

MINUTES OF CONVOCATION

Friday, 18th February, 2000  
8:30 a.m.

PRESENT:

The Treasurer (Robert P. Armstrong, Q.C.), Aaron, Backhouse, Banack, Bindman (by telephone), Bobesich, Boyd, Braithwaite, Carey, R. Cass, Chahbar, Cherniak, Coffey, Copeland, Crowe, Diamond, DiGiuseppe, E. Ducharme, T. Ducharme, Epstein, Finkelstein, Gottlieb, Hunter, Jarvis, Krishna, Laskin, Lawrence, MacKenzie, Marrocco, Millar, Mulligan, Murray, O'Brien, Pilkington, Porter, Potter, Puccini (by telephone), Ross, Ruby, Simpson, Swaye, Topp, White and Wright.

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The reporter was sworn.

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IN PUBLIC

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TREASURER'S REMARKS

The Treasurer commented on the success of the Special Calls to the Bar in London and Ottawa.

The Treasurer welcomed back Mr. Finkelstein to Convocation.

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CONVOCATION SCHEDULING

The Treasurer announced the following schedule for Committee days and Convocations:

March 9th - Committee Day -	Information session re: Paralegals
March 23rd - Regular Convocation	Re: Paralegals
March 31st -	Strategic Planning
April 13th - Committee Day -	Information session re: Rules of Professional Conduct

REPORT OF THE EQUITY AND ABORIGINAL ISSUES COMMITTEE

Re: Equity Advisory Group Terms of Reference

Ms. Ross presented the item in the Report dealing with the terms of reference of the Equity Advisory Group for Convocation's approval.

EQUITY AND ABORIGINAL ISSUES COMMITTEE/  
COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES  
February 11, 2000

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Report to Convocation  
Purpose of Report: Decision and Information

Prepared by the Equity Initiatives Department

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TERMS OF REFERENCE/COMMITTEE PROCESS

The Equity and Aboriginal Issues Committee met on Wednesday, February 9, 2000, 4 - 7 p.m. in Convocation Room.  
In attendance were:

Heather Ross and Helene Puccini (co-chairs)

Robert P. Armstrong (Treasurer)  
Stephen Bindman  
Leonard Braithwaite  
Todd Ducharme  
Barbara Laskin  
Susan Opler (non-bencher)  
Janet Stewart (non-bencher)  
Donald White

Guests: Judith Potter, Mary Teresa Devlin (Discrimination/Harassment Counsel)

Staff: Charles Smith, Anjie Husain, Rachel Osborne, Geneva Yee

This report contains the Committee's recommendations for Convocation on approval of the Terms of Reference for the Equity Advisory Group.

It also contains information reports on:

- ♦ the new members of the Equity Advisory Group;
- ♦ the LSUC Equity and Diversity Action Plans; and
- ♦ the LSUC Discrimination/Harassment Counsel;

*FOR CONVOCAION DECISION-MAKING*

1) EQUITY ADVISORY GROUP TERMS OF REFERENCE AND MEMBERSHIP

In establishing the Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (EAIC), Convocation also approved setting up the Treasurer's Equity Advisory Group (TEAG), Roti io' ta'-kier and AJEFO as advisory bodies to the newly established Committee. Convocation also requested that the EAIC review the terms of reference for TEAG and Roti io' ta'-kier and recommend revised Terms to Convocation for approval.

In response to Convocation's direction, the revised Terms of Reference for the Equity Advisory Group (formerly the Treasurer's Equity Advisory Group) are provided for approval. These terms were reviewed by the Group at its January 25 meeting and are similar to those adopted by Convocation in January 1999. The significant differences are in regard to the Group's name (the term "Treasurer" has been removed), the Group's reporting relationship (to the Committee and not to the Treasurer), the number of benchers on the Group (reduced from six to one) and the number of non-benchers appointed to the Group (increased from eleven to fifteen).

*The Committee is recommending to Convocation that it approve the Equity Advisory Group's Terms of Reference.*

*EAIC also recommends to Convocation that the non-bencher co-chair of EAG, or his/her designate, be appointed to the Committee as an observer, and as a non-voting member.*

Terms of Reference  
Equity Advisory Group

1. Mandate

To assist the Equity and Aboriginal Issues Committee, in the development of policy options for the promotion of equity and diversity in the legal profession by:

- identifying and advising the Committee on issues affecting equity seeking communities, both within the legal profession and relevant to those seeking access to the profession;
- providing input to the Committee on the planning and development of policies and practices related to equity, both within the Law Society and the profession;
- commenting to the Committee on Law Society reports and studies relating to equity issues within the profession; and

## Organization and Structure

### 2. Membership

- 2.1 The Advisory Group has no fewer than 15 members and no more than 17 members, with no fewer than 2 benchers whom will be members of the Equity and Aboriginal Issues Committee.
- 2.2 Members have direct experience or commitment to access and equity for equity seeking communities, including but not limited to communities of ethno-racial people, people of colour, immigrants and refugees, people with disabilities, gays, lesbians, bisexuals, transgenders, and women. Such experience is in areas of employment equity, access to the legal system, human rights; anti-racism, anti-oppression training; managing access and equity plans, or social justice issues
- 2.3 The membership reflects gender parity and balance among the various equity seeking communities.

### 2. Appointment of Co-chairs

The Advisory Group shall be chaired by one of its own non-bencher members.

### 3. Meetings

- 4.1 The Advisory Group meets once a month, [except in the months of July and August], with schedules and agendas being established by the co-chairs in consultation with staff and the members of the Advisory Group.
- 4.2 Special meetings may be convened by a co-chair.
- 4.3 Members must attend meetings regularly either in person or by electronic means such as teleconference.
- 4.4 Failure to attend more than three consecutive meetings without explanation constitutes resignation from the Advisory Group.

### 4. Quorum

- 5.1 Four members of the Advisory Group constitute a quorum for the purposes of the transaction of business.

### 5. Term of Membership

- 6.1 The term of membership is two years, for a maximum of two consecutive terms.
- 6.2 To maintain continuity, not more than half the membership is changed in any year.

### 2. Staff

- 7.1 Research and administrative support is provided by the Law Society's Equity Advisor.

*FOR CONVOCAATION INFORMATION:*

SELECTION OF NEW EAG MEMBERS:

This report provides information on how new members for EAG have been selected. EAG established a working group to review 38 applications from those wishing to join EAG. These EAG members asked a member of the Feminist Legal Analysis Committee/CBA-O to work with the group as an observer. The working group made recommendations to EAG at its January 25 meeting. These recommendations were approved by the EAIC at its meeting on February 9, 2000.

Equity Initiatives

MEMORANDUM

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

Date: January 28, 2000

Re: TEAG Membership Recommendations & Selection Process

Introduction:

1. In December 1999, the TEAG Selection Committee, comprising TEAG members Susan Switch, Avvy Go, and Camille Lee, and CBA-O Feminist Legal Analysis Committee member Joy Casey, reviewed the applicants and formulated a shortlist of candidates for TEAG membership. That shortlist was approved by TEAG during their January 25<sup>th</sup> meeting and is being forwarded to the Equity and Aboriginal Issues Committee /Comité sur l'équité et les affaires autochtones for final approval.

Background:

2. During the summer of 1999, announcements in the Ontario Reports invited members of the profession interested in working on equity and diversity issues with the Treasurer's Equity Advisory Group (TEAG) to forward their curriculum vitae and letter of interest to Charles Smith, Equity Advisor. A total of 38 applications for TEAG membership were received and the TEAG Selection Committee, guided by specific criteria, reviewed and ranked each applicant. The selection criteria, adopted by TEAG in February 1999, is attached.

3. The TEAG Selection Committee met several times over the months of October and November to discuss the applications, and in early December formulated a shortlist of ten candidates to forward to TEAG and the Equity and Aboriginal Issues Committee /Comité sur l'équité et les affaires autochtones for approval.

4. The TEAG Selection Committee considered the representation of various groups on TEAG, and identified that in the current composition of TEAG African Canadians, Hispanics, Aboriginal peoples, and people with disabilities were not represented. This lack of representation was considered by the TEAG Selection Committee during their review of applicants.

5. Current TEAG members include: Judith Keene; Douglas Elliott; Margaret Buist; Neena Gupta; and Avvy Go. Current organizational representatives on TEAG include: the Black Law Students Association of Canada (BLSAC); Women's Law Association (WLA); and the CBA-O Joint Action Committee on Equity and Diversity (JACED).

6. The shortlist of individuals chosen by the TEAG Selection Committee include:



- ▶ Denis Boivin;
- ▶ Senka Dukovich;
- ▶ Thea Herman;
- ▶ Ian MacKenzie;
- ▶ Carissima Mathen;
- ▶ Lori Montague;
- ▶ Andrew Pinto;
- ▶ Daniel Russell;
- ▶ Yusra Siddiquee; and Gary Yee.

These individuals will join with the following returning members: Avvy Go; Douglas Elliott, Margaret Buist; Judith Keene; and Neena Gupta.

7. The TEAG Selection Committee also recommended that the African Canadian Legal Clinic (ACLC) and Aboriginal Legal Services be invited to send a representative to be observers on EAG.

#### LSUC EQUITY AND DIVERSITY ACTION PLANS

This report identifies actions being taken to implement the Bicentennial Report on Equity Issues in the Legal Profession. In the context of the LSUC Executive Limitations, this report is under the authority of the Chief Executive Officer and complies with recommendations in the Bicentennial Report requiring the CEO to undertake a system-wide effort on policy implementation, identify the human financial resources required and to develop a five year business plan.

The analysis document provides background information on the process undertaken to prepare the five-year business plan, analyzes the results to date and makes recommendations for implementation. The "LSUC Equity and Diversity Action Plans, 2000 - 2005" summarizes corporate and departmental equity action plans.

*In providing these materials to Convocation as information, the Committee is advising Convocation that it will:*

- ▶ *meet with LSUC departments in the spring, 2000 to discuss the equity and diversity actions plans in more detail, and to work with members of the Equity Advisory Group, Roti io' ta'-kier and AJEFO in this process;*
- ▶ *report back to Convocation on the results of the departmental meetings.*

#### Equity Initiatives

#### MEMORANDUM

January 17, 2000

To: Equity and Aboriginal Issues Committee/Comité sur l'équité et le affaires autochtones

Re: Analysis of "LSUC Equity and Diversity Action Plans, 2000 - 2005"

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Introduction:

1. To facilitate the development of a system-wide implementation strategy for the Bicentennial Report on Equity Issues in the Legal Profession, each LSUC department has prepared a summary of the equity and diversity issues they have and challenges they face. Based on this, corporate and departmental equity and diversity action plans have been drafted with identification of the appropriate budgetary implications.
2. Corporate and departmental issues were consolidated into a report entitled "Law Society of Upper Canada: Development of Equity and Diversity Plans - A Discussion Document" and submitted as information to Convocation in June, 1999. The "Discussion Document" provided a process for the development of equity and diversity plans. This process included convening consultations with LSUC staff and with members of Aboriginal, French-speaking and equity-seeking lawyers as well as representatives of organizations and groups concerned about equity in the legal profession. Consultations with LSUC staff have also taken place.
3. Shortly after the consultation process, the "LSUC Equity and Diversity Action Plans, 2000 - 2005" were drafted to provide a five-year business plan for the LSUC in its implementation of the Bicentennial Report. This report provides an analysis of the issues raised during the various consultations as well as a critical review of the LSUC equity and diversity action plans. It also makes recommendations on corporate and departmental issues which need to be considered during the implementation of equity and diversity action plans.

Background:

"LSUC Development of Equity and Diversity Action Plans - Discussion Document"

4. The "Discussion Document" provides a brief introduction encapsulating the purpose of the Bicentennial Report on Equity Issues in the Legal Profession, the mandate established by Convocation to implement this report and the purview of LSUC's Executive Limitations on matters delegated to the Chief Executive Officer. The "Discussion Document" then informs on its purpose, and provides a matrix analysis of the issues and challenges each department has identified.
5. The matrix analysis touches on both internal and external issues in such specific areas as: employment; training, education and staff development; performance management; workplace accommodation; communications; purchasing; working with external stakeholders; and educating the profession. The matrix analysis simply identifies common issues based on departmental submissions; it does not present a full analysis based on the total scope of all departments' services and functions; nor does it provide a critical analysis to assess the quality of each department's submission, identifying gaps in issues and areas requiring more substantive attention.

"LSUC Equity and Diversity Action Plans, 2000 - 2005"

6. The "LSUC Equity and Diversity Action Plans, 2000 - 2005" provides information on the specific actions that will be implemented both corporately and by each LSUC department. The action plans are outlined in a framework identifying specific goals, responsibilities, tasks, actions required, budgetary impact, anticipated outcomes and evaluation criteria. Corporate initiatives are first highlighted to demonstrate activities that will involve and have an impact on all LSUC departments and will be developed by the Equity Initiatives Department and an internal steering committee with representatives from all departments. Departmental action plans are then provided detailing actions that will be taken by each department.
7. In terms of time frames and organizational coordination, the action plans will be implemented to:

- ◆ improve awareness both internally and externally. This will ensure familiarity with the implementation of LSUC equity and diversity action plans within each department, the profession and the public. Time frames: 2000 - activities aimed at improving awareness and corporate action plans will be developed. Some departmental action plans will also be implemented, primarily those previously budgeted and planned;
- ◆ address strategic corporate issues. This will ensure those equity and diversity matters affecting all departments are addressed. Such an approach will foster development of a corporate culture supportive of equity and diversity initiatives. Time frames: 2000;
- ◆ undertake departmental actions. This will ensure consistent action is taken by all departments in implementing their equity and diversity plans. Time frames: 2001 - awareness activities and corporate action plans will continue, and implementation of departmental action plans will begin in full;
- ◆ develop assessment criteria and initiate assessment. This will ensure appropriate criteria is developed to assess the implementation strategy and to involve appropriate internal and external stakeholders in doing so. Timeframes: 2003/2004: full implementation and initiation of assessment;
- ◆ develop second phase of implementation. This will ensure ongoing implementation and appropriate adjustments to the implementation strategy. Time frames: 2004/5: phase two of implementation is initiated.

Analysis:

8. Much commendable work has gone into preparing the "Discussion Document" and the "LSUC Equity and Diversity Action Plans, 2000 - 2005" in a short period of time. This appears to reflect both the interest and commitment of LSUC staff to implement the Bicentennial Report's recommendations and staff understanding of the content and issues addressed within the Report. However, the insightful contributions received to date can be best described as initial stages of policy implementation and will need to be enhanced over time as individual staff, each department and the LSUC as a whole become more familiar with the implementation of equity. This analysis is based on the results of the internal/external consultations, interviews with key staff involved in equity implementation and on a review of each department's programs and services. The LSUC Vision Statement on Equity and Diversity is also used to guide the analysis.

9. In this context, the following issues have been identified as needing attention:

- (1) Full equity analysis. Recommendation #3 of the Bicentennial Report requires conducting an equity analysis of each department's programs and services. Preliminary work has been initiated in this area, contributing to the development of equity and diversity action plans. However, further effort is required of each department with the support of the Equity Advisor. This work will enable departments to examine each of its services and to determine their accessibility to Aboriginal, Francophone and equity-seeking groups.
- (2) Addressing Aboriginal, Francophone and Equity-Seeking groups. Many departmental plans use terminology which may appear vague, eg., diversity groups. This fails to acknowledge both the intent of the Bicentennial Report as well as the "LSUC Vision Statement on Equity and Diversity". These two documents are direct in their use of language describing the circumstances impacting on Aboriginal, Francophone and equity-seeking

groups as well as naming them in terms of primary beneficiaries of the policy initiative. The reasons for this are also clearly articulated, i.e., under-representation, challenges of discrimination and disadvantage, and the need for inclusion in order to promote true equality. These sentiments, including the particular language employed, need to be integrated into corporate and department action plans. The LSUC must keep in sight at all times the purpose of this endeavour in order to assess its success, i.e., to ensure barriers of discrimination are eliminated and equality promoted for Aboriginal peoples, Francophones and equity-seeking groups as defined in the "Vision Statement".

- (3) Commonalities/cross-functional approach. Several departments have indicated a need to implement initiatives which are common to other departments. Some of these fall in the areas of communications, outreach, recruitment, staff development and education. These issues provide ideal opportunities for cross-functional efforts which can both build each department as well as the LSUC's organizational culture.
- (4) Recruitment and hiring. The diversity of staff was a key matter raised by most departments. Ensuring staff are representative of the Ontario population, have the competence to perform high quality work, are able to bring diverse values and practices into the workplace and have access to diverse communities are essential to promoting equity and diversity in the workplace. There are, however, several challenges to doing so. These relate to: compiling demographic data on both the LSUC workforce and Ontario population; initiating a process to define opportunities for promoting diversity in the workplace; establishing hiring goals and objectives and developing an organizational culture which can effectively utilize and retain these skills.
- (5) Communications. Several issues have been raised regarding consistent approaches to communicating equity initiatives as well as ongoing policies, programs and services to a diverse community. Both French language and multilingual issues have been raised by departments as essential to address in order to ensure information is available and services provided. In addition, disseminating information to Aboriginal, Francophone and equity-seeking groups was also identified as a key item in both the internal and external consultations. This addresses the need for policy consistency and coordination of approaches to ensure information reaches desired venues and communities.
- (6) Workplace policy development/implementation. There are numerous workplace policies which are either in the developmental stage or have recently been adopted, eg., "Employee First Hiring Policy", "Workplace Harassment", "Accommodation to Programs and Services", "Contract Compliance" and so on. These policies will require effort to ensure consistency and to involve staff from all levels of the organization to effect smooth, integrated implementation. Care is needed in this process to both develop an organizational culture that supports equity implementation and enables the maximum participation of all staff in this process, thereby, engendering ownership over the process and its results.
- (7) Data gathering. This is a major area of work for the LSUC, requiring support from the Information Services Department and active involvement from many other service areas, eg., Regulatory, Investigations, Discipline, Customer Service, Human Resources, Education and Finance. What is needed is demographic profiles for various purposes: (i) to gain a sense of the composition of the profession; (ii) to facilitate implementation of a contract compliance program; (iii) to facilitate employment processes enabling the LSUC to attract and retain a diverse workforce; (iv) to facilitate participation in Convocation decision-making; and (iv) to facilitate strategic outreach and communications initiatives. Much cooperative work will be needed to examine and develop cooperative, efficient and effective ways to gather information useful for these purposes. In addition, staff development and training will be needed to improve understanding of why such data is collected, the legal and conceptual framework for data collection for purposes of equity and diversity and, equally, the use of computers and other technologies to facilitate data collection and analysis.

- (8) Outreach. Ensuring information on LSUC services and programs and how they can be accessed is seen as a major need. It has been generally considered that this is an item which the LSUC has not focussed on in the past few years. As a result, there is considerable uncertainty as to whether or not communities which appear not to have been using the LSUC services are aware of the mandate of these programs and services and how they can be accessed. Given the sensitive services which the LSUC provides and the need to ensure they can be accessed by members of diverse communities, this is a critical matter which must be approached positively. Once again, coordination of program development in this area appears to make sense, being both cost-effective, reducing duplication, promoting efficiencies and developing organizational culture by approaching as a cross-functional developmental opportunity for LSUC departments and staff.
- (9) Opportunities for joint funding. A few departments raised possibilities for seeking funding from external agencies for various model initiatives, eg., approaches to equity in classroom curriculum, developing standards for law offices, providing support to community-based organizations seeking pro bono legal counsel to undertake equity initiatives and supporting Aboriginal, Francophone and equity-seeking legal groups in their efforts to promote equity and diversity in the legal profession. Following up on such possibilities presents numerous advantages both in terms of costs and in developing partnerships within the legal profession and the broader community.
- (10) Access to decision-making by non-benchers. This matter was addressed in a recommendation in the Bicentennial Report (page 30, #7 "Governance") which supports increasing the involvement of Aboriginal, Francophone and equity-seeking groups in Convocation's decision-making process. This is seen as a critical issue in that it will generate opportunities for lawyers from these groups to engage in the work of Convocation and, as such, to ensure their voices and opinions are considered in LSUC policy development and decision-making. The purpose of this is to increase participation by a growing segment of the legal profession and to ensure that the LSUC's policies, programs and services are responsive to their needs.
- (11) Involving staff at all levels of each department. The planning process for equity and diversity implementation has primarily involved senior management and management staff. This has been essential in terms of integrating equity and diversity into day-to-day administration. It is also crucial to securing organizational support for ongoing implementation. However, it is now critical that staff involved in direct service delivery become strategically involved in the implementation process. This is because these staff have direct contact with members of the profession and the public. The information they have and experiences they encounter in providing LSUC services are important to include in ongoing equity planning and implementation. For example, members of the profession may seek information essential to their practice regarding human rights and equality law. Members of the profession and the public may be irate in their dealings with staff and their behaviour may border on harassment. This type of information is essential to integrate into staff development activities as well as organizational policy development. Already, internal consultations have addressed such issues as client harassment of staff as well as access to translators/interpreters for correspondence, face-to-face and telephone transactions.
- (12) Use of the Planning Tool. To facilitate the development of equity and diversity action plans, a planning tool has been provided (See Appendix "E"). While this tool has helped in shaping the current action plans, more work is needed to refine anticipated outcomes and to evaluate success. This work is critical to ensuring equity and diversity initiatives are responsive to the needs of Aboriginal, Francophone and equity-seeking groups. It will also be essential to assessing the progress in this first phase of policy implementation and developing future initiatives.

- (13) Principles to guide policy implementation. To date, the planning process has evolved on the basis of issue identification and plan development in the context of implementing the Bicentennial Report. This has created possibilities to enhance coordination of corporate and departmental activities and ongoing implementation through the framework of policy principles applicable to core organizational activities. This requires identification of core organizational functions and the policy framework required to guide equity implementation in each of these functions. All organizations have the following core functions: (i) employment; (ii) contracting of goods and services; (iii) service delivery; (iv) communications; and (v) public profile/leadership. In terms of equity implementation, issues related to representation, choice, participation in decision-making and employment as well as service delivery are important and should form the basis of policy principles to guide ongoing implementation.

10. A strategy for the full implementation of the Bicentennial Report is outlined in this report and the "LSUC Equity and Diversity Action Plans". This strategy requires adherence to policy principles identified above in 9 (l) which are referenced in the "LSUC Equity and Diversity Vision Statement". In this context, the following actions will take place:

- a) policy principles will be developed for the areas outlined above. These principles will detail what is intended for each issue and, where appropriate, provide guidelines and procedures for implementing;
- b) the issues contained in this report will be integrated into the corporate and departmental implementation of equity and diversity action plans; and
- c) the use of computer and technological resources will be assessed and brought forward for consideration and approval.

11. A report on the progress to address these matters will be brought forward in the first quarter of 2000.

## LAW SOCIETY OF UPPER CANADA

### EQUITY AND DIVERSITY

### ACTION PLAN SUMMARY

2000 - 2005

#### Introduction:

The *Law Society Of Upper Canada Equity and Diversity Action Plan Summary* provides an overview of the initiatives being undertaken by all Law Society departments to integrate equity and diversity into day-to-day operations. This is being done in compliance with Recommendations #6 and #15 of the *Bicentennial Report on Equity Issues in the Legal Profession* which respectively state:

"In order to facilitate and further the advancement of equity and diversity goals, the Law Society must dedicate appropriate human and financial resources specifically to these goals."; and

"The Law Society should continue to set and monitor equity standards for its own staff that will make it a model for the profession as an employer."

The *Bicentennial Report* also called for a systems-wide effort to integrate equity and diversity throughout the Law Society, led by the Chief Executive Officer and facilitated by the Equity Advisor. These requirements have now been included in the LSUC "Policy Governance Manual" as part of the Executive Limitations entitled "Bencher-Staff Relations: Delegation to the Chief Executive Officer."

The *Action Plan Summary* responds to these directives of Convocation, providing a 5 year business plan including both corporate and departmental actions. The identified planning process provides opportunities for the development of a corporate culture supportive of equity and diversity initiatives and the subsequent implementation of such plans by each department. The implementation process is guided by the notion of line department ownership, responsibility and accountability, thereby, ensuring equity and diversity initiatives are treated as a core value and not as an add-on or the responsibility of a central, corporate resource. As such, corporate plans have been developed based on issues common to all departments (e.g., employment, communications, purchasing); departmental plans are specific to the mandates and functions of particular departments. Further, the planning process has been integrated with the annual budget process to ensure equity and diversity initiatives are appropriately budgeted for implementation.

The complete corporate and departmental plans are provided in a common format which includes identification of goals, responsibility, actions (including timeframes), resources required, budget, anticipated outcomes and evaluation criteria. The *Action Plan Summary* provides goals, responsibility, and actions (including timeframes).

### CORPORATE PLANS

*Goal: To ensure all levels of the workplace are reflective of the Ontario population, including Aboriginal peoples, Francophones and equity-seeking groups.*

Responsibility: Equity Advisor with Human Resources and line departments.

- Actions:
- (1) To educate staff regarding equity and diversity in employment and how these strategies impact on Aboriginal, Francophone and equity-seeking groups. (Spring - Winter, 2000);
  - (2) To review demographic data to establish population comparators for the development of LSUC employment strategies. (Spring, 2000);
  - (3) To conduct a census of LSUC employees to determine the composition based on personal characteristics. (Spring, 2001);
  - (4) To implement employment strategies to achieve the goal. (2001 - 2004).

*Goal: To provide staff with knowledge and skills to implement initiatives improving access to the LSUC by Aboriginal, Francophone and equity-seeking groups.*

Responsibility: Equity Advisor, Human Resources, Internal Equity Steering Committee.

- Actions:
- (1) To develop and implement corporate educational programs for all LSUC staff. (2000 - 2004).
  - (2) To provide education and training to departments with immediate needs. (2000 - 2001).
  - (3) To integrate issues respecting Aboriginal, Francophone and equity-seeking groups into ongoing educational and training programs. (2001 - 2005).

*Goal: To ensure that the Law Society accommodates staff, members and service consumers, particularly people with disabilities, French and non-English speaking persons, people with diverse religious customs and with family responsibilities.*

**Responsibility:** Equity Advisor, Director of Human Resources, Manager of Facilities, Director of Communications and Public Affairs, Chief Information Officer.

- Actions:**
- (1) To develop and communicate comprehensive policy and programs on accommodation for employees, members and consumers of services. (2000).
  - (2) To provide accommodation as required (Ongoing).

**Goal:** *To ensure communications of the Law Society and its departments are accessible to English, French and non-English speaking communities and that barriers to effective communications are identified and eliminated, particularly addressing issues of racial and cultural appropriateness, literacy, deafness and visual impairments.*

**Responsibility:** Equity Advisor, Director of Communications and Public Affairs.

- Actions:**
- (1) To develop policy and program guidelines aimed at ensuring day-to-day communications are accessible to diverse communities, particularly Aboriginal, Francophone and equity-seeking groups (2000 - 2001).
  - (2) To coordinate and provide information on Law Society programs, services and decision-making in diverse languages and alternate formats (2000).

**Goal:** *To ensure that the Law Society's purchasing of goods and services are accessible to all potential suppliers, including those owned and operated by Aboriginal peoples, Francophones and equity-seeking groups.*

**Responsibility:** Equity Advisor, Senior Management Team, Manager of Finance.

- Actions:**
- (1) To review current policies and practices within LSUC (2000).
  - (2) To coordinate purchasing policies, procedures, requirements and activities (2000).
  - (3) To communicate new requirements to current/potential suppliers (2001).

**Goal:** *To develop partnerships between the Law Society and representatives of diverse communities, particularly Aboriginal peoples, Francophones and equity-seeking groups, to ensure their participation in Law Society services and decision-making.*

**Responsibility:** Equity Advisor

- Actions:**
- (i) To maintain and develop current partnerships with the Treasurer's Equity Advisory Group, Roti Io Ta kier and AJEFO (Ongoing).
  - (ii) To identify corporate and departmental initiatives requiring/requesting partnerships and to assist departments in making links with Aboriginal, Francophone and equity-seeking groups (2000).
  - (iii) To maintain and develop liaison and working relations with Aboriginal, Francophone and equity-seeking groups concerned with the legal profession (Ongoing).



*Goal: To develop opportunities for members of the profession to gain knowledge, experience and skills related to working effectively with diverse communities, particularly Aboriginal, Francophone and equity-seeking groups.*

Responsibility: Equity Advisor

- Actions:
- (1) To develop and market model policies and programs as well as education and training programs (Ongoing).
  - (2) To implement education and training programs (2000 - 2001).

#### DEPARTMENT OF EDUCATION

Note: Throughout this document the term "under represented groups" will be used as a means of referring to members of equity seeking groups, Aboriginals, Francophones, disabled, etc.

*Goal : Increase the opportunity for members of under represented groups to obtain quality articling positions.*

Action 1: Study the reasons for the difficulties that members of equity seeking groups face in securing quality articling positions through the work of the Articling Task Force. (February 2000).

Responsibility: Articling Task Force and Director of Education

Action 2: Continue to develop better supports for all students for preparing and conducting their search for articling positions. (Ongoing).

Responsibility: Department of Education - Head of Articling and Placement

Action 3: Develop strategies to ensure adequate articling placements for members of under represented groups. (E.g. model equity plans for firms to consider, incentive/recognition plans for firms; communication plans re risks of non-compliance, model contract compliance policies for firms to consider.) (December 2000).

Responsibility: Department of Education - Head of Articling and Placement

Action 4: Develop a communication/education plan to make the profession aware of the needs of the students and the responsibility of the profession towards educating the students. (The content of the plan would be informed by the work of the Articling Task Force.) (April 2000).

Responsibility: Department of Education - Head of Articling and Placement

Action 5: Develop a model diversity statement that firms/principals would be encouraged to include in their postings for articling students and for permanent hires. (December, 2000).

Responsibility: Head of Articling and Placement; Equity Advisor

Action 6: Develop partnerships with the law schools in order to promote opportunities for assisting under represented groups. (2000-2001).

Responsibility: Department of Education - Director

Goal: *Develop reference and seminar materials for use within the BAC which include the voices and faces of members of under represented groups.*

Action 1: Establish this as a priority in the development of materials for the new model of the BAC. (New curriculum by January 2001).

Responsibility: Department of Education - Director

Action 2: Establish this as a priority in the development of materials for CLE programs, and communicate this to all CLE authors. (Ongoing).

Responsibility: Department of Education - Head of CLE

Goal: *Improve the coverage of equity issues in CLE products and activities.*

Action: Plan and develop special CLE programs and materials on targeted issues, and offer them at less than cost recovery. Most CLE programs run on a full cost recovery basis; if this was the sole criteria for choosing programs then in general equity issues would not be well addressed as these programs draw smaller audiences. (Ongoing).

Responsibility: Department of Education - Head of CLE

Goal: *Achieve a more equitable mix of instructors within the BAC and for CLE programs.*

Action 1: Contact the various legal groups representing lawyers from under represented groups and encourage applications for involvement in the BAC and CLE programs. (June 2000).

Responsibility: Department of Education - Director; and Equity Advisor

Action 2: Approach the CBA-O concerning jointly developing and expanding a diverse pool of potential CLE instructors. (September 2000).

Responsibility: Department of Education - Head of CLE; Equity Advisor

Action 3: Advertise through the Ontario Reports and the Ontario Lawyers Gazette for instructors from under represented groups. (April 2000).

Responsibility: Department of Education - Director

**Goal:** *Develop quality training programs for Education staff (internal) and the BAC instructors (external) with respect to sensitivity and diversity issues.*

**Action 1:** Include sensitivity training in all BAC instructor training sessions. (Ongoing).

**Responsibility:** Department of Education - Director

**Action 2:** Train Department of Education employees on equity issues. Dependent on Equity Initiatives Department.

**Responsibility:** Equity Advisor and Director of Education

**Goal:** *Develop and implement the elements of the new model of the BAC which will alleviate many of the concerns and systemic biases that are being experienced by members of under represented groups.*

**Action:** This development is being planned, staffed, budgeted, implemented, and monitored through the BAC Reform implementation process, and is therefore not duplicated here. The new model of the Bar Admission Course is scheduled for implementation in May 2001. The key elements which relate to equity are those that contribute to increased flexibility with respect to the time. Location, and manner in which the learning can be accessed.

**Goal:** *Develop better techniques for soliciting the views and involvement of students within the BAC regarding equity issues.*

**Action 1:** Link with associations of under represented groups, and encourage and assist them in developing and maintaining chapters for BAC students. (August 2000).

**Responsibility:** Equity Advisor; Director of Education

#### POLICY SECRETARIAT

**Goal:** *To ensure that the members of the Policy Secretariat are fully informed of equity and diversity initiatives being pursued by other departments in the Law Society and by all committees and task forces of Convocation.*

**Responsibility:** All staff who support the work of committees and task forces.

**Action:** Establish systematic exchange of information between staff of the Policy Secretariat and the Equity Initiatives as well as between staff of the Policy Secretariat and other staff members who support committees and task forces. This will be done through regular monthly meetings. (Ongoing).

**Goal:** *To ensure that, prior to the presentation of a policy report to Convocation, equity and diversity issues have been considered by the Policy Secretariat, and brought to the attention of the benchers responsible for the policy report.*

- Responsibility:** All staff of the Policy Secretariat  
All staff who act as support to Convocation's committees and task forces.  
Staff of the Equity Initiatives department.
- Action:** Develop a checklist of a standard set of questions relevant to the Law Society's equity and diversity mandate to be addressed by staff preparing policy reports. This will be done in by addressing recommendations set out in the *Bicentennial Report*, the executive limitations and the Law Society's model policies. The questions will then be communicated to all staff with responsibility for preparing policy reports for Convocation. (2000).

#### ADVISORY & COMPLIANCE SERVICES

*Goal: Recruit staff to fill new or vacated positions that reflect the diversity of the legal profession and public.*

- Responsibility:** Manager and ACS team leaders
- Actions:**
- (1) Review job descriptions and remove unnecessary barriers to open competition (e.g. experience requirements for entry level positions) and diversify weighting of selection criteria. (2001 and ongoing).
  - (2) Link customer service requirements to anticipated customer base. (2002).
  - (3) Review recruitment approach (e.g. interview questions, simulated presentation, etc.), recruitment sources and diversify recruitment approach to reflect service requirements of position and diversify candidate sourcing. (2001 and ongoing).

*Goal: Improve the accessibility of the public to ACS programs, especially Complaints resolution.*

- Responsibility:** Manager, Resolution and Compliance (R&C) Team Leader
- Actions:**
- (1) Review existing public material describing mandate and complete "plain language" overhaul of existing materials. (Winter-Spring 2000).
  - (2) Identify communication gaps re: mandate and develop new materials where required. Spring-Summer, 2000. Also, translate any new or revised materials into French and other languages. (Summer-Fall, 2000)
  - (3) Review distribution network for information re: mandate and build community network. (2000).

*Goal: Improve the accessibility and impact of ACS programs on the profession.*

- Responsibility:** Manager, ACS team leaders

- Actions:
- (1) Develop and begin the execution of a plan to provide advisory services which reflect the diversity of the Bar. The plan to encompass various definitions of "diversity" (e.g. private practice/non-private practice, old/young, regional disparity, etc.). The plan to consider both product content and delivery (e.g. via technology). (2000 and ongoing).
  - (2) Establish a member advisory group consisting of lawyers from diverse backgrounds to assist the Society with the development and refinement of ACS services. (The advisory group will assist with: reviewing "member profile" information obtained from Member Information Form filings; reviewing forms, checklists used to provide services to or to process information from members; reviewing bylaws for unnecessary barriers to accommodating needs of diverse profession, e.g. filing requirements for non-practicing, semi-retired members; developing a comprehensive list of lawyer organizations; reviewing existing public material describing the various components of ACS mandate; identifying communication gaps re:mandate; and reviewing existing strategy for communicating mandate. (2000 and ongoing).
  - (3) Develop new forms (and where necessary, seek amendment of bylaws) to reflect the diverse needs and expectations of profession but which are consistent with regulatory obligations. (2001 - 2002).
  - (4) Increase the availability of advisory information through the Internet (including links with various sites) and Lawyers Workbench. (2000 and ongoing).

## INVESTIGATIONS

*Goal: The provision of investigations services recognizing the diversity of complainants, members of the profession, student members and LSUC staff.*

Responsibility: The Manager and the team leaders.

- Actions:
- (1) Convene staff meetings to ensure awareness to program goals. Managerial monitoring to ensure that investigations conducted do, in fact, give recognition to the equity plan. Awareness seminars. Leadership that sets a positive example in the hiring processes and the investigative processes. (Ongoing).
  - (2) Take steps in the day-to-day investigations efforts to serve the profession and the public in a way that implements this program. (Ongoing).
  - (3) Give recognition to the goals of this program in our daily investigations work. Ensure complainants that have physical limitations are accommodated, those that speak languages other than English are accommodated, and in any other instances where the complainant must be accommodated, efforts are made to do so. With regard to the profession, similar current practices are in place. (Ongoing).
  - (4) Ensure the hiring processes are mindful of equity concerns. (Ongoing).

General

Comments:

The nature of work in this department requires that a fair and impartial assessment is made of all matters that are forwarded to this department because of the potential serious nature of the conduct inherent in the information/complaint. It is a practice of the department to make efforts to conduct a complete investigation of the matter. To do so requires that the members' and complainants' schedule and needs take precedence in order that the investigation can be properly completed. To do so requires that impediments be addressed and in doing so, it means that efforts focus on meeting with people and communicating with them. Doing so involves being cognizant of peoples needs and addressing them.

LAWYERS FUND FOR CLIENT COMPENSATION

*Goal: To answer telephone inquiries about the Fund in languages other than English.*

Responsibility: Manager, Lawyers Fund for Client Compensation.

Task: To offer telephone services in languages other than English will have to be accomplished using either internal or external resources.

- Actions:
- (1) Develop a corporate policy to ensure the same level of service is available throughout the Law Society, not just to callers to the Fund (2000)
  - (2) Poll staff immediately to develop an inventory of available languages and staff's willingness to participate. Responsibility for developing the inventory to be shared initiative of Human Resources and Equity (2000).
  - (3) Contract AT&T's Language Line and make available for use to any department or section of the Law Society which accepts incoming calls from the public (2000).

*Goal : To make the Fund brochure, and potentially further materials, available in languages other than English.*

Responsibility: Manager, Lawyers Fund for Client Compensation with Equity Advisor.

- Actions:
- (1) Develop corporate policy and criteria on the types of materials to be translated and the languages they will be translated into and to ensure that the same level of service is available throughout the Law Society (2000).
  - (2) In consultation with Equity Department, identify best sources for distribution to reach intended audience (clients from equity seeking groups who have suffered a financial losses due to their lawyers' dishonesty) (2000).

DISCIPLINE DEPARTMENT

*Goal: To retain a professional and non professional staff which reflects the community.*

Responsibility: Senior Counsel - Discipline

Action: Hire members of Aboriginal, French and equity seeking groups by sending postings to such groups, interviewing qualified members of such groups, hiring pool of talent from such groups to improve availability for specific jobs and, if required, make accommodation to allow the individual to fill the job (2001 and Ongoing).

Goal: *To remove systemic barriers to the prosecution of lawyer misconduct.*

Responsibility: Senior Counsel - Discipline and all members of the Discipline Department

- Actions:
- (1) Make the discipline process open and understandable to complainants and witnesses by open and timely communication and use of interpreters where necessary .
  - (2) Train discipline counsel not to make credibility or other judgments based upon irrelevant factors. First, identify/prioritize issues requiring training (June, 2000). Begin training (January, 2001).
  - (3) Train discipline counsel in issues surrounding sexual harassment prosecutions. First, identify/prioritize issues requiring training (January, 2000). Implement training (July, 2000).
  - (2) Give discipline counsel the resources to present hearings in a way that allows benchers not to make credibility or other judgments based upon irrelevant factors (Ongoing).

Goal: *To treat all members who are the subject of discipline hearings fairly and equitably.*

Responsibility: Senior Counsel - Discipline and all members of the Discipline Department

- Actions:
- (1) Provide sensitivity training for all staff to ensure irrelevant factors are not given consideration in dealings with members who are the subject of discipline hearings. (2000 - 2001).
  - (2) Take a consistent and principled approach to penalty and other legal issues by clearly identifying to discipline counsel that such an approach is required. Regular counsel meetings to discuss and agree upon consistent approaches to legal issues in the discipline hearing process. (Ongoing).

#### INFORMATION SERVICES

Goal: *To provide technological support recognizing the equity and diversity of Law Society staff and student members and to participate in corporate equity initiatives.*

Responsibility: Shared among all departmental staff.

- Actions:
- (1) To make people aware of technical systems or devices that will further the goals of the Law Society's equity and diversity goals.
  - (2) To work with individual departments as the need arises. For example, Information Systems was deeply involved in the development of the Student Success Centre for the Bar Admission program.

#### GREAT LIBRARY

Goal: *To create and foster an institutional library environment where diversity and diverse patrons are valued, welcomed and respected.*

Responsibility: The Director of Libraries together with the heads of library departments.

- Actions:
- (1) Develop recruitment efforts at library schools to encourage minority students to consider careers and apply for positions in law libraries. (2001);
  - (2) Mentor Bar Admission Course students. Meet with Director of Bar Admissions and Team Leader, Student Success Centre to identify ways in which this can be accomplished. (2000 and Ongoing)
  - (3) Provide sensitivity training for all the Great Library staff to assist them in identifying barriers in serving patrons with special needs and how to remove them. (2001 and Ongoing)
  - (4) Develop accommodation policy. (2000).
  - (5) Assess and fill in gaps in the collection to ensure that it meets the requirements for materials in the areas of human rights, equity, diversity, hate crimes, etc. (2000 and Ongoing)

#### FINANCE OPERATIONS

Goal: *To develop, if warranted, a contract compliance program requiring firms and organizations doing business with the Society to have in place practices that meet diversity and equity requirements.*

Responsibility: Staff, Finance & Audit Committee, Equity and Aboriginal Issues Committee, Convocation

- Actions:
- (1) Undertake research and prepare reports for presentation to committee and obtain appropriate direction. (2000)
  - (2) Liaise with affected LSUC staff, LAIC and Benchers to obtain input on ideas. (2000)
  - (3) Make recommendation to Finance & Audit Committee and Equity and Aboriginal Issues Committee on advisability of contract compliance program. (2000)
  - (4) Draft final resolution and operationalize plan, if warranted. (2000)



## FACILITIES DEPARTMENT

*Goal: To assess the feasibility of ensuring equal access for people with disabilities, to all floors of the LSUC Ottawa facility.*

**Responsibility:** Chief Financial Officer, Facility Manager, Facility Supervisor

- Actions:**
- (1) Hire and work with external consultant to prepare report assessing needs and determine feasibility and systems available. (Spring-Summer, 2000).
  - (2) Senior Management Team review consultant report and determine feasibility of response. (Fall, 2000).
  - (3) If required, report to Convocation through Finance and Audit Committee on appropriate response. (Fall, 2000).

*Goal: To upgrade all elevators in the Toronto site to make it easier for people with disabilities to use them i.e. braille buttons, voice announcements.*

**Responsibility:** Chief Financial Officer, Facility Manager, Team Leader Building Services, Team Leader Mechanical Services, external consultants.

- Actions:**
- (1) Work with a consultant to assess existing facility, review code requirements and determine the extent of the upgrades. (Spring-Summer, 2000).
  - (2) Senior Management Team review consultant report and prepare response to recommendations. (Fall, 2000).
  - (3) If required, approach Convocation through Finance and Audit Committee with recommendations. (Fall, 2000).

## CLIENT SERVICES DEPARTMENT

*Goal: To provide service in language of client's choice.*

**Responsibility:** Director of Customer Service, Call Centre Manager, Membership Services Manager, Service & Quality Specialist (2001 - 2005)

- Actions:**
- (1) Obtain demographic information on potential customers.
  - (2) Complete Needs Analysis for service requirements (LRS, Complaints, Education, General Enquiries).
  - (3) Review LRS database, which provides some indication of which languages our customers may wish to be served in; analyse the information.

- (4) Research the cost of multi-lingual phone services such as AT & T Language Line Services and the ramifications of implementing the use of the service in the CSC .
- (5) Co-ordinate with Public Affairs in the development of a Client Service brochure and its translation into French and other languages.
- (6) Co-ordinate with Public Affairs in the identification of forms that should be multi-lingual and in the production of these forms in various other languages, i.e. mail-out forms as well as forms that customers pick up at the CSC.
- (7) Co-ordinate with Public Affairs and outside agencies such as the CNIB in the production of various promotional materials in braille; may involve purchasing and operating technical equipment available from the CNIB.

*Goal: To provide access to services for the hearing impaired*

Responsibility: Call Centre Manager, Membership Services Manager, Service & Quality Specialist (2001)

- Actions:
- (1) Determine feasibility of installing technical devices in the CSC and training CSC staff in their use from point of view of: a) technical feasibility; b) staffing availability.
  - (2) Purchase TTY and/or amplifier telephone and/or implement Telephone Dialling for the Deaf (TDD).
  - (3) Make CSC staff aware of Bell Relay Service (free service) 1-800-855-0511 (you need the telephone number of the hearing impaired customer you wish to serve, to give to the 1-800 number).
  - (4) Increase overall awareness of the nature of the disability so that CSR's are sensitive to the special needs of hearing impaired persons (self training with the use of free videos, pamphlets, etc.).
  - (5) Have one CSR trained in sign language.

*Goal: To equitably recruit and promote staff*

Responsibility: Director of Customer Service, Call Centre Manager, Membership Services Manager (2000-Ongoing)

- Actions:
- (1) Director of Customer Service to be trained in Equity and Diversity issues that affect staffing such as: diverse communities.

- (2) Call Centre Manager and Membership Services Manager to be trained in Equity and Diversity issues with a staffing and performance review focus.
- (3) Initial recruitment of staff to be done, in partnership with the Human Resources department.
- (4) Performance Reviews to be done in a manner respecting Equity and Diversity principles.
- (5) Recommendations for advancement to be based on Equity and Diversity principles.
- (6) Ongoing assessment of the staffing of the CSC to verify that it reflects the diversity of the legal profession and the general public.

*Goal: To provide equity and diversity training for staff*

Responsibility: Director of Customer Service, Service & Quality Specialist, Call Centre Manager, Membership Services Manager (2000-Ongoing)

- Actions:
- (1) Co-ordinate with the Equity department regarding the Equity and Diversity seminars; a specific requirement would include the need to work around the scheduling of staffing in the CSC
  - (2) Co-ordinate with the Equity and Human Resources departments in the design of the specific training seminars required by CSC staff.
  - (3) Communicate need for such training to CSC staff and describe attendant benefits.
  - (4) Schedule the training and survey the CSC staff after the training.

*Goal: To ensure access to facilities for persons with disabilities*

Responsibility: Director of Customer Service, Call Centre Manager, Membership Services Manager (2002)

- Actions:
- (1) Contact the Facilities department to see if there is wheelchair access to the service counter and interview rooms.
  - (2) If there is not sufficient access, Director of Customer Service to take the issue to Senior Management Team to determine policy and obtain resources to accomplish this objective.
  - (3) Director of Customer Service to determine if the counter of the CSC should be redesigned for wheelchair customers.

EQUITY INITIATIVES  
DEPARTMENT

*Goal: To promote equity and diversity within the legal profession by improving awareness of the issues, needs and concerns of equity-seeking groups.*

Responsibility: Equity Advisor

- Actions:
- (1) Prepare reports for monthly meetings of Standing Committee addressing Aboriginal, Francophone and Equity issues and follow-up items requiring submission to Convocation; and convene consultations on Aboriginal, Francophone and equity issues/initiatives being considered by Convocation. (Ongoing).
  - (4) Coordinate public education events celebrating days of significance to Aboriginal, French-speaking and equity-seeking communities, i.e., Martinsday, Black History Month, International Women's Day, International Day for the Elimination of Racial Discrimination, Refugee Rights Day, National Access Awareness Week, Lesbian/Gay Pride Week, Aboriginal Heritage Day, Holocaust Education Week, Women's History Month, Human Rights Awareness Day.
  - (5) Initiate a demographic review of the legal profession. The analysis will in year 1 gather/analyze Stats Can data; in year 2, there will be public education of the profession regarding the results from the Stats Can data review; in year 3, a self-identification process will be initiated with all members of the profession. (2000 - 2002).

*Goal: To enable each department to develop coordinated, integrated equity and diversity activities and plans.*

Responsibility: Equity Advisor

- Actions:
- (1) Consult with SMT and MT on stages of equity and diversity plan development and provide ongoing advice and support to SMT and MT members as required. (Ongoing);
  - (2) Review and analyze plan proposals, implementation and undertake equity audit. (2000 - 2001);
  - (3) Coordinate ongoing activities of equity and diversity internal steering committee. (Monthly).

HUMAN RESOURCES

GOAL: Have equitable and bias free employment systems.

**Task:** Conduct an employment systems review. Audit current policies, practices and procedures relating to recruitment & selection, compensation and benefits, training and development and performance management. (2000/2001)

**Responsibility:** Equity Initiatives, HR and Audit Team

**Actions:**

- (1) HR staff and Audit Team are selected and trained to conduct an employment systems review.
- (2) Benchmark our policies against industry leaders in attaining equity and diversity in the workforce.
- (3) Identify the policies that are not in compliance. Revise policies.
- (4) Communicate and roll out revised policies in conjunction with Equity Initiatives, Public Affairs, Audit Team, SMT, MT and departments.

**GOAL:** Ensure hiring practices are equitable, consistent and promote accessibility in order to attract and retain qualified candidates.

**Task:** Develop and improve, as required, current recruitment and selection policy, practices and tools. (2000/2001/2002)

**Responsibility:** HR team & Equity Initiatives

**Actions:**

- (1) Review selection tools/materials/hiring policy to ensure selection and recruitment are based on bona fide work requirements, are bias free and comply with the organization's recruitment and selection hiring policies and practices.
- (2) Educate and train users on the organization's hiring policies, practices, tools and how to apply said to ensure hiring decisions are bias free and in compliance.
- (3) Actively recruit externally using a variety of diversity sensitive media (web sites, community bulletin boards and local/interest specific print media).
- (4) Provide specialized training for interviewers on cultural diversity and sensitivity.
- (5) Work with representative groups to identify if jobs and/or the language used to advertise for the jobs are appealing to all equity seeking groups and, if not, address issues.

**GOAL:** LSUC managers and employees recognize, embrace and encompass equity and diversity into all work practices.

**Task 1:** Raise awareness of equity and diversity and how they affect staff interactions in recruitment, performance management, and discipline.(2000)

Responsibility: HR, Equity Initiatives, LSUC employees

Action: Provide education and skill development training for managers and employees about equity and diversity in the workforce.

Task 2: Address accommodation issues around religious and cultural need. (2000).

Responsibility: HR & Equity Initiatives

Action: Benchmark our practices against best practices and create a policy.

Task 3: Communicate LSUC's commitment to equity and diversity to new employees.(2000 and ongoing)

Responsibility: HR and Equity Initiatives

Action: Use orientation process to inform and reinforce LSUC's commitment to equity by communicating policies and procedures at sessions. Review current employee handbook to ensure that the language is accessible and neutral.

Task 4: Increase awareness around equity/diversity and performance management.(2001 - 2002)

Responsibility: HR and Equity Initiatives

Action: Provide training and coaching for managers and supervisors so that they are informed and understand their responsibilities.

GOAL: LSUC employee communications are varied, accessible and sensitive to all groups of employees.

Task: Be knowledgeable about how different people receive and process information. (2001)

Responsibility: HR, Public Affairs, Equity Initiatives, LSUC employees.

Action: Educate staff about different learning styles, personality types. Incorporate that understanding and learning into HR systems (i.e. performance management, employee relations, recruiting) and communication tools.

GOAL: A compensation system that is neutral and bias free.

Task: Have a neutral job evaluation plan and job descriptions that reflect jobs and their requirements. (2002)

Responsibility: Human Resources

Action: Conduct an external review of job descriptions to ensure that these are based on bona fide requirements and the evaluation plan is neutral.

GOAL: The organization is committed to a workplace free of harassment and discrimination.

Task: Roll-Out a workplace harassment policy that reflects the values and commitment of the organization. (2000)

Responsibility: HR/Equity Initiatives/SMT

Action: Validate workplace harassment program, refine as needed. Recruit and select advisors based on specific selection criteria that will enable them to be effective and impartial. Fully communicate by educating and training advisors, management and employees on the application of the policy, procedures, what constitutes workplace harassment, etc and the respective roles and responsibilities (advisors, managers, employees, HR, Equity). Include information about the policy in orientation program. Roll out the policy and procedures.

GOAL: Promote the Law Society as a potential employer of interest for all representative groups.

Task: Actively work with equity seeking groups and the community at large to promote awareness of the Law Society. (2001/2002/2003)

Responsibility: HR/Equity Initiatives

Action: Work with interested groups seeking to increase representation at the Law Society by maintaining ongoing relationships through participation at public events sponsored by LSUC, raising awareness of the kinds of positions and career paths available. Make use of the Internet to communicate the message.

#### STATUS OF SUPPORTING THE DISCRIMINATION/HARASSMENT COUNSEL:

Prepared by the Equity Initiatives Department, this report identifies the steps undertaken to date to implement the program adopted by Convocation in June, 1999. While the program is now being established, there is a rather significant issue in terms of the confidentiality within which the Discrimination/Harassment Counsel can operate. Proposed changes to the Rules of Professional Conduct recommended by TEAG in the spring will enable the Discrimination/Harassment Counsel to keep all information received out of LSUC disciplinary processes. However, the same privilege is not provided for external proceedings. This is noted in the memo attached to the report.

*To pursue this matter further, the Committee co-chairs will raise this matter with the chair of the Professional Regulation Committee, and the LSUC Secretary, encouraging them to develop strategies to extend confidentiality to the Discrimination/Harassment Counsel equivalent to that provided for other representatives or agents of the LSUC who become involved in proceedings wherein there is a real or perceived violation of the Rules of Professional Conduct.*

Equity Initiatives

December 8, 1999

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

Re: Status of Supporting the Law Society of Upper Canada Discrimination/Harassment Counsel and Policy Issues for Further Deliberation

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Introduction:

1. On June 24, 1999, Convocation adopted a report from the Treasurer's Equity Advisory Group (TEAG) recommending the establishment of the Discrimination/Harassment Counsel. This report recommended a 1999 budget (\$60,000) and 2000 budget estimate (\$225,000) for the program.
2. Shortly after Convocation's approval, Mary Teresa Devlin was awarded the position of Discrimination/Harassment Counsel. This was the result of a significant recruitment effort in which 86 applications were received, 10 applicants short-listed for interviews and 4 applicants included in final interviews conducted by Benchers Nancy Backhouse and Helene Puccini as well as Kimberly Morris of the Advocates' Society and LSUC staff Charles Smith, Equity Advisor, and Felicia Smith, Advisory and Compliance Services.
3. Upon accepting the position, the Discrimination/Harassment Counsel met with the Equity Advisor to initiate the development of the program and to define the relationship between the LSUC and the Counsel. The following report reflects discussions on the terms of the contract between the LSUC and Ms Devlin, matters concerning budgets and disbursements, the Discrimination/Harassment Counsel's activities, and issues regarding confidentiality, arm's length relationship and supports that can be provided by LSUC.
4. In addition to the above, research has been conducted to examine issues regarding confidentiality in the Discrimination/Harassment Counsel's provision of services. The research conducted to date is attached as Appendix "A" and is now being reviewed to determine the confidentiality provisions that will be provided to the Discrimination/Harassment Counsel by the LSUC.

Length of Contract

5. The contract will begin on September 1, 1999 and run through to December 31, 2000. The budget allocated for the Discrimination/Harassment Counsel is \$60,000.00 for 1999. The budget for 2000 as approved by Convocation is \$135,000.00. Budget disbursements for the year 2000 will be based on this. In terms of the 1999 allocation, it is being disbursed as follows:

- \$20,000 for promotion/publicity. This includes development of promotional materials, taking out advertisements and other items deemed essential by you to promote the Discrimination/Harassment Counsel office and function;
- \$10,000 for office setup. This includes purchasing a 1-800 phone line, a separate fax machine, computer capacities including website and e-mail development;



- \$10,000 travel and accommodation. This is to enable you and representatives of the Law Society ( i.e., Chair of the Treasurer's Equity Advisory Group and a representative of the Equity Initiatives Department) to travel across Ontario to meet members of the profession and the public to inform of the Discrimination/Harassment Counsel program and function;
- \$20,000 for direct services. This is to provide for costs associated with providing services to complainants. Given that the program is only beginning to be setup, these funds may be used in a flexible manner, i.e., if demand for service is not high, these funds may be transferred toward the other requirements listed above.

6. The Discrimination/Harassment Counsel's hourly rate is \$175.00 and her assistant's is \$50. The Law Society will be invoiced on a monthly basis itemizing expenses for the Discrimination/Harassment Counsel and her assistant. In terms of office administration, the Discrimination/Harassment Counsel has undertaken to:

- ▶ draft a business card and letterhead;
- ▶ secure a 1-888 phone line;
- ▶ secure computer and other technological supports, eg., software;
- ▶ set up a fax line;
- ▶ draft an information/promotional brochure;
- ▶ explore the costs of media advertisements;
- ▶ explore the requirements for setting up a website and establishing e-mail access.

Promotional materials, letterhead and other such materials are attached as Appendix "B".

Discrimination/Harassment Counsel Activities:

7. The Discrimination/Harassment Counsel will undertake the following activities:

- ▶ developing an intake system to address complaints of discrimination and harassment among members of the public and the legal profession;
- ▶ developing a system to gather and analyze data on these complaints through forms and computer supports;
- ▶ providing direct services to complainants including first contact, issue clarification, exploration of options, support to complainant actions to resolve issues. This may include informal resolution of complaints through mediation, if both parties are willing;
- ▶ promoting the program and its services through speaking engagements, advertising, direct mail;
- ▶ selecting an alternate(s) to assist program delivery when service demands are high or you cannot be available, eg., vacation; illness, other business related to your private practice or other Discrimination/Harassment Counsel functions.

8. To ensure accountability to the LSUC, the Discrimination/Harassment Counsel will submit reports to the Law Society three times during the course of this contract: (a) December 31, 1999; (b) June 30, 2000; and (c) December 31, 2000. These reports will be directed to the Equity Advisor and will contain statistical data on the services provided including: demographic data on clients served; grounds of complaints; geographic distribution of complainants; actions undertaken by complainants; outcomes of complainant actions; supports provided by the Discrimination/Harassment Counsel; general and specific issues emerging from service provision; anecdotal accounts; and recommendations to the Law Society.

Other Issues:

9. Currently, the Discrimination/Harassment Counsel and the Equity Advisor are engaged in discussions on other key issues, including:

- ▶ the degree of confidentiality that the office will have;
- ▶ the definition of the "arm's length" relationship between the Discrimination/Harassment Counsel and the Law Society;
- ▶ the ongoing supports that the Law Society can provide;
- ▶ the development of a procedures manual identifying how the Discrimination/Harassment Counsel services will be provided.

10. Regarding (a) and (b), preliminary discussions have begun with the Secretary of the Law Society to discuss in full. In terms of (c), the Law Society will endeavour to provide support required by the Discrimination/Harassment Counsel to ensure the program is successful and, at all times, respecting the need for the Discrimination/Harassment Counsel to act at arm's length from the Law Society.

Equity Initiatives

M E M O R A N D U M

Re: Discrimination and Harassment Counsel/Confidentiality

BACKGROUND:

1. Mary Teresa Devlin has been named the Law Society of Upper Canada's first Discrimination Harassment Counsel. However, before Ms Devlin assumes this new initiative, issues of confidentiality need to be addressed before its implementation. Mr. Tinsley's August 6, 1999 memoranda outlined preliminary issues to be addressed before the Discrimination and Harassment Counsel office is established. The following research was conducted to address these concerns and to explore how issues of "confidentiality" are handled by other jurisdictions, and to develop options available to the LSUC.

Relevant rules of the Alberta and British Columbia Law Societies illustrate the importance of how the 'Ombudsperson'[Discrimination Harassment Counsel] in those respective jurisdictions handle matters of confidentiality.

THE GOAL:

2. The initial function of the Law Society of Upper Canada's Discrimination Harassment Counsel is to address issues of discrimination and harassment within the legal profession. To fulfil this goal, the LSUC's Counsel should provide a service with the *utmost confidentiality*. In this context, the office should be protected by some type of immunity vis a vis the LSUC investigatory process as well as some form of external privilege. The general objective of the office was originally enunciated in the Bicentennial Report and subsequently the Report of the Alternative Dispute Resolution Systems Design Team. This report identified at Tab 7 Appendix G:

[T]he main objectives of the office of the Ombudsperson are: to provide support and assistance to members of the public and members of the legal profession who are experiencing harassment and/or discrimination as a result of their involvement with either a lawyer or such harassment or discrimination experienced in the workplace and to do so,

- (i) free of charge; and
- (ii) on a *confidential basis*,

3. Following on this, the reports of the Equity Advisor (submitted to Convocation in winter and spring, 1999), the *Bicentennial Report on Equity Issues in the Legal Profession*, and the Report of the ADR Systems Design Team also recognize the importance of confidentiality in the implementation of this initiative. Convocation recognized the need for assistance in the *Bicentennial Report*, at paragraph 102 which states:

The Law Society should also, in conjunction with other organizations, help to develop, train, and monitor a "Safe Counsel" program for the victims of harassment and discrimination. Such a program would provide the complainant with access to a volunteer roster of counsel who are independent of the Law Society and who have been provided with the training necessary to assist complainants in assessing their options.

4. Fundamentally, to facilitate the Discrimination Harassment Counsel's role as envisioned in the *Bicentennial Report* the Discrimination Harassment Counsel must be able to treat all communications as confidential to assist complainants in assessing their options. The Task Force on the Review of the Rules of Professional Conduct has also made preliminary steps toward this goal by tabling new commentary to protect this initiative. Rule 13 Commentary 1A now revised Rule 6.01 (3) establishes the Discrimination Harassment Counsel's relationship vis a vis the Society. Rule 6.01 (3) states:

Rule 6 Duty to Report Misconduct Commentary:

...The Society also recognizes that communications with the [Ombudsperson] appointed to assist in resolving complaints of discrimination or harassment against lawyers must generally remain confidential. Therefore, the Ombudsperson will not be called by the Society or by any investigative committee to testify at any conduct, capacity or competence hearing without the consent of the person from whom the information was received. Notwithstanding the above, a lawyer serving as Ombudsperson has an ethical obligation to report to the Society upon learning that a lawyer is engaging in or may in the future engage in serious misconduct or criminal activity related to the lawyer's practice. [Emphasis mine]

5. Although the rule does begin to clarify issues of confidentiality vis a vis LSUC proceedings, it does not provide enough detail in this regard. Nor does it cover the situation of the Discrimination Harassment Counsel being called outside of the Society.

RESEARCH OF OTHER JURISDICTIONS:

6. It is a pivotal role of the Discrimination Harassment Counsel to assist in matters of discrimination and harassment on a confidential basis. In this context, research was conducted in two other jurisdictions on how the established Ombudsperson programs handle matters of confidentiality. Essentially confidentiality is the cornerstone of the programs effective and timely response to discrimination and harassment. The issue of confidentiality has for the most part been handled with clearly stated rules. The relevant rule sections are reproduced below for easy of reference.

IN ALBERTA:

7. The importance of confidentiality for the Alberta Ombudsperson is detailed in the rules of professional conduct. The following excerpt from the Alberta Professional rules identifies in part 2.1 this importance in section 81.1(1)(2)(3):

Disclosure of Society records

Confidentiality is a fundamental component of the Ombudsperson's mandate. To ensure confidentiality of all communications, the Benchers adopted the following addition to the Rules of the Law Society at their April Convocation:

Part 2.1 Ombudsman 81.1 (1)(2)(3)

- (1) *The Secretary may appoint an Ombudsman to facilitate the informal resolution of harassment and discrimination disputes, involving members, articling students and persons working for legal employers.*
- (2) *The Ombudsman shall act independently of the Society but within the scope of the mandate prescribed by the Benchers.*
- (3) *Communications made for the purpose of resolving disputes according to the Ombudsman's mandate are confidential.*

IN BRITISH COLUMBIA:

8. The British Columbia Law Society addresses the issue of confidentiality from a similar perspective. Specifically, the Ombudsperson for BC has at it's disposal a rule within the code of professional conduct addressing issues of confidentiality and requiring that they must be interpreted in a manner which facilitates resolution:

Ombudsperson

4-33 (1) *This Rule is to be interpreted in a way that will facilitate the Ombudsperson assisting in the resolution of disputes through communication without prejudice to the rights of any person.*

(2) *Communication between the Ombudsperson acting in that capacity and any person receiving or seeking assistance from the Ombudsperson is confidential and must remain confidential in order to foster an effective relationship between the Ombudsperson and that individual.*

(3) *The Ombudsperson must hold in strict confidence all information acquired in that capacity from participants.*

(4) In a proceeding under this Part or Part 2

(a) no one is permitted to give evidence about any discussion or other communication with the Ombudsperson in that capacity, and

(b) no record can be admitted in evidence or disclosed under Rule 4-25 or 4-26 if it was produced

(i) by or under the direction of the Ombudsperson in that capacity, or

(ii) by another person while receiving or seeking assistance from the Ombudsperson, unless the record would otherwise be admissible or subject to disclosure under Rule 4-25 or 4-26.

9. The italicized portion highlighted above illustrates the importance for confidentiality when handling matters of discrimination and harassment. Protection is clearly defined and the level of protection regarding information the Ombudsman's possession are also addressed.

LAW SOCIETY ACT, RSO 1990 c.L-8 SECTIONS 49.12 & 49.18(1)(2):

10. Neither sections' 49.12 nor 49.18 of the *Law Society Act* directly address the Discrimination Harassment Counsel's need for confidentiality. However, the Discrimination Harassment Counsel may be interpreted as an agent or representative of the Law Society of Upper Canada since it is discharging a LSUC function. Despite this, it is unclear as to how confidentiality will be triggered as Mr. Tinsley's memorandum explained. Albeit informally the Discrimination Harassment Counsel does by a rule act as an investigator of complaints of discrimination and harassment. This is essential to its function of providing advice to complainants. As such, given this role and in the absence of any definitive statements, section 49.12 may be viewed as being broad enough to encompass the Discrimination Harassment Counsel's role and may be interpreted as extending the immunity.

OPTIONS:

11. There appears to be two options available to the LSUC. First is a legislative amendment to *The Law Society Act*, to close the void and provide protection of confidentiality for this initiative. Secondly, another solution is to have Convocation issue a policy statement on confidentiality or to develop a regulation that directly addresses the issue of confidentiality regarding the Discrimination Harassment Counsel's role. This may be achieved through the rule's committee.

CONCLUSION:

12. Confidentiality is the cornerstone of Discrimination Harassment Counsel services. This memo discussed the importance of developing a policy to ensure confidentiality when dealing with issues of discrimination and harassment. The LSUC's *Law Society Act*, sections 49.12 and 49.18 provide immunity for individuals contracted to do work for the Society as well as the Complaints Resolution Commissioner from disclosing information regarding an investigation or a proceeding under the Act. Unfortunately, there is a legislative void where the Discrimination Harassment Counsel is concerned.

13. The options available to LSUC are that it must adopt a policy statement which ensures the level of confidentiality that the Discrimination Harassment Counsel will enjoy vis a vis the complaints process together with the resolution of complaints at arms length from the Society. The review of the Law Societies of British Columbia and Alberta illustrate that the issue of confidentiality is handled directly with a specific rule. This position should be covered by the LSUC to protect the Discrimination Harassment Counsel and to ensure that the level of confidentiality will foster individuals to be open and frank about matters of discrimination and harassment within the legal profession.

.....

Ms. Ross asked that a correction be made to paragraph 2. sub paragraph 2.1 that there be 1 bench member on the Equity Advisory Group and not 2.

It was moved by Ms. Ross, seconded by Mr. Hunter that the terms of reference set out on pages 5 and 6 of the Report be adopted as amended.

Carried

Messrs. Gottlieb and Braithwaite commented on Ms. Ross' participation in the CBA-O and CLE programs.

MOTION - The Most Reverend Archbishop Desmond Tutu

It was moved by Mr. Hunter, seconded by Ms. Laskin and Messrs. White, Wright and E. Ducharme that the Law Society of Upper Canada co-sponsor a dinner event planned by SAWW (South African Women for Women) and the Canada-South Africa Chamber of Business scheduled for June 14th, 2000 to honour the Reverend Archbishop Desmond Tutu.

Carried

Mr. Gottlieb abstained from voting

It was moved by Mr. Topp, seconded by Mr. E. Ducharme that the Law Society grant an honorary L.L.D. to Reverend Archbishop Desmond Tutu provided appropriate arrangements could be made.

It was moved by Mr. Aaron, seconded by Mr. Gottlieb that the Topp/E. Ducharme motion be tabled.

Convocation took a brief recess at 10:30 a.m. and resumed with the Aaron/Gottlieb motion to table.

Aaron/Gottlieb Motion to Table

ROLL - CALL VOTE

Aaron	For
Backhouse	Against
Banack	Abstain
Bindman	For
Braithwaite	For
Chahbar	Against
Cherniak	Against
Coffey	Against
Crowe	For
Diamond	Abstain
DiGiuseppe	Against
E. Ducharme	Against
T. Ducharme	Against
Epstein	Against
Finkelstein	Against
Gottlieb	For

Hunter	Against
Krishna	For
Laskin	Against
MacKenzie	For
Marrocco	Against
Millar	Against
O'Brien	Against
Pilkington	For
Porter	Against
Potter	Against
Puccini	Abstain
Ross	Against
Ruby	Against
Simpson	Against
Swaye	Against
Topp	Against
White	For
Wright	Against

Lost

Vote: 9 - For, 22 - Against, 3 - Abstentions

The Topp/E. Ducharme motion to grant an honorary L.L.D. to Archbishop Desmond TuTu, provided that appropriate arrangements could be made was voted on and adopted.

#### MOTION - DRAFT MINUTES

It was moved by Mr. Banack, seconded by Mr. Coffey that the Draft Minutes of January 27th and 28th, 2000 be approved.

Carried

#### MOTION - APPOINTMENTS

It was moved by Mr. E. Ducharme, seconded by Mr. Coffey that in accordance with section 49.22 of the Law Society Act, Larry Banack be appointed as chair of the Law Society Hearing Panel.

Carried

It was moved by Mr. E. Ducharme, seconded by Mr. Coffey that in accordance with section 49.30 of the Law Society Act, John D. Arnup, Q.C., LSM be appointed as chair of the Law Society Appeal Panel.

Carried

It was moved by Mr. E. Ducharme, seconded by Mr. Coffey that in accordance with section 49.29 of the Law Society Act, the following benchers be appointed to the Law Society Appeal Panel for a term of two years:

John D. Arnup, Q.C., LSM  
Kim A. Carpenter-Gunn  
Abdul A. Chahbar  
Abraham Feinstein, Q.C.  
Clayton C. Ruby  
Bradley Wright

Carried

#### MURDER INVESTIGATION REWARD

It was moved by Mr. Swaye, seconded by Mr. Marrocco that the Law Society pledge \$20,000 to a reward fund established to assist in the investigation of the murder of Ms. Lynn Gilbank, a member of the Society and her husband Fred to be paid upon the conviction of the murder(s) and that the successful prosecution would have to be as a result of an initiative by a member of the public and not just part of normal police initiatives.

Carried

It was moved by Mr. Gottlieb, seconded by Messrs. Bobesich and Aaron that the Law Society of Upper Canada obtain life and disability insurance for any lawyer murdered or injured in the course of their professional duties.

Withdrawn

The matter was referred to the Finance and Audit Committee.

#### REPORT OF THE TASK FORCE ON COURTHOUSE FACILITIES

Mr. Hunter presented the Report of the Task Force on Courthouse Facilities for approval by Convocation.

Task Force on Courthouse Facilities  
February 18, 2000

Report to Convocation

Purpose of Report:        Decision Making

Prepared by the Policy Secretariat  
(Mary Shena 947-3415)

#### INTRODUCTION

1. The Courthouse Task Force had its first meeting on February 7, 2000. Task Force members in attendance were George Hunter (Chair), Stephen Bindman, Richard Gates (CDLPA), Charles Harnick, Irwin Koziembrocki (Criminal Lawyers' Association), Robert Nightingale (Advocates Society), William Ross (MTLA), William Sullivan (Family Lawyers' Association), Sarah Welch (Ontario Crown Attorneys' Association), Bonnie Warkentin (Canadian Bar Association- Ontario).



2. The Task Force will develop a standardized approach to information gathering such as a province-wide survey or questionnaire. This information will be further enhanced by input received from government and various legal organizations with an interest in this issue.

#### PROPOSED AMENDMENTS TO TERMS OF REFERENCE

3. The Task Force reviewed in detail the Terms of Reference that were approved by Convocation on November 26, 1999. There are four major components to the mandate:
  - ▶ the current location of courthouse facilities throughout the province and the extent to which the distribution of courthouse facilities meets the communities' needs;
  - ▶ the extent to which courthouse facilities have adequate space and facilities;
  - ▶ the extent to which courthouses have proper security; and
  - ▶ issues arising from ownership of and rental arrangements for courthouse facilities.
4. After careful consideration, the Task Force is proposing amendments to the Terms of Reference. The Task Force is of the view that the scope of inquiry should be expanded to include additional components that are critical to the delivery of courthouse services in the province. The Task Force hopes to gather the necessary information and data to conduct a thorough and proper assessment of courthouse services and facilities, identify the communities in greatest need and prioritize the issues. The proposed amendments are set out in bold and italics.

#### DECISION FOR CONVOCATION

5. Convocation is asked to approve the expanded terms of reference as attached.

#### Task Force on Courthouse Facilities Proposed Terms of Reference

##### Background

On October 29, 1999 Convocation approved a motion to form a Task Force for the purpose of considering issues related to courthouse facilities in Ontario, with particular emphasis on space and security issues.

##### Scope of Inquiry

The Treasurer proposes that in the course of its inquiry the Task Force consider and analyse the following:

- the current location of courthouse facilities throughout the province and the extent to which the *distribution* of courthouse facilities meets the communities' needs. This would include an analysis of any "gaps" in distribution and proposals for addressing those gaps *while recognizing that courthouses that are currently serving communities, including older historical facilities notwithstanding limited use, should be maintained.*
- the extent to which current courthouse facilities have adequate space for the functions that must be carried out in those facilities including, but not limited to,
  - ◆ courtrooms
  - ◆ judges' chambers
  - ◆ Crown attorney offices (where applicable)

- ♦ *gowning and washroom facilities for male and female lawyers*
  - ♦ *lawyers' client meeting rooms*
  - ♦ *library facilities*
  - ♦ *other administrative office space (e.g. filing offices, clerks' offices, victims' advisor offices, etc.)*
  - ♦ *holding facilities*
  - ♦ *access for the disabled*
  - ♦ *witness rooms*
  - ♦ *jury rooms*
  - ♦ *media rooms*
  - ♦ *vehicle parking*
  - ♦ *public accessibility, including location*
  - ♦ *Unified Family Court facilities*
  - ♦ *housekeeping and maintenance*
  - ♦ *health and safety issues*
- the extent to which courthouses *and satellite courthouses* have proper security to protect persons having business in or working in courthouses *and crown attorneys' offices* as well as property within the courthouses.
  - the ownership and rental arrangements for each facility including the issues that arise as a result of these arrangements and *development of strategies to obtain capital commitments for courthouses from non-government sources.*
  - *the need to establish province-wide minimum requirements for courthouse facilities.*

.....

It was moved by Mr. Hunter, seconded by Mr. T. Ducharme that the amended terms of reference of the Task Force on Courthouse Facilities be approved.

Ms. Ross asked that an amendment be made to the proposed amended terms of reference by adding that "Duty Counsel rooms" be included in the list under the paragraph beginning with the words "the extent to which current courthouse facilities .....".

The Hunter/T. Ducharme motion as amended was voted on and adopted.

It was moved by Ms. Puccini but failed for want of a seconder that the word "non-governmental" be deleted from the second last paragraph under the proposed terms of reference.

#### MOTION - APPOINTMENTS

It was moved by Mr. Hunter, seconded by Mr. Banack that Seymour Epstein be appointed as a member to the Task Force on Courthouse Facilities.

Carried

It was moved by Mr. Hunter, seconded by Mr. Millar that Robert Holden be appointed as a member to the Task Force on Courthouse Facilities.

Carried

REPORT OF THE AD HOC PROCEEDINGS AUTHORIZATION COMMITTEE

Mr. Banack reported that the Ontario Securities Commission matter was heard in Divisional Court and the ruling was that the OSC had jurisdiction to bring proceedings against a lawyer.

Mr. Banack advised that the matter of an Appeal was with the Law Society's counsel.

REPORT OF THE ADMISSIONS COMMITTEE

Re: Life Membership

Ms. Backhouse presented the Report of the Admissions Committee for Convocation's approval.

Admissions Committee  
February 18, 2000

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Report to Convocation

Purpose of Report: Decision making and Information

Prepared by the Policy Secretariat

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## TERMS OF REFERENCE/COMMITTEE PROCESS

The Admissions Committee met on February 10, 2000. In attendance were:

Committee members:

Nancy Backhouse	(Chair)
Edward Ducharme	(Vice-Chair)
Marion Boyd	
Thomas Carey	
Gillian Diamond	
Stephanie Willson	

Staff:

Bob Bernhardt  
Mary Floro-White  
Ian Lebane  
Susan Lieberman  
Maria Paez Victor  
Charles Smith  
Roman Woloszczuk  
Kimberly Saikkonen

The Committee is reporting on the following issues:

For Decision

- Life Membership

For Information

- Report of the Student Success Centre
- Examination results of the 41<sup>st</sup> bar admission course and distance education.

## POLICY

### Life Membership

The Issue

1. Life membership is conferred upon those members of the Society who have been entitled to practice for a continuous period of fifty years. According to former Rule 49 the only periods of interruption of practice that could be counted towards the fifty years were those due to non-payment of a fee.

2. The Committee is recommending that the Convocation confer it the discretion to also consider periods of interruption of practice other than non payment of a fee.

#### Background

3. Under the current By-Law 13, based on former Rule 49, every member of the Society who has been entitled to practice in Ontario for a continuous period of fifty years becomes a life member of the Society. If there has been a period of interruption for non-payment of a fee, the guidelines of the Admissions Committee determine if such a period may be counted towards the continuous period of fifty years.(See Appendix A)
4. On January 28, 1999 Convocation approved guidelines for determining if a period of interruption for non-payment of a fee may be counted towards the continuous period of fifty years. (See Appendix B)
5. While reviewing a new by-law that was drafted to reflect the approved guidelines, the Committee approved the inclusion of a provision that would give the Committee absolute discretion to consider periods of suspension for reasons other than failure to pay a fee or levy to be counted towards the period of fifty years. Examples of other reasons for periods of suspensions include engaging in prohibited conduct, failure to file required documents, incapacity and failure to meet standards of professional competence. (See Appendix C, Draft By-Law 13, 2 (2)4).
6. This is the change in policy which the Committee wishes Convocation to consider.

#### Decision for Convocation

7. Is it the wish of Convocation that periods of suspension other than those due to non-payment of fees or levy be potentially counted towards the period of fifty years of practice required for conferring life membership?
8. Convocation has the following options:
  - a. Approve the inclusion of paragraph 2 (2)4 of draft By-law 13 proposed by the Committee and allow periods of suspension other than those due to non-payment of fees or levy to be counted towards the required period of fifty years by
  - b. Delete paragraph 2(2)4 of the draft By-law 13 proposed by the Committee and allow only periods of suspension due to non-payment of fees or levy to be counted towards the required period of fifty years.
  - c. Specify which periods of suspension other than non-payment of fees or levy are to be counted towards the required period of fifty years.

#### INFORMATION

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41<sup>st</sup> BAC Examination Results

41st BAR ADMISSION COURSE  
FINAL EXAMINATION RESULTS  
Fall 1999 and January 2000

As of February 9, 2000

COURSE (In order of offering)	% Passing Fall 1999	% Jan. 2000
Civil Litigation	94.7	97.8
Family Law	90.2	96.2
Public Law	92.7	95.9
Professional Responsibility	91.0	97.1
Real Estate Law	88.8	95.1
Estate Planning	91.2	96.2
Criminal Procedure	95.0	96.0
Business Law	93.2	96.1

The average of total courses passed stands at 96.3%.

In the fall, 196 appeals were submitted, 150 were marked and 65(39.5%) resulted in a course pass. In January, 30 appeals were submitted and 23 have been heard to date. Only 4 (17.4%) of the 23 appeals have resulted in a pass for the course.

In the fall, 357 students failed at least one examination (30%). Following the January examination period, 282 students were now eligible for their call to the Bar. Of the 282, 224 passed through the aegrotat standing while 58 passed all remaining courses.

The aegrotat standing results indicate that 142 of the 224 students (63.4%) had failed one to two courses by 5% or less. The remaining 82 students (36.6%) failed one to two courses by 10% or less.

The success rate for the 1185 students enrolled for the 41<sup>st</sup> BAC presently stands at 93.7% Some 75 students are eligible to write their remaining examinations in the March/April and/or the July sessions.

Of the 38 transfer students who had enrolled in the BAC, 25 have successfully completed their requirements and will be called in February.

#### Distance Education

During the 41<sup>st</sup> BAC, a total of 48 students registered to taking Phase 3 through the distance education option. There were 3 withdrawals from this initial group. The breakdown of student locations varied with 26 students enrolled in Windsor, 9 in Thunder Bay and 10 in various places including one in Cambridge, England; one in Johnstown, Pennsylvania; 3 in New York; one in each of Montreal, Timmins, Sudbury, North Bay, and Peterborough. Of the 45 who took one to eight of the Phase 3 courses, 37 students (82%) have successfully completed and will be called in February.

The success rate at Windsor, where students were provided a regular lecture/seminar delivery, was 77% (20/26 passed). Thunder Bay students, who chose a self-directed learning option supported by a two day a week seminar session, had a 78% (7/9 passed) success rate. The 10 independent, self-directed learners who were located in various cities and countries were 100% (10/10) successful. This figure compares well with last year's distance education pilot project in Thunder Bay, Los Angeles and Timmins where 71.4% (5/7) successfully completed Phase 3 of the 40<sup>th</sup> BAC.

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Report of the Student Success Centre

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A Report of the Student Success Centre can be found at Appendix D.

Attached the original Report in Convocation file, copies of:

- (1) copy of former Rule 49 - Life Members. (Appendix A)
- (2) Copy of the Proposed Guidelines for Determination of Life Membership Eligibility. (Appendix B)
- (3) Copy of Draft By-Law 13, 2 (2)(4). [Members] (Appendix C)
- (4) Copy of Report of the Student Success Centre. (Appendix D)

It was moved by Ms. Backhouse, seconded by Mr. Millar that By-Law 13 be amended to include paragraph 2 (2)4 which grants the Committee discretion to allow periods of suspension other than those due to non-payment of fees or levy to be counted towards the required period of fifty years.

Carried

REPORT OF THE PROFESSIONAL REGULATION COMMITTEE

Mr. MacKenzie presented the Report of the Professional Regulation Committee for Convocation's approval.

Professional Regulation Committee  
February 10, 2000

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Report to Convocation

Purpose of Report: Decision and Information

Prepared by the Policy Secretariat

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TERMS OF REFERENCE/COMMITTEE PROCESS

1. The Professional Regulation Committee ("the Committee") met on February 10, 2000. In attendance were:



Gavin MacKenzie (Chair)

Larry Banack (Vice-Chairs)  
Niels Ortvad  
Heather Ross

Carole Curtis  
Todd Ducharme  
Gary Gottlieb  
Julian Porter  
Robert Topp

Staff: Janet Brooks, Margot Devlin, Vivian Kanargelidis, Elliot Spears, Jim Varro, and Jim Yakimovich.

2. This report contains the Committee's

policy reports on:

- member's representations to the summary revocation benchers;
- amendments to By-Law 14; and

information reports on:

- amendments to the Guidelines for Suspended, Resigned or Disbarred Members;
- *pro bono* duty counsel at hearings;
- distribution of hearing decisions.

## I. POLICY

### MEMBERS' REPRESENTATIONS TO THE SUMMARY DISPOSITION BENCHER

#### A. BACKGROUND

3. The Committee has been reviewing an issue that arose in discussion at Convocation early last year, which led to the adoption of rules of practice and procedure and by-laws in January 1999. The issue relates to the summary revocation process under section 48<sup>1</sup> of the *Law Society Act* ("the Act") and the question of whether a member has a legal right to make representations to the summary revocation benchers, and, if not, whether such an opportunity should be extended to members in any event.

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<sup>1</sup>Section 48 reads:

An elected benchers appointed for the purpose by Convocation may make an order revoking a member's membership in the Society, disbarring the member as a barrister and striking his or her name off the roll of solicitors if an order under section 46 or clause 47 (1) (a) is still in effect more than 12 months after it was made.

4. The Committee directed research on the legal issue. This report discusses the conclusions reached by the Committee.

#### *B. SCOPE OF THE ISSUE*

5. At its June 1999 meeting, the Committee reviewed a memorandum prepared by Elliot Spears that dealt with the process to be followed in the making of summary revocation orders, and specifically with the issue of the process becoming a "hearing". The provisions of the *Statutory Powers Procedure Act* ("the *SPPA*") and the provisions of the *Law Society Act* dealing with rules of practice and procedure relative to the authority of the *SPPA* were reviewed.
6. After considering this information, the Committee decided that it would be appropriate to discuss the full range of options for member representations. Ms. Spears prepared a further memorandum considered by the Committee at its February 2000 meeting, which focussed on the question of granting a member the opportunity to be heard prior to the Society's exercise of the authority under section 48 of the *Act*. Her research included a review of the statutes governing other law societies in Canada and other professions in Ontario as well as the principles of natural justice and the scheme of our *Act*.
7. The Committee considered the matter in the context of how the Society's legislative scheme distinguishes between those processes that require a hearing and those that do not. The statutory process for summary revocation orders falls within the latter category. The Committee also considered, however, whether some other means of permitting a member to bring information to the attention of the summary revocation benchers should be made available.

#### *C. THE COMMITTEE'S VIEWS*

8. The Committee agreed that the scheme in the *Act* for summary revocation orders does not contemplate that the process resulting in a summary revocation order will include an opportunity to be heard as, for example, is provided in conduct, capacity or competence proceedings.
9. The Committee considered that there may be a middle ground between the process provided for in the *Act* that allows for the full rights of a hearing and a summary revocation process that provides to members no right to make representations. The language of section 48 uses the discretionary "may" rather than the mandatory "shall" in describing the authority of the elected benchers.
10. The Committee concluded that a member should be permitted to provide a submission, either in writing or orally, to the summary revocation benchers upon notice to affected members that their membership in the Society may be revoked in accordance with the *Act* and that the matter will be before the elected benchers for that purpose. This would not be in the nature of a hearing, but would provide a means for a member to place information before the benchers prior to the revocation.

11. The Committee concluded that fairness requires that members be given an opportunity to make a submission. It would create an opportunity for information to be made available that perhaps was not previously considered by the Society relevant to the lawyer's suspended status. The Committee felt that a lawyer, if he or she wishes, should be permitted to provide some response to the Society after notice of the prospective revocation of membership, in that it may be the last opportunity for the lawyer to deal with issues related to the circumstances that led to the point of revocation. The Committee expects that most suspended members who are subject to a summary revocation order after the 12 month suspension are unlikely to avail themselves of the opportunity to provide a submission, for example, because they have left Ontario or are pursuing other careers. Because other members may wish to make a submission, for example, to advance compassionate reasons why their membership should not be revoked, the Committee concluded that that opportunity should exist.
12. The Committee was also of the view that if a member is permitted to make a submission to the summary revocation bench, the Law Society should be permitted, if it so chooses, to respond to the submission. For example, there may be situations where the information provided to the bench is inaccurate or incomplete, and that, to maintain the integrity of the process, the Society's response is required.
13. If Convocation agrees with the approach proposed by the Committee, the form of notice to members who are subject to a revocation order will require amendment, to include notice of the opportunity to make oral or written submissions to the summary revocation bench.
14. The Committee also directed that staff monitor and report on how many members avail themselves of the opportunity to make a submission, should Convocation accept the Committee's recommendation. The Committee recognizes that an assessment may have to await a period of up to two years, given the timing of the notices of suspension and revocation.

#### *D. DECISION FOR CONVOCATION*

15. Convocation is requested to:
  - a. Either approve or reject the Committee's recommendation that members be permitted to provide information to the summary revocation bench prior to an order being made, with the Law Society having an opportunity to respond if it wishes to do so; or
  - b. Adopt an amended proposal as Convocation in its discretion deems appropriate.

#### AMENDMENTS TO BY-LAW 14 - RESIGNATION

##### *A. BACKGROUND*

16. At Convocation on December 10, 1999, a number of amendments were made to By-Law 14 on Resignation. One of them was an amendment to subsection 4(2) to prohibit the Secretary from considering an application to resign from a member who is,
  - a. the subject of an audit, investigation, search or seizure under the *Law Society Act* ("the *Act*");
  - b. a party to a proceeding under Part II of the *Act*; or
  - c. a party to a proceeding under section 33 of the *Act*, as that section read before the *Law Society Amendment Act, 1998* came into force.

17. A copy of By-Law 14 is attached at Appendix 1.
18. An issue that arose in a conduct application was brought to the Committee by discipline staff with respect to resignations after conduct orders have been made. The issue, raised by a member, is whether By-law 14 permits a member to resign before serving any discipline suspension, on the basis that the member is not a "party" to a proceeding once the conduct order is made.
19. The Committee agreed that the by-law was not clear and determined that an amendment to the by-law to address this situation was appropriate. The Committee's draft amendments have been prepared for Convocation's review.

*B. NATURE OF THE AMENDMENT*

20. The intended effect of the amendment to the by-law, as set out in the motion for amendment at the end of this section of this report, is to expand the list of criteria that a member must meet before the Secretary is required to accept an application for resignation, to include the fact that a member is not the subject of or has complied with a discipline, conduct, competence or capacity order.
21. If the Secretary is not satisfied that the member is not subject to such an order or with respect to a member's compliance with such an order, the Secretary is required to reject the application.
22. Amendments are also proposed to subsection 4(1.1) to give the Secretary discretion to accept an application notwithstanding that he or she is not satisfied with respect to compliance with or the outstanding nature of an order as described above. For example, if a member is subject to a competence order requiring completion of certain continuing legal education course, but the member wishes to resign before fulfilling that order, the Secretary may accept the application notwithstanding the outstanding issues.
23. In the Committee's view, the above amendments will adequately address the issue raised by the member and provide certainty for hearing panels and the Secretary should similar circumstances arise.

*C. DECISION FOR CONVOCATION*

24. Convocation is requested to review the by-law amendments proposed, as set out below, and if in agreement, approve the proposed amendments.

THE LAW SOCIETY OF UPPER CANADA

BY-LAW 14  
[RESIGNATION]

made under the  
*LAW SOCIETY ACT*

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON FEBRUARY 18, 2000

MOVED BY

SECONDED BY

THAT the English version of By-Law 14 [Resignation], made by Convocation on January 28, 1999 and amended by Convocation on May 28, 1999 and December 10, 1999 be further amended as follows:

1. Subclause 4 (1) (a) (iv) of the By-Law is amended by deleting the word "and" at the end.
2. Clause 4 (1) (a) of the By-Law is amended by deleting subclause (v) and substituting the following:
  - (v) that the applicant is no longer the subject of or has fully complied with all terms and conditions of an order made under Part II of the Act, an order, other than an order cancelling membership, made under section 34 of the Act as that section read before the day that the *Law Society Amendment Act, 1998* came into force, an order made under section 35 of the Act as that section read before the day that the *Law Society Amendment Act, 1998* came into force or an order made under section 36 of the Act as that section read before the day that the *Law Society Amendment Act, 1998* came into force; and
  - (vi) that the applicant if not exempted from the requirement to publish a notice of intention to resign has complied with subsection 2 (2); or
3. Subsection 4 (1.1) of the By-Law is amended by,
  - (a) adding "or (v)" after "subclause (1) (a) (iv)" in the second line; and
  - (b) striking out "(v)" at the end and substituting "(vi)".

## II. INFORMATION

### AMENDMENTS TO GUIDELINES FOR SUSPENDED, RESIGNED OR DISBARRED MEMBERS

25. At its January 2000 meeting, the Committee agreed that changes should be made to the text of the above-noted Guidelines, based on concerns that the advice provided in paragraph I (d) of the current Guidelines, which permits members who have been suspended or disbarred or who have resigned their membership to provide services to the public as agent where permitted by statute, could be viewed as an invitation for these individuals to engage in such activities.
26. The Committee determined that this language should appear in that part of the Guidelines that lists the activities that such a member or former member *cannot* engage in, to make it clear that such members or former members are not permitted to provide legal services to the public *except* where acting as agent as permitted by statute or by leave of the court or tribunal.
27. The Committee also agreed, following the suggestion of regulatory staff, that the title of the Guidelines be amended to make them applicable to members who have provided an undertaking not to practise.

28. The language of the revised Guidelines was agreed upon at the February 2000 meeting. A copy, showing the amendments, appears at Appendix 2 for the information of Convocation.

*PRO BONO DUTY COUNSEL AT LAW SOCIETY HEARINGS*

29. The chair of the Committee, Mr. MacKenzie, together with vice-chair Larry Banack, Carole Curtis and Janet Brooks of the Society's Secretariat, attended a meeting on February 1, 2000 with William Trudell of the Criminal Lawyers' Association ("CLA") and representatives of the committee of the Advocates Society dealing with *pro bono* duty counsel at Law Society hearings. The meeting was arranged to discuss the program and proposals that Mr. Trudell had brought forward to the Society and the Advocates Society, in the context of the Advocates Society's decision to make the pilot *pro bono* duty counsel program permanent, for earlier involvement of *pro bono* counsel in the Society's hearing process.
30. Consensus was reached among the parties to the meeting with respect to the following:
- earlier involvement of duty counsel in the hearing process is desirable and accordingly, duty counsel should be available to members at the Hearings Management Tribunal;
  - rather than confining the involvement of duty counsel to the criminal process model, where counsel are available on the hearing day itself, *pro bono* counsel should be available to prepare for and attend at pre-hearing conferences.
31. With the support of the CLA, Mr. Trudell advised that CLA members would be willing to provide *pro bono* counsel at the Hearings Management Tribunal and work with the Advocates Society in referring matters on to qualified counsel for the pre-hearing stage and the hearing stage, as the case may be. There was also a suggestion that the CLA members would take matters through the pre-hearing stage.
32. The Advocates Society's board will be meeting later this month to further discuss the proposals outlined above, including issues relating to the integration of the CLA initiative with the Advocates Society's program, so that a continuum of counsel services are available to members from the outset.
33. The chair, Mr. MacKenzie, will be communicating further with both Mr. Trudell on behalf of the CLA and the Advocates Society and will report as developments occur.

*INFORMATION FOR BENCHERS ON DECISIONS OF  
HEARING AND APPEAL PANELS*

34. As reported to Convocation in January 2000, arrangements have been made for distribution on a regular basis of all decisions of the Hearing Panels and the Appeal Panel to benchers who are eligible to sit on Hearing and Appeal Panels, as a matter of information and education.
35. The Committee discussed a suggestion made at January Convocation by bencher Todd Ducharme that the decisions be distributed in electronic format rather than on paper. Because some benchers prefer to receive such documents in paper format, the Committee decided that benchers should be given a choice how they wish to receive the information, that is, in paper format, on computer disk, or via the Society's Intranet. Staff are currently assessing any costs which may be associated with making the decisions available electronically.
36. It is anticipated that in the near future, benchers will be asked their preference for the method of receipt of the decisions.

APPENDIX 1

BY-LAW 14

Made: January 28, 1999

Amended:

May 28, 1999

December 10, 1999

RESIGNATION

Procedure for resigning

1. (1) Subject to section 3, a member who wishes to resign his or her membership in the Society shall apply in writing to the Secretary.

Statutory declaration or affidavit

(2) An application under subsection (1) shall be accompanied by a statutory declaration or, if the applicant is not a resident of Canada, an affidavit, setting forth,

- (a) the applicant's age, the date of the applicant's call to the bar and admission and enrolment as a solicitor, the applicant's place of residence, the applicant's business address, if any, the number of years that the applicant has engaged in the practice of law, if any, and the reasons why the applicant wishes to resign his or her membership in the Society;
- (b) that all money or property held in trust for which the applicant was responsible has been accounted for and paid over or distributed to the persons entitled thereto, or, alternatively, that the applicant has not been responsible for any money or property held in trust;
- (c) that all clients' matters have been completed and disposed of or that arrangements have been made to the clients' satisfaction to have their papers returned to them or turned over to some other member, or, alternatively, that the applicant has not engaged in the practice of law;
- (d) that the applicant is not aware of any claim against him or her in his or her professional capacity or in respect of his or her practice; and
- (e) such additional information or explanation as may be relevant by way of amplification of the foregoing.

Same

(3) An accountant's certificate to the effect that all money and property held in trust for which the applicant was responsible have been accounted for and paid over or distributed to the persons entitled thereto shall be attached, and marked as an exhibit, to the statutory declaration or affidavit required under subsection (2).

Publication of notice of intention to resign

2. (1) Subject to subsection (1.1), a member who wishes to resign his or her membership in the Society shall, at least thirty days before the day on which he or she applies to the Secretary under subsection 1 (1), publish in the Ontario Reports a notice of intention to resign.

**Exemption from requirement to publish notice**

(1.1) Upon the written application of the member, the Secretary may exempt the member from the requirement to publish a notice of intention to resign.

**Notice of Intention to Resign**

(2) The notice of intention to resign which a member is required to publish under subsection (1) shall be in Form 14A [Notice of Intention to Resign].

**Proof of publication of notice of intention to resign**

(3) Unless a member is exempted from the requirement to publish a notice of intention to resign, an application under subsection 1 (1) shall be accompanied by proof of publication, in accordance with subsection (1), of a notice of intention to resign.

**Application by member's representative**

3. (1) The Secretary may permit any person on behalf of a member to make an application under subsection 1(1) if the Secretary is satisfied that the member for any reason is unable to make the application himself or herself.

**Application of subss. 1 (2) and (3) and ss. 2, 4 and 5**

(2) Subsections 1 (2) and (3) and sections 2, 4 and 5 apply, with necessary modifications, to an application made under subsection 1 (1) by a person on behalf of a member.

**Secretary to consider application**

4. (1) Subject to subsection (2), the Secretary shall consider every application made under subsection 1 (1) in respect of which the requirements set out in subsections 1 (2), 1 (3) and 2 (3) have been complied with, and the Secretary may consider an application made under subsection 1 (1) in respect of which the requirements set out in subsection 1 (2), 1 (3) and 2 (3) have not been complied with, and,

- (a) the Secretary shall accept an application if he or she is satisfied,
  - (i) that all money or property held in trust for which the applicant was responsible have been accounted for and paid over or distributed to the persons entitled thereto, or, alternatively, that the applicant has not been responsible for any money or property in trust,
  - (ii) that all clients' matters have been completed and disposed of or that arrangements have been made to the clients' satisfaction to have their papers returned to them or turned over to some other member, or, alternatively, that the applicant has not engaged in the practice of law,
  - (iii) that there are no claims against the applicant in his or her professional capacity or in respect of his or her practice,
  - (iv) that the applicant has paid all insurance premium levies which he or she is required to pay and has filed all certificates, reports and other documents which he or she is required to file under any policy for indemnity for professional liability; and
  - (v) that the applicant if not exempted from the requirement to publish a notice of intention to resign has complied with subsection 2 (1); or



- (b) subject to subsection (1.1), the Secretary shall reject an application if he or she is not satisfied of a matter mentioned in clause (a).

Acceptance of application

(1.1) The Secretary may accept an application if he or she is not satisfied of the matter mentioned in subclause (1) (a) (iv) but is satisfied of the matters mentioned in subclauses (1) (a) (i), (ii), (iii) and (v).

Secretary not to consider application

(2) The Secretary shall not consider an application made under subsection 1 (1) of this By-Law if the applicant is,

- (a) the subject of an audit, investigation, search or seizure by the Society;
- (b) a party to a proceeding under Part II of the Act; or
- (c) a party to a proceeding under section 33 of the Act as that section read before the day that the *Law Society Amendment Act, 1998* came into force.

Documents, explanations, releases, etc.

- (3) For the purposes of assisting the Secretary to consider application, the applicant shall,
  - (a) provide to the Secretary such documents and explanations as the Secretary may require; and
  - (b) provide to the insurer of the Society's insurance plan such releases, directions and consent as may be required to permit the insurer to make available to the Secretary information relating to the payment by the applicant of insurance premium levies and the filing by the applicant of any certificate, report or other document required under any policy for indemnity for professional liability.

Rejection of application

5. If the Secretary rejects an application under clause 4 (1) (b), the Secretary may specify terms and conditions to be complied with by the applicant as a condition of his or her application being accepted, and if the applicant complies with the terms and conditions to the satisfaction of the Secretary, the Secretary shall accept the application.

Commencement

6. This By-Law comes into force on February 1, 1999.

RÈGLEMENT ADMINISTRATIF N° 14

LA DÉMISSION

Procédure de démission

1. (1) Sous réserve de l'article 3, les membres du Barreau qui désirent démissionner en font, par écrit, la demande au ou à la secrétaire.

Déclaration solennelle ou affidavit

(2) Toute demande présentée conformément au paragraphe (1) est accompagnée d'une déclaration solennelle ou, lorsque le membre n'est pas résident du Canada, d'un affidavit précisant :

- a) son âge, la date de son admission au barreau ainsi que la date de son admission en tant que procureur, son lieu de résidence, l'adresse de son bureau, le cas échéant, le nombre d'années d'exercice de la profession, le cas échéant, et l'énoncé des raisons de sa démission;
- b) que le membre a rendu compte de tous les fonds et biens détenus en fiducie don't il était responsable et qu'il les a remis aux personnes y ayant droit, ou, selon le cas, qu'il n'est responsable d'aucune somme ou d'aucun bien détenu en fiducie;
- c) que le membre a réglé toutes les affaires qui lui avaient été confiées par ses clients et clientes ou qu'il a pris, à la satisfaction de ces derniers, les mesures nécessaires pour leur remettre leurs documents ou pour les transmettre à un autre avocat ou une autre avocate ou, selon le cas, qu'il n'a pas exercé la profession;
- d) que le membre n'a connaissance d'aucune réclamation à son égard à titre professionnel ou dans le cadre de l'exercice de sa profession;
- e) tous les renseignements ou explications supplémentaires concernant les données précitées.

Idem

(3) L'attestation d'un ou d'une comptable, certifiant que le membre a rendu compte de tous les fonds et biens en fiducie don't il était responsable et qu'il les a remis aux personnes y ayant droit, est jointe à la demande, à titre de pièce à l'appui de la déclaration solennelle ou de l'affidavit exigé au paragraphe (2).

Publication de l'avis d'intention de démissionner

2. (1) Sous réserve du paragraphe (1.1), les membres qui désirent démissionner du Barreau font paraître dans le *Recueil de jurisprudence de l'Ontario*, au moins trente jours avant la date de la demande visée au paragraphe 1 (1) qui est adressée au ou à la secrétaire, un avis d'intention de démissionner.

Exonération de publication de l'avis d'intention de démissionner

(1.1) Sur présentation de la demande écrite du membre, le ou la secrétaire peut exonérer le membre de l'obligation de publier un avis d'intention de démissionner.

Avis d'intention de démissionner

(2) L'avis d'intention de démissionner visé au paragraphe (1) est rédigé selon le Formulaire 14A [Avis d'intention de démissionner].

Preuve de la publication de l'avis

(3) À moins qu'un membre ne soit exonéré de l'obligation de publier un avis d'intention de démissionner, la demande présentée selon le paragraphe 1 (1) est accompagnée de la preuve de publication de l'avis d'intention de démissionner, conformément au paragraphe 2 (1).

Demande de démission par procuration

3. (1) Le ou la secrétaire qui est d'avis que, pour une raison quelconque, un membre est incapable de présenter sa demande de démission peut permettre à une autre personne de présenter, au nom du membre, la demande de démission visée au paragraphe 1 (1).

Application des paragraphes 1 (2) et 1 (3) et des articles 2, 4 et 5

(2) Les paragraphes 1 (2) et 1 (3) et les articles 2, 4 et 5 s'appliquent, avec les adaptations nécessaires, à la demande visée au paragraphe 1 (1) qui est présentée au nom d'un membre.

**Examen de la demande par le secrétaire**

4. (1) Sous réserve du paragraphe (2), le ou la secrétaire examine chaque demande présentée conformément au paragraphe 1 (1) qui répond aux exigences des paragraphes 1 (2), 1(3) et 2 (3), et peut examiner une demande présentée conformément au paragraphe 1 (1) mais qui ne répond pas aux exigences des paragraphes 1 (2), 1 (3) et 2 (3) et, selon le cas :

- a) la demande est acceptée si le ou la secrétaire est d'avis :
  - (i) que le membre qui présente la demande a rendu compte de tous les fonds et biens en fiducie don't il était responsable et qu'il les a remis aux personnes y ayant droit, ou, selon le cas, qu'il n'est responsable d'aucune somme ou d'aucun bien détenu en fiducie;
  - (ii) que le membre a réglé toutes les affaires qui lui avaient été confiées par ses clients et clientes ou qu'il a pris, à la satisfaction de ces derniers, les mesures nécessaires pour leur remettre leurs documents ou pour les transmettre à un autre avocat ou une autre avocate ou, selon le cas, qu'il n'a pas exercé la profession;
  - (iii) que le membre n'a connaissance d'aucune réclamation à son égard à titre professionnel ou dans le cadre de l'exercice de sa profession;
  - (iv) que le membre fait la demande a versé toute cotisation d'assurance qu'il ou qu'elle était tenu de verser et que le membre a déposé les certificats, rapports et autres documents qu'il ou qu'elle était tenu de déposer aux termes de la police d'assurance responsabilité civile professionnelle;
  - (v) que le membre qui fait la demande s'il n'est pas exonéré de l'obligation de publier un avis d'intention de démissionner s'est conformé au paragraphe 2 (1);
- b) sous réserve du paragraphe (1.1), la demande est rejetée si le ou la secrétaire n'est pas convaincu de la conformité à une ou plusieurs des exigences de l'alinéa a).

**Acceptation de la demande**

(1.1) Le ou la secrétaire peut accepter une demande s'il ou si elle est d'avis que le membre ne répond pas aux exigences de l'alinéa (1) (a) (iv) mais qu'il ou elle est d'avis que le membre répond aux exigences des alinéas (1) (a) (i), (ii), (iii) et (v).

**Refus du secrétaire d'examiner une demande**

(2) Le ou la secrétaire n'examine pas une demande déposée conformément au paragraphe 1 (1) du présent règlement administratif si le membre qui dépose la demande :

- (a) fait l'objet d'une vérification, d'une enquête, d'une recherche ou d'une saisie effectuée ou menée par le Barreau;
- (b) est partie à une procédure engagée selon la Partie II de la Loi;
- (c) ou est partie à une procédure engagée selon l'article 33 de la Loi, tel qu'il se lisait le jour précédant l'entrée en vigueur de la *Loi de 1998 modifiant la Loi sur le Barreau*.

Documents, explications, décharges, etc.

- (3) Afin de faciliter l'examen de la demande, le membre qui dépose la demande
- (a) fournit au ou à la secrétaire tous les documents et les explications nécessaires à l'examen; et
- (b) fournit à l'assureur du régime d'assurance de Barreau les décharges, directives et lettres de consentement requises afin de permettre à l'assureur de mettre à la disposition du ou de la secrétaire tous renseignements relatifs au versement des cotisations d'assurance par le membre ainsi qu'au dépôt des certificats, rapports et autres documents requis conformément à la police d'assurance responsabilité civile professionnelle.

Rejet de la demande

- 5. Le ou la secrétaire qui rejette une demande aux termes de l'alinéa 4 (1) (b) peut préciser les modalités à remplir pour que la demande soit acceptée; le ou la secrétaire qui est d'avis que le membre se conforme alors à ces modalités en accepte la demande.

Entrée en vigueur

- 6. Le présent règlement administratif entre en vigueur le 1<sup>er</sup> février 1999.

#### Form 14A

#### Notice of Intention to Resign

*(Name of member applying to resign, in capital letters)*

Pursuant to section 30 of the *Law Society Act* and By-Law 14 made under subsection 62 (0.1) of the *Law Society Act*, the above named hereby gives notice of *(his/her)* intention to resign *(his/her)* membership in the Society.

The above named has carried on the practice of law at *(identify where the above named has carried on the practice of law)* (or has not carried on the practice of law since *(date)*) (or has never carried on the practice of law in Ontario).

Dated at *(place)*.

*(Date)*

*(Full name of member applying to resign)*

#### Formulaire 14A

#### Avis d'intention de démissionner

*(Nom du/de la membre désirant démissionner, en majuscules)*

En vertu de l'article 30 de la *Loi sur le Barreau* et du Règlement administratif n° 14 pris en application du paragraphe 62 (0.1) de la *Loi sur le Barreau*, la personne susmentionnée donne avis de son intention de démissionner en tant que membre du Barreau.

La personne susmentionnée a exercé le droit à (*indiquer son lieu de pratique*) [ou n'a pas exercé le droit depuis (date)] (*ou n'a jamais exercé le droit en Ontario*).

Fait à (*lieu*)

le (*Date*)

(*Nom et prénoms du/de la membre désirant démissionner*)

## APPENDIX 2

(AMENDMENTS ARE INDICATED BY STRIKEOUT AND ITALICIZED BOLDFACE TYPE)

### THE LAW SOCIETY OF UPPER CANADA

#### GUIDELINES FOR SUSPENDED, RESIGNED OR DISBARRED MEMBERS AND MEMBERS WHO HAVE GIVEN AN UNDERTAKING NOT TO PRACTICE

Subsections (1)(a) of Section 50 and Section 50.1(1) of the *Law Society Act*, R.S.O. 1990, c. L.8 as amended provide as follows:

- 50 (1) Except where otherwise provided by law,  
9. no person, other than a member whose rights and privileges are not suspended, shall act as a barrister or solicitor or hold themselves out as or represent themselves to be a barrister or solicitor or practise as a barrister or solicitor;

50.1(1) Every person who contravenes section 50 is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

EFFECTIVE FROM THE DATE OF SUSPENSION, RESIGNATION, DISBARMENT OR *UNDERTAKING NOT TO PRACTICE*:

#### I - YOU MAY:

- (a) See clients only for the limited purpose of assisting them in transferring their past or present legal work to another solicitor;
- (b) Collect accounts receivable;
- (c) Render accounts for work completed on or before the date of your suspension, resignation, disbarment or *undertaking not to practice*;

- (d) ~~Provide services to the public as an agent where permitted by statute (e.g. including but not limited to Provincial Offences, Landlord and Tenant, Small Claims and Highway Traffic Act matters) on the specific condition that the principal(s) has been advised, in writing, that you are not acting as a barrister and solicitor and that your representation will not afford them the protection of the Lawyers' Professional Indemnity Company in the event of your negligence or the protection of Lawyers' Fund for Client Compensation in the event of dishonesty or fraud. In addition, any Court, administrative tribunal or other adjudicative body, as well as all other parties involved, must be informed that you are appearing as an agent and not as a barrister and solicitor.~~

## II - YOU SHALL NOT:

Carry on the practice or profession of a barrister and solicitor in any way, nor, represent or hold yourself out as a barrister and solicitor in any way. Except on the terms set out above, and without limiting the generality of the following, you shall not:

- (a) Accept any new clients;
- (b) Accept new legal work for existing clients;
- (c) Give legal advice to any client, other individual, corporation or other entity;
- (d) *Subject to paragraph (f), continue, commence, carry on or defend any lawsuit or proceeding for any client, other individual, corporation or other entity with or without fee, ~~except in accordance with the provisions of I(d),~~*
- (e) *Subject to paragraph (f), appear in court for any purpose other than in your personal capacity to represent yourself as a party and/or as a witness, ~~except in accordance with the provisions of I(d),~~*
- 6. *Provide legal services to the public, unless acting as an agent where permitted by statute or by leave of the court or tribunal (e.g. including but not limited to Provincial Offences, Landlord and Tenant, Small Claims and Highway Traffic Act matters) on the specific condition that the principal has been advised, in writing, that you are not entitled to act and are not acting as a barrister and solicitor, that your representation will not afford them the protection of the Lawyers' Professional Indemnity Company in the event of your negligence or the protection of the Lawyers' Fund for Client Compensation in the event of dishonesty or fraud and that your representation will not afford them the protection of solicitor-client privilege. In addition, any Court, administrative tribunal or other adjudicative body, as well as all other parties involved, must be informed that you are not entitled to act as a barrister and solicitor but are appearing as an agent.*
- (g) Draft or revise legal documents of any type, and/or execute documents of any type which require or permit execution by a barrister and solicitor;
- (h) Notarize documents pursuant to the *Notaries Act*, R.S.O. 1990, c. N.6, or swear affidavits pursuant to the *Commissioners for taking Affidavits Act*, R.S.O. 1990, c. C.17;
- (i) Report to clients, other than to: 1) inform them that you are not practising law; and/or 2) deliver an account for services rendered prior to your suspension, resignation, disbarment *or undertaking not to practice* (for the preparation of client reporting letters see III (b) below);

- (j) Certify, or give any opinions on, title to property;
- (k) *Subject to paragraph (f)*, draft and/or send a demand letter threatening or intimating that legal proceedings of any form will be taken on behalf of a third party, with or without fee, ~~except in accordance with the provisions of I(d)~~;
- (l) Act as a solicitor for the estate of a deceased person or party under a “disability” as defined by the Rules of Civil Procedure;
- (m) Prepare wills or have anything to do with the administration, distribution or completion of estates, other than in your capacity as an estate trustee;
- (n) Give to another lawyer or receive on behalf of a client, other individual, corporation or other entity, any undertaking with respect to any legal matter;
- (o) Hold yourself out as a barrister and/or a solicitor;
- (p) Occupy or share office space with a barrister and solicitor in contravention of Rule 20;
- (q) Provide services to a barrister and solicitor, in relation to that individual's practice of law in contravention of Rule 20;
- (r) Act as an articling principal to a student-at-law in the Bar Admission Course or act as the supervising lawyer to a student-at-law in the Bar Admission Course;
- (s) Accept any referrals from the Lawyer Referral Service.

### III - YOU MUST:

Fulfil the requirements of all paragraphs below and confirm, in writing, to the Law Society, within 30 days of your suspension, resignation, disbarment *or undertaking not to practice* that you have done so.

- (a) Arrange immediately to inform all clients in active matters that they should take their files to a solicitor of their choice. You may, in this capacity, suggest a referral to a particular solicitor. The ultimate choice of who is retained rests with the client and not with you;
- (b) Assign any and all outstanding reporting letters to another solicitor in good standing for completion. You may prepare a draft report for the solicitor of your choice, but that solicitor must review the file completely and send any reporting letter out to the client on his or her letterhead. You may make personal arrangements with the solicitor for his or her remuneration;
- (c) Employ another solicitor or agent to complete all undertakings given by and accepted by you prior to your suspension, cancellation *or undertaking not to practice*;
- (d) Return original wills and documents to clients or arrange to transfer this part of your practice to another solicitor, and inform your clients and the Law Society who has been given possession of their wills, documents and files;

- (e) Remove any sign from your door, building, premises, window, building directory or property designating it as a "law office" or designating you to be a "barrister", "solicitor", "lawyer", "Q.C.", "notary public" and/or "commissioner of oaths", in English or any other language. The above words must also be removed or crossed out from all stationery, letterhead, business cards, forms, stamps, accounts and any publications bearing your name;
- (f) If you were issued a Law Society Membership Photo ID Card, confirm that you have returned it to the Society forthwith, if you have not already done so;
- (g) Telephone/fax:
  - i) Either disconnect the lines or arrange for a voice message to advise callers that your law practice is closed until further notice and provide callers with the name and number of another lawyer to call for information regarding their files. Members under a definite suspension can leave a message advising when the office will reopen;
  - ii) Contact your telephone company and directory advertisers instructing them to remove from the next printing of the white and yellow pages of the telephone directory any words or abbreviations for "barrister", "solicitor", "lawyer", "Q.C.", "notary public" and/or "commissioner of oaths", in English or any other language, and to delete from Directory Assistance your law office listings and;
  - iii) Have your name deleted from the listing of lawyers under your law firm's name;
- (h) Trust Account(s):

Have all trust funds on deposit balanced to client liabilities as of the date of your suspension, resignation, disbarment *or undertaking not to practice* and turn funds over to:

  - (i) clients; or
  - (ii) succeeding solicitor, in trust, by direction of client; or
  - (iii) succeeding solicitor of your choice, in trust, if clients decline to claim or direct; and
  - (iv) close the account(s);
  - (v) forward a copy of your trust bank statements showing account closed particulars to the Law Society;
- (i) Finalize your accounting books and records to the latest of the date of your suspension, resignation, disbarment *or undertaking not to practice* and the closure of your trust account. Submit your annual filings within 90 days of your fiscal year-end, as required by the By-Laws.
- (j) If a suspended member *or a member subject to an undertaking not to practice*, continue to file annually thereafter a Member's Annual Report;
- (k) Locate another member of the profession who will act as the articling principal to your current or incoming students-at-law and arrange for the orderly assignment or transfer of articles of the student-at-law under the direction of the Articling Director at the Law Society.

Enquiries regarding these guidelines and compliance should be directed to the Law Society at telephone 416-947-3300.

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Re: Member's Representations to the Summary Revocation Benchers

The Chair asked that the heading under Policy be corrected to read ".....Summary Revocation Benchers" not Summary Disposition Benchers.

It was moved by Mr. MacKenzie, seconded by Mr. Banack that the recommendations of the Committee set out at paragraphs 10 and 12 on page 4 of the Report be approved and that members be permitted to provide information to the summary revocation benchers prior to an order being made, with the Law Society having an opportunity to respond if it wishes to do so.

Carried

Re: Amendments to By-Law 14 (Resignation)

It was moved by Mr. MacKenzie, seconded by Mr. Banack that By-Law 14 as amended be adopted.

Carried

BY-LAW 14

THE LAW SOCIETY OF UPPER CANADA

BY-LAW 14  
[RESIGNATION]

made under the  
*LAW SOCIETY ACT*

THAT By-Law 14 [Resignation], made by Convocation on January 28, 1999 and amended by Convocation on May 28, 1999 and December 10, 1999 be further amended as follows:

1. Subclause 4 (1) (a) (iv) of the English version of the By-Law is amended by deleting the word "and" at the end.
2. Clause 4 (1) (a) of the By-Law is amended by deleting subclause (v) and substituting the following:
  - (v) that the applicant is no longer the subject of or has fully complied with all terms and conditions of an order made under Part II of the Act, an order, other than an order cancelling membership, made under section 34 of the Act as that section read before the day that the *Law Society Amendment Act, 1998* came into force, an order made under section 35 of the Act as that section read before the day that the *Law Society Amendment Act, 1998* came into force or an order made under section 36 of the Act as that section read before the day that the *Law Society Amendment Act, 1998* came into force; and
  - (vi) that the applicant if not exempted from the requirement to publish a notice of intention to resign has complied with subsection 2 (2); or

- (v) que le membre qui présente la demande n'est plus visé par une ordonnance rendue aux termes de la partie II de la Loi, de l'article 34 de la Loi tel qu'il existait avant le jour de l'entrée en vigueur de la *Loi de 1998 modifiant la Loi sur le Barreau* (s'il ne s'agit pas d'une ordonnance d'expulsion du Barreau), de l'article 35 de la Loi tel qu'il existait avant le jour de l'entrée en vigueur de la *Loi de 1998 modifiant la Loi sur le Barreau* ou de l'article 36 de la Loi tel qu'il existait avant le jour de l'entrée en vigueur de la *Loi de 1998 modifiant la Loi sur le Barreau*, ou qu'il s'est conformé intégralement à toutes les conditions d'une telle ordonnance;
  - (vi) que le membre qui présente la demande s'est conformé au paragraphe 2 (2) s'il n'est pas dispensé de l'obligation de faire publier un avis d'intention de démissionner;
3. Subsection 4 (1.1) of the By-Law is amended by,
- (a) adding "or (v)/ ou (v)" after "subclause (1) (a) (iv)/ de l'alinéa (1) (a) (iv)" in the second line; and
  - (b) striking out "(v)" at the end and substituting "(vi)".
- .....

#### SYMPOSIUM PROPOSAL

The Treasurer and Mr. Krishna presented the Report on the Symposium Proposal.

Symposium Proposal  
February 18, 2000

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#### Report to Convocation

Purpose of Report:      Decision Making  
                                 Information

Prepared by the Policy Secretariat

#### Introduction

1. The new millennium will present significant challenges to the legal profession. To the sole and small firm practitioner who comprise the vast majority of law firms in this province, technological changes and consumer expectations are already reshaping the delivery of their services at a breathtaking pace. The large and mega firms are talking in terms of market share and globalization. The public is open to alternatives to the traditional delivery of legal services and alternative providers. In all of this change swirling around us, lawyers are reaching out for both a vision and the know-how to adapt and improve.
2. It is critical that the Law Society of Upper Canada provide leadership in assisting its members to continue to provide competent, professional legal services in this new world.

3. It is also important that the Law Society Upper Canada lead the profession in celebrating its rich traditions and remarkable achievements as an integral part of the fabric of Canadian society in general, and the province of Ontario, in particular.

#### Background

4. Since his election in June 1999, the Treasurer has met with members of the bar in the various counties across Ontario. Among other things, he has been discussing the bar's concerns about the future of the legal profession. The Treasurer proposes to begin addressing these concerns in two different ways.
5. To address the concerns of the small firm and sole practitioner in areas outside of Toronto, the Treasurer has asked Paul Truster, the Director of Continuing Legal Education, to develop a program specifically focused on the issues facing the future of this segment of the bar. The program will be based on the very successful "Lone Stars - Surviving and Thriving in Sole Practice and Small Firms" program, which has been offered in Toronto by the Law Society's Continuing Legal Education Department. This program will be developed in consultation with members of the local bar in each of the counties, and delivered locally.
6. To address the future of the practice of law in a more general way, the Treasurer proposes holding a symposium in the fall of 2000.
7. The Treasurer asked Ron Manes to work with Katherine Corrick, the Director of the Policy Secretariat, and others on an informal basis to conceive a plan for the symposium. A group composed of the Treasurer, Ron Manes, Eleanore Cronk, George Hunter, Sophia Spurdakos, and Katherine Corrick have met variously on several occasions. In addition, the group consulted with the regional benchers to receive their input. Katherine Corrick circulated a request for proposal for a professional event planner and has completed the interview process. Because of the logistical challenges that such an event presents, an event planner has been consulting with staff, pending the disposition of Convocation.
8. Preliminary investigation of the planning details for the symposium has been undertaken for the purpose of developing a preliminary budget and presenting a plan to Convocation. This report provides some preliminary details about the symposium and seeks Convocation's approval for it.

#### The Purpose of the Symposium

9. The purpose of the symposium is to stimulate thought and generate discussion about what the future of the practice of law is likely to look like, and how lawyers ought to prepare themselves for it. The symposium would be followed by a dinner celebrating the future of legal profession and would feature a high profile dinner speaker.
10. The symposium would bring together speakers from around the world to deal with issues such as,
  - innovation
  - technology
  - professionalism and competence
  - future demand for legal services.
11. The goal is to gather together for one day dynamic speakers who will both challenge the status quo, and provide the necessary direction to meet the future.

Practicalities

12. It is proposed that the symposium be held on November 30, 2000 at the Sheraton Centre in Toronto. A draft program detailing a proposed structure of the day is attached at page 3.
13. A preliminary costing forecast for the symposium is attached at page 4. It has been prepared in consultation with a professional event planner. The projected revenue for the symposium comprises the registration fees, the \$150,000 allocated to this project in the 2000 Law Society Budget, and contributions received from corporate sponsors.

Request of Convocation

14. Convocation is requested to approve the holding of the symposium on the Future of the Legal Profession.

The Future of the Legal Profession Symposium  
November 30, 2000 ~ Sheraton Centre ~ Toronto, Ontario

DRAFT PROGRAM

8:00 - 9:00 a.m.	Registration and Continental Breakfast
9:00 - 9:15 a.m.	Welcome and Opening Remarks
9:15 - 10:15 a.m.	Keynote: Innovation in the Legal Profession
10:15 - 10:30 a.m.	Refreshment Break
10:30 - 12:00 noon	Panel: Professionalism & Competence
12:00 - 1:30 p.m.	Luncheon
1:30 - 2:45 p.m.	Guest Speaker: Law & Technology
2:45 - 3:00 p.m.	Refreshment Break
3:00 - 4:15 p.m.	Panel: Future Demand for Legal Services
4:15 p.m.	Closing Remarks
6:00 p.m.	Reception
7:00 - 10:00 p.m.	Banquet Dinner Dinner Speaker

The Future of the Legal Profession  
November 30, 2000 Sheraton Centre Toronto

Costing Forecast

	Total
<b>REVENUE</b>	
Predicted Registration Revenue*	\$ 53,550.00
Predicted Corporate Sponsorship Revenue**	\$ 30,000.00
Opening Law Society Budget	\$150,000.00
<i>Total Conference Revenue</i>	<u><u>\$233,550.00</u></u>
<b>EXPENSES</b>	Forecasted
Fixed Costs	
Marketing	
Postage/Shipping/Courier/Lettershop	750.00
Mailing House (approx 9,000)	2,600.00
Printing of Invite Letter/Envelope & Agenda	3,500.00
Advertising	2,000.00
Other Marketing	<u>500.00</u>
Total Fixed Expenses	\$ 9,350.00
Variable Expenses	
Event -Day Delegate Materials***	
Day of Agendas / Name Tags / Signage	3,000.00
Large Banners / Podium Signs	2,000.00
Corporate Sponsor Booths	1,500.00
Hotel Charges (Sheraton Centre Toronto)	
Room Rental	3,000.00
Food/Beverage	6,155.00
Lunches (450)	14,242.50
Dinners (600)	29,040.00
Dinner Decorations	1,200.00
Miscellaneous Hotel Charges	513.50
Audio Visual Equipment	<u>3,391.00</u>
Total Variable Expenses	\$ 64,042.00
Total Fixed and Variable Expenses	\$ 73,392.00
PST 8%	3,931.36
PST 10% (beverage)	540.00
Food Gratuity 15%	7,415.63
<i>Total Conference Expenses</i>	<u><u>\$ 85,278.99</u></u>
<i>Surplus to use for Speakers and Event Planner</i>	<u><u>\$ 148,271.01</u></u>

**Proposed Conference Revenue Generation**

Delegate Registration = \$ 99.00  
Additional Dinner Ticket = \$ 60.00

Corporate Sponsorships = \$ 500 - 5,000.00  
(to include booth at event / and or advertising and possibly several complimentary seats)

Other Sponsorships = \$ 500 - 5,000.00  
(to sponsor breakfast / refreshment breaks / reception or delegate kit - complimentary seats too)

\* Represents estimated paying registrations to be 450 x \$99 plus 150 x \$60

\*\* Represents an estimated 10 corporate sponsors secured at \$3,000 each

\*\*\* Assumes attendance of 450 participants for symposium and 600 guests for dinner

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It was moved by Mr. Krishna, seconded by Mr. Hunter that a symposium be held on the Future of the Legal Profession.

Carried

It was moved by Mr. Gottlieb that the Report be amended by adding to paragraph 10 an issue on what the Law Society of Upper Canada can do and should do to ensure survival and "thrival" of sole practitioners and small firms.

Withdrawn

MOTION - APPOINTMENT

It was moved by Mr. MacKenzie, seconded by Ms. Potter that in accordance with section 49.29 of the Law Society Act, Heather Ross be appointed to the Law Society Appeal Panel for a term of two years.

Carried

REPORT OF THE PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE

Mr. Cherniak reported on the progress of the Competence, Libraries and the CLE Working Groups.

Report to Convocation

Purpose of Report: Information

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

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TERMS OF REFERENCE/COMMITTEE PROCESS

1. The Professional Development and Competence Committee ("the Committee") met on February 10, 2000. Committee members in attendance were Eleanore Cronk (Chair), Earl Cherniak (Vice-Chair), Ron Manes (Vice-Chair), Stephen Bindman, Dino DiGiuseppe, Seymour Epstein, Greg Mulligan, Marilyn Pilkington, Judith Potter, Marg Ross, and Bill Simpson. Staff in attendance were Scott Kerr, Gord Lalonde, Janine Miller, Mark Pujolas, Felecia Smith, Sophia Sperdakos, Richard Tinsley, and Paul Truster.
2. The Committee is reporting on the following matters:  

Information

  - Progress report on competence working group
  - Progress report on libraries working group
  - Progress report on CLE working group

## INFORMATION

### PROGRESS REPORT ON COMPETENCE WORKING GROUP

1. As part of the recommendations of the second Competence Task Force, approved by Convocation in April 1999, the Professional Development and Competence Committee is to develop, for Convocation's approval, all policy matters related to the competence scheme in Part II of the *Law Society Act* as well as all post-call competence-related policies beyond those legislatively mandated.
2. The Committee has been considering the issues related to implementing the Law Society's competence mandate. In September it established a working group to assist it in developing a proposed consultation document for Convocation's consideration. The purpose of such a document would be to inform the profession of the Law Society's new competence mandate under the amended *Law Society Act*, canvass the issues relevant to the implementation of the Law Society's competence mandate, and seek the input of the profession.
3. The Committee has considered a first draft of a proposed consultation document. Based on the Committee discussion there will be revisions to the document. The Committee will further develop its proposal for a proposed consultation process. It is anticipated that a draft consultation document will be brought to Convocation in March for its consideration.

### PROGRESS REPORT ON LIBRARIES WORKING GROUP

1. In June 1999 Convocation approved parts of the Phase II report on the delivery of services to the county and district libraries, including a "blended" system and universal fees. It approved the continued existence of a working group on the delivery of services to county and district libraries, with Susan Elliott continuing in the position of chair of the working group. It also approved the convening of two sub-groups to deal with the development of a business plan for the new model of delivery and to deal with administrative issues.
2. The two working groups have been meeting regularly. It is anticipated that a report containing a proposal for the library system's administrative structure will be provided to Convocation in March for its consideration in April. Work on the proposed business plan is continuing and will be further developed once Convocation has made decisions concerning the administrative plan.

### PROGRESS REPORT ON CLE WORKING GROUP

1. In September the Committee established a working group to consider issues related to CLE policy matters. The working group was asked to consider a number of items including publications policy and the implementation of action plans arising out of the 1997 Law Society report entitled *Post-Call Learning for Lawyers*.
2. The working group is developing a number of items for consideration by the Committee and Convocation. It anticipates having a proposal within the next few months on the steps that should be followed by the Law Society in making publication decisions on written CLE materials and books, both electronic and print.

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ORDERS

The following Orders were filed:

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

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

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 3rd day of June 1999 and the Report and Decision of the Discipline Committee dated the 5th day of June, 1999, in the presence of counsel for the Society, the Solicitor being in attendance and represented by duty counsel, wherein the Solicitor was found guilty of professional misconduct and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that Timothy David Salomaa be suspended, effective as of the date of this order, for a period of six months with respect to Complaint D1/98 and two months with respect to Complaint D104/98, the suspensions to be served consecutively.

DATED this 25th day of November, 1999

"R. Armstrong"  
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. Tinsley"  
Secretary

Filed

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Michael Angelo Spensieri

O R D E R

CONVOCATION of the Law Society of Upper Canada, having read the materials filed by the Law Society and the Applicant, Michael Spensieri, and having heard the submissions of counsel for the Law Society and the Applicant, wherein the Applicant sought an order of Convocation readmitting him to membership in the Law Society of Upper Canada;

CONVOCATION HEREBY ORDERS that the application is dismissed, and that the Applicant must tender a new application for readmission which will be governed by the current legislation.

DATED this 25th day of November, 1999

‘R. Armstrong’  
Treasurer

(SEAL - The Law Society of Upper Canada)

“R. Tinsley”  
Secretary

Filed

The Treasurer announced that Mary Shena of the Policy Secretariat had agreed to join him as his Executive Assistant.

LAW SOCIETY GAZETTE

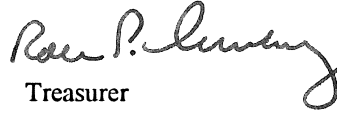
Mr. Marrocco advised that Ms. Lucy Rybka-Becker would now be responsible for the publication of the Gazette which is expected to have a new look and will include historical articles about the Law Society to be written by Mr. John Honsberger.

18th, February, 2000

CONVOCATION ROSE AT 12:45 P.M.

The Treasurer and Benchers' guests for luncheon were Mr. Willson McTavish, Q.C., LSM, Mr. Earl Levy, Q.C. and Mr. Uri Barkai.

Confirmed in Convocation this 28 day of April, 2000

  
Treasurer