

MINUTES OF CONVOCATION

Friday, 26th January, 1990
9:30 a.m.

PRESENT:

The Treasurer (Mr. Lee K. Ferrier), Mr. Bastedo, Ms. Bellamy, Mr. Bragagnolo, Ms. Callwood, Messrs. Carey, Cass, Cullity, Epstein, Farquharson, Ferguson, Furlong, Ground and Guthrie, Ms. Harvey, Messrs. Henderson and Hickey, Ms. Kiteley, Messrs. Lamek, Lamont and Lawrence, Mrs. Legge, Messrs. Lerner, Manes, McKinnon, Murphy, Noble, Outerbridge and Pepper, Ms. Peters, Messrs. Rock, Ruby, Scace, Shaffer, Somerville and Spence, Ms. Stewart, Messrs. Strosberg, Thom, Thoman, Topp, Wardlaw and Yachetti.

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The Treasurer introduced to the Bench Ms. Anne Marie Stewart, the Lay Benchler who had been appointed to replace the vacancy left by the resignation of Mr. T. Sosa.

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"IN PUBLIC"

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ADMISSIONS COMMITTEE

Ms. Peters presented that portion of the Admissions Committee Report dealing with the Call to the Bar.

CALL TO THE BAR

The candidates as listed 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 by the Treasurer.

David Reed Hunter	30th Bar Admission Course
Julia Victoria Ravenscroft	28th Bar Admission Course
David John Kavanagh	Transfer, Alberta
Ruth Melanie Spetz	Transfer, Saskatchewan

LANG MICHENER

Mr. Lamek presented a report to Convocation regarding his handling of the Lang Michener affair.

Report To The Treasurer and Convocation

From: P.S.A. Lamek
Chair, Discipline Committee

RE: LANG MICHENER

The discipline proceedings against 5 senior members of the Lang Michener firm came to an end 8 days ago when the discipline panel hearing the case decided that the appropriate penalty for the misconduct that the panel had earlier found to have occurred was a reprimand by the panel itself, which reprimand was then administered.

I say at the outset of this report that in my view the members of that panel, Patrick Furlong, Stuart Thom and Netty Graham, deserve the deep gratitude of the Society, not only for having undertaken that long and unhappy hearing but, perhaps, even more for having performed their very difficult role with manifest fairness and courage. And I hasten to say exactly the same of David Scott, Q.C. who acted as Counsel to the Law Society in the matter and who handled a tough brief exceedingly well.

I have referred to the "courage" of the panel and of Mr. Scott. I mean this: as I know only too well, the temptation in a matter like this is not to treat the accused Solicitors more leniently than their conduct requires. Quite the contrary. The temptation is to treat them more severely than their conduct justifies, either from a feeling that an example must be made of them or from a desire to demonstrate to the world that no-one gets a break merely because he is an eminent and respected member of a large, distinguished firm.

The fact is - and it is obvious that the panel and Mr. Scott recognized it - that these accused Solicitors, just like every other member of the Society, are entitled to fair and even-handed treatment. And if, in all the circumstances, the recognition of that fundamental principle leads to the conclusion that the proper penalty is a reprimand in Committee - the least severe of the available penalties - then justice demands that the panel so order, even though unthinking critics may assert or insinuate that the accused were treated with undue leniency.

Those who say that the accused members of Lang Michener received merely "a slap on the wrist" clearly have no comprehension of the public embarrassment and humiliation of those 5 prominent lawyers or of the cost to their firm in terms of morale and, likely, in other ways.

This is not intended as an apologia for the 5 or for their firm. The discipline process was justifiably set in motion against them, as the panel's finding of guilt demonstrates. But it is intended as a response to those who glibly and irresponsibly allege that members of the large, respected Lang Michener firm received more favorable treatment than members of small and relatively less known firms could have expected.

That, I say, is an irresponsible assertion. I know of no other self-governing profession, here or elsewhere, that has set its discipline processes in motion and proceeded determinedly and publicly to a conviction and penalty against the entire Executive Committee of one of the most distinguished and respected firms in the profession. I do not know what else or what more could be done to demonstrate even-handedness in the discipline process unless, perhaps, we were to treat members of large firms notoriously more harshly than we treat members of small firms - a suggestion that is offensive to any concept of fairness and is a contradiction of any principle of evenness of treatment.

There is not, in this Law Society, one law for the large and prominent firm, another for the small, less well-known firm. All are entitled to fair treatment. And so far as has lain within my power, all have received it.

So much for the complaints that were issued and that have now been dealt with. I turn next to complaints that were not issued.

A great deal has been said in the press and elsewhere about my decisions as to the complaints that were to issue in the Lang Michener matter. Concerns have been aroused and suspicions have been engendered by the endless repetition of untruths and half-truths. We know from history that an untruth, if repeated often enough, comes to be accepted as the truth. The technique has been known to and employed by every successful demagogue the world has seen.

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So long as the Lang Michener complaints were in the discipline process, the allegations, innuendos and suspicions could not, in my judgment, be answered. To have answered them might well have prejudiced the rights of the 5. That process is now at an end and an answer can be made.

In the first place, it has been alleged that the decisions were made "unilaterally" by me alone, which has been described as a departure from a practice that I had established of involving the Vice-Chairmen of the Discipline Committee in such decisions.

Yes, the decision was made by me without the involvement of either of my Vice-Chairmen, as from the day you first involved me in this matter, you, Treasurer, knew that it would be. The statutory provisions under which we operate provide that the power to direct the institution of discipline proceedings lies with "the Committee" (a defined term, meaning the Discipline Committee which now comprises all Benchers and which cannot, therefore, exercise this particular power of decision lest the Benchers disqualify themselves from subsequently sitting in a judicial capacity in the very proceedings that they have authorized); or with the Chairman of Discipline; or with the Vice-Chairman of Discipline. It may be argued that the system is wrong and that such important decisions should not be given to one person to make. That may be - and, of course, it is one of the matters under consideration by the Special Committee chaired by Mr. Yachetti - but I point out that it is the system that has been in place for some time and has not become suspect or invalid merely because it has been followed in an "important" or "high profile" case. A decision to authorize a complaint against a sole practitioner in, say, northern Ontario is every bit as important to that practitioner and to the profession as is a decision in respect of members of a large Bay Street firm. My making this decision, therefore, was entirely within the applicable statutory scheme.

As for the alleged "practice" of involving my Vice-Chairmen in decisions authorizing discipline proceedings, clarification is required. When I became a Vice-Chairman of Discipline in the Summer of 1988, I quickly learned to expect telephone calls from the Society's discipline and complaints staff, requesting authorizations to issue discipline complaints. Oral explanations of the case (sometimes difficult to follow) would be provided if requested and the whole process was most unsatisfactory. When, later in the Summer, I became Chairman, I decided to change the system. I required the submission of short written summaries of cases with clear statements as to the proposed complaints and I organized regular monthly sessions at which such requests for authorization to proceed could be made to me or to one of the Vice-Chairmen. I suggested to the Vice-Chairmen - and they readily agreed - that in order to promote uniformity of approach and standards it would be desirable if 2 or 3 of us could attend the authorization meetings until we had a feel for the way we each viewed different kinds of cases. We did so, and indeed, in large measure continue to do so. But the intention was not that there be joint decision-making but rather a device to promote a uniformity and evenness of approach when each of us individually was called upon for such authorizations.

But it is reasonable, I recognize, to ask why I did not seek the assistance of my Vice-Chairmen in this difficult case. I ask Benchers to cast their minds back to the late Summer of 1988. Curiosity was rife, in the profession and in the press, as I recall it. Everyone seemed to be aware that something was going on concerning Lang Michener; nobody knew what. Certainly at the time I became Chairman, I had no idea of even the nature of the problem that was being investigated.

One thing was absolutely clear: fairness to those under investigation required that the investigation be kept totally confidential. It is, of course, the Society's policy to keep all investigations confidential. But few investigations arouse the measure of curiosity that this one did and it seemed to me, therefore, that information about the case should be dealt with on a strict need-to-know basis.

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I do not, for a moment, mean to suggest that I had the slightest concern about the discretion of my Vice-Chairmen. But one cannot add one person to a "need-to-know" list. One has to contemplate that one will also be adding that person's secretary, office staff such as mailroom workers, fax operators, even nosey colleagues. It did not seem to me desirable to increase the number of points at which leaks of information might wittingly or unwittingly occur. In retrospect, it seems that the "need-to-know" group was already too large to avoid a leak!

In fairness, I should also say that it did not seem to me that this was a decision that should properly be made by a committee with a possible split in the views of the committee.

That in any event was my view of the matter. In many ways I would have welcomed the wise advice of my Vice-Chairmen. But I perceived that the unpleasant duty to make the decision was mine and I thought it proper to do my job myself as you, Treasurer, were aware. And I was not without advisors and sounding boards: Mr. Sherriff who had conducted the investigation, Mr. Scott, Mr. Tinsley who as the Secretary was responsible for the management of the Discipline Department and was closely aware of the progress and problems of the investigation, and Mr. Crosbie who stood ready to act as liaison with you, Treasurer, if it should become necessary to involve you in the matter. For better or for worse, I decided that I should do the job that the governing statute and regulations imposed upon me and that I should do it myself.

I come then to much the most serious of the allegations that has been made in recent months: that the recommendation that I received from Mr. Scott echoed and reinforced the recommendation of Mr. Sherriff that complaints should issue against 9 partners in the Lang Michener firm. That is not true.

Let me break the matter down into two parts, the first involving Messrs. Farquharson, Robert Wright and Pringle. Mr. Sherriff had recommended that these 3 partners should be included in those against whom a complaint should issue - substantially in the terms of those actually issued - alleging a failure to make a timely report to the Society and to protect the interests of clients of the firm.

I should give you this chronology: Mr. Scott's written opinion was dated March 2, 1989 and was received by me on March 6. I immediately read the opinion and tried to arrange a time to meet with Mr. Scott and Messrs. Sherriff and Crosbie and Tinsley to discuss it. The earliest date was March 14 but unfortunately Mr. Sherriff was to be out of the country on that date. Because Mr. Scott was not going to be available from March 17 to 28, we agreed to meet without Mr. Sherriff on March 14. On March 15 I wrote to tell Mr. Scott of my decisions and to instruct him to proceed.

In his written opinion, Mr. Scott, after considering Mr. Sherriff's report, advised me that in his view, the managing partners of Lang Michener did not have sufficient or sufficiently clear information about the conduct of Mr. Pilzmaker to give rise to an obligation to make a report to the Law Society until mid-August 1986. Two points are important: first, Mr. Scott's date of mid-August was considerably later than the February 1986 date that Mr. Sherriff appeared to think important. My own view, which I discussed with Mr. Scott, was that the effective date was sometime in June 1986. The difference between Mr. Scott's view and my own made no difference to the identity of those to be charged, the composition of the management committee having changed in May. In authorizing Mr. Scott to proceed, therefore, I told him to state the date with which he, as Counsel, was comfortable.

Second, Mr. Scott's whole analysis and conclusions on the questions of the obligation to report and to protect clients, were couched in terms of the "managing partners" or the "management group". Nowhere in his opinion did Mr. Scott name the members of the management group.

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In discussing Mr. Scott's report with him on March 14, it was my view, with which I believe he agreed - and with which the discipline panel subsequently expressly agreed - that the appropriate theory of these complaints, consistent with the structure and organization of a large firm, was that certainly in the first instance, the obligation to report fell upon those who had assumed the task of gathering information and to whom the partnership had given the power of decision in management matters - the Executive Committee.

Subsequently, on March 15, in instructing Mr. Scott to proceed, I authorized him to prepare complaints against those who I understood, on the basis of Mr. Sherriff's recommendations, to have been the members of the Executive Committee at the date that Mr. Scott considered relevant. Those that I thus named were Messrs. Donald Wright, Robert Wright, Farquharson, McDonald, Plumley, McKenna, Pringle and Gnat. But I asked Mr. Scott to check that those named were indeed members of the Executive Committee at all relevant times.

Having thus instructed Mr. Scott, I spoke to Counsel for the Lang Michener firm to advise him of my decision. He told me that Mr. Robert Wright had not been a member of the Executive Committee, that Mr. Farquharson, the Chairman of the firm had been merely an ex officio member of the committee and had not participated in the Committee's deliberations on this matter and that Mr. Pringle had merely succeeded Mr. Farquharson as Chairman of the firm in the Fall of 1986. This information was confirmed from Mr. Sherriff's report which said:

"As a result of an internal re-organization in May 1986 [i.e. prior to the time at which Mr. Scott or I considered that the obligation arose to make a report to the Law Society] the Management Committee was replaced with a smaller Executive Committee consisting of Donald Wright, Albert Gnat, Bruce McDonald, Donald Plumley and Bruce McKenna, which thereafter handled the Pilzmaker matter" (emphasis added).

I therefore revised the list of those against whom complaints were to issue, naming all 5 members of the Executive Committee as it was constituted at the time that Mr. Scott advised me was relevant. The 4 who were not charged were not on the Executive Committee at that relevant time.

I turn to the position of Mr. Doran.

Convocation may be sure that that was a matter that was discussed at length between Mr. Scott and me. It has been alleged that Mr. Scott recommended - or supported the recommendation of Mr. Sherriff - that a complaint issue against Mr. Doran. I say categorically:

First: that Mr. Scott did not recommend that a complaint issue against Mr. Doran;

Second: that Mr. Scott did not endorse or support Mr. Sherriff's recommendation that a complaint issue against Mr. Doran; and

Third: Mr. Scott expressly rejected Mr. Sherriff's recommendation with respect to Mr. Doran on the basis that "there is insufficient evidence to warrant it".

The discussion of Mr. Doran's position did not end there, however. Mr. Scott did set out, without making any recommendation, a view of the facts which, if accepted, would justify a complaint against Mr. Doran on the basis of a conversation with two of his partners (neither of whom was on the Executive Committee) in early August 1986.

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The matter was discussed at some length between Mr. Scott and me. Mr. Scott's advice, as I understood him, was essentially that if the facts are viewed this way, a complaint is warranted; if they are viewed that way, a complaint is not warranted. In effect, Mr. Scott said to me "It's your call". After extensive consideration, I concluded that the basis upon which a complaint could issue was, in my judgment, not valid.

My recollection is that I also discussed with Mr. Scott a possible basis for complaint against Mr. Doran that had not been canvassed in Mr. Scott's opinion although I believe that Mr. Sherriff had adverted to it in his report. This was that Mr. Doran, as a Bencher and as the then Chairman of Discipline, had a higher duty than his partners to report the Pilzmaker situation to the Society.

Again, the discussion did not produce any recommendation from Mr. Scott for action against Mr. Doran and I concluded that such a complaint was not warranted.

Prima facie, the notion that a Bencher has a higher duty than do other members of the profession and should be held to a higher standard, is attractive. I concluded, however, that the notion did not survive close analysis, largely because I found it impossible to formulate the higher duty or to define the difference between a Bencher's duty and the duty of all other members of the profession. One could hardly argue that a Bencher is obliged to report on the basis of less substantial information than would oblige any other lawyer to report. And I had grave difficulty with the proposition that Mr. Doran, because he was a Bencher, was obliged to make a report to the Society without affording to his firm's Executive Committee, which had retained Counsel and which was presumably investigating the matter, a proper opportunity to make the decision about reporting.

It was therefore my conclusion, after an agonizing analysis of all aspects of Mr. Doran's position, that no complaint should issue against him.

I so advised Mr. Scott on March 15, 1989. He expressed no disagreement with my decision. He did not attempt to change my mind. A few days later, Mr. Sherriff was advised of my decisions. He at no time, from then until his resignation some 8 months later, expressed to me any concern or distress that the process had been unfairly applied.

I described my analysis of the situation of Mr. Doran as "agonizing". I mean this: I knew that the easier course would have been to authorize a complaint and let a discipline panel decide the question. I also knew, however, that I did not believe that any complaint would properly lead to a conviction. But clearly the way to avoid any allegation of favoritism or special treatment of a fellow Bencher would have been to authorize a complaint. It is difficult to say this without sounding pious but my absolute conviction was that political expediency and the avoidance of criticism and suspicion could not justify subjecting any member of this profession to a discipline hearing on a misconduct complaint that I did not believe to be well-founded. The fact that Mr. Doran was a Bencher did not, in my view, disentitle him to the same standard of fairness that is owed to every member of the profession.

Those, then, were the bases upon which and the reasons for which my decisions in this matter were made.

Notwithstanding the mis-statements of fact and unfounded allegations that have been made in the press and elsewhere, and notwithstanding that I know that I applied my best judgment to the issues and did not proceed on any improper basis, I recognize that a great deal of controversy and concern has surrounded this case. I therefore, after consultation with you, Treasurer, asked Mr. Scott, after the discipline panel had delivered its report in the matter, to review the whole case and advise me whether, in light of all of the

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information that is now available, including the evidence adduced at the recently-concluded hearing, it is his opinion that further charges should now be laid against members of the Lang Michener firm. He agreed to do so. I have received his further report which reasons as follows:

[see attached copy of Mr. Scott's letter of January 25, 1990].

In closing, let me say this: I make no claim to omniscience. I am aware - and have been aware throughout - that another person might have come to different conclusions on any or even all of the questions that arose for decision. I have reviewed my decisions - and particularly the decision concerning Mr. Doran - over and over again in my mind since last March. And I would make the same decisions in the same way today.

But while believing that my decision was right, I recognize that someone else might have decided the opposite with equal conviction to my own. With great respect, that is not the issue. One who is given a discretionary power of decision is entitled to be wrong and to have the decision stand so long as it was made in the honest and bona fide exercise of the discretion.

When I became Chairman of Discipline, you, Treasurer, and Convocation and the profession at large were entitled to expect that I would apply my best judgment to the matters that came to me for decision. My duty has been to act reasonably and fairly in the exercise of my discretionary powers and not to exercise those powers in pursuit or furtherance of any improper or extraneous purpose.

I say to you, Treasurer, and through you to Convocation and to the whole profession and to anyone who cares to listen that I believe my decisions in the Lang Michener matter were right. I know that they were honestly and conscientiously made.

Toronto
January 25, 1990.

Attachment:

Letter from Mr. David Scott to Mr. Paul Lamek dated January 25th, 1990.

"January 25, 1990

Paul S.A. Lamek, Esq., Q.C.
Chairman
The Discipline Committee
Law Society of Upper Canada
c/o Genest, Murray and DesBrisay,
O'Donnell, Murray
200 - 4 King Street West
Toronto, Ontario
M5H 1B6

Dear Mr. Chairman:

RE: Lang, Michener, Lash, Johnston

You have asked me whether, having completed the disciplinary proceedings involving the members of the Executive Committee of the firm of Lang, Michener, it would be my recommendation that any further complaints be lodged against other members of the firm. The issue arises in the context of advice earlier given in respect of Messrs. Burke Doran; Robert Wright; Gordon Farquharson and Geoffrey Pringle.

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Insofar as the latter three solicitors are concerned, I would recommend against initiating complaints against them. Your decision to lodge the original complaints was founded on the notion that as members of the Executive Committee at the operative time all Respondents were, in each case, in possession of all of the information upon which it was posited that reporting and advising ought to have occurred. The recent decision of the Panel is premised upon a finding to this effect in the following words:

"A crucial fact is that since August 25, 1986 when they individually as members of the Executive Committee had received and considered the last of Mr. McKenna's reports, no new information regarding Pilzmaker's conduct had come to their attention. The information they then had called for disclosure to be made and it was then timely that each of them should have done so, not three months later." (emphasis added)

None of Messrs. Wright, Farquharson or Pringle were members of the Executive Committee at the operative time.

While I have not reviewed the evidence tendered over the 12 days of hearings, and without addressing the question of the suitability of lodging a complaint based on timeliness against a non-member of the Committee when the matter was in the hands of the Committee, I do not believe that the Law Society would be in a position to establish in any other member of the firm an equivalent level of knowledge of "the information" as that enjoyed by members of the Executive Committee.

Insofar as Mr. Doran is concerned, I have nothing to add to what I wrote in my original opinion. I do not believe that anything of moment emerged from the evidence in the recent hearings which would affect, one way or another, the considerations which I outlined in my earlier opinion. In my opinion it is not part of the role of counsel to second guess those in positions of authority as to the exercise of their discretion, nonetheless, I have no reason to doubt that the exercise of your discretion was based on proper grounds and free from any improper motive.

Yours very truly,

David W. Scott

DWS:gmb"

It was moved by Mr. Outerbridge, seconded by Mr. Ruby THAT an impartial person preferably a judge or retired judge is to be retained to investigate into and report on what happened in the Law Society's handling of the Lang Michener matter, and to advise as to whether there was any favoritism or other impropriety in the way the case was dealt with including particulars of such improprieties, if any.

The person retained will be asked to submit a report within one month to the Secretary.

Before withdrawing from Convocation Mr. Lamek indicated that he could only reply that he has given a full explanation.

Mr. Lamek then withdrew from Convocation and did not take part in the subsequent debate.

To assist Convocation in the debate the Treasurer read his letter of January 16th, 1990 to Mr. Stephen Sherriff and Mr. Sherriff's reply of January 22nd, 1990.

It was moved by Mr. Somerville, seconded by Ms. Kiteley that an impartial person preferably a judge or retired judge is to be retained to inquire into the allegations of Stephen Sherriff as contained in his letter of January 22nd, 1990.

Not Put

The motion put by Messrs. Outerbridge and Ruby resulted in a tie vote, 18 to 18. The Treasurer was required to cast a vote and did so in favour of the motion so that it carried 19 to 18.

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FINANCE COMMITTEE

Mr. Ground presented the Report of the Finance Committee of its meeting on January 11th, 1990.

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

The FINANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 at three o'clock in the afternoon, the following members being present: Messrs. Ground (Chair), Guthrie (Vice Chair), Furlong, Lamont, Lerner, McKinnon, Outerbridge, Pepper, Topp and Wardlaw.

B.
ADMINISTRATION

1. FINANCIAL REPORT

The Director presented the highlights memorandum for the three Law Society Funds together with supporting financial statements for the six months ended December 31st 1989.

Approved

2. OMNIBUS APPLICATION - LAW FOUNDATION OF ONTARIO

The Law Foundation of Ontario considered the Society's Omnibus application at its meeting in November.

The Society's application was for a total of \$2,467,897. A total grant of \$2,300,000 was approved, however, it was left to the Society to determine the allocation given that the grant was \$167,897 short of the amount requested.

The Treasurer has asked that the Finance Committee consider the apportionment of the grant.

It was resolved that the shortfall be allocated against the grant as follows:

	<u>Requested</u>	<u>Adjusted</u>	<u>Actual</u>
County & District Libraries - addition of French language materials in specific county libraries	\$ 50,000	\$10,000	\$ 40,000
County Libraries - equipment	\$150,000	\$30,000	\$120,000
Public Information	\$250,00	\$85,000	\$165,000
Legal Education: Provision of Bar Admission Course Lecture materials in French	\$200,000	\$45,000	\$155,000

3. STATEMENT OF INVESTMENT POLICY - THE LAW SOCIETY OF UPPER CANADA EMPLOYEES' PENSION PLAN

Current Provincial legislation requires that each pension plan registered under The Pension Benefits Act, 1987 file an Investment Policy Return which is accompanied by a Statement of Investment Policies and Goals. This Statement includes the Statement of Pooled Fund Investment Policies and Goals submitted by the Standard Life Assurance Company to the Central Registry of the Pension Commission of Ontario, and a Conflict of Interest Guidelines for the Statement of Investment Policy for the Law Society of Upper Canada Employees' Pension Plan.

These documents have been reviewed by Osler, Hoskin, our counsel in this matter, and were filed with the Pension Commission of Ontario December 15th 1989.

The Committee was asked to ratify the Law Society of Upper Canada Employees' Pension Plan Statement of Investment Policy.

Ratified

4. WOMEN IN THE LEGAL PROFESSION - RESEARCH & PLANNING SUB-COMMITTEE

A memorandum from Fran Kiteley, Chair of the Research & Planning Sub-Committee concerning a report prepared by Fiona M. Kay has been circulated to the benchers.

The Secretary had asked that the matter be discussed in each committee on January Meeting Day.

Discussed

5. RYERSON POLYTECHNICAL INSTITUTE ENGINEERING TECHNOLOGY DIVISION - MCGRAW-HILL AWARDS BANQUET - TUESDAY, JUNE 26TH 1990

A request has been received by the Secretary from Ryerson Polytechnical Institute who, with the University of Toronto and George Brown College, are co-hosting the 97th Annual Conference of the American Society for Engineering Education at the Sheraton Centre this June.

The awards banquet would be attended by approximately 200 of the conference delegates. The Secretary asked the Finance Committee to consider this request.

Approved

6. SUSPENSION OF MEMBERS - LATE FILING FEE

There are 22 members who have not complied with the requirements respecting annual filing and who have not paid the late filing fee.

In all 22 cases all or part of the late filing fee has been outstanding four months or more. The 22 members owe \$12,635.00 of which \$4,680.00 has been owing for more than four months.

The Committee was asked to recommend that the rights and privileges of the 22 members be suspended on January 26th 1990 if the late filing fee remains unpaid on that date and remain suspended until the late filing fee has been paid.

Approved

Note: See Motion page 37.

7. MEMBERSHIP UNDER RULE 50

(a) Retired Members

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

Charles D'Arcy Kingsmill	Toronto
Dalton Alexander McLaren	Toronto
Gordon William Consaul Donley	Foxboro
Harold Everett Kimberley	Toronto
Irene Bessette	Kingston
Raymond Edmund Simms	Caledon East
Robert William Calverley	Lindsay
William Arthur Cobban	Toronto
Donald Alexander MacEachern	Windsor

(b) Incapacitated Members

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

John Ross Young	Toronto
Alexander Minden	Toronto
Warren Bernard Weiss	Toronto
Ross Loudon Butters	Toronto
Douglas Joseph Butler	Toronto
John Aubrey Hicks	St. Catharines

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

Approved

C.
INFORMATION

1. LIFE MEMBER

Pursuant to Rule 49, the following is eligible to become a Life Member of the Society with an effective date of 18th January 1990:

John Morrow Godfrey	Toronto	<u>Noted</u>
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2. CHANGES OF NAME

(a) Members

<u>From</u>	<u>To</u>
Susan Hartley	Susan <u>Irwin</u> (Change of Name Certificate)
Barbara Joan Hough	Barbara Joan <u>Mckenzie</u> (Maiden Name)
Doreen Vivian Anne Waite-O'Donohue	Doreen Vivian Anne <u>Danner</u> (Married Name)
Lisa Mary Jezioranski	Lisa Mary <u>Novak</u> (Change of Name Certificate)
Elaine Joyce McLeister	Elaine Joyce <u>Bright</u> (Maiden Name)
Janet Marie McIntyre	Janet Marie <u>Clark</u> (Married Name)

(b) Student Members

<u>FROM</u>	<u>TO</u>
Mary Annette Benjamin	Mary Annette Benjamin <u>Charron</u> (Married Name)
Kathryn Eileen Dunn	Kathryn Eileen <u>Lockyer</u> (Married Name)
Marie Myriam Girard	Marie Myriam <u>Renaud</u> (Married Name)
Rita Piciacchia	Rita <u>Patterson</u> (Married Name)
Patricia Laurence Cassidy-Suley	Patricia Laurence <u>Cassidy</u> (Maiden Name)

Noted

3. MEMBERSHIP RESTORED

Robert Norman Beaudoin gave notice under section 31 of The Law Society Act that he had resigned as a Local Registrar of the Supreme Court of Ontario and wished to be restored to the Rolls of The Law Society. Accordingly, his membership was restored effective 28th December 1989.

Noted

4. ROLLS AND RECORDS

(a) Deaths

The following members have died:

Richard Goodman Burt Toronto	Called June 21st 1951 Died September 24th 1989
Remi-Michael Beaupre Ottawa	Called March 25th 1977 Died October 4th 1989
David James Watson Toronto	Called March 31st 1989 Died October 10th 1989
Herbert Lovell Joy London (Life Member)	Called November 21st 1929 Died October 12th 1989
Bertha Esther Thompson St. Catharines (Life Member)	Called September 21st 1939 Died October 18th 1989
Mildred Choi-Pak Poon Toronto	Called April 15th 1988 Died October 18th 1989
John Trevor Morgan St. Catharines	Called June 21st 1951 Died October 19th 1989
Vincent Joseph McNeill Kingston	Called March 25th 1966 Died October 25th 1989
Robert Guy Paris Ottawa	Called June 24th 1954 Died October 26th 1989
Wilson Dorland Samuel Morden Toronto	Called September 16th 1937 Died November 1st 1989
Robert Boak Burns Welland (Life Member)	Called January 20th 1927 Died November 7th 1989

Robert Richard Hahn Toronto	Called March 25th 1977 Died November 27th 1989
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Craig Mackie Fraser North York	Called September 20th 1957 Died December 2nd 1989
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Michael William Jenkinson Clements Milton	Called April 10th 1980 Died December 3rd 1989
--	--

John Desmond Morton Toronto	Called February 1st 1952 Died December 4th 1989
--------------------------------	--

Noted

(b) Permission to Resign

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

Irving Saul Leipziger Toronto	Called March 20th 1975 Permitted to Resign - Convocation November 23rd 1989
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Noted

(c) Membership in Abeyance

Upon his appointment to the office shown below the membership of the following member has been placed in abeyance under section 31 of The Law Society Act:

Edward Francis Ormston Scarborough	Called March 23rd 1973 Appointed to Provincial Court, Criminal Division
---------------------------------------	---

Noted

(d) Disbarments

The following member has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Society:

Harry Kopyto Toronto	Called March 22nd 1974 Disbarred - Convocation November 19th 1989
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Noted

5. LEGAL MEETINGS AND ENTERTAINMENT

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

January 27th, 1990	Advocates Society Small Dining Room & Barristers Lounge
January 30th, 1990	Canadian Bar Association Barristers Lounge & Convocation Hall
January 31st, 1990	Criminal Lawyers Association Barristers Lounge & Convocation Hall
February 3rd, 1990	Advocates Society Small Dining Room & Barristers Lounge
February 15th, 1990	Lawyers Club Barristers Lounge & Convocation Hall

A.

POLICY

1A. RECOVERY OF AUDIT COSTS

Your Committee was asked to consider the matter of charging audit costs to members as set out in the memorandum prepared by the Audit Department and attached as A-1 to A-4.

BACKGROUND

Approximately 95% of the problems encountered in spot audits are dealt with by the Audit Staff through correspondence requiring corrections of inadequacies. The remaining 5% of problems result in formal audit reports because the inadequacies are serious enough to warrant formal discipline. Many of these are settled without a hearing. Substantial Audit resources are expended, nevertheless.

In October, the Committee supported a preliminary proposal in principle but asked the Audit Staff to provide a more detailed recommendation as to the procedure with respect to appeals.

The memorandum dated November 24th, 1989, attached as A-1 to A-4 sets out the statutory powers of the Law Society with respect to audit costs and presents the latest proposal for the Committee's consideration.

Your Committee recommends adoption of the memorandum as amended at its meeting on January 11th, 1990 and attached as A1-A4.

B.

ADMINISTRATION

1B. Leslie Howard Mitchnick (Member Under Suspension)

Mr. Mitchnick was suspended by Convocation on October 26th, 1989 for a period of two years on terms set out by the Discipline Committee. The Report is attached and numbered as pages B-2 to B-17.

Mr. Mitchnick's counsel, Gerald A. Swaye, Q.C., has written to the Secretary asking whether Mr. Mitchnick could be employed as a law clerk in the Hamilton area. His letter is attached as page B-1.

Your Committee found the application premature. In accordance with Rule 20 of the Rules of Professional Conduct the application must be made by a prospective employer of the disbarred or suspended person.

Rule 20 reads:

No lawyer shall, without the express approval of Convocation, retain, occupy office space with, use the services of or employ in any capacity having to do with the practice of law any person who, in Ontario or elsewhere, has been disbarred and struck off the Rolls, or suspended, or who has been involved in disciplinary action and been permitted to resign as a result thereof, and has not been reinstated or yet been readmitted.

2B. Report of the Sub-Committee on Women in the Legal Profession

Attached and numbered as pages B-18 to B-29 is a memorandum from the chair of the Sub-Committee on Women in the Legal Profession which contains an Executive Summary and Table of Contents of the 171-page report.

Your Committee was asked to consider if there were any issues specific to its work which should be placed on the agenda in the coming months for discussion and action where appropriate.

Your Committee recommends that a subcommittee be struck composed of Mrs. Graham, Mr. Strosberg and such members of the Law Society staff as they wish to involve. The sub-committee is asked to identify issues specific to women including sexual harassment and employment policies.

C.
INFORMATION

1C. AUTHORIZATION OF DISCIPLINE CHARGES

Once each month, the Chair and/or one or both of the two Vice Chairs of the Discipline Committee meet with the Complaints and Discipline Staff to consider requests for formal disciplinary action against individual lawyers. The majority of these requests emanate from the Complaints Department.

The following table shows the number of requests made by Complaints Staff in 1989.

	<u>Sought</u>	<u>Obtained</u>
Feb	6	4
March	6	6
April	11	8
June	9	7
July	10	9
August	14	10
September	12	11
October	4	3
December	10	10

	82	68

Approved

ALL OF WHICH is respectfully submitted

DATED this 26th day of January , 1990

"M. Somerville"
Chair

Attached to original Report in Convocation File, copy of:

A-Item 1A - Memorandum from the Audit Department as amended by the Discipline Policy Committee on January 11,1990 re: Recovery of Audit Costs. (numbered A-1 to A-4)

B-Item 1B - Letter from Gerald A. Swaye, Q.C. to Mr. Richard Tinsley dated November 1, 1989 re: Leslie Mitchnick together with a copy of the Report and Decision of the Discipline Committee dated August 17th, 1989 re: Leslie Mitchnick. (numbered B-1 to B-17)

B-Item 2B - Memorandum from Ms. Fran Kiteley dated November 8, 1989 re:
Report on Women in the Legal Profession prepared by Fiona M.
Kay containing an Executive Summary and Table of Contents of
the 171-page report. (numbered B-18 to B-29)

Mr. Lerner did not vote or take part in the discussion re: B-Item
1 (Leslie Howard Mitchnick (Member Under Suspension)).

THE REPORT WAS ADOPTED

.....

ORDERS

Mr. Somerville presented three Orders for Convocation to be
recorded in the Minutes of Convocation.

Re: DAVID ERIC HOWLETT, Niagara Falls

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF David Eric Howlett,
of the City of Niagara Falls, 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 12th day of
October, 1989, in the presence of Counsel for the Society and the
Solicitor, wherein the Solicitor was found guilty of professional
misconduct and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the rights and privileges of the
said David Eric Howlett be suspended for a period of one month, such
suspension to commence on the 15th day of December, 1989, and thereafter
indefinitely until his books and records are in order and the
outstanding Form 2/3's are filed. Upon being reinstated, the Solicitor
will not be permitted to practise as a sole practitioner for a period of
two years.

DATED this 23rd day of November, 1989

"Lee K. Ferrier"
Treasurer

(SEAL - Law Society of Upper Canada)

"Richard F. Tinsley"
Secretary

Filed

.....

Re: ALAN MURRAY ZUKER, Brampton

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

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

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of November, 1989, in the presence of Counsel for the Society, and Counsel for the Solicitor in attendance, wherein the Solicitor was found guilty of conduct unbecoming and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the said Alan Murray Zuker be Reprimanded in Convocation.

DATED this 23rd day of November, 1989

"Lee K. Ferrier"
Treasurer

(SEAL - Law Society of Upper Canada)

Richard F. Tinsley
Secretary

Filed

.....

Re: IRVING SAUL LEIPCIGER, Toronto

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

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

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 7th day of June, 1989, in the presence of Counsel for the Society, the Solicitor and Counsel for the Solicitor not in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the said Irving Saul Leipziger be granted permission to resign his membership in The Law Society of Upper Canada.

DATED this 23rd day of November, 1989

"Lee K. Ferrier"
Treasurer

(SEAL - Law Society of Upper Canada)

"Richard F. Tinsley"
Secretary

Filed

.....

LEGAL EDUCATION

Mr. Rock presented the Report of the Legal Education Committee of its meeting on January 11th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL EDUCATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990. The following members were present: A. Rock (Chair), M.C. Cullity (Vice-chair), R. D. Manes, J. M. Spence, S. D. Thom, J. J. Wardlaw, J. MacPherson, and J. Whyte.

A.

POLICY

1. PORTABILITY OF CANADIAN LAW DEGREES

At the August 17th, 1989 meeting of the Federation of Law Societies in Vancouver, B.C., the National Committee on Legal Education presented a report entitled "PORTABILITY OF CANADIAN LAW DEGREES". (pages 1 - 23)

The Report discusses problems raised by individual Law Societies rather than a central body approving new Canadian law degrees, new part-time Canadian degree programs, new Canadian joint degree programs, and Civil Law-Common Law conversion courses.

The Report contains Recommendations. (page 3)

At the August 17th, 1989 meeting of the Federation of Law Societies, representatives of the governing bodies of the ten provinces and two territories voted to table the Report until the February 16th, 1990 meeting of the Federation, with a view to having the Report scrutinized by the individual governing bodies before considering its adoption by the Federation.

The Chair of the Legal Education Committee appointed a Subcommittee to consider the Report and make recommendations to the Committee. The Subcommittee members were Stuart Thom, Q.C. and Dean James MacPherson. The Subcommittee met with the Director of Education on December 4, 1989 to consider the Report.

The Subcommittee reviewed the Report and recommended its approval.

The Legal Education Committee at its January 11, 1990 meeting considered how the Recommendations contained in the Report might be affected by the possible implementation of recommendations contained in the Report of the Task Force On Access To Professions And Trades In Ontario (October 1989) prepared for the Ontario Minister of Citizenship. (A Memorandum to the Treasurer from the Under Treasurer discussing the Report is attached at (pages 24 - 26)

The Legal Education Committee approved the Recommendations contained in the Report of the National Committee on Legal Education, subject to members of the Federation being informed of the following:

- a) If the recommendations contained in the Report of the Task Force On Access To Professions And Trades In Ontario are implemented in whole or in part, the approval of the Law Society of Upper Canada of the Recommendations contained in the Report of the National Committee on Legal Education may require future modification;
- b) Members of the Legal Education Committee expressed concern about possible future adoption of the national accreditation scheme referred to in the Recommendations contained in the Report of the National Committee on Legal Education, and are not committed at this time to the principle of moving from the recognition system toward an accreditation system.

Approved

2. 32ND BAR ADMISSION COURSE TEACHING TERM START DATE AND CALL DATES

Renovations to the Toronto facility of the Department of Education are not scheduled to be completed until Friday, September 14, 1990. Accordingly, it is necessary to delay commencement of the teaching term from what would normally be Tuesday, September 4, 1990.

The teaching term ought to commence as soon as reasonably possible in order to minimize extending the dates for the major 1991 Call to the Bar.

It is recommended that the teaching term of the 32nd Bar Admission Course commence on Monday, September 17, 1990, and that the Call to the Bar dates be arranged for no later than the first week of April, 1991.

Approved

3. TIMING OF THE NEW BAR ADMISSION COURSE

Students will normally be required to complete the new Bar Admission Course according to the following schedule.

- a) Phase 1 (1 month term): to be completed before phase 2.
- b) Phase 2 (articling term): to be completed between phase 1 and phase 3.
- c) Phase 3 (3 month term): to be completed following phase 2.

The Bar Admission Reform Subcommittee chaired by James Spence, Q.C. met on December 12, 1989 to consider circumstances under which the regular schedule might be varied to accommodate students who in special circumstances find it very difficult or impossible to complete the three phases of the Bar Admission Course according to the regular schedule. The Subcommittee recommended the following exceptions to the regular schedule:

1) Students Articling In The 1989 - 90 Term Who Wish To Defer The Teaching Term

Those students must complete Phase 1 in either 1990 or 1991 and Phase 3 in 1991, subject to further requests for deferral.

2) Students Completing Law School Requirements In December

Those students must complete the Bar Admission Course in the following order, if they wish to begin articling before entering Phase 1:

- a) Phase 2: minimum of four months
- b) Phase 1: before phase 3
- c) Phase 3: immediately following phase 1
- d) Phase 2: the balance to be completed immediately following phase 3.

3) Students Entitled To An Articling Abridgment

Students may complete the 3 phases of the Bar Admission Course in any order, except that phase 1 is a pre-requisite to entering phase 3. Phase 2 may be divided if phase 1 and phase 3 are taken consecutively, provided the first portion of phase 2 is not less than four months.

4) Students Who Wish To Begin The Bar Admission Course But Are Too Late To Enter Phase 1

There may be instances in which students wish to begin the Bar Admission Course, but are too late to begin Phase 1. Those students will be permitted to begin Phase 2, provided that no less than four months and no more than eight months of phase 2 are completed before

entering phase 1. Those students will then complete phase 1 and phase 3 consecutively. The balance of the phase 2 requirement must be completed immediately following phase 3, provided that the balance be for a period of no less than four months.

It is recommended that the listed exceptions to the regular schedule be approved.

Approved

4. WOMEN IN THE LEGAL PROFESSION SUBCOMMITTEE

The Chair of Research & Planning reported at Convocation on October 27, 1989 that the Subcommittee on Women in the Legal Profession had retained a consultant to prepare a statistical analysis of the influx of women in the profession.

Attached is a memorandum from Frances Kiteley, Chair of the Subcommittee, and a copy of the Executive Summary and Table of Contents of the report. (pages 27 - 38)

It is recommended that the Director liaise with the Subcommittee to identify and deal with issues on which the Subcommittee, the Legal Education Committee, and Department of Education might work together.

Approved

5. PROCEDURES GOVERNING RECRUITMENT OF ARTICLING STUDENTS
(1991 - 1992)

On November 3, 1989 the draft Procedures Governing the Recruitment of Articling Students (1991-92) were discussed at the Articling and Summer Student Recruitment Procedures Meeting chaired by Allan Rock.

It is recommended that sections A, B, D, and E of the draft Procedures be approved. (pages 39 - 44) (Section C relating to Summer Student recruitment has been previously approved.)

Approved

6. 31st BAR CALL DATES

London	Monday, March 26, 1990 The Grand Theatre
Ottawa	Wednesday, March 28, 1990 National Arts Centre
Toronto	Friday, March 30, 1990 Roy Thomson Hall

Approved

C.
INFORMATION

1. FRENCH LANGUAGE BAR ADMISSION COURSE

Students attending the Ottawa teaching session of the Bar Admission Course may elect to complete the course in French. While all seminar teaching is done in French, the lectures continue to be in English only. The course readings in Civil Procedure and Criminal Procedure are provided in French, together with all copies of statutes which are officially published in French.

It is intended that the French language section of the Bar Admission Course be available entirely in French by no later than 1992. Accordingly, the process of translation of materials is underway in earnest.

The Law Foundation considered a request from the Bar Admission Course for \$200,000 to translate materials in the calendar year 1990. The Law Foundation simultaneously considered requests from other departments of the Law Society for funding for French language Services. The overall grant was less than that requested, but it can be assumed that \$150,000 to \$200,000 is available for translation of Bar Admission Course materials in 1990.

Ms. Holly Harris, Regional Director of Education in Ottawa, is initiating and overseeing the translation process.

2. BAR ADMISSION COURSE REFORM

Monthly meetings of interested members of the Legal Education Committee are resuming on Committee day in the office of the Director. At the monthly meetings the detailed design of the course will be discussed with a view to obtaining the guidance of members of the Committee.

Recent developments in Bar Admission reform are as follows:

a) The "in -basket" file has been substantially designed for the 1990 session. Supporting material for students and instructors is now in the final stages of preparation.

b) Letters under the signature of Allan Rock, Q.C. have been sent to all members of the practising Bar in the London, Ottawa, and Toronto areas soliciting their involvement as small group instructors in the one month program. Early responses to the letter indicate that substantial numbers of lawyers are willing to volunteer their time in the one month session.

c) The Director is continuing to recruit members to the new Bar Admission Course faculty. The London and Ottawa positions are filled, but four of the eight Toronto positions are as yet vacant. The significant difficulty in filling the position relates to income expectations.

d) Faculty training will begin on or about February 1, 1990, at which time at least seven of the new faculty will be ready to begin. The Director, together with Ainslie Lamb and Erika Abner, will direct sessions designed to prepare new faculty members for their role as educators, teachers, and designers.

e) The student application process for the one month sessions is virtually complete. All students who have applied for the one month session will have received registration confirmation by the end of January 1990.

3. ARTICLING REFORM SUBCOMMITTEE

Philip Epstein, Q.C., chair of the Articling Reform Subcommittee, will forward the draft recommendations of the Subcommittee to members of the Legal Education Committee. The draft recommendations will then be circulated to members of the practising bar, the judiciary, and law faculties. The Subcommittee will consider suggestions received from those constituencies before presenting its final recommendations to the Legal Education Committee for approval.

4. COMPUTER EDUCATION FACILITY: MONTHLY REPORT ON ACTIVITIES, DECEMBER, 1989.

a) Continuing Legal Education

As of December 27, 1989, our database reports that \$59,185 has been paid for 445 registrations in our computer education programs.

b) Ottawa Facility

There are some difficulties with our Ottawa Facility, both in the technical and administrative areas.

The Chair, the Director, and members of the staff will work with representatives of the University of Ottawa to effect a satisfactory solution.

5 CONTINUING LEGAL EDUCATION - COMPLETED PROGRAMS

A report was provided on the following programs:

- a) Rehabilitation and Litigation: A Long Term View
- b) Creative Trust and Will Planning
- c) I Came, I Lent, I Lost - Lender Liability
- d) Commercial Mortgages
- e) Thin or Crumbling? Assessing the Difference
- f) Cross-Examination: Techniques That Work
- g) Family Law For Secretaries: The Basics

- h) Trade Secrets in Law and Practice
- i) The Pay Equity Plan
- j) The O.M.B. for the Non-Specialist: Keeping It In-House
- k) Easements and Restrictive Covenants
- l) Breathalyzer Returns
- m) Assessing the Assessor: What You Need To Know

6. CONTINUING LEGAL EDUCATION REFORM

Mary Tomlinson (acting Deputy Director of Education until October 31, 1989) continues to work on a draft report recommending future directions for Continuing Legal Education. The draft will be provided to the Legal Education Committee when available, and will be reviewed by the Committee, interested members of the profession, and the staff with a view to producing a final report.

ALL OF WHICH is respectfully submitted

DATED this 11th day of January, 1990

"A. Rock"
Chair

Attached to original Report in Convocation File, copy of:

- A-Item 1 - Report of the National Committee on Legal Education re: Portability of Canadian Law Degrees dated July 7, 1989. (Pages 1 - 23)
- A-Item 1 - Memorandum from Mr. Donald Crosbie (Under Treasurer) to Mr. Lee Ferrier (Treasurer) dated January 8th, 1990 re: Task Force on Access to Professions and Trades in Ontario. (Pages 24 - 26)
- A-Item 4 - Memorandum from Ms. Fran Kiteley to Benchers dated November 8, 1989 re: Report on Women in the Legal Profession Prepared by Fiona M. Kay. (Pages 27 - 38)
- A-Item 5 - Copy of the draft Procedures Governing the Recruitment of Articling Students (1991-92). (Pages 39 - 44)

THE REPORT WAS ADOPTED

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LEGAL AID COMMITTEE

Ms. Kiteley presented the Report of the Legal Aid Committee of its meeting on January 11th, 1990.

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

THE LEGAL AID COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990, the following members being present: Ms. Fran Kiteley, (Chair), Messrs. Ally, Bond, Ms. Callwood, Ms. Campbell, Ms. Curtis, Mr. Durno, Ms. Garton, Ms. Janczaruk, Ms. Kehoe, Messrs. Koenig, Lalande and Petiquan.

A.
POLICY

1.(a) REPORT OF THE LIENS SUB-COMMITTEE

The Liens Sub-Committee was formed to review Legal Aid policy with respect to liens.

The Legal Aid Committee recommends the adoption of the Report of the Liens Sub-Committee which is attached hereto as SCHEDULE (A).

(b) REPORT OF THE SUB-COMMITTEE ON THE DELIVERY OF SERVICES TO THE REMOTE NORTH

The Legal Aid Committee received for its information the Report of the Sub-Committee on the Delivery of Services to the Remote North which is attached hereto as SCHEDULE (B).

The Legal Aid Committee also received for its information a copy of a letter from the Minister of Justice and Attorney General of Canada concerning the establishment of a Legal Services Corporation in northern Ontario, which is attached hereto as SCHEDULE (C).

B.
ADMINISTRATION

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

(a) Finance

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

Ontario Legal Aid Plan
Statement of Income and Expenditures
Eight Months Ended November 30, 1989

	8 Mo. Actual 1988/89	8 Mo. Budget 1989/90	Favourable 8 Mo. (Unfavourable) Actual Variance 1989/90 1989/90	
<u>Opening Balance</u>	190.9	369.8	369.8	-
<u>Income</u>				
Treasurer of Ontario	83,330.0	86,587.0	86,587.0	-
Northern Legal Services		187.5	65.5	(122.0)
Family Violence Grant	125.0	200.0	200.0	-
Refugee Claimant Grant		1,487.8	936.3	(551.5)
Law Foundation	10,094.0	10,500.0	18,108.6	7,608.6
Client Contributions	5,152.0	5,400.0	5,808.2	408.2
Client Recoveries	1,086.1	1,133.3	1,243.3	110.0
Research Sales	94.8	93.3	71.2	(22.1)
The Law Society	64.6			
Miscellaneous	346.9	333.3	1,378.5	1,045.2
	<u>100,484.3</u>	<u>106,292.0</u>	<u>114,768.4</u>	<u>8,476.4</u>

<u>Expenditure</u>				
Certificate Accounts	61,713.1	72,766.7	63,834.9	8,931.8
Refugee Accounts		1,680.0	1,465.3	214.7
Duty Counsel Fees & Disbursements	4,739.6	5,040.0	4,813.3	226.7
Salaried Duty Counsel	435.5	524.3	487.3	37.0
Northern Legal Services		122.0	122.0	-
Community Clinics	12,700.9	13,928.4	14,273.8	(345.4)
Student Legal Aid Societies	789.6	889.8	880.2	9.6
Research Facility	954.5	969.1	933.0	36.1
Area Office Administration	5,373.4	5,923.7	6,149.9	(226.2)
Provincial Office Administration	3,697.8	4,214.2	4,011.6	202.6
Refugee Administration		130.2	153.9	(23.7)
	<u>90,404.4</u>	<u>106,188.4</u>	<u>97,125.2</u>	<u>9,063.2</u>
<u>Closing Balance</u>	<u>10,079.9</u>	<u>103.6</u>	<u>17,643.2</u>	<u>17,539.6</u>

Statistics

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

	<u>November 30</u> <u>1989</u>	<u>November 30</u> <u>1988</u>	<u>% Change</u> <u>from Last Year</u>
Summary Legal Advice	35,493	36,789	(3.5)
Referrals to Other Agencies	69,249	62,257	11.2
Applications for Certificates	105,866	90,893	16.5
Refusals	21,879	19,300	13.4
As a Percentage Of Applications	20.7%	21.2%	
Certificates Issues	83,987	71,601	17.3
Persons Assisted by Duty Counsel			
Fee for Service	149,482	147,753	1.2
Salaried	51,228	50,637	1.2

2. REPORT OF THE DEPUTY DIRECTOR, FINANCE
RE: GOODS AND SERVICES TAX

The Legal Aid Committee recommends the adoption of the Report of the Deputy Director, Finance re: the proposed Goods and Services Tax which is attached hereto as SCHEDULE (D).

3.(a) REPORT ON THE PAYMENT OF SOLICITORS
ACCOUNTS FOR THE MONTH OF DECEMBER, 1989

The Report on the Payment of Solicitors Accounts for the month of December, 1989 is attached hereto as SCHEDULE (E).

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

The Report on the Status of Reviews in the Legal Accounts Department dated December 31, 1989 is attached hereto as SCHEDULE (F).

ALL OF WHICH is respectfully submitted

DATED THIS 11th day of January, 1990

"F. Kiteley"
Chair

Attached to original Report in Convocation File, copy of:

- A-Item 1(a) - Report of the Liens Sub-Committee with Appendix re:
Summary of Liens and Certificates by Type of Legal Aid and
Gender For the Year Ended December 31, 1988.
(Schedule A, numbered 1 - 14)
- A-Item 1(b) - Report of the Sub-Committee on the Delivery of Services to
the Remote North. (Schedule B, numbered 1 - 5)
- A-Item 1(b) - Letter from Mr. Doug Lewis (Minister of Justice and
Attorney General of Canada) to Mr. B. Holden (Provincial
Director, Ontario Legal Aid Plan) dated January 4, 1990
re: the establishment of a Legal Services Corporation in
northern Ontario.
(Schedule C)
- B-Item 2 - Report of the Deputy Director, Finance re: Goods and
Services Tax with "Schedule I" attached re: Summary of Tax
Implications of Tax Exempt Status.
(Schedule D, numbered 1 - 11)
- B-Item 3(a) - Report on the Payment of Solicitors Accounts for the Month
of December, 1989. (Schedule E, numbered 1 - 2)
- B-Item 3(b) - Report on the Status of Reviews in the Legal Accounts
Department, December, 1989. (Schedule F)

THE REPORT WAS ADOPTED

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Convocation recorded its appreciation for those members of the
Legal Aid Committee and Legal Aid staff who worked on the Report in
regard to the provision of legal services to the remote north.

PROFESSIONAL CONDUCT COMMITTEE

Mr. Strosberg presented the Reports of the Professional Conduct
Committee of its meeting on January 11th, 1990.

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

The PROFESSIONAL CONDUCT COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 at three
o'clock in the afternoon, the following members being present: Messrs.
Strosberg (Vice-Chair in the Chair), Carter (Vice-Chair), Carey, Cooper,
Hickey, Somerville and Mrs. Graham.

A.
POLICY

1. RETIRED JUDGES RETURNING TO PRACTICE (RULE 15)

This item was reported to Convocation in October and is set out
below:

Rule 15 of the Rules of Professional Conduct reads as follows:

Without the express approval of Convocation, no member who
was formerly a Judge of the Supreme Court of Canada, the Federal

Court of Canada, the Supreme Court of Ontario or of a County or District Court and who has retired, resigned or been removed from the Bench and has returned to practice, shall appear as counsel or advocate in any court, or in chambers, or before any administrative board or tribunal.

COMMENTARY

1. Litigants are bound to think that a former judge will be in a preferred position before the courts, whether or not such is the fact. If in a given case the former judge should be in a preferred position by reason of having held judicial office, the administration of justice would suffer; if the reverse were true, the client might suffer. There may, however, be cases where the Society would consider that no impropriety or appearance of impropriety would result, for example in the case of a judge who resigned for good reason after only a very brief time on the Bench.

The Committee was asked to consider whether another approach might be taken in the Rule such as specifying that the retired judge cannot practise before the courts for a set period of time. This is done in other jurisdictions in Canada.

Set out below is an excerpt from a research paper done by summer law student David Barker reviewing what is done in other Canadian jurisdictions.

The following provincial law societies permit reinstatement of retired judges to member status but prohibit their return to practice in chambers or as counsel before any court without express permission of the society's governing body: Ontario; Alberta; Northwest Territories; Yukon Territories.

The following provincial law societies permit reinstatement of retired judges to member status with a discretion residing in the governing body to specify the terms upon which such reinstatement is permitted: British Columbia (Rule 400, ss. (5)); Nova Scotia (Rules s. 46 (16)).

The following provincial law societies permit reinstatement of retired judges to member status and impose specified "cooling off" periods before such persons may appear in chambers or as counsel before any court: British Columbia (provincial court judge - 3 years); Saskatchewan (superior court judge - up to 3 years; provincial court judge - 6 months); Manitoba (superior court judge - 3 years; provincial court judge - 3 years; part-time provincial court judge - 1 year); Quebec (1 year); New Brunswick (5 years); Newfoundland (provincial court judge - 3 years).

The following provincial law society permits reinstatement of retired judges to member status and imposes no "cooling off" period before such persons appear as counsel in any court: Prince Edward Island.

The following law societies also take into account appearances before administrative tribunals: Ontario (Rule 15 of the Professional Conduct Handbook); Quebec (Section 3.05.05(a) of the Code of Ethics); and Nova Scotia (Ruling No. 9 of the Legal Ethics Committee); and Newfoundland (based on the definition of "court" in the Law Society Act, S.N. 1977, c. 77, s. 1).

The Committee discussed the issue at some length and in the process identified five questions.

1. Should there be a blanket rule to apply to all judges whereby they could not practise before the courts without Convocation's permission?

2. Should we continue to differentiate, as we do with the present Rule 15, between federally appointed judges and provincially appointed judges?
3. Should we amend our Rule to set in place a cooling off period or periods before a retired judge could return to practise in the courts as is done in other jurisdictions?
4. Should we act upon the suggestion that any amendment to Rule 15 affecting provincially appointed judges should not apply to those appointed before such a Rule change?
5. How should the Law Society deal with the suggestion that those judges, who wish to leave the bench because of the Ontario Government's court reform proposals, be permitted to return to practise in the courts without any Law Society restriction within a year from the implementation of the court reform proposals?

The unseemly perception on the part of the public of a former judge practising in the courts was the dominant consideration in the minds of the members of the Committee and outweighed all arguments in favour of a removal or easing of the existing restriction in Rule 15.

The Committee has concluded that Rule 15 should not be amended to include provincially appointed judges. A number of the circumstances under which they operate are sufficiently different to justify exclusion from our Rule. Moreover, the attempt by the Attorney General to recruit persons to take provincial appointments for terms of five, ten and fifteen years would be frustrated by such a Rule change.

The Committee is of the opinion that those judges who wish to retire because of court reform and who wish to return to practise in the courts may make the necessary application to Convocation as is provided for in the present Rule.

Accordingly the Committee recommends to Convocation that no change be made to the existing Rule.

A few minutes after the Committee had risen a communication was received by the Secretary to the effect that the Canadian Bar Association - Ontario and the Advocates' Society wished to be canvassed for their views on this issue.

2. REQUEST FOR DIRECTION FROM COUNSEL FOR
THE LAW SOCIETY CONCERNING THE CITY OF
TORONTO LOBBYIST DISCLOSURE PROCEDURE

In the spring of 1989 the Law Society joined as interveners in a constitutional challenge to the City of Toronto's Lobbyist Registration By-Law that had been passed in February. The principal reason for the Law Society's intervention was the by-law's interference with client confidentiality and the solicitor-client privilege. The City of Toronto has retreated considerably; the by-law has been repealed and a new procedural by-law enacted that will require registration in certain circumstances. Counsel for the Law Society, Mr. George Rust-D'Eye of Weir and Foulds, prepared a brief memorandum addressing the impact of the new by-law (numbered 1 - 15). Mr. Rust-D'Eye was at the meeting to answer questions from members of the Committee.

The Committee was persuaded that the administrative by-law, which has replaced the Lobbyist Registration By-Law and which will come into effect February 1st 1990, appears "to minimize the potential impact on members of the legal profession and their clients". Accordingly, there was no need to challenge the new by-law that is coming into effect on February 1st.

In the event that the Committee's assessment is incorrect, it would always be possible for a constitutional challenge to be mounted at a later date.

The Committee asks Convocation to adopt the Committee's position.

3. REQUEST FROM THE SUB-COMMITTEE OF
THE RESEARCH AND PLANNING COMMITTEE
ON WOMEN IN THE LEGAL PROFESSION

The Sub-Committee has asked each Standing Committee of Convocation to consider the report prepared by Fiona Kay and to make a recommendation or recommendations where appropriate (a copy of an Executive Summary of her report was sent out by Meg Angevine to every Bencher in October).

The Committee discussed two matters: the need to extend the scope in the Commentary on non-discrimination; and the need for a provision in the Rules proscribing sexual harrassment.

The Committee decided that paragraph 5 of the Commentary under Rule 13 should be amended so that the non-discrimination prohibition would be expanded to include everyone not just lawyers and articulated students. Paragraph 5 would now read: (the added words are underlined)

The lawyer shall not discriminate on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, creed, sex, sexual orientation, age, marital status, family status, or handicap in the employment of other lawyers or articulated students, or in dealings with other members of the profession or any other persons.

The Committee requests Convocation to adopt this proposed amendment.

The Committee, at the February meeting, will be considering the need for a provision in the Rules of Professional Conduct to deal with sexual harrassment.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"H. Strosberg"
Chair

Attached to original Report in Convocation File, copy of:

- A-Item 2 - Copy of letter from Mr. George H. Rust-D'Eye (Weir & Foulds) dated December 28, 1989 to Chair and Members of Professional Conduct Committee re: City of Toronto Lobbyist Disclosure Procedure. Attached to letter is a copy of By-law No. 716-89 ("the By-Law"). (numbered 1 - 15)

THE REPORT WAS ADOPTED

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CLINIC FUNDING COMMITTEE

Mr. Epstein presented the Clinic Funding Committee Reports of its meetings on December 14th, 1989 and January 18th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The Director of Legal Aid begs leave to report:

CLINIC FUNDING

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

The Director recommends to Convocation that the report of the Clinic Funding Committee dated January 15, 1990 be adopted.

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

ALL OF WHICH is respectfully submitted

Robert L. Holden,
Director,
Legal Aid.

January 15, 1990

ATTACHMENT:

To: Robert L. Holden, Esq.,
Provincial Director
The Ontario Legal Aid Plan.

The Clinic Funding Committee met on December 14, 1989. Present were: Philip Epstein, Q.C.(Chair), Earl Levy, Q.C., Oliver Carroll, Thea Herman, Jim Frumau.

A. DECISIONS

1. Initial Funding Decision re. New Clinics 1989/90

The Committee reviewed the initial funding decision of the clinic funding staff and heard the appeals of two applicant groups, namely, Northwest Tenants Legal Services and North Shore Legal Clinic. After hearing submissions on behalf of both appellants and the three groups recommended for funding who attended as interested parties, the Committee denied the appeals and affirmed the initial funding decision. The Committee is satisfied that the priority given to the applications for establishment of new community legal clinics in Lanark County, District of Muskoka and the City of Brampton reflects the significant need for legal services to the low-income residents of these communities.

The Committee therefore recommends Convocation's approval of funding to three new clinics, effective January 1, 1990, for start-up and initial operating costs to March 31, 1990, as follows:

Lanark County Legal Services -	up to	\$ 50,000
Muskoka Community Legal Services -	up to	\$ 50,000
Brampton Legal Services -	up to	\$ 50,000
	up to	<u>150,000</u>

B. INFORMATION

1. Resignation of Finance Administrator

Damon Bennett, Finance Administrator, clinic funding staff, has resigned, effective January 25, 1990.

ALL OF WHICH is respectfully submitted

Philip Epstein, Q.C.,
Chair,
Clinic Funding Committee

THE REPORT WAS ADOPTED

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26th January, 1990

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

The Director of Legal Aid begs leave to report:

CLINIC FUNDING

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

The Director recommends to Convocation that the report of the Clinic Funding Committee dated January 22, 1990 be adopted.

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

ALL OF WHICH is respectfully submitted

Robert L. Holden,
Director,
Legal Aid.

January 22, 1990.

ATTACHMENT:

To: Robert L. Holden, Esq.,
Provincial Director
The Ontario Legal Aid Plan.

The Clinic Funding Committee met on January 18, 1990. Present were: Philip Epstein, Q.C.(Chair), Oliver Carroll, Thea Herman and Jim Frumau.

A. DECISIONS

1. Applications to the Clinic Funding Committee

a. Supplementary legal disbursements

Pursuant to s.6(1)(m) of the Regulation on clinic funding, the Committee has reviewed and approved applications for supplementary legal disbursements from the following clinics:

Bloor Information & Legal Services - up to \$1,000

Community Legal Assistance Sarnia - up to \$3,000

Durham Community Legal Clinic - up to \$4,500

Hamilton Mountain Legal & Community Services
- up to \$2,500

Kensington-Bellwoods Community Legal Services
up to - \$4,000

Kingston Community Legal Clinic - up to \$2,000

Parkdale Community Legal Services - up to \$9,000

Peterborough Community Legal Centre - up to \$3,000

Renfrew County Legal Clinic - up to \$1,000

SDG Community Legal Clinic - up to \$2,000

West End Legal Services - up to \$9,000

West Scarborough Community Legal Services -
up to \$1,000

Windsor-Essex Bilingual Legal Clinic - up to \$1,000

b. Training funds

(i) Interclinic Immigration Working Group

Pursuant to its responsibilities under s.6(1)(k) of the Regulation on clinic funding, the Committee considered and approved the allocation of up to \$1,345 to Neighbourhood Legal Services, on behalf of the Interclinic Immigration Working Group to conduct an all-day training session on immigration law. This Group has conducted successful, high quality training sessions in the past.

c. Court costs

Pursuant to s.10 of the Regulation on clinic funding, the Clinic Funding Committee has approved an application for the payment of court costs from the following clinics:

Metro Tenants Legal Services - up to \$389.61.

Sioux Lookout Community Legal Clinic - up to \$3,000

2. Public Legal Education/Outreach Funds

The Committee reviewed the initial funding decision of the clinic funding staff for the allocation of additional funds for special outreach and legal education programs designed to reach under-serviced or high-need client groups. The Committee has approved the allocation of funds to community legal clinics for special outreach programs, in accordance with the attached Schedule A. The Committee therefore recommends Convocation's approval of these allocations in a total amount up to \$163,558.

3. Capital Purchases

The Committee approved the allocation of funds for the purchase of personal computers and printers required to place two personal computers and one printer in each clinic, in an amount up to \$250,000.

ALL OF WHICH is respectfully submitted

Philip Epstein, Q.C.,
Chair,
Clinic Funding Committee.

January 22, 1990

Attached to original Report in Convocation File, copy of:

A-Item 2 - Report re: Applications for Outreach Funds.
(Schedule A, Page 1 - 2)

THE REPORT WAS ADOPTED

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

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The Treasurer and Benchers had as their guests for luncheon in the Benchers Dining Room, The Honourable Mr. Justice Roderick Barr, Mr. Paul O'Donoghue (Marsh & McLennan Ltd.) and Ms. Kate Leonard and Mr. Stephen Baker (Fox Scholars).

CONVOCATION RESUMED AT 2:45 P.M.

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PRESENT:

The Treasurer, Mr. Bastedo, Ms. Bellamy, Ms. Callwood, Messrs. Carey, Cass, Cullity, Farquharson, Ferguson, Furlong, Ground, Guthrie, Henderson and Hickey, Ms. Kiteley, Messrs. Lamont, Lawrence, McKinnon, Murphy and Noble, Ms. Peters, Messrs. Rock, Somerville, Spence, Thom and Yachetti.

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MOTIONS

RULES COMMITTEE

It was moved by Mr. Rock, seconded by Mr. Lamont THAT Mr. Roderic Ferguson be appointed the Society's representative on the Rules Committee to replace Mr. Roger Yachetti.

Carried

BENCH AND BAR COUNCIL

It was moved by Mr. Rock, seconded by Mr. Lamont THAT Mr. Marc Somerville be appointed the Society's representative on the Bench and Bar Council to replace Mr. Michael Hickey.

Carried

LEGISLATION AND RULES COMMITTEE

It was moved by Mr. Rock, seconded by Mr. Lamont THAT Mr. Dan Murphy be added as a member of the Legislation and Rules Committee.

Carried

FRENCH LANGUAGE SERVICES COMMITTEE

It was moved by Mr. Rock, seconded by Mr. Lamont THAT Ms. Anne Marie Stewart be added as a member of the French Language Services Committee.

Carried

SPECIAL COMMITTEE ON BILL 68:
THE ONTARIO MOTORIST PROTECTION ACT:

Mr. Rock presented the Special Committee Report on Bill 68 of its meeting on January 25th, 1990.

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

REPORT OF THE SPECIAL COMMITTEE ON BILL 68:
THE ONTARIO MOTORIST PROTECTION ACT

Your Special Committee met on Thursday, the 25th January, 1990 at 1:00 o'clock in the afternoon with the following members and guests in attendance: Mr. Rock (Chair), Mr. Bragagnolo, Mr. Cullity, Mr. Ferguson, Mr. Howie, Mr. MacKinnon, Mr. Strosberg and Mr. Yachetti. Also in attendance were Heather Werry, as Secretary to the Special Committee and George Biggar of the Ontario Legal Aid Plan.

MANDATE OF THE SPECIAL COMMITTEE

The Treasurer was given authority by Convocation in November of 1989 to create this Special Committee for the following purpose:

"...to review the proposed legislation and report to Convocation on those matters in the proposed statute that bear on the Society's responsibility to govern the profession in the public interest."

Before meeting, the members of the Special Committee received and considered a volume of information on the subject of the Ontario Motorist Protection Act (hereinafter referred to as "the Proposed Legislation"), including the draft statute and its explanatory notes. We also reviewed several reports, assessments and commentaries on the Proposed Legislation, and particularly those prepared by the Canadian Bar Association - Ontario, the Advocates Society and the group known as FAIR ("Fair Action in Insurance Reform").

As appears from the resolution set forth above, the ambit of the Special Committee's mandate is both narrow and technical. Apart from the anticipated effect on the Legal Aid Plan, whose officials expect significant increases in certificate applications, it is difficult to identify other significant respects in which the Proposed Legislation "bears on the Society's responsibility to govern the profession in the public interest."

THE BROADER QUESTION

The Special Committee passed to the broader question whether the Law Society can properly offer public comment on the Proposed Legislation without exceeding the legitimate boundaries of its own mandate to govern the profession.

(a) The Strict Approach

On the one hand, there are those who contend that legislation is the exclusive business of the Legislature, and that comment or criticism can only properly be made by groups who speak on behalf of vested interests. According to this approach, the CBAO, the Advocates Society and others may express opinions about the Proposed Legislation, since their role is to reflect the collective views of their members in an effort to advance their members' interests. Those who propound this view would argue that the Law Society, as a body whose responsibility is to govern the profession, must stand "above the fray" and refrain from comment, lest it be seen as speaking in favour of a narrow interest.

(b) The Alternative

As against that, there are those who see it as well within the right and responsibility of the Law Society to comment on proposed legislation under certain circumstances:

- (i) when, by its nature, the legislation concerns matters of which the legal profession has special knowledge or unique insight (as, for example, when the Law Society offered comment on Court Reform and to the Slater Commission); or

- (ii) when the nature and purpose of the Law Society's intervention is in the public interest, in the sense that the Society has concluded that a proposed statute will actually harm the public and that the Society's intervention may enhance public debate.

THE APPROACH FAVOURED BY THE SPECIAL COMMITTEE

The Special Committee has concluded that the Proposed Legislation represents an example of the rare case in which the Law Society has a right and duty to comment on a Government proposal. The Proposed Legislation will effect significant changes in an area in which lawyers have peculiar knowledge and insight. What is more, it is evident on the fact of the Proposed Legislation that significant and traditional rights and remedies are being diminished or eliminated.

The Special Committee has come to the conclusion that as a matter of principle, the Law Society has the right and obligation to express its views on the Proposed Legislation in order to enhance the public debate.

THE MERITS OF THE PROPOSED LEGISLATION

The Special Committee sees no need to develop this subject in detail. In our view, the many studies that we have read and considered establish beyond doubt that the Proposed Legislation will operate to the distinct disadvantage of the public. Reference may be had in particular to the Report of the Inquiry into Motor Vehicle Accident Compensation in Ontario by the Honourable Mr. Justice Coulter A. Osborne, and to the report of the Kruger Commission, both of which were prepared for the Government and both of which recommended against the kind of scheme envisaged by the Proposed Legislation.

Shortly stated, the Proposed Legislation has the following characteristics:

- (a) it either eliminates or diminishes important rights and remedies now available to citizens injured in motor vehicle accidents, and indeed deprives citizens of important remedies in the vast majority of cases involving such personal injuries; and
- (b) it is discriminatory in two important respects:
 - (i) persons injured in motor vehicle accidents will be in a vastly different position than persons injured in any other way;
 - (ii) the proposed threshold restricts recovery in general damages to physical injury, and excludes recovery for psychological and non-physical injury.

RECOMMENDATIONS

Your Special Committee therefore recommends the following:

1. Convocation should adopt a resolution urging the Government of Ontario not to enact the Proposed Legislation because it is discriminatory and because it deprives the citizens of Ontario of important rights and remedies that they now possess.

2. The Treasurer should be authorized by Convocation to write to the Premier of Ontario communicating the substance of that resolution.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"A. Rock"
Chair

It was moved by Mr. Bastedo, seconded by Ms. Kiteley that the Report be referred back to the Committee to report back to Convocation within the terms of the mandate set by Convocation in November 1989.

Lost

Mr. Henderson did not take part in the debate.

Ms. Kiteley declared the fact that her firm, Smith, Lyons had been retained by the government in regard to some portions of the Bill and asked Convocation if they objected to her speaking on the matter.

There were no objections and Ms. Kiteley participated in the debate.

THE REPORT WAS ADOPTED

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COMPENSATION FUND COMMITTEE

Mr. Yachetti presented the Reports of the Compensation Fund Committee of its meeting on January 11th, 1990.

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

The COMPENSATION FUND COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 at 11:45 a.m. the following members being present: Messrs Wardlaw (a Vice-Chair in the Chair), Strosberg (Vice-Chair), Ms. Callwood, Mrs. Graham, Lerner, Noble and Thom. P. Bell A. Brockett and Mrs. H.A. Werry also attended.

A.
POLICY

No items

B.
ADMINISTRATION

No items

C.
INFORMATION

1. The following Reports of a Referee and memoranda of Assistant Secretaries were approved by the Review Sub-Committee: and the amounts of grants are shown on Schedule "A: attached:-

- a) B. W. Grossberg, Q.C. Referee's Report dated May 3rd, 1989, J. Peter Hanes (disbarred February 28, 1986) two claims.

The Secretary advised the Committee that the Appeal from the Referee's Report was heard by the Appeal Division of the Compensation Fund Committee on October 11th, 1989, and the Appeal was allowed and a grant in the amount of \$14,800.00 was approved.

Mr. Lerner took no part in the discussion and did not vote.

26th January, 1990

- b) B. W. Grossberg, Q.C. Referee's Report dated November 16th, 1989 regarding W. Marinac (disbarred January 29th, 1987) two claims.
a n d
- c) the following memoranda of Assistant Secretaries:

Peter B. Bell regarding: J. Peter Hanes (disbarred February 28th, 1986) one claim.

Heather A. Werry regarding: David Waterhouse (disbarred October 26, 1989) one claim.

2. The total amount of accounts approved by Assistant Secretaries for the months of November and December was \$2,776.72.

3. The Financial Summaries and the Activity Reports for November and December, 1989 are attached.
(Pgs. 4 - 9)

4. COMPUTER STATISTICS FOR THE FUND

Mrs. Werry has completed a change in the programming that allows for reviewing the effect of changing the claimant limit. Mrs. Werry has also drawn two graphs comparing claims made to the Fund and bank interest rates on business loans from 1976 to 1989.

This matter to be deferred until the February meeting.

5. WOMEN IN THE LEGAL PROFESSION

The Secretary reported that the memorandum to all benchers, dated November 8th, 1989, concerning the Report on Women in the Legal Profession, prepared by Fiona Kay, is on the Agenda for the information of the Committee in order that all benchers are aware of the work that has been done by the Research and Planning Committee on this matter.

6. The Chair welcomed Andrew Brockett, the Researcher that will be joining the Society's staff in March, 1990.

ALL OF WHICH is respectfully submitted

DATED this 26th of January, 1990

"R. Yachetti"
Chair

SCHEDULE "A"

COMPENSATION FUND GRANTS APPROVED BY THE REVIEW COMMITTEE AND BY THE COMPENSATION FUND COMMITTEE, THURSDAY, JANUARY 11TH, 1989

REFEREE/ ASSISTANT SECRETARY	SOLICITOR	NUMBER OF CLAIMANTS	TOTAL
B.W. Grossberg, Q.C.	J.P. HANES (disbarred Feb. 28/86)	THREE	114,800 00
B.W. Grossberg, Q.C.	W. MARINAC (disbarred Jan. 29/87)	TWO	100,000 00
P.B. Bell	J.P. HANES (disbarred Feb. 28/86)	ONE	500 00
H.A. Werry	D. WATERHOUSE (disbarred Oct. 26/89)	ONE	1,120 00
TOTAL		Seven	216,420 00

Attached to original Report in Convocation File, copy of:

C-Item 3 - Financial Summary (For the Period July 1st, 1989 - November 30th, 1989), Compensation Fund Activity Report (November 30th, 1989), Financial Summary (For the Period July 1st, 1989 - December 31st, 1989), Compensation Fund Activity Report (December 31st, 1989). (Pages 4 - 9)

THE REPORT WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE

Mr. Noble presented the Legislation and Rules Committee Report of its meeting on January 11th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGISLATION AND RULES COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 at 11:15 a.m. the following members being present: Messrs Noble (Chair), Lerner (Vice-Chair), Cass, Cullity; D. Crosbie and P. Bell also attended.

A.

POLICY

No items

B.

ADMINISTRATION

1. AMENDMENTS TO RULES TO PROVIDE THE FRENCH LANGUAGE SERVICES AND CERTIFICATION BOARD BE STANDING COMMITTEES OF THE SOCIETY

The Secretary reported that Convocation approved on June 23rd, 1989 and May 26th, 1989 that the above Committees be Standing Committees of the Society. In order to implement these changes Rules 27 and 46 passed under the Law Society Act should be amended.

RECOMMENDATION: It is recommended that:-

- 1) Rule 27 be amended by adding the following as Standing Committees of Convocation:

12. Certification Board

16. French Language Services

2) Rule 28(1) be amended by adding, after the word benchers, in the fourth line, the words and the Certification Board which shall be composed of not less than four benchers so that Rule 28(1) will now read:-

28(1) Each standing Committee of Convocation shall be composed of not less than eight benchers, except the Admissions Committee, and the Legislation and Rules Committee, each of which shall be composed of not less than five benchers, and the Certification Board which shall be composed of not less than four benchers..

- 3) Rule 46 be amended by adding:

CERTIFICATION BOARD

46c. The Certification Board is responsible to Convocation for the development and implementation of the policies and procedures of certifying members as specialists and subject to the approval of Convocation, the Board may make such arrangements and take such steps as it considers advisable to carry out its responsibilities.

FRENCH LANGUAGE SERVICES COMMITTEE

46g. The French Language Services Committee is responsible to Convocation for the formulation and implementation of policy on French Language Services and subject to the approval of Convocation, the Committee may make such arrangements and take such steps as it considers advisable to carry out its responsibilities.

2. AMENDMENT OF QUORUM OF MEMBERS AT SOCIETY'S ANNUAL MEETING

The Secretary reported that Convocation on April 28th, 1989, approved a resolution changing the quorum of members at an annual meeting of the Society from 100 members to 50.

RECOMMENDATION: It is recommended that Rule 52(3) be amended by deleting one hundred and substituting fifty so that Rule 52 (3) will now read:

52(3) Fifty members in good standing of the Society constitutes a quorum at an annual meeting.

Deferred, see Page 76.

C.
INFORMATION

1. The Secretary advised that a draft bill was approved by the Legislation Committee of the Legislature on December 7th, 1989 creating a new class of temporary members that are permitted to act as barristers and solicitors in the employment of the Ministry of the Attorney General of Ontario or as Crown Attorneys. A copy of the letter to the Under-Treasurer and of The Law Society Amendment Act, 1989, bill 2 - ML, are attached.

(Pgs. 4 - 7)

Referred back to Committee, see below.

2. The Secretary advised that counsel has drafted a proposed amendment to Section 61 of the Law Society Act authorizing the incorporation and organizing of the Society's insurance company. The proposed legislation has been discussed with counsel from the Ministry of the Attorney General and a policy submission to the Ontario cabinet is being prepared.

3. WOMEN IN THE LEGAL PROFESSION

The Secretary reported that the memorandum to all benchers, dated November 8th, 1989, concerning the Report on Women in the Legal Profession, prepared by Fiona Kay, is on the Agenda for the information of the Committee in order that all benchers are aware of the work that has been done by the Research and Planning Committee on this matter.

ALL OF WHICH is respectfully submitted

DATED the 26th day of January, 1990

"C. Noble"
Chair

Attached to original Report in Convocation File, copy of:

C-Item 1 - Copy of letter from Ann Merritt, Counsel (Ministry of Attorney General) to Mr. D. Crosbie, Under Treasurer with attachment - The Law Society Amendment Act, 1989, bill 2 - ML. (Marked 4 - 6)

Under Section B-Item 2 (Amendment of Quorum of Members at Society's Annual Meeting) was deferred when Mr. Carey gave notice that he planned to bring a motion in Convocation to alter the quorum requirements for the Annual Meeting.

It was moved by Mr. Thom, seconded by Mr. Spence that C-Item 1 regarding the Occasional Appearances for Crown Attorneys be referred back to the Committee to ensure that the Law Society retains control of who becomes a member of the Law Society.

Mr. Noble accepted the referral back to the Committee and the motion was not put.

THE REPORT AS AMENDED WAS ADOPTED

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ADMISSIONS COMMITTEE

Ms. Peters presented the balance of the Reports of the Admissions Committee of its meeting on January 11th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The ADMISSIONS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 at 9:30 a.m., the following members being present: Mr. Ground (Chair) and Messrs. Noble and Spence.

A.
POLICY

1. AMENDMENT TO THE REGULATION 573

Section 2 of Regulation 573 provides that an applicant who fulfills the requirements of the Act and successfully completes the Bar Admission Course "may be called to the bar and admitted as a solicitor".

The Committee recalled the case of the student who completed the Bar Admission Course in 1982 but was not called to the Bar because of the citizenship requirement. When the Law Society Act was amended to delete the requirement for Canadian citizenship the student applied to be called to the Bar. It was his position and a position which the Committee adopted with reluctance that because he had completed the Bar Admission Course the Society could not, on the wording of the present regulation, impose any conditions regarding further courses to ensure that he was current with the present state of the law.

It is suggested that regulation 573 be amended to provide that no person who is eligible for call to the Bar under section 2 shall be called more than three years after successful completion of the Bar Admission Course except with permission of the Admissions Committee which may impose such conditions as it deems fit. A student wishing to defer the call upon completion of the Bar Admission Course will still require the permission of the Secretary. This has been reviewed with the Director of Education who agrees with the amendment.

Approved

B.
ADMINISTRATION

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

Paul Glendon Bresee (B.A. 1974 from the University of Trent and LL.B. 1978 from the the University of Dalhousie) was called to the Bar of the Province of Alberta on the 3rd day of August 1979 and has practised in that province from the 3rd day of August 1979 to the 31st day of October 1989. Mr. Bresee presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

Alnoor Shamshudin Meghani (B.A. 1979 from the University of Calgary and LL.B. 1985 from the University of Ottawa) was called to the Bar of the Province of Alberta on the 25th day of July 1986 and has practised in that province from the 25th day of July 1986 to the 30th day of September 1989. Mr. Meghani presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

Muriel Ann Gomer Sunahara (B.Sc. 1969 from the University of Toronto, M.A. 1977 from the University of Calgary, and LL.B. 1983 from the University of Alberta) was called to the Bar of the Province of Alberta on the 9th day of November 1984 and has practised in that province from the 9th day of November, 1984 to October 31, 1987 and from April 11, 1988 to March 14, 1989. Ms. Sunahara presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about her application.

Approved

DIRECT TRANSFERS - QUEBEC - REGULATION 4(2)

Daniel Brunet (LL.B. 1978 from the University of Ottawa) was called to the Bar of the Province of Quebec on the 22nd day of November 1979 and has practised in that province from the 15th day of April 1980 to the present. Mr. Brunet presents a Certificate of Good Standing and seeks to proceed under Regulation 4(2). There is nothing unusual about his application.

Approved

Sharon Gail Druker (B.C.L. and LL.B. 1985 both from McGill University) was called to the Bar of the Province of Quebec on the 24th day of November 1986 and has practised as a member of that Bar from the 25th day of November 1986 to the present. Ms. Druker presents a Certificate of Good Standing, seeks to proceed under Regulation 4(2) and asks permission to be excused from writing the Common Law examination according to the interpretation of Regulation 4(2) as set out in the Memorandum to the Admissions Committee of September, 1983 which states: "Candidates qualified to proceed under Regulation 4(2) and who have obtained an approved LL.B. degree within the eight years preceding their application may be taken to have satisfied the requirements of subparagraph (d) which reads - passes a comprehensive examination on the common law in Ontario." There is nothing unusual about her application.

Approved

Arthur Evrensel (B.A. 1981, LL.B. and B.C.L. 1985 all from McGill University) was called to the Bar of the Province of Quebec on the 24th November 1986 and has practised as a member of that Bar from the 24th November 1986 to the present day. Mr. Evrensel presents a Certificate of Good Standing, seeks to proceed under Regulation 4(2) and asks permission to be excused from writing the Common Law examination according to the interpretation of Regulation 4(2) as set out in the Memorandum to the Admissions Committee of September, 1983 which states: "Candidates qualified to proceed under Regulation 4(2) and who have obtained an approved LL.B. degree within the eight years preceding their application may be taken to have satisfied the requirements of subparagraph (d) which reads - passes a comprehensive examination on the common law in Ontario." There is nothing unusual about his application.

Approved

Nicholas Spillane (LL.B. 1980 and B.C.L. 1981 both from McGill University) was called to the Bar of the Province of Quebec in November 1982 and has practised as a member of that Bar from November 1982 to the

present. Mr. Spillane presents a Certificate of Good Standing, seeks to proceed under Regulation 4(2) and asks permission to be excused from writing the Common Law examination according to the interpretation of Regulation 4(2) as set out in the Memorandum to the Admissions Committee of September, 1983 which states: "Candidates qualified to proceed under Regulation 4(2) and who have obtained an approved LL.B. degree within the eight years preceding their application may be taken to have satisfied the requirements of subparagraph (d) which reads - passes a comprehensive examination on the common law in Ontario."

Mr. Spillane's LL.B. is 1 year outside the limit of 8 years within which a candidate may seek exemption from writing the Common Law examination.

In his letter of the 9th of November 1989 he requests exemption from sitting the Common Law examination and permission to sit the February 1990 Bar Admission Course Transfer Examinations on the basis of the maritime law he has been engaged in since his call to the Quebec Bar in 1982.

As the Committee was not to meet again until January the Secretary reviewed the situation and granted permission for him to receive the Bar Admission Course Transfer examination material with the understanding it would be for the Committee to decide whether or not to waive the Common Law exam.

Mr. Spillane's letter of the 9th November, 1989 was before the Committee for information.

Your Committee, after reviewing the matter, recommends that his request be approved in that his LL.B. degree is only 1 year outside the 8 year limit and as his practice in maritime law may be taken as the equivalent of extensive common law experience.

2. APPLICATION - FOREIGN LEGAL CONSULTANTS

Stephanie Marian Ellman - Shearman & Sterling - New York

Ms. Stephanie Ellman has applied to become licensed as a foreign legal consultant in the Toronto office of Shearman & Sterling.

Ms. Ellman was called to the Bar of New York on March 21st, 1988 and to the Bar of Massachusetts on December 21st, 1987. From September 1987 through November 1989, Ms. Ellman was an associate attorney with the firm of Cleary, Gotlieb, Steen & Hamilton in their New York office. She began work as an associate attorney at Shearman & Sterling on January 8th, 1990.

As Ms. Ellman has engaged in the practice of law in her home jurisdiction for less than three of the five preceding years, she applies for status as a foreign legal consultant pursuant to the paragraph of the policy which provides that applicants who have been actively engaged in the practice of law in their home jurisdiction for less than three years may be licensed provided they are under the supervision of a foreign legal consultant and the supervisory arrangement has been approved by the Committee.

Included in the materials from Shearman and Sterling is a letter from Pamela M. Gibson, a registered foreign legal consultant, setting out the nature of the supervision Ms. Ellman will be subject to in the Toronto office. Her letter of the 8th January, 1990 was before the Committee for information.

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

Approved

3. ADMISSION OF STUDENTS-AT-LAW

Bar Admission Course

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

Under Bar Admission Course Regulation 22(7)
31st B.A.C. (Entering Articles 1988)

848.	Alloway, Graham Frederick	Joint Committee On Accreditation/89;
849.	Asseiro, Denis Anthony	B.Sc. Manitoba/82; LL.B. Manitoba/87;
850.	Aston, Helen Theresa	B.A. Toronto/83; LL.B. Toronto/88;
851.	Balshin, Wayne Lory	B.A. York/85; LL.B. York/88;
852.	Chitiz, Daniel Frederick	B.A. York/85; LL.B. York/88;
853.	Ellis-Macfarlane, Donna Marlene	3 yrs. Arts, Calgary; LL.B. York/88;
854.	Emberson, Randall Derrick	B.A. McMaster/85; LL.B. Western/88;
855.	Ernst, Glenn Stephen	B.Comm. Dalhousie/86; LL.B. York/88;
856.	Hawrylyshyn-Batruch, Christine Marie	B.A. Toronto/82; B.C.L. McGill/88; LL.B. McGill/88;
857.	Huskins, Gary Patrick	B.A. Dalhousie/85; LL.B. Dalhousie/88;
858.	Jones, William Andrew	B.Comm. Queen's/84; M.P.A. Queen's/85; LL.B. Queen's/88;
859.	Junger, Steven Walter	4 yrs. Science, Western; LL.B. Toronto/88;
860.	Kavchak, Andrew Stanley	B.A. Concordia/85; LL.B. York/88;
861.	Kinnaird, Timothy Michael	B.A. Concordia/85; LL.B. Western/88;
862.	Lambert, Ann Knowlton	Joint Committee on Accreditation/88;
863.	Lawson, Heather Dawn	B.A. Alberta/82; LL.B. Alberta/85;
864.	Lebane, Ian Sheldon	2 yrs. Arts, York; LL.B. York/88;
865.	Legault, Jean Guy	B.Comm. Ottawa/85; LL.B. Ottawa/88;

866. Levesque, Jean Phillippe B.A. Wilfrid Laurier/83;
LL.B. British Columbia/88;
867. Maarse, Jacqueline Christine 2 yrs. Arts, Queen's;
LL.B. York/88;
868. MacDonald, Muriel Geraldine B.A. St. Francis Xavier/78;
M.P.A. Dalhousie/84;
LL.B. Dalhousie/88;
869. MacNabb, Kathryn Elaine B.A. Queen's/85;
LL.B. Ottawa/88;
870. Mavroyannis, Irene B.Soc.Sc. Ottawa/85;
LL.B. Ottawa/88;
871. McCaffrey, Terrence Mark B.Comm. Calgary/82;
LL.B. Calgary/88;
872. McGrade, Lynn Marie 2 yrs. Arts, York;
LL.B. York/88;
873. McGuinty, Michael Terence
Thomas B.Soc.Sc. Ottawa/84;
B.C.L. McGill/88;
LL.B. McGill/88;
874. McMahon, Michael James B.A. Carleton/85;
LL.B. Windsor/88;
875. Mitchell, Peter James B.A. Toronto/85;
LL.B. Ottawa/88;
876. Murphy, Helen Patricia B.A. Dalhousie/85;
LL.B. Dalhousie/88;
877. Murray, Paul Timothy B.A. Saskatchewan/85;
LL.B. York/88;
878. Nalyzyty, Andrea Olga B.A. Toronto/85;
LL.B. Toronto/88;
879. Nathanson, Norine Ellen B.A. Dalhousie/82;
B.Ed. Saint Mary's/83;
LL.B. York/88;
880. Nelson, Jane Virginia B.Sc. Queen's/84;
LL.B. Dalhousie/88;
881. Nicholson, Mark John B.A. Western/81;
M.Div. London
Baptist Seminary/83;
LL.B. Western/87;
882. Nicholson, Paul William B.A. Waterloo/85;
LL.B. Queen's/88;
883. Nikiforuk, Stephen Christian B.A. Toronto/79;
LL.B. Queen's/86;
884. Noble, Eric Andrew B.A. Toronto/83;
LL.B. Toronto/88;
885. Noble, Julia Lynne B.A. Brock/84;
M.A. Guelph/85;
LL.B. Toronto/88;
886. Norris, Sharon Elizabeth B.A. Carleton/82;
B.Ed. Ottawa/83;
LL.B. New Brunswick/86;

- 887. Northey, Rodney Vincent B.A. Queen's/83;
M.A. York/88;
LL.B. Dalhousie/87;
- 888. Noss, Elliot Laurence B.A. Toronto/84;
M.B.A. Western/88;
L.L.B. Western/88;
- 889. Nott, Margaret Joanne B.A. Queen's/85;
LL.B. Victoria/88;
- 890. Novoselac, Stevan, Jr. B.Comm. McMaster/85;
LL.B. York/88;
- 891. Nussbaum, Gayle 2 yrs. Arts, York;
LL.B. York/88;
- 892. Oien, Carolyn Joan B.A. Simon Fraser/81;
LL.B. Windsor/88;
- 893. O'Keefe, Patricia Ann Mature Student;
LL.B. Ottawa/87;
- 894. Or, Karen Yin Ming B.A.A. Ryerson/84;
LL.B. York/88;
- 895. Orlowa, Natalija B.A. McGill/80;
LL.B. York/88;
- 896. Orr, Michael James B.A. York/84;
LL.B. Toronto/88;
- 897. Ortiz, Steffi Ursula Goehlich B.A. Carleton/77;
LL.B. Ottawa/88;
- 898. Ossip, Alon Samuel B.A. Toronto/85;
LL.B. York/88;
- 899. Ozimek, Catherine Mary
Frances B.Comm. Windsor/85;
LL.B. Windsor/88;
- 900. Pace, Micheal Anthony Paul B.A. Toronto/85;
LL.B. York/88;
- 901. Pachai, Ansuya B.A. Dalhousie/82;
LL.B. Dalhousie/87;
- 902. Pantalony, Michael Douglas B.A. McGill/84;
LL.B. Dalhousie/88;
- 903. Park, Yung Suk B.A. Toronto/84;
M.B.A. Ottawa/88;
LL.B. Ottawa/88;
- 904. Pat, Herman Wing-Yuen B.A. Toronto/83;
LL.B. York/88;
- 905. Patterson, David Thomas B.A. Western/86;
M.B.A. Ottawa/88;
LL.B. McGill/86;
- 906. Pattison, Robert Bruce B.A. Western/85;
LL.B. York/88;
- 907. Patton, John Robert B.A. Concordia/84;
LL.B. Ottawa/88;
- 908. Payne, Robin Merle A.B. Brandeis, U.S.A./85;
LL.B. Toronto/88;

- 909. Pearce, Patricia Jean B.A. Memorial/84;
 LL.B. Windsor/88;
- 910. Peebles, Dana Muir B.A. Queen's/85;
 LL.B. York/88;
- 911. Penny, Carmel B.A. Memorial/83;
 LL.B. New Brunswick/88;
- 912. Pentz, David Russell Stacey B.A. Queen's/85;
 LL.B. Dalhousie/88;
- 913. Peterson, Paul Joseph B.Sc. Toronto/75;
 LL.B. York/88;
- 914. Petrillo, Samuel Jon Special Student;
 LL.B. Queen's/88;
- 915. Philpott, Susan Lynn 3 yrs. Arts, Calgary;
 LL.B. Queen's/87;
- 916. Pilo, David John B.Sc. McMaster/83;
 LL.B. York/88;
- 917. Pollock, Marisa Beryl B.A. Toronto/84;
 LL.B. Toronto/88;
- 918. Pomerant, Lisa Jennifer B.A. York/85;
 LL.B. York/88;
- 919. Porter, Dana Summers B.A. Western/82;
 LL.B. Ottawa/88;
- 920. Porter, Douglas William B.Adm. Regina/87;
 LL.B. Saskatchewan/88;
- 921. Power, Robert Gordon B.A. Victoria/85;
 LL.B. Dalhousie/88;
- 922. Powers, Thomas Patrick B.A. Queen's/84;
 LL.B. Queen's/88;
- 923. Pratt, Marcus Gordon B.A. Queen's/84;
 LL.B. York/88;
- 924. Prenol, Anthony Michael 3 yrs. Arts, Waterloo;
 LL.B. Toronto/88;
- 925. Price, Barbara Jane B.A. Queen's/83;
 LL.B. Dalhousie/87;
- 926. Price, Richard John Brent B.A. Mount Allison/85;
 LL.B. Toronto/88;
- 927. Pringle, Colleen Virginia B.A. St. Thomas/80;
 LL.B. New Brunswick/87;
- 928. Pringle, Valerie Lynn B.A. Queen's/85;
 LL.B. Queen's/88;
- 929. Prystupa, Katrina Annette B.A. Winnipeg/84;
 LL.B. Manitoba/87;
- 930. Quance, Paul Douglas B.A. York/82;
 LL.B. York/85;
- 931. Quintal, Jean-Pierre B.A. Waterloo/84;
 B.Ed. Queen's/85;
 LL.B. Queen's/88;

932. Racz, Sharon Bonnie B.A. Saskatchewan/68;
LL.B. Alberta/88;
933. Rajack, Arunadale Sharon Joint Committee on
Accreditation/88;
934. Rajnauth, Louis Nathaniel Mature Student;
LL.B. York/85;
935. Ramieri, Giacomo B.A. Windsor/85;
LL.B. Toronto/88;
936. Ranieri, Nicola William B.A. York/85;
LL.B. Queen's/88;
937. Read, Sandra Katharine B.A. Lakehead/85;
LL.B. Windsor/88;
938. Reason, Kenneth Daniel B.A. Wilfrid Laurier/85;
LL.B. Western/88;
939. Reaume, Victoria Ellen B.A. Laval/85;
LL.B. Western/88;
940. Reddon, Andrew John B.E.Sc. Western/ 85;
LL.B. Queen's/88;
941. Redpath, Carolyn Jeffers B.A. St. Francis Xavier/83;
LL.B. Queen's/88;
942. Regehr, Preston Collet 2 yrs. Arts, Lethbridge;
M.B.A. Queen's/88;
LL.B. York/86;
943. Rejminiak, George Peter Mature Student;
LL.B. York/88;
944. Rennie, Elizabeth Margaret 2 yrs. Arts, Dalhousie;
LL.B. Dalhousie/88;
945. Rice, Deirdre Ann B.A. Victoria/83;
LL.B. Victoria/86;
946. Richards, Joseph Steve Roland 3 yrs. Arts, McGill;
LL.B. Queen's/88;
947. Roach, Brian Angus Joseph 2 yrs. Commerce, Ottawa;
LL.B. Ottawa/88;
948. Robb, Iain Andrew B.A. McGill/85;
LL.B. Toronto/88;
949. Robbins, Anthony Neil B.A. Brock/85;
LL.B. York/88;
950. Robertson, Paul Ernest B.E.S. Waterloo/80;
LL.B. Toronto/88;
951. Rodrigues, Rogerio Domingos 3 yrs. Arts, Toronto;
LL.B. York/88;
952. Roks, James Albert B.A. Western/85;
LL.B. Toronto/88;
953. Roppel, Mark Allan 2 yrs. Arts, Alberta;
B.C.L. McGill/88;
LL.B. McGill/88;
954. Rosen, Joel B.A. Toronto/84;
LL.B. Windsor/88;

955. Rosenblatt, Paul Bradley 3 yrs. Arts, Western;
LL.B. Toronto/88;
956. Ross, James Emerson B.A. Western/84;
LL.B. Dalhousie/88;
957. Rowe, Andrea Winnifred B.Journ. Carleton/81;
LL.B. York/88;
958. Rubin, Patricia Susan B.A. Toronto/66;
M.S. Columbia, USA/67;
LL.B. York/88;
959. Russell, Vivian Phylis Marie B.A. St. Mary's/81;
M.A. Victoria/84;
LL.B. Dalhousie/88;
960. Ryan, Timothy John B.A. Concordia/82;
B.C.L. McGill/86;
LL.B. McGill/86;
961. Salter, Heather Ann B.E.S. Waterloo/86;
LL.B. York/88;
962. Savoie, Joseph Gerard Jacques B.Sc. Alberta/84;
LL.B. Moncton/87;
963. Scapinello, Danise Ann B.A. Guelph/83;
LL.B. Western/88;
964. Scassa, Teresa B.A. Concordia/84;
B.C.L. McGill/88;
LL.B. McGill/88;
965. Schiffer, David Andrew B.A. York/86;
LL.B. Ottawa/88;
966. Schille, Dale Charles B.A. Winnipeg/83;
LL.B. Windsor/88;
967. Schmalcel, Ronald 2 Yrs. Arts, Manitoba;
LL.B. York/88;
968. Scholten, Esther Joyce B.A. & Sc. McMaster/85;
LL.B. Queen's/88;
969. Scott, William Laurence B.A. Toronto/83;
LL.B. Windsor/88;
970. Secker, Christian Simon B.A. Alberta/84;
Michael LL.B. York/88;
971. Segal, Marcy Susan 2 yrs. Arts, York;
LL.B. York/88;
972. Selby, Charles Victor B.A. Toronto/85;
LL.B. Western/88;
973. Sherwood, Andrew Avery B.A. Ottawa/85;
Hamilton LL.B. Windsor/88;
974. Shields, William Richard B.A. Queen's/83;
LL.B. Toronto/88;
975. Shiller, David Alan B.A. McGill/83;
B.C.L. McGill/88;
LL.B. McGill/88;

976. Sicco, Pierre Roger Marie Joseph B.A. York/82;
M.A. Toronto/84;
LL.B. York/88;
977. Sigurdson, Eric Thomas B.A. Carleton/85;
LL.B. Ottawa/88;
978. Silver, Lawrence Paul Belford B.F.A. Concordia/79;
LL.B. Queen's/88;
979. Simone, Theresa Rose Mature Student;
LL.B. Queen's/88;
980. Sinicrope, Giuseppe 3 yrs. Arts, York;
LL.B. York/88;
981. Siu, Fai Chit B.Eng. Nova Scotia/69;
M.B.A. Western/75;
LL.B. Ottawa/88;
982. Smith, James Robert 2 yrs. Arts, Toronto;
LL.B. York/88;
983. Smith, Rosemary Frances B.A. Queen's/85;
LL.B. Dalhousie/88;
984. Snowden, Marcus Blair B.A. Dalhousie/84;
M.A. Dalhousie/87;
LL.B. Queen's/88;
985. Solway, Michael Joseph B.Comm. Dalhousie/85;
LL.B. York/88;
986. Spafford, Anne Mary Elizabeth B.Sc. Laval/83;
B.C.L. McGill/87;
LL.B. McGill/87;
987. Spear, Kelly Irene B.A. Queen's/84;
LL.B. Queen's/87;
988. Stark, Kelly Elizabeth B.A. Calgary/84;
LL.B. Toronto/88;
989. Stein, Gary Jeffrey B.A. McGill/82;
LL.B. York/88;
990. Stein, Laurie Ruth B.S.W. McGill/85;
LL.B. York/88;
991. Steinmetz, Harry Frank B.A. Carleton/85;
LL.B. Victoria/88;
992. Stringer, Robert Shawn B.Sc. Toronto/85;
LL.B. Ottawa/88;
993. Stuart, Earl Duncan 2 yrs. Arts, Toronto;
LL.B. York/88;
994. Suggitt, Cameron John Hardy B.A. Victoria/84;
LL.B. Dalhousie/88;
995. Sun, Margaret Ping B.A. Queen's/81;
LL.B. Saskatchewan/88;
996. Svoboda, Alec 2 yrs. Arts, Toronto;
LL.B. Toronto/88;
997. Tarasofsky, Richard George B.A. McGill/84;
LL.B. York/88;

998. Thomas, Mark Edward
B.Sc. Dalhousie/77;
B.B.A. New Brunswick/80;
M.B.A. Toronto/85;
LL.B. New Brunswick/84;
999. Thomas, Melissa
B.A. McGill/81;
B.C.L. McGill/88;
LL.B. McGill/88;
1000. Thompson, Mark Brookes
3 yrs. Arts, British Columbia;
LL.B. British Columbia/85;
1001. Thompson, Shaun Stewart
B.Sc. Lethbridge/80;
LL.B. Alberta/88;
1002. Tolton, Catherine Mary
Elizabeth
Mature Student;
LL.B. Toronto/88;
1003. Trofimenko, Zoya
B.A. Wesleyan, USA/85;
LL.B. York/88;
1004. Van Wiechen, James Joseph
B.Sc. Mount Allison/84;
LL.B. Dalhousie/88;
1005. Venier, Perry Anthony
B.Sc. Ottawa/83;
LL.B. Victoria/88;
1006. Vethamany, Ravi Anand
B.Sc. Dalhousie/85;
LL.B. Dalhousie/88;
1007. Visser, Heidi
B.A. York/84;
LL.B. Toronto/88;
1008. von Riedemann, Mario Joseph
B.A. Queen's/84;
LL.B. British Columbia/88;
1009. Warren, Wayne Bruce
B.A. New Brunswick/82;
LL.B. New Brunswick/87;
1010. Weir, Mary Anne
B.Comm. British Columbia/84;
LL.B. Victoria/87;
1011. White, Scott Fulton
B.A. Toronto/85;
LL.B. Windsor/88;
1012. Wickham, Andrea Jane
3 Yrs. Arts, Toronto;
LL.B. York/88;
1013. Wise, Barbara Diane
B.C. McGill/84;
LL.B, LL.L Ottawa/88;
1014. Wolfe, William Charles
B.A. British Columbia/85;
LL.B. Ottawa/88;
1015. Wright, Colleen Frances
Mature Student;
LL.B. York/88;
1016. Wright, Eric Robert
B.A. York/84;
LL.B. Western/88;
1017. Wuori, Karen Maureen
B.A. York/85;
LL.B. York/88;
1018. Yaggey, Ajaje
B.A. Alberta/85;
LL.B. Alberta/88;
1019. Yaskiel, Loretta Helen
B.A. Toronto/84;
LL.B. Windsor/88;

- | | |
|-----------------------------------|--|
| 1020. Yasny, Randall Lyle Jeffrey | 2 yrs. Arts, York;
LL.B. York/88; |
| 1021. Yen, Jonathan | B.Sc. Toronto/80;
LL.B. Toronto/87; |
| 1022. Zayid, Caroline Reem | B.Sc. Dalhousie/82;
B.A. Dalhousie/85;
LL.B. Dalhousie/88; |
| 1023. Zega, Mark Joseph | B.A. Western/84;
LL.B. Windsor/88; |
| 1024. Zimmer, John Stephen | B.A. Toronto/85;
LL.B. Ottawa/88; |
| 1025. Zuber, John Thomas | B.A. Windsor/85;
LL.B. Windsor/88; |

Approved

Under Bar Admission Course Regulation 22(7)
32nd B.A.C. (Entering Articles 1989)

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|-----------------------------------|--|
| 60. Abbott, Allyn Petrie | B.Sc. Toronto/78;
LL.B. Toronto/89 |
| 61. Ackermann, Christina Maria | 3 yrs. Arts, York;
LL.B. Queen's/89 |
| 62. Acri, David William | B.A. Western/86;
LL.B. Western/89 |
| 63. Anderson, Robert Craig | B.A. McMaster/85;
M.A. McMaster/86;
LL.B. Toronto/89 |
| 64. Appleton, Barry William | B.A. Toronto/85;
LL.B. Queen's/89 |
| 65. Arnold, Debra Ellen | B.A. Toronto/86;
LL.B. Queen's/89 |
| 66. Broad, Patricia Rose Anne | B.A. Waterloo/85;
B.C.L. McGill/89;
LL.B. McGill/89 |
| 67. Cameron, Duncan John | B.A. Toronto/84;
LL.B. Ottawa/89 |
| 68. Cardinale, Nicola Alberto | 2 yrs. Science, Toronto;
LL.B. York/89 |
| 69. Carr, Steven Jay | 2 yrs. Arts, York;
LL.B. York/89 |
| 70. Clancy, Michael Robert | 2 yrs. Arts, Carleton;
LL.B. York/89 |
| 71. Clarfield, Joanne Michelle | 2 yrs. Arts, York;
LL.B. York/89 |
| 72. Clarizio, Pascal Carmine Dino | B.Eng. McGill/86;
LL.B. York/89 |
| 73. Clark, Janet Lee | B.A. British Columbia/86;
LL.B. British Columbia/89 |

- 74. Cocco, Veronica Mary B.Comm. McMaster/84;
LL.B. York/89
- 75. Colraine, Craig Robin B.A. British Columbia/86;
LL.B. York/89
- 76. Conlon, Patricia Anne Sarah B.M.Sc. Ottawa/85;
LL.B. Windsor/89
- 77. Cormie, Robert Ekstrom B.Comm. Alberta/86;
LL.B. York/89
- 78. Cornwall, Lori Anne B.A. Carleton/85;
M.B.A. Ottawa/89;
LL.B. Ottawa/89
- 79. Davies, Bruce Franklin B.A. McMaster/86;
LL.B. Queen's/89
- 80. Davis, Sharon Elizabeth Drodge B.A. Memorial/86;
LL.B. York/89
- 81. Demson, Sandra Ragland B.A. Harvard, USA/58;
M.A. Toronto/80;
LL.B. Toronto/89
- 82. Dietrich, George Barnhart B.Sc. Windsor/89;
LL.B. Windsor/89
- 83. Farrugia, Mary Lee B.A. York/86;
LL.B. York/89
- 84. Fehrle, Steven Michael B.A. Toronto/86;
LL.B. Toronto/89
- 85. Feuer, Irvin Isak B.A Guelph/72;
B.Sc. Guelph/74;
B.A.Sc. Toronto/83;
LL.B. York/89
- 86. Freeman, Judy Lynn A.B. Stanford, USA/85;
LL.B. Toronto/89
- 87. Friedland, Thomas Andrew B.A. Toronto/85;
B.C.L. McGill/89;
LL.B. McGill/89
- 88. Gacich, Tadea Harry B.A. McMaster/86;
LL.B. Ottawa/89
- 89. Gallagher, Kevin Phillip B.B.A. New Brunswick/86;
LL.B. York/89
- 90. Gilhooly, John Gregory A.B. Princeton, USA/86;
LL.B. Toronto/89
- 91. Gordon, Michele Beth B.Comm. Queen's/86;
LL.B. Western/89
- 92. Gottlieb, Matthew Paul 2 yrs. Arts, Western;
LL.B. Western/89
- 93. Gouthro, Michael Warren B.A. Western/86;
LL.B. Western/89
- 94. Grab, Gary Waldemar B.Comm. Alberta/85;
LL.B. Windsor/89

95. Hamilton, Stephen David 2 yrs. Arts, Simon Fraser;
LL.B. Windsor/89
96. Harris, Gregory Jay Faierman A.B. Colby, USA/85;
LL.B. Western/89
97. Hawtin, Terry Gordon 2 yrs. Arts, Toronto;
LL.B. Ottawa/89
98. Henderson, Robert Carson B.A. Guelph/74;
LL.B. Queen's/89
99. Hersen, Gregory Darren B.A. Western/86;
LL.B. Windsor/89
100. Hoglund, Carole Elaine Craven B.A. York/86;
LL.B. York/89
101. Holloway, Harold Robert
Anthony B.Comm. Queen's/86;
LL.B. York/89
102. Johnson, Elizabeth Anne B.A. Toronto/86;
LL.B. Windsor/89
103. Kane, Betsy B.A. McGill/85;
LL.B. Windsor/89
104. Kania, Andrew John 2 yrs. Arts, Western;
LL.B. Toronto/89
105. Kelly, Mark Andrew B.A. Wilfrid Laurier/86;
LL.B. Western/89
106. Kirby, Diane Ellen Robertson B.A. Western/80;
LL.B. York/89
107. Kisson, Dhaman Persaud B.A. York/85;
B.A. Kent, UK/87;
LL.B. Queen's/89
108. Kocsis, Alexander Joseph B.A. Royal Military
College/84;
LL.B. Queen's/89
109. Kocsis, Loretta Ann B.A. Winnipeg/86;
LL.B. Queen's/89
110. Kowalski, Mitchell Edward B.A. Western/85;
M.A. Western/86;
LL.B. Western/89
111. Kramer, Carolyn Margaret B.A. Western/86;
LL.B. New Brunswick/89
112. Kreppner, James Rudolf 3 yrs. Arts, York;
LL.B. York/89
113. LaFrance, Mark Stephen B.A. Carleton/86;
LL.B. Queen's/89
114. Laliberte, Mary Alice Lucie Mature Student;
LL.B. Queen's/89
115. Laperriere, Marie Denise
Johanne Joint Committee on
Accreditation/89
116. Lay, Katherine Margaret 2 yrs. Arts, Western;
LL.B. Toronto/89

- 117. LeBlanc, Bernard Charles B.A. Mount Allison/84;
 M.A. Queen's/87;
 LL.B. Queen's/89

- 118. Leider, Joseph Jay David B.A. York/85;
 LL.B. Windsor/89

- 119. Leslie, Gina Marie B.A. Windsor/86;
 LL.B. Windsor/89

- 120. Lewis, John David B.Comm. Queen's/84;
 M.I.R. Queen's/85;
 LL.B. Western/89

- 121. Lewis, Mark Jonathan B.A. York, UK/85;
 LL.B. Toronto/89

- 122. Loccisano, Rocco Claudio B.A. York/86;
 LL.B. Windsor/89

- 123. Loncar, Ivan John B.Sc. Western/84;
 LL.B. Victoria/89

- 124. MacDonald, David Francis B.A. Western/86;
 LL.B. Western/89

- 125. MacEwen, Donna Lee B.Sc. Mount Allison/86;
 LL.B. New Brunswick/89

- 126. MacLeod, Marilyn Odette B.A. New Brunswick/86;
 L.L.B. New Brunswick/89

- 127. MacMurdo, William Archibald 4 yrs. Science, Dalhousie;
 Douglas LL.B. Ottawa/89

- 128. MacPherson, Gladys Jean B.A. Acadia/70;
 B.Ed. Dalhousie/73;
 LL.B. Ottawa/89

- 129. Madden, Douglas Rodger B.A. McGill/85;
 LL.B. Toronto/89

- 130. Mahabir, Kamini B.A. York/85;
 LL.B. Western/89

- 131. Martasek, Anne Margaret 2 yrs. Arts, McMaster;
 LL.B. York/89

- 132. Martin, Julia Joy B.A. Western/86;
 LL.B. Windsor/89

- 133. Matheson, David William Tudor B.A. McMaster/85;
 LL.B. Queen's/89

- 134. Mayhue, Richard Russell B.A. Queen's/81;
 LL.B. Victoria/89

- 135. McConnell, Rosemarie Housar B.A. Toronto/78;
 LL.B. Windsor/89

- 136. McDonald, Michael David B.A. Waterloo/85;
 Joseph LL.B. Ottawa/89

- 137. McLaughlin, Mary Ruth Carr M.A. McGill/82;
 B.Mus. Columbia, USA/79;
 M.Phil. Columbia, USA/86;
 LL.B. York/89

- 138. McRae, Thomas Joseph B.A. Toronto/86;
 LL.B. Toronto/89

- 139. Megoudis, Peter Dean D.E.C. Marianopolis/82;
 B.C.L. McGill/87;
 LL.B. McGill/87

- 140. Michel, Louise Dominique B.A. Carleton/83;
 LL.B. Ottawa/89

- 141. Millar, Nancy Anne B.A. McMaster/86;
 LL.B. York/89

- 142. Misener, Mary Ellen B.A. Toronto/86;
 LL.B. Toronto/89

- 143. Mitchell, Cheryl Diane B.A. Toronto/82;
 Elizabeth M.A. British Columbia/84;
 LL.B. British Columbia/87

- 144. Mitchell, Donald Gregory B.A. McGill/86;
 LL.B. Queen's/89

- 145. Moran, Timothy Howard B.A.Sc. Toronto/85;
 M.B.A. Western/89;
 LL.B. Western/89

- 146. Morgan, Heather B.A. Wilfrid Laurier/79;
 LL.B. Toronto/89

- 147. Morrison, Elmer Stephen B.B.A. St. Francis Xavier/86;
 LL.B. Toronto/89

- 148. Morton, Maureen Joy Ann 3 yrs. Arts, Victoria;
 LL.B. Toronto/89

- 149. Murphy, Anne Frances B.Comm. Memorial/86;
 LL.B. Queen's/89

- 150. Murray, John William B.A. Toronto/84;
 LL.B. Windsor/89

- 151. Nettie, Scott Wayne B.A. Western/86;
 LL.B. Western/89

- 152. Noonan, John Christopher B.Sc. Toronto/85;
 LL.B. York/89

- 153. O'Connor, Isabel Madeleine B.Sc. Queen's/86;
 LL.B. Western/89

- 154. Philpott, Kathryn Ruth B.A. Regina/86;
 LL.B. Queen's/89

- 155. Pun, Ronald Gregory Sai-Ming B.A. Toronto/86;
 LL.B. British Columbia/89

- 156. Purcel, Darren John B.A. Saskatchewan/86;
 LL.B. Toronto/89

- 157. Reid, Mark Andrew B.A. Western/85;
 LL.B. Western/89

- 158. Riddles, Paul Antony B.A. McMaster/86;
 LL.B. Western/89

- 159. Rosenthal, David Evan B.A. York/86;
 LL.B. Western/89

- 160. Seguin, Sheila Marie B.Comm. Queen's/86;
 LL.B. Queen's/89
- 161. Shiller, Ilene Robin 2 yrs. Arts, Western;
 LL.B. Toronto/89
- 162. Sirlin, Avi Jonathan B.Sc. Guelph/84;
 LL.B. Queen's/89
- 163. Sollars, David Peter B.Comm. Saskatchewan/86;
 LL.B. New Brunswick/89
- 164. Steinberg, David Alexander B.A. York/85;
 LL.B. Western/89
- 165. Stengel, James Earl B.A. Western/86;
 LL.B. Western/89
- 166. Szilassy, Margaret B.A. Waterloo/84;
 LL.B. Western/89
- 167. Taylor, Christopher Allan B.Sc. Queen's/77;
 M.Sc. Queen's/79;
 LL.B. Toronto/89
- 168. Tierney, Ann B.A. Carleton/86;
 LL.B. Queen's/89
- 169. Tooming, Andres Emil B.A. Western/85;
 LL.B. Western/89
- 170. Trbovic, Rajna B.A. Toronto/85;
 LL.B. Queen's/88
- 171. Watson, Russell William B.A. Waterloo/84;
 LL.B. Western/89
- 172. Waywell, Elizabeth Alexandra Mature Student;
 LL.B. Toronto/89
- 173. Whiteley, Sayward Jane B.Sc. Toronto/85;
 LL.B. Queen's/89
- 174. Whitfield, Linda Ruth B.F.A. Queen's/82;
 LL.B. Western/89
- 175. Wilson, Elaine Victoria M.H.Sc. Toronto/82;
 LL.B. Queen's/89
- 176. Wishart, Karen Celestine B.A. McMaster/84;
 LL.B. Windsor/89
- 177. Witterick, Crystal Lynn B.B.A. Wilfrid Laurier/86;
 LL.B. Western/89
- 178. Wolfe, Alison Tobie B.A. York/85;
 LL.B. Western/89
- 179. Wong, Winnie Woon-Hing B.A. Concordia/76;
 M.S.W. Wilfrid Laurier/79;
 LL.B. York/89
- 180. Woollcombe, David Edward B.A. Carleton/86;
 LL.B. Queen's/89
- 181. Wortsman, Jerala Martin 2 yrs. Arts, Western;
 LL.B. Toronto/89
- 182. Wright, Michael David B.A. Toronto/86;
 LL.B. York/89

The following candidates, having successfully completed the thirtieth Bar Admission Course, filed the necessary documents and paid the required fee of \$210.00 now apply for call to the Bar and to be granted a Certificate of Fitness:

David Reed Hunter
Debra Lynne Sattler

Approved

7. OTHER ITEMS

READMISSION AFTER RESIGNATION THROUGH FINANCE

In June 1989 the following request for exemption from writing the requalification examinations was before the Committee for consideration from Peter James Lamont:

"Mr. Peter J. Lamont was called to the Bar in April of 1980. He then moved to Calgary where he was called to the Bar of Alberta in November of 1980. He has practised continually in Alberta in the area of criminal law both in private practice and with the Federal Department of Justice. In 1983 he resigned his membership to the Ontario Bar. He has now accepted a position with the Federal Government of Justice in Ontario and wishes to become a member of the Ontario Bar.

Mr. Lamont requests that he be excused from writing the Bar Admission Course transfer examinations because of his prior membership in the Law Society of Upper Canada and the fact that he has practised exclusively in the field of criminal law and plans to continue to do so.

His new position is with the Legal Services Section of the C.S.I.S."

On the 23rd of June, 1989 Convocation adopted the recommendation of the Committee that Mr. Lamont be required to complete the necessary examinations.

In his letter to Mr. Lamont dated the 6th July, 1989, the Secretary explains that the Committee's rationale in making its decision was that he was in no different a position at that point than a solicitor from Alberta transferring to the bar of Ontario.

In a letter dated the 24th of October, 1989, Mr. Lamont states that he is "aggrieved by the decision of the Admissions Committee" and requests permission to appear before the Admissions Committee to further pursue his application for readmission.

On the approval of the Chair, Mr. Lamont was present on the 11th of January, 1990 to make representations.

Mr. Lamont appeared before the Committee and requested that he be readmitted without being required to write any exams.

The basis of his request was that he has practised exclusively and continually as an employee of the federal government mainly in the area of criminal law. He has now been posted back to Ottawa and he would like to take up his membership again. He pointed out that if he had continued to pay his fees rather than resigning he would not be required to fulfill any requirements.

Correction - see Page 96.

After considering the matter, the Committee recommends that Mr. Lamont be readmitted without taking any further examinations on the following undertakings:

- (a) that he notify the Law Society of any change in his employment status;
- (b) that upon changing his employment status he will satisfy any conditions required by the Admissions Committee in regard to examinations or attendance at C.L.E. programs.

Mr. Lamont agreed to these conditions.

C.

 INFORMATION

1. AMENDMENTS TO THE LAW SOCIETY ACT TO FACILITATE EXCHANGE OF CROWN ATTORNEYS

At the request of the Under-Treasurer, the Ministry of the Attorney General's office had the draft bill amended to exclude any reference to admissions for occasional appearances. The bill was approved by the Legislation Committee on December 7th, 1989.

A copy of the approved bill together with a copy of both the Under-Treasurer's request and the Ministry of the Attorney General's response were before the Committee for information.

Noted

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"P. Peters"
Chair

B-Item 7 (Other Items), paragraph 10 - ".....he has practised exclusively and continually as an employee of the federal government" should read "he has practised both in private practice and as an employee of the federal government...." (See B-Item 7, paragraph 2).

THE REPORT WAS ADOPTED

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LIBRARIES AND REPORTING COMMITTEE

Mr. Murphy presented the Libraries and Reporting Committee Report of its meeting on January 11th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LIBRARIES AND REPORTING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 at 9:30 a.m. the following members being present: Messrs Topp (Chair), Cullity, Farquharson, Henderson, Lerner (ad hoc), Thoman. D. Crosbie, P. Bell and G. Howell also attended.

A.
POLICY

No items.

B.
ADMINISTRATION

1. GRANT FROM THE LAW FOUNDATION
OF ONTARIO FOR COUNTY LIBRARIES

The Secretary reported that the Law Foundation Trustees approved a total omnibus grant of \$2,300,000 to be allocated by the Law Society. The Chief Librarian reported on his recommendations for allocation of the equipment portion of the county libraries part of the grant.

RECOMMENDATION: Your Committee recommends that the County and District Libraries operating grant be \$740,000, that the county libraries equipment grant initially be \$120,000, (subject to the possibility of further funds being available later in the year) and that the county libraries - addition of French language materials in specific county libraries be \$40,000. Regarding the equipment grant, your Committee approved the Chief Librarian's recommendations on the allocation of the equipment grant, as contained in his January 10th memorandum to the Committee, with attached chart. The matter of usage charges on equipment such as photocopier and fax machines is to be considered at a future meeting of the Committee.

2. LONG TERM FUTURE OF THE COMMITTEE'S
FUNDING OF COUNTY AND DISTRICT LAW LIBRARIES

The Chair asked that this Committee consider whether it should be taking the initiative on county law libraries' funding or should the Committee respond to the recommendations for funding from the County and District Presidents library committee.

RECOMMENDATION: Your Committee recommends that this matter be deferred until the February meeting.

3. COUNTY OF CARLTON LAW ASSOCIATION: REQUEST FOR
FINANCIAL ASSISTANCE FOR A RETIRING LIBRARIAN

The Secretary reported that Kathleen Fraser, President of the Carlton Law Association, wrote to the Chair of this Committee on August 31st and December 15th, 1989, requesting financial assistance to fund a retirement allowance to Wanda Walsh. The Chief Librarian reported to the Committee on this matter.

RECOMMENDATION: Your Committee recommends that this matter be referred to the Finance Committee. Gordon Henderson declared his interest and refrained from voting.

4. LEGAL ACCOUNT RE TENDER DOCUMENTS ON ONTARIO REPORTS

An account of counsel for the Society was approved.

C.
INFORMATION

1. ONTARIO REPORTS - TENDER DOCUMENTS

The Secretary reported that the tender documents for the weekly parts, data base and compact disc versions of the Ontario Reports were sent to the publishing companies on December 22nd, 1989 with bids to be sent to the Society no later than January 31st, 1990.

2. BOOK LIST

The Great Library will be adding 85 new titles to its book collection for November 1989 and January 1990.

3. FINANCIAL STATEMENTS

The Financial Statements for the five months ending November 30th, 1989 and the six months ending December 31st, 1989 were approved.

4. WOMEN IN THE LEGAL PROFESSION

The Secretary reported that the memorandum to all Benchers dated November 8th, 1989 indicates the amount of work that has been done on this matter by the Research and Planning Committee. Your Committee received the report and recommends no action at this time.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"D. Murphy"
Chair

THE REPORT WAS ADOPTED

.....

UNAUTHORIZED PRACTICE COMMITTEE

Mr. McKinnon presented the Unauthorized Practice Committee Reports of its meeting on January 11th, 1990.

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

The UNAUTHORIZED PRACTICE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 at 10:30 a.m., the following members being present: Messrs. Ruby (Chair), McKinnon (Vice Chair), Ms. Callwood, Messrs. Carter, Cass, Farquharson, Ms. Harvey, Messrs. Hickey, and Lawrence. Also in attendance were: Messrs. Ballantyne, Bell and Traviss.

B.
ADMINISTRATION

1. ACCOUNTS

Accounts of counsel and investigators were approved in the total amount of \$13,981.99.

2. INVESTIGATIONS

The Society does not have sufficient evidence in any of these cases to commence a prosecution. The Committee is asked to authorize a request to the Treasurer for the use of an investigator who will not disclose that he/she is from the Law Society and to authorize the commencement of prosecutions when the necessary evidence is obtained.

3. SALE OF BLANK FORM WILLS

The Society has received an inquiry in which it was asked to consider whether the sale of forms of wills together with instructions on how to complete and use them in either a hard copy or software format to the public would amount to the unauthorized practice of law. In the letter, the writer states that "the forms will be prepared by a lawyer qualified in Ontario and will generally consist of simpler and more basic forms of 'Will' which are most commonly used by the average member of the public." He goes on to say that "one of the segments of the general public which we estimate will be most receptive to the forms of 'Will' and instructions are life insurance agents, accountants and consultants who fall under the general heading of "financial planners"." This has been the case in the U.K. This particular group of agents and consultants will in turn sell the 'Will' forms material and instructions to their clients as part of the other general estate planning services which they offer and the clients will use it to select or prepare their own 'Wills'. These agents or consultants will provide advice to the client on the use of the forms but it is not intended that they will give advice concerning wills other than the common sense advice that a 'Will' is an asset and can avoid the unintended division of property which might occur without a 'Will'." (Your Committee has previously taken the position that the preparation of wills by "insurance agents, accountants and consultants who fall under the general heading of financial planners" amounts to the unauthorized practice of law.) The writer notes that a similar company has been set up in the U.K. with some success. Your Committee considered the proposal and instructed its Secretary to draft a letter to him which refers to the unauthorized practice provisions of the Law Society Act. This letter is also to advise him that your Committee is not prepared to give advice in the abstract as to what may or may not amount to unauthorized practice. Finally, this letter is to suggest that any person who buys this service from the writer might contravene the unauthorized practice provisions depending on how the 'Will' package is used.

4. INCORPORATION OF A PARALEGAL COMPANY BY A LAW FIRM

The Department has received an inquiry from a member in Kitchener in which he states that his firm "is considering incorporating a company which would offer paralegal services to the public. The paralegal services so offered would be restricted to those which paralegals can legally engage in. In his letter he poses two questions.

1. Will the Law Society permit a law firm to be the sole shareholder of a corporation offering paralegal services to the public?

- 2. If your answer to question 1 is affirmative, can the said company advertise itself as being associated with the law firm?

These questions are being simultaneously considered by your Committee and the Professional Conduct Committee. Your Committee considered the letter from the member and agreed with Senior Counsel of Professional Conduct's view of this matter, i.e., a law firm could have an interest in a paralegal firm provided:

- 1. The paralegals employed by the paralegal corporation did not engage in the unauthorized practice of law;
- 2. the paralegals did not steer members of the public to the law firm; and
- 3. the paralegals were not used to promote the law firm to members of the public.

This matter was to be considered by the Professional Conduct Committee where the views of the Unauthorized Practice Committee would be made known.

C.

 INFORMATION

Ronald Connort has been enjoined from practising law effective December 14th, 1989. Mr. Connort was practising in the area of divorce.

Approved

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"C. McKinnon"
 Chair

PROSECUTIONS

NEXT COURT DATE

Sam Solomon (Etobicoke)	January 9, 1990 at 10:00 a.m. Courtroom 204 Trial
Sam Solomon Paralegal & Business Consultants (Etobicoke)	January 9, 1990 at 10:00 a.m. Courtroom 204 Trial
796332 Ontario Ltd. (Ontario Paralegal) (Oakville)	January 9, 1990 at 9:00 a.m. Courtroom 1 Trial
Catherine O'Halloran (Ontario Paralegal) (Oakville)	January 9, 1990 at 9:00 a.m. Courtroom 1 Trial
Fred May (Paralegal Associates) (Downsview)	January 11, 1990 at 10:00 a.m. Courtroom 306 To set a date
Donald Noseworthy (Whitby)	January 12, 1990 at 9:30 a.m. Courtroom 1 To set a date

Donald Noseworthy Management (Whitby)	January 12, 1990 at 9:30 a.m. Courtroom 1 To set a date
Marc Monson (Action Paralegal) (Downsview)	January 17, 1990 at 10:00 a.m. 361 University Avenue Notice of Motion
Action Paralegal Inc. (786301 Ontario Ltd.) (Downsview)	January 17, 1990 at 10:00 a.m. 361 University Avenue Notice of Motion
Lynn Pattison (Hyatt Paralegal) (Kingston)	January 19, 1990 at 9:30 a.m. Courtroom 3 For a plea
Richard Perry (Regional Paralegal) (Hamilton)	February 2, 1990 at 10:00 a.m. Courtroom 1 Date to be rescheduled
Dorothy Thiry Divorce Aid (London)	February 9, 1990 at 10:00 a.m. Courtroom 3 Trial
Jane Baker Ontario Paralegal (Chatham)	February 14, 1990 at 10:00 a.m. Courtroom 3 Plea & Trial
Peggy Wilson Divorce Easy (London)	March 2, 1990 at 10:00 a.m. Courtroom 2 Trial
Canada United Paralegal Association Inc. (Toronto)	March 7, 1990 at 10:00 a.m. Courtroom 140 Trial
Marc Monson (Action Paralegal) (Downsview)	April 4,5,6,1990 at 10:00 a.m. Courtroom 302 Trial
786301 Ontario Ltd. (Action Paralegal) (Downsview)	April 4,5,6,1990 at 10:00 a.m. Courtroom 302 Trial
Natalie MacPhee (Paralegal Consultants Inc.) (Ottawa)	May 4, 1990 at 12:00 p.m. Courtroom 7 Trial
Paralegal Consultants Inc. (Ottawa)	May 4, 1990 at 12:00 p.m. Courtroom 7 Trial
David Nancoff (Toronto)	July 30 - Aug. 4, 1990 at 10:00 a.m. Ottawa Provincial Court Trial Continuation
Ontario Paralegal Ltd. (Toronto)	July 30 - Aug. 4, 1990 at 10:00 a.m. Ottawa Provincial Court Trial Continuation
696631 Ontario Ltd. (Stephen Kuz) (Etobicoke)	August 8, 1990 at 10:00 a.m. Courtroom 203 Trial

THE REPORT WAS ADOPTED

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FRENCH LANGUAGE SERVICES COMMITTEE

Mr. McKinnon presented the French Language Services Committee Report of its meeting on December 15th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The French Language Services Committee begs leave to report:

Your Committee met on Friday, the 15th December, 1989 at ten thirty in the morning, the following members being present: Ms. Bellamy (Vice-Chair), Mr. Ground and Ms. Peters. From the Law Society were Mr. Crosbie, Ms. Angevine, and Mr. Treleaven. Ms. Thomson was also present.

B.

ADMINISTRATION

1. FRENCH LANGUAGE SERVICES CO-ORDINATOR

Mr. Crosbie reported on the large number of applications received to date. He indicated that he and Mary Farrell (Personnel Officer) had read and sorted out the top (as they appeared on paper) 26 candidates. Those 26 candidates were then scored and the number was narrowed down to four, two from Toronto, one from Calgary, and one from Montreal. Mr. Crosbie outlined some of the qualities of these four candidates.

Mr. Crosbie sought the guidance of the Committee on whether the expense of bringing in someone from Calgary for an interview should be incurred. The Committee felt that the expense would be worthwhile.

Committee members preferred that the Co-ordinator have a certain Franco-Ontarian sensitivity and be able to understand the regional characteristics of various Franco-Ontarian communities such as Timmins.

At the request of Mr. Crosbie, Ms. Bellamy agreed to review, on behalf of the Committee, the top 12 applications.

NOTE: Dominique Paquet-Broad has been hired as Co-ordinator to start February 5th, 1990. Her C.V. is attached as Appendix "A".

2. FRENCH LANGUAGE SERVICES FUNDING

Mr. Crosbie updated the Committee on funding matters.

At the recommendation of Ms. Bellamy, Mr. Crosbie agreed to approach Michel Carrier, of the New Brunswick Law Society, concerning funding options for French language service programs which that Law Society has pursued.

Attached to these Minutes, as Appendix "B" is a memorandum dated January 5, 1990, on point.

The Committee recommends to Convocation that, as funding from the Ministry of the Attorney General is not available to the Law Society, an application to the federal government to take part in the five-year program, that will provide the Law Society with \$135,000 over that period of time, be proceeded with immediately.

C.
INFORMATION

1. OMNIBUS APPLICATION TO THE LAW FOUNDATION OF ONTARIO

Mr. Crosbie provided an update on the omnibus application to the Law Foundation of Ontario. The question on the part of the Law Foundation was whether the Committee could spend \$200,000 on translation in 1990. The Committee believed that to spend that amount would be relatively easy, considering the high costs of translation and the amount of material. Mr. Crosbie will prepare a supplementary letter detailing how the money would be spent.

The University of Western Ontario has inquired of the Law Society whether it would be willing to finance French language texts for its law library. The Committee concluded that the University has access to the Law Foundation of Ontario and should apply for financial assistance as the Law Society has done.

2. BAR ADMISSION COURSE TRANSLATION OPTIONS

Mr. Treleaven updated the Committee on translation options and expenses of Bar Admission Course lecture notes. Attached as Appendix "C" is a memorandum from Holly Harris, dated December 1, 1989, on translation options.

3. TRANSLATION OF PROCEEDINGS OF CONVOCATION

The Committee discussed the translation of the Summary of Proceedings of Convocation (buff-coloured pages in the Ontario Reports).

General Information on a typical edition of the Summary:

- approx. 10 words per line
- approx. 35 lines
= approx. 350 words per page
- approx. 10 pages
= approx. 3,500 words

Ms. Thomson provided the Committee with a couple of translation options:

- Global Translations: Cost approx. \$30 per 100 words
Usually a backlog of 2 weeks.

\$30 x 3.5 = \$105 for 1 page
= \$1,050 for a 10-page edition of the Proceedings of Convocation
- Helene Vachon (who has worked as a translator of legal documents for Canada Life for over 10 years):

Cost: 18c per word = \$18 per 100 words
Can do work in a week or less.

\$18 x 3.5 = \$63 per page
= \$630 for a 10-page edition of the Proceedings of Convocation

Although members expressed some concern about quality of translation work, they agreed that Ms. Vachon should be asked to translate on a trial basis the January 1990 edition of the Summary, which will be proofread prior to submission for publication.

Ms. Angevine indicated that the turnaround time for preparation of a final proof of the Summary of Proceedings from the date of Convocation is two to three weeks. The translation of the Summary would require an additional week. There is a delay of approximately two weeks once the two versions are submitted to the Ontario Reports prior to actual publication. The total turnaround time from the date of Convocation is estimated at five to six weeks.

The Committee recommended that, because free-lance costs are very high, the Law Society should look into the hiring of an in-house translator.

This issue is to be resolved at the next meeting of the Committee.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"C, McKinnon"
Chair

Attached to original Report in Convocation File, copy of:

- B-Item 1 - Curriculum vitae of Ms. Dominique Paquet-Broad (French Language Services Co-ordinator).
(Appendix A, numbered 1 - 2)
- B-Item 2 - Copy of Letter from Mr. D. Crosbie, dated January 5th, 1990 to Mr. C. McKinnon re: New Brunswick Law Society French Language Services Program. (Appendix B, numbered 1 - 2)
- C-Item 2 - Memorandum from Holly Harris to Alan Treleaven dated December 1, 1989 re: French Language Services Committee.
(Appendix C, numbered 1 - 2)

THE REPORT WAS ADOPTED

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PUBLIC INFORMATION COMMITTEE

Mr. McKinnon presented the Public Information Committee Reports of its meetings on September 14th, 1989 and January 11th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The PUBLIC INFORMATION COMMITTEE begs leave to Report.

Your Committee met on Thursday, the 11th January, 1990, the following members were present: Mr. Outerbridge (Chair), Ms. Callwood, Mssrs. Guthrie, Manes, McKinnon, Thom. Also in attendance were Ms. Angevine, Mr. Brockett, Mr. Daniher, Ms. Neuman and Ms. Starkes.

B.
ADMINISTRATION

1. DIAL-A-LAW - OTTAWA SATELLITE SYSTEM

Bell telephone has installed the new Dial-A-Law lines in the Ottawa Bar Admission office and Phonetix has ordered our new system and expects delivery within two weeks. The French translation work is nearing the stage where it can be loaded into the Ottawa system. The Committee expects the new system to be fully operational by March, 1990.

The Committee reviewed and approved a draft communications plan prepared by Michael Daniher. The plan includes a media reception to open the system and a news release. The Committee also recommends that the Treasurer and other relevant officials be requested to participate in the event which could be scheduled to coincide with the Special Convocation currently scheduled for March 26th in Ottawa.

2. DIAL-A-LAW - FRENCH LANGUAGE SERVICE

The French system will be operational in March when the translation and voice recording work has been completed.

The Committee reviewed and approved a draft communications plan prepared by Michael Daniher. The plan includes a media reception and news release to introduce the new bilingual system. It was also recommended that the Special Convocation currently scheduled for March 26th in Ottawa could serve as the announcement date, with specific releases directed towards the other significant French speaking areas of the province.

3. BROCHURE - UNDERSTANDING YOUR LAWYER'S FEES

The Committee reviewed a brochure for The Law Society of Alberta entitled, "Understanding Your Lawyer's Fees". The Committee recommends that the Society produce a similar brochure which could be distributed with the other information brochures produced by the Society Public Information Department.

4. LEGAL WISE TELEVISION VIDEO

The Law Society of British Columbia provided the Society with a copy of a video from their Legal Wise television series. The Information Committee was asked to view the video and provide comments concerning the program or the series. The thirty minute video was set-up in the Bencher's Reception Room for review by the Committee members over the course of the meeting day. Comments will be provided at the next Committee meeting.

5. WOMEN IN LEGAL PROFESSION REPORT

This Report was received from the Deputy Secretary for review. The Public Information Committee recommends the release of the Report to the public by way of a news release and press conference. The Committee also recommends that the Deputy Secretary, Margaret Angevine and Frances Kiteley should present the Report at this news conference. Information concerning the Society's initiatives in the area of gender neutral communications could also be conveyed at that time. See item C-6.

6. ON-GOING COMMUNICATIONS ACTIVITIES

The Committee urged the Chair to speak with the Treasurer and the Chairs of other Committees in order to urge the Society to adopt a proactive communications profile in addressing issues of concern and public interest. The Committee decided to recommend to Convocation the formation of Communication Task Groups as a means of addressing communications challenges before the Society. As various controversial issues are identified, even in advance of their having acquired media attention, such a group will be formed to deal with the communications problems, both public and within the profession, as may arise out of that particular problem. The group would be comprised of a representative of the Treasurer's office, a representative of the Public Information Committee and the Director of Public Information.

Such a group would ensure that the Society is able to comment on issues of concern in as effective and efficient manner. The group should be no larger than absolutely necessary and should consist of persons who can make themselves available for preliminary meetings and ongoing consultations.

This group could be charged with the following tasks, among others:

- (a) define the communications objectives available to the Society under the circumstances (i.e. the ability to comment prior to consideration by Convocation);
- (b) determine and draft the one or more messages that may be available to the Society under the circumstances;
- (c) determine how we wish to convey the message;
- (d) determine the key audience and the manner in which we will communicate with various members;
- (e) identify the spokesperson;
- (f) review the likely questions which may arise; and
- (g) prepare an advisory working paper for the Treasurer's office.

C.
INFORMATION

1. GENDER NEUTRAL COMMUNICATIONS

The guidelines with respect to gender neutral communications were presented. A letter from the Secretary, Richard Tinsley, will be forwarded to the staff. In addition the profession will also receive a letter from Mr. Tinsley advising them of the new gender neutral communications policy at the Society and of the reference materials that may be consulted in this field.

2. INFORMATION BOOKLET

The Chair has gathered the various drafts in this matter and will report to the Committee at its next meeting.

3. LETTERS OF APPRECIATION

Attached are two letters of appreciation sent to the Lawyer Referral Service. One letter is from a previous client and the other from a former member of the service.

4. DIAL-A-LAW STATISTICS

Caller usage statistics for the Dial-A-Law program are attached (appendix C-1 and C-2). This sheet provides a monthly breakdown of the number of incoming calls and the number of times a particular topic was selected.

5. LAWYER REFERRAL SERVICE STATISTICS

Updated Call Usage Statistics (C3)

Calls by Area of Law (C4)

Referrals by Geographic Zone (C5)

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"C. McKinnon"
Chair

Attached to original Report in Convocation File, copy of:

- C-Item 3 - Copy of letter from Mr. Geoffrey P. Belch dated November 6th, 1989 to the Lawyer Referral Service re: Client Referrals and copy of letter from Mr. Art Ferri dated November 13th, 1989 to the Lawyer Referral Service. (Pages 1 - 2)
- C-Item 4 - Up-dated statistics for Dial-A-Law Programs to December 30, 1989. (Marked C1 - C2)
- C-Item 5 - Updated Call Usage Statistics. (Marked C3)
- C-Item 5 - Calls by Area of Law. (Marked C4)
- C-Item 5 - Referrals by Geographic Zone. (Marked C5)
- B-Item 5 - Memorandum from Ms. Fran Kiteley dated November 8, 1989 re: Report on Women in the Legal Profession prepared by Fiona M. Kay. (Marked C6)

THE REPORT WAS ADOPTED

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COUNTY & DISTRICT LIAISON COMMITTEE

Mr. Somerville presented the County & District Liaison Committee Report of its meeting on January 11th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The County & District Liaison Committee begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 at four o'clock in the afternoon, the following members being present; Mr. Somerville (Chair), Messrs. Carey, Ferguson, Topp, Wardlaw and Ms. Harvey. Members of the County & District Executive in attendance were; Ms. Mossip, Messrs. Arrell, Bode, Lalande, Lovell, Smith, Weekes. Ms. Angevine and Mr. Howell of the Law Society staff also attended.

The Chair welcomed the new members of the Executive to the Committee: Marc Bode of Thunder Bay and Harrison Arrell of Hamilton.

1. WOMEN IN THE LEGAL PROFESSION

The work of the Subcommittee on Women in the Legal Profession was discussed in a preliminary way but was deferred for further consideration at the February meeting.

2. COUNTY & DISTRICT LAW PRESIDENTS' ASSOCIATION
PLENARY SESSION

The Chair of the County & District Law Presidents' Association advised that the dates for the May Plenary Session of the Association have been set for May 9 - 11, 1990. For the information of Benchers there will be a dinner on the evening of May 10 for all Presidents and Benchers. Benchers are also invited to attend a meeting with the Presidents on the morning of Friday, May 11. In addition, Benchers are welcome to drop in at the Committee meetings and Plenary Session scheduled for Thursday, May 10. A detailed agenda will be circulated to all Benchers in the next few months.

3. FEE GUIDELINES

There was considerable discussion of the response received from the Director of the Competition Bureau regarding the formulation and use of fee guidelines. The Chair of the Special Committee on Fee Guidelines has been requested to pursue further discussions with the Competition Bureau in an effort to clarify its position and to report on the progress of this matter at the May Plenary Session.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"M. Somerville"
Chair

THE REPORT WAS ADOPTED

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SECTION 35 COMMITTEE

Convocation authorized the striking of a section 35 Committee in regard to a member who has been hospitalized as a result of a manic-depressive illness. Although employment by the member's present firm has been terminated, the member continues to contact clients of the firm in an attempt to have them retain the member's services. Information given to the Society indicates that the member is presently incapable of providing legal services due to medical condition.

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The Treasurer had to attend a judicial council meeting and in his absence Mr. Ground took the Chair.

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CERTIFICATION BOARD

Mr. Rock presented the Certification Board Report of its meetings on November 20th, 1989, December 6th, 1989 and January 12th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The CERTIFICATION BOARD begs leave to report:

Your Board met on Monday, the 20th November, 1989 at four o'clock in the afternoon, the following members being present: Mr. Rock (Chair), Mr. Sadvari (Vice-Chair), Prof. Pilkington, Messrs. Shore and Yachetti. Ms. Thomson was also present.

A general meeting of the Certification Board and members of all Specialty Committees was also held on the 20th of November, 1989 at five o'clock in the afternoon. A total of 22 members and two Law Society staff persons were present.

Your Board met on Wednesday, the 6th day of December, 1989 at four o'clock in the afternoon, the following members being present: Mr. Sadvari (Vice-Chair), Ms. Callwood, Prof. Pilkington and Mr. Shore. Also present were Mr. Gold (Chair), Mr. Keane and Mr. Ducharme (all of the Criminal Litigation Specialty Committee), and Mr. Epstein (of the Family Law Specialty Committee). Ms. Thomson was also in attendance.

Your Board met on Friday, the 12th day of January, 1990 at three thirty in the afternoon, the following members being present: Mr. Rock (Chair), Mr. Sadvari (Vice-Chair), Ms. Callwood, and Prof. Pilkington. Also present were Mr. Webb (Chair - Civil Litigation Specialty Committee), and Ms. Thomson.

Specialty Committees met as follows:

The Family Law Specialty Committee met on Monday, the 20th of November, 1989 at four o'clock in the afternoon.

The Criminal Litigation Specialty Committee met on Friday, the 24th of November, 1989 at one o'clock in the afternoon.

The Family Law Specialty Committee met on Monday, the 8th of January, 1990 at two thirty in the afternoon.

The Civil Litigation Specialty Committee met on Thursday, the 11th of January, 1990 at nine o'clock in the morning.

A.

POLICY

1. CERTIFICATION OF BOARD AND SPECIALTY COMMITTEE MEMBERS

The Certification Board considers that it will be perfectly acceptable to have persons other than certified Specialists serving as members of the Board and the various Specialty Committees.

The Board has also resolved that members of the Board and Specialty Committees applying for certification shall be subject to the same fees and terms and assessed in the same manner as other applicants.

2. SUB-SPECIALTIES OF CIVIL LITIGATION

The Certification Board has certified as Civil Litigation Specialists the lawyers listed in Item C.1. (on page 3 and following), some of whom practice 100% labour law, on the general principle that, where the applicant meets the standards set by the Board for certified Civil Litigation Specialists and in the absence of a more specific Speciality program, an applicant should be certified as a Civil Litigation Specialist, even where the applicant's practice is within a narrowly-defined area of law, until the appropriate area of Specialty has been implemented in the Certification Program.

3. AMENDMENT TO ALL STANDARDS

In anticipation of the introduction of new areas of Specialty, particularly specific fields of Civil Litigation, an addition to the General Provisions section of the Standards for all areas of Specialty has been adopted by the Board:

D. "The Board reserves the right to request an applicant to re-submit an application to a Specialty Committee other than the one to which the application was originally submitted, should the Board feel that certification by another Specialty Committee would be more appropriate, having regard to the nature of the applicant's practice."

4. DUAL CERTIFICATION

The Board has resolved that, other than the established dual Specialty of Civil and Criminal Litigation, certification in two areas of law will be possible where the percentage of practice in the two

areas is 50%/50% (percentages would be averaged over the "five years of recent experience", as defined in the Standards). To provide an example, a lawyer may be certified as a Specialist in the fields of Civil Litigation and Family Law. However, the civil litigation percentage shall not include a family law segment.

5. POLICY ON REPORTING DRAFT STANDARDS TO THE BOARD

New Specialty Committees will be required to provide the following information when submitting proposed Standards to the Board:

1. Membership of Committee.
2. Process of consultation used in assessing the Standards.
3. Standards adopted in other jurisdictions (appendix).
4. Issues on which there are divergent views.
5. Recommendations.

6. CERTIFICATION BOARD PROCEDURE ON REVIEWING A RECOMMENDATION OF A SPECIALTY COMMITTEE NOT TO APPROVE AN APPLICATION

The Certification Board has resolved that there shall be no appeal from the Certification Board's final decision to not certify an applicant, considering the type of scrutiny applied to the applications at various levels.

The Board has adopted the following procedure on reviewing a recommendation of a Specialty Committee not to approve an application:

When the Specialty Committee has reviewed the recommendation(s) of the interviewing panel and has made a preliminary assessment that the applicant does not meet the qualifications of a certified Specialist, a standard letter from the Chair of the Specialty Committee, together with a brief statement of the substance of the reasons, will be sent to the applicant indicating that the Specialty Committee has, after careful consideration, made a preliminary assessment of 'not qualified for Specialist certification'.

The letter will indicate that in 30 days the Committee will forward to the Certification Board its recommendation that the Board not approve the application. The applicant will be invited to submit to the Specialty Committee, within that 30 day period, any new information concerning the applicant's qualifications over and above that which has been submitted in the application form or provided during the interview. The applicant will be told that the Specialty Committee will consider any such information before forwarding its recommendation to the Certification Board.

B.
ADMINISTRATION

1. CRIMINAL LITIGATION SPECIALTY COMMITTEE MEMBERSHIP APPOINTMENTS

The Certification Board recommends to Convocation the appointment of the following lawyers to the Criminal Litigation Specialty Committee:

- Patrick J. Ducharme (of Windsor)
- Jeffrey R. Manishen (of Hamilton)
- Kathleen McGowan (of St. Thomas)
- J. David McCombs (of Toronto)

2. THE INTERVIEWING OF SPECIALIST APPLICANTS

The Board has adopted the general policy that, in future, "only in the clearest cases should there not be an interview".

As a general rule, the three-person interviewing panel will be composed of: one Specialty Committee member in the area of law of which application is made, one certified Specialist from the judicial district of the applicant (unless the applicant has requested otherwise) in the area of law of which application is made, and an additional certified Specialist in the appropriate area of law.

Interviews will be held in various locations throughout the province.

To address concerns about consistency in the interview process, the Board has set a tentative date in April for a half-day instruction session, to which all certified Specialists will be invited, consisting of a general overview of the aspirations of the Certification Program and the function of the interview. Interviewers will be instructed on how to complete the Interviewers' Report and a Summary of Reasons for Recommendations concerning applicants. It is expected that mock interviews will be included in the session. Portions of the instruction will be videotaped for distribution to various centres throughout the province.

C.

INFORMATION

1. CERTIFICATION OF CIVIL LITIGATION SPECIALISTS

The Board is pleased to report the certification of the following lawyers as Specialists in Civil Litigation:

Brownlie, John D. (of Toronto)
Campion, John A. (of Toronto)
Clemenhagen, Thomas H. (of Toronto)
Colautti, Raymond G. (of Windsor)
Cunningham, J. Douglas (of Kingston)*
Dimock, Ronald E. (of Toronto)
Dixon, Desmond H. (of Toronto)
Echlin, Randall Scott (of Toronto)
Ferguson, Dan S. (of Toronto)
Filion, Roy C. (of Toronto)
Futerman, Edward M. (of Toronto)
Gage, George S. (of Hamilton)
Glass, George W. (of Toronto)
Gomberg, Frank K. (of Toronto)
Hodgson, James A. (of Toronto)
Iacono, Paul M. (of Toronto)
Jack, Don H. (of Toronto)
Kelly, Gregory P. (of Ottawa)
Knutsen, Kristopher H. (of Thunder Bay)
Langley, Walter T. (of Ottawa)
Leach, Raymond F. (of London)
Little, T. David (of London)*
Lobl, Rudolph (of Toronto)
Macklin, G. Alexander (of Ottawa)
Mann, Paul M. (of Cambridge)
Marin, H. James (of Toronto)
Martin, Donald George (of Toronto)
McLeish, John A. (of Etobicoke)
McNamara, James E. (of Ottawa)

Nelson, Robert M. (of Ottawa)
 Parnega, Brian (of Ottawa)
 Pitch, Harvin (of Toronto)
 Rose, Richard F.L. (of Toronto)
 Roth, Robert (of Toronto)
 Shinehoft, Jack S. (of Hamilton)
 Soule, John A. (of Hamilton)
 Spiegel, Harvey (of Toronto)
 Thorup, Peter J. (of Toronto)

* Civil and Criminal Litigation applicants - Criminal segment presently being assessed.

2. CERTIFICATION OF CRIMINAL LITIGATION SPECIALISTS

The Board is pleased to report the certification of the following lawyers as Specialists in Criminal Litigation:

Bayne, Donald B. (of Ottawa)
 Carey, Thomas J.P. (of Mississauga)
 Charlebois, J. Ronald (of St. Catharines)
 Cole, David P. (of Toronto)
 Donohue, Joseph M. (of Sarnia)
 Durno, S. Bruce (of Toronto)
 Forsyth, Frederick L. (of Burlington)
 Fox, Barry A. (of Toronto)
 Fuerst, Michelle K. (of Toronto)
 Gordner, Michael H. (of Windsor)
 Jennis, Richard E. (of Hamilton)
 Labine, Gilbert L. (of Thunder Bay)
 Manishen, Jeffrey R. (of Hamilton)
 Miller, Leonard (of Toronto)
 O'Hara, Terence G. (of Kingston)
 Peel, Norman (of London)
 Ramsay, James A. (of Toronto)
 Read, Geoffrey M. (of Hamilton)
 Reimer, Richard A. (of Pembroke)
 Sandler, Mark J. (of Toronto)
 Sellar, Rodney G. (of Ottawa)
 Wright, Keith E. (of Toronto)
 Zabel, Bernd E. (of Hamilton)

3. CERTIFICATION OF CIVIL AND CRIMINAL LITIGATION SPECIALISTS

The Board is pleased to report the certification of the following lawyers as Specialists in Civil and Criminal Litigation:

McKinnon, Colin D. (of Ottawa)
 Monteith, Daniel W. (of Newmarket)

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"A. Rock"
 Chair

THE REPORT WAS ADOPTED

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RESEARCH AND PLANNING COMMITTEE

Mr. Spence presented the Research and Planning Committee Report of its meeting on January 11th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The RESEARCH AND PLANNING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 with the following members being present: Mr. Spence (Chair), Ms. Kiteley, Mr. Outerbridge, Ms. Birenbaum, Mr. McKinnon, and Mr. Manes.

Also present: Mr. Tinsley, Ms. Angevine, Ms. Lee, and Mr. Brockett.

1. SUB-COMMITTEE ON WOMEN IN THE LEGAL PROFESSION

Ms. Kiteley, the Chair of the Sub-Committee reported that;

(a) As agreed by the Research and Planning Committee, the Executive Summary of the Kay report on the demographic analysis of women in the legal profession, was distributed to all Benchers.

(b) The survey instrument arising out of the report which is designed to measure transitions within and out of the profession has been finalized and is ready for a pre-test. By the end of January the questionnaire will be sent to a random sample of 2,000 men and women in the profession with an absolute assurance of confidentiality. Results are expected for September.

2. GENDER NEUTRAL POLICY GUIDELINES

There was a general discussion of the status of Gender Neutral Policy Guidelines and the Chair reported that a report has been requested from the Public Information Committee about the status of the proposed brochure on guidelines as well as any plans for advising the profession of its availability.

It was noted that the staff of the Law Society will endeavor to ensure that the Committee Reports and other Law Society communications are in proper gender neutral language.

3. BENCHERS' RETREAT

There was a general discussion regarding the question of holding another retreat and in particular that the most opportune time would be in the Fall of 1991 or the Spring of 1992.

A Sub-Committee is expected to meet shortly and produce a report on the last Bencher's Retreat.

4. OPEN CONVOCATION

The Chair reported that the Treasurer will meet with this Committee and discuss issues raised by this Committee with respect to Open Convocation.

5. PRO BONO

It was reported that the Sub-Committee hold discussions with various interested groups including major law firms in the downtown area, Legal Aid, public organizations and private individuals regarding the subject and that it is working on a report addressing concerns raised for discussion with the Law Society.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"J. Spence"
Chair

THE REPORT WAS ADOPTED

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PROFESSIONAL STANDARDS COMMITTEE

Mr. Guthrie presented the Professional Standards Committee Report of its meeting on January 11th, 1990.

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

The PROFESSIONAL STANDARDS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11th January, 1990 at eleven thirty in the morning the following members being present: Mr. Lyons (Chair), Mr. Farquharson (Vice-Chair), Mr. Furlong, Mr. Guthrie, Ms. Harvey, Ms. Poulin and Mr. Thoman. Also present were Ms. Angevine, Ms. McCaffrey, Ms. Poworoznyk, Ms. Rose and Messrs. Kerr, Marshall and Stephany.

A.

POLICY

1. PROFESSIONAL STANDARDS COMMITTEE - PRACTICE REVIEW PROGRAMME
AMENDMENTS TO THE LAW SOCIETY ACT

The Committee considered a working paper addressing the issue of possible amendments to the Law Society Act. It was concluded that, any reform initiatives by the Committee should be done in concert with similar developments in the area of Complaints and Discipline. The Committee therefore recommended that discussion on this subject be deferred until the Special Committees on Complaints and Discipline have determined what, if any, statutory amendments may be required for their purposes. The Chair will keep the Committee advised of developments in the Special Committee on Discipline and Mr. Ferguson will do the same with respect to the Special Committee on Complaints.

2. PROFESSIONAL STANDARDS COMMITTEE - PRACTICE REVIEW PROGRAMME
USE OF PRIVATE SECTOR PROGRAMMES

There are an increasing number of solicitors entering the remedial phase of the Practice Review Programme. In many cases, Reviewers have identified serious deficiencies in the office organization and management skills of solicitors being reviewed. It is also becoming

evident that the present resources of the Practice Advisory Service will not be able to cope with the volume of solicitors in the Practice Review Programme requiring assistance of this kind.

In response to these circumstances, staff have to date held discussions with two private sector organizations, recommended by the Reviewers, who offer services that could, in some cases, assist lawyers exhibiting these problems.

The two organizations are TIME:TEXT and the Association of Legal Administrators. The following is a summary of the services offered by these organizations.

1) TIME:TEXT

This is a system designed to develop effective priority management skills. It is a three phase process.

Phase I begins with an initial consultation to assess the needs of the individual as well as a training session to introduce the individual to the management system.

Phase II offers a one-on-one meeting with a consultant who will assist the individual in streamlining the system to encompass the individual's specific needs.

Phase III consists of an advanced planning workshop which concentrates on teaching the individual how to achieve short and long term goals.

At present, there are approximately 200 training centers worldwide, 13 of which are located throughout Ontario.

2) ASSOCIATION OF LEGAL ADMINISTRATORS

This organization is comprised of individuals employed by law firms who perform administrative responsibilities ranging from computerization and accounting to personnel management and marketing.

On request, the association offers assistance to lawyers on a consultative basis.

The Committee accepted in principle the use of organizations of this kind. In doing so however, the Committee recommended that the following considerations be taken into account when referrals are made:

- i) that the quality of services rendered by each organization be carefully scrutinized by Law Society staff beforehand and that their use be approved by a panel of the Committee;
- ii) that different organizations offering similar services be canvassed so there is no appearance that the Committee favours the use of one organization over another;
- iii) that the participating solicitor be responsible for all expenses incurred as a result of their involvement with the organization.

B.
ADMINISTRATION

1. PROFESSIONAL STANDARDS COMMITTEE - PRACTICE REVIEW PROGRAMME
SOLICITOR NUMBER 25

The solicitor was initially contacted by staff in March 1989 to

participate in the programme. At that time, the solicitor indicated that he was implementing new systems to alleviate the problems which he had been experiencing in his practice to date. Periodic updates of the solicitor's file indicated that there had been no further significant problems.

The Committee recommended that the file be closed.

2. PROFESSIONAL STANDARDS COMMITTEE - PRACTICE REVIEW PROGRAMME
SOLICITOR NUMBER 44

On September 7, 1989, authorization was obtained from the Chair and the solicitor was invited to participate in the programme. To date, no response has been received from the solicitor.

The Committee recommended that the file be closed and referred to Discipline Counsel.

3. WOMEN IN THE LEGAL PROFESSION

The Committee was asked to consider whether there were any programmes or issues which it should review or undertake in light of the work being carried on by the sub-committee on Women in the Legal Profession. While the Committee felt the same standards of competency should be applicable to all lawyers, it concluded that there are some potential concerns affecting the competency of women in the legal profession:

i) different stress factors which should be accounted for in the operation of LINC,

ii) the disproportionate number of part-time lawyers who are women and the problems of maintaining competency in these circumstances.

The Committee also recommended that the sub-committee explore the possibility of having an audit of the Law Society done in order to determine if it is offering equal employment opportunities for women in the legal profession.

4. PROFESSIONAL STANDARDS COMMITTEE
SUB-COMMITTEE ON CIVIL LITIGATION

The Committee recommended the creation of a sub-committee for the purpose of formulating standards of competency for the civil litigation bar. Mr. Thoman has agreed to chair the sub-committee.

C.

INFORMATION

1. STRESS AND ASSISTANCE PROGRAMME
LINC INC. (LAWYERS IN NEED OF COUNSELLING)

The start date for the LINC programme was January 1, 1990.

2. PRACTICE ADVISORY SERVICE
STATUS REPORT

Attached as C11 - C14 is a copy of a report on recent activities at the Practice Advisory Service.

3. SUB-COMMITTEE ON REAL ESTATE LAW

The first meeting of the sub-committee was held on January 10,

1990. Its next meeting will be held in approximately six weeks time, after the sub-committee members have prepared and submitted material.

4. SUB-COMMITTEE ON FAMILY LAW

A copy of a preliminary draft Family Law checklist has been circulated to the judiciary and various members of the Family Law Bar for their comments.

ALL OF WHICH is respectfully submitted

DATED this 26th day of January, 1990

"H. Guthrie"
Chair

Attached to original Report in Convocation File, copy of:

C-Item 2 - Copy of report re: Report of Activities of November and December 1989 at the Practice Advisory Service.
(Marked C11 - C14)

THE REPORT WAS ADOPTED

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CONVOCATION ADJOURNED AT 4:45 P.M.

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Confirmed in Convocation this 22nd day of March, 1990.

Treasurer