

MINUTES OF CONVOCATION

Friday, 26th June, 1998
9:00 a.m.

PRESENT:

The Treasurer (Harvey T. Strosberg, Q.C.), Adams, Armstrong, Backhouse, Banack, Carey, Carpenter-Gunn, Carter, R. Cass, Chahbar, Cole, Cronk, Crowe, Curtis, DelZotto, Elliott, Feinstein, Finkelstein, Furlong, Gottlieb, Harvey, Krishna, Lawrence, MacKenzie, Manes, Marrocco, Martin, Millar, Murphy, Murray, O'Connor, Ortved, Puccini, Ross, Ruby, Sachs, Scott, Sealy, Swaye, Topp, Wardlaw, Wilson and Wright (by conference call).

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The reporter was sworn.

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IN PUBLIC

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MOTION - REPORTS TAKEN AS READ

It was moved by Mr. Crowe, seconded by Ms. Ross that the Draft Convocation Minutes for May 28th and 29th, 1998 and the Report of the Executive Director of Education and Addendum be adopted.

Carried

Draft Minutes of Convocation of May 28th and 29th, 1998

(see Draft Minutes in Convocation File)

THE DRAFT MINUTES WERE ADOPTED

Report of the Executive Director of Education and Addendum

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The Executive Director of Education asks leave to report:

B.
ADMINISTRATION

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

B.1.1. (a) Bar Admission Course

B.1.2. A number of candidates will have successfully completed the Bar Admission Course, filed the necessary documents, paid the required fee and are applying to be called to the Bar and to be granted a Certificate of Fitness at Convocation on Friday, June 26th, 1998.

The list of candidates for Call to the Bar will be provided to Convocation on Friday, June 26th, 1998.

B.1.3. Transfer from another Province - Section 4

B.1.4. The following candidates completed successfully the Transfer Examination or Phase Three of the Bar Admission Course, filed the necessary documents, paid the required fee, and now apply to be called to the Bar and to be granted a Certificate of Fitness at Convocation on Friday, June 26th, 1998:

John James Lyon Hunter	Province of British Columbia
Aurelia Iva Mauro	Province of Alberta
Janice Lynn Schick	Province of Alberta

B.2. MEMBERSHIP UNDER RULE 50

B.2.1. (a) Retired Members

B.2.2. The following members are at least sixty-five years of age and fully retired from the practice of law, and request permission, under Rule 50 made under the Law Society Act, to continue their memberships in the Society without payment of annual fees:

Vicki Laela Loftus	Oakville, ON
Richard James Roberts	Islington, ON

B.2.3. (b) Incapacitated Members

B.2.4. The following member is incapacitated and unable to practise law and has requested permission to continue her membership in the Society without payment of annual fees:

Diane Elizabeth Stuart	Oshawa, ON
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B.3. RESIGNATION - SECTION 12 OF REGULATION 708 MADE UNDER THE LAW SOCIETY ACT

B.3.1. The following members apply for permission to resign their memberships in the Society and have submitted Declarations/Affidavits in support. In all cases the annual filings are up to date. In cases where the member was engaged in the practice of Ontario law for any amount of time, the member has declared that all trust funds and clients' property for which they were responsible have been accounted for and paid over to the appropriate persons. They have further declared that all clients' matters have been completed and disposed of, or arrangements made to the clients' satisfaction to have their papers returned to them, or have been turned over to another lawyer. The Complaints, Audit and Staff Trustees departments all report that there are no outstanding matters with these members that should prevent them from resigning. These members have requested that they be relieved of publication in the Ontario Reports:

- (1) Fiona Catherine McDougall Anderson of Vancouver, British Columbia was called to the Bar on March 31, 1989 and has not practised law since 1992.
- (2) Mary Rachel Ariss of Winnipeg, Manitoba was called to the Bar on February 9, 1993 and has not practised law.
- (3) Gregory John Theodore Brandt of London was called to the Bar on March 15, 1968 and has not practised law.
- (4) Debra Ann Grobstein Campbell of Toronto was called to the Bar on April 11, 1980 and was employed as in house counsel from March 1993 to December 1997.
- (5) Margot Elizabeth Montgomery of Battle Creek, Michigan was called to the Bar on April 7, 1983 and has not practised law since December 12, 1989.
- (6) Anne-Mari Phillips of Whitehorse, Yukon Territory was called to the Bar on February 16, 1995 and practised law in Ontario from September 1995 to February 1996.
- (7) Steven Edward Wolfson of Toronto was called to the Bar on March 31, 1989 and has not practised Ontario law since 1990.

C.
INFORMATION

C.1. CHANGE OF NAME

C.1.1.

From

To

Jelica Boskovic

Jelica Vlatkovic
(Marriage Certificate)

Gregory Paul Reid Armstrong-Renwick

Gregory Paul Reid Renwick
(Change of Name
Certificate)

C.2. ROLLS AND RECORDS

C.2.1. (a) Deaths

The following Members have died:

William Eli Bird
Burlington

Called: October 15, 1931
Died: January 4, 1987

Rupert Alfred Parkinson
Toronto

Called: June 15, 1939
Died: June 27, 1996

William Michael Duggan
Toronto

Called: September 16, 1948
Died: May 26, 1997

John Price Erichsen-Brown
King

Called: September 17, 1931
Died: August 17, 1997

Donald Kerr Hardy
Willowdale

Called: June 19, 1941
Died: October 4, 1997

John Francis Mahony
Dundas

Called: June 19, 1941
Died: October 26, 1997

Daniel Aiken Lang
Toronto

Called: June 19, 1947
Died: November 28, 1997

Ralph O'Neill Standish
Peterborough

Called: June 20, 1935
Died: December 5, 1997

Barbara Lynn Rutherford
Switzerland

Called: March 31, 1989
Died: December 28, 1997

Elizabeth Carol Peifer
North York

Called: March 24, 1972
Died: December 31, 1997

Donald Phillip Warren
Mississauga

Called: September 15, 1949
Died: March 23, 1998

Charles Frederick McKeon
Toronto

Called: June 29, 1949
Died: April 4, 1998

Wishart Flett Spence
Ottawa

Called: June 21, 1928
Died: April 16, 1998

Patrick Shivnarayan Roopchand
Scarborough

Called: April 5, 1979
Died: April 17, 1998

Bruce John Bigelow
Barrie

Called: April 19, 1963
Died: May 16, 1998

Sheldon Ernest Kirsh
Toronto

Called: March 26, 1971
Died: May 18, 1998

Louis Isadore Kesten
Toronto

Called: March 22, 1968
Died: May 29, 1998

C.2.2. (b) Permission to Resign

C.2.3. The following members were permitted to resign their memberships in the Society and their names have been removed from the rolls and records of the Society:

Kimberley Anne Smith
Newmarket

Called: April 18, 1985
Permitted to Resign: April 23, 1998

Tibor Istvan Bankuti
Mississauga

Called: April 6, 1983
Permitted to Resign: May 28, 1998

C.2.4. (c) Disbarments

C.2.5. The following member was disbarred from the Society and his name has been removed from the rolls and records of the Society:

Alan Stanley Franklin

Called: April 13, 1978
Disbarred: May 28, 1998

C.2.6. (d) Membership in Abeyance

C.2.7. Upon their appointments to the offices shown below, the memberships of the following members have been placed in abeyance under Section 31 of The Law Society Act:

Lawrence Thomas Feldman
Downsview

Called: March 20, 1975
Appointed to Ontario Court of
Justice (Provincial Division)
December 17, 1997

Paul Louis Bellefontaine
Oshawa

Called: April 15, 1981
Appointed to Ontario Court of
Justice (Provincial Division)
January 5, 1998

Judith Clarke Beaman
Etobicoke

Called: March 25, 1977
Appointed to Ontario Court of
Justice (Provincial Division)
January 12, 1998

ALL OF WHICH is respectfully submitted

DATED this the 26th day of June, 1998

REPORT OF THE EXECUTIVE DIRECTOR OF EDUCATION

26TH JUNE 1998

ADDENDUM

B.
ADMINISTRATION

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

B.1.1. (a) Bar Admission Course

B.1.2. The following candidates have successfully completed the Bar Admission Course, filed the necessary documents, paid the required fee, and are applying to be called to the Bar and to be granted a Certificate of Fitness at Convocation on Friday, June 26th, 1998:

Charles Ato Amissah-Ocran	39th BAC
Rupinderjit Singh Badwal	39th BAC
Michèle Louise Bergeron	39th BAC
Julie Claudia Vivienne Berridge	39th BAC
Raymond Thomas Garfield Buchanan	38th BAC
Sharon Ann Carew	39th BAC
Sudha Chandra	36th BAC
Olga Anna Dmochowska	39th BAC
Carmen Lorra Elmasry	39th BAC
Cindy Sharon Gobin-Tam	38th BAC
Gerald David Kearney	39th BAC
Jean-Marie Gérald Langlois	39th BAC
Grainne Patricia McCurry	39th BAC
Susan Lynne Mitchell	39th BAC
Susan Emilie Mumford	39th BAC
Annie Marie Paré	39th BAC
Armand-Gabriel Pascu	38th BAC
Martha Pieterse-Bondy	39th BAC
Manfred Schlender	39th BAC
John Thomas Thachet	39th BAC
Sandra Elaine Welch	39th BAC

B.2. RESIGNATION - SECTION 12 OF REGULATION 708 MADE UNDER THE LAW SOCIETY ACT

B.2.1. The following members apply for permission to resign their memberships in the Society and have submitted Declarations/Affidavits in support. In all cases the annual filings are up to date. In cases where the member was engaged in the practice of Ontario law for any amount of time, the member has declared that all trust funds and clients' property for which they were responsible have been accounted for and paid over to the appropriate persons. They have further declared that all clients' matters have been completed and disposed of, or arrangements made to the clients' satisfaction to have their papers returned to them, or have been turned over to another lawyer. The Complaints, Audit and Staff Trustees departments all report that there are no outstanding matters with these members that should prevent them from resigning. These members have requested that they be relieved of publication in the Ontario Reports:

- (1) Christopher Alan Hazel of Ottawa, was called to the Bar on February 24, 1997 and has not engaged in the practice of law.
- (2) Glen James Nichols of Ottawa, was called to the Bar on May 29, 1987 and has not engaged in the practice of law.
- (3) Ann Allison Peel of Toronto, was called to the Bar on March 31, 1989 and practised law from March 31, 1989 to December 31, 1997.
- (4) Mya Rimon of Toronto, was called to the Bar on February 21, 1997 and practised law from February 21, 1997 to May 29, 1998.
- (5) Douglas Fletcher Smith of Ottawa, was called to the Bar on April 10, 1964 and practised law from April 10, 1964 to September 1997.
- (6) Martin Joseph Szczepaniak of Kingston, was called to the Bar on April 13, 1981 and practised law from April 13, 1981 to May 16, 1997.

C.
INFORMATION

C.1. LIFE MEMBERS

C.1.1. Pursuant to Rule 49, the following members have become Life Members of the Society having been called to the Bar on June 29, 1948:

C.1.2.	William Joseph Anderson	Toronto
	William Russell Artindale	Kitchener
	John Gordon Aylen	Ottawa
	John Roderick Barr	St. Catharines
	David Toner Bennett	Toronto
	Charles Wessels Brown	London
	Maxwell Bruce	Malta
	Ronald William Cass	Belleville
	Ralph John Connor	Hamilton
	Austin Conway	Toronto
	Gerald Marlowe Cooper	Oakville
	Celia Edwina Corcoran	Toronto
	Norman Joseph Crook	Peterborough

Ian Douglas	Toronto
Gordon Henry Taylor Farquharson	Peterborough
Bruce Arthur Finkler	Toronto
John James Fitzpatrick	Toronto
Sidney Alexander Gillies	Ottawa
Norman Green	Toronto
Donald Victor Hambling	Collingwood
John Mickle Harper	Kitchener
John Thomas Dutton Holmes	Mississauga
Lloyd William Houlden	Toronto
Colin Simpson Lazier	Hamilton
Herbert Allan Borden Leal	Tweed
Laura Louise Legge	Toronto
Harold Alexander Logan	Vancouver
Robert William MacAulay	Toronto
Alan Robertson MacDonald	Don Mills
John Secord Marshall	Hamilton
John Ross Matheson	Rideau Ferry
James Franklin McCallum	Toronto
Hugh Thomas McGovern	Ottawa
Bowden Lloyd McLean	Mississauga
Gordon Stuart Nisbet	Strathroy
Thomas Ambrose O'Flaherty	Kenora
Thomas Arthur Plant	Kitchener
Frank D'Alton Powell	Parry Sound
Russel Ewart Prouse	Brampton
Vernon Elmore Purcell	Toronto
William Edgar Raney	Toronto
Alec Richmond	London
Allan David Rogers	Toronto
Donald Maxwell Rogers	Oakville
Norman MacLeod Rogers	Toronto
William Parke Rogers	Oakville
Lewis Samuel Ross	Hamilton
Gaetano Ruggiero	Fort Colborne
John Edward Sampson	Kingston
Donald Raphael Snipper	Ottawa
Halliwell Soule	Ancaster
Richard James Hardy Stanbury	Toronto
Bogart Wilson Trumpour	Kingston
John James Urie	Ottawa
Silas Andrew Blake Ward	Chatham
John Sheldon Yoerger	Toronto

C.2. CHANGE OF NAME

C.2.1. The following members have changed their names:

<u>From</u>	<u>To</u>
Jelica <u>Boskovic</u>	Jelica <u>Vlatkovic</u> (Marriage Certificate)
Jaspreet Kaur <u>Kalra</u>	Jaspreet Kaur <u>Harit</u> (Marriage Certificate)
Gregory Paul Reid <u>Armstrong-Renwick</u>	Gregory Paul Reid <u>Renwick</u> (Name Change Certificate)
Laura Jane <u>Plaxton</u>	Laura Jane <u>Angel</u> (Marriage Certificate)

THE REPORT AND ADDENDUM WERE ADOPTED

Report of the Clinic Funding Committee

The Report of the Clinic Funding Committee was presented by Mr. Millar for Convocation's approval.

Clinic Funding Committee
June 24, 1998

Report to Convocation

Nature of Report: Information, Decision-Making

The CLINIC FUNDING COMMITTEE met on June 11, 1998. In attendance were:

Committee members: W.A. Derry Millar, Chair, Tamara Stomp, Vice-Chair,
Pamela Mountenay-Cain, Gordon Wolfe
Joana Kuras, Clinic Funding Manager

This report contains:

- Information
- Funding decisions that require Convocation's approval.

A. INFORMATION ONLY

A.1 Designation of Funding by Attorney General

The Attorney General for Ontario has designated \$32,451,700 for the community legal clinic system. Funding for the 1998/99 fiscal year was designated pursuant to the *Legal Aid Act*. Attached as Schedule A is the letter of designation.

A.2 1998/99 Budget

Attached as Schedule B is the Clinic Funding Committee budget for 1998/99.

B. ADMINISTRATION

Pursuant to Regulation 710/90 made under the *Legal Aid Act*, the Clinic Funding Committee recommends Convocation's approval of funding as follows:

B.1 Annual Funding of Community Legal Clinics

The Clinic Funding Committee has approved funding to community legal clinics in 1998/99 in the amount of \$27,475,242 (Schedule C). Each allocation includes salaries, operating expenses and legal disbursement funds.

ALL OF WHICH is respectfully submitted

W. Derry Millar
Chair
Clinic Funding Committee

June 24, 1998

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

- (1) Copy of a letter from Mr. Charles Harnick, Attorney General and Minister Responsible for Native Affairs to Mr. W. A. Derry Millar received on June 24, 1998. (Schedule A)
- (2) Copy of the Clinic Funding Committee budget for 1998/99. (Schedule B)
- (3) Copy of the Proposed 1998/99 Clinic Budgets. (Schedule C)

It was moved by Mr. Millar, seconded by Mr. Armstrong that the Report be adopted.

Carried

THE REPORT WAS ADOPTED

Report of the Professional Development and Competence Committee

Re: Future Delivery of County Library Services

Ms. Elliott presented the item on the Future Delivery of County Library Services.

Professional Development and Competence Committee
June 17, 1998

Report to Convocation

Nature of Report: Information

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I TERMS OF REFERENCE/COMMITTEE PROCESS

1. The Professional Development and Competence Committee ("the Committee") met on 17 June, 1998. In attendance were Mary Eberts (Chair), Susan Elliott, Helene Puccini, and Heather Ross. Michael Adams, Ron Manes and Rich Wilson (Vice-Chair) participated by conference call. Staff members present were Richard Tinsley, Alan Treleaven, Scott Kerr, Janine Miller, Elliot Spears, Paul Truster, Sue McCaffrey, Felecia Smith, Sophia Spurdakos, Maria Paez Victor and Susan Binnie.
2. The Committee is reporting on the following matters:
 - A forthcoming report from an ongoing review of the future delivery of County and District library services, the "Phase I" Report;
 - The setting up of a Committee working group to carry out responsibilities necessary to the operation of the Law Society's Specialist Certification Program in 1998-99;
 - Planned discussion with the Governance Restructuring Task Force with respect to an item of the Committee's proposed work program for 1998-99.
3. The Committee is reporting on several matters being monitored:
 - A report on developments in relation to a draft rule for Mandatory Mediation in Ontario;
 - The issue of Bench participation in, and monitoring of, developments occurring in relation to the report of the CBA Task Force on *Systems of Civil Justice*;
 - A request for information on civil justice initiatives from the Canadian Forum on Civil Justice;
 - A report from the Law Society's ADR Sub-Team of the Regulatory Redesign Team of Project 200.

II FORTHCOMING *PHASE I* REPORT OF THE COMMITTEE WORKING GROUP ON THE FUTURE DELIVERY OF LIBRARY SERVICES

4. The Professional Development and Competence Committee has constituted several working groups during the past eighteen months to address policy issues relating to the County and District Libraries.
5. In 1997-98, a Committee working group chaired by Michael Adams identified funding issues facing the libraries, while a second working group looked at the impact of technology on future library services. In the fall of 1997 a working group chaired by Rich Wilson investigated past funding and financial records of the Law Society and the County libraries. In January, 1998, the present working group, chaired by Susan Elliott, was put in place by the Committee to complete the work of previous working groups and produce a report on options for the future delivery of library services.
6. The current working group has built on the work done by the 1995 Subcommittee on County Libraries, the "Topp Report," and the working groups outlined above. It has also benefited from input from CDLPA and CBA; both organizations are represented on the working group. The current working group includes the following members:

Susan Elliott	(Chair)	Peter Bourque(CDLPA)
Rich Wilson	(Bench)	Anne Masterman (County Librarian)
Michael Adams	(Bench)	Cynthia Simpson (County Librarian)
Holly Harris	(CBA - O)	Janine Miller (Director of Libraries)
		Susan Binnie (LSUC staff)

The working group has met for six full-day meetings since its formation in January, 1998.

7. Susan Elliott will be present to speak to a forthcoming report to Convocation from the working group, the Phase I Report. Convocation is asked to review a brief report outlining the approach. The report is at Attachment A.

III REPORT ON THE ESTABLISHMENT OF A WORKING GROUP TO CARRY OUT REGULAR COMMITTEE RESPONSIBILITIES FOR THE OPERATION OF THE LAW SOCIETY'S SPECIALIST CERTIFICATION PROGRAM IN 1998-99

Background

8. Since February, 1997, the Professional Development and Competence Committee, with the approval of Convocation, has fulfilled the functions formerly performed by the Specialist Certification Board. The Committee has met approximately every two months to carry out these functions in addition to its regular duties.
9. This arrangement was instituted as an interim measure. It is anticipated that a formal review of the Specialist Certification Program will be completed in 1998-99 and a different and long-term replacement for a Board may then be put in place by Convocation.
10. At the Committee's meeting on 14 May, 1998, members present for the Specialist Certification portion of the meeting expressed concerns about the process currently in place. Staff concurred with the view that the process is not as efficient or effective as it might be.

Proposal

11. In February, 1997, Convocation permitted the Professional Development and Competence Committee to act in place of the former Board and required it to report its decisions to Convocation. The Committee sees no reason to change the fundamental approach but has reached agreement on a more efficient process.
12. The Committee concludes that the Chair should establish a working group of the Committee for 1998-99 with responsibility for the Specialist Certification Program, i.e. for the tasks previously carried out by the former Certification Board.
13. The responsibilities of the former Board, as approved by Convocation in 1989, are set out in an attachment to this report at Attachment "B." The Committee has exercised these responsibilities during the past eighteen months. Under the working group arrangement, the Committee will receive reports from the working group which will be sent to Convocation for approval.
14. It is proposed that the working group operate as follows:
 - ◆ the working group will have responsibility for all functions formerly exercised by the Certification Board for the bench year 1998-99;
 - ◆ the membership will be seven bench members, including a Chair and a Vice-Chair;
 - ◆ the Chair of the Professional Development and Competence Committee will appoint members to the working group;
 - ◆ the majority of members should have previous experience with the operation of the Specialist Certification program;
 - ◆ if necessary, benchers who are not members of the Professional Development and Competence Committee can be invited to become members of the working group;
 - ◆ meetings will be held four times in the year with dates and times set in advance for 1998-99;
 - ◆ substitutes cannot not attend meetings in place of members of the working group;
 - ◆ detailed materials will be provided to working group members well in advance of each meeting;
 - ◆ the working group will report to the Committee which will continue to report to Convocation;
 - ◆ the working group will terminate its work in 1999 unless the Committee moves to extend its life.
15. The Committee approved the formation of this working group and agreed that the formation of the working group and its terms of reference should be reported to Convocation.

IV PLANNED DISCUSSION WITH THE GOVERNANCE RESTRUCTURING TASK FORCE WITH RESPECT TO AN ITEM OF THE COMMITTEE'S PROPOSED WORK PROGRAM FOR 1998-99

16. The Professional Development and Competence Committee discussed its work program on Competence for 1998-99 and decided to have further discussion with the Governance Restructuring Task Force with respect to one of the items reviewed in the discussion.

V. MATTERS BEING MONITORED BY THE COMMITTEE

1. A Report on Developments in Relation to a Draft Rule for Mandatory Mediation in Ontario
17. A Protocol Subcommittee of the Ontario Civil Rules Committee was formed in April, 1998 to consider outstanding issues in relation to implementation of the Attorney General's proposal for mandatory mediation in Ontario.
18. The Protocol Subcommittee has held several meetings and has invited "stakeholders," including the Law Society, to participate in its discussions. The Committee Chair has attended two meetings and Heather Ross, Helene Puccini and the Committee secretary have each attended one meeting of the Subcommittee.
19. At a meeting of the Civil Rules Committee on 21 May, 1998, the Subcommittee was asked to hold further meetings with staff of the Ministry of the Attorney General and to report back to the Civil Rules Committee after settling outstanding issues. The issues included processes for the selection of mediators and for setting a research design and funding for an evaluation of the pilot mediation project due to be implemented in Toronto.
20. The Subcommittee continues to meet with Ministry staff and stakeholders on these issues. The most recent meeting was held on 16 June, 1998. The Civil Rules Committee will meet again on the issue of a rule for mandatory mediation on 22 July, 1998.
2. Benchers Participation In, And Monitoring Of, Developments Occurring in Relation to The Report of The Cba Task Force on *Systems of Civil Justice*
21. On 25 April, 1997, Convocation approved a report from the Committee concerning three reports on civil justice, the Report of the CBA Task Force on *Systems of Civil Justice* and two reports from the Ontario *Civil Justice Review*. Among other recommendations the Committee proposed (at paragraph # 16 of the report to Convocation) that the Law Society request participation on the Ontario Implementation Committee of the CBA Task Force and (at paragraph # 17) on the Implementation Team of the Ontario *Civil Justice Review*.
22. Both organizations were approached by Ms. Carpenter-Gunn in the summer of 1997 on behalf of the Treasurer and Ms. Gunn was invited by the Team Chair to join the Ontario Implementation Team for the CBA *Systems of Civil Justice* Task Force. Ms Gunn and Ms. Puccini have both participated in CBA Implementation Team meetings during the past year.
23. There is some concern about the utility of continuing to send Law Society representatives to this group. Ms. Carpenter-Gunn and Ms. Puccini have agreed to reconsider the current arrangement and reach a conclusion which they will report to Committee.
24. The Committee received information on 8 June from the Chair of the CBA National Implementation Team, Brian Crane, Q.C. Mr. Crane's letter includes several reports that set out additional implementation work undertaken by working groups at the federal level or by other provincial teams across the country. This material is attached at Attachment "C."
25. Committee members considered the work of the implementation groups noting that the Director of Education, Alan Treleaven, is a member of a working group on Legal Education through the Federation of Law Societies.

26. The Committee proposes to monitor the work of a working group on Recommendations 42, 44 and 46 of the CBA Report that concerns client services, *including the encouragement of pro bono services, a model statement of client rights and guidelines on fee disclosure.*
27. In addition the same working group is looking at standards for quality assurance, another issue of concern to the Committee as part of its mandate for professional development and competence.
28. The Committee directed the secretary to contact the Chair of the CBA working group and request that the Law Society to be kept informed of developments at the working group.
3. The Canadian Forum on Civil Justice
29. The Secretary has received a letter from the Canadian Forum on Civil Justice, a new joint undertaking of the Canadian Bar Association and the Faculty of Law of the University of Alberta. The Forum was established as a result of the CBA Task Force on *Systems of Civil Justice* and is designed as a clearinghouse for information on civil justice and as a research centre. (The formation of the Forum is described on the first page of the Report of the Implementation Team for the Systems of Civil Justice, attached to Mr. Crane's letter. See paragraph 23 above. The letter from the Canadian Forum is attached at Attachment "D".)
30. The Committee concluded that the Law Society should (a) furnish any relevant materials to the Forum, provided the Forum makes these materials available in the public domain, and (b) designate the Committee secretary as the contact person at the Law Society for the Forum with the responsibility to keep Committee members responsible for Civil Justice reform, Ms. Carpenter-Gunn and Ms. Puccini, informed of developments.
4. Report From The ADR Task Team of The Project 200 Regulatory Redesign
31. The ADR Process Design Project forms part of the Law Society's Project 200 Regulatory Redesign. The ADR Team had the task of building ADR applications into the Law Society's regulatory processes. A benchers working group of this Committee, with Larry Banack from the Professional Development and Competence Committee and Gavin MacKenzie and Hope Sealy from Professional Regulation Committee, together with team staff, prepared a draft report for a joint meeting of the Committees on 11 June, 1998.
32. The Professional Regulation Committee met on 12 June, 1998 when Gavin MacKenzie reported on the ADR proposal as set out in the *Report of the ADR Systems Design Team*. Benchers members raised a number of questions about the form and content of the report and the Chair requested a redrafting of parts of the report.
33. The Professional Development and Competence Committee met on 17 June and plans to hold a further conference call meeting to discuss the report once the new version of the ADR Report has been distributed to benchers and before a joint meeting is held with the Professional Regulation Committee, in July, 1998.
34. In the meantime, the Regulatory Redesign Team staff has invited input on the report (in written or verbal form) from members of the Professional Development and Competence Committee.

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

- (1) Copy of the "Phase I" Report to Convocation on Long-term Delivery of County Library Services. (Attachment A)
- (2) Copy of the Responsibilities of the Former Specialist Certification Board. (Attachment B)
- (3) Copy of letter and attachments from Mr. Brian A. Crane, Systems of Civil Justice Implementation Committee to Ms. Susan Binnie dated June 8, 1998 re: CBA-Implementation of the Task Force Report on Systems of Civil Justice. (Attachment C)

- (4) Copy of letter from the Canadian Forum on Civil Justice, Law Faculty, University of Alberta to Mr. Richard Tinsley dated May 19, 1998. (Attachment D)

CALL TO THE BAR (Convocation Hall)

With the exception of Sudha Chandra and Annie Marie Pare the candidates listed in the Report of the Executive Director of Education and Addendum were presented to the Treasurer and called to the Bar and then presented by Mr. Carey to Madam Justice Denise Bellamy to sign the Rolls and take the necessary oaths.

Charles Ato Amissah-Ocran	39th Bar Admission Course
Rupinderjit Singh Badwal	39th Bar Admission Course
Michele Louise Bergeron	39th Bar Admission Course
Julie Claudia Vivienne Berridge	39th Bar Admission Course
Raymond Thomas Garfield Buchanan	38th Bar Admission Course
Sharon Ann Carew	39th Bar Admission Course
Olga Anna Dmochowska	39th Bar Admission Course
Carmen Lorra Elmasry	39th Bar Admission Course
Cindy Sharon Gobin-Tam	38th Bar Admission Course
Gerald David Kearney	39th Bar Admission Course
Jean-Marie Gerald Langlois	39th Bar Admission Course
Grainne Patricia McCurry	39th Bar Admission Course
Susan Lynne Mitchell	39th Bar Admission Course
Susan Emilie Mumford	39th Bar Admission Course
Armand-Gabriel Pascu	38th Bar Admission Course
Martha Pieterse-Bondy	39th Bar Admission Course
Manfred Schlender	39th Bar Admission Course
John Thomas Thachet	39th Bar Admission Course
Sandra Elaine Welch	39th Bar Admission Course
John James Lyon Hunter	Transfer, Province of British Columbia
Aurelia Iva Mauro	Transfer, Province of Alberta
Janice Lynn Schick	Transfer, Province of Alberta

The Futures Task Force - 4th Interim Report of the Working Group on Multi-Disciplinary Partnerships

Mr. Scott presented the 4th Interim Report of the Working Group on Multi-Disciplinary Partnerships which outlined its research initiatives.

The "Futures" Task Force -
4th Interim Report of the Working Group on
Multi-Disciplinary Partnerships

Purpose of Report: Information

STATUS OF THE STUDY

1. The Futures Task Force Working Group on Multi-Disciplinary Partnerships¹ (MDPs) has completed its research initiatives, including those undertaken since its last report to Convocation in February, 1998, explained in more detail below.
2. The Working Group is now in the process of assessing all information gathered as it prepares its final report over the summer, for consideration by Convocation in the fall of 1998. Although this time line varies from that originally projected by the Working Group, more time is required to carefully and comprehensively address this complex and important subject.

Recent Initiatives

Sessions with Chartered Accountants

3. The Working Group invited chartered accountant (CA) representatives from the large accounting firms, and their in-house counsel (where available), to attend discussion sessions similar to those arranged for lawyers in practice in late 1997.
4. Two sessions facilitated by members of the Working Group were held in March 1998, at which a total of nine CA partners and in-house counsel attended. The discussions derived from the document used for the lawyers' session, modified to reflect issues more germane to both the accounting and the legal profession.
5. The discussion involved comment on the trend to globalization of services, with emphasis on the facility of the large chartered accounting/professional services firms to provide global "connection" for clients. In this sense, the view was that the move to incorporate legal services within the professional services firms appears to be a natural development, as a function of what the marketplace is demanding.
6. There was recognition that issues of solicitor/client privilege and conflicts require special consideration in the context of MDPs. The objectivity requirements of accountants and the advocacy function of lawyers were discussed in some detail.
7. The information provided by the accountants and their in-house counsel was a valuable contribution to the body of knowledge and opinion the working group will consider as it frames its position on the subject.

¹The Working Group is composed of benchers David Scott, Robert Armstrong (co-chairs), Marshall Crowe and Heather Ross, J. Rob Collins, a partner with Blake, Cassels & Graydon, Toronto and Malcolm Heins, President of LPIC.

Session with ICAO Representatives on the CA "Harmonization Committee"

8. In April, 1998, the working invited two representatives of the chartered accountants' Interprovincial Committee to Harmonize the Rules of Professional Conduct ("the Harmonization Committee"), which has taken on the task of assessing the responses² from the provincial institutes in Canada to the 1995 report of the CA Interprovincial Task Force on the Multi-Disciplinary Activities of Members Engaged in Public Practice.
9. The Harmonization Committee is in the process of putting revised proposals to implement the recommendations to the provincial institutes, with a targeted date for response in the fall of 1998. Thereafter, final recommendations will be sent to the provincial institutes, which will decide whether to pursue bylaw changes in response to the recommendations.
10. The Working Group learned that the responses that were received from both large and small firms/practices to the 1995 task force report emphasized a recognition of the current multi-disciplinary nature of many CA practices.
11. The working group appreciated the willingness of the ICAO representatives to discuss the status of the CA study, and believes knowledge of this initiative and others involving a review of MDPs are important to an assessment of the issues from the Law Society's perspective.

The Roach/Iacobucci Study

Results of Phase 2 Consultations

12. In March 1998, Professor Roach held seven consultation sessions with lawyers to obtain the views of a cross-section of the legal profession concerning regulatory problems and options associated with MDPs. In all, 15 lawyers attended.
13. The consultations included members, chosen by the working group, from a variety of practice areas, including family law, criminal law, real estate, labour law, pension law, tax, civil litigation, intellectual property, and immigration. A lawyer working as a mediator was also interviewed.
14. The consultations were based on a series of questions prepared by Professor Roach which each participant received in advance on the meetings. They touched on the following issues:

²Those responses were given to the Harmonization Committee to propose how the recommendations could be implemented. It then developed proposals for implementing the recommendations. Those proposals were prepared and sent to the institutes for comment, which has now been received.

- How is the profession being affected by alliances with other professionals such as accountant, actuaries, engineers, etc?
 - Should MDPs be limited to associations with other regulated professions or include others such as real estate brokers, mediators, patent and trade mark agents, immigration consultants, private investigators?
 - Are the problems associated with MDPs greater for some professions as opposed to others?
 - Do MDPs present special problems concerning conflicts of interest? If so, are they amenable to regulation? Is relying on waivers by clients satisfactory? Are conflicts problems limited to litigation or more pervasive?
 - Do MDPs present special problems concerning confidentiality and solicitor and client privilege? If so, are they amenable to regulation? Is relying on waivers by clients satisfactory?
 - Do MDPs present special problems concerning insurance? If so, are they amenable to regulation?
 - Would the existence of an MDP compromise the independence of legal advice and of the legal profession? More than other pressures?
 - Would the existence of an MDP compromise the profession's ability to regulate itself?
 - What should the Law Society's response be to these developments?
 - Is the status quo (ie. rules concerning fee splitting, steering, use of trade names, conflicts and confidentiality) effectively prohibiting MDPs? Is it acceptable?
 - Should MDPs be allowed? If so, what are the arguments for and against requiring lawyers to be in control of the partnership?
15. The responses of lawyers who attended these consultations will be incorporated in the analysis of the issues in the Working Group's final report.
16. The Working Group is indebted to these lawyers for offering their time and insightful views to the MDP study.

Phase 3 - Assessment of Regulatory Options

17. Professor Roach and Mr. Iacobucci produced for the working group, as the third and final phase of the study for which they were engaged, a policy options paper. It includes a comprehensive review of ethical and regulatory problems associated with MDPs, issues arising from the Law Society's current regulatory structure, and suggested options for the Law Society to consider as it addresses what an appropriate regulatory response should be.
18. The paper addresses the issues from a perspective which recognizes that any reforms with respect to permissible law firm structures for MDPs should account for the ethical and practical concerns evinced by the Law Society's present regulatory regime and that a key question is whether lawyers can be better governed and their clients better protected if legal services are provided by in any of a number of suggested models for multi-disciplinary practice, including partnerships.
19. The paper noted that no response to the issue is also a form of regulation, in that whatever multi-disciplinary activity occurs then will occur in forms where services offered by lawyers and non-lawyers become more functionally integrated while separate partnerships or other practice structures are preserved.
20. The Working Group, as noted below, completed an initial review of the paper and the options discussed therein. Further analysis of the options in the context of the regulatory and governance issues arising from the MDP structure will be undertaken in preparation for the final report.

Day-Long Review Session

21. On May 8, 1998, the Working Group met for a day-long study session, which resulted in a useful exchange of views on the regulatory issues and options presented in the Phase 3 paper and as otherwise identified by the Working Group.

22. The discussion allowed the Working Group to gain a perspective on the complexity of the issues and underscored the challenge of the subject for the profession and the Law Society as its regulator.

Session with In-house Corporate Counsel

23. On June 8, 1998, members of the Working Group facilitated a discussion session with a small group of in-house corporate counsel from large Canadian/multi-national corporations. Although arranged late in the study, the Working Group felt that it would be helpful to hear from lawyers in this particular area of practice, as none of the earlier discussion sessions or consultations focused on corporate counsel.
24. The Working Group expresses its thanks to Robert Jones, Executive Director of the Canadian Corporate Counsel Association, who arranged for the attendees.
25. The counsel expressed a variety of views on the development of MDPs and provided responses to the issues for discussion (based on a similar document used in the earlier discussion sessions) from their perspective as lawyers who routinely engage other lawyers for the provision of legal services.
26. As with the other discussions session, the counsels' input contributed to the breadth of information received by the Working Group, as a basis for its analysis of the issues germane to the Law Society's review of MDPs.

NEXT STEPS

27. As noted above, the Working Group has begun the process of reviewing all information gathered during the study, including reviews of both the Phase 1 and Phase 3 papers produced by Professor Roach and Mr. Iacobucci.
28. The Working Group is aware of the need to provide a meaningful and comprehensive assessment and analysis of the range of issues and concerns arising from consideration of MDPs as a structure for the delivery of legal services.
29. Accordingly, the Working Group will devote the time necessary to write a report which includes:
- a detailed treatment of the fundamental "lawyering" issues, such as privilege, independence, conflicts and insurance, how the structure of MDPs may place those elements at risk, and whether or not there are solutions to the concerns that arise;
 - an intelligent identification and analysis of the core values and traditions of the legal profession, set against the spectrum of options which could be pursued to facilitate multi-disciplinary practice; and
 - a focus on the public interest, and the Law Society's role in ensuring that it is protected. In the context of MDPs, this means responding to how MDPs, as something which may significantly alter how legal services are provided to the public, could affect the public interest.
30. The Working Group is aiming to complete the final report by mid-summer, so that it will be available for distribution to benchers in advance of Convocation in September 1998.

.....

Mr. Scott advised that the final Report would be presented to Convocation in the fall for consideration.

Report of the Professional Regulation Committee

Professional Regulation Committee
June 12, 1998

Report to Convocation

Purpose of Report: Decision-Making and Information

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TERMS OF REFERENCE/COMMITTEE PROCESS

1. The Professional Regulation Committee ("the Committee") met on June 12, 1998. In attendance were:

Eleanore Cronk	Chair
Harriet Sachs	Vice-Chairs
Gavin MacKenzie	
Niels Ortvad	

Lisa Eisen (Stitt, Feld, Handy, Houston - Barristers and Solicitors)

Staff: Susan Carlyle, Jonathan Fedder, Scott Kerr, Lisa Osak, Michael Seto, Felecia Smith, Elliot Spears, Richard Tinsley, Stephen Traviss, Jim Varro, Jim Yakimovich

2. This report contains the Committee's

- ♦ policy reports on:
 - proposed amendments to the policy for distribution of orders of Convocation;
 - proposed amendments to the text of two Rules of Professional Conduct resulting from Convocation's adoption of lawyers' mandatory reporting requirement for LPIC claims;
- ♦ information reports on:
 - policy issues arising from the Project 200 regulatory redesign;
 - revisions to guidelines for suspended, resigned or disbarred members;
 - review of Rule 18 of the Rules of Professional Conduct;
 - "CLE" session for benchers respecting regulatory matters and the impact of legislative reforms.

AMENDMENTS TO POLICY RESPECTING DISTRIBUTION OF
ORDERS OF CONVOCATION

A. NATURE OF THE ISSUE

3. In March, 1998, Convocation approved a new scheme of distributing orders from Discipline Convocation to a number of different entities, including the County and District Law Association presidents.¹
4. The issue arose because of a concern that information about the disposition of discipline matters at Convocation was not being relayed in a timely manner and that with respect to the County and District presidents, the practice of sending the actual orders with a letter to the president was a cumbersome process.
5. The new policy determined that information about the orders and not the orders themselves², and only those orders affecting the status of a member (disbarments, permission to resign, suspensions) would be distributed.

¹The issue prompting the review arose as a result of the experience of a member of the profession, appearing as counsel for a lawyer before discipline Convocation last year, where, through inadvertence, the order in the matter before Convocation was distributed before its contents was settled.

²The exception is the Official Documents Office which still requires a copy of the order.

6. With the exception of the County and District presidents, there is no issue about receipt of the above information only.
7. The new policy, however, does not speak to orders for a reprimand in Convocation, and on referral from staff, the Committee reviewed this issue against the history of the scheme for distribution, whether there was a specific reason for excluding such orders and whether such orders should be included in the distribution list.

B. BACKGROUND

8. Orders for reprimands in Convocation, based on an examination of the original policy for distribution, in the past were sent to the County and District presidents.
9. The entire issue of the distribution of discipline orders originally arose from the County and District presidents' concern about obtaining information from discipline Convocation in a timely manner about *any* order that affected lawyers in their counties or districts.³
10. A copy of the transcript of March 27, 1998 Convocation respecting the discussion on the new policy is attached at Appendix 1. It is apparent from the text of the transcript that no issue was raised which led to a specific decision to exclude reprimands in Convocation from the list of orders to be sent to the presidents⁴.

C. ANALYSIS AND DISCUSSION

11. In its discussion, the Committee focussed on the public nature of a reprimand in Convocation and the fact that it is a published order resulting from a proceeding at the Law Society.
12. The Committee also noted that the new policy in effect changed, perhaps inadvertently, what had previously been acceptable content of the information received by the County and District presidents.
13. As there appears to be no justification for excluding information about reprimands in Convocation, the Committee was of the view that this information should form part of the list sent to the County and District presidents.
14. The Committee, however, did not believe that reprimands in Committee should be treated the same way.
15. The original policy for distribution of information about disciplinary dispositions did not include reprimands in Committee. This was likely as a result of a policy approach by the Law Society not to publish those dispositions which resulted in a reprimand in Committee, although indeed the proceedings are held in public as a matter of course and if inquiries are made of the Law Society, the fact of a reprimand in Committee would be disclosed.

³The distribution of the Orders to these individuals was initiated about the time Convocation's proceedings were opened to the public (sometime in 1986). There was a time lag between the reporting of discipline proceedings either through the *Communique Plus* or the Ontario Reports. There were apparently instances where a member had been suspended or otherwise disciplined and the local bar was unaware of it until the press started to call. Accordingly, it was decided that the local president would receive a copy of the order, as it arose from a public hearing. Administratively, the orders were sent by the Clerk to the presidents in the jurisdictions in which the disciplined lawyers resided. This was a time consuming process, in that a determination had to be made as to the correct county/district for the lawyer, and then a covering letter drafted to the president of each county affected, attaching a copy of the order.

⁴Although there was consideration of this issue at the Committee level, there was no consensus that reprimands in Convocation be excluded from the list.

16. The reasons for not publishing reprimands in Committee, unlike reprimands (and other orders) in Convocation, stems from the view that this penalty historically and factually applies to less serious offences than would warrant a disciplinary order of Convocation. Because of that, the potential damage to the lawyer from any publicity associated with such publication would appear to be undesirable and unduly punitive when set against the need of the public to know, as a matter of course, of the dispositions resulting in a penalty at the Committee level.
17. The Committee felt that the difference in approach between the two levels of reprimand was consistent with the varying degrees of seriousness which discipline dispositions involve, having regard to the fact that the disposition of a reprimand in Committee is reserved for less serious forms of professional misconduct.
18. Accordingly, the Committee agreed that confining for the purposes of the distribution list information concerning reprimands in Convocation, consistent with the earlier policy, was appropriate.

Options for Decision by Convocation

19. Convocation should decide whether:
 - a. To adopt the Committee's proposal to amend the policy;
 - b. To continue with the policy without including information about reprimands in Convocation; or
 - c. To adopt a variance of the proposal.

AMENDMENTS TO THE RULES OF PROFESSIONAL CONDUCT RESPECTING
LPIC REPORTING REQUIREMENTS

A. NATURE OF THE ISSUE

19. At Convocation on May 29, 1998, the Committee's proposal to make the lawyer's reporting requirement of claims to LPIC mandatory was adopted.
20. A mandatory reporting scheme is consistent with LPIC's policy provisions and with the philosophy behind the amendment to the "dishonesty" threshold for Lawyers Fund for Client Compensation Fund claims, referred from LPIC.⁵ It also establishes in the clearest terms that non-reporting can be grounds for a finding of professional misconduct.
21. As a result of the mandatory requirement, amendments to the language of Rule 3 Commentary 10 and Rule 5, Commentary 15 of the Rules of Professional Conduct are required.
22. The Committee has reviewed proposed amendments and is now bringing the results of that review to Convocation for approval.

B. THE COMMITTEE'S DRAFT AMENDMENTS

23. The suggested amendments drafted by the Committee appear below in the texts of the existing Commentaries in boldface. Existing language to be replaced appears in *italics* in parentheses ().

⁵The Lawyers Fund for Client Compensation Committee recommended to Convocation that the general guidelines for the determination of grants under the Compensation Fund be expanded to cover claims denied under LPIC's policy as a result of a member's acts intended to prejudice the claimant's efforts to obtain compensation. This was adopted by Convocation on November 28, 1997. Thus, the definition of "dishonesty" for the purposes of a Compensation Fund claim was expanded.

Rule 3 Commentary 10

24. The suggested language for the amendment mirrors that appearing in the LPIC policy, Section F, dealing with Notice of Claim. The introductory language to that Section states:

If during the policy period the insured first becomes aware of any circumstance which any reasonable person or firm would expect to subsequently give rise to a claim hereunder, such insured shall immediately give notice thereof or cause notice to be given to [LPIC]...

25. While the draft below no longer makes use of the word "potential" to describe a claim that must be reported, incorporating the word "may", in the Committee's view, allows the lawyer considering a report to LPIC to take into account the potential nature of a claim.
26. The amended Commentary reads:

Errors and Omissions

10. The duty to give honest and candid advice requires the lawyer to inform the client promptly when the lawyer discovers that a mistake, which is or may be damaging to the client and which cannot readily be rectified, has been made in connection with a matter for which the lawyer is responsible. When so informing the client, the lawyer should be careful not to prejudice any rights of indemnity which either of them may have under any insurance, client's protection or indemnity plan, or otherwise. At the same time, the lawyer should recommend that the client obtain legal advice elsewhere as to any rights the client may have arising from such mistake. The lawyer is required to (*should also*) give prompt notice of any circumstance which the lawyer may reasonably expect to give rise to a (*potential*) claim to an insurer or other indemnitor so that the client's protection from that source will not be prejudiced and, unless the client objects, assist and co-operate with the insurer or other indemnitor to the extent necessary to enable any claim which is made to be dealt with promptly. If the lawyer is not so indemnified, or to the extent that the indemnity may not fully cover the claim, the lawyer should expeditiously deal with any claim which may be made and must not, under any circumstances, take unfair advantage that would defeat or impair the client's claim. In cases where liability is clear and the insurer or other indemnitor is prepared to pay its portion of the claim, the lawyer is under a duty to arrange for payment of the balance.

Rule 5, Commentary 15

27. As noted above, amendments are also required to Rule 5 Commentary 15, the text of which follows, to make the provisions in the Rules respecting the reporting of errors and omissions claims consistent.
28. The amended Commentary reads:

Errors and Omissions Claims

15. The introduction of compulsory insurance imposes additional obligations upon a lawyer. However, such obligations must not impair the relationship and duties of the lawyer to the client. The insurer's rights must be preserved. There may well be occasions when a lawyer believes that certain actions or failure to take action have made the lawyer liable for damages to the client when in reality no liability exists. Further, in every case a careful assessment will have to be made of the client's damages arising from the lawyer's negligence. Many factors will have to be taken into account in assessing the client's claim and damages. As soon as a lawyer becomes aware that an error or omission may have occurred which may involve liability to the client for professional negligence, the lawyer should take the following steps:

1. The lawyer should immediately arrange an interview with the client and advise the client forthwith that an error or omission may have occurred which may form the basis of a claim by the client against the lawyer.

2. The lawyer should advise the client to obtain an opinion from another independent lawyer and that in the circumstances the first lawyer might no longer be able to act for the client.
 3. Concurrently, the first lawyer must inform (*should advise*) the Lawyers' Professional Indemnity Company (LPIC) (*Director of Insurance, Errors and Omissions Department of the Society*), of the facts of the situation.
 4. The lawyer must bear in mind that in order to fulfill all duties to the client, the insurer and the profession, the lawyer must co-operate to the fullest extent and as expeditiously as possible with the Society's adjusters in the investigation and eventual settlement of the claim.
 5. Upon settlement of the client's claim, the lawyer must make arrangements to pay that portion of the client's claim that is not covered by the insurance, forthwith upon completion of the settlement.
29. The Committee believes that the above proposed amendments clearly and satisfactorily reflect the policy which dictates that lawyers must report claims to LPIC and co-operate with the insurer in its review of claims.
30. Accordingly, the Committee proposes that Convocation adopt the language provided above.
31. Convocation may consider other options or amended language, beyond that suggested in the Committee's draft.

Options for Decision by Convocation

32. Convocation must decide whether:
- a. The proposed language adequately reflects the policy decision of Convocation and is sufficient notice to the profession as a function of the Rules of Professional Conduct;
 - b. Amendments should be made to the proposed draft amendments.

REVIEW OF POLICY ISSUES ARISING FROM THE
PROJECT 200 REGULATORY REDESIGN

33. The Project 200 Professional Regulation Redesign ("Prrogram") Team Report ("the Report") contains the redesign proposals for a reorganization of operational functions of the Society's regulatory departments⁶, to be realized in the implementation phase of Project 200.
34. The primary focus of the Prrogram Team was to create a streamlined and fully-integrated process for dealing with the wide range of professional conduct and competence issues which fall within the Society's regulatory mandate.
35. At its October 9, 1997 meeting, the Committee began its review of the policy issues arising from the redesign as discussed in the Report.
36. In January 1998, the Committee received for review the first in a series of discussion papers prepared by staff which provided more detailed information about the policy issues, to assist the Committee in its review and approval at a policy level of the principles behind the redesign, and in turn, to report to Convocation on that review.

⁶Audit & Investigations (which includes the Staff Trustee's office and the Forms Services office), Complaints (which has sub-groupings dealing with intake matters and discipline "track" investigations), Discipline, Practice Advisory Service, Professional Conduct and Professional Standards.

37. Once Convocation's approval has been received, further development of the models within the redesign will proceed to be assessed, with financial analysis, within the larger implementation scheme of Project 200.
38. Review of the discussion papers concluded in June, and a report for information at this Convocation prepared by the Committee at Appendix 2 provides a summary of the Committee's policy consideration and approval in principle of the proposals to implement the following:
 - Consolidation of advisory functions;
 - Incorporation of ADR⁷ and remedial measures, and increased integration of the Practice Review Programme into the regulatory "mainstream" as a diversion or remedial alternative to discipline;
 - Redefining the purpose of authorization meetings;
 - Segregation of investigative and prosecutorial functions.
39. The Committee plans to complete its review of the policy issues at its September 1998 meeting and provide a final report to Convocation for discussion thereafter.

REVISIONS TO GUIDELINES FOR
SUSPENDED, RESIGNED AND DISBARRED MEMBERS

A. BACKGROUND AND NATURE OF THE ISSUE

40. When members are suspended (administratively or through discipline) or appear before Discipline Convocation, they are provided with a copy of the *Guidelines for Suspended Members*.
41. The existing *Guidelines* were drafted in the mid-1980s, at the time the Office of the Staff Trustee at the Law Society was created. The Office was established to assist in (or in extreme cases, to attend to) the proper closing of lawyers' practices in instances where members were suspended or disbarred, or when they wished to resign their membership.
42. In order to standardize information given to members, in or about 1986, the Office compiled "guidelines". These guidelines provided information on a variety of issues, including the proper disposition of on-going client files and accounts, avoiding misrepresentation of status and Law Society filing requirements.
43. *The Guidelines* were subsequently adopted for use when notifying members by registered mail of their administrative suspensions (i.e. suspensions for non-payment of fees and/or levies).
44. *The Guidelines* were last revised in July of 1995, but changes are required to up-date some of the information referred to therein.
45. The changes fall into three general categories:
 - a. expansion of the *Guidelines* to include "resigned and disbarred" members;
 - b. changes to some of the provisions in an effort to clarify the purpose and intent of the *Guidelines*; and
 - c. deletion of reference to the "old" Forms 2 and 3 and the 6 month filing deadline, replaced with reference to the Membership Information Form (MIF) and the new three month filing deadline for trust account information.

⁷The Committee completed an initial review at its June meeting of a report of the ADR Systems Design Team, which has created a design for the use of ADR in the Society's investigation and discipline processes. That report will be subject to further review together with the Professional Development and Competence Committee this summer.

B. THE COMMITTEE'S APPROVAL OF THE AMENDED GUIDELINES

46. Appearing below is a "redline" version of the up-dated *Guidelines*, prepared by staff in the Staff Trustee's office for the Committee's review, which highlights and compares the changes from the "old" version to the new "draft" version.
47. Bolded text indicates where text in the new draft version has been altered or changed. *Italicized text* immediately following the bolded text is the text from the prior version for comparison.

The Law Society of Upper Canada

GUIDELINES FOR SUSPENDED, RESIGNED OR DISBARRED MEMBERS
(*OLD - GUIDELINES FOR SUSPENDED MEMBERS*)

Subsections (1)(a) and (2) of Section 50 of the *Law Society Act*, R.S.O. 1990, c. L.8 provide as follows:

50(1) Except where otherwise provided by law,

- (a) no person, other than a member whose rights and privileges are not suspended, shall act as a barrister or solicitor or hold himself out as or represent himself to be a barrister or solicitor or practise as a barrister or solicitor;

50(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000.

EFFECTIVE FROM THE DATE OF SUSPENSION, RESIGNATION OR DISBARMENT:

(*OLD - The following outlines the restrictions and obligations to which members under suspension are subject effective the date of suspension:*)

I - YOU MAY:

- (a) See clients only for the limited purpose of assisting them in transferring their past or present legal work to another solicitor;
- (b) Collect accounts receivable;
- (c) Render accounts for work completed on or before the date of your suspension, resignation or disbarment;
(*OLD - Bill all unbilled and/or active files to the date of your suspension;*)
- (d) Provide services to the public as an agent where permitted by statute (e.g. including but not limited to Provincial Offences, Landlord and Tenant, Small Claims and Highway Traffic Act matters) on the specific condition that the principal(s) has been advised, in writing, that you are not acting as a barrister and solicitor and that your representation will not afford them the protection of the Lawyers' Professional Indemnity Company in the event of your negligence, or the protection of Lawyers Fund for Client Compensation in the event of dishonesty or fraud. In addition, any Court, administrative tribunal or other adjudicative body must be informed that you are appearing as an agent and not as a barrister and solicitor.
(*OLD - Provide services to the public as agent where specifically authorized by statute (e.g. including but not limited to Provincial Offences, Landlord and Tenant, Small Claims and Highway Traffic Act matters). In all cases, the principal, Court and/or administrative tribunal must be informed that you are a suspended lawyer and your representation will not afford them the protection of the Lawyers' Fund for Client Compensation or Lawyers' Professional Indemnity insurance.*)

II - YOU SHALL NOT:

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

(OLD - Carry on the practice or profession of barrister and/or solicitor in any way, or practise as an agent except on terms expressed in I(d) above, and without limiting the generality of the foregoing, you shall not:)

- (a) Accept any new clients;
- (b) Accept new legal work for existing clients;
- (c) Give legal advice to any client, other individual, corporation or other entity;
- (d) Continue, commence, carry on or defend any lawsuit or proceeding for any client, other individual, corporation or other entity with or without fee;
- (e) Appear in court for any purpose other than in your personal capacity to represent yourself as a party and/or as a witness;
- (f) Draft or revise legal documents of any type, and/or execute documents of any type which require or permit execution by a barrister and solicitor;
- (g) Notarize documents pursuant to the *Notaries Act*, R.S.O. 1990, c. N.6, or swear affidavits pursuant to the *Commissioners for taking Affidavits Act*, R.S.O. 1990, c. C.17;
Notarize documents by virtue of section 7 of the Notaries Act, R.S.O. 1990, chapter n.6, or swear affidavits by virtue of section 1(1) of the Commissioner for taking Affidavits Act, R.S.O. 1990, chapter c.17;
- (h) Report to clients, other than to: 1) inform them that you are not practising law; and/or 2) to deliver an account for services rendered prior to your suspension, resignation or disbarment (for the preparation of client reporting letters see III (b) below);
(OLD -Report to clients, other than to inform them that you are not practising law;)
- (i) Certify, or give any opinions on, title to property;
- (j) Draft and/or send a demand letter threatening or intimating that legal proceedings of any form will be taken on behalf of a third party, with or without fee, except in accordance with the provisions of I (d);
(OLD - Draft and/or send a demand letter threatening legal proceedings to recover money or property or intimating that legal proceedings will be taken;)
- (k) Act as a solicitor for the estate of a deceased person or party under a "disability" as defined by the Rules of Civil Procedure;
(OLD -Act as a solicitor for the estate of a deceased person or mental incompetent)
- (l) Prepare wills or have anything to do with the administration, distribution or completion of estates, other than in your capacity as an estate trustee;
(OLD - Prepare wills or have anything to do with the completion or advancement of estates)
- (m) Give to another lawyer or receive on behalf of a client, other individual, corporation or other entity any undertaking with respect to any legal matter;

- (n) Hold yourself out as a barrister and/or a solicitor;
- (o) Occupy or share office space with a barrister and solicitor in contravention of Rule 20;
- (p) Provide services to a barrister and solicitor, in relation to that individual's practice of law in contravention of Rule 20;
- (q) Act as an articling principal to a student-at-law in the Bar Admission Course or act as the supervising lawyer to a student-at-law in the Bar Admission Course;
- (r) Accept any referrals from the Lawyer Referral Service.

III - YOU MUST:

Fulfil the requirements of all paragraphs below and confirm, in writing, to the Office of the Staff Trustee of the Law Society, within 30 days of your suspension, resignation or disbarment, that you have done so.

- (a) Arrange immediately to inform all clients in active matters that they should take their files to a solicitor of their choice. You may, in this capacity, suggest a referral to a particular solicitor. The ultimate choice of who is retained rests with the client and not with you;
- (b) Assign any and all outstanding reporting letters to another solicitor in good standing for completion. You may prepare a draft report for the solicitor of your choice, but that solicitor must review the file completely and send any reporting letter out to the client over their signature and on their letterhead. You may make personal arrangements with the solicitor for their remuneration;
(OLD - Give any reporting letters which are required to complete legal work to another member in good standing for completion. You may prepare a draft report for the solicitor of your choice, but that solicitor must review the file completely and send any reporting letter out to the client on his or her letterhead. You will likely be charged an agency fee by the solicitor for this. You may make personal arrangements with the solicitor for remuneration for your work done prior to your suspension)
- (c) Employ another solicitor or agent to complete all undertakings given by and accepted by yourself prior to your suspension or cancellation;
- (d) Return original wills and documents to clients or arrange to transfer this part of your practice to another solicitor, and inform your clients and the office of the Staff Trustees who has been given possession of their wills, documents and files;
- (e) Remove any sign from your door, building, premises, window, building directory or property designating it as a "law office" or designating you to be a "barrister", "solicitor", "lawyer", "Q.C.", "notary public" and/or "commissioner of oaths", in English or any other language. The above words must also be removed or crossed out from all stationery, letterhead, business cards, forms, stamps, accounts and any publications bearing your name;
- (f) Telephone/fax:
 - i) Either disconnect the lines or arrange for a voice message to advise callers that your law practice is closed *(OLD - until further notice)* and provide callers with the name and number of another lawyer to call for information regarding their files. Members under a definite suspension can leave a message advising when the office will reopen.

- ii) Contact your telephone company and directory advertisers instructing them to remove from the next printing of the white and yellow pages of the telephone directory any words or abbreviations for "barrister", "solicitor", "lawyer", "Q.C.", "notary public" and/or "commissioner of oaths", in English or any other language, and to delete from Directory Assistance your law office listings and;
- iii) Have your name deleted from the listing of lawyers under your law firm's name;
- (g) Trust Account(s):
Have all trust funds on deposit balanced to client liabilities as of the date of your suspension resignation or disbarment, and turn funds over to:
 - (i) clients; or
 - (ii) succeeding solicitor, in trust, by direction of client; or
 - (iii) succeeding solicitor of your choice, in trust, if clients decline to claim or direct; and
 - (iv) close the account(s);
 - (v) forward a copy of your trust bank statements showing account closed particulars to the Office of the Staff Trustees;
- (h) Finalize your accounting books and records to the latest of the date of your suspension, resignation or disbarment and the closure of your trust account and submit your annual filings within 90 days of your fiscal year-end as required by the Regulation.
(OLD - Finalize your accounting books and records to the date of your suspension, and submit a Form 2/3 filing within 6 months of your fiscal year-end.)
- (i) If a suspended member, continue to file annually thereafter a Membership Information Form. *(OLD - File annually thereafter a Form 2 declaration regarding your (non) holding of trust funds.)*
- (j) Locate another member of the profession who will act as the articling principal to your current or incoming students-at-law and arrange for the orderly assignment or transfer of articles of the student-at-law under the direction of the Articling Director at the Law Society.

Enquiries regarding these guidelines and compliance should be directed to staff lawyers in the Office of the Staff Trustees at the Law Society, telephone: 416-947-3366/ fax 416-947-3990.

48. The Committee agrees with the proposed changes and is providing the above version of the *Guidelines* to Convocation as notification of the amendments.

REVIEW OF RULE 18 OF THE RULES OF PROFESSIONAL CONDUCT

49. The discipline authorization committee referred to the Committee the issue of the scope and interpretation of Rule 18, which governs the lawyer in public office.
50. The issues, among others, relate to the definition of "public office" and "official body" and what a lawyer is expected to do when his or her duties as a lawyer and as an individual in public office conflict, or create the appearance of a conflict of interest.

51. The Committee will be reviewing the Rule, with particular focus on:
- the genesis of the current Rule;
 - what was contemplated as being within the scope of the Rule;
 - how the Rule should be read in the context of Rule 5 on conflicts of interest and Rule 17 on lawyers and outside interests;
 - what the modern reality is in terms of the Rule's application.

“CLE” SESSION FOR BENCHERS RESPECTING REGULATORY MATTERS AND THE IMPACT OF LEGISLATIVE REFORMS

52. As reported to Convocation some months ago, the Chair of the Committee, together with Vice-Chair Niels Ortvad, is organizing an educational session for benchers, focussing on the role and responsibilities of benchers in the discipline process.
53. One topic of considerable importance to the regulatory scheme and benchers' duties within that scheme is the impact of the legislative reforms, which will be incorporated in an amended *Law Society Act*.
54. The Society will be required to implement new or amended processes and procedures which flow from the new legislative scheme, and the Committee plans to play a role in that implementation through educational, communication and regulatory process-related initiatives. The proposal is to include discussion of the implementation of the processes arising from the new legislative scheme in the above-noted session's program.
55. Further information about the “CLE” session will be provided when an agenda for and scheduling⁸ of the session are finalized.

APPENDIX 1

EXCERPT FROM TRANSCRIPT OF MARCH 27, 1998 CONVOCATION

APPENDIX 2

POLICY REPORT

POLICY ISSUES ARISING FROM THE *PRROGRAM* TEAM REPORT AND IMPLEMENTATION OF THE REGULATORY REDESIGN THROUGH PROJECT 200

Re: Amendments to the Policy for Distribution of Orders of Convocation

Ms. Cronk presented the item on the Amendments to the Policy for Distribution of Orders of Convocation.

It was moved by Ms. Cronk, seconded by Mr. MacKenzie that the proposal to amend the policy for distribution of the Orders of Convocation by including Reprimands in Convocation be adopted.

Carried

⁸The current plan is hold the session in the fall, once the Law Society has a clearer picture, in a practical sense, of the specific changes to the discipline process resulting from the legislative reforms.

Re: Amendments to Rules 3 and 5 of the Rules of Professional Conduct

Ms. Cronk presented the item on the Amendments to Rules 3 and 5 of the Rules of Professional Conduct.

It was moved by Ms. Cronk, seconded by Mr. MacKenzie that the Amendments to Rule 3, Commentary 10 and Rule 5, Commentary 15 set out on pages 7 and 8 be adopted.

An amendment by Mr. Topp was accepted by the mover and seconder that the wording be changed in both Rules by deleting the words "is required" and "must inform" and inserting the word "shall".

The matter was stood down to be revisited on the specific changes in the wording.

CALL TO THE BAR

Ms. Annie Marie Pare was presented to the Treasurer and Convocation and called to the Bar. She was then taken by Mr. Carey and presented to Madam Justice Denise Bellamy to sign the Rolls and take the necessary oaths.

Annie Marie Pare

39th Bar Admission Course

Report of the Professional Regulation Committee (cont'd)

Re: Amendment to Rules 3 and 5 of the Rules of Professional Conduct

The Cronk/MacKenzie motion as amended was adopted in principle pending specific changes in wording.

Report of the Finance and Audit Committee

Mr. Krishna reported on a letter circulated to the Benchers from Mr. Bill Simpson and gave an oral status report on the work of Project 200.

Motion - Suspensions

It was moved by Mr. Krishna, seconded by Mr. Ruby THAT the rights and privileges of each member who has not paid the Errors and Omissions Insurance Levy, and whose name appears on the attached list, be suspended from June 29th, 1998 and until their levy is paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Carried

(see list in Convocation file)

- 157 -

26th June, 1998

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Report of the Discipline Committee

Re: Donald Kenneth IATZKO - Windsor

Seised Committee

PRESENT:

The Treasurer, Carter, Chahbar, Cole, Crowe, DelZotto, Gottlieb, Carpenter-Gunn, Marrocco, Puccini, Ross, Ruby, Swaye and Topp.

.....

Ms. Cowie appeared for the Society and Ms. Robyn Bell, Duty Counsel appeared for the solicitor who was present.

Ms. Cowie reported on her communications with Mr. Donald Tait.

Ms. Cowie made submissions in support of the recommended penalty of a suspension of 5 months with a further condition that Mr. Donald Tait be copied on all correspondence to the solicitor from the Law Society.

Ms. Bell made submissions in support of a lesser penalty of a 2 month suspension with the conditions that the solicitor practise under the supervision of Mr. Tait, that Mr. Tait be copied on all correspondence from the Law Society and that a medical report be provided prior to the solicitor resuming practice. Further, that the solicitor be employed by Mr. Tait as a paralegal during the 2 month suspension.

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

It was moved by Mr. Ruby, seconded by Mr. Carter that for 2 years the solicitor practise only with Mr. Donald Tait unless otherwise permitted by the Secretary, that all correspondence from the Law Society to the solicitor be copied to Mr. Tait, that the solicitor provide the Secretary with a medical report quarterly and attend a physician designated by the Secretary and further, that consent be given for the release of all medical information requested by the Secretary

Carried

It was moved by Mr. Topp, seconded by Ms. Carpenter-Gunn that the solicitor be suspended for a period of 1 month together with the conditions of the Ruby/Carter motion.

Not Put

Counsel, the solicitor, the reporter and the public were recalled and informed of Convocation's decision that the solicitor's right to practise law be subject to the following conditions for two years:

- (1) That he practise only as an employee of Mr. Donald Tait unless otherwise permitted by the Secretary of the Law Society, or subject to a further order of Convocation;
- (2) That all correspondence from the Law Society to the Solicitor be copied to Mr. Tait;

- (3) That he provide the Secretary of the Law Society with a medical report quarterly;
- (4) That he attend a physician designated by the Law Society if required by the Secretary of the Law Society;
- (5) That he execute a general release authorizing the Secretary of the Law Society to receive medical information about himself as the Secretary requires.

The Treasurer asked the solicitor if he was prepared to abide by the conditions and sign an undertaking to that effect.

The solicitor undertook to comply with the terms and gave his undertaking to Convocation.

REGULAR CONVOCATION

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CONVOCATION RECONVENED AT 2:15 P.M.

PRESENT:

The Treasurer, Adams, Armstrong, Carey, Carter, R. Cass, Cronk, Curtis, DelZotto, Eberts, Feinstein, Finkelstein, Gottlieb, Harvey, MacKenzie, Martin, O'Connor, Puccini, Ross, Sachs, Swaye, Wilson and Wright (by conference call).

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IN PUBLIC

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Report of the Admissions and Equity Committee

Mr. Carter presented the Report of the Admissions and Equity Committee for Convocation's approval.

Admissions and Equity Committee
June 26, 1998

Report to Convocation

Purpose of Report: Decision Making

TERMS OF REFERENCE/COMMITTEE PROCESS

1. The Admissions & Equity Committee (the "Committee") met on June 23, 1998. Committee members in attendance were William Carter (Vice-Chair), Don Lamont, and Harriet Sachs. Staff in attendance were Mimi Hart, Maria Paez Victor, Sophia Sperdakos, and Alan Treleaven.
2. The Committee is reporting on the following matters:
 - ◆ Summer Student Recruitment of First Year Students
 - ◆ Procedures Governing the Recruitment of Second Year Students

Summer Student Recruitment of *First* Year Students

1. On June 11, 1998 Convocation determined that summer student recruitment in the City of Toronto for second year students should be moved from February back to November.
2. A provision regarding recruitment of first year students, which stated:

The foregoing rule shall not apply with respect to the recruitment of first year law students which shall continue to be governed by the existing February procedures

was tabled at the time so that the Committee could obtain further information from those with an interest in the issue and return to Convocation on June 26, 1998.

3. Following Convocation the Articling Director, Mimi Hart, contacted Marilyn Bode, the Director of Student Programmes at McCarthy Tetrault, who sought input from a number of large firms that hire first year students. Ms. Hart also contacted Gina Alexandris, Career Development Officer at Osgoode Hall Law School, who sought input from other Career Development Officers and, to some extent, from law school administration. Attached at Tab 1 are the comments that have been received as of June 23, 1998.
4. The Committee members in attendance discussed the issue and were of the view that it is preferable to conduct summer recruitment of first year students in February. November is too soon after such students have begun law school to allow for reasonable assessment of their skills and to allow them a reasonable opportunity to consider what they wish to do following first year.
5. Although the Committee did not have a quorum, those members in attendance recommend that there be separate *Procedures to Govern the Recruitment of First Year Students for Summer Positions in the City of Toronto* and that such recruitment take place in February.

Procedures Governing the Recruitment of *Second Year* Law Students for Summer Positions in the City of Toronto in 1999

1. In the event Convocation is satisfied that it is appropriate for first year summer student recruitment to take place in February the proposed *Procedures Governing the Recruitment of Second Year Law Students for Summer Positions in the City of Toronto in 1999* are attached at Tab 2 for Convocation's approval. These are essentially the same as the terms voted upon by Convocation on June 11, 1998, except that they specifically set out that they apply to second year students and that there will be separate procedures for first year students. The procedures for first year students will be presented to Convocation in the fall.

TAB 2

THESE PROCEDURES GOVERN THE RECRUITMENT OF *SECOND YEAR* LAW STUDENTS FOR SUMMER POSITIONS IN THE CITY OF TORONTO IN 1999.

These procedures shall not apply to the recruitment of *first year* law students. The recruitment of first year law students for summer positions in Toronto in 1999 will occur in February, 1999 in accordance with the *Procedures Governing the Recruitment of First Year Law Students for Summer Positions in 1999*, which will be published in the Fall of 1998.

1. Student applications for interviews received by Friday, October 9, 1998, shall be treated without regard for the date of receipt.
2. The time and date of interviews shall not be communicated in any way until 8:00 a.m. on Friday, October 23, 1998.

Commentary: The fact that a firm will or will not be interviewing a student and the fact that the interviewing will be conducted in accordance with these procedures may be communicated at any time, but the firm shall not suggest the specific time and date of interviews and students shall not participate in the making of such appointments before 8:00 a.m. on Friday, October 23, 1998.

3. Interviews shall not be conducted prior to 8:00 a.m. on Monday, November 2, 1998.
Exception: Firms wishing to interview students from out-of-province law schools may attend at the out-of-province law school on a date or dates specified by the law school for summer recruitment and interview for summer positions. As well, where the circumstances warrant, the Law Society will grant to students who are unable to attend for interviews during the scheduled interview week permission to attend for interviews prior to the established time for interviewing. Exemptions apply to the date(s) for interviewing. All firms and students are bound by paragraph 4 following as to the date on which offers of employment may be made. Applications for exemption should be made to the Director of Placement for the Law Society at FAX (416) 947-3403.
4. No communication of offers of employment or the intention to make such offers shall be made prior to 4:00 p.m. on Wednesday, November 4, 1998.
5. Any offers made Wednesday, November 4, 1998 must be left open until 5:00 p.m., Thursday, November 5, 1998. Offers made Thursday, November 5, 1998 must be left open until 5:00 p.m. on that day, and offers made after 5:00 p.m. Thursday, November 5, 1998 must be left open for a reasonable period of time.
6. Offices of City of Toronto firms that participate in the recruitment of students for summer positions with their City of Toronto office shall be governed by 1 through 5 above with respect to the recruitment of second year law students.
7. The dates for receipt of resumes, scheduling of interviews, conducting interviews and the timing and communication of offers will be adjusted each year by the Director of Placement of the Law Society.

DEFINITIONS (the following definitions are provided for clarity):

"firm(s)" - the term "firm(s)" refers to all employers of summer students including law firms, company legal departments, government, clinics, sole practitioners, etc.

"summer student" - the term "summer student" refers to any student employed by a firm for the summer months of 1999 following enrolment in any year of a Bachelor of Laws program. "summer student" does not include students employed in the summer months immediately preceding entry into Phase One of the Bar Admission Course by the firm at which they will article.

"time" - all time references refer to Toronto time.

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

- (1) Copy of comments from law firms on the summer student recruitment of first year law students.

(Tab 1)

Re: Summer Student Recruitment of First Year Students

It was moved by Mr. Carter, seconded by Ms. Sachs that there be separate procedures to govern the recruitment of first year students for summer positions in the City of Toronto such recruitment to take place in February.

Carried

Report of the Professional Regulation Committee (cont'd)

Set out below are the specific language changes made to the proposed draft amendments to Rules 3 and 5 of the Rules of Professional Conduct respecting the mandatory lawyer's reporting requirement of claims to LPIC:

- (1) page 7 of the Report, Commentary 10 under Rule 3, 9th line - the words "is required to" be changed to "shall" so that the sentence would then read:

"The lawyer shall give prompt notice of any circumstance which the lawyer may reasonably expect to give rise to a claim to an insurer or other indemnitor so that the client's protection from that source will not be prejudiced and,....."

- (2) page 8 of the Report, Commentary 15 under Rule 5, 9th line - the words "which may involve liability" be changed to "which may reasonably be expected to involve liability" so that the sentence would then read:

"As soon as a lawyer becomes aware that an error or omission may have occurred which may reasonably be expected to involve liability to the client for professional negligence,....."

- (3) paragraph 3 under Commentary 15 the word "must" be changed to "shall" so that the sentence would then read:

"Concurrently, the first lawyer shall inform the Lawyers' Professional Indemnity Company,....."

The Cronk/MacKenzie motion as amended was adopted.

TREASURER'S REPORT TO CONVOCATION

The Treasurer presented his Report to Convocation.

Treasurer's Report to Convocation
June 26, 1998

Purpose of Report: Decision-Making

ISSUES FOR DECISION BY CONVOCATION

ADMISSIONS AND EQUITY COMMITTEE

1. I propose that Harriet Sachs be the new chair of the Admissions and Equity Committee.

TASK FORCE ON BAR ADMISSION REFORM

2. I propose that Ms. Sachs be the new chair of the Task Force on Bar Admission Reform.
3. I propose that this Task Force report in October to Convocation and that Ms. Sachs and I designate the membership of this Task Force.

COMPETENCE TASK FORCE PROPOSED TERMS OF REFERENCE

Objectives

4. Having already defined the relevant skills, attributes, and values every lawyer should have and apply in a manner appropriate to each matter undertaken on behalf of a client, the Task Force would develop, for Convocation's approval, a holistic blueprint for the Law Society's role in developing, maintaining, improving, and enforcing competence.
5. I propose that this Task Force be chaired by Bob Armstrong. I also propose the members of the Task Force be Ms. Cronk, Ms. Eberts, Ms. Sachs, Mr. Saso and Mr. Heins.
6. The blueprint would be developed in the context of assessing:
 - a) the existing Law Society programs which touch on competence;
 - b) the mandate assumed in the role statement;
 - c) the requirements of the *Law Society Act* and amendments;
 - d) the processes being developed through Project 200;
 - e) cost implications for taking certain approaches;
 - f) relationships with and initiatives of other organizations, in particular LPIC, CBAO, and CDLPA; and
 - g) how each aspect of the blueprint will tie into the definition of competence.
7. The Task Force would co-ordinate the work being done by other Task Forces and working groups.

Approach

8. The Task Force would:
 - a) provide a complete catalogue of the range of roles already assumed by, or available to, the regulator in the area of competence - eg. setting standards, monitoring, informing, improving through hands on delivery of services, enforcing, etc.
 - b) provide a comparison with the role assumed by other professional governing bodies both within the legal profession, and other professions.
 - c) articulate the Society's statutory obligations in the area of competence and the specific role the Society is obliged to undertake in each area.
 - d) Having done this,
 - (i) list the steps that must be undertaken by the Law Society and the procedures that must be in place to fulfill the statutory obligations. (eg. develop baseline standards from which the competence orders may flow; review rules of professional conduct); and
 - (ii) consider the options available to meeting the statutory obligation, where the obligation is mandatory, but the approach to be taken to the obligation is not. (eg. licensing new members)

- e) develop a framework for assessing the Society's role in competence where there is no statutory obligation.¹
- f) assess the Society's current approaches against the framework.
- g) provide options to Convocation for determining a philosophy to underpin the Society's current and future role in those aspects of competence that are not statutorily defined.

Implementation of Blueprint

- 9. Once a blueprint is adopted, ensure that a process is in place to:
 - a) assist members of the profession to know the standards of competence they must meet;
 - b) assess current approaches to competence based programs and their place within the blueprint;
 - c) familiarize staff whose role is to implement programs, many of which are competence-related; and
 - d) assist benchers and staff to consistently apply those regulatory components that relate to the competence of members.
- 10. I propose the Task Force provide an interim report to Convocation at the October 1998 Convocation and a final report at January 1999 Convocation.

EXPANDED MANDATE FOR GOVERNMENT RELATIONS COMMITTEE

- 11. Convocation has acknowledged its duty to foster relationships with external constituencies to bring an outward focus and perspective to the work of the Law Society. The Government Relations Committee was established in September 1997 to foster, in a strategic way, a relationship between the Law Society and the provincial and federal governments.
- 12. To effectively fulfill its mandate, the Law Society must establish and manage strategic relationships with other important external constituencies - the media, the membership, other legal organizations and the public.
- 13. Accordingly, I request Convocation to approve the expansion of the mandate of the Government Relations Committee to include public relations, thus creating the "Government and Public Affairs Committee".
- 14. The mandate of the new committee, which includes the current mandate of the Government Relations Committee, would be as follows:

To develop and maintain an effective working relationship with the Government of Ontario, the Attorney General of Ontario, the Ontario Public Service and all elected officials of the Ontario Legislature for the purpose of ensuring the Law Society's policies and positions on matters affecting the interests of the public and the profession are understood before decisions affecting those matters are made.

To ensure that the Society's legislative agenda is effectively presented to the Government of Ontario for its consideration and approval.

¹This could be done by posing a series of questions- *Does the role statement imply the Law Society's involvement? Is it in the public interest for the Society to be involved? Does the cost of involvement outweigh the benefit? In a choice between initiatives, is this more or less important? Does the profession expect it? Is another organization better able to do it? Does the Society's involvement provide a dimension no other organization can provide?* etc.

To develop and maintain an effective working relationship with the Government of Canada and the Attorney General of Canada with respect to federal initiatives affecting matters within the Society's jurisdiction.

To develop, for Convocation's consideration, a governing policy defining the Law Society's public affairs mandate.

To develop a long range and comprehensive public affairs strategy consistent with the approved public affairs policy statement.

15. To establish this committee, Convocation must amend rules 27 and 41. The attached Notice of Motion, returnable on September 25, 1998 sets out the proposed rule amendment in detail.
16. In addition, Governance Policy II.H. must be amended to include the Government and Public Affairs Committee and its mandate.
17. Convocation is asked to ratify the following appointments to the Government and Public Affairs Committee.

Marrocco (c)	Sachs
Harvey (v-c)	Scott
Chahbar	Wilson
Lawrence	

BENCHER ELECTION AND REFERENDUM ON BENCHER HONORARIA PROPOSED TERMS OF REFERENCE FOR A TASK FORCE

Background

18. The next bencher election will take place in the spring of 1999. A number of issues relevant to the conduct of the election must be determined.
19. On February 28, 1997, Convocation approved a motion that the question of payment of honoraria to benchers be referred to the members in a referendum. A number of issues relevant to the feasibility and conduct of such a referendum must be determined.

Terms of Reference

20. The Task Force on the bencher election and on the referendum on bencher honoraria will consider the following issues and provide Convocation with recommendations.

Bencher Election Process - Conduct of Election

- a) How should the Law Society inform and educate the profession about the election process, in particular about the new system of regional elections? This should include an analysis of,
 - i) the appropriate role for the Law Society in the education process;
 - ii) the best method(s) for disseminating information;
 - iii) how the Law Society should distribute election ballots and information to members (eg. electronically, mail);
 - iv) the means by which members should be entitled to cast their votes (eg. by mail only, telephone, electronically); and
 - v) cost implications.
- b) Should voting in the bencher election be mandatory?
- c) Should a benefit be offered to those who vote in the bencher election?

Bencher Election Process - Involvement in Campaign Process

- d) What should be the Law Society's involvement in the campaign process? This should include an analysis of,
 - i) the extent to which the Law Society should regulate or direct the campaign process and in particular the nature, quantity, and extent of campaign material candidates may use;
 - ii) whether the Law Society should limit the money to be spent on campaigns; and
 - iii) cost implications of the Law Society's involvement.

Referendum on Bencher Honoraria

- e) Is there anything that would preclude a referendum question being included on the bencher election ballot?
- f) Assuming the answer to e) is no, is it advisable or feasible to include a referendum question on bencher honoraria on the 1999 bencher election ballot?
- g) What question(s) should be asked in the referendum?
- h) How should the Law Society inform and educate the profession about the referendum process and, in particular, about the specific question being asked? This should include an analysis of,
 - i) the appropriate role for the Law Society in the education process;
 - ii) the material to be distributed to inform voters of the nature of the issue; and
 - iii) the best method(s) for disseminating information;
- i) Who should be entitled to vote in the referendum?
- j) What should be the effect of the referendum results (eg. binding, advisory)?
- k) Should campaigning on the issue should be permitted and if so, to what extent should the Law Society regulate or direct the nature of the campaigning?
- l) What are the likely overall cost implications of the referendum?

21. Having analysed the issue of the specific referendum on bencher honoraria, the Task Force will also provide Convocation with options for it to consider on what rules should be in place for future referenda including, but not limited to:

- a) when a referendum may be sought;
- b) the appropriate role for the Law Society in the education process;
- c) whether members or Convocation only may direct a referendum;
- d) the appropriate nature of questions to be put to a referendum;
- e) the material to be distributed to inform voters on the nature of the issue;
- f) the best method(s) for disseminating information;
- g) whether campaigning on the issue should be permitted and if so the extent to which the Law Society should regulate or direct the nature of the campaigning; and
- h) the effect of referenda results.

22. I propose that the Task Force report to Convocation in December 1998.

23. I request Convocation's authority to establish a Task Force on the 1999 Bencher Election and Referenda.

REVIEW OF THE RULES OF PROFESSIONAL CONDUCT
PROPOSED TERMS OF REFERENCE FOR A TASK FORCE

Nature and Scope of the Issue

24. At the January 1997 meetings of the Professional Development and Competence Committee and the Professional Regulation Committee, each committee identified the need to review and assess a broad spectrum of issues, which were subsequently approved by Convocation for review.

25. Included in the Committees' lists were issues that highlighted the need to review the Law Society's regulatory scheme from a number of perspectives² and in particular some of the provisions of the Rules of Professional Conduct.
26. Throughout 1997 and 1998, the Professional Regulation Committee reviewed a number of issues related to application, interpretation or utility of certain Rules of Professional Conduct. While this is not an uncommon part of that Committee's role, given its mandate and the ongoing responsibility to address conduct-related matters, a number of the reviews called into question the relevance and applicability of certain proscriptions in the Rules.
27. When the Governance Restructuring Implementation Task Force (GRIT) began consideration of the general priority setting agenda for Convocation's review in the fall of 1997, at least two issues directly relating to the regulatory scheme, including ethical proscriptions, were identified by benchers. The first was the need to reduce all unnecessary regulation. The second, and more narrowly defined issue was the re-examination of the Rules of Professional Conduct.
28. Other initiatives underway at the Law Society either directly or indirectly bear on the nature and meaning of a code of professional conduct for lawyers. These include:
 - an examination of the fact of multi-disciplinary practices (including partnerships), how the Society's regulatory scheme either permits or disables the practice of law in a multi-disciplinary environment, and whether changes should be made;
 - changes in the investigatory and disciplinary operational processes as a result of the Project 200 regulatory redesign;
 - review of how paralegals should be regulated;
 - an intricate examination of competence and how the Society should deal with issues of competence among the membership;
 - legislative reforms; and
 - review of recommendations for civil justice reforms.
29. These factors, together with a general concern about the relevance and currency of the existing rules of conduct to lawyering in today's marketplace, make an examination of the Society's code of ethical conduct a necessary and timely undertaking.
30. This report provides Convocation with proposed terms of reference for a Task Force for the creation of new rules of professional conduct. Convocation is requested to approve, subject to any direction it feels is appropriate, the proposed terms of reference set out below.
31. In providing Convocation with detailed terms of reference, this report:
 - a) places the Task Force's mandate in the context of the Law Society's role statement/ commentaries and what they say about the Society's regulation and oversight of the profession;
 - b) proposes what the Task Force should seek to address and how; and
 - c) outlines the organizational framework for the Task Force, including:
 - (i) size and composition;
 - (ii) a research/consultation process;
 - (iii) time lines for the Task Force; and
 - (iv) funding/budgetary issues.

²Issues included, for example, the discipline of members for incompetence, whether the disciplinary process should be triggered for all breaches of conduct, and specific rule-related issues concerning marketing.

Context for the Task Force's Mandate
The Law Society's Role Statement

32. The Society's Role Statement states that the Law Society "exists to govern the legal profession in the public interest by ensuring that the people of Ontario are served by lawyers who meet high standards of learning, competence, and professional conduct". The Commentary as it relates to the application of ethical principles to the profession, is instructive, and states:

As with the duty to uphold the independence of the profession, so with the duty to uphold its integrity and honour: it is grounded in the public interest... The integrity of the justice system depends on the integrity of lawyers: without lawyers of integrity there can be no system of justice properly so called.

Many of the provisions of the *Law Society Act* and its regulations arise from the Society's obligation to uphold the integrity and honour of the legal profession - for example:

...

- the power to prepare and publish a code of professional conduct and ethics;
- the power to prescribe the financial books, records and accounts to be maintained by members who practise, and the power to examine and audit those records;
- the duty to investigate complaints of professional misconduct or conduct unbecoming a barrister and solicitor;
- the prescription of procedures to be followed in investigating and hearing complaints;
- the power to impose disciplinary sanctions (up to and including disbarment and cancellation of membership) on members guilty of professional misconduct or conduct unbecoming;
- the power to maintain a fund to be used to compensate clients and beneficiaries of trusts who have suffered loss as a result of a lawyer's dishonesty.

33. The challenge to the Law Society is how the above principles of governance find expression in a comprehensive examination of ethical prescriptions for lawyers as a function of protecting the public interest.

How the Task Force Should Proceed

34. While the Task Force should have some freedom to develop the details of its terms of reference, as a starting point the Task Force proposes to work from a "blank slate". The over-arching question is how the Law Society's ethical rules, which must exhibit and maintain a level of regulation and safety which protects the public, can be drafted in a way that will not unnecessarily impede the creative practice of law and will assist the profession to remain competitive.
35. To best understand how to achieve this overall objective, the Task Force should review any substantive work already completed by the Law Society in terms of a review or revisions to the Rules. It should also conduct worldwide research of existing literature on ethical codes.
36. Background review should also focus on the current state of the practice of law, where it is headed and the implications for the regulator in promulgating a code of ethics. In particular, the Task Force should initially review a number of topics, including:

- the changing face of the practice of law and how it should be defined;
- incursions into the “field” of law by other service providers;
- the globalization of the practice of law;
- the extent to which the public has to be protected, taking into account the varying levels of sophistication of the public who access lawyers;
- the purpose of rules, as guidance, instruction, education, notice of expectations, and the basis for disciplinary charges;
- “categories” of conduct, and competence issues as distinct from conduct issues;
- how a code is interpreted (broadly or narrowly), the certainty or transparency required to meet the purpose of a code, the reliance placed on the language by the public and the regulator, and issues concerning the exclusivity of a code of conduct;
- the historical issues relating to the challenges to the Law Society’s authority to enforce a code of conduct; and
- the legal effect of rules of conduct.

37. The Task Force will be responsible for:

- determining precise research requirements;
- directing staff research or engaging researchers and/or consultants with expertise in the area to facilitate an aggressive research phase for a period not exceeding three months;
- establishing a consultation process with appropriate groups in the profession and other professions as required;
- providing regular reports to Convocation.

Organizational Framework for the Task Force

Size and Make Up of The Task Force

38. The initial standing membership of the Task Force is:

Derry Millar (c)
Gavin MacKenzie (c)
The Honourable Mr. Justice John I. Laskin

39. As the work of the Task Force is further defined and progresses, other benchers or non-bencher lawyers and members of the public and other legal organizations may be invited to participate either as members or to consult. Thus, the membership of the Task Force is not exclusive, but will be driven, I anticipate, by the issues to be addressed.
40. The relatively small size is recommended so that meetings will be manageable and each member is expected to take responsibility for aspects of the work.
41. It is further proposed that the views of the various groups that have an interest in the Task Force’s studies should be heard and considered through a consultation process, rather than through membership on the Task Force. The Task Force should develop a proposal respecting consultation.

Time Lines

42. It is proposed that the Task Force be given until the end of the term of the current bench, in the spring of 1999, to conclude its work and prepare a final report to Convocation.

Funding/Budgetary Issues

43. The Task Force anticipates that the costs will be limited to hiring appropriate research personnel or consultants to assist in assembling relevant data or information or providing expert advice for consideration.
44. Other than that discussed above, no immediate new staff resources are contemplated, as essential support staff to the Task Force will come from Law Society departments.

Information to the Profession

45. The working group proposes that the work of the Task Force be publicized in the *Ontario Lawyers' Gazette* by way of general announcement to the profession.

Convocation's Consideration of the Terms of Reference

46. It is proposed that with respect to the terms of reference, Convocation:
 - a) determine whether they reflect an appropriate framework for the Task Force; and
 - b) determine whether it wishes to provide any further direction.

LEGISLATIVE REFORM IMPLEMENTATION
PROPOSED TERMS OF REFERENCE TASK FORCE

Background

47. The Legislative Reform Transition Task Force was struck in February 1998 to address issues arising out of the legislation being drafted by legislative counsel. The legislation has now been drafted and the Law Society must address the next stage of the legislative reform process - implementation.
48. To implement the amendments to the *Law Society Act*, regulations, by-laws, and rules of practice and procedure must be drafted. The regulations, by-laws, and rules of practice and procedure must be based on policy. In some instances, the relevant policy already exists. In other instances, the policy may require amendment. In still other instances, policy must be created.

Terms of Reference

49. To facilitate the drafting of the regulations, by-laws and rules of practice and procedure, Convocation is asked to establish the Legislative Reform Implementation Task Force, which would have the following responsibilities:
 - a) Identify policy issues that have not previously been addressed by Convocation but that must be resolved to implement the amendments to the *Law Society Act*, or the resolution of which would assist in the implementation of the amendments, and,
 - i. where the policy issue is minor in nature (*i.e.*, the issue requires a variation to a policy decision previously made by Convocation that will not alter the substance of the policy decision), resolve the issue and report the resolution to Convocation; and
 - ii. in all other cases,
 - (1) provide options to Convocation as to the resolution of the policy issue, or

- (2) request Convocation to direct the appropriate standing committee to resolve, within a specified period of time, the policy issue.
- b) cause to be drafted and approve regulations that are necessary to implement amendments to the *Law Society Act*. [Approved regulations will be submitted to the Attorney General. Regulations drafted by legislative counsel of the Ministry of the Attorney General for approval by the Lieutenant Governor in Council will need to be "made" by Convocation prior to their submission to the Lieutenant Governor in Council.]
 - c) cause to be drafted and approve by-laws that are necessary to implement amendments to the *Law Society Act*. Recommend to Convocation that it make the by-laws approved by the Task Force.
 - d) determine the order in which by-laws that are not necessary to implement amendments to the *Law Society Act*, but are otherwise necessary (e.g. necessary to the functioning of the Society; necessary to implement the Inter-Jurisdictional Practice Protocol of the Federation of Law Societies of Canada) should be made by Convocation. Cause to be drafted and approve these by-laws. Recommend to Convocation that it make these by-laws.
 - e) cause to be drafted and approve,
 - i. rules of practice and procedure applicable to the various proceedings before the Law Society Hearing Panel;
 - ii. rules of practice and procedure applicable to hearings before the Law Society Appeal Panel; and
 - iii. rules of practice and procedure applicable to the making of various orders without a hearing.
 - f) recommend to Convocation that it make the rules of practice and procedure approved by the Task Force.

SCHOLAR IN RESIDENCE

- 50. I propose that the Law Society create a position known as "scholar in residence." There would be no honorarium paid for this position.
- 51. However, the Law Society will provide "the scholar" with an office, telephone and computer.
- 52. I propose that the former dean of Osgoode Hall Law School, Marilyn Pilkington, be the first "scholar in residence."

CONFERENCE ON *PRO BONO* WORK IN THE PROFESSION

- 53. I propose that a task force be established to explore the possibility of holding a conference on *pro bono* work in the legal profession.
- 54. Hopefully, the conference would be sponsored by the Law Society, the Law Foundation of Ontario, the law schools and the Government of Ontario.
- 55. The Task Force should report by September 1998.

THE LAW SOCIETY OF UPPER CANADA

NOTICE OF MOTION

Pursuant to subrule 1(1) of the Rules made under subsection 62(1) of the *Law Society Act*.

TO BE MOVED IN CONVOCATION ON SEPTEMBER 25, 1998

AMENDMENT OF RULES
MADE UNDER SUBSECTION 62(1) OF THE *LAW SOCIETY ACT*

1. IT WILL BE MOVED:

THAT CONVOCATION AMEND RULE 27 OF THE RULES MADE UNDER SUBSECTION 62(1) OF THE *LAW SOCIETY ACT* AS FOLLOWS:

In the list of standing committees, revoke the following:

8. Government Relations Committee;

and replace it with:

8. Government and Public Affairs Committee

21. IT WILL BE MOVED:

THAT CONVOCATION AMEND RULE 40 OF THE RULES MADE UNDER SUBSECTION 62(1) OF THE *LAW SOCIETY ACT* TO READ AS FOLLOWS:

The mandate of the Government and Public Affairs Committee is:

1. To develop and maintain an effective working relationship with the Government of Ontario, the Attorney General of Ontario, the Ontario Public Service and all elected officials of the Ontario Legislature for the purpose of ensuring the Law Society's policies and positions on matters affecting the interests of the public and the profession are understood before decisions affecting those matters are made.
2. To ensure that the Society's legislative agenda is effectively presented to the Government of Ontario for its consideration and approval.
3. To develop and maintain an effective working relationship with the Government of Canada and the Attorney General of Canada with respect to federal initiatives affecting matters within the Society's jurisdiction.
4. To develop, for Convocation's consideration, a governing policy defining the Law Society's public affairs mandate.
5. To develop a long range and comprehensive public affairs strategy consistent with the approved public affairs policy statement.

It was moved by Mr. DelZotto, seconded by Ms. Cronk that the Report be adopted.

Carried

THE REPORT WAS ADOPTED

NOTICE OF MOTION

Mr. DelZotto gave notice of a motion to be brought before Convocation in September respecting amendments to the Rules on steering.

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IN CAMERA

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IN CAMERA Content Has Been Removed

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IN PUBLIC

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REPORTS FOR INFORMATION ONLY

CDLPA Resolutions
Legal Aid Committee Report

CDLPA Resolutions

The following Resolutions were passed by the County & District Law Presidents' Association at their Plenary Session held on Thursday, May 14th, 1998.

INSURANCE RESOLUTION

BE IT RESOLVED THAT:

1. The volume surcharge be eliminated for the fiscal year ending December 31, 1999.

MOVER: Graham Leache

SECONDER: Pierre Guindon

CARRIED

INSURANCE RESOLUTION

BE IT RESOLVED THAT:

1. Any surpluses that may have been accumulated, in any given year, as a result of the levying of the transaction surcharges, to be held to the credit of the Insurance Plan for the following year to reduce premiums.

MOVER: John Clark

SECONDER: John Gilbert

CARRIED

INSURANCE RESOLUTION

BE IT RESOLVED THAT:

1. Transaction surcharges be applied commencing in 1999, with the retirement of the deficit, to reducing the insurance premium levy.

MOVER: Ken Lawson

SECONDER: Adriana Doyle

CARRIED

INSURANCE RESOLUTION

BE IT RESOLVED THAT:

1. The County & District Law Presidents' Association (CDLPA) is very strongly opposed to the Lawyers Professional Indemnity Committee (LPIC) being sold to a private insurer without prior consultation with CDLPA.

MOVER: John Gilbert

SECONDER: Ken Lawson

CARRIED

LIBRARY RESOLUTION

BE IT RESOLVED THAT:

1. Any undistributed County Library funds be used for the direct use and benefit of the County Library system;
2. Further, that the existence of this undistributed balance not be used to reduce the 1999 levy.

MOVER: Milan Stipic

SECONDER: Elaine Perron

CARRIED UNANIMOUSLY

MERGER RESOLUTION

BE IT RESOLVED THAT:

1. That CDLPA and CBAO amalgamate and that membership be universal;
2. That a transition team be authorized to integrate CDLPA and CBAO in accordance with an agreed upon structure, maintaining separate budgets, and election processes, until such time as a legislative amendment for universal membership can be achieved.

MOVER: Michael O'Shaughnessy

SECONDER: Harold Cox

CARRIED

Report of the Legal Aid Committee

Legal Aid Committee
June 10, 1998

Report to Convocation

Nature of Report: Information

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The Legal Aid Committee met on June 10, 1998. In attendance were:

Committee members: Bob Armstrong (Chair), Neil Finkelstein (Vice Chair), Tamara Stomp, Allan Lawrence, Rich Wilson, Marshall Crowe, Derry Millar, Hope Sealy and Gerry Swaye.

Senior Management of OLAP: Provincial Director Bob Holden, Deputy Directors George Biggar, Ruth Lawson and David Porter, Clinic Funding Manager, Joana Kuras.

Other OLAP Staff: Elaine Gamble, Communications Coordinator and Felice Mateljan, Executive Assistant.

The following item is for your information:

1. Interim Pilot Implementation Report

The Committee received an update on the status of the pilots. Several pilots are expected to be running by the end of July, while decisions are being made on locations for the other pilots so that they can be set up by the end of September, 1998. A full report is attached as Appendix A.

2. Financial Reports - April 1998

The financial reports for April 1998 are attached.

3. Area Committee Appointments

The Committee approved one new appointment to area committees as recommended by the Provincial Director: Catherine White in Essex.

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

- (1) Copy of memorandum from Mr. George Biggar, Deputy Director, Legal to the Legal Aid Committee dated June 4, 1998 re: Interim Pilot Implementation Report. (Appendix A)
- (2) Copy of the Ontario Legal Aid Plan Financial Reports April 1998. (Appendix B)

CONVOCATION ROSE AT 3:45 P.M.

Confirmed in Convocation this ²⁵ day of *September* 1998

Harvey T. Skuseberg
Treasurer