. REPORT ON THE PAYMENT OF SOLICITORS ACCOUNTS
FOR THE MONTH OF DECEMBER, 1995

The Legal Aid Committee received the Report on the Payment of Solicitors Accounts for the Month of December, 1995 which is attached hereto and marked as SCHEDULE C.

3. REPORT ON THE STATUS OF REVIEWS IN THE LEGAL
ACCOUNTS DEPARTMENT FOR THE MONTH OF DECEMBER, 1995

The Legal Aid Committee received the Report on the Status of Reviews in the Legal Accounts Department for the Month of December, 1995 which is attached hereto and marked as SCHEDULE D.

4. AREA COMMITTEES - APPOINTMENTS AND RESIGNATIONS

APPOINTMENTS

Essex

David S. H. Cree, solicitor

Muskoka

Michael Fitton, solicitor

Jean Polak, solicitor

Metropolitan Toronto

Douglas Alderson, solicitor

Catherine Currie, solicitor

Joan Doiron, retired public school trustee

Elizabeth Gaudet, solicitor

Jean Glazer, teacher

Gary Gottlieb, solicitor

Mary Jarrell, solicitor

Alberto Mestanza, paralegal

Helen Silver, solicitor

James Steele, solicitor

Jeffrey Stone, solicitor

Simcoe

J. Brandon Lander, financial administrator

26th January, 1996

RESIGNATIONS

Lanark

K. B. Bruun

Metropolitan Toronto

Hugh Evans

Sharon Grossman

Lawrence Hadbavny

William Bassel

Michael Ingram

John Terry

Faith Finnestad

Marc Rosenberg

Ann Marie Hart

Mary Joseph

Norfolk

Westren Lumley

ALL OF WHICH is respectfully submitted

DATED the 26th of January, 1996

S. Goudge
Chair

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

- Item B.-1. Copy of the Report of the Provincial Auditor on the Ontario Legal Aid Plan for the Year Ended March 31, 1995. (Schedule A)
- Item B.-2. - Copy of the Statement of Income and Expenditure for the Nine Months ended December 31, 1995. (Schedule B)
- Item B.-3. - Copy of the Report on the Payment of Solicitors Accounts for the Month of December, 1995. (Schedule C)
- Item B.-4. - Copy of Report on the Status of Reviews in the Legal Accounts Department for the Month of December, 1995. (Schedule D)

It was moved by Mr. Goudge, seconded by Mr. Copeland that the Report with the exception of Item B.-1. re: Report of the Provincial Auditor, be adopted.

Carried

THE REPORT WITH THE EXCEPTION OF B.-1. WAS ADOPTED

26th January, 1996

FINANCE AND ADMINISTRATION COMMITTEE

Item B.-1. re: Ontario Legal Aid Plan Financial Audited Statements for the year ended March 31, 1995

It was moved by Mr. Topp, seconded by Mr. Aaron that the Report not be accepted.

It was moved by Ms. Harvey, seconded by Ms. Ross THAT the audited financial statements of the Ontario Legal Aid Plan for the year ended March 31, 1995 having been approved by the Provincial Auditor and adopted by the Legal Aid Committee be adopted by Convocation with the caveat that the Law Society, as administrator of the Plan believes that they should have been prepared using Generally Accepted Accounting Principles including a Balance Sheet which reflects full accruals including unbilled work in progress and an indication of amounts authorized where work has not yet been performed.

Further that the financial statements of the Ontario Legal Aid Plan for the year ended March 31, 1996 be prepared using Generally Accepted Accounting Principles including a Balance Sheet which will reflect full accruals including unbilled work in progress and an indication of amounts authorized where work has not yet been performed.

It was moved by Mr. DelZotto, seconded by Mr. Crowe that the Harvey/Ross motion be amended by changing the word "adopt" in the first paragraph to the word "receive".

Ms. Harvey and Ms. Ross agreed to the amendment by Mr. DelZotto.

The debate on the financial statements was stood down.

LAWYERS FUND FOR CLIENT COMPENSATION COMMITTEE

Meeting of December 7, 1995

Mr. Ruby spoke to the Report of the Lawyers Fund for Client Compensation Committee which included graphs showing the volume of claims and the Fund balance.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

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

Your Committee met on Thursday, the 7th of December, 1995, at 10:30 a.m., the following members being present: C. Ruby (Chair), R. Cass, and G. Gottlieb; S. Hickling (secretary), Marie Loukidelis and Jim Yakimovich also attended.

A.
POLICY

No items

26th January, 1996

B.
ADMINISTRATION

C.
INFORMATION

1. The Committee met to discuss an increase in claims to the Fund that has been identified in the 1994/95 fiscal year. The Committee reviewed the attached graphs showing the volume of claims and the Fund balance, the types of claims and the value of claims in relation to the 74 members against whom a claim exists. The Committee believes that it is important to recognize any rise in the number and value of claims to the Fund at an early stage and to take preventive action.

We presently have \$27.9 million on hand to cover a maximum possible liability with limits applied of \$11.5 (without limits, \$24.2). The Committee attributed the moderate increase in the number of claims to the last portion of claims arising from the recession. Consequently, it was not expected that the increase in the volume of claims would continue. There may be an increase in future claims if LPIC does not provide coverage in certain claims it is currently considering because of dishonesty or mortgage brokering. However, at the present time it is difficult to predict the extent of this increase.

(Pgs. C1 - C5)

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

C. Ruby
Chair

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

Item C.-1. - Copies of graphs showing the volume of claims and the Fund balance. (marked C1 - C5)

THE REPORT WAS RECEIVED

CLINIC FUNDING COMMITTEE

Meeting of January 11, 1996

Mr. Copeland presented the Report of the Clinic Funding Committee for Convocation's approval.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The CLINIC FUNDING COMMITTEE begs leave to report:

26th January, 1996

Your Committee met on Thursday, the 11 th of January, 1996. Present were: Paul Copeland, Harriet Sachs, Gordon Wolfe (non-bencher), Pamela Mountenay-Giffin (non-bencher), Mark Leach (non-bencher). Also present: Joana Kuras, Clinic Funding Manager.

A.
POLICY

None to report

B.
ADMINISTRATION

- B.1 Pursuant to the Regulation on Clinic Funding, moneys have been designated by the Attorney General for the purpose of funding community legal clinics, in the amount of \$32,361,400 for fiscal 1995/96 (Schedule A).
- B.2 The Committee recommends approval of funding allocations for 1995/96 clinic budgets in an amount up to \$28,127,876 (Schedule B). Each clinic budget provides personnel and operating funds for the fiscal year ending March 31, 1996.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1996

P. Copeland
Acting Chair

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

- Item B.-B.1 - Copy of letter from Mr. Charles Harnick, Attorney General to Ms. Joan Lax. (Schedule A)
- Item B.-B.2 - Copy of the Ontario Legal Clinic System 1995/96 Clinic Budgets. (Schedule B)

THE REPORT WAS ADOPTED

FINANCE AND ADMINISTRATION COMMITTEE

LEGAL AID FINANCIAL STATEMENTS (cont'd)

The Harvey/Ross motion as amended by changing the word "adopt" to the word "receive" was voted on and adopted.

The Topp/Aaron motion to reject the report was not put.

It was moved by Mr. Goudge, seconded by Mr. Manes that the Harvey/Ross motion be further amended in the second paragraph by changing the effective date to March 31, 1997.

26th January, 1996

Mr. Manes withdrew his seconding of Mr. Goudge's motion.

Mr. Copeland agreed to second the motion.

Withdrawn

THE BALANCE OF THE REPORT WAS RECEIVED

LEGAL AID COMMITTEE

Meeting of January 23, 1996

THE BALANCE OF THE REPORT WAS RECEIVED

MOTION - re: REGULATION 708 OF THE REVISED REGULATIONS OF ONTARIO 1990

It was moved by Mr. Murphy, seconded by Mr. Manes that Richard Tinsley be appointed Acting Chief Librarian, to hold office until a person is appointed Chief Librarian.

Carried

Agenda - Additional Matters Requiring Debate and Decision by Convocation

Motion re: Committee on Numbers

It was moved by Mr. Aaron, seconded by Mr. Millar that Convocation not deal with the issue of striking a committee on numbers but refer the matter to the March Convocation with a full set of materials.

Carried

ORDERS

The following Orders were filed with Convocation.

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Nigel Svami of
the City of Toronto, a Barrister and
Solicitor (hereinafter referred to as
"the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 1st day of November, 1995 in the presence of Counsel for the Society, the Solicitor being in attendance and represented by Richard Baker, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that Nigel Svami be granted permission to resign.

DATED this 8th day of December, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Hart Melvyn Rossman of the Town of Richmond Hill;

AND IN THE MATTER OF an Application
for Readmission to the Law Society of
Upper Canada

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Admissions Committee dated the 25th day of May, 1995 in the presence of Counsel for the Society, the Applicant being in attendance and represented by Richard Zemla, wherein the Application for Readmission was denied and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that the Application of Hart Melvyn Rossman for Readmission to the Law Society of Upper Canada be denied.

DATED this 8th day of December, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Arthur Chung, of
the City of Toronto, a Barrister and
Solicitor (hereinafter referred to as
"the Solicitor")

26th January, 1996

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Arthur Chung be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Ralph Stewart Jones, of the City of Oshawa, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Ralph Stewart Jones be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

26th January, 1996

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Allan Vincent Mills, of the City of Hamilton, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Reports and Decisions of the Discipline Committee dated the 7th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Allan Vincent Mills be suspended for a period of one month definite and indefinitely thereafter until his filings are made, such suspension to commence at the conclusion of the current discipline suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF George Struk, of the City of Brampton, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 26th day of September, 1995, in the presence of Counsel for the Society, the Solicitor being in attendance and assisted by Duty Counsel, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that George Struk be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF the Law Society Act;

AND IN THE MATTER OF Christopher Marc Cloutier, of the City of Orleans, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 24th day of July, 1995, in the presence of Counsel for the Society and the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Christopher Marc Cloutier be suspended for a period of one month, commencing on the expiry of the current administrative suspension, and indefinitely thereafter until his filings are made. Convocation further orders that the Solicitor pay costs in the amount of \$400.00.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

26th January, 1996

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Peter Michael Hollyoake, of the City of Burlington, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Peter Michael Hollyoake be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Charles John Lewonas, of the City of Woodstock, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 9th day of June, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solciitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that Charles John Lewonas be suspended for a period of 30 days definite and indefinitely thereafter until his filings are completed, such suspension to commence at the conclusion of the current administrative suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF William Palamar,
of the City of Toronto, a Barrister
and Solicitor (thereinafter referred
to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 16th day of June, 1995, in the presence of Counsel for the Society, the Solicitor being in attendance and assisted by Duty Counsel, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that William Palamar be suspended for a period of one month, such suspension to commence on the 15th day of December, 1995.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

26th January, 1996

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF David Arthur Allport, of the City of Mississauga, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 18th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that David Arthur Allport be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Pierre Ouellette, of the City of St. Catharines, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Reports and Decisions of the Discipline Committee dated the 6th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that Pierre Ouellette be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF David Edward Nicholson, of the City of Nepean, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 24th day of July, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wheein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that David Edward Nicholson be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

26th January, 1996

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Thomas Alan Kelly, of the Town of Oakville, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solciitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Thomas Alan Kelly be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Timothy John Kreutzer, of the City of Toronto, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 6th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solciitor being in Attendance, wherein the Solicitor was found guilty of professional misconduct and and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that Timothy John Kreutzer be suspended for a period of one month definite and indefinitely thereafter until his filings have been made, such suspension to commence at the conclusion of the current administrative suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Joo Yung Kang,
of the City of Etobicoke, a Barrister
and Solicitor (hereinafter referred
to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 9th day of June, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solciitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Joo Yung Kang be suspended for a period of 30 days definite and indefinitely thereafter until his filings are completed, such suspension to commence at the conclusion of the current administrative suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

26th January, 1996

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Mary Margaret Patricia Kelly, of the City of Thunder Bay, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 9th day of June, 1995, in the presence of Counsel for the Society, neither the Solicitor nor counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Mary Margaret Patricia Kelly be suspended for a period of 30 days definite and indefinitely thereafter until her filings are completed, such suspension to commence at the conclusion of the current administrative suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Bernadette Kelly Roy, of the Town of Little Current, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 31st day of August, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that Bernadette Kelly Roy be suspended for a period of one month definite and indefinitely thereafter until her filings have been made, such suspension to commence at the conclusion of the current administrative suspension. Convocation further orders that the Solicitor pay costs in the amount of \$450.00, such costs to be paid in instalments.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Gareth Perry, of
the City of Toronto, a Barrister and
Solicitor (hereinafter referred to as
"the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 9th day of June, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Gareth Perry be suspended for a period of 30 days definite and indefinitely thereafter until his filings are completed, such suspension to commence at the conclusion of the current administrative suspension.

DATED this 23rd day of November, 1995

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

26th January, 1996

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Hugh Gordon O'Leary, of the City of Thunder Bay, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Hugh Gordon O'Leary be suspended until he replies to the letter of June 30, 1993 from the Law Society and until he makes the requisite filings for the past fiscal years, such suspension to commence at the conclusion of his current administrative suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Jay Duncan Rowatt, of the City of North York, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canda, having read the Report and Decision of the Discipline Committee dated the 6th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, hwerein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that Jay Duncan Rowatt be suspended for a period of one month definite and indefinitely thereafter until his filings have been made, such suspension to commence at the conclusion of the current administrative suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Wilfrid Leonard Samuel Trivett, of the City of Orillia, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 9th day of June, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Wilfrid Leonard Samuel Trivett be suspended for a period of 30 days definite and indefinitely thereafter until his filings are completed, such suspension to commence at the conclusion of the current administrative suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

26th January, 1996

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Brian Francis Adamson, of the Township of Minden, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of September, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Brian Francis Adamson be suspended for a period of one month definite and indefinitely thereafter until his filings have been made, such suspension to commence at the conclusion of the current administrative suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Eric James Dobbs, of the City of Windsor, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 9th day of June, 1995, in the presence of Counsel for the Society, neither the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that Eric James Dobbs be suspended for a period of 30 days definite and indefinitely thereafter until hsi filings are completed, such suspension to commence at the conclusion of the current administrative suspension.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Frank Neno Mantello, of the City of Sault Ste. Marie, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 18th day of September 1995, in the presence of Counsel for the Society, the Solicitor being in attendance and represented by Joseph A. Bisceglia, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATON HEREBY ORDERS that Frank Neno Mantello be Reprimanded in Convocation.

DATED this 8th day of December, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

26th January, 1996

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Sheldon Marshall Fischman, of the City of Oshawa, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 10th day of October 1995, in the presence of Counsel for the Society, the Solicitor being in attendance and represented by Edward M. Morgan, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Sheldon Marshall Fischman be suspended for a period of five months commencing September 1, 1996. Convocation further orders that:

1. the Solicitor participate in and co-operate with the Practice Review Programme;
2. the Solicitor undertake to cease mortgage brokering from the firm;
3. there be periodic audits at the Solicitor's expense (timing and frequency to be discussed); and,
4. the Solicitor pay costs in the amount of \$7,500 payable in instalments of \$250 per month commencing at the conclusion of the suspension.

DATED this 9th day of December, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"M. Angevine"
Depty Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF William Donald Gray, of the City of Toronto, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 15th day of June, 1994 in the presence of Counsel for the Society, the Solicitor being in attendance and represented by Roger Smith, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that William Donald Gray be suspended for a period of sixty days commencing February 1st, 1996, and further orders that the Solciitor pay costs in the amount of \$2,000.00.

DATED this 9th day of December 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"M. Angevine"
Deputy Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Melvin Nathan Diamond, of the City of Oshawa, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 10th day of October 1995, in the presence of Counsel for the Society, the Solicitor being in attendance and represented by Edward M. Morgan, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Melvin Nathan Diamond be suspended for a period of six months commencing February 1, 1996. Convocation further orders that:

1. the Solicitor participate in and co-operate with the Practice Review Programme;
2. the Solicitor undertake to cease mortgage brokering from the firm;
3. there be periodic audits at the Solciitor's expense (timing and frequency to be discussed); and,
4. the Solicitor pay costs in the amount of \$7,500 payable in instalments of \$250 per month commencing at the conclusion of the suspension.

DATED this 9th day of December, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"M. Angevine"
Deputy Secretary

Filed

26th January, 1996

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Harvey Samuel Margel, of the City of North York, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 18th day of March, 1994 and the Report and Decision of the Discipline Committee dated the 7th day of January 1995, in the presence of Counsel for the Society, the Solicitor being in attendance and represented by Brian Greenspan, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Harvey Samuel Margel be suspended for a period of six months commencing February 17, 1996.

DATED this 8th day of December, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"M. Angevine"
Deputy Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Derrek Gordon Ball, of the City of Mississauga, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of September 1995, in the presence of Counsel for the Society, the Solicitor being in attendance and represented by Duty Counsel, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

26th January, 1996

CONVOCATION HEREBY ORDERS that Derek Gordon Ball be suspended for a period of one month commencing January 8, 1996, and further orders that the Solicitor pay costs in the amount of \$1,425.00.

DATED this 8th day of December, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"M. Angevine"
Deputy Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Bruce Allan Clark, of the City of Ottawa, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 6th day of April, 1995 and the 10th day of July, 1995, in the presence of Counsel for the Society and the Solicitor by way of conference call, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Bruce Allan Clark be reprimanded in Convocation. Convocation further orders that the Solicitor appear before Special Convocation on January 25, 1996 to receive the reprimand, failing which Convocation hereby orders that the Solicitor be suspended until such time as he appears to receive the reprimand.

DATED this 23rd day of November, 1995.

"S. Elliott"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"
Secretary

Filed

26th January, 1996

CONVOCATION ROSE AT 1:10 P.M.

Confirmed in Convocation this 23 day of February, 1996



Treasurer