

MINUTES OF DISCIPLINE CONVOCATION

Friday, 28th January, 2000
8:30 a.m.

PRESENT:

The Treasurer (Robert P. Armstrong, Q.C.), Braithwaite, Chahbar, Cherniak, Coffey, Crowe, Diamond, E. Ducharme, T. Ducharme, Gottlieb, Hunter, Lamont, Lawrence, Manes, Mulligan, Pilkington, Potter, Simpson, Swaye, Wilson and Wright.

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The reporter was sworn.

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IN PUBLIC

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REPORT OF THE DIRECTION OF EDUCATION

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The Director of Education asks leave to report:

B.
ADMINISTRATION

B.1. CALL TO THE BAR AND CERTIFICATE OF FITNESS

B.1.1. (a) Bar Admission Course

B.1.2. The following candidates have completed successfully the Bar Admission Course, filed the necessary documents, paid the required fee, and now apply to be called to the Bar and to be granted a Certificate of Fitness at Convocation on Friday, January 28th, 2000:

Stephanie Lynne Anderson	Bar Admission Course
Pui Man Cheung	Bar Admission Course
Kenneth Nelson Frankel	Bar Admission Course
Norma Janice Ford	Bar Admission Course
Donna Leslie Olive Gillespie	Bar Admission Course
Michael Joseph Saunders	Bar Admission Course

B.1.3. (b) Transfer from another Province - Section 4

B.1.4. The following candidates have completed successfully the Transfer Examination or Phase Three of the Bar Admission Course, filed the necessary documents, paid the required fee, and now apply to be called to the Bar and to be granted a Certificate of Fitness at Convocation on Friday, January 28th, 2000:

Rishi Taryn Gill	Province of British Columbia
Michael Alan Goldberg	Province of Alberta
Jennifer Elaine Good	Province of Quebec
Martin Langlois	Province of Quebec
Kay Wanki Leung	Province of British Columbia
Shawn Craig Daniel Neylan	Province of British Columbia
Emil Pellicer	Province of Quebec
Danielle Ean Sung	Province of British Columbia

B.2. APPLICATION TO BE LICENSED AS A FOREIGN LEGAL CONSULTANT

B.2.1. The following apply to be certified as a foreign legal consultant in Ontario:

Tammy Lynn Alspector	The State of Michigan - Shearman & Sterling
John C. Carey	The State of New York - Skadden, Arps
Jonathan George James	The State of New York - Skadden, Arps

B.2.2. Their applications are complete and they have filed all necessary undertakings.

ALL OF WHICH is respectfully submitted

DATED this the 28th day of January, 2000

It was moved by Mr. Cherniak, seconded by Mr. Simpson that the Report of the Director of Education be adopted.

Carried

CALL TO THE BAR (Convocation Hall)

The following candidates were presented to the Treasurer and Convocation and were called to the Bar and the degree of Barrister-at-Law was conferred upon each of them. They were then presented by Mr. Lamont to Mr. Justice Donald R. Cameron to sign the Rolls and take the necessary oaths.

Stephanie Lynne Anderson	Bar Admission Course
Pui Man Cheung	Bar Admission Course
Kenneth Nelson Frankel	Bar Admission Course
Norma Janice Ford	Bar Admission Course
Donna Leslie Olive Gillespie	Bar Admission Course
Michael Joseph Saunders	Bar Admission Course
Rishi Taryn Gill	Transfer, Province of British Columbia
Michael Alan Goldberg	Transfer, Province of Alberta
Jennifer Elaine Good	Transfer, Province of Quebec
Martin Langlois	Transfer, Province of Quebec
Kay Wanki Leung	Transfer, Province of British Columbia
Shawn Craig Daniel Neylan	Transfer, Province of British Columbia
Emil Pellicer	Transfer, Province of Quebec
Danielle Ean Sung	Transfer, Province of British Columbia

DISCIPLINE

Ms. Lesley Cameron, Senior Counsel - Discipline introduced Mr. Neil Kozloff who acted as Duty Counsel.

Re: Roland William PASKAR - Mississauga

Ms. Cameron appeared on behalf of the Society and Mr. Kozloff, Duty Counsel appeared on behalf of the solicitor. The solicitor was not present.

An adjournment was requested by both counsel on consent to April 27th, 2000.

The adjournment was granted by Convocation peremptory to the solicitor.

Re: Angelina Marie CODINA - Toronto

The matter was placed before Convocation.

Mr. Swaye withdrew for this matter.

Ms. Jane Ratchford and Ms. Catherine Braid appeared on behalf of the Society and the solicitor appeared on her own behalf.

The Report of the Discipline Committee dated June 22nd, 1999 together with the Affidavit of Service was filed as Exhibit 1.

Ms. Codina requested an adjournment so that she could be represented by Mr. Joseph Markin. A letter from Mr. Markin dated January 27th, 2000 was filed indicating that he was ill and unable to attend.

Ms. Ratchford, counsel for the Society opposed the request for an adjournment.

There was a reply by the solicitor.

Counsel, the solicitor, the reporter and the public withdrew.

The Benchers discussed the adjournment request in camera.

It was decided that the request be denied.

Counsel, the solicitor, the reporter and the public returned and advised that the adjournment request was denied and that Convocation would hear submissions on the jurisdictional motion.

The solicitor proceeded with her jurisdictional argument regarding section 9 of the Regulation made pursuant to the Law Society Act.

The Law Society's counsel, Ms. Ratchford gave submissions in response.

The Treasurer put on record that Mr. Richard Tinsley would not be present at the in camera sessions.

Convocation took a brief recess at 11:45 a.m. and resumed at 12:00 noon.

Mr. Ratchford continued with her submissions.

There were questions from the Bench.

CONVOCATION ADJOURNED FOR LUNCHEON AT 1:00 P.M.

CONVOCATION RECONVENED AT 2:00 P.M.

PRESENT:

The Treasurer, Braithwaite, Chahbar, Cherniak, Crowe, Diamond, E. Ducharme, T. Ducharme, Gottlieb, Hunter, Mulligan, Pilkington, Potter, Simpson, Wilson and Wright.

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IN PUBLIC

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Ms. Ratchford continued with her submissions.

The solicitor made submissions in reply.

The Treasurer directed the solicitor and counsel for the Society to submit written argument on the jurisdictional issue and asked that they address the following:

- (a) the issue of implied delegation of authority by the Secretary to others with reference to section 22 of the Rules;
- (b) the applicability of the Carltona case;
- (c) who has the onus of proof in respect of challenges to a tribunal to jurisdiction;
- (d) if the onus lies with the defendant, does the fact that the Society acknowledges that the Secretary did not sign the Authorization Memorandum, a shift the evidentiary burden to the Law Society;
- (e) a review of administrative law cases;
- (f) the interpretation of implied delegation and the construction of the words "shall refer" and "in his or her opinion".

The Treasurer directed that the written arguments be not more than 30 pages. The solicitor is to submit her written argument by February 15th, the Law Society's response is to be delivered by February 22nd and the solicitor's reply by February 29th, the reply by the solicitor not to be more than 10 pages. The written arguments are to be directed to the Treasurer, care of Marilyn McDonald.

CONVOCATION ROSE AT 3:10 P.M.

Confirmed in Convocation this 18 day of February, 2000


Treasurer