

# MINUTES OF CONVOCATION

Monday, 18th April, 1988  
9:32 a.m.

The first regular Convocation held outside Osgoode Hall since 1797 took place at the National Conference Centre in Ottawa, Ontario. It was also the first regular Convocation open to the public.

## PRESENT:

The Treasurer (Mr. W. D. Chilcott) and Mr. Bragagnolo, Ms. Callwood, Messrs. Carthy, Cass, Chadwick, Cullity, Furlong, Genest, Mrs. Graham, Messrs. Ground, Guthrie, Hickey, Lamek, Lamont, Mrs. Legge, Messrs. Lerner, Lyons, Mrs. MacLeod, Messrs. McKinnon, Murphy, Noble, Pepper, Ms. Peters, Messrs. Philp, Scace, Somerville, Sopinka, Sosa, Spence, Wardlaw, Mrs. Weaver, Messrs. Wood and Yachetti.

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The Treasurer's opening remarks were made in French and in English. The French text is as follows:

Je declare notre reunion du mois d'Avril ouverte.

Mesdames et Messieurs, Batonniers -

Je vous souhaite la bienvenue a notre premiere reunion depuis 1797 en dehors de York, maintenant Toronto. La derniere reunion en 1797 a eu lieu a l'Hotel Wilson, Newark, maintenant connue sous le nom de Niagara-on-the-Lake.

Je crois que nos plus severes critiques admettront que notre Societe a fait beaucoup de progres depuis les dernieres 191 annees, si nous comparons un hotel a Newark a une gare transformee en Centre de Conference a Bytown, maintenant Ottawa.

Cette presente reunion est aussi la premiere ou on admet le public, et nous tenons en particulier a vous remercier de votre appui dans nos efforts qui feront leur marque dans nos annales historiques.

Nous avons distribue les rapports de nos comites et nous en discuterons en tant qu'il nous en sera possible - je dois vous dire aussi qu'une Ceremonie d'Admission au Barreau aura lieu cet apres-midi.

Je dois aussi souligner que le cafe vous est offert dans le 'lounge', a ma droite (a travers cette porte), et vous pourrez aussi voir deux etalages, interessants et instructifs offerts par notre Societe.

Les breuvages ne sont pas permis dans cette salle.

Je vous suis personnellement reconnaissant, Batonniers, de votre nombreuse assistance aujourd'hui.

Nos invites d'honneur aujourd'hui seront le Juge en Chef d'Ontario, le Reverend Docteur Guindon et l'Honorable Senateur Jean Bazin, President de notre Barreau Canadien.

## LEGAL EDUCATION COMMITTEE

Mr. A. M. Rock, Chairman, presented the Report of the Legal Education Committee of its meeting on Thursday, 7th April, 1988.

18 April 1988

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, April 7th, 1988, the following members being present: Messrs, Rock (Chairman), Lamont and Lamek, (Vice-Chairmen), Bastedo, Cullity, Epstein, Kemp-Welch, Manes, O'Connor, Sopinka, Spence, Ms. Kiteley, Mrs. Poulin, Dean Gold, Christina Tari, Chairperson, Bar Admission Advisory Committee.

A.

POLICY

1. ARTICLING RECRUITMENT GUIDELINES - OTTAWA

The County of Carleton Law Association has developed a set of guidelines for the hiring of articling students in the Ottawa area. The guidelines were developed as a result of work done by an ad hoc committee established by the Association chaired by Peter Cronyn and George Hunter. The Association asked the Committee to approve the guidelines and, following approval by Convocation, to publish the guidelines as soon as possible.

(Pages 1 - 2)

Approved

2. COMPUTER CLASSROOM - OTTAWA

Attached is a proposal from the Regional Director in Ottawa seeking support for the development of a computer classroom jointly funded by the Law Society and the Faculty of Law, University of Ottawa. The University of Ottawa will pay for the full costs of renovation and the expectation is that the Law Society will pay for the cost of equipment (approximately \$70,000). Use of the facility would be shared between the two organizations.

The Committee was asked to approve the proposal and to refer it to both the Finance and Building Committees. (Pages 3-6)

The Committee recommends that the proposal be approved in principle and referred to the Finance and Building Committees for funding.

3. ADVOCACY INSTITUTE

The Chairman will report on the ongoing discussions that have been taking place with the Advocates' Society regarding the proposed Advocacy Institute and possible ways the Law Society might assume a co-operative role with the Advocates' Society in the development of this Institute. A memorandum from the Director of Education outlining such a proposal is attached. (Pages 7-9)

The Committee supports the ongoing discussions with the Institute and the Chairman will bring back to the Committee proposals from subsequent meetings with the Advocates' Society and the Institute.

B.

ADMINISTRATION

1. SPECIAL PETITIONS

(i) Morrie Zucker received his LL.B. degree from Osgoode Hall Law School in 1981. His legal experience is as follows:

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Summer 1982            Employment Standards Officer -  
                         Ontario Ministry of Labour

Responsibilities included:  
Mediating complaints between Employers, Unions and Employees; Conducting on-site investigations including the interviewing of key witnesses; Scrutinizing and interpreting relevant documents, collective agreements and records, interpreting and applying the Employment Standards Act, and relevant referee and judicial decisions to given fact situations; Adjudicating termination cases; Writing case reports and recommendations for cases involving prosecution; and Attending hearings.

1983-Present           Labour Relations Officer with Ontario Labour Relations Board

Responsibilities include:  
Mediating and resolving disputes before the O.L.R.B. including unfair labour practices, bad faith bargaining issue, Occupational Health and Safety complaints, and unfair representation cases; Conducting formal examinations of witnesses including the ruling on procedural matters and on the admissibility of evidence; Acting as a G.S.O. for arbitrations in the construction industry; Chairing formal certification meetings; Meeting frequently with labour relations practitioners in a variety of settings; Assessing the legal position of the parties under the appropriate statute and in light of existing collective agreements and jurisprudent; and Drafting terms of settlement between parties.

Mr. Zucker requests that his previous legal experience be accepted as satisfying the full twelve-month articling requirement.

The Director recommends that the petitioner's request be approved or, in the alternative, that he be required to serve a four month period of articles, such period of articles to be spent in private practice. The Director further recommends that if the petitioner is required to article for four months that he be granted permission to take the teaching term commencing in September 1988 and serve the articles following successful completion of the teaching term.

The Committee recommends that Mr. Zucker be required to serve a four month period of articles in private practice. The Committee further recommends that he be permitted to enter the 1988 teaching term and serve the four month period of articles following successful completion of the teaching term.

2.     BASSANIO GHOSE

The above-named candidate failed the 29th Bar Admission Course. The Chairman will appoint a sub-committee to deal with his appeal.

3.     FACULTY APPOINTMENTS - Toronto, Ottawa and London as indicated.

It is recommended by the Director that the following appointments be made for the teaching term which commenced on September 1, 1987.

(a) Trial Advocacy - (February Session)

Head of Section: David H. Doherty

Group Instructors (Toronto): Christopher F. B. Ashby, Michael E. Barrack, Robert B. Bell, W. Ian C. Binnie, Robert Blair, Barry H. Bresner, J. A. Campion, Kathryn I. Chalmers, Kirby Chown, Clifford Cole, David H. Doherty, Richard C. Halpern, R. S. Halpern, Donald B. Houston,

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John B. Laskin, Michael K. McKelvy, Janet E. Minor, David C. Moore,  
Robert Roth, Murray Segal.

Approved

C.  
INFORMATION

1. CONTINUING LEGAL EDUCATION

The Committee reviewed the summary of evaluations of past continuing legal education programs and received a schedule of future continuing legal education programs.

2. APPOINTMENT OF SUB-COMMITTEE TO SELECT A NEW REGIONAL DIRECTOR - OTTAWA

The following persons have agreed to serve on this sub-committee:

Jim Chadwick, Fran Kiteley, Dean Don McRae, Bill Riley, George Thomson.

3. SUB-COMMITTEE ON BAR ADMISSION COURSE REFORM

The Chairman will report on the work being done by the sub-committee addressing Bar Admission Course Reform.

ALL OF WHICH is respectfully submitted

DATED this 7th day of April, 1988

"A. Rock"  
Chairman

Attached to original Report in Convocation File, copy of:

A-Item 1 - Draft guidelines for Articling Positions in the Regional Municipality of Ottawa-Carleton (Pages 1-2)

A-Item 2 - Memorandum dated March 29th, 1988 to the Chairman and Members of the Legal Education from William Riley, Regional Director, Ottawa, Re: A Computer Education Facility in Ottawa (Pages 3-6)

A-Item 2 - Memorandum dated March 24th, 1988 to the Chairman and Members of the Legal Education from George M. Thomson, Re: Advocacy Institute (Pages 7-9)

THE REPORT WAS ADOPTED

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FINANCE COMMITTEE

Mr. J. D. Ground, Chairman, presented the Report of the Finance Committee of its meeting on Thursday, 7th April, 1988.

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

The FINANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 7th of April 1988 at three o'clock in the afternoon, the following members being present: Messrs. Ground, (Chairman), Guthrie, Howie, Lamont, Noble, Pepper, Thom, Wardlaw, Mrs. Weaver.

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B.

ADMINISTRATION

1. FINANCIAL REPORT

The Director laid before the Committee the highlights memorandum for the three Law Society Funds together with supporting financial statements for the nine months ended March 31st 1988.

Approved

2. 1988/89 BUDGET

(a) CONSOLIDATED BUDGET - PRELIMINARY DRAFT

A draft budget was before the Committee. The Chairman discussed the various items on the budget. As in past years the budget will be set at the May Convocation. The report of the Salaries Subcommittee was accepted by the Committee.

(b) SECRETARIAT PRELIMINARY ESTIMATES

The budget for Secretariat for the 1988/89 fiscal year was before the Committee.

Approved

3. COMPUTER CLASSROOM - OTTAWA

The Legal Education Committee approved the development of a computer classroom to be funded jointly by the Faculty of Law, University of Ottawa and the Law Society. The University of Ottawa will provide the location and the full costs of renovations. The Law Society will pay for the equipment (approximate cost \$70,000). The use of the facility will be shared between the two organizations.

The Committee approved the project on the condition that the Director of Legal Education attempt to negotiate with A.T. & T. so that \$20,000 to \$25,000 is paid in the current fiscal year and the balance paid out of revenues over the next 2 to 4 years, and that comparable courses of instruction be available in London.

4. LAW SOCIETY EMPLOYEE PENSION PLAN

In consultation with the Deputy Director - Finance, Legal Aid, our Pension Administrators, Standard Life, and our Actuarial Consultants, M.L.H. + A, the Director of Finance has reviewed the Society's current pension plan.

The Triennial Actuarial Valuation was done effective January 1st 1987. In addition to this other issues were considered including new pension legislation in Ontario and revised C.I.C.A. reporting requirements all of which affect Defined Benefit Plans.

A memorandum from the Director was before the Committee

The Committee was asked to approve that the Society proceed with the conversion from a Defined Benefit Plan to a Money Purchase Plan. A key part of the process will be an education programme for the employees so that they are fully informed.

The Committee approved the conversion in principle on the condition that the details of the restructuring be circulated to the employees for their opinion and be brought back to the next meeting of Finance with the report of the Director of Finance.

5. HAY MANAGEMENT CONSULTANTS REVIEW

At the last committee meeting a request for completion of the second stage of the Hay Management Consultants was presented. It was recommended that the study be delayed until the new Under Treasurer is on staff.

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The Management Committee through the Under Treasurer has asked that the timing of this project be reconsidered. The Under Treasurer addressed the meeting.

The Committee was asked to approve the completion of the second stage of the Hay Management Consultants project at a cost not to exceed \$38,000 and be completed by the August 31st 1988.

Approved

6. COUNTY OF CARLETON LAW ASSOCIATION - CONTRIBUTION TO CENTENNIAL CELEBRATION

The Treasurer asked that the Committee approve a \$5,000 contribution to the Carleton Law Association to assist in funding their centennial celebration.

Approved

7. SUSPENSION OF MEMBERS - LATE FILING FEE

There are 10 members who have not complied with the requirements respecting annual filing and who have not paid the late filing fee.

In all 10 cases all or part of the late filing fee has been outstanding four months or more. The 10 members owe \$5,420.00 of which \$1,450.00 has been owing for more than four months.

The Committee was asked to recommend that the rights and privileges of the 10 members be suspended on April 22nd 1988 if the late filing fee remains unpaid on that date and remain suspended until the late filing fee has been paid.

Approved

8. SUSPENSION OF MEMBERS - ANNUAL FEES

The following members paid their annual fees for the period 1st July 1987 to 30th June 1988 with a cheque which was subsequently dishonoured by the bank.

Richard Llewellyn	"N.S.F."	\$918.00
Frances Alice Murphy	"N.S.F."	\$918.00
Leslie Brian Gomes	"N.S.F."	\$175.78

The Committee was asked to recommend that the rights and privileges of these members be suspended on April 22nd if the Annual Fee remains unpaid on that date.

Approved

9. SUSPENSION OF MEMBERS - ARREARS OF ANNUAL FEES

There are members who have not paid all of their 1987-88 annual fees which were due on October 15th 1987. Four notices have been sent.

The Committee was asked to recommend that the rights and privileges of these members be suspended on April 22nd 1988 if the total Annual Fees remain unpaid on that date.

Approved

10. SUSPENSION OF MEMBERS - MEMBERS GRANTED DEFERRAL FOR PREVIOUS YEARS ANNUAL FEES

There are members who were granted deferral until January 31st 1988 for previous years fees and to date have not paid those fees.

The Committee was asked to recommend that the rights and privileges of these members be suspended on April 22nd 1988 if the total Annual Fees due remain unpaid by that date.

Approved

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11. CHANGES OF NAME

(a) The following graduates of the 29th Bar Admission Course submitted special petitions to be called to the Bar in April 1988 in a name other than that entered in the Society's Common Roll.

Approval was given by the Chairman so that the seven members could be called to the Bar later this month under their new names.

<u>FROM</u>	<u>TO</u>
Joseph Gerald Trottier	Gerald <u>Emile</u> Trottier (Court Order)
Janet Doris Kaminski	<u>Janette</u> Doris Kaminski (Court Order)
Oksana Yaroslava Romaniw	<u>Sarnia K. Y.</u> Romaniw (Court Order)
Geoffrey Charles Kubryk	Geoffrey Charles <u>Kubrick</u> (Court Order)
Helen Donata Kohner	Helen Donata <u>Kohner-Friedman</u> (Court Order)
Kim Marcia Kerr	Kim Marcia <u>Beatty</u> (Married Name)
Maria De Cicco	Maria <u>Speyer</u> (Married Name)
Chantal Johanne Leger	Chantal Johanne <u>Bray</u> (Married Name)

(b) The following student member has requested that his name be changed on the Rolls of the Society and has submitted the required documentation:

Student Member

<u>From</u>	<u>To</u>
Christian Stefan Tacit	Christian <u>Steven</u> Tacit (Court Order)

The petition submitted by the student member is in order and the Committee was asked to recommend that the changes be entered in the Rolls.

Approved

12. MEMBERSHIP UNDER RULE 50

Retired Members

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

Harry Walsh	Winnipeg, Manitoba
* William Floyd Golden	Bracebridge
* Vincent Kearney McEwan	Scotland

\* See also Membership Restored

Their applications are in order and the Committee was asked to approve them.

Approved

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13. RESIGNATION - REGULATION 12

Mary Louise Miller of Kingston, Ontario has applied for permission to resign her membership in the Society and has submitted a Declaration in support. She was called to the Bar in April 1983 and practised law from that date until the end of August 1986. Her rights and privileges as a member of the Society were suspended on the 26th of February 1988 for her failure to pay the 1987-88 fees. Her annual filings are up to date. The member has requested that she be relieved of publication in the Ontario Reports.

Approved

14. LIFE MEMBER

Pursuant to Rule 49, the following member is eligible to become a Life Member of the Society with an effective date of 21st April 1988:

Louis William Spencer

Toronto

Noted

15. MEMBERSHIP RESTORED

\* William Floyd Golden gave notice under section 31 of the Law Society Act that he had retired as a Judge of the Provincial Court, Juvenile and Family Division, Bracebridge, Ontario, and wishes to be restored to the Rolls of the Law Society. Accordingly, his membership was restored effective April 9th 1988.

\* Vincent Kearney McEwan gave notice under section 31 of the Law Society Act that he had retired as a Judge of the Provincial Court, Criminal Division, Toronto, Ontario, and wishes to be restored to the Rolls of the Law Society. Accordingly, his membership was restored effective 18th March 1988.

\* See also Membership under Rule 50 - Item B.12.

Approved

C.  
INFORMATION

1. ROLLS AND RECORDS

(a) Deaths

The following members have died:

Thomas Patrick O'Connor, Q.C. Willowdale (Life Member)	Called June 20th 1935 Died August 5th 1987
William Wallace Cooper, Q.C. Burlington (Life Member)	Called October 18th 1923 Died February 18th 1988
James Roy Herrington Kingston	Called June 25th 1959 Died January 7th 1988
Carlo Daniel Beccario, Q.C. Welland	Called September 15th 1949 Died December 7th 1987
Charles Frederick MacMillan, Q.C. Toronto	Called September 24th 1952 Died January 21st 1988
William Wilfred John Schuck Willowdale	Called April 7th 1961 Died March 15th 1988
Hon. Richard Albert Bell, Q.C. LSM Ottawa	Called June 16th 1938 Died March 20th 1988

Noted



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2. LEGAL MEETINGS AND ENTERTAINMENT

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

May 5th, 1988	Ontario Expropriation Association Barristers' Lounge/Convocation Hall
May 11th, 1988	Advocacy Resource Centre for the Handicapped Barristers' Lounge/Convocation Hall
May 12th, 1988	Lawyers' Club Barristers' Lounge/Convocation Hall
May 17th, 1988	County of York Law Association Barristers' Lounge/Convocation Hall
May 19th, 1988	CBAO - Family Law Section (P.Epstein) Barristers' Lounge/Convocation Hall
May 26th, 1988	Lawyers' Club Barristers' Lounge/Convocation Hall
May 27th, 1988	Attorney-General's Office Barristers' Lounge/Convocation Hall

Noted

ALL OF WHICH is respectfully submitted

DATED this 18th day of April, 1988

"J. D. Ground"  
Chairman

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

It was moved by Mr. Ground, seconded by Mr. Bragagnolo, that the rights and privileges of each member who has not paid the fee for the late filing of Form 2/3 within four months after the day on which payment was due and whose name appears on the attached list be suspended from the 22nd of April 1988 for one year and from year to year thereafter or until that fee has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Athersych, Peter Alan	Ottawa
Davey, Linda Jane	Toronto
Murphy, Francis Alice	Oakville
Petrillo, Leonard Philip	Toronto

Carried

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MOTION TO SUSPEND: PAYMENT OF ANNUAL FEE WITH CHEQUE  
SUBSEQUENTLY DISHONoured BY BANK

It was moved by Mr. Ground, seconded by Mr. Bragagnolo, that the rights and privileges of the members listed below who paid their Annual Fees for the period July 1st 1987 to June 30th 1988 with a cheque which was subsequently dishonoured by the bank be suspended from April 22nd 1988 for one year and from year to year thereafter until the necessary fees have been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Richard Llewellyn	Burnstown
Leslie Brian Gomes	Toronto

Carried

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MOTION TO SUSPEND: FAILURE TO PAY ANNUAL FEES

It was moved by Mr. Ground, seconded by Mr. Bragagnolo, that the rights and privileges of each member who has not paid all of their annual fees for 1987/88 and whose name appears on the attached list be suspended for a period of one year from 22nd of April 1988 and from year to year thereafter, or 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.

Brewer, Paul	London
Lunney, Kevin Alan	Ottawa
O'Neil, Steven Thomas	Kingston
Popovich, Ernest William	St. Thomas
Stein, Jeffrey Leon	Toronto

Carried

MOTION TO SUSPEND: MEMBERS GRANTED DEFERRAL WHO HAVE NOT PAID FEES  
AT EXPIRATION OF DEFERRAL PERIOD

It was moved by Mr. Ground, seconded by Mr. Bragagnolo, that, having not paid their annual fees, after having been granted an extension of time in which to pay them, the rights and privileges of each of the following members be suspended for a period of one year from 22nd of April 1988 and from year to year thereafter, or 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.

Joseph Bitton	Willowdale
Joan Bloom	Napean
Christopher Fung	Scarborough
James Mahar	Mississauga
Carol Peck	Toronto
Natalila Smolynec	Toronto

Carried

Attached to original Report in Convocation File, copy of:

B-Item 1 - Memorandum dated April 6th 1988 from David E. Crack to the  
Chairman and Members of Finance Committee Re:  
Financial Statements - Highlights as at March 31st 1988  
(Pages 1- 3)

B-Item 1 - Attachments to Memorandum:

- General Fund Balance Sheet	(Page 1)
- General Fund Income Statement	(Page 2)
- Errors and Omissions Insurance Fund Balance Sheet	(Page 3)
- Errors and Omissions Insurance Fund Income Statement	(Page 4)
- Compensation Fund Income Statement	(Page 5)

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE

Mr. P. G. Philp, Chairman, presented the Report of the Admissions Committee of its meeting on Thursday, 7th April, 1988.

18 April 1988

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The ADMISSIONS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 7th of April 1988 at 9:30 a.m., the following members being present: Mr. Phip (Chairman), Mrs. Weaver (Vice-Chairman), Messrs. Ground, Lamek, Lamont, Pepper, and Mr. Cullity (ad hoc).

A.

POLICY

1. LAW SOCIETY ACT: SECTION 28

Attached as Appendix 1 is a letter from Mr. Cullity requesting the Committee to consider the effect of the recent amendments made to the Rules of Professional Conduct on the citizenship requirement in Section 28 of the Law Society Act. The amendment to the Rules of Professional Conduct to which Mr. Cullity is referring is a change to paragraph 5 of the Commentary to Rule 13.

As amended paragraph 5 now reads:

"The lawyer shall not discriminate on the grounds of ... citizenship ... in the employment of other lawyers or articulated students, or in dealings with other members of the profession".

Paragraph 28(c) of the Law Society Act was amended in 1986 by the Equality Rights Amendment Act which provides that as of July 1st, 1989, only Canadian citizens will be eligible to continue to be or become members of the Law Society.

Mr. Cullity in his letter states this places Rule 13 in conflict with the provisions of the Law Society Act. He asked the Committee to recommend to Convocation that in determining eligibility for membership in the Law Society no distinction be drawn between Canadian citizens and other permanent residents of Canada. Mr. Cullity states that the Attorney General would be happy to consider such an amendment.

Note: See motion on page<sup>72</sup> re: special committee being struck.

BACKGROUND

At the Annual General Meeting in 1984, a resolution was passed calling on the Law Society to abolish the British subject exemption to the requirement for Canadian citizenship as one of the prerequisites for Call to the Bar. Convocation approved the resolution and wrote to the Attorney General requesting an amendment to the Law Society Act. The Society's position was that members called under the British subjects exemption would be allowed to continue their membership.

Concurrently the Attorney General's staff were reviewing all statutes to determine what amendments were required to make them conform with the Charter.

The Attorney General's position was that legislation allowing current members who were British subjects but not Canadian citizens to continue their memberships could not be justified under the Charter. As an alternative he suggested that the Act be amended to allow "Canadian citizens or permanent residents of Canada" to become members of the Law Society.

This issue was raised by the then Treasurer in Convocation in May 1986. At this time there was no vote but the consensus was to wait and see if the Law Society of British Columbia appealed the Andrews case striking down their citizenship requirement. If the Law Society of British Columbia did not appeal then we would consider the permanent resident alternative. The Law Society of British Columbia did appeal and the matter has been heard by the Supreme Court of Canada but the judgement has not yet been rendered.

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Set out below is a question from the report of the Professional Organizations Committee which summarizes the reasons why Canadian citizenship should be required for members of the legal profession:

"Believing that the views expressed in the McRuer Report should prevail over those expressed in the Staff Study, we deem it appropriate for members of the legal profession in Ontario to be Canadian citizens. The legal profession has special responsibilities to the community which it serves to uphold its legal institutions and to promote the administration of justice by those institutions. To us, Canadian citizenship connotes a necessary and desirable commitment to our national institutions and traditions. Recent amendments to the Citizenship Act reduce, from five years to three years, the requisite residence period necessary for citizenship. In most cases, this will mean that foreign born applicants for admission to membership in the legal profession who have been able to satisfy Ontario training or transfer requirements will not face major impediments to entry as a result of a citizenship requirement, given the period of residence that these requirements will normally entail."

It was moved in Committee that the Society ask that the Act be amended to allow Canadian citizens and permanent residents to be eligible for membership in the Law Society. The motion failed as there was no seconder.

B.

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ADMINISTRATION

1. DIRECT TRANSFERS - COMMON LAW - REGULATION 4(1)

Derek Scovil turner Baldwin (B.Sc. 1971 from Suffolk University, Boston; LL.B. 1974 from Dalhousie University) was called to the Bar of the Province of Nova Scotia on the 11th day of March 1975 and practised continuously in that province from the 11th March 1975 to the 30th June 1987. Mr. Baldwin presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1).

Approved

2. ADMISSION OF STUDENTS-AT-LAW

Bar Admission Course

The following candidate, having complied with the relevant Regulations, paid the required fee of \$101.00 and filed the necessary documents, now applies for admission to the Law Society as a student-at-law in the Bar Admission Course:

Under Bar Admission Course

Regulation 22(7) 29th B.A.C. (Entering Articles 1987)

1117 WARD, Brian Alan                      B.A. McGill/82;  
   LL.B. McGill/86.

Approved

3. EXAMINATION RESULTS - BAR ADMISSION COURSE TRANSFER EXAMINATIONS

The results of the Bar Admission Course Transfer Examinations held in March 1988 were before the Committee. Two candidates sat the examinations at the offices of the Bar Admission Course; both passed. The names of the candidates are as follows:

Norman Bacal                                      Province of Quebec  
Eva Marie Christine Kaminski                  Province of Alberta

Noted

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4. PETITION - WAIVER OF RESTRICTION ON PRACTICE

Gordon David Goldman was called to the Bar in 1964 and was disbarred in May 1981. He was readmitted to the Bar in May 1987 on the following condition: "... without the express permission of Convocation, his practice to be restricted to practice in association with Mr. David F. O'Connor".

In a letter to the Secretary dated the 22nd of March 1988, Mr. Goldman asks both the Committee and Convocation to waive the restriction that he practice only in association with David F. O'Connor. He states that since his readmission, his practice has grown significantly enough to warrant the need for a more spacious office in order to properly continue with his practice.

His letter together with letters from various lawyers supporting Mr. Goldman's request were before the Committee for information and are attached to this report as Appendix 2.

The Committee considered Mr. Goldman's request and the letters submitted on his behalf and recommends that the restriction be lifted.

C.  
INFORMATION

1. OCCASIONAL APPEARANCES

On the 7th of April 1988, the Secretary reported to the Committee that the following had been approved to proceed, under Regulation 6, "Occasional appearances in Ontario of lawyers from other provinces", upon filing the necessary information and Certificate of good Standing, paying the required fee and giving the necessary undertaking.

Gilles Daudelin

Province of Quebec

Noted

ALL OF WHICH is respectfully submitted

DATED this 18th day of April 1988

"P. G. Philp"  
Chairman

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

A-Item 1 - Letter from Mr. Maurice C. Cullity dated March 24, 1988  
(marked Appendix 1)

B-Item 4 - Letter from Mr. Gordon D. Goldman dated March 22, 1988 and  
and from various lawyers supporting Mr. Goldman's request:  
- March 22, 1988 from Robert Ash, Q.C.  
- March 25, 1988 from J. David Gorell  
- March 24, 1988 from Edmund L. Schofield  
- March 24, 1988 from Earl J. Levy, Q.C.  
- March 23, 1988 from David F. O'Connor

(marked Appendix 2)

It was moved by Mr. Cullity, seconded by Mr. Genest, with reference to A - Item 1 (Law Society Act: Section 28) that, in determining eligibility for membership in the Law Society, no distinction be drawn between Canadian citizens and permanent residents of Canada.

Withdrawn

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It was moved by Mr. McKinnon, seconded by Mr. Furlong, with reference to A - Item 1 (Law Society Act: Section 28) that the matter be tabled.

Lost

It was moved by Mr. Ferrier, seconded by Mr. Spence, with reference to A - Item 1 (Law Society Act: Section 28) that a special committee be struck to review the question of whether Canadian citizenship should continue to be a requirement for membership or whether eligibility should be broadened to include permanent residents of Canada.

Carried

THE REPORT WAS ADOPTED

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DISCIPLINE COMMITTEE

GENERAL

Mr. J. B. Chadwick, Chairman, presented the General Report of the Policy Section of the Discipline Committee of its meeting on Thursday, 7th April, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

THE DISCIPLINE COMMITTEE beg leave to report:

Your committee met Thursday, April 7th, 1988 at one thirty in the afternoon, the following members being present: Messrs. Chadwick (Chairman), Cass, Cullity, Lamek, Lerner, McKinnon, Sosa, Mesdames Callwood and Graham.

A.

POLICY

1A. COMPLAINTS REVIEW

Attached and numbered as pages A-1 to A-4 is a memorandum concerning the Complaints Review procedure. Your Committee discussed the matter and received submissions from the lay Benchers relating to:

1. The precise nature and extent of the Complaints Commissioner's mandate.
2. The participation of the solicitor complained of in the review process.

Your Committee recommends that the mandate of the Complaints Commissioner be defined as follows:

- (i) The Commissioner may conclude that the disposition of the complaint by the Society's staff is appropriate and that no further action should be taken in respect of the complaint.
- (ii) The Commissioner may conclude that some aspect or aspects of the complaint require further investigation by the Society and refer the complaint to the Senior Counsel-Discipline for action.

Note: See motion to amend the above on page 73.

- (iii) The Commissioner may conclude that the complaint merits the attention of the Chairman of Discipline and refer it to him for review.

18 April 1988

2A. AMENDMENT TO S.33(4) OF THE LAW SOCIETY ACT R.S.O.1980

The present sub-section reads as follows:

Hearings shall be heard in camera, but if the person whose conduct is being investigated requests otherwise by a notice in writing delivered to the Secretary before the day fixed for the hearing, the committee may conduct the hearing in public or otherwise as it considers proper.

This sub-section is without the force of law because of the presumption in favour of public hearings which appears in Section 9 of the Statutory Powers Procedure Act. Furthermore, the Statutory Powers Procedure Act has paramountcy over the Law Society Act by virtue of Section 32 of the SPPA.

For several years now, the Law Society's Discipline Hearings have operated on the basis of the Statutory Powers Procedure Act presumption.

Your Committee recommends that Convocation seek an amendment to the above-noted section of the Law Society Act through the Legislation and Rules Committee.

B.  
INFORMATION

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1B. "INVITATIONS TO ATTEND" ON CIRCUIT

On March 22nd, 1988 a three member panel of Benchers heard two Invitations to Attend at the Law Society's offices in Ottawa. All Benchers were drawn from Eastern Ontario locations. Both of the solicitors invited to attend were Ottawa practitioners. A staff lawyer from the Discipline Department in Toronto appeared on behalf of the Law Society. These matters were concluded within approximately two hours.

Your Committee considered the merits of conducting selected discipline proceedings in locations other than Toronto on the basis of such factors as convenience and cost.

2B. MEYER FELDMAN APPEAL

The Court of Appeal denied leave to appeal to the solicitor, Meyer Feldman on March 28th, 1988. Accordingly the Divisional Court decision which upheld the Law Society's right to insure and discipline its members, as well as to exchange information between the Errors and Omissions Department and the Discipline Department, is the law of Ontario.

ALL OF WHICH is respectfully submitted

DATED this 18th day of April, 1988

"J. D. Chadwick"  
Chairman

It was moved by Mr. Doran that, with reference to subsection (ii) of A - Item 1A (Complaints Review), the phrase "for action" at the end of the sentence be changed to "for such further investigation".

This was accepted by the Chairman.

THE REPORT AS AMENDED WAS ADOPTED

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18 April 1988

LEGAL AID COMMITTEE

Mr. L. K. Ferrier, Chairman, presented the Report of the Legal Aid Committee of its meeting on Thursday, 7th April, 1988.

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, April 7, 1988, the following members being present: Lee K. Ferrier, Esq., Q.C., Chairman, Ms. Archbold, Messrs. Bastedo, Bond, Ms. Callwood, Ms. Curtis, Messrs. Durno, Gilchrist, Guthrie, Ms. Kiteley, Dr. Lamb, Mr. McDowell, Ms. Poulin, Mrs. Smyth, Messrs. Spence and Topp.

The following observer members were also present:

Mr. W. J. Hartnett, Solicitor, representing the Family Law Section, Canadian Bar Association, Glenn Carter, Esq., Assistant Deputy Attorney General, representing the Ministry of the Attorney General, and Ms. Laine Parry, representing The Ministry of Community and Social Services.

Present by invitation: David Crack, Director of Finance, The Law Society of Upper Canada.

A.  
POLICY

1. STEERING COMMITTEE REPORT

The Legal Aid Committee reviewed in depth a Report of the Steering Committee which dealt with recommendations found in the Discussion Paper on Legal Aid Delivery Models prepared by the National Legal Aid Liaison Committee dated November, 1987.

Your Committee recommends the adoption of the Steering Committee Report.

The Executive Summary of the Discussion Paper on Legal Aid Delivery Models is attached hereto and dmarked as Schedule "A".

The Report of the Steering Committee is attached hereto and marked as Schedule "B".

B.  
ADMINISTRATITON

1. APPOINTMENT OF PROVINCIAL DIRECTOR

The Legal Aid Committee unanimously approved the appointment of Robert L. Holden, Solicitor, as Provincial Director of The Ontario Legal Aid Plan to succeed Andrew M. Lawson, Q.C., the appointment to be effective October 1, 1988.

2. LEGAL AID COMMITTEE - APPOINTMENT OF COMMITTEE MEMBERS

Michael J. Moldaver, Q.C., and S. Bruce Durno, Solicitor, have been appointed non-bencher lawyer members to the Legal Aid Committee effective March 1, 1988.

C.  
INFORMATION

1. REPORT OF THE DEPUTY DIRECTOR FINANCE  
FOR THE PERIOD ENDED FEBRUARY 29, 1988



18 April 1988

(a) Finance

The Director's Report pursuant to Section 88(2) of the Regulation for the eleven month period ended February 29, 1988, shows that total payments from the Legal Aid Fund exceeded budget by \$10,998,500 as follows:

<u>Over Budget</u>	<u>\$,000</u>	<u>\$,000</u>
Criminal Certificate Accounts	5,142.0	
Civil Certificate Accounts	5,545.4	
Legal Advice Certificate Accounts	37.2	
Duty Counsel Payments	483.9	
Research Facility	48.2	
Area Office Costs	271.1	11,527.8
<u>Under Budget</u>		
Salaried Duty Counsel	40.8	
Community Clinic Funding	404.8	
Student Legal Aid Societies	15.7	
Provincial Office Costs	68.0	529.3
		<u>10,998.5</u>

Income for the eleven months exceeding budget by \$15,220,200:

<u>Over Budget</u>	<u>\$,000</u>	<u>\$,000</u>
Opening Balance		80.1
Province of Ontario		10,344.6
Law Foundation		1,415.2
Client Contributions		912.5
Client Recoveries		75.4
The Law Society		<u>2,532.4</u>
		<u>15,360.2</u>
<u>Under Budget</u>		
Research Sales	45.0	
Miscellaneous Income	<u>95.0</u>	<u>140.0</u>
		<u>15,220.2</u>

At February 29, 1988, the balance in the Fund was (\$901,600).

(b) Statistics

The following table compares reported activity for the eleven months ended February 29, 1988, with activity for the previous fiscal year.

	<u>11 Months Ended February 29</u>		<u>% Change</u>
	<u>1988</u>	<u>1987</u>	<u>from Last Year</u>
Summary Legal Advice	49,455	50,596	-2.2
Referrals to Other			
Agencies	76,264	74,832	+1.9
Applications for			
Certificates	119,295	115,324	+3.4
Refusals	26,548	26,241	+1.7
As a Percentage of			
Applications	22.3	22.8	
Certificates Issued	92,768	89,110	+4.1
Persons Assisted by			
Duty Counsel:			
Fee for Service	199,651	192,381	+3.8

Report of Salaried Duty Counsel activity suspended pending clarification of figures.

18 April 1988

(c) Leases

District of Cochrane	Address:	Pine Street South, Timmins
	Term:	5 years commencing April 1, 1988
	Rent:	\$1,350 per month (\$13.50 per sq ft)
	Area:	1,200 square feet
		Relocation.
		Net Lease.
		Accessible to disabled.
District of Temiskaming	Address:	12 Government Road, Kirkland lake
	Term:	3 years commencing April 1, 1988
	Rent:	Year 1 \$193 per month (\$5.32 per sq. ft.) Year 2 \$202 per month \$5.57 per sq. ft.) Year 3 \$212 per month (\$5.85 per sq. ft.)
	Area:	435 square feet
		Renewal.
		Gross Lease
		Not accessible to disabled.

2. REPORT ON THE PAYMENT OF SOLICITOR'S ACCOUNT

(a) The Report on the Payment of Solicitors' Accounts for the period ended March 31, 1988 is attached hereto and marked as Schedule "C".

(b) The Report on the Status of Reviews in the Legal Accounts Department for the period ended March 31, 1988 is attached hereto and marked a Schedule "D".

3. LEGAL AID UPDATE FOR LEGAL SECRETARIES

A notice to members of the Bar that the Legal Aid Plan will present a program for legal secretaries on Thursday, April 28, 1988, is attached hereto and marked as Schedule "E".

4. AREA COMMITTEES - APPOINTMENTS & RESIGNATIONS

APPOINTMENTS

Cochrane District  
Andrew G.B. Czempinski

Frontenac County  
Douglas Roy Forbes

Hastings and Prince Edward County  
Paul D. Russell  
C. Roderick Rolston

Niagara South  
Charles Ryall

Simcoe County  
Ms. Billie Locke

Waterloo Region  
Theresa A. McLenaghan

Wentworth County  
Cheryl J. Robertson  
Nancy G. Lamont

18 April 1988

RESIGNATIONS

Niagara South  
Joseph R. Henderson

Nipissing District  
Robert Steadman

Waterloo Region  
Brian R. Law  
Mrs. A. Moore

ALL OF WHICH is respectfully submitted

DATED this 7th day of April, 1988

"L. K. Ferrier"  
Chairman

Attached to original Report in Convocation File, copy of:

- A-Item 1 - Executive Summary of the Discussion Paper on Legal Aid  
Delivery Models (Schedule A - Pages 1 - 8)
- A-Item 1 - Report of the Steering Committee to the Legal Aid  
Committee March 9 and April 5, 1988 (Schedule B)
- C-Item 2(a) - Report on the Payment of Solicitors' Accounts for the  
period ended March 31, 1988 (Schedule C - Pages 1 & 2)
- C-Item 2(b) - Report on the Status of Reviews in the Legal Accounts  
Department for the period ended March 31, 1988 (Schedule D)
- C-Item 3 - Notice to members of the Bar re: Program for Legal  
Secretaries (Schedule E - Pages 1 & 2)

THE REPORT WAS ADOPTED

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CLINIC FUNDING REPORT

Mr. P. M. Epstein, Chairman of the Clinic Funding Committee, presented the Report of the Director of Legal Aid, dated 11th April, 1988, with respect to Clinic Funding.

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

The Director of Legal Aid begs leave to report:

CLINIC FUNDING

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

The Director recommends to Convocation that the report of the Clinic Funding Committee dated April 11, 1988 be adopted.

18 April 1988

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

ALL OF WHICH is respectfully submitted

"Andrew M. Lawson, Q.C."  
Andrew M. Lawson, Q.C.  
Director,  
Legal Aid.

April 11, 1988

ATTACHMENT:

To: Andrew M. Lawson, Q.C.  
Provincial Director  
The Ontario Legal Aid Plan.

The Clinic Funding Committee met on March 28, 1988 in Peterborough. Present were: Philip Epstein, Q.C., Chairman, Helen King MacLeod, Glenn Carter, Thea Herman, Dorothy O'Connell.

1. DECISIONS

A. Peterborough Community Legal Clinic

The Clinic Funding Committee held a public hearing in Peterborough on Monday, March 28, 1988 to review the clinic funding staff's initial decision to fund an application to establish anew community legal clinic to serve Peterborough and Peterborough County. Submissions were heard from representatives of the local Bar, the applicant group, and interested members of the public.

The Committee has unanimously decided that the Peterborough application should be approved. the Committee's written reasons are attached as Schedule A.

The Committee therefore recommends Convocation's approval of this application, subject to the designation of funds by the Attorney General for 1988/89.

ALL OF WHICH is respectfully submitted

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

April 11, 1988

It was moved by Mr. Cass, seconded by Mr. Genest, with reference to Item 1. a. (Peterborough Community Legal Clinic), that the matter be adjourned until May.

Carried

Attached to original Report in Convocation File, copy of:

Schedule "A" Decision of the Clinic Funding Committee Regarding an Application by Peterborough Community Legal Clinic Services  
(Pages 1 - 6)

18 April 1988

Appendix "I" to Schedule "A" - Peterborough Community Legal Clinic, New  
Clinic Application 1987/88, Initial Decision of the Clinic Funding  
Staff, December, 1987 (Pages 1 - 10)

THE BALANCE OF THE REPORT WAS ADOPTED

.....

PROFESSIONAL CONDUCT COMMITTEE

Mr. A. B. Doran, Chairman, presented the Report of the  
Professional Conduct Committee of its meeting on Thursday, 7th April,  
1988.

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 7th day of April 1988 at three  
o'clock in the afternoon, the following members being present: Messrs.  
Lyons (Vice-Chairman in the Chair), O'Connor, Philp and Mrs. Graham.

A.  
POLICY

1. AMENDMENTS TO THE INSURANCE ACT

The Superintendent of Insurance has asked for the Professional  
Conduct Committee's opinion on proposed amendments to the Insurance Act  
that contain a provision whereby a person "undertaking professional  
services for an insurer who, in providing the professional services,  
becomes aware of a breach of this Act shall promptly report the breach  
to the insurer and the auditor of the insurer or, where there is no  
auditor, to the Superintendent" (numbered 1 - 3). This reporting  
requirement is then modified by the following subsection that reads:

(3) Nothing in this section abrogates any privilege that may  
exist between a solicitor and the solicitor's client.

This proposed provision is similar to section 151 of the Loan and  
Trust Corporations Act that received Royal Assent on June 29th 1987. It  
reads as follows:

151.-(1) Any person undertaking professional services for a  
registered corporation who, in providing the professional  
services, becomes aware of a breach of the provisions of this Part  
shall promptly report the breach to the board of directors and the  
auditor of the corporation unless he or she has already reported  
the breach under section 150.

(2) No person undertaking professional services for a  
registered corporation shall advise the registered corporation or  
perform services for the corporation in an investment or other  
transaction in or to which the person is a party or has a direct  
or indirect beneficial interest in the subject-matter of the  
investment or transaction.

(3) Nothing in this section abrogates any privilege that may  
exist between a solicitor and his or her client.

In June 1986 the Professional Conduct Committee concluded that  
what was then being proposed as an amendment to the Loan and Trust  
Company Act (and which later became section 151) did not cause it  
concern because there was no intention to abrogate "any privilege that  
may exist between a solicitor and the solicitor's client". Convocation  
accepted the Committee's opinion.

18 April 1988

The Committee recommends to Convocation that the Law Society express approval of the proposed provision in section 400 of the Insurance Act because there was no intention to abrogate the solicitor-client privilege.

2. INFO LAWYER AND HANOVER-CORNELL INC.

In 1986 the Law Society had discussions with Hanover-Cornell Inc. concerning an invitation to be extended to lawyers to join a computer based law directory and information service. This company's 1986 information sheet (attached as number 4 - 7) asked lawyers to provide information beyond that then permitted under the Rule of Professional Conduct then applicable.

Set out below is the relevant excerpt from the Communique telling the profession what it was permitted to tell Hanover-Cornell.

A letter has recently been sent by Hanover-Cornell Inc. to lawyers in Ontario inviting them to join a computer based law directory and information service. This letter states in part: "in accordance with a Law Society of Upper Canada direction we are accepting biographies from all lawyers who would like to be on the database".

Prior to this letter being sent Hanover-Cornell Inc. had been advised by the Law Society that lawyers could participate but the information they could provide to Hanover-Cornell Inc. was limited by virtue of the requirements of Rule 13 and its Commentaries (information such as location, office hours, languages spoken, and restricted or general nature of the practice). Notwithstanding the Law Society's advice, Hanover-Cornell Inc. has sent a detailed "information sheet" that asks the individual lawyer to provide much more detailed data.

On the assumption that Hanover-Cornell will publish all the information it receives in answer to its questions members should be aware that questions 3, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and questions 21, 22, 24 and 25 in the information sheet should not be answered because the information would go beyond what is permitted by Rule 13 and its Commentaries.

Hanover-Cornell Inc. has asked the Law Society to consider its present form (attached as number 8 - 11) with a view to receiving "any comments or suggestions from you with respect to revisions to this form". Set out below is the request from Hanover-Cornell Inc.

As you will no doubt recall, during the summer of 1986 our company launched "Info Lawyer", a computer-based legal directory throughout the province of Ontario. Through this system, members of the public and members of the legal profession seeking associate counsel in particular localities are able to receive a computer print-out which contains listings of lawyers or firms qualified to provide the required legal services. A minimum of three lawyers or firms are reported (on a rotational basis) to each prospective client.

We have been operating this service on a limited basis since its inception in view of the restrictions imposed by the Rules of Professional Conduct in effect at the time the service was instituted.

We have now had an opportunity to complete amendments to our computer system in order to accommodate the additional information now permitted by Rule 12 of the Rules of Professional Conduct. We have also added a new feature to our system. Lawyers or firms may now submit a separate listing for entry into a database that may be used only by members of the legal profession. We would like to solicit additional entries to our system.

18 April 1988

Please find attached a draft insertion form that we propose to distribute to law firms across the province. We would like to ensure that this form meets with the approval of the Law Society. Please advise us if you have any objections to this form. We would welcome any comments or suggestions from you with respect to revisions to this form.

Note: See motion to on the above on page 83 .

Paragraphs 2 and 3 of Rule 12 would appear to be applicable as would paragraph 8. They are set out:

2. Subject to paragraph 3 of this Rule individual lawyers or firms may advertise their services or fees in any medium including the use of brochures and similar documents provided the advertising:

(a) is not false or misleading and any factual information in the advertisement is verifiable;

(b) is in good taste and not such as to bring the profession or the administration of justice into disrepute;

(c) does not compare services or charges with other lawyers or firms.

3. Individual lawyers or firms may advertise fees charged for their services subject to the following conditions:

(a) advertisement of fees for consultation or for specific services shall contain an accurate statement of the services provided for the fee and the circumstances in which higher fees may be charged;

(b) if fees are advertised the fact that disbursements are an additional cost must be made clear in the advertisement;

(c) advertisements shall not use words or expressions such as "from...", "minimum" or "...and up" or the like in referring to the fees to be charged nor shall advertisements indicate that a price is a discount or reduction or special rate;

(d) services covered by advertised fees shall be provided at the advertised rate to all clients who retain the advertising lawyer or firm during the 30 day period following upon the last publication of the fee unless there are special circumstances which would not have been foreseen, the burden of proving which rests upon the lawyer.

8. (a) The lawyer may not indicate that the lawyer is a specialist in any particular area but may indicate that the lawyer's practice is restricted to a particular area or areas if that is in fact the case. The principle is to permit information to be conveyed of a truly restricted practice.

(b) A firm of lawyers may either:

(a) indicate under its firm name that its practice is restricted to an area or areas of the law; or;

(b) indicate the area or areas of law to which particular members restrict their practice, followed by the firm name in brackets.

The Committee recommends to Convocation that the Law Society permit lawyers to be listed with Hanover-Cornell Inc. provided the following changes or requirements are made:

18 April 1988

- (1) The areas of practice set out on page one of the form should be removed because it permits a lawyer to list a number of areas and might give the non-lawyer the impression that he was a specialist in those areas when such was not the case. For example, a lawyer who had handled one entertainment case could conceivably check the box for entertainment law because the wording of the section says "please check area of law practised".
- (2) Item "C" speaks of Areas of Practise and provides that "if you wish, indicate a percentage breakdown and the number of lawyers in each area". The lawyer should be required to give a percentage because it would result in a more accurate description of the practice.
- (3) Item "F" speaks of Representative Clients. Lawyers should only list clients represented if they have the written consent of those clients.

The Committee recommends that these requirements be published in the edited Minutes as they appear in the Ontario Reports.

#### C. INFORMATION

##### 1. THE NEED FOR A SPECIFIC RULE ON DISBURSEMENTS

Rule 9 (Fees and Disbursements) contains very specific guidelines on disbursements. This rule was the handiwork of a Sub-Committee that had deliberated for 2½ years.

The very first Rule (10.1) that had specifically addressed disbursements had come into effect in 1979 and was also the product of a Sub-Committee. This rule was due in large measure to a practice that had developed in the real estate bar whereby some lawyers were quoting very low fees and then inflating the amount the clients had to pay by charging as disbursements services such as title searching and attending on a closing that had historically been part of a lawyer's fee.

The Committee is being asked to consider for debate at a future meeting whether a rule specifically detailing what are accepted disbursements (the present situation) or whether the present rule should simply contain a statement that whatever is charged by a lawyer to a client as a disbursement should be either the exact or the proximate cost incurred by the lawyer.

##### 2. LIAISON WITH THE COLLEGE OF PHYSICIANS AND SURGEONS AND THE ONTARIO MEDICAL ASSOCIATION ON THE QUESTION OF AN EFFECTIVE MECHANISM FOR THE REVIEW OF A DOCTOR'S ACCOUNT FOR A MEDICO-LEGAL REPORT

The Chairman of the Committee and its Secretary met with two officials from the O.M.A. on March 29th and discussed the possibility of setting up an effective mechanism that would mediate disputes between lawyers and doctors about the quantum of medico-legal reports. A possible resolution will be discussed at the May or June meeting of the Committee.

##### 3. REPORT OF THE SUB-COMMITTEE ON THE CHARGING OF A TITLE SEARCH FEE AS A DISBURSEMENT

The Committee's recommendation and the Sub-Committee's Report had been sent to the Real Property Section of the C.B.A.O. and the Executive of the County and District Law Association of Ontario. Since the latter group will not be considering the issue until May this means that the item will not be back on the Committee's agenda until June.



18 April 1988

4. CANADIAN LAWYER LIABILITY ASSURANCE SOCIETY

The Committee has discussed C.L.L.A.S.'s guidelines informally. Because of the concern with one of the guidelines the issue has been referred back to C.L.L.A.S. for its further consideration.

5. SPECIAL COMMITTEE ON FRANCHISING

The Special Committee held its second meeting on March 3rd.

Notwithstanding that Mr. Alan Price of Canlex (better known by its trade name "Advocate Legal Centres") has abandoned his franchising scheme, the Special Committee will be meeting further to finalize a report on the general question of the franchising of law practices. The Chairman of the Special Committee will be approaching two lawyers in private practice about the possibility of their preparing a memorandum to be discussed by the Special Committee at its next meeting.

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

A Sub-Committee composed of Mr. Somerville (Chairman), Mrs. Legge and Mr. Wardlaw was appointed in January to deal with a number of questions pertaining to the interpretation of this rule.

The one meeting scheduled for meeting day had to be cancelled. Arrangements are being made to hold another meeting within the month.

7. RULE 26 AND THE MENTAL HEALTH ACT

A letter has gone out to three lawyers with extensive knowledge of and background in proceedings under this legislation asking for their opinion as to whether Rule 26 should apply to medical reports produced pursuant to the Mental Health Act. Follow-up letters have been sent because no replies have been received to date. Once replies have been received the matter will be brought back to the Committee.

Martha Coady, who practises in Ottawa and who is Chairman of the Ottawa Psychiatric Review Board, will be sending in a submission based on her experience.

ALL OF WHICH is respectfully submitted

DATED this 18th day of April, 1988

"A. B. Doran"  
Chairman

It was moved by Mr. Sopinka, seconded by Mr. Ground, with reference to A - Item 2 (Info Lawyer and Hanover, Cornell Inc.), that the organization be required to provide to prospective clients a list of all the lawyers qualified to provide the required legal services in their locality rather than the minimum of three set out in the letter from Hanover-Cornell.

Carried

It was moved by Mr. Yachetti, seconded by Mrs. Legge, with reference to A - Item 2 (Info Lawyer and Hanover, Cornell Inc.), recommended change (3), that lawyers should not be permitted to list their representative clients.

Lost

18 April 1988

Attached to original Report in Convocation File, copy of:

- A-Item 1 - Letter dated March 25, 1988 from J. J. Wilbee,  
Superintendent of Insurance, Ministry of Financial  
Institutions Re: Insurance Act Amendments with  
a copy of the draft legislation attached (Pages 1 - 3)
- A-Item 2 - Hanover-Cornell Inc.'s 1986 "Information Sheet"  
(Pages 4 - 7)
- A-Item 2 - Hanover-Cornell Inc.'s present "Insertion Form"  
(Pages 8 - 11)

THE REPORT AS AMENDED WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE

Mr. C. D. McKinnon, Vice-Chairman, presented the Report of the Unauthorized Practice Committee of its meeting on Thursday, 7th April, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

Budget

as of March 31, 1988  
Budgeted - \$101,250.09  
Actual - \$105,992.23

Variance \$ -4,742.14

The UNAUTHORIZED PRACTICE COMMITTEE begs leave to report:

Your Committee met on Thursday, April 7, 1988 at 10:30 a.m., the following members being present: Mr. McKinnon (Vice-Chairman), Messrs. Cass, Ferguson, Ms. Graham, Messrs. Sosa and Strauss. Also in attendance were Messrs. Ballantyne and Bell.

B.

ADMINISTRATION

1. Accounts

Accounts of counsel and investigators were approved in the total amount of \$6,856.76.

2. INVESTIGATIONS

The Society has received information regarding the activities of various unsupervised persons and will proceed to conduct investigations into their activities to determine if prosecutions should be commenced.

i. MANITOBA SOLICITORS ACTING IN REAL ESTATE TRANSACTIONS IN ONTARIO

The Committee received and reviewed the opinion of Mr. Albert Strauss regarding the activities of Manitoba solicitors in connection with Ontario real estate transactions. After some discussion, the Committee authorized Mr. Straus to enter into negotiations with The Law Society of Manitoba with a view to achieving a satisfactory resolution of this problem.

Note: See motion re the above on page 85.

18 April 1988

C.  
INFORMATION

PROSECUTION RESULTS

TORONTO

Herman Hutchinson was convicted on March 15, 1988 of acting, practising and holding himself out as a barrister and solicitor contrary to the Law Society Act. Mr. Hutchinson was fined \$500.00 on one count by His Honour Judge Babe with the remaining counts stayed and Mr. Hutchinson placed on probation for a period of two years.

LONDON

David Price, a franchisee of Hyatt Paralegal, was convicted of acting, practising and holding himself out as a barrister and solicitor contrary to the Law Society Act. The sentence of His Honour Judge Seneshen was handed down March 21, 1988 and Mr. Price was fined \$300.00 per count.

Roy Mazzotta, a franchisee of Ontario Paralegal, was convicted of practising and holding himself out as a barrister and solicitor contrary to the Law Society Act. The sentence of His Honour Judge Walker was handed down on April 5, 1988 and Mr. Mazzotta was fined \$200.00 per count.

PETERBOROUGH

John Martin, a franchisee of Ontario Paralegal, was found guilty of acting as and holding himself out as a barrister and solicitor contrary to the Law Society Act. The judgement of His Honour Judge Collins was handed down March 24, 1988. Mr. Martin was fined \$500.00 per count.

The Committee also received a list of matters pending.

ALL OF WHICH is respectfully submitted

DATED this 15th day of April, 1988

"Colin D. McKinnon  
Vice-" Chairman

Attached to original Report in Convocation File, copy of:

A list of matters pending (Pages 4 and 5)

It was moved by Mrs. Legge, seconded by Mr. Furlong, with reference to B - Item 2, subsection i (Manitoba Solicitors Acting in Real Estate Transactions in Ontario), that The Law Society of Manitoba be approached by the Treasurer about the problem of Manitoba solicitors providing legal services in Ontario.

Carried

THE REPORT AS AMENDED WAS ADOPTED

.....

RESEARCH AND PLANNING COMMITTEE

Mr. J. J. Carthy, Chairman, presented the Report of the Research and Planning Committee of its meeting on Thursday, 7th April, 1988.

18 April 1988

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The RESEARCH AND PLANNING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 7th of April, 1988 at eight o'clock in the morning, the following members being present: Messrs. Carthy (Chairman), Kemp-Welch, Manes, McKinnon, Smith, Spence, Stager, Ms. Birenbaum, Ms. Kiteley, Ms. Mossman and Ms. Poulin. Also present were Messrs. Beaufoy, Tinsley, Ms. Angevine and Ms. Ashby.

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1. COUNTY AND DISTRICT QUESTIONNAIRE

The Committee resumed its discussion of the content and timing of the proposed questionnaire on Access to Legal Services.

The Committee was advised of Professor David Stager's reservations with respect to various elements. In particular, he expressed concern that the proposed June deadline would not allow sufficient time to revise the wording of the questions and pre-test the questionnaire on a small sample prior to distribution. A further concern was that it might be much more useful to prepare and distribute a questionnaire in response to the June Conference rather than trying to anticipate the outcome of the Conference and respond in advance.

The discussion then focused on what factual information was available from the Society's records and how it should be gathered and organized for presentation at the Conference. Attached is a memorandum from Richard F. Tinsley outlining the information available from the Lawyer Referral Service and membership data bases. It was agreed that the preferred approach would be to compile factual data in time for the June Conference and to review the scope and focus of the questionnaire in light of the issues arising out of the Conference.

ALL OF WHICH is respectfully submitted

DATED this 18th day of April, 1988

"J. J. Carthy"  
Chairman

Attached to original Report in Convocation File, copy of:

- 1 - Memorandum dated April 5th, 1988 from Richard F. Tinsley to Robert J. Smith Re: Information Available from Law Society Data (Pages 1 & 2)

THE REPORT WAS ADOPTED

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PRACTICE AND INSURANCE COMMITTEE

Mr. J. J. Wardlaw presented the Report of the Practice and Insurance Committee of its meeting on Thursday, 7th April, 1988.

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

The PRACTICE AND INSURANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 7th day of April, 1988, the following members being present: Messrs. Howie, O'Connor, Yachetti, Wardlaw and Noble. Also present were: Messrs. Marshall, Hennessy and Wissent.

C.  
INFORMATION

1. PROPOSED BUSINESS NAMES ACT

The Companies Branch of the Ministry of Consumer and Commercial Relations is considering the repeal of the Partnerships Registration Act and certain provisions of the Corporations Information Act, and to replace them with a new Business Names Act.

The Ministry has asked for the Law Society's comments on the proposed legislation. Your Committee is extremely concerned about a proposal which would strengthen the current provisions of the Partnerships Registration Act by prohibiting any unregistered business from maintaining any action in respect of any matter which arose while the business was unregistered.

Upon the recommendation of your Committee, the Secretary responded to the Ministry's request for comments by letter dated March 25th, 1988.  
(Attached as Appendix A)

Note: See amendment to report page 87.

2. DIRECTOR'S MONTHLY REPORT

The monthly report of the Director of Insurance is attached as Appendix B.

3. ERRORS AND OMISSIONS LEVY

Your Committee had a preliminary discussion with regard to reviewing the annual errors and omissions levy. The matter will be formally dealt with at the May meeting and all members will be given an information package before Convocation convenes in May.

ALL OF WHICH is respectfully submitted

DATED this 18th day of April, 1988

"P. G. Furlong"  
Chairman

With reference to C - Item 1 (Proposed Business Names Act), the Report is to be amended indicating that a further letter is to be sent to the Ministry concerning the proposed Business Names Act expressing more strongly the Committee's concerns about the proposed enforcement sanctions.

THE REPORT AS AMENDED WAS ADOPTED

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18 April 1988

PROFESSIONAL STANDARDS COMMITTEE

Mr. J. M. Spence, Chairman, presented the Report of the Professional Standards Committee of its meeting on Thursday, 7th April, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PROFESSIONAL STANDARDS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 7th of April, 1988 at eleven thirty in the morning, the following members being present: Messrs. Spence, (Chairman), Cullity, Ferguson, Guthrie, Lamek, Rock, Sosa, and Mrs. Weaver. Also present were Messrs. Beaufoy, Kerr, Marshall, Stephany and Ms. Angevine.

A.

POLICY

1. PREVENTION vs CURE - PRELIMINARY DISCUSSION OF NEW INITIATIVES

The Committee considered whether it was appropriate at this time to explore other methods of a preventative or proactive nature to deal with the problem of maintaining competence in the profession.

In its report to Convocation in May of 1986, the Special Committee on Competence focused on two specific tasks, namely, to tailor remedial steps to address the problems of individual members whose competence to practise is in question and to develop, over time, standards of practice for those branches of the profession for which it is practicable to do so.

To date, the Committee has devoted most of its time and energy to developing the policies and procedures necessary to proceed with the first of these tasks. This has unquestionably been the first priority of the Committee. The suggestion has been made, however, that while the work of the committee in dealing with the problems of specific individual members should and must continue, the Committee might explore ways of communicating with the profession as a whole on a regular basis regarding those problems which, if ignored, may lead to more serious difficulties with clients or the Society or both at some later date. For example, a series of bulletins could be prepared and circulated alerting the profession to the kinds of problems that we encounter most often in each of the Society's branches (Audit, Complaints, Discipline, Errors and Omissions and Practice Advisory), as they relate to issues of competence. This is already underway to some extent but no co-ordinated effort has been undertaken to date. The Committee discussed this and other suggestions as to how this Committee's experience might offer some guidance to the profession at large.

The Committee decided that Law Society staff should prepare proposals outlining a format for the publication and delivery of this information. It was further recommended that the Public Information Committee and the District and County Law Association Liaison Committee be canvassed in support of this undertaking.

C.

INFORMATION

1. COMPUTER STATISTICS

Computer statistics showing a breakdown by area of law and nature of complaint of the complaints received by the Society about its members over the past 18 months were reviewed by the Committee.

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3. SUB-COMMITTEE ON CRIMINAL LAWYERS

The Chairman of the Sub-Committee provided an update on its progress to date. According to the correspondence received from various sources to date, there appears to be widespread support for the work being undertaken by the Sub-Committee.

The Sub-Committee is scheduled to meet on May 11th and the Chairman will make a further report to the Committee at the May 12th meeting.

ALL OF WHICH is respectfully submitted

DATED this 18th day of April, 1988

"James M. Spence"  
Chairman

THE REPORT WAS ADOPTED

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COMPENSATION FUND COMMITTEE

Mr. R. D. Yachetti, Chairman, presented the Report of the Compensation Fund Committee of its meeting on Thursday, 7th April, 1988.

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, April 7th, 1988 at 11:30 a.m., the following members being present: Messrs. Yachetti (Chairman), Wardlaw (Vice-Chairman), Ms. Callwood, Mrs. Graham, Lamont, Lerner, Noble, Mrs. MacLeod and Thom. P.B. Bell and Mrs. H.A. Werry also attended.

A.  
POLICY

1. APPEALS PROCEDURE OF THE COMPENSATION FUND COMMITTEE

At present, once a Report has been received from a Referee, it is passed to the Compensation Fund Committee for consideration and approval. The Compensation Fund Committee's Report recommending approval of the Referee's Report then goes to Convocation for its approval. After Convocation's approval, a copy of the Referee's Report is sent to the claimant who has 21 days to make written submissions to the Compensation Fund Committee.

Under the new procedure both the claimant and the Law Society will have an opportunity to appeal the Referee's Report. This will be achieved by the introduction of two new elements in the procedure: a Review Committee and an Appeals Division. Each of these new bodies would be composed of not less than three different members of the Compensation Fund Committee.

The function of the Review Committee would be to receive and consider each Referee's Report with the purpose of determining whether the Report is acceptable having regard to the Guidelines set out for grants from the Fund. If the Review Committee finds the Report acceptable, it would pass the Report to the full Compensation Fund Committee for consideration. If the Review Committee is of the opinion that the Referee's Report did not conform to the Guidelines for the Fund, it would instruct that the matter be placed before the Appeals Division.

18 April 1988

The Appeals Division would hear appeals on Referees' Reports filed by both the claimant and the Society. Claimants would be entitled to file an appeal within 35 days of the date of the Referee's Report and the Society within 30 days.

Appeals will be based on the record and will not constitute a new hearing of the matter. The decision of the Compensation Fund Committee in those cases where no appeal is filed, and the decision of the Appeals Division in those cases where an appeal is filed, shall be final.

After lengthy discussion your Committee recommends that Convocation approve the new appeals procedure. A copy of the report of the Sub-Committee chaired by Mr. Noble is attached. (Pages 8 - 12)

Note: See motion on page<sup>91</sup>.

2. PAYMENT OF COUNSEL FEES OUT OF THE COMPENSATION FUND

The Secretary reported that at the October 22nd, 1987 meeting of the Committee the question of how much it would cost if the fund were to pay counsel fees on the hearings was discussed. After considerable discussion your Committee recommends that the Society pay counsel fees to counsel for claimants in the discretion of the Referee of an amount up to \$500. per day including preparation.

B.  
ADMINISTRATION

1. REFEREES REPORTS

The following Referees reports were before your Committee for approval with dispositions as shown on Schedule "A" attached.

Mrs. H.L.Murray, Q.C.	re: Lawrence Cohen (Disbarred Sept. 21/84) 1 claim
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B.W. Grossberg, Q.C.	re: D. Buie (Permitted to Resign Nov.21/85) (1 claim)
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(P. B. Bell withdrew from the meeting and took no part in the discussion re the Buie matter).

2. MEMORANDA OF ASSISTANT SECRETARY

The following memoranda of Mrs. H.A. Werry, Assistant Secretary are before your Committee for approval with disposition shown on Schedule "A" attached.

Terence J. Mayhew, disbarred Sept. 17, 1987

8 claims

C.  
INFORMATION

1. The total amount of accounts approved by Assistant Secretaries up to and including March 28th, 1988 was \$7,679.63.

2. The Financial Summary and Activity Report for the month of March are attached.



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3. The second meeting of the Sub-Committee on the General Guidelines will be held on Friday, April 22nd, 1988.

ALL OF WHICH is respectfully submitted

DATED this 7th day of April, 1988

Chairman

Attached to original Report in Convocation File, copy of:

A-1 - Report of Guidelines and Procedure for the Making of Grants  
Under Section 51 of The Law Society Act (Pages 8 - 12)

C-2 - Financial Summary and Activity Report for the month of  
March

It was moved by Mr. Spence, seconded by Mr. Genest, with reference to A - Item 1 (Appeals Procedure of the Compensation Fund Committee), that the matter be sent back to the Committee for further consideration.

This was accepted by the Chairman.

It was moved by Mr. Cass, seconded by Mr. Hickey, that section 29 be deleted.

Not put

Mr. Noble, the Chairman of the Sub-committee on Appeals Procedure indicated that Section 29 could be amended by adding to it "subject to the approval of Convocation".

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#### PUBLIC INFORMATION COMMITTEE

Mr. H. Guthrie, Vice-Chairman, presented the Report of the Public Information Committee of its meeting on Thursday, 7th April, 1988.

#### TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

#### IN CONVOCATION ASSEMBLED

The PUBLIC INFORMATION COMMITTEE begs leave to report:

Your Committee met on Thursday, April 7, 1988, the following members being present: Mr. Guthrie (Acting Chairman), Misses Callwood and Kiteley, Messrs. Manes and McKinnon, Mrs. McLeod, Messrs. Manes, Thom, Welch and Yachetti. Also in attendance were Messrs. Beaufoy and Jenkins.

#### A. POLICY

##### 1. MEDIA TRAINING PROGRAM

The Chairmen of the Finance and Public Information Committees have asked the two Committees to consider a proposal to provide the Treasurer and Committee Chairpersons with a one-day media training program.

The Committee reviewed the information provided by two firms offering media training programs. Members of the Committee noted that there are numerous other media training programs available. For instance, the C.B.A. has offered a similar program in past years.

This Committee approved the proposal to provide media training. However, further programs and alternatives should be explored and

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considered. A subcommittee of this Committee was appointed to explore the alternatives.

C.  
INFORMATION

1. INFORMATIONAL BROCHURE

The Committee had an opportunity to review the third draft of the written copy for the informational brochure being prepared about the Society, as submitted by the Editorial Subcommittee.

The Committee upon reviewing the draft reaffirmed that this brochure was being prepared for circulation to members of the Society, to M.P.P.'s and other key political and policy staff and to media sources, with a particular emphasis on providing the latter two groups with a concise summary of the responsibilities and concerns of the Society and how the Society serves the public interest. The Committee recommended that a draft of the written copy would be circulated to the Treasurer and Committee Chairpersons for their review and recommendations.

2. LETTERS

Attached are letters of appreciation, one from a members of the public regarding Dial-A-Law and the second from a member of the Bar regarding the Lawyer Referral Service.

3. ADVANCE PLANNING AND COMMUNICATIONS

Attached is a review of a number of the activities undertaken by Advance Planning and Communications Ltd. on behalf of the Society in the past year.

4. STATISTICS

The following are the up-dated statistics for the Dial-A-Law and Lawyer Referral Service programs to March 31, 1988.

(A) DIAL-A-LAW

	1987 <u>MONTH</u> <u>CHANGE</u>	1988 <u>CALLS/DAILY</u> <u>%CHANGE</u>	<u>CALLS/DAILY</u>
JANUARY	10,131 (506)	9,385 (469)	(746) (7%)
FEBRUARY	10,312 (516)	13,578 (647)*	3,266 (32%)
MARCH	11,937 (543)	14,224 (618)*	2,287 (19%)
TOTALS	32,380 (522)	37,187 (581)	4,807 (15%)

\* 6 WEEK RADIO ADS (MORT & MILLIE) IN THE METRO. TORONTO MARKET RAN THROUGH FEBRUARY UNTIL MARCH 4TH.

(B) LAWYER REFERRAL SERVICE

	1987 <u>MONTH</u>	1988 <u>CALLS/DAILY</u> <u>CHANGE</u>	<u>CALLS/DAILY</u> <u>% CHANGE</u>
JANUARY	7,129 (356)	8,390 (420)	1,261 (18%)
FEBRUARY	7,842 (392)	9,526 (454)*	1,684 (21%)
MARCH	8,141 (370)	11,466 (498)*	3,325 (41%)
TOTALS	23,112 (373)	29,382 (459)	6,270 (27%)

\* "NEW" L.R.S. LAUNCHED LATE FEBRUARY.

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5. LAWYER REFERRAL SERVICE INCOME GENERATED

Preliminary analysis of Reporting Forms returned in February by members to whom callers to the Lawyer Referral Service were referred shows income generated to members of:

<u>PERIOD</u>	<u>LOW</u>	<u>HIGH</u>	<u># DAYS</u>	<u>INCOME PER DAY</u>
FEBRUARY	\$257,775	\$444,550	21	\$12,275 - \$21,170
YEAR (PROJECTED)	\$3,044,200 - \$5,249,900			

ALL OF WHICH is respectfully submitted

DATED this 18th day of April, 1989

"Hugh Guthrie"  
Chairman

Attached to original Report in Convocation File, copy of:

C-Item 3 - Review of the activities undertaken by Advance Planning and Communications Ltd. on behalf of the Society in the past year

THE REPORT WAS ADOPTED

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COUNTY AND DISTRICT LIAISON COMMITTEE

Mr. D. J. Murphy, Chairman, presented the Report of the County and District Liaison Committee of its meetings on Thursday, 10th March, 1988 and on Thursday, 14th April, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The COUNTY AND DISTRICT LIAISON COMMITTEE begs leave to report:

Your Committee met on Thursday, March 10th, 1988 at four o'clock in the afternoon, the following members being present: Messrs. Murphy (Chairman), O'Connor, Ms. Peters, Messrs. Brennan, McDowell, Ms. Mossip, Messrs. O'Dea, and Reinhart.

Your Committee met again on Thursday, April 14th, 1988 at twelve noon, the following members being present: Messrs. Murphy (Chairman), Ferguson, Howie, Brennan, Lalande, McDowell, O'Dea, Reinhart, Smith, Thoman and Ms. Mossip.

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1. RULE 9 - DISBURSEMENTS (MARCH 10)

Your Committee discussed at some length the issue raised by the Professional Conduct Committee with respect to Rule 9. It was agreed that the question of the Law Society's role in regulating lawyers' disbursement charges would be canvassed at the May meeting of the County and District Law Presidents Association and the views of that Association reported back to this Committee and the Professional Conduct Committee.

18 April 1988

2. ONTARIO LAND SURVEYORS - CLAIM TO COPYRIGHT  
(MARCH 10, APRIL 14)

The Law Society has received correspondence from a solicitor requesting guidance with respect to what constitutes improper dealing with a survey.

The question was raised in part because of a notice which appeared in the Ontario Land Surveyor, Winter 1988 referring to a Law Society of Upper Canada discipline hearing which resulted in a finding of professional misconduct against a lawyer relating to his use of a survey. The following specific issues were raised:

- a) Is it a breach of copyright for an individual who has ordered and paid for a survey to copy the survey and pass it on to a third party?
- b) Is it improper for a solicitor to remove all identification with a surveyor from a sketch of survey and photocopy the remaining sketch for use as an illustration supplemental to a description contained in a deed?

The Committee, after some discussion, concluded that it would be appropriate to respond in the following manner.

First, some communication should be sent to the profession clarifying the nature and particulars of the misconduct referred to in the Ontario Land Surveyor extract. Any additional information regarding other situations where the improper use of a survey has led to discipline by the Society should also be provided to members.

Second, the opinion of expert counsel should be sought with respect to the copyright issues raised.

3. PRELIMINARY BUDGET ESTIMATES - 1988-89 (MARCH 10)

The Committee reviewed and approved the preliminary budget estimates for the upcoming fiscal year.

4. COUNTY AND DISTRICT LAW PRESIDENTS ASSOCIATION  
SPRING PLENARY SESSION (APRIL 14)

The Committee reviewed the draft Agenda attached and numbered A-1 - A-2 for the County and District Law Presidents Association meetings in May 1988. The Committee was advised by Mr. Brennan that Mr. Neilson-Jones of the Competition Branch would be attending the meeting to address the Presidents.

ALL OF WHICH is respectfully submitted

DATED this 18th day of April, 1988

"D. J. Murphy"  
Chairman

Attached to original Report in Convocation File, copy of:

Item 4 - Draft Agenda for County and District Law Presidents Association meetings in May, 1988 (Numbered A-1 and A-2)

THE REPORT WAS ADOPTED

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18 April 1988

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. R. W. Cass, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest of its meeting on Thursday, 7th April, 1988.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST begs leave to report:

Your Committee met on Thursday, the 7th of April, 1988 at 11:30 a.m., the following members being present:

Mr. Cass (Chairman), Ms. Callwood (Vice-Chair), Mrs. Weaver, and Mr. Strauss (ad hoc).

B.

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ADMINISTRATION

GRANTS

Your Committee made a grant to an elderly solicitor in the amount of \$1,500.00 to assist him in meeting his financial obligations to a financial institution.

ALL OF WHICH is respectfully submitted

DATED this 18th day of April, 1988

"F. M. Cass"  
Chairman

THE REPORT WAS ADOPTED

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CONVOCATION ROSE AT 12:44 P.M.

.....

Confirmed in Convocation this    day of            , 1989

Treasurer