

MINUTES OF SPECIAL CONVOCATION

Thursday, 23rd November, 1989
9:30 a.m.

PRESENT:

The Treasurer, (Mr. L. K. Ferrier), Messrs. Arnup, Bastedo, Carey, Cullity, Ground, Lamek, Lamont, Lerner, McKinnon and O'Connor, Ms. Poulin, Messrs. Rock, Shaffer, Somerville, Spence, Strosberg, Thom, Topp and Wardlaw, Mrs. Weaver and Mr. Yachetti.

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DISCIPLINE COMMITTEE

Re: PATRICK CHRISTIAN HENGEN, Richmond Hill

Mr. Lamek placed the matter before Convocation.

The reporter was sworn.

Mr. Shaun Devlin appeared for the Society and Ms. Janet Brookes appeared for the solicitor who was present. The solicitor requested an adjournment to the January Convocation when his counsel Mr. F. Marrocco would be available.

The solicitor, counsel and the reporter withdrew.

It was moved by Mr. Lamek and seconded by Mr. Lerner that the solicitor be granted an adjournment to the January 1990 Convocation.

Carried

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's decision.

The solicitor and counsel retired.

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Re: IRVING SAUL LEIPCIGER, Toronto

Mr. Lamek placed the matter before Convocation.

The reporter was sworn.

The reading of the Report was waived. It had been adopted at the Special Convocation held on 26th October, 1989 and was adjourned to the November Convocation.

Mr. Reg Watson appeared for the Society and Mr. Charles Mark appeared for the solicitor who was present.

At the October Convocation it had been moved that the solicitor be permitted to resign rather than being disbarred as the Discipline Committee had recommended. The matter had been adjourned for a month to permit Mr. Leipziger to submit his resignation.

The solicitor, counsel and the reporter withdrew.

It was moved by Mr. Lamek, seconded by Mr. Lerner that Mr. Leipziger's resignation be accepted.

Carried

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's decision.

The solicitor and counsel retired.

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Re: WILLIAM DONALD GRAY, Toronto

Mr. Lamek placed the matter before Convocation.

The reporter was sworn.

Mr. Strosberg took no part in the proceedings.

Mr. Watson appeared for the Society and the solicitor appeared on his own behalf requesting an adjournment to permit him to retain counsel. The Society opposed the adjournment.

Both counsel for the Society and the solicitor made submissions on the issue of the adjournment.

The solicitor, counsel and the reporter withdrew.

It was moved by Mr. Rock, seconded by Mr. McKinnon that the matter be adjourned to the next Convocation the date to be notified.

Withdrawn

It was moved by Mr. Bastedo and seconded by Mr. Ground that the matter be adjourned to the next Convocation peremptory to the solicitor.

Not Put

It was moved by Mr. Lamek, seconded by Mr. Rock that the matter be adjourned to the January Convocation on the solicitor's undertaking to proceed at that time.

Carried

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's decision.

The solicitor concurred and gave his undertaking to proceed at the January Convocation.

The solicitor and counsel retired.

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Re: ALAN MURRAY ZUKER, Brampton

Mr. Somerville placed the matter before Convocation.

The reporter was sworn.

Messrs. Lamek, Lamont, Spence, O'Connor, Carey and Wardlaw withdrew and did not participate in this matter.

Mr. Shaun Devlin appeared for the Society and Mr. Bernard Eastman appeared for the solicitor who was present.

Convocation had before it The Report and Recommendation as to Penalty of the Discipline Committee dated 7th November 1989, together with an Affidavit of Service sworn 22nd November 1989, by Louis Katholos that he had effected service on the solicitor by registered mail on 7th November 1989 (marked Exhibit 1). Copies of the Report having been sent to the Benchers prior to Convocation, the reading of it was waived.

The Report of the Discipline Committee is as follows:

THE LAW SOCIETY OF UPPER CANADA

The Discipline Committee

REPORT AND DECISION

James M. Spence, Q.C. (Chair)
Donald H.L. Lamont, Q.C.
Frances Kiteley

In the matter of
The Law Society Act

Shaun Devlin
for the Society

and in the matter of
ALAN MURRAY ZUKER
of the City
of Brampton
a barrister and solicitor

Bernard Eastman
for the solicitor

Heard: October 17, 1989

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

THE DISCIPLINE COMMITTEE BEGS LEAVE TO REPORT:

REPORT

On October 2, 1989, Complaint D77/89 was issued against Alan Murray Zuker alleging that he was guilty of professional misconduct and on October 27th, 1988, Complaint D91/88 was issued against Alan Murray Zuker alleging that he was guilty of conduct unbecoming.

The matter was heard in public on October 17, 1989 before this Committee composed of James M. Spence, Q.C., Chair, Donald H.L. Lamont, Q.C., and Frances Kiteley.

Mr. Zuker attended the hearing and was represented by B. Eastman. Mr. S. Devlin appeared on behalf of the Law Society.

DECISION

The following particulars of conduct unbecoming were admitted by Mr. Zuker and found to have been established:

(Para 2: Complaint D77/89)

(a) During the years 1983 to 1985, more or less, he engaged in sexual activity with his client, S.

(Para 2: Complaint D91/88)

(a) During the period August to October, 1984, he attempted to engage in sexual activity with his female client, F.

(b) During the years 1981 to 1983, more or less, he attempted to engage in sexual activity with his client, K.

Evidence

The Committee received in evidence the following Agreed Statement of Facts"

"AGREED STATEMENT OF FACTS

I. SERVICE

1. The Solicitor admits service of Complaints D77/89 and D91/88 and is prepared to proceed to a hearing on October 17, 1989.

II. IN PUBLIC/IN CAMERA

The Solicitor requests an in camera hearing but agrees in any event that the identity of the women who gave information, need not be revealed.

III. BACKGROUND FACTS

3. The Solicitor was called to the Bar in 1962. He practises in Brampton, Ontario in a one person law firm. Until about 16 months ago he practised with two associates. His practice is about 75% matrimonial and 25% criminal.

IV. FACTS

4. CLIENT K

In February, 1981, client K retained the Solicitor's law firm with regard to obtaining a divorce as well as some related legal problems in connection with her husband's bankruptcy. A few months later, the Solicitor assumed carriage of the file.

During the time of this retainer, the Solicitor told the client he was going to California and asked her to go with him. The client refused.

On March 31, 1982, the Solicitor telephoned the client at home. He indicated that he had a court matter to attend to out of town and he asked the client if she would accompany him there for dinner that evening. The client agreed to go to dinner with the Solicitor at a location closer to home. The Solicitor and client then had dinner. As they were leaving the restaurant, the Solicitor kissed client K without invitation. The client indicated that she was not interested in such activity and the Solicitor had no further physical contact with her on that or any other occasion. The Solicitor returned the client to her home, had coffee with the client and her mother and then left.

Subsequently, the Solicitor asked the client to accompany him to a concert in Toronto. The client refused the invitation.

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The client did not pay the majority of the Solicitor's account and the Solicitor brought assessment proceedings. The matter was scheduled for hearing on February 21, 1985 and, upon their attendance at the assessment office, the client and the Solicitor settled the assessment for a fixed sum with payments over a period of time. A dispute subsequently ensued between the Solicitor and the client as to whether the Solicitor was required to complete further legal work as part of the settlement.

The client did not make full payment of the account and, when the Solicitor's accountant pursued her for payment in April 1987, the client complained to the Law Society admitting that she was indebted to the Solicitor but taking the position that the Solicitor was required to complete certain legal work before payment would be made. At this time she raised for the first time the events of 1981 and 1982. The Society has not taken and does not intend to take any action regarding the assessment aspect of the complaint.

CLIENT F

Client F retained the Solicitor in August, 1984 to handle a divorce matter for her. The client and her mother attended at the Solicitor's office. The Solicitor made flattering remarks about the client's physical appearance. He then kissed her. The client voiced no objection at the meeting and no further physical contact ensued on that occasion.

Approximately two weeks later, the client attended at the Solicitor's office again with her mother. The Solicitor offered to take the client on a holiday and the client declined.

The client and her mother had a meeting with the Solicitor on another occasion when the Solicitor asked the client if he could speak to her in private. When they were alone, the Solicitor indicated a willingness to have physical contact with the client. The client refused and left the office.

The client subsequently retained another Solicitor to complete the divorce matter. The client made no complaint to the Law Society at the time. Approximately three years later, the Society received information as a result of the investigation of client K's allegations, which suggested that the new Solicitor might have a client who had a complaint against the Solicitor. When the Society contacted the new Solicitor, that new Solicitor contacted client F who in turn indicated a willingness to co-operate with the Society's investigation. The client then provided a statement to the Society.

The client's mother has also provided a statement to the Society which generally confirms the client's evidence. It was the mother's impression that the Solicitor's kissing of the client appeared to be more of a consolatory action than an act of sensual nature. The mother nevertheless supported the client's concern.

CLIENT S

Client S retained the Solicitor in early 1983 to act for her in a matrimonial matter. The issues in the proceeding involved joint custody, support and a resolution of the status of the matrimonial home.

The Solicitor hugged and kissed client S on one occasion when she was in the office. This came without warning and the client did nothing to provoke the attention.

The client continued to retain the Solicitor and he kissed her on other occasions. The Solicitor asked the client to dinner and she went. The Solicitor initiated sexual intercourse with the client on one occasion at her home. Although the Solicitor initiated the contact, the client's participation was consensual.

The client subsequently formed the opinion that she should not have become involved with the Solicitor. She discharged the Solicitor and retained another lawyer who completed the matter for her.

The client made no complaint to the Law Society or her new lawyer at the time. In 1989 client S attended a cocktail party and in conversation with the Solicitor's former partner, F. Streiman, mentioned these events. The Solicitor and Mr. Streiman have since the dissolution of their partnership been in active conflict over distribution of partnership assets and income. Mr. Streiman reported the information from client to the Law Society, after asking an opinion as to whether he was obliged to do so and receiving an affirmative reply.

V. EVIDENCE RELEVANT TO THE ISSUE OF PENALTY

5. (i) The Solicitor regrets his conduct and conceded it was conduct unbecoming;

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(ii) At the request of the Society, the Solicitor voluntarily underwent a psychiatric examination by Dr. Brian Hoffman, Head, Litigation and Personal Injury clinic, Mount Sinai Hospital and Associate Professor, Faculty of Medicine, University of Toronto. A copy of Dr. Hoffman's report is provided to the Committee;

(iii) The Solicitor has been cooperative and admitted the essential facts;

(iv) The Solicitor agreed to a request of the Society counsel that the complainants' names not be released.

DATED at Toronto this 17th day of October, 1989."

On the basis of the Agreed Statement of Facts, the Committee made a finding of conduct unbecoming on each of the complaints. The Committee noted, however, but for the Agreed Statement of Facts and particularly paragraph 5, the Committee would have made a finding of professional misconduct.

RECOMMENDATION AS TO PENALTY

We recommend that Alan Murray Zuker be reprimanded in Convocation.

REASONS FOR RECOMMENDATION

Counsel for the Society and counsel for the Solicitor submitted that the most appropriate penalty would be a Reprimand in Committee. We are grateful to both counsel for their submissions in this regard, which were very able and helpful. In particular, we have recognized the force of the submission that the Solicitor's cooperation has greatly assisted in enabling this matter to be brought before the Law Society in a manner which permits it to be dealt with without undue or excessive inconvenience or embarrassment to other persons.

We have also taken into account a psychiatric assessment report obtained with respect to the Solicitor. We decided, on the basis of submissions made by both counsel, and after reviewing the Society's Guidelines in respect of in camera matters, to receive the report in camera, subject to such reference as we might wish to make in these reasons to the conclusions in the report. In regard to this disposition of the question of publicity, we took into account that information referred to in the report had not been established in any court or other forum. Counsel suggested that it is desirable in the public interest that solicitors in circumstances such as this case should be able to speak freely with psychiatric experts so as to permit a professional view to be provided on the fullest possible basis. We thought this was an important consideration. For these reasons we do not consider it necessary in this case to record or refer to the specific information in the report. However, we think it is appropriate to note that the reporting psychiatrist concluded that the present proceedings will act as a strong deterrent to any repetitions of the behaviour which led to the complaint.

In assessing the seriousness of the conduct and the appropriate penalty, we also took into account the facts disclosed in the Agreed Statement of Facts, namely that the three instances complained of have been brought forward at some time after the relevant events and in only one case did the complaint originate with the client, apparently for mixed motives. These considerations are relevant, but we do not regard them as strongly mitigating factors.

Indeed we consider that the seriousness of the conduct complained of and established warrants a penalty that is more serious than a Reprimand in Committee. In particular, we believe the conduct warrants a Reprimand by the Benchers of the Law Society assembled in Convocation as opposed to a Reprimand from three Benchers in Committee. Such a Reprimand would ensure that the censure of the conduct would be published formally to the profession and the public by the Law Society, which we think is important in cases of reprehensible conduct such as this, rather than appearing only in any press coverage that may occur about the decision.

Alan Murray Zuker was called to the Bar and admitted as a solicitor of the Supreme Court of Ontario on the 13th day of April, 1962.

ALL OF WHICH is respectfully submitted

DATED this 7th day of November, 1989

"James M. Spence"
Chair

23rd November, 1989

Both counsel made representations as to the Report of the Discipline Committee. It was noted by Mr. Devlin that the Report of the Discipline Committee contained the full names of the complainants and it had been agreed between counsel that the names were to be deleted and the complainants to be identified only by initials. Mr. Eastman consented to the Report being so amended.

Mr. Eastman noted that the Report did not reflect the Agreed Statement of Facts and joint submission as to penalty however his client stood by his admissions and the finding that his conduct amounted to conduct unbecoming a barrister and solicitor.

The solicitor, counsel and the reporter then withdrew.

It was moved by Mr. Somerville, seconded by Mr. Lerner that the Report of the Discipline Committee be adopted.

Carried

It was moved by Mr. Yachetti, seconded by Mr. Lerner that the Report be amended by deleting the names of the complainants and inserting the initials only.

Carried

The solicitor, counsel and the reporter returned.

The solicitor and counsel were informed of the adoption of the Report as amended by the deletion of the complainants' names.

Convocation was advised that the recommended penalty was a reprimand in Convocation.

There were no submissions from either counsel on the issue of penalty.

The solicitor, counsel and reporter withdrew.

It was moved by Mr. Somerville, seconded by Mr. Ground that the Recommendation as to Penalty contained in the Report that is that the solicitor be reprimanded in Convocation be adopted.

Carried

It was moved by Mr. McKinnon, seconded by Mr. Topp that the solicitor be reprimanded in Committee.

Not Put

The solicitor, counsel and reporter were recalled.

The solicitor and counsel were advised of Convocation's decision.

The solicitor waived his right of appeal.

Counsel and reporter retired.

The solicitor was reprimanded by the Treasurer.

The solicitor retired.

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Re: DAVID ERIC HOWLETT, Niagara Falls

Mr. Lamek placed the matter before Convocation.

The reporter was sworn.

Mr. R. Watson appeared for the Society and the solicitor appeared on his own behalf.

Convocation had before it the Report and Recommendation as to Penalty of the Discipline Committee dated 12th October 1989 together with an Affidavit of Service sworn 22nd November 1989, by Louis Katholos that he had effected service on the solicitor by registered mail on 7th November 1989 (marked Exhibit 1). The Acknowledgement, Declaration and Consent completed by the solicitor was filed (marked Exhibit 2). Copies of the Report having been sent to the Benchers prior to Convocation, the reading of it was waived.

The Report of the Discipline Committee is as follows:

THE LAW SOCIETY OF UPPER CANADA

The Discipline Committee

REPORT AND DECISION

Dennis R. O'Connor, Q.C. (Chair)
Earl J. Levy, Q.C.
Gordon H.T. Farquharson, Q.C.

In the matter of
The Law Society Act

H. Reginald Watson
for the Society

and in the matter of
DAVID ERIC HOWLETT
of the City
of Niagara Falls
a barrister and solicitor

Not represented
for the solicitor

Heard: August 1, 1989

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

THE DISCIPLINE COMMITTEE BEGS LEAVE TO REPORT:

REPORT

On January 6, 1989, Complaint D3/89 was issued against David Eric Howlett; April 17, 1989, Complaint D25/89 was issued against the same Solicitor. Both complaints alleged that he was guilty of professional misconduct.

The matter was heard in public on August 1, 1989 before this Committee composed of Dennis R. O'Connor, Q.C. as Chair, Earl J. Levy, Q.C. and Gordon H.T. Farquharson, Q.C.

Mr. Howlett attended the hearing and represented himself. Mr. Reginald Watson appeared on behalf of the Law Society.

DECISION

The following particulars of professional misconduct were admitted by Mr. Howlett and found to have been established:

(Paragraph 2: Complaint D3/89)

"(a) He demonstrated that he is ungovernable and not suited to the practice of law by:

(i) failing to properly maintain the books and records of his practice of law as required by the Regulation made pursuant to the Law Society Act;

(ii) after admitting to the Society's audit examiner that he failed to maintain his books and records he thereafter failed to cooperate in the Society's investigation by not producing all of the documentation requested by the Society;

(iii) failing to reply to communications from the Society's Audit and Discipline department, clients and fellow solicitors.

(iv) continuing to engage in the practice of law while his rights and privileges as a member of the Society were suspended on February 26th, 1988 for non-payment of his annual fees.

(b) He failed to properly serve the following clients by not registering charges/mortgages and transfers/deeds, not issuing reporting letters and not providing accountings in a prompt fashion:

- (i) Mr. and Mrs. James Atack;
- (ii) Mr. and Mrs. Andrew MacDonald; and
- (iii) Mr. and Mrs. Peter Parks.

(c) He breached his written undertaking to his fellow solicitor, Anthony D'Amico, dated April 6th, 1988 by failing to effect the transfer of certain trademarks."

(Paragraph 2: Complaint D25/89)

"(a) He failed to file with the Law Society within six (6) months of the termination of his fiscal year ending November 30th, 1987, a statutory declaration in the form prescribed by the Rules and a report duly completed by a public accountant and signed by the member in the form prescribed by the Rules thereby contravening Section 16(2) of the Regulation made pursuant to the Law Society Act."

Evidence

The Committee received the following Agreed Statement of Facts:

"AGREED STATEMENT OF FACTS"

I. JURISDICTION AND SERVICE

1. The Solicitor admits service of Complaints D3/89 and D25/89 and is prepared to proceed with a hearing of these matters before the Discipline Committee on August 1, 1989.

II. ADMISSIONS

2. The Law Society hereby amends particular 2(b) of Complaint D3/89 by adding the words "in a prompt fashion" after the words "not providing accountings".

The Solicitor has reviewed Complaint D3/89 and Complaint D25/89 and admits particulars 2(a), 2(b) and 2(c) of Complaint D3/89 and particular 2(a) of Complaint D25/89.

The Society hereby withdraws particular 2(d) of Complaint D3/89.

III. FACTS

Complaint D3/89

Particular 2(b)(iii) - Mr. and Mrs. Peter Parks

3. The Solicitor was retained by a Mr. and Mrs. Peter Parks and the Cataract Savings and Credit Union (Cataract) to act on a mortgage transaction which closed on August 31st, 1987. The Solicitor did not register the mortgage and thereafter did not report to either his mortgagor or mortgagee client. The mortgagee made requests of the Solicitor for information and documentation respecting the transaction.

4. The Solicitor failed to report and in February of 1988, the mortgagee retained new counsel, Mr. James Sissons, to investigate the transaction. Mr. Sissons determined that the funds had been advanced but that the documents had not been registered, reporting letters had not been prepared and accountings had not been provided. After being confronted by Cataract, the Solicitor took immediate action. The documents were registered and the reportings were delivered. The priority of the mortgage was not affected by the delay. The Solicitor has compensated Cataract for its costs of retaining Mr. Sissons.

Particular 2(b)(i) - Mr. and Mrs. James Atack

5. The Solicitor was retained by Mr. and Mrs. James Atack to act on a real estate purchase and mortgage. The Solicitor was also retained to act for the mortgagee, Co-operative Trust Company of Canada (Co-operative). The transaction closed on August 14th, 1987, however, the Solicitor failed to register the transfer/deed and the charge/mortgage. He did not promptly report to the mortgagor or the mortgagee and thereafter failed to report to the mortgagee despite its requests for a report.

6. In February of 1988, the Co-operative retained new counsel, W. Posthumus, to represent it on the mortgage transaction due to the Solicitor's failure to reply to its requests for information. The new solicitor immediately ascertained that the deed and the mortgage had not been registered, reporting letters had not been prepared and accountings had not been provided. He then confronted the Solicitor. On February 8th, 1988, the Solicitor registered the deed and mortgage. He then reported to his clients. The priority of the mortgage was not affected by the delay. The Solicitor agreed to compensate Co-operative for its legal costs but to date the account remains outstanding.

Particular 2(b)(ii) - Mr. and Mrs. Andrew MacDonald

7. The Solicitor was retained by Mr. and Mrs. Andrew MacDonald to act for them on a real estate purchase and mortgage. The Solicitor was also retained to act for the mortgagee, Cataract. The transaction closed on August 31st, 1987. The Solicitor did not register the mortgage on closing. His mortgagee client contacted him on several occasions in an effort to obtain information and a report. The Solicitor failed to promptly reply to these requests.

8. As a result of the Solicitor's failure to reply, the mortgagee retained new counsel in February of 1988. Mr. Sissons searched title and determined that the mortgage had not been registered, reporting letters had not been prepared and accountings had not been provided. On February 8th, 1988, the Solicitor registered the mortgage and then reported to his clients. The priority of the mortgage was not affected by the delay. The Solicitor compensated Cataract for its legal costs.

9. Due to the Solicitor's failure to produce proper books and records, the Society is unable to completely investigate the flow of funds on these three mortgage transactions. However, the Society has not received any complaints respecting the funds involved in these matters.

Particulars 2(a)(i) and 2(a)(ii)

10. As a result of the Society's concerns respecting the Solicitor's inaction on the three real estate transactions, an audit of the Solicitor's practice was scheduled. The Society's audit examiner attended on the Solicitor on March 10, 1988. At that time, the Solicitor advised the Society that he was not maintaining the books and records of his practice of law as required by the Regulation. Due to this admission by the Solicitor, co-signing controls were placed on his trust account and the Solicitor gave a written undertaking to the Society to deposit all trust money to the trust accounts subject to the co-signing controls.

11. An appointment was arranged for the Society to re-attend at the Solicitor's office on May 11th, 1988 to conduct an examination of his books and records. The Solicitor then contacted his bookkeeper and requested that all of the books, records and accounts be brought to the Solicitor's office. On May 11th, 1988, the Solicitor produced only the following books to the Society, all of which were seriously in arrears:

- (a) trust cash receipts book entered to October 16th, 1987;
- (b) trust cash disbursements book entered to November 30th, 1987;
- (c) general cash receipts book entered to November 30th, 1987; and
- (d) trust bank reconciliations completed to September 30th, 1987.

12. In addition to being in arrears, the material produced by the Solicitor was only a portion of the books he was required to maintain. The Solicitor did not produce the following material:

- (i) Original documentation such as bank statements, pass books, cashed cheques and detailed duplicate deposit slips for his trust and general accounts;
- (ii) Client trust ledgers showing separately for each person on whose behalf money has been received in trust, all such money received and disbursed and any unexpended balance;
- (iii) A record showing all transfers of money between client's trust ledger accounts and an explanation of the purpose for which each transfer was made;
- (v) A general cash disbursements book;
- (vi) A record showing a comparison made monthly of the total of balances held in the trust account and the total of all unexpended balances of funds held in trust supported by a detailed listing made monthly showing the amount of trust money held for each client.

13. The material produced by the Solicitor was in arrears and incomplete. In addition, this limited material was also inadequate as it did not comply with the requirements of the Regulation. One problem was that the source of funds and the client references were not shown.

14. During the audit, the examiner discovered that the Solicitor's office was disorganized. One indication of this was the fact that the Solicitor was over four months in arrears in issuing reporting letters on real estate matters.

15. On July 26th, 1989, the Solicitor produced some books and records for the current fiscal year. However, he did not produce the books for 1987 and 1988 which the Society had previously tried to examine. Many of the current records required to be maintained were not produced or were inadequate including:

- (i) trust listings and reconciliations were not produced;
- (ii) trust receipts journal was inadequate;
- (iii) general accounts records were inadequate; and
- (iv) trust ledger cards were inadequate.

16. Since May of 1988, the Society has requested that the Solicitor produce his books. The Solicitor has consistently failed to co-operate with the Society until he made partial production of only his current books on July 26th, 1989. The appointment on July 26th, 1989 was originally scheduled for July 18th, 1989. The Solicitor requested that the Society postpone its attendance until July 26th, 1989 so that his books would be ready. The Society agreed. Despite the Solicitor's advance notice of the July 18th, 1989 appointment and the postponement to July 26th, 1989, he did not produce the required books. The Society is still not in a position to complete the audit of the Solicitor's practice.

Complaint D25/89

Particular 2(a)

17. The Solicitor's last filing (1986) indicates a year end of November 30th. He is required to file Forms 2 and 3 within six months of each fiscal year end. He has not filed the form for his fiscal years ending November 30th, 1987. The form for the year ending November 30th, 1988 is now also outstanding. The Society has levied late filing fees against the Solicitor. However, in order to avoid suspension he has paid the levy but still has not filed the required forms. As a result, the Society does not have a report from the Solicitor's accountant and has been unable to completely review the Solicitor's books.

Complaint D3/89

Particular 2(a)(iii)

18. Throughout the course of the Society's investigation, the Solicitor has failed to reply in a prompt fashion and in some cases not at all to numerous written and oral communications from the Society's Audit and Discipline Departments. With the onset of the discipline proceedings, the Solicitor has taken steps to reply to the Society. These include communications from the Society respecting:

- (a) the status of his books;
- (b) his failure to file Form 2/3's;
- (c) co-signing controls; and
- (d) various client complaints, some of which are included in this document.

Particular 2(a)(iv)

19. The Solicitor was suspended on February 26th, 1988 for non-payment of his annual fees. He was reinstated on May 6th, 1988 when he paid the outstanding amount. During this period, the Solicitor continued to practise under suspension.

Particular 2(c)

20. The Solicitor represented Flat Facts Enterprises Inc., shares of which were sold to Enterplex Holdings Inc., on April 6th, 1988. Mr. Anthony D'Amico represented Enterplex. As part of the consideration in the transaction, the Solicitor was to arrange for the transfer of certain trademarks.

21. The applications were to be sent to the Registrar of Trademarks by the Solicitor. They were never received. The Solicitor feels that he sent the trademarks, however, he is not certain and has no documentation to support his position. In any event, he failed to take any steps to follow up on the application with the Registrar and did not receive any of the standard documentation issued by the Registrar when applications are considered.

22. On November 24th, 1987, the Solicitor's clients executed applications to register the trademarks (which was a prerequisite to their transfer).

23. On April 6th, 1988, he executed an undertaking to Enterplex and Mr. D'Amico to transfer the trademarks. When Mr. D'Amico did not receive trademark transfer documentation from the Solicitor, he complained to the Law Society respecting the Solicitor's breach of undertaking. The Clients retained new counsel who are attempting to register the trademarks in order for them to be transferred.

DATED at Toronto this 28th day of July, 1989."

The Committee accepted the Agreed Statement of Facts and made a finding of professional misconduct as particularized in paragraph 2 of of Complaint D3/89 and paragraph 2 of Complaint D25/89.

RECOMMENDATION AS TO PENALTY

This Committee recommends that David Eric Howlett be reprimanded in Convocation on the condition that his books and records are properly maintained and the outstanding Form 2/3's are filed prior to September 15, 1989. He will not practice as a sole practitioner for a period of two years.

If his books and records are not properly maintained and the outstanding Form 2/3's are not filed prior to September 15, 1989, he be suspended for one month and thereafter indefinitely until the books and records are maintained according to the Regulation and the Form 2/3's are filed. When reinstated, he will not practise as a sole practitioner for a period of two years.

The Committee also recommends that the Solicitor seek professional assistance to address his outstanding personal problems.

REASONS FOR RECOMMENDATION

Attached is a joint submission of the Solicitor and the Law Society with respect to penalty. In addition to the facts set out therein, we would add the following:

1. There is no suggestion of dishonesty on the part of the Solicitor;
2. It was clear that the personal problems of the Solicitor had substantially contributed to the defaults that had given rise to the complaints on which findings of professional misconduct have been made;
3. The Solicitor is now seeking professional help from Dr. Andrew Malcolm. The Committee was impressed by the sincerity of the Solicitor and the extraordinary series of personal difficulties with respect to his friends and family which had taken place over the past several years.

David Eric Howlett was called to the Bar and admitted as a solicitor of the Supreme Court of Ontario on the 23rd day of September, 1983.

ALL OF WHICH is respectfully submitted

DATED this 12th day of October, 1989

"Dennis R. O'Connor"
Chair

There were no submissions on the Report by either counsel.

The solicitor, counsel and the reporter withdrew.

It was moved by Mr. Lamek, seconded by Mr. Lerner that the Report of the Discipline Committee be adopted.

Carried

The solicitor, counsel and the reporter returned.

The solicitor and counsel were advised of Convocation's action.

There were no submissions by the Society as to Penalty however the solicitor made submissions requesting that the suspension take effect on the 15th of December 1989 to allow him to conclude certain matters on behalf of clients and to arrange continuing representation for others.

The solicitor, counsel and the reporter withdrew.

It was moved by Mr. Lamek, seconded by Mr. Lerner that the Recommendation as to Penalty contained in the Report that the solicitor be suspended for a period of 1 month and thereafter indefinitely until his books and records are maintained according to the Regulation and the Form 2/3s are filed and that when reinstated he will not practice as a sole practitioner for a period of 2 years.

Not Put

It was moved by Mr. McKinnon, seconded by Mr. Rock that the solicitor be suspended commencing December 15th, 1989 and that the remainder of the conditions as in the Recommendation as to Penalty contained in the Report be adopted.

Carried

The solicitor, counsel and the reporter returned.

The solicitor and counsel were informed of the decision.

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"IN PUBLIC"
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TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL EDUCATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th November 1989. The following members were present: A. Rock (Chair), M.C. Cullity, D.H.L. Lamont (Vice-chairs), T.G. Bastedo, D. Bellamy, R.G. Ferguson, E.J. Levy, J.J. Wardlaw, R.D. Yachetti, J. MacPherson, J. Whyte.

A.
POLICY

1. SUMMER STUDENT RECRUITMENT PROCEDURES FOR THE SUMMER OF 1990

The summer student recruitment process continued to be monitored this year as was recommended by the Subcommittee on the Summer Student Program in its Final Report to the Legal Education Committee in January 1989. The Subcommittee was chaired by Donald H.L. Lamont, Q.C.

The Articling Chairpersons at 122 Toronto law firms were sent a Firm Questionnaire in July. Student participants in the program received a similar questionnaire. An analysis and summary of those questionnaires has been prepared.

A report on the results of the questionnaires, and a discussion on the issues, took place at a meeting of firms and law school student representatives held at the Law Society on Friday, November 3, 1989. The articling and summer student recruitment processes of the past year were discussed and recommended procedures for the next recruiting cycle were tabled. The meeting was chaired by Allan M. Rock, Q.C.

Attached is the Report of Donald H.L. Lamont, Q.C. which includes the recommended procedures governing summer student recruitment for the summer of 1990. (Appendices A and B to the Report have been deleted.) (pages 1 - 8)

It is recommended that the Report of Donald H.L. Lamont, Q.C. including the summer student recruitment procedures for the summer of 1990, be adopted.

2. BAR ADMISSION COURSE TUITION

The first students to begin the new Bar Admission Course will enter the one month teaching term on one of May 14th, June 18th, and July 23rd, 1990. (The one month teaching term will be followed by the articling requirement and the three month teaching term, beginning in September of 1991.)

There will be expenses in the areas of BAC materials, course development, faculty and administrative support staff, and student bursaries. Accordingly, it will be necessary to recover a substantial portion of these costs from student tuition/materials fees at the outset of the new course.

The Bar Admission Course Reform Sub-committee, chaired by James Spence, Q.C., considered the matter of tuition at its meeting of October 17th, 1989. The Sub-committee recommended that the initial tuition/materials fee be \$505.00, payable on each student's first day of the teaching term (May 14th, June 18th, and July 23rd).

In order to print the application forms and inform the students of the cost of the new program, the Director on the recommendation of the Bar Admission Course Reform Sub-committee obtained the approval of the Chair of the Legal Education Committee to inform the students of the \$505.00 fee and to include that fee in the application form.

The balance of the tuition fee will be set at a future meeting of the Legal Education Committee.

It is recommended that the \$505.00 tuition/materials fee be approved, and further that the fee be payable on each student's first day of the teaching term.

C.
INFORMATION

1. BAR ADMISSION COURSE ADVISORY COMMITTEE: NEW CHAIR

The Bar Admission Course Advisory Committee has elected Loretta Merritt as its Chair, to replace Christina Tari whose term has expired. Ms. Merritt accordingly will be attending meetings of the Legal Education Committee for a one year term.

Ms. Merritt graduated from Osgoode Hall Law School in 1985 and was called to the Ontario Bar in 1987. Ms. Merritt practises law with Torikin, Manes, Cohen & Arbus in Toronto.

2. SUBCOMMITTEE ON BAR ADMISSION COURSE REFORM

(Members: J. Spence (Chair), T. Bastedo, P. Epstein, D. Lamont, N. Gold, Christina Tari, Director of Education.)

a) A meeting took place on October 17th, 1989, and was primarily concerned with tuition fees for the new Bar Admission Course. The Sub-committee recommended that the first installment of the tuition/materials fee be \$505.00, payable by students on the first day of their one month teaching term.

It was decided that the Chair, James Spence, Q.C., the Director, the Project Manager of Bar Admission Course Reform, and the Chair of the Finance Committee would meet to consider options for the funding of the Course that would alleviate the tuition burden on students.

b) The Director and the Project Manager have visited all Ontario law schools to conduct information sessions with law students and faculty.

c) The draft paper entitled "Design Of The New Bar Admission Course", dated August 29th, 1989 and circulated to all members of the Legal Education Committee, has been substantially re-drafted taking into account suggestions of members of the practising bar, and in particular Heads of Section in the Bar Admission Course.

d) An information meeting for members of the Legal Education Committee was held on November 9th, 1989. At the meeting, three draft papers discussing the content of the new Bar Admission Course were discussed. Copies have been circulated to all members of the Legal Education Committee who were not in attendance.

e) The Bar Admission Course Reform Sub-committee will begin meeting on a regularly scheduled monthly basis to consider detailed drafts of the content of the one month teaching term and policy matters affecting Bar Admission Course reform. Recommendations will in turn be made to the Legal Education Committee on a monthly basis for its approval.

3. SUB-COMMITTEE ON ARTICLING REFORM

(Members: P. Epstein (Chair), D. Bellamy, B. Doran, R. Ferguson, A. Rock, R. Yachetti, J. Burton, Director of Education)

The Sub-committee is reviewing a detailed draft Report.

It was anticipated that the draft would be presented to the Legal Education Committee at its November meeting, but the consultation process has necessitated an extension to the January meeting. The Report will make recommendations on the following topics:

- a) Length of articling.
- b) Content of articling.
- c) Approval of articling placements.
- d) Restrictions on who may be an articling Principal.
- e) Submitting of an Educational Plan by the Principal and Student.
- f) Monitoring the articling experience.
- g) National articling.
- h) Abridgment of articling.

The Report will include a recommendation that a special Articling Sub-committee be struck to oversee the effectiveness of the reforms to the articling process.

4. CONTINUING LEGAL EDUCATION: PROPOSALS FOR THE FUTURE

Mary Tomlinson, during her tenure as Acting Deputy Director of Education, began an extensive review of the Law Society's Continuing Legal Education operation with a view to making recommendations for future change. Ms. Tomlinson continues to work on a Report which will make concrete recommendations to the Committee for change. Ms. Tomlinson has consulted extensively with representatives of the County and District Law Associations, other members of the practicing bar, and the staff of the Law Society's Continuing Legal Education operation. The services of an educational consultant, Elizabeth Burge, a member of Faculty at the Ontario Institute for Studies in Education, have been retained. Ms. Tomlinson's report will be produced for the January, 1990 meeting of the Legal Education Committee. The report will make recommendations in relation to the following:

- a) Identification of priorities for CLE given its mandate to provide professional legal education to lawyers throughout the province.
- b) Identification of means to ascertain on an on-going basis the needs of the practising bar.
- c) Identification of the most effective modes of providing Continuing Legal Education, including teaching techniques.
- d) Identification of the best means of providing Continuing Legal Education outside of the major urban centers.
- e) Identification of desired reforms for the internal structure of the Continuing Legal Education operation.

5. COMPUTER EDUCATION FACILITY: MONTHLY REPORT ON ACTIVITIES

For October 1989

Continuing Legal Education

As of October 23rd, 1989, the database reports that 231 persons have paid \$48,935.00 for 362 registrations in computer programs.

Technology for Lawyers '90, Conference and Vendor Exhibition

This year's Conference and Vendor Exhibition, co-sponsored by the Canadian Society for the Advancement of Legal Technology, appears to be gaining popularity even before the registration period. Over 10 entries from across the province were received in response to an Invitation to Speakers to tender papers for presentation. Many more vendors have expressed an interest in appearing at the exhibition than can be accommodated in the exhibition area. Letters have been received from around the country requesting further information on the Conference. At this point expectations remain at 500 registrants.

Internal Improvements

The Bar Admission Course staff has been transferred on to a separate computer system, increasing their response time and operating efficiency.

Programming changes have been made to enable the Society's Ottawa office to enter registrations for CLE programs directly into the computer, and to perform almost all administrative computer tasks locally. This has increased the timeliness of the information Ottawa receives from the system.

6. CONTINUING LEGAL EDUCATION - COMPLETED PROGRAMS

Commercial Transactions for Support Staff

This program, held at the Ontario Institute for Studies in Education for 167 registrants, explored the mechanics of and the reasons behind the documents, the searches and the steps to be taken in a typical purchase or financing of a business. The program was chaired by Jennifer E. Bake, of Miller Thomson who was rated very highly by those completing evaluations and commended for producing an extremely well organized program with excellent materials including precedents. The program started with a skit which was well received by participants and the lectures were found to be very clear and concise. Revenues from the program amounted to \$28,807.50.

Company Meetings

Robert L. Shirriff, of Fasken and Calvin chaired this program which attracted 82 registrants to hear prominent business leaders, leading company lawyers and litigators describe the legal and business issues in calling and holding general or special meetings of shareholders or debtholders of public, private and non-profit corporations. Willard J. L'Heureux, President of Hees International Bankcorp Inc., as the luncheon speaker discussed some of the interesting aspects of the recent case involving his organization. The majority of evaluations rated the program as excellent or very good with comprehensive coverage on the subject. \$21,527.50 in revenues were generated by this program.

A Residential Real Estate Practice: Managing the Flow

This most successful program was chaired by Craig R. Carter, of Fasken and Calvin. 232 registrants attended the day long program which was totally devoted to workshop sessions in which participants examined the flow of work in a typical residential new home purchase and a typical resale of an older home. The seminars emphasized how pertinent information sometimes does not come to the attention of the right person at the right time and how systems can be designed to insure all relevant information is elicited from and communicated to the client, the searcher and other support staff. Attendees at the program, which generated \$42,775.00, qualified for a \$100 rebate on their errors and omissions insurance levy. 85% of those completing evaluations rated the program as excellent or very good and many commented that the seminar format was far superior to the usual lecture style. Registrants felt that being in small groups encouraged discussion and lively interactions between faculty and participants.

ALL OF WHICH is respectfully submitted

DATED this 9th day of November, 1989

"A. Rock"
Chair

Attached to original Report in Convocation File, copy of:

A-Item 1 - Report of Donald H.L. Lamont, Q.C. dated November 8, 1989
re: Summer Student Recruitment Process. (Pages 1 - 8)

THE REPORT WAS ADOPTED
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LEGAL AID COMMITTEE

Mr. Bastedo presented the Report of the Legal Aid Committee of its meeting on November 9th, 1989.

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 Thursday, the 9th November, 1989, the following members being present: Mr. Thomas G. Bastedo, (Chair), Ms. Campbell, Mr. Durno, Ms. Garton, Ms. Janczaruk, Ms. Kehoe, Ms. Kiteley, Messrs. Koenig and Lalande, Ms. Poulin.

B.
ADMINISTRATION

1. REPORT OF THE DEPUTY DIRECTOR, FINANCE SEPTEMBER 30, 1989

(a) Finance

The Director's Report pursuant to Section 88(2) of the Regulation for the six months ended September 30, 1989 takes the form of the following financial statement:

Ontario Legal Aid Plan
Statement of Income and Expenditures
Six Months Ended September 30, 1989

	6 Mo. Actual <u>1988/89</u>	6 Mo. Budget <u>1989/90</u>	6 Mo. (Unfavourable) Actual <u>1989/90</u>	Favourable Variance <u>1989/90</u>
<u>Opening Balance</u>	190.9	369.8	369.8	-
<u>Income</u>				
Treasurer of Ontario	60,115.0	66,786.0	66,786.0	-
Northern Project		175.5	65.5	(110.0)
Family Violence Grant		150.0	150.0	-
Refugee Claimant Grant		787.8	936.3	148.5
Law Foundation	9,844.0	10,500.0	18,108.6	7,608.6
Client Contributions	3,825.6	4,050.0	4,249.2	199.2
Client Recoveries	844.5	850.0	924.4	74.4
Research Sales	75.7	70.0	51.5	(18.5)
The Law Society	64.6			
Miscellaneous	<u>190.0</u>	<u>250.0</u>	<u>892.8</u>	<u>642.8</u>
	<u>75,150.3</u>	<u>83,989.1</u>	<u>92,534.1</u>	<u>8,545.0</u>
<u>Expenditure</u>				
Certificate Accounts	47,626.1	54,975.7	46,685.8	8,289.9
Refugee Accounts		859.3	859.3	-
Duty Counsel Fees & Disbursements	3,452.5	3,780.0	3,450.7	329.3
Salaried Duty Counsel	335.9	400.0	370.8	29.2
Northern Legal Services		110.0	110.0	-
Community Clinics Societies	9,720.3	10,499.7	10,538.0	(38.3)
	785.3	889.8	880.2	9.6
Research Facility	690.9	735.4	675.8	59.6
Area Office				
Administration	4,117.6	4,499.8	4,491.8	8.0
Provincial Office				
Administration	2,804.4	3,193.7	2,986.3	207.4
Refugee Administration		<u>95.2</u>	<u>116.6</u>	<u>(21.4)</u>
	<u>69,533.0</u>	<u>80,038.6</u>	<u>71,165.3</u>	<u>8,873.3</u>
<u>Closing Balance</u>	<u>5,617.3</u>	<u>3,950.5</u>	<u>21,368.8</u>	<u>17,418.3</u>

(b) Statistics

The following table compares reported activity for the six months ended September 30, 1989 with activity for the previous fiscal year:

Summary Legal Advice	25,790	27,468	(6.1)
Referrals to Other Agencies	50,245	46,470	8.1
Applications for Certificates	76,785	68,469	12.1
Refusals	16,088	14,540	10.6
As a Percentage of Applications	21.0%	21.2%	
Certificates Issued	60,698	53,938	12.5
Persons Assisted by Duty Counsel:			
Fee for Service	107,006	108,156	(1.1)
Salaried	37,985	37,775	0.6

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

A Report on the Payment of Solicitors Accounts for the month of October, 1989 is attached hereto as SCHEDULE (A).

(b) REPORT ON THE STATUS OF REVIEWS IN THE
LEGAL ACCOUNTS DEPARTMENT, OCTOBER, 1989

A Report on the Status of Reviews in the Legal Accounts Department is attached here to as SCHEDULE (B).

ALL OF WHICH is respectfully submitted

DATED this 9th day of November, 1989

"T. Bastedo"
Chair

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

- B-Item 2(a) - Report on Payment of Solicitors Accounts for month of October 1989. (Schedule A Page 1 - 2)
- B-Item 2(b) - Report on Status of Reviews in Legal Accounts Department for month of October 1989. (Schedule B)

THE REPORT WAS ADOPTED
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LEGISLATION AND RULES

Mr. Lerner presented the Report of the Legislation and Rules Committee of its meeting on November 9th, 1989.

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

The LEGISLATION AND RULES COMMITTEE begs leave to report:

The following members of your Committee met on Thursday, the 9th November 1989 at 11:15 a.m. the following members being present: Messrs Lerner (Chair), Cass and Cullity. Mr. P. Bell also attended.

A.
POLICY

B.
ADMINISTRATION

1. AMENDMENT TO RULE 11 COMMENTARY 6,
OF THE RULES OF PROFESSIONAL CONDUCT

This matter was referred to the Society by J.D. Ewart of the Ministry of the Attorney General. Bill 187, to be proclaimed into force on January 1, 1990, clarifies that the local police force is responsible for security in the courts. Rule 11, Commentary 6, now provides that lawyers shall advise the Security Coordinator (who is usually the Sheriff....of possible dangerous situations.

RECOMMENDATION: It is recommended that Rule 11, Commentary 6, be amended by deleting the words "Security Coordinator (who is usually the Sheriff of the judicial district or county in which the court facility is located)" and substitute the words "local police force" so that Rule 11, Commentary 6 will now read:

Security of Court Facilities

- 6. A lawyer who has reasonable grounds for believing that a dangerous situation is likely to develop at a court facility shall inform the local police force and give particulars. Where possible the lawyer ought to suggest solutions to the anticipated problem such as:
 - (a) the necessity for further security;
 - (b) that judgment ought to be reserved;
 - (c) such other measures as may seem advisable

C.
INFORMATION

ALL OF WHICH is respectfully submitted

DATED this 24th day of November, 1989

"S. Lerner"
Chair

THE REPORT WAS ADOPTED

.....

COMPENSATION FUND COMMITTEE

Mr. Yachetti presented the Report of the Compensation Fund Committee of its meeting on November 9th, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The COMPENSATION FUND COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th November 1989 at 11:30 a.m. the following members being present: Messrs Yachetti (Chair), Wardlaw (Vice-Chair), Mrs. Graham, Lerner and Thom. P. Bell and Mrs. H.A. Werry also attended.

A
POLICY

No items.

B
ADMINISTRATION

No items.

C
INFORMATION

1. The following Report of a Referee and a memorandum of an Assistant Secretary were approved by the Review Sub-Committee and the amounts of grants are as shown on Schedule "A" attached:

(Pg. 3)

a) B. W. Grossberg, Q.C., Referee's Report dated September 18th, 1989, Milton Rusonik (disbarred April 23rd, 1987) one claim.

b) Mrs. H. A. Werry's memorandum regarding Howard S. Buckman, (disbarred September 25th, 1986) one claim.

2. The total amount of accounts approved by Assistant Secretaries for the month of October 1989 was \$5,609.71.

3. The Financial Summary, and Activity Report for the month of October are attached. (Pgs. 4-6)

4. The Appeal Sub-Committee composed of Mr. Noble (Chair), Ms. Callwood and Mr. Strosberg heard an appeal on Wednesday October 11th, 1989 and is writing its decision.

5. SPECIAL COMMITTEE ON FRENCH LANGUAGE SERVICES

The Secretary reported that a memorandum was received from the Under-Treasurer asking the amount of money that the Compensation Fund requires for translation into French of materials sent to claimants. This amount would be included in the Society's application to the Federal Government for funding. The Secretary is investigating the cost of translating the materials into French.

ALL OF WHICH is respectfully submitted

DATED this 24th of November 1989

"R. Yachetti"
Chair

S C H E D U L E "A"

COMPENSATION FUND GRANTS APPROVED BY THE REVIEW COMMITTEE AND BY THE COMPENSATION FUND COMMITTEE, THURSDAY, NOVEMBER 9TH, 1989

REFEREE/ ASSISTANT SECRETARY	SOLICITOR	NUMBER OF CLAIMANTS	TOTAL
B.W. Grossberg, Q.C.	M.H. RUSONIK (disbarred Apr. 23/87)	One	nil
H.A. Werry	H.S. BUCKMAN (disbarred Sept. 25/86)	One	\$6,218.18
<u>TOTAL</u>		Two	<u>\$6,218.18</u>

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

C-Item 3 - Financial Summary (July 1, 1989 - October 31, 1989) and Activity Report (October 31, 1989). (Pages 4 - 6)

THE REPORT WAS ADOPTED
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FRENCH LANGUAGE SERVICES

Mr. McKinnon presented the Report of the French Language Services Committee of its meeting on November 10th, 1989.

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

The French Language Services Committee begs leave to report:

Your Committee met on Friday, the 10th November, 1989 at ten thirty in the morning, the following members being present: Mr. McKinnon (Chair), Ms. Bellamy (Vice-Chair), and Mr. Rock. From the Law Society were Messrs. Crosbie, Treleaven and Kerr, Ms. Angevine, Ms. Harris, and Ms. Thomson. The Secretary of the New Brunswick Law Society, Michel Carrier, joined the Committee during the latter part of the meeting.

B.
ADMINISTRATION

1. FRENCH LANGUAGE SERVICES CO-ORDINATOR

Attached as Appendix "A" are the English and French versions of an advertisement for the three-year contract position of French Language Services Co-ordinator at the Law Society.

The Law Society will include on its selection panel an individual with experience in this area who will be able to assess the capabilities and suitability of applicants.

C.
INFORMATION

1. FRENCH LANGUAGE SERVICES FUNDING

The Committee is continuing its meetings with Federal and Provincial Government officials respecting various funding options and will report to Convocation in further detail when a firm decision as to the preferred option can be made.

2. OMNIBUS APPLICATION TO THE LAW FOUNDATION OF ONTARIO

The omnibus application has been submitted to the Law Foundation of Ontario. A response is being awaited as to the request for funding of \$250,000. for two specified French language projects.

3. PROCEEDINGS OF CONVOCATION/ANNUAL REPORT

The Committee is of the opinion that, as a matter of policy, the Proceedings of Convocation (buff-coloured pages in the Ontario Reports) should be bilingual (back-to-back, rather than an English version followed by a French version). The Committee is considering various practical measures for immediate preparation of a French version of the Minutes or translation of these Minutes so as to avoid lengthy delays in the final publication of the Minutes.

ALL OF WHICH is respectfully submitted

DATED this 24th day of November, 1989.

"C. McKinnon",
Chair

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

B-Item 1 - English and French versions of advertisement for French Language Services Co-ordinator. (Schedule A)

THE REPORT WAS ADOPTED

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MUNIMENTS AND MEMORABILIA

Mr. Carey presented the Report of the Muniments and Memorabilia Committee of its meeting on September 14th, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The MUNIMENTS AND MEMORABILIA COMMITTEE begs leave to report:

Your Committee met on Thursday, the 14th September, 1989 at 10:30 a.m., the following members being present: Messrs. Ferrier (Chair), Carey, Doran, Scace, Crosbie, Tinsley, Schaeffer and Traviss.

A.
POLICY

1. ARCHIVES PROGRAM AND BUDGET

The Archives program has been funded by two sources: the Law Society and the Law Foundation. In the fiscal year 1989-90 the Muniments and Memorabilia Committee has a budget of \$299,000, of which \$135,000 is received from the Law Foundation. It is proposed as a matter of policy that the Law Society, for the fiscal year 1990-91, assume responsibility for the Muniments and Memorabilia budget which should be \$242,000.

It is proposed that from time to time the Committee seek grants from the Law Foundation for special projects as they arise.

Attached is a report from the Society's Research Archivist on point.

The Committee accepts the recommendation of the Society's Research Archivist and recommends to Convocation that this be adopted as a matter of policy. The actual budget for the Committee for 1990-91 cannot be struck until the spring.

B.
ADMINISTRATION

1. BOOKLET FOR STAINED GLASS WINDOWS

The Committee discussed a proposal for the publication of a booklet on the stained glass windows. More work needs to be done on the proposal before a decision can be made.

C.
INFORMATION

1. STAINED GLASS WINDOWS

The last stained glass windows are to be unveiled in Convocation Hall on October 26th 1989.

2. EXHIBITION FROM HARVARD LAW SCHOOL

An exhibition of caricature prints entitled "Oh Law! Being Popular Perceptions of Perfidy and Pettifoggery in the Practice of Law in the 18th and 19th C's." opened in the Law Society Museum on September 16th and will run until the end of October.

The prints are on loan from the Harvard Law School's Art Collection.

ALL OF WHICH is respectfully submitted

DATED this 29th day of September, 1989

"T. Carey"
Chair

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

A-Item 1 - Report re: Archives Program and Budget. (Pages 1 - 16)

It was moved by Mrs. Weaver, seconded by Mr. Yachetti that section A-Item 1, the funding of the archival program, be deferred at this time for further consideration.

Withdrawn

THE REPORT WAS ADOPTED
.....

SPECIAL BICENTENNIAL COMMITTEE

Mr. Spence presented the Report of the Special Bicentennial Committee of its meeting on September 29th, 1989.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The SPECIAL BICENTENNIAL COMMITTEE begs leave to report:

Your Committee met on Friday, the 29th September, 1989 at 8:00 a.m., the following members being present: Messrs. Outerbridge (Chair), Murphy, McMurtry, O'Brien, Pepper, Tinsley, Traviss and Ms. Callwood and Ms. Kiteley.

B.
ADMINISTRATION

1. HISTORY OF THE LAW SOCIETY 1797-1997
IN HONOUR OF THE BICENTENNIAL

The writing of a history of the Law Society is a priority project.

Ms. Callwood and Mr. Murphy were appointed as a sub-committee of two to bring forward a feasible proposal for the writing of a history. They are expected to report in the early spring.

C.
INFORMATION

1. MINUTES OF THE FIRST MEETING
OF THE SPECIAL COMMITTEE

Minutes of the Special Committee's first meeting are attached. Many interesting projects have been discussed as part of the celebration of the Bicentennial and they are described in the Minutes (numbered 1 - 12).

ALL OF WHICH is respectfully submitted

DATED this 24th day of November, 1989

"J. Spence"
Chair

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

C-Item 1 - Minutes of the April 18, 1989 meeting of the Bicentennial Committee (Celebration of 200th Anniversary).

(Pages 1 - 12)

THE REPORT WAS ADOPTED
.....

CONVOCATION ADJOURNED AT 12:30 P.M.

Confirmed in Convocation this 26th day of January, 1990.

Treasurer