

MINUTES OF CONVOCATION

Friday, 24th May, 1991  
9:30 a.m.

PRESENT:

The Treasurer, (James M. Spence, Q.C.), Bastedo, Bellamy, Bragagnolo, Brennan, Campbell, Cass, Chapnik, Copeland, Curtis, Farquharson, Feinstein, Ferrier, Furlong, Ground, Hall, Hickey, Howie, Howland, Jarvis, Kiteley, Lamek, Lamont, Lax, Legge, McKinnon, Mohideen, Murphy, Murray, Palmer, Pepper, Peters, Rock, Ruby, Scace, Scott, Somerville, Stewart, Strosberg, Thom, Topp, Wardlaw, Weaver and Yachetti.

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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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BENCHER ELECTION RESULTS

The Secretary filed the results of the Bencher Election with Convocation.

The first twenty persons in each list were elected to take office on 24th May, 1991 to serve for the ensuing four years.

Outside Metro

<u>Candidate</u>	<u>Votes</u>
Scott, David W.	4,881
Yachetti, Roger Dennis	4,600
McKinnon, Colin D.	3,917
Elliott, E. Susan	3,893
Murphy, Daniel J.	3,754
Peters, Patricia J.	3,677
Bragagnolo, Rino C.	3,614
Brennan, Lloyd	3,581
Lerner, Samuel	3,450
Weaver, Mary Patricia	3,168
Somerville, Marc J.	3,114
Strosberg, Harvey T.	3,097
Feinstein, Abraham	3,054
Murray, Ross W.	2,791
Hickey, Michael G.	2,733
Palmer, (Karen) Julaine	2,731
Wardlaw, J. James	2,721
Mohideen, Fatima	2,637
Topp, Robert C.	2,562
Krishna, Vern (Virender)	2,552

Carey, Tom	2,545
Nolan, Dermot P.	2,457
Guthrie, Hugh	2,268
Shaffer, Bernard	2,258
McWilliams, Peter K.	2,250
Hermiston, Paul G.M.	1,935
Graham, Fred	1,911
Whitten, Alan C.R.	1,864
Thoman, John Douglas	1,709
Talsky, Marvin	1,683
White, Donald D.	1,569
Neilson, Donald R.	1,331
Cureatz, Sam L.	1,318
McNeely, G. Gary	1,303
Greer, Thomas H.	1,263
Vanular, Gregory P.L.	796

Within Metro

<u>Candidate</u>	<u>Votes</u>
Rock, Allan M.	5,974
Kiteley, Frances P.	5,502
Ruby, Clayton C.	4,994
Chapnik, Sandra	4,854
Bellamy, Denis	4,290
Epstein, Philip M.	4,182
O'Connor, Dennis R.	4,168
Lamont, Donald H.L.	4,117
Bastedo, Thomas Galbraith	4,041
Campbell, Colin Livingstone	4,010
Copeland, Paul D.	3,860
Manes, Ronald D.	3,765
Howie, Kenneth Earle	3,715
Lax, Joan L.	3,456
Cullity, Maurice C.	3,384
Finkelstein, Neil	3,373
Levy, Earl J.	3,356
Lamek, Paul	3,225
Curtis, Carole	2,841
Carter, Robert	2,839

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Goudge, Stephen T.	2,416
Hill, S. Casey	2,340
Moliner, Marie	2,314
Blue, Ian A.	2,285
Mewett, Alan W.	2,231
McDonald, Bruce C.	2,212
Danson, Timothy S. B.	2,135
Millar, W.A. Derry	2,072
Swan, John	2,071
Outerbridge, Ian W.	2,054
McDougall, John L.	1,926
Perkins, Craig	1,590
Mark, Charles C.	1,462
Gluckstein, Bernard L.	1,446
Haber, Harvey M.	1,409
David, P. Jean-Yves	1,357
Appel, Mark G.	1,269
Hawkins, Robert E.	1,250
Libman, Peter K.	1,244
Zucker, Symon	1,109
Goldkind, Howard A.	1,054
Vita, Peter A.	902
Finn, Eric R.	809
Lapid, G. Jonathan	791

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LEGAL EDUCATION COMMITTEE

Mr. Rock presented the Report of the Legal Education Committee of its meeting on May 9th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGAL EDUCATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991. The following members were present: Allan Rock (Chair), Donald H.L. Lamont, Maurice Cullity (Vice-chairs), Denise Bellamy, Colin Campbell, Roderic Ferguson, Laura Legge, Patricia Peters, Marc Somerville, Stuart Thom. In attendance representing law schools was: Dean Robert Sharpe. Representing the Bar Admission Advisory Committee was: John Lewis. Staff in attendance were: Marilyn Bode, David Crack, Brenda Duncan, Lewis Eisen, Holly Harris, Cheryl Keech, Alexandra Rookes, Alan Treleaven.

A.

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POLICY

1. ACADEMIC OFFENCES POLICY

The Director of Education and members of the staff have been meeting with Stephen Traviss, Senior Counsel Professional Conduct, to discuss the issue of academic integrity of students in the Bar Admission Course.

A draft Policy Statement on Academic Integrity was approved by the Legal Education Committee at its meeting of April 11, 1991. The Policy was considered by Convocation at its meeting of April 26, 1991. A number of suggestions were made by Benchers at Convocation as to wording changes, and accordingly the Chair of the Legal Education Committee decided to refer the Policy back to the Legal Education Committee for re-consideration.

A re-drafted Policy is attached (page 1). It should be referred to Convocation for approval. The Policy would then be referred by the Legal Education Committee to the Professional Conduct Committee to be considered for inclusion in the Professional Conduct Handbook.

It is recommended that the draft Policy Statement on Academic Integrity be approved.

Approved

C.

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INFORMATION

1. CONTINUING LEGAL EDUCATION BUDGET

The draft 1991-2 Continuing Legal Education budget was considered by the Legal Education Committee at its March 7, 1991 meeting. Since that time it has become apparent that anticipated course revenues are likely to be significantly lower due to declining per course registrations in 1991.

On the suggestion of the Chair of the Finance and Administration Committee, a revised 1991-2 budget has been drafted in consultation with the Director of Finance. The revised budget and an explanatory memorandum were reviewed by the Legal Education Committee.

The 1991-2 revised draft Continuing Legal Education budget was referred to the Finance and Administration Committee.

2. BAR ADMISSION COURSE FACULTY

Suzette Blom joined the Bar Admission Course Toronto Faculty on May 6, 1991. Ms. Blom will be a member of the Faculty until August 31, 1991, filling in on a contract basis for Erika Abner who is completing a child care leave.

Following her law school graduation from Osgoode Hall Law School, Ms. Blom articulated with Levinter & Levinter in Toronto. Most recently Ms. Blom has been practising law with Rodica David. Ms. Blom's practice background is primarily in the areas of Family Law and Civil Litigation.

3. BAR ADMISSION COURSE FUNDING

On April 30, 1991 the Minister of Colleges and Universities, Richard Allen, informed the Treasurer and announced to the media that the Ontario government was discontinuing its annual grant-in-aid to the Law Society of Upper Canada effective immediately. In the Law Society's 1990-91 fiscal year the Ontario government provided \$937,500 to the Law Society as a contribution to the funding of the Bar Admission Course. This amount fulfils the government commitment for the Law Society's current fiscal year. If the grant-in-aid had not been cancelled, installment payments would have resumed once again in October of 1991.

A Memorandum from the Under-Treasurer was referred to the Legal Education Committee and Finance Committee for consideration. Discussions as to the consequences of the funding loss are ongoing.

4. ARTICLING SUBCOMMITTEE

The Articling Subcommittee met on Thursday, April 11. In attendance were Acting Chair, Denise Bellamy, Janne Burton, Sandra Chapnik, Barbara Dickie and Jay Rudolph. Also in attendance were Gemma Zecchini of the Communications Department staff, and from the Department of Education staff Alan Treleaven, Marilyn Bode, Mimi Hart and Alan Butcher (a staff lawyer on contract with the department).

The Subcommittee discussed in detail a draft brochure outlining the changes to the articling process, as well as proposed advertisements for students and principals. The Application Form for prospective principals was finalized.

The Subcommittee considered and granted one student petition for abridgment of articles.

The next meeting of the Subcommittee is expected to be held by early June, 1991.

5. REQUEST FOR PHASE-ONE EXEMPTION

A student has requested exemption from Phase One of the Bar Admission Course based on his having articulated in Ontario in 1987-88 and his current practice of law as a member of the New York Bar.

The Legal Education Committee has already determined that all students enrolled in the Bar Admission Course must complete both Phases One and Three of the Bar Admission Course in their entirety, regardless of practice or articling experience. The Articling Subcommittee considered the issue, but not the specific case of the student, at its March meeting, and determined that for at least 1991 all Bar Admission Course students would be required to complete both Phases One and Three.

The Director of Education has informed the student that the student is required to complete both Phases One and Three of the Bar Admission Course.

6. BAR ADMISSION COURSE STUDENT FAILURES

At its meeting of March 7, 1991, the Legal Education Committee determined that a Subcommittee of three of its members would be designated to determine appeals of students from the failure of the 32nd Bar Admission Course.

On April 30, the Subcommittee, comprising Denise Bellamy, Colin Campbell and Sandra Chapnik, met to hear six appeals. Of the five students who appeared before the Subcommittee, two were represented by counsel. A sixth student did not appear, having decided to rely on a written submission.

The Subcommittee determined that one student would be permitted to write a second supplemental examination, which if successfully written would complete the requirements of the Bar Admission Course. The appeals of the other five students were denied, so that those students must complete all of the requirements of Phase Three of the Bar Admission Course in order to have completed the Bar Admission Course successfully.

7. DEPARTMENT OF EDUCATION LONDON PREMISES

On April 26, 1991 Convocation approved the proposal of the Finance and Administration Committee that the London facility of the Department of Education be moved to the Talbot Centre. The rental rate is competitive with the current rate, and provides a savings in the next fiscal year due to inducements offered by the building owner. The move is expected to take place on Sunday, September 1, 1991.

8. LAW SOCIETY OTTAWA FACILITIES: PROPOSAL FOR AN AUDIT OFFICE

The Secretary recommends that an office of the Law Society's Audit Department be opened in the Law Society's Ottawa facility. The proposed office would serve approximately 509 law firms in the Ottawa and surrounding area and would likely be staffed by three persons.

The Under-Treasurer requested that the Legal Education Committee and the Building Committee be informed of the Proposal.

9. DEPARTMENTAL BUDGET REPORT

Pursuant to the direction of the Treasurer, the Director reported on the Department of Education budgets to date.

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"A. Rock"  
Chair

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

A-Item 1 - Draft Policy Statement on Academic Integrity.

(Page 1)

THE REPORT WAS ADOPTED

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ADMISSIONS COMMITTEE

Ms. Peters presented the Report of the Admissions Committee of its meeting on May 9th, 1991 and an Addendum dated May 24th, 1991.

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

The ADMISSIONS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991 at 9:30 a.m., the following members being present: Ms. Peters (Chair), and Messrs. Farquharson, Ground and Lamont.

B.  
ADMINISTRATION

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

The following have met all the requirements to transfer under Regulation 4(1).

Christopher Dickie  
James Michael Stafford

APPROVED

2. DIRECT TRANSFERS - QUEBEC - REGULATION 4(2)

(a) The following has met all the requirements to transfer under Regulation 4(2):

Bernard Laprade

APPROVED

(b) Robert Neil Spiegel (B.A. 1983 and, LL.B. and B.C.L. in 1987 all from McGill University) was called to the Bar of the Province of Quebec on the 22nd day of October 1988 and has practised in that province from the 14th November 1988 to the present. Mr. Spiegel presents a Certificate of Good Standing, seeks, by way of special petition, to proceed under Regulation 4(2) and asks permission to be excused from writing the Common Law examination according to the interpretation of Regulation 4(2) as set out in the Memorandum to the Admissions Committee of September, 1983 which states: "Candidates qualified to proceed under Regulation 4(2) and who have obtained an approved LL.B. degree within the eight years preceding their application may be taken to have satisfied the requirements of subparagraph (d) which reads - passes a comprehensive examination on the common law of Ontario."

Mr. Spiegel will have the required three years in practice on the 14th November this year. He would prefer to take Phase Three of the Bar Admission Course (three month teaching term) as his route of transfer. The course runs from mid-September to mid-December and is offered only once a year. At the time the course commences this fall he will be short the required three years of practice by two months.

He and his wife are moving to Ontario in September this year. He requests permission to enter Phase Three of the Bar Admission Course this September and that he be permitted to complete the remaining two months of practice with an Ontario law firm either while he is enrolled in Phase Three or following successful completion of the course after which he will produce evidence of having completed the necessary three years and present himself for call to the Bar.

The Committee recommends that Mr. Spiegel be permitted to enter Phase Three of the Bar Admission Course and, because he chooses the longer route of transfer, that he not be required to complete the remaining two months in practice.

3. APPLICATION - FOREIGN LEGAL CONSULTANT

Ira Abraham Greenstein - Skadden, Arps - New York

An application was received from Ira Abraham Greenstein of the firm of Skadden, Arps, Slate, Meagher & Flom in New York to be licensed as a foreign legal consultant.

Mr. Greenstein was called to the Bar of the State of New York on the 15th day of June, 1987 and has practised in that state from that date to the present. He is a member in good standing.

The applicant does not presently reside in Ontario but states that he will establish residency in Ontario as soon as is practicable after licensing as a Foreign Legal Consultant is granted.

If Mr. Greenstein's application is accepted, he will be joining Christopher Morgan and Luc Despina who were licensed as foreign legal consultants in January 1990.

Mr. Greenstein's application is complete and both he and the firm have filed all necessary undertakings.

APPROVED

4. ADMISSION OF STUDENTS-AT-LAW

Bar Admission Course

The Committee had before it a list of candidates who have complied with the relevant Regulations, paid the required fee of \$101.00 and filed the necessary documents, and approved their admission to the Law Society as students-at-law in the Bar Admission Course. A list of the candidates will be available at Convocation.

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

1162. Major, Marie-France	B.Soc.Sc. Ottawa/83; B.C.L. Oxford, UK/87; LL.B. Ottawa/86
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Approved

Under Bar Admission Course Regulation 22(7)  
33rd B.A.C. (Entering Articles 1990)

325. Abey, Lawrence John	B.A. Western/86; LL.B. Windsor/90;
326. Amaron, Karen Elizabeth	B.A. Trent/85; B.C.L. McGill/89; LL.B. McGill/89;
327. Atkinson, Elaine Marie	B.A.S. Stanford, USA/87; LL.B. Toronto/90;
328. Ball, Thomas Anthony	B.Comm. Carleton/87; LL.B. Queen's/90;
329. Bart, Jacqueline Rose	B.A. York/87; LL.B. Windsor/90;
330. Baumal, Lisa Rose	B.A. Toronto/87; LL.B. Toronto/90;

331. Beharry, Sonja Annette Joint Committee on Accreditation/90;
332. Boddy, Gregory Wayne B.Sc. Waterloo/86;  
B.A. Waterloo/87;  
LL.B. Calgary/90;
333. Boelhouwer, Karen Lorraine B.A. Waterloo/87;  
McGillis LL.B. Western/90;
334. Braidek, Alan Ross 2 yrs. Arts, Saskatchewan;  
LL.B. Saskatchewan/89;
335. Bramwell, Ann Catherine Edith B.A. Queen's/87;  
LL.B. Western/90;
336. Chan, Hei Kwong Ferant Joint Committee on Accreditation/91;
337. Chevalier, Caroline Angela Marie 3 yrs. Science, Western;  
LL.B. Western/90;
338. Chippindale, Elizabeth Ann 4 yrs. Commerce, McMaster;  
LL.B. Ottawa/90;
339. Chuk, Ling Cheung Andrew B.Sc. Wisconsin, USA/78;  
M.Sc. Notre Dame, USA/80;  
M.B.A. Illinois, USA/82;  
LL.B. Ottawa/90;
340. Clements, Simon Anthony B.A. Toronto/86;  
B.A. Oxford, UK/88;  
LL.B. Toronto/90;
341. Cooper, Elizabeth Dorothy B.Comm. Mount Allison/86;  
B.A. Queen's/87;  
LL.B. Queen's/90;
342. Corrigan, Pamela Jane 2 yrs. Science,  
Saskatchewan;  
LL.B. Saskatchewan/84;
343. Cuningham, John William B.A. Rhodes, SA/81;  
LL.B. Rhodes, SA/83;  
LL.B. McGill/90;
344. Cuperfain, Joel Terrance A.B. Brandeis, USA/84;  
LL.B. Toronto/90;
345. D'Angela, David Anthony B.A. Western/85;  
LL.B. Western/90;
346. Dean, LLOYD Clayton B.Comm. Windsor/87;  
LL.B. Windsor/90;
347. Dennis, Craig Patrick B.Comm. British Columbia/90;  
LL.B. Toronto/90;
348. Drash, Ronda Ellen 2 yrs. Arts, York;  
LL.B. York/90;
349. Dunn, Michael Patrick B.A. York/87;  
Fitzgerald LL.B. Western/90;
350. Fellingner, Gregory Albert B.A. Regina/84;  
LL.B. Saskatchewan/87;







- 415. O'Malley, Thomas Charles      B.A. Toronto/87;  
LL.B. Toronto/90;
- 416. O'Reilly, Richard Marc      B.Soc.Sc. Ottawa/86;  
LL.B. Ottawa/90;
- 417. Orlander, Margaret Stacey      B.A. York/86;  
LL.B. York/90;
- 418. Orr, Susan Lynne      B.A. Lake Superior, USA/82;  
B.Sc. Lake Superior,  
USA/85;  
LL.B. Western/90;
- 419. Orsini, George Louis      B.A. Toronto/86;  
LL.B. Western/90;
- 420. Osborne, Peter James      B.A. Queen's/87;  
LL.B. York/90;
- 421. Palangio, James Victor      B.A. Queen's/87;  
LL.B. Queen's/90;
- 422. Palmer, Carole Margaret      2 yrs. Arts, Waterloo;  
LL.B. Windsor/90;
- 423. Park, Helen Chong Hee      B.A. Toronto/87;  
LL.B. Western/90;
- 424. Parla, Mehmet Ali      B.A. Windsor/86;  
LL.B. Windsor/90;
- 425. Patey, Shawn Harrison      B.A. Memorial/87;  
LL.B. Queen's/90;
- 426. Patton, David Andrew      B.A. Saskatchewan/87;  
LL.B. Saskatchewan/90;
- 427. Pearl, Maureen Elena      B.A. York/86;  
LL.B. Windsor/90;
- 428. Pefhany, Ellen Sophia      B.S.L. Laurentian/86;  
LL.B. Western/90;
- 429. Pennell, Cynthia Kerry Anne      B.A. Guelph/75;  
B.A. McMaster/82;  
LL.B. Windsor/88;
- 430. Pervanas, Jeffrey      B.A.Sc. Toronto/87;  
LL.B. York/90;
- 431. Pieterston, Linda      B.A. Windsor/87;  
LL.B. Windsor/90;
- 432. Pigott, Christopher Sean      B.A. Toronto/86;  
LL.B. York/90;
- 433. Pike, Phillip Reginald      B.S.L. Laurentian/85;  
B.C.L. McGill/90;  
LL.B. McGill/90;
- 434. Pillay, Sukanya      B.A. Windsor/87;  
LL.B. Windsor/90;
- 435. Pinsky, Todd Feiner      B.Sc. Queen/87;  
LL.B. Queen's/90;
- 436. Pollock, Robert Elliot      2 yrs. Arts, York;  
LL.B. York/90;

437. Poonai, Vishnu Rajendra Joint Committee on Accreditation/90;
438. Por, Lorraine Joyce B.A. Toronto/87;  
LL.B. Western/90;
439. Porter, Gregory Donald B.A. Western/87;  
Randolph LL.B. York/90;
440. Powell, Kerry Lynne Mature Student;  
LL.B. York/90;
441. Pratchler, Sharon Helen B.Comm. Saskatchewan/90;  
LL.B. Saskatchewan/90;
442. Pratt, Randall Wade B.A. Western/84;  
LL.B. York/90;
443. Pundyk, Edward Anthony B.A. Manitoba/81;  
B.Comm. Manitoba/85;  
LL.B. Ottawa/90;
444. Purvis, Catherine Denise B.A. Carleton/81;  
LL.B. Queen's/90;
445. Quan, Richard 3 yrs. Arts, Queen's;  
LL.B. Western/90;
446. Quinlan, Paul Thomas B.Sc. Toronto/85;  
M.Sc. Toronto/87;  
LL.B. Queen's/90;
447. Racioppo, Francesco B.Comm. Toronto/86;  
M.B.A. Windsor/90;  
LL.B. Windsor/90;
448. Rae, Randall Norman B.A. Western/79;  
LL.B. Western/90;
449. Ranger, Joseph Jean Martin B.A. Ottawa/87;  
LL.B. Ottawa/90;
450. Rao, Prema Kris B.Comm. Saskatchewan/90;  
LL.B. Saskatchewan/90;
451. Redmond, Sandra Gail Joint Committee on Accreditation/90;
452. Reynolds, Stephen George B.A. Dalhousie/86;  
LL.B. Windsor/90;
453. Richer, Chantal 2 yrs. Arts, Ottawa;  
LL.B. Ottawa/90;
454. Rider, John Vincent B.A. Queen's/87;  
LL.B. Western/90;
455. Rogers, Kimberly Lynne B.A. St. Thomas/87;  
LL.B. Western/90;
456. Rogers, Scott MacCaie B.Sc. McMaster/84;  
B.A. McMaster/86;  
LL.B. Windsor/90;
457. Rose, David Stewart B.A. McGill/86;  
B.A. Oxford, UK/88;  
LL.B. McGill/90;

458. Rosenthal, Peter Michael      B.S. Queen's College,  
USA/62;  
M.A. Michigan, USA/63;  
Ph.D. Michigan, USA/67;  
LL.B. Toronto/90;
459. Ross, Diane Judith            B.A. Toronto/87;  
LL.B. York/90;
460. Rossi, Robert Antonio        B.A. Waterloo/86;  
LL.B. Ottawa/90;
461. Rowe, Shelley Anne          B.A. Waterloo/88;  
LL.B. Windsor/90;
462. Roy, Allain                  B.E.Sc. Moncton/87;  
LL.B. Moncton/90;
463. Rudolph, John Robert        B.Sc. Toronto/79;  
M.Sc. Toronto/82;  
Ph.D. McMaster/89;  
LL.B. Ottawa/90;
464. Rupar, Christopher Martin    B.A. Western/87;  
LL.B. Western/90;
465. Russo, Americo Joe          2 yrs. Arts, York;  
LL.B. York/90;
466. Ruttenberg, Colleen Covert    Mature Student;  
LL.B. Saskatchewan/90;
467. Saffrey, Harold Andrew      B.A. Toronto/85;  
LL.B. Windsor/90;
468. Salmon, Richard Doran       B.A. Carleton/87;  
LL.B. Western/90;
469. Sanchez-Sweatman, Louise Rata B.Sc.N. Toronto/85;  
LL.B. York/90;
470. Saroli, Franco              B.A. Windsor/87;  
LL.B. Windsor/90;
471. Scane, Anthony Douglas      B.A. Queen's/87;  
LL.B. Queen's/90;
472. Schulz, Martin Christopher    2 yrs. Arts, Western;  
LL.B. York/90;
473. Searle, Bryan Scott         B.A. Wilfrid Laurier/87;  
LL.B. Western/90;
474. Serdan-Labute, Lisa Stephanie B.A. Windsor/90;  
LL.B. Windsor/90;
475. Sewell, Joanne Jennifer     B.A. Toronto/84;  
M.B.A. Dalhousie/90;  
LL.B. Dalhousie/90;
476. Shanahan, Margaret Jacinta    2 yrs. Arts, Toronto;  
LL.B. York/90;
477. Shastri, Rahul              B.A. Western/85;  
B. Comm. Windsor/87;  
LL.B. Windsor/90;

478. Shea, James Michael B.A. Guelph/82;  
M.A. Guelph/84;  
LL.B. Queen's/90;
479. Sherrard, Michael Gregory B.Ed. New Brunswick/87;  
LL.B. New Brunswick/90;
480. Sinstead, Jennifer Lucille 2 yrs. Arts, Toronto;  
LL.B. York/90;
481. Skoropada, John Robert Mature Student;  
LL.B. Queen's/90;
482. Sloss, Elizabeth Anne B.A. McGill/82;  
B.C.L. McGill/86;  
LL.B. McGill/86;
483. Smith, Derek Lawrence 3 yrs. Arts, Western;  
LL.B. Western/90;
484. Smith, Frances Gail B.A. Queen's/87;  
LL.B. Queen's/90;
485. Smith, Geoffrey Allan B.A. Toronto/87;  
LL.B. Queen's/90;
486. Smith, Heather Ann B.A. Dalhousie/85;  
LL.B. Toronto/90;
487. Smith, Joni Ellen B.A. McGill/87;  
LL.B. Western/90;
488. Speck, Timothy Ernest Troy B.A. Western/87;  
LL.B. Western/90;
489. Spivak, Marc Glen B.Comm. McGill/86;  
B.C.L. McGill/90;  
LL.B. McGill/90;
490. Sprigings, Warren Neil B.Sc. Ottawa/87;  
LL.B. Ottawa/90;
491. Sproat, May Jean B.S.W. Windsor/85;  
LL.B. Toronto/90;
492. Srebrolow, James William B.Sc. York/84;  
LL.B. Ottawa/90;
493. Stamp, David Andrew B.A. Western/87;  
LL.B. Toronto/90;
494. Steele, Stephen Christopher Mature Student;  
LL.B. York/90;
495. Steen, Thomas Edward B.Comm. Ottawa/87;  
LL.B. Ottawa/90;
496. Stein, Lorisa B.A. Western/79;  
M.A. Toronto/87;  
LL.B. Queen's/90;
497. Steiner, Melanie Patricia 2 yrs. Arts, York;  
LL.B. York/90;
498. Steinman, Ned Arthur B.A. Concordia/86;  
B.C.L. McGill/90;  
LL.B. McGill/90;

499. Sterling, Helen Marion B.A. York/81;  
J.D. Notre Dame, USA/86;  
LL.B. Queen's/90;
500. Sterling, Stephen Henry B.Sc. Western/86;  
LL.B. Western/90;
501. Stevenson, Alison Christina B.A. Dalhousie/85;  
Maud LL.B. Dalhousie/90;
502. Stewart, Mark William B.A. Western/78;  
M.B.A. Oral Roberts,  
USA/83;  
J.D. Oral Roberts, USA/86;  
LL.B. Queen's/90;
503. Stokes, Bryson Alfred B.A. York/87;  
LL.B. York/90;
504. Stuart, Glenn Malcolm B.A. Toronto/87;  
LL.B. Queen's/90;
505. Stuart, Robert Thompson A.B. Princeton, USA/87;  
LL.B. Toronto/90;
506. Sugden, Carol Margaret B.A. Toronto/87;  
LL.B. Western/90;
507. Sullens, John Clifford B.A. Windsor/85;  
LL.B. Windsor/90;
508. Tittlemore, Brian Douglas B. Comm. Saskatchewan/90;  
LL.B. Saskatchewan/90;
509. Toddington, Janet Elaine B.A. British Columbia/75;  
LL.B. British Columbia/90;
510. Tokarek, Carl Paul George B.Sc. Alberta/86;  
LL.B. Toronto/90;
511. Tonin, Carolyn Louise B.B.A. Wilfrid Laurier/86;  
LL.B. Western/90;
512. Tooke, William Wallace Peter 3 yrs. Science, Western;  
John LL.B. Western/89;
513. Torrance, Virginia Ann B.A.A. Ryerson/87;  
LL.B. Western/90;
514. Trombetti, Oriana B.A. Ottawa/86;  
LL.B. Ottawa/90;
515. Tumnillo, Maria Teresa B.A. Guelph/86;  
LL.B. York/90;
516. Ugenti, Bruno Anthony B.A. Western/87;  
LL.B. Windsor/90;
517. Ulehla, Boris Paul B.S.Sc. Ottawa/85;  
LL.B. Toronto/88;
518. Vadacchino, Filomena Patrizia B.A. York/87;  
LL.B. York/90;
519. Vairo, Carlo Paulo Giuseppe B.A.Sc. Toronto/85;  
LL.B. Windsor/90;

520. Valiquette, Lianne Renee B.A. Laurentian/87;  
LL.B. Ottawa/90;
521. Vanderley, Petronella Minca B.A. York/80;  
LL.B. Windsor/90;
522. Veiga-Minhinnett, Anita  
Camelia Mature Student;  
LL.B. York/90;
523. Vereschagin, Anna Marie B.Comm. Saskatchewan/87;  
LL.B. Western/90;
524. Vienneau, Moi B.A. McMaster/87;  
LL.B. Windsor/90;
525. Waddell, Alexander Gordon B.A. Ottawa\87;  
LL.B. Ottawa\90;
526. Wagner, Christian B.B.A. Simon Fraser/87;  
LL.B. Toronto/90;
527. Wainwright, Jennifer Ann B.A. Toronto/87;  
LL.B. Western/90;
528. Waites, David Glen B.A. Western/86;  
LL.B. Windsor/90;
529. Walton, Luanne Agnes B.A. Dalhousie/86;  
LL.B. Dalhousie/90;
530. Warder Abicht, Hilary Frances B.Comm. Queen's/87;  
Emma LL.B. Queen's/90;
531. Warkentin, Edgar Peter B.A. Windsor/71;  
LL.B. Windsor/90;
532. Waterston, Michael John B.A. McGill/85;  
B.C.L. McGill/89;  
LL.B. McGill/89;
533. Watt, Stephen Bruce 4 yrs. Arts, Queen's;  
LL.B. Western/90;
534. Webster, Jennifer Leigh B.A. McGill/86;  
LL.B. Toronto/90;
535. Wehrle, Deborah Kim B.A. Manitoba/87;  
LL.B. Toronto/90;
536. Weidberg, Edward B.S. Touro College, USA/86;  
LL.B. York/90;
537. Weinczok, Michael Andrew B.A. Dalhousie/87;  
LL.B. Dalhousie/90;
538. Weir, John Angus B.A. Wilfrid Laurier/86;  
LL.B. Windsor/90;
539. Wengle, Susan Leslie B.A. York/86;  
LL.B. York/90;
540. Wheeler, Christopher John B.A. Toronto/87;  
LL.B. Western/90;
541. White, Sharon Lynne B.Comm. Windsor/87;  
LL.B. Windsor/90;
542. White, Thomas Norman B.Sc. Western/86;  
LL.B. Victoria/90;

- 543. Whitelaw, Beverly Anne            B.Comm. McGill/86;  
                                          B.C.L. McGill/90;  
                                          LL.B. McGill/90;
- 544. Wigle, Jacqueline Patricia        B.A. Queen's/87;  
                                          LL.B. York/90;
- 545. Wilson, Graham Edward            B.A. Brock/85;  
                                          M.A. Brock/86;  
                                          LL.B. Windsor/90;
- 546. Wilson, Marti Elizabeth          B.A. Guelph/86;  
                                          LL.B. Queen's/90;
- 547. Wojcik, David Gerard            B.A. St. Francis Xavier/70;  
                                          LL.B. Ottawa/90;
- 548. Wolfe, Irene Liana              B.A. Carleton/87;  
                                          LL.B. McGill/90;
- 549. Woloshyn, Eileen Elizabeth      B.A. Toronto/67;  
                                          Jousse            B.Ed. Queen's/69;  
                                          LL.B. Queen's/90;
- 550. Wong, Susan                      B.A. York/87;  
                                          LL.B. York/90;
- 551. Wood, Bruce Edward              B.A. Toronto/87;  
                                          LL.B. Queen's/90;
- 552. Worley, Amanda Kirstin          B.Sc. Queen's/86;  
                                          LL.B. Windsor/90;
- 553. Wright, Kevin Lawrence          M.B.A. York/90;  
                                          LL.B. York/88;
- 554. Yasny, Richard Anthony          B.A. Toronto/86;  
                                          LL.B. Alberta/90;
- 555. Zarowsky, Roman Mark Andrew    B.A. Toronto/86;  
                                          LL.B. Queen's/90;
- 556. Zoppi, Sandro Ivano              2 yrs. Science, Toronto;  
                                          LL.B. York/90;

Approved

5.    EXAMINATION RESULTS - STATUTES AND PROCEDURE

The results of the examination on Statutes and Procedure in Ontario held in April 1991 were before the Committee. Two candidates sat the examination:

The following candidates passed:

- Giuseppa Bentivegna
- Alnoor Shamshudin Meghani

NOTED

6.    CALL TO THE BAR AND CERTIFICATE OF FITNESS

(a)   Bar Admission Course

The following candidates having successfully completed the Thirty-Second Bar Admission Course, filed the necessary documents and paid the required fee now apply for call to the Bar and to be granted Certificates of Fitness:

Irene Teresa Boland  
Thomas Francis Fagan  
Alexander Matthew Mills  
Anne Frances Murphy  
Ranee Barbara Pavalow  
Robin Shilp Sharma

APPROVED

The following candidate having successfully completed the Thirty-First Bar Admission Course, filed the necessary documents and paid the required fee now applies for call to the Bar and to be granted a Certificate of Fitness:

Carrie Evangeline Gallant

(b) Transfer from another province - Regulation 4(1)

The following candidate having successfully completed the Bar Admission Course Transfer Examinations, filed the necessary documents and paid the required fee now applies for call to the Bar and to be granted a Certificate of Fitness:

Kathryn Ann Clout

Province of British Columbia

APPROVED

The following candidates having successfully completed the Statutes and Procedure in Ontario Examination, filed the necessary documents and paid the required fee now apply for call to the Bar and to be granted Certificates of Fitness:

Giuseppa Bentivegna  
Alnoor Shamshudin Meghani

Northwest Territories  
Province of Alberta

APPROVED

(c) Transfer from another province - Regulation 4(2)

The following candidate having successfully completed the Bar Admission Course Transfer Examinations, filed the necessary documents and paid the required fee now applies for call to the Bar and to be granted a Certificate of Fitness:

Mitchell Marcus

Province of Quebec

APPROVED

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"P. Peters"  
Chair

ADMISSIONS COMMITTEE - ADDENDUM - MAY 24TH, 1991

B.  
ADMINISTRATION

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1. CALL TO THE BAR AND CERTIFICATE OF FITNESS

(a) Bar Admission Course

The following candidates having successfully completed the Thirty-Second Bar Admission Course, filed the necessary documents and paid the required fee now apply for call to the Bar and to be granted Certificates of Fitness:

- Clare Ann Barclay
- Patricia Rose Anne Broad
- Sally Christine Canniff
- Suchetna Channan
- Kumar Deonarayan Doobay
- Alan Wayne Edwards
- Grace Elizabeth Gaudet
- Karen-Rohi Kamra
- Esme Christine Lall
- Mary Jane McCarthy
- Valerie Anne Owen
- Debbie Rona
- Deborah Jane Ethel Snead

APPROVED

THE REPORT AND ADDENDUM WERE ADOPTED

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CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation and were called to the Bar, and the degree of Barrister-at-law was conferred upon each of them by the Treasurer.

- |                           |                                          |
|---------------------------|------------------------------------------|
| Clare Ann Barclay         | 32nd Bar Admission Course                |
| Irene Teresa Boland       | 32nd Bar Admission Course                |
| Patricia Rose Anne Broad  | 32nd Bar Admission Course                |
| Sally Christine Canniff   | 32nd Bar Admission Course                |
| Suchetna Channan          | 32nd Bar Admission Course                |
| Kumar Deonarayan Doobay   | 32nd Bar Admission Course                |
| Alan Wayne Edwards        | 32nd Bar Admission Course                |
| Thomas Francis Fagan      | 32nd Bar Admission Course                |
| Grace Elizabeth Gaudet    | 32nd Bar Admission Course                |
| Karen-Rohi Kamra          | 32nd Bar Admission Course                |
| Esme Christine Lall       | 32nd Bar Admission Course                |
| Mary Jane McCarthy        | 32nd Bar Admission Course                |
| Alexander Matthew Mills   | 32nd Bar Admission Course                |
| Anne Frances Murphy       | 32nd Bar Admission Course                |
| Valerie Anne Owen         | 32nd Bar Admission Course                |
| Randee Barbara Pavalow    | 32nd Bar Admission Course                |
| Debbie Rona               | 32nd Bar Admission Course                |
| Robin Shilp Sharma        | 32nd Bar Admission Course                |
| Deborah Jane Ethel Snead  | 32nd Bar Admission Course                |
| Carrie Evangeline Gallant | 31st Bar Admission Course                |
| Giuseppa Bentivegna       | Special, Transfer, Northwest Territories |
| Kathryn Ann Clout         | Special, Transfer, British Columbia      |
| Mitchell Marcus           | Special, Transfer, Quebec                |
| Alnoor Shamshudin Meghani | Special, Transfer, Alberta               |

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FINANCE AND ADMINISTRATION COMMITTEE

Mr. Ground presented the Reports of the Finance and Administration Committee of its meetings on May 9th and 23rd, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FINANCE AND ADMINISTRATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 11h of April, 1991 at three o'clock in the afternoon, the following members being present: Messrs. Ground (Chair), Guthrie (Vice-Chair), Howie (Vice-Chair), Ferrier, Hall, Ms. Harvey, Messrs. Lamont, Lerner, Pepper, Shaffer, Wardlaw and Mrs. Weaver. Also in attendance: Messrs. Rock, Treleaven.

Note: date Committee met should read May 9, 1991

A.

ADMINISTRATION

1. EMPLOYEE BENEFITS

Our benefits consultants have negotiated with Sun Life Assurance a new rate schedule for the Society's extended health, dental, long term disability and life insurance programs. While premiums for extended health care are to increase 15%, there is no increase recommended for the other categories. This means an overall increase of 4% which is within the guidelines set by the Committee.

Approved

2. 1991/91 BUDGET

(a) Revised Budget

The revised budget was before the Committee.

Messrs. Rock (Chair of the Legal Education Committee) and Treleaven (Director of Legal Education) and Ms. Keech (Manager - Continuing Legal Education) presented a revised budget for the Continuing Legal Education Department for 1991/92. The budget showed a deficit of \$343,650.

The Committee was advised that at their meeting earlier in the day the Committee for the Fund for Client Compensation had recommended that the levy for 1991/92 for the fund be reduced to \$1 per member.

Due to the concern about the withdrawal of financing for the Bar Admission Course, finalization of the budget and the setting of the Annual Fees was deferred until a special meeting of the Committee on May 23, 1991 at three o'clock.

(b) Report of Salary Sub-Committee

The Report of the Salary Sub-Committee was before the Committee.

Approved

3. CANCELLATION OF THE PROVINCIAL GOVERNMENT GRANT TO THE BAR ADMISSION COURSE

A memorandum from the Under Treasurer was before the Committee. Discussion ensued about the alternatives for funding the shortfall in financing. It was resolved to defer any final decision until the special meeting of the committee on May 23rd 1991 which will be after a meeting with the Trustees of the Law Foundation of Ontario scheduled for May 14th 1991.

4. WOMEN IN THE LEGAL PROFESSION - COST OF DISTRIBUTION "TRANSITIONS" REPORT

Subsequent to the April Committee meeting, the Women in the Legal Profession Committee met to consider the request of the Finance and Administration Committee that alternatives be explored to reduce the cost of distribution of the "Transitions" report to the profession.

The Committee has agreed to produce a brief "executive summary", possibly only three pages in length, for general distribution and that the distribution will be combined if possible, with other mailings to the members and, in any event will be sent by third class mail. At this point plans are not finalized, however, it would appear that costs will be substantially below the maximum amount of \$46,000 previously approved.

Noted

5. OUTSIDE RENTAL REQUIREMENTS

The Director reported that negotiations were in their final stages for space at the Cadillac Fairview Tower at 20 Queen Street West. A total of 7605 square feet is required for our Errors and Omissions Department at the following rates:

Years 1 - 5	\$20 per foot
Years 6 - 10	\$25 per foot.

No rent is payable during the first three months of each year of the ten year period. There is a five year renewal at market rates, that rate not to exceed \$34.00.

In addition a leasehold improvement allowance of \$40.00 per square foot (\$304,200) is payable upon occupancy. It is felt that less than one half of this amount will be required for actual improvements.

The Committee approved the proposal and authorized the Treasurer and Under Treasurer to execute the lease documents.

6. SUSPENSION OF MEMBERS - LATE FILING FEE

There are 16 members who have not complied with the requirements respecting annual filing and who have not paid the late filing fee.

In all 16 cases all or part of the late filing fee has been outstanding four months or more. The members owe \$18,385.00 of which \$6,145.00 has been owing for more than four months.

The Committee was asked to recommend that the rights and privileges of the 16 members be suspended on May 24th 1991 if the late filing fee remains unpaid on that date and remain suspended until the late filing fee has been paid.

Approved

Note: Motion, see page 30

7. SUSPENSION OF MEMBERS - ERRORS AND OMISSIONS LEVY

There are many members who have neither paid their Errors and Omissions Insurance Levy nor filed a claim for exemption for the period January to June 1991. Three notices have been sent.

The Committee was asked to recommend that the rights and privileges of these members be suspended by Convocation on the 24th of May 1991.

Approved

Note: Motion, see page 30



(b) Disbarments

The following members have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Society:

Ernest Valorie Swain  
Kingston

Called June 26th 1958  
Disbarred - Convocation  
April 25th 1991

Allan Rowat Elliott  
Simcoe

Called March 23rd 1973  
Disbarred - Convocation  
April 25th 1991

Daniel Gilad Cooper  
Toronto

Called March 26th 1971  
Disbarred - Convocation  
April 25th 1991

Noted

(c) Membership in Abeyance

Upon their appointments to the offices shown below the membership of the following members has been placed in abeyance under section 31 of The Law Society Act:

Charles Bruce Noble  
Sault Ste. Marie (former Bencher)

Called June 18th 1956  
Appointed to the Ontario Court,  
General Division, Algoma District  
March 22nd 1991

Thomas Michael Dunn  
Brampton

Called March 22nd 1968  
Appointed to the Ontario  
Court, General Division,  
Peel Regional Municipality  
March 22nd 1991

Noted

12. LEGAL MEETINGS AND ENTERTAINMENT

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

June 12, 1991

Osgoode Society  
Convocation Hall

July 20, 1991

Trial Lawyers of America  
Convocation Hall

Noted

ALL OF WHICH is respectfully submitted

DATED this 24th day of May 1991

"J. Ground"  
Chair

THE REPORT WAS ADOPTED

.....

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The FINANCE AND ADMINISTRATION COMMITTEE begs leave to report:

Your Committee met on Thursday, the 23rd of May, 1991 at three o'clock in the afternoon, the following members being present: Messrs. Ground (Chair), Ferrier, Furlong, Lamont, Pepper, Scace, Wardlaw and Mrs. Weaver. Also in attendance: Messrs. Rock, Crosbie, Treleven, Crack, D.Carey.

B.

ADMINISTRATION

1. BUDGET 1991/92

The May 15, 1991 letter from the Chair of the Law Foundation together with the Treasurer's response of May 21, 1991 were before the Committee. The Foundation has indicated that it would like to see that the Society's omnibus application for funding in November 1991 reflect this grant and also that the Foundation expressed that a portion of the shortfall created by the cancellation of the grant should be passed on to the students of the course.

Discussion ensued regarding what might be done in order to demonstrate to the Law Foundation that steps had been taken to review the budget as well as members' and student fees so that the Society's 1991/92 omnibus application be reduced by an amount approximately equal to the \$940,000 special grant by the Foundation.

It was pointed out that the Society had indicated, in its submission to the Foundation in November 1990, that the anticipated funding requirement for the 1991/92 fiscal year would be in the order of \$3,991,000. The Committee was reminded that the Foundation experienced a decrease in its income at the end of the first quarter of 1991 of 21% and that could increase to 40% by the end of 1991. This would mean that the Foundation may only have in the order of \$7-8 million for its programs over and above the 75% of its income set aside for Legal Aid.

Mr. Rock briefed the Committee on the results of a special Legal Education Committee meeting held May 22, 1991 where, by a small majority, it was moved that no fee increase be passed on to the students. In addition, he noted that a review of the budget had revealed some \$220,000 in savings in Bar Admission Course expenses had been made.

Some concern was expressed by the Finance and Administration Committee members that the general membership be levied for the shortfall in funding but in the end it was resolved that the shortfall should be recovered through a levy on both the members and the students and from savings found in the budget.

To that end, the Committee reviewed a memorandum from the Director which outlined a number of areas where savings could be made.

It was resolved that:

The required funding be derived from three sources:

- i) An increase in the student tuitions of \$200.00 to be allocated over the various fees applicable to the 1991/92 fiscal year (approximately 1,250 students in two phases of the Bar Admission Course plus admission fee). \$250,000
  - ii) By an increase in the general fee of \$20.00. \$423,700
  - iii) By reduction in funding from the Foundation and corresponding reduction in the Bar Admission Course, as well as Communications and Heritage programs. \$266,300
- 
- \$940,000

A schedule outlining recommended fees as well as specific areas of increase was before the Committee.

It was moved that the annual fees for the full paying members be set at \$1,090.

NOTE: Attachments to this report are:

- B1. May 15, 1991 letter from Chair of Law Foundation.
- B2. May 21, 1991 letter from Treasurer in response.
- B3. Schedule showing calculation of general membership fee.
- B4. Schedule of fee changes from 1990/91 fees.
- B5. History of fees for full fee paying members since 1985/86.
- B6. Page 1 of general fund budget.
- B7. Schedule from Certification Committee outlining six-year forecast of funding requirements.

ALL OF WHICH is respectfully submitted

DATED this 24th day of May 1991

"J. Ground"  
Chair

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

- B-Item 1 - Letter to Mr. James Spence, Q.C., Treasurer from Mr. H. Donald Guthrie, Chair, The Law Foundation of Ontario dated May 15, 1991. Letter to Mr. H. Donald Guthrie, Q.C. to Mr. James M. Spence dated May 21, 1991.

(Marked B1 - B2)

B-Item 1 - Schedule re: Calculation of general membership fees for the year ended June 30, 1992. (Marked B3)

B-Item 1 - Schedule re: Total annual fee for full paying members, 1991/92 fee changes from 1990/91 fees. (Marked B4)

B-Item 1 - Schedule re: History of fees for full paying members. (Marked B5)

B-Item 1 - The Law Society General Fund Revenue and Expenses, Interim Budget, year ended June 30, 1992. (Page 1) (Marked B6)

B-Item 1 - Schedule re: Certification Department forecasts. (Marked B7)

It was moved by Ms. Kiteley, seconded by Mr. Campbell that if the Certification Board is to continue it must by the end of the next fiscal year (year ending June 1993) be financially independent.

It was moved by Mr. Somerville, seconded by Mr. Yachetti that Ms. Kiteley's motion be tabled.

Carried

It was moved by Mr. Bragagnolo, seconded by Mrs. Legge that the student fees increase for the Bar Admissions Course be reduced to \$125.00 and the general levy be increased by \$25.00.

Lost

It was moved by Mr. Wardlaw, seconded by Mr. Scace that the general levy be increased by \$25.00 to create a fund the interest from which would be used to replace monies from the Law Foundation.

Lost

THE REPORT WAS ADOPTED

.....

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

It was moved by Mr. Ground, seconded by Mr. Ferrier THAT the rights and privileges of each member who has not paid the fee for the late filing of Form 2/3 within four months after the day on which payment was due and whose name appears on the attached list be suspended from the 24th of May 1991 for one year and from year to year thereafter or until that fee has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Carried

(List of names in Convocation file)

MOTION TO SUSPEND - FAILURE TO PAY ERRORS AND OMISSIONS LEVY

It was moved by Mr. Ground, seconded by Mr. Ferrier THAT the rights and privileges of each member who has neither paid the Errors and Omissions Insurance levy which was due on 1st of January 1991 nor filed an approved application for exemption from coverage and whose name appears on the attached list, be suspended from the 24th of May 1991 for one year and from year to year thereafter or until an application for exemption has been approved or the necessary levy has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Carried

(List of names in Convocation file)

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DISCIPLINE COMMITTEE

Mr. Lamek presented the Report of the Discipline Committee of its meeting on May 9th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The DISCIPLINE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991 at one-thirty in the afternoon, the following members being present:

Mr. Lamek, (Chair), Messrs. Campbell, Carey, Cooper, Ms. Graham, Messrs. Lerner, McKinnon, Rock, Thom and Topp.

Also in attendance were Mr. A.R.A. Scace and Messrs. Kerr, MacKenzie, Varro and Yakimovich.

A.  

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POLICY

1A. Members' Addresses and Service of Law Society Documents

At the suggestion of Stuart Thom, Robert Conway, Discipline Counsel, requested that your Committee consider whether the Law Society Act or the Regulation or Rules under the Act should be amended to require a member to keep his or her address current with the Society. Mr. Conway acknowledged that such a requirement is not specifically stipulated even though it is probably clearly implied. Mr. Thom's suggestion was prompted by the Dvorak case, although the problem is of wider concern.

Mr. Conway has indicated that while the consequences of a member's failure to keep the Society current as to his or her address are more evident at the Convocation level, they are more frequently felt at the complaints investigation level. Not infrequently, investigation and resolution of client complaints are delayed because letters to members are returned with no forwarding address.

After discussing the matter, the Committee requested staff to enquire as to whether the problem was widespread in terms of other mailings from the Secretariat, and to determine if it would be feasible, as suggested by the Committee, to amend the Forms 2/3 to require members to advise the Society of any change of address. Staff will be reporting to the June, 1991 meeting.

2A. Consideration by Discipline Panel Members of Discipline Matters at Convocation

The Chair of your committee requested that it consider recommending to Convocation a policy whereby those members of a discipline panel who consider a particular discipline matter be excluded from consideration of the same matter at Convocation, even if the solicitor consents to their participation. The Committee recognized that while this concern would be remedied once certain procedures recommended in the Yachetti Report and approved by Convocation became operative, a policy may be required in the interim. The Committee also felt that it should consider whether the same policy should apply to the Chair and/or the Vice-Chairs of the Committee who originally authorized the complaint.

After a lengthy discussion, the Committee concluded that an interim policy was required. The Committee therefore recommends that Convocation adopt a policy which would exclude from consideration of a discipline matter at Convocation:

1. members of a discipline hearing panel which considered the matter, and
2. the person or persons who authorized the complaint, except for the purpose of presenting to Convocation, as required, a Committee Report in a discipline matter.

B.  
ADMINISTRATION

1B. Advising the Profession of Matters Considered for Discipline

In accordance with Convocation's policy of publishing in the buff pages of the Ontario Reports fact situations disclosed through complaints investigations which your Committee feels should be brought to the attention of the profession, the following draft scenario, prepared by Lori Goodfield, staff lawyer, was approved by the Committee:

The solicitor acted for a husband in a matrimonial matter. Soon after the parties had executed minutes of settlement, the solicitor recommended to his client in a telephone conversation that a particular paragraph in the minutes of settlement ought to be changed by deleting four words. The solicitor obtained his client's oral instructions to delete the four words and advised the wife's solicitor who in turn agreed to the change. The solicitor made the necessary changes to the document. However, nine months later the husband advised the Society that his solicitor had acted without instructions in making the changes. Although no formal action was taken in this case, this underscores the need for solicitors to obtain written instructions from clients or to at least confirm oral instructions in writing in such circumstances.

The Committee now requests the approval of Convocation for publication of the above in the Ontario Reports.

2B. Disclosure of Information from Law Society Investigations to the Ministry of Financial Institutions

Mr. Jim Yakimovich, Director - Audit Investigations, through the Secretary, has raised the matter of disclosure of information from Society investigations of solicitors to the Ministry of Financial Institutions, as a result of his recent discussions with Ministry representatives. Attached at pages A-1 to A-7 is Mr. Yakimovich's April 25, 1991 memorandum to the Secretary respecting Mr. Yakimovich's meeting with the Ministry together with the current disclosure guidelines approved by Convocation in October, 1989.

The issue before the Committee related to the Society's role in such investigations and whether the current Society guidelines for disclosure to police and the Crown would be adequate in such circumstances, given the concern expressed by the Ministry. Mr. Yakimovich advised the Committee, however, that the issue really extends to disclosure to other law enforcement agencies which may be conducting investigations of solicitors.

The Committee recognized the importance of the issue and decided that as staff were preparing a position paper thereon at the request of the Secretary, it should await that report before considering the issue further.

C.  
INFORMATION

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1C. Deposit of Uncertified Cheques into Trust Accounts

In September, 1990 the Committee and the Professional Conduct Committee formed a joint sub-committee chaired by Allan Rock to consider problems arising out of the deposit of uncertified cheques into lawyers' trust accounts. Since that time, Robert Topp has withdrawn from the sub-committee and J. James Wardlaw has accepted Mr. Rock's invitation to serve on the sub-committee in place of Mr. Topp.

The latest meeting of the sub-committee was held on April 30, 1991 when it met with representatives of the Canadian Bankers Association and The Trust Companies Association of Canada to discuss the Law Society's concerns.

Mr. Rock, in an oral report to the Committee, advised that the substance of the response of these Associations was that essentially they did not share the concerns of the Society, given what they opined was the regulated environment in which the subject institutions operated and the existing protections for liquidity of funds, and in any event, could not offer any substantive solution.

The Committee agreed with Mr. Rock that some form of protection should be afforded solicitors who deal with the funds of these institutions. It is possible that a rule making it professional misconduct to draw a certified cheque based on trust account deposits of uncertified funds of these institutions when it is known that the deposits have not yet cleared may be necessary.

Mr. Rock advised that the sub-committee would be formulating its recommendations at its next meeting and would thereafter report to the Committee.

2C. Authorization of Discipline Charges

Once each month, the Chair and/or one or both of the Vice-Chairs of the Discipline Committee meet with Complaints and Discipline staff to consider requests for formal disciplinary action against individual lawyers.

The following table shows the number of requests made by Discipline, Complaints and Audit staff for the months of March and April, 1991.

<u>March</u>	<u>Sought</u>	<u>Obtained</u>
Discipline	8	6
Complaints	10	8
Audit	0	0
 <u>April</u>		
Discipline	10	10
Complaints	10	11
Audit	0	0

Total Number of Charges Authorized to Date for 1991

January	11
February	12
March	14
April	<u>21</u>
Total:	58

ALL OF WHICH is respectfully submitted

DATED this 10th day of May, 1991

"P. Lamek"  
Chair

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

B-Item 2B - Memorandum from Mr. Jim Yakimovich, Director, Audit & Investigations to Mr. Richard Tinsley, Secretary dated April 25, 1991 re: Disclosure-Ministry of Financial Institutions. (Enclosure: copy of Report of the Discipline Committee of its meetings on May 11th, June 8th and October 12th, 1989 together with Report of the Sub-committee on Confidentiality. (marked A1 - A7)

THE REPORT WAS ADOPTED

.....

ORDERS

Mr. Lamek presented 7 Orders of Convocation to be recorded in the Minutes of Convocation.

Re: KLEMENS FASS, Scarborough

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Klemens Fass,  
of the City of Scarborough, a  
Barrister and Solicitor (hereinafter  
referred to as "the Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 8th day of March, 1991, in the presence of Counsel for the Society and the Solicitor and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the said Klemens Fass be Reprimanded in Convocation.

DATED this 25th day of April, 1991

"James M. Spence"  
Treasurer

(Seal -  
The Law Society of Upper Canada)

"Richard F. Tinsley"  
Secretary

Filed

Re: DANIEL GILAD COOPER, Toronto

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Daniel Gilad Cooper,  
of the City of Toronto, a Barrister and  
Solicitor (hereinafter referred to as "the  
Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 22nd day of April, 1991, in the presence of Counsel for the Society and Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the said Daniel Gilad Cooper be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 26th day of April, 1991

"James M. Spence"  
Treasurer

(Seal -  
The Law Society of Upper Canada)

"Richard F. Tinsley"  
Secretary

Filed

Re: ALLAN ROWAT ELLIOTT, Barrie

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

24th May, 1991

AND IN THE MATTER OF Allan Rowat Elliott,  
of the City of Barrie, a Barrister and  
Solicitor (hereinafter referred to as "the  
Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 11th day of March, 1991, in the presence of Counsel for the Society, Counsel for the Solicitor nor the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel for the Society aforesaid;

CONVOCATION HEREBY ORDERS that the said Allan Rowat Elliott be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 25th day of April, 1991

"James M. Spence"  
Treasurer

(Seal -  
The Law Society of Upper Canada)

"Richard F. Tinsley"  
Secretary

Filed

Re: ERNEST VALORIE SWAIN, Kingston

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Ernest Valorie Swain,  
of the City of Kingston, a Barrister and  
Solicitor (hereinafter referred to as "the  
Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 10th day of January, 1991, in the presence of Counsel for the Society, Counsel for the Solicitor nor the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel for the Society aforesaid;

CONVOCATION HEREBY ORDERS that the said Ernest Valorie Swain be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 25th day of April, 1991

"James M. Spence"  
Treasurer

(Seal -  
The Law Society of Upper Canada)

"Richard F. Tinsley"  
Secretary

Filed

Re: VICTOR LEO MALONEY, Thunder Bay

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Victor Leo Maloney,  
of the City of Thunder Bay, a  
Barrister and Solicitor (hereinafter  
referred to as "the Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 14th day of January, 1991, in the presence of Counsel for the Society, the Solicitor and Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of conduct unbecoming and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the rights and privileges of the said Victor Leo Maloney be suspended for a period of three (3) months, such suspension to commence on the 1st day of June, 1991.

DATED this 25th day of April, 1991

"James M. Spence"  
Treasurer

(Seal -  
The Law Society of Upper Canada)

"Richard F. Tinsley"  
Secretary

Filed

Re: ROBERT HAROLD EDMONSTONE, Sudbury

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Robert Harold Edmonstone, of the City of Sudbury, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 4th day of April, 1991, in the presence of Counsel for the Society, the Solicitor nor Counsel for the Solicitor being in attendance, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel for the Society aforesaid;

CONVOCATION HEREBY ORDERS that the rights and privileges of the said Robert Harold Edmonstone be suspended for a period of two (2) months and thereafter until all outstanding Errors and Omissions insurance levies are paid and until all outstanding Forms 2 and 3 are filed.

DATED this 25th day of April, 1991

"James M. Spence"  
Treasurer

(Seal -  
The Law Society of Upper Canada)

"Richard F. Tinsley"  
Secretary

Filed

Re: MICHAEL BARRY BIDERMAN, London

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Michael Barry Biderman, of the City of London, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

CONVOCATION of The Law Society of Upper Canada, having read the Report and Decision of the Discipline Committee dated the 9th day of January, 1991, in the presence of Counsel for the Society, the Solicitor and Counsel for the Solicitor, wherein the Solicitor was found guilty of professional misconduct and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the rights and privileges of the said Michael Barry Biderman be suspended for a period of eighteen months (18), such suspension to commence on the 15th day of February, 1991 and

upon his return to practice, the Solicitor is to practice only as an employed solicitor for a period of three and one half years (3 1/2) and during that period is not to operate a trust account.

DATED this 25th day of April, 1991

"James M. Spence"  
Treasurer

(Seal -  
The Law Society of Upper Canada)

"Richard F. Tinsley"  
Secretary

Filed

.....

LEGAL AID COMMITTEE

Mr. Bastedo presented the public Report of the Legal Aid Committee of its meeting on May 9th, 1991 and presented orally the in camera Report (the material was not available to the public).

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

The LEGAL AID COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991, at 3 p.m., the following members being present: Thomas G. Bastedo, Chair, Messrs. Ally and Bond, Ms. Campbell, Mr. Carter, Ms. Kehoe, Mr. Koenig and Mr. Murphy.

A.  
POLICY

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1. SUB-COMMITTEE ON STUDENT LEGAL AID SOCIETIES

A Sub-Committee has been struck to restructure the Regulation which governs the relationship between the Student Legal Aid Societies and the Legal Aid Plan. The list of members is attached hereto and marked as SCHEDULE (A).

B.  
ADMINISTRATION

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1.(a) REPORT OF THE DEPUTY DIRECTOR, FINANCE  
FOR THE TWELVE MONTHS ENDED MARCH 31, 1991

(a) Finance

The Director's report pursuant to Section 88(2) of the Regulation for the twelve months ended March 31, 1991 takes the form of the following financial statement:

Ontario Legal Aid Plan  
Statement of Income and Expenditures  
Twelve Months Ended March 31, 1991 (\$000)

	Actual 1989/90	Forecast 1990/91	Estimated Actual 1990/91	Favourable (Unfavourable) Variance
<u>Opening Balance</u>	\$ 369.8	6,925.8	6,925.8	-
<u>Income</u>				
Treasurer of Ontario	125,351.8	136,632.8	148,181.4	11,548.6
Northern Legal Services	460.4	900.0	914.0	14.0
Family Violence Grant	150.0	150.0	150.0	-
Refugee Claimant Grant	1,836.1	7,800.0	6,265.1	(1,534.9)
Law Foundation	35,678.6	32,500.0	33,491.6	991.6
Client Contributions	8,581.7	9,400.0	8,778.2	(621.8)
Client Recoveries	1,942.3	2,000.0	1,990.5	(9.5)
Research Sales	111.6	185.0	179.2	(5.8)
The Law Society	4,075.0	4,800.0	4,726.7	(73.3)
Miscellaneous	2,425.9	2,895.7	3,162.4	266.7
	<u>180,983.2</u>	<u>204,189.3</u>	<u>214,764.9</u>	<u>10,575.6</u>
<u>Expenditure</u>				
Certificate Accounts	120,869.4	146,100.0	147,430.4*	(1,330.4)
Refugee Accounts	2,256.9	7,000.0	6,200.0	800.0
Duty Counsel Fees & Disbursements	7,923.2	8,000.0	7,800.0	200.0
Salaried Duty Counsel	750.5	1,800.0	1,666.6	133.4
Northern Legal Services	391.0	900.0	989.0	(89.0)
Community Clinics	22,137.6	26,853.4	26,863.2	(9.8)
Student Legal Aid Societies	889.8	1,339.5	1,339.5	-
Research Facility	1,730.3	1,800.0	1,858.9	(58.9)
Area Office Admin.	9,584.1	11,375.0	11,185.2	189.8
Provincial Office Admin.	7,287.0	7,785.0	8,317.2	(532.2)
Refugee Admin.	237.6	300.0	265.2	34.8
	<u>174,057.4</u>	<u>213,252.9</u>	<u>213,915.2</u>	<u>(662.3)</u>
<u>Closing Balance</u>	<u>\$ 6,925.8</u>	<u>(9,063.6)</u>	<u>849.7</u>	<u>9,913.3</u>

\* Includes estimated \$1,000,000 in recoverable GST.

Statistics

The following table compares reported activity for the twelve months ended March 31, 1991 with activity for the previous fiscal year:

	Mar 31 1990	Mar 31 1991	% Change
Summary Legal Advice	53,674	56,096	4.5%
Referrals to Other Agencies	109,614	129,252	17.9%
Applications for Certificates	164,503	198,934	20.9%
Refusals	32,057	32,820	2.4%
As a Percentage of Applications	19.5%	16.5%	-
Certificates Issued	132,439	166,114	25.4%
Persons Assisted by Duty Counsel:			
Fee for Service	245,575	244,669	(0.4%)
Salaried	73,143	96,408	31.8%
Telephone Advice	-	15,892	-

2.(a) REPORT ON THE PAYMENT OF SOLICITORS ACCOUNTS  
FOR THE MONTH OF APRIL 1991

The Report on the Payment of Solicitors Accounts for the Month of April 1991 is attached hereto and marked as SCHEDULE (B).

(b) REPORT ON THE STATUS OF REVIEWS IN THE LEGAL ACCOUNTS  
DEPARTMENT FOR THE MONTH OF APRIL, 1991

The Report on the Status of Reviews in the Legal Accounts Department for the Month of April, 1991 is attached hereto and marked as SCHEDULE (C).

3. AREA COMMITTEES - APPOINTMENTS AND RESIGNATIONS

APPOINTMENTS

Elgin District

Lorne Jay, Insurance Broker

Carlton District

Riad K. Tallim, Solicitor

Frontenac District

Jennifer Lee Sims, Solicitor

Niagara North

Theresa Maddalena, Solicitor

John Grammar, Land Registrar

Manitoulin & Sudbury District

Joseph Michael Fragomeni, Solicitor

York County

Allan Rouben, Solicitor

James Stuart Deitch, Solicitor

Marlene Goldhar, Chartered Accountant

Elizabeth McGugan, Staff Lead Teacher & Program Developer

Gabriel Alter, Retired Businessman

Pankaj Sunny Handa, Law Student

Elli Benaiah, Solicitor

Hyla S. Wallace, Owner/Operator secretarial services company

Christopher Morris, Law Student

Max Berger, Solicitor

RESIGNATIONS

Elgin District

Wilma Nicholas

Manitoulin & Sudbury District

Roy A. Sullivan, Q.C.

York County

David A. Decker

ALL OF WHICH is respectfully submitted

"T. Bastedo"

Chair

May 9, 1991

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

A-Item 1 - Composition of members on the Sub-committee on Student Legal Aid Societies. (Schedule (A))

B-Item 2(a) Report on the Payment of Solicitors Accounts for the month of April 1991. (Schedule (B), pages 1 - 2)

B-Item 2(b) Report on the Status of Reviews in the Legal Accounts  
Department for the month of April 1991.

(Schedule (C))

THE REPORT WAS ADOPTED

.....

The Legal Aid (in camera) Report was put over to the June Convocation.

.....

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

.....

The Treasurer and Benchers had as their guest for luncheon, The Right Honourable Roland Michener, P.C.

.....

CONVOCATION RECONVENED AT 2:00 P.M.

.....

PRESENT:

The Treasurer (James M. Spence, Q.C.), Bastedo, Brennan, Campbell, Cass, Chapnik, Copeland, Curtis, Feinstein, Howland, Jarvis, Kiteley, Lamek, Lamont, Lax, McKinnon, Mohideen, Murphy, Murray, Palmer, Peters, Rock, Ruby, Scott, Somerville, Strosberg, Thom, Wardlaw, Weaver and Yachetti.

.....

CLINIC FUNDING COMMITTEE

Mr. Campbell presented the Report of the Clinic Funding Committee of its meeting on May 21, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The Director of LEGAL AID begs leave to report:

CLINIC FUNDING

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

The Director recommends to Convocation that the Report of the Clinic Funding Committee dated May 22, 1991 be adopted.

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

ALL OF WHICH is respectfully submitted

"R. Holden"  
Robert L. Holden,  
Director,  
Legal Aid.

May 22, 1991

24th May, 1991

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

The Clinic Funding Committee met on May 21, 1991. Present were:  
Colin Campbell, Q.C., Chair, Paul Copeland, Thea Herman, Jim Frumau.

A. DECISIONS

1. Legal Disbursements 1991/92

The Clinic Funding Committee provides an annual allocation to community legal clinics for the costs of legal disbursements incurred on behalf of clinic clients. Attached as Schedule A is a breakdown of these allocations for the fiscal year 1991/92.

2. Capital Purchases

The Clinic Funding Committee reviewed the initial decision of the clinic funding staff on the allocation of funds for capital purchases, and approved up to \$245,000. Capital purchases include dictating equipment, office furniture, office equipment and office renovations, personal computers and printers for clinics.

3. Public Legal Education/Outreach Funds

The Clinic Funding Committee reviewed the initial decision of the clinic funding staff on the allocation of funds for public legal education and outreach programs, and approved an amount up to \$65,205 for the following projects:

East Toronto Community Legal Services - up to \$31,300

Production of a 10-minute video introducing viewers to the community legal clinic concept and focusing on employment issues using three real-life scenarios. The video would be used to stimulate question and answer sessions and will be produced in English and Chinese.

Neighbourhood Legal Services - up to \$8,855

Production of 3" x 5" refrigerator magnets (10,000) listing important local telephone numbers (including Neighbourhood Legal Services) to be distributed to residents of Regent Park, a large Ontario Housing complex in Metro.

Advocacy Resource Centre for the Handicapped - up to \$3,750

Reprint of the transcript of "Symposium on the Abuse of Persons with Disabilities in Institutions and the Community".

Metro Toronto Chinese & Southeast Asian Legal Clinic - up to \$6,800

Special outreach program to the Vietnamese community.

Georgina Community Legal Services - up to \$14,500

Program of intensive outreach to potential victims of domestic violence in Keswick, with emphasis on "sensitizing" the community to associated socio-legal issues. It would include a direct mailing to every Georgina household, a poster campaign, resources, and a weekly community information "drop-in".

B. INFORMATION

1. Designation of Budget 1991/92

The Committee has been informed by the Honourable Howard Hampton, Attorney General of Ontario that the designation of funds for the community legal clinic system for 1991/92 will be in the amount of \$29,535,500. These funds will allow staff increases in existing clinics, the clinic funding staff, and the Clinic Resource Office.

2. Financial Statement 1990/91

The Clinic Funding Committee received \$26,863,400 for the operation of the community legal clinic system in the last fiscal year. Total expenses for the year were \$26,863,178.

ALL OF WHICH is respectfully submitted

"C. Campbell"  
Colin L. Campbell, Q.C.,  
Chair,  
Clinic Funding Committee.

May 22, 1991

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

- A-Item 1 - Breakdown of allocations - Legal Disbursements 1991/92. (Schedule A)

THE REPORT WAS ADOPTED  
.....

PROFESSIONAL CONDUCT COMMITTEE

Mr. Somerville presented the Report of the Professional Conduct Committee of its meeting on May 9th, 1991.

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

The PROFESSIONAL CONDUCT COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991 at three o'clock in the afternoon, the following members being present: Messrs. Somerville (Chair), Campbell, Carey, Cooper, Cullity, Lamek and McKinnon.

A.  
POLICY

- 1. DUTY OF THE LAWYER TO ADVISE THE CLIENT ABOUT LOST INTEREST IF MONEY PUT INTO REGULAR MIXED TRUST BANK ACCOUNT

The Committee reported to Convocation in April on this subject. Set out below is the item as reported. Convocation referred the matter back to the Committee for its recommendation.

24th May, 1991

In 1989 the Chair of the Law Foundation of Ontario wrote to the then Treasurer.

The Trustees of the Foundation are experiencing an increasing number of applications by solicitors who have failed or neglected to place client's trust moneys in a separate trust account when requested to do so and who seek to recover from the Foundation the interest paid to it in respect of the funds incorrectly held in the solicitor's mixed trust account. Our discussions of these cases inevitably lead to a consideration of the larger question of the possible serious impact on the Foundation's revenues of separate trust accounting for clients and the duty, if any, which a solicitor may have to discuss with his client and seek specific instructions as to whether particular trust moneys are to be placed in his mixed trust account or in a separate account bearing interest for the benefit of the client.

As you will recall from our previous conversations, at least one chartered bank has offered to provide separate trust accounting services and with the increasing ease of creating separate trust accounts and the high and possibly higher rates of interest to be obtained, the Trustees feel that the time has arrived when it would be helpful, both to the Foundation and to the profession, to have some expression of opinion or direction from the Society as to if and when a solicitor is under a duty to advise a client and seek specific instructions regarding these matters.

Questions arise as to the administrative costs and expenses that may be experienced by the solicitor in administering a separate account; the probable duty to prepare and file a Trust Information Return in Form T3; whether the existence of a duty to discuss the options with the client depends on the amount involved and the time that the funds will be on trust deposit and if so, what are the threshold amounts and times; E. & O.E. insurance coverage for failure to disclose the availability of separate trust accounting and for failure to segregate when so instructed.

I have been instructed by the Trustees as a result of discussions at our meeting held on March 30 to raise these matters with you in a formal way and to request the advice of the Society. I look forward to your response in due course.

The Committee made the following recommendations to Convocation.

The Committee recommends to Convocation that lawyers be reminded that, in special circumstances, where they are to receive in trust substantial monies from a client which are to be held for a long period of time, they inform the client he will not be entitled to any interest on this money unless the money is deposited at the client's direction in a special interest bearing trust account.

Convocation sent the item back to the Committee for reconsideration "in light of comments in Convocation regarding whether or not there was a duty on solicitors to inform clients and the issue of the vagueness of the directive".

The Chair of the Law Foundation has again written to the Treasurer. Set out is his letter.

24th May, 1991

I enclose a copy of my letter of March 31, 1989 addressed to your predecessor in office. I believe that the Society subsequently referred to one of its committees the matter of the solicitor's duty, if any, to advise a client as to the options of having trust moneys placed in the solicitor's mixed trust account or in a separate account bearing interest for the benefit of the client.

At a meeting of the Board of Trustees of the Law Foundation of Ontario held March 26, Mr. Blenus Wright brought to our attention the November 5, 1990 article in the Financial Times suggesting that it would be negligence on the part of a lawyer who deposits money in his trust account "when it could have been put into an interest-bearing account".

For obvious reasons, the Foundation is vitally interested in this question, and I would appreciate any report or advice you can provide on behalf of the Society at this time.

The article from the Financial Times is not attached to the Report.

The Committee discussed the issue at some length and recommends to Convocation that the following advice be published to the profession in the Proceedings of Convocation as they appear in the Ontario Reports:

Lawyers are reminded that, where they are to receive in trust monies from a client, they inform the client that the client will not be entitled to any interest on this money unless the money is deposited at the client's direction in a special interest bearing trust account. The lawyer will wish to discuss the economic feasibility of putting the money in a special interest bearing account in view of the amount of the money and the time frame over which it is to be held in trust.

The Committee had a thorough discussion of the issue including the costs by the banks to cover the opening of special interest bearing trust accounts, which costs should be borne by the client.

Some of the costs involved in opening, monitoring and closing a special trust bank account that must be explained to the clients (because the client will be responsible for them) are:

1. Attending at the bank for purposes of opening the appropriate accounts.
2. Returning to the office with the appropriate signature cards for the supervising lawyer to sign.
3. Performing the accounting necessary to transfer funds from the general trust account to the interest bearing trust account.
4. Monitoring the status of the account and, where necessary arranging for the reinvestment of interest on a periodic basis.
5. Updating the accounting records on a monthly basis to reflect interest earned on the account.
6. Listing the interest bearing trust accounts on the trust reconciliations at the end of the month.

7. Preparing and filing with Revenue Canada a T-3 return on an annual basis or at the time that the account is closed, if it is opened and closed within 1 calendar year.
8. Providing the client with the necessary T-3 for the client to file with the client's income tax return on an annual basis.
9. Attending at the bank to close the account.
10. Performing the necessary accounting to transfer funds from the interest bearing account into the trust account for ultimate distribution to the client.
11. Providing the Law Society of Upper Canada on an annual basis with a listing of outstanding interest bearing trust accounts.

The Committee recommends to Convocation that the following policy be adopted. If Convocation is in agreement with the Committee's recommendation, then a decision should be made by Convocation as to whether it should be published as guidelines to the profession or as an amendment to the Regulation made under the Law Society Act respecting books, records and accounts or to the Rules of Professional Conduct.

Lawyers are reminded that, where they are to receive money in trust from clients, they must be satisfied that the client is aware that no interest will be credited on such money unless it is deposited in a special interest bearing trust account. The lawyer will wish to discuss the economic feasibility of putting the money in trust in a special interest bearing account in view of the amount of the money involved and the time frame over which it is to be held in trust and the reasonable administration costs for accomplishing this objective to be borne by the client.

Note: Motions, see page 48

B.  
ADMINISTRATION

1. REQUEST OF MR. MARSHALL SWADRON TO BE SHOWN AS HONORARY COUNSEL TO THE MUSEUM OF MENTAL HEALTH SERVICES (TORONTO) INC.

Mr. Marshall Swadron of Toronto has asked the Professional Conduct Committee's permission to be shown as honorary counsel to the Museum of Mental Health Services (Toronto) Inc. Attached is a copy of his letter of May 1st 1991 together with enclosures (numbered 1 - 10).

The Committee has recommended that the requisite permission be given to Mr. Swadron to be shown as honorary counsel.

C.  
INFORMATION

1. ERROR BY OPPOSING PARTY'S COUNSEL  
IN FAXED COMMUNICATIONS

The Committee has created a sub-committee to look into the issues raised by this troubling scenario so that the advice to be given to the profession is not merely helpful but legally sound.

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"M. Somerville"  
Chair

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

B-Item 1 - Letter with enclosures from Mr. Marshall A. Swadron to the Professional Conduct Committee dated May 1, 1991 re: Museum of Mental Health Services (Toronto) Inc. (Numbered 1 - 10)

It was moved by Mr. Yachetti, seconded by Mr. Murphy that A-Item 1 re: Lost interest, be referred back to Committee in light of the discussion in Convocation.

Carried

The Chair agreed to take the matter back to Committee.

It was moved by Mr. Rock, seconded by Mr. Lamont that A-Item 1 go back to Committee for consultation with interested groups and to report back to Convocation in June.

Carried

THE REPORT WITH THE EXCEPTION OF A-ITEM 1 WAS ADOPTED  
.....

LAWYERS FUND FOR CLIENT COMPENSATION COMMITTEE

Mr. Ruby presented the Report of the Lawyers Fund for Client Compensation Committee of its meeting of May 9th, 1991.

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

The LAWYERS FUND FOR CLIENT COMPENSATION COMMITTEE (formerly the Lawyers' Fund for Clients' Compensation Fund Committee) begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991, at 11:45 a.m. the following members being present:

C. Ruby (Chair), H. Strosberg (a Vice-Chair), J. Callwood, S. Lerner, R. Hall, S. Thom, and T. Carey; P. Bell and H.A. Werry also attended.

A.  

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POLICY

No items

B.  

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ADMINISTRATION

1. PUBLICITY FOR THE FUND

The Secretary reported that when the budget estimates for the 1991 - 1992 fiscal year were approved at the March 7th, 1991, meeting an amount of \$150,000. was included for a publicity campaign for the Fund, subject to a legal opinion being obtained that the expenditure of \$150,000. was a cost of administration of the Fund under Section 51(12) of the Law Society Act. After discussion of the legal opinion indicating that such an expenditure was appropriate, the amount of money in the Fund and the estimated grants that will be paid out of the Fund in the next two fiscal years, your Committee recommends that the publicity campaign should be commenced and that the advertisements are to be presented to the Committee before being placed. A copy of the legal opinion is attached.

(Pgs. B1 - B7)

Note: Amendment, see page 51

2. EXHAUSTING CIVIL REMEDIES UNDER THE GUIDELINES

The Secretary reported that the Review Sub-Committee chaired by Mr. Thom, considered the Report of the Referee, Mrs. Sadleir, and a memorandum of Peter Bell recommending payment of a grant in the amount suggested by the Referee. The Review Committee were of the opinion that the claimants should exhaust all civil remedies against the retired solicitor before a grant was made from the Fund.

RECOMMENDATION: Your Committee recommends that this matter be referred to Mr. Strosberg (a Vice-Chair) to investigate and report back to the Committee.

3. APPOINTMENT OF PART-TIME REFEREES

The Secretary reported that the terms of appointment of the following Referees expire on May 24, 1991:-

J.K. Blair, Q.C.  
David Goldberg, Q.C.  
G.W. Collins-Williams, Q.C.

Your Committee discussed the need for appointing Referees who were more representative of society namely, younger persons, women and lawyers who better represent the cultural diversity of the people of Ontario.

RECOMMENDATION: That the following be appointed Referees to hear claims to the Fund:-

S. Elizabeth Gray  
  
Maryka Omatsu  
  
Timothy C. Whetung

C.  

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INFORMATION

1. REFEREE'S REPORTS AND MEMORANDA OF ASSISTANT SECRETARIES

The Secretary reported that the following Referee's Reports and memoranda of an Assistant Secretary were approved by the Review Sub-Committee and the grants approved are shown on Schedule A attached:-

B.W. Grossberg, Q.C., Referee

a.) H. D. Bernhard (Deceased October 14, 1985)

2 claims \$83,000.00

Peter B. Bell, Assistant Secretary

a.) H. Gordon Mylks (permitted to resign April 27, 1989)

one claim \$ 1,582.00

b.) K. Goldstein (indefinite suspension October 26, 1989)

one claim \$ 5,000.00

2. The Secretary reported that the Clients' Security Fund of The Florida Bar Association is considering taking some steps to reduce defalcations. The Secretary was instructed to consult staff and to make recommendations with respect to these matters, to improve the time taken to deal finally with a small number of especially difficult claims and analyze patterns of claims, to the Committee to be considered at a special meeting.

3. The total amount of accounts approved by Assistant Secretaries for the month of April 1991 was \$2,746.40.

4. The Financial Summary and the Activity Report for the month of April 1991 are attached.

(Pgs. C1 - C3)

5. DEPARTMENT BUDGETS

The Lawyers Fund Financial Summary as at April 30th, 1991, shows that there is an over-expenditure of \$2,042.75 on the legal costs account. This results from an account of outside counsel that was charged to the wrong account. There is also an overage of \$583.33 in the investment counsel account. It is anticipated this will be made up from other accounts.

6. ALBERTA ASSURANCE FUND CASE - DUNCAN V LAW SOCIETY OF ALBERTA

The Secretary reported that in a recent Alberta Court of Appeal Case the Court, on a 2-1 decision decided that in dealing with an assurance fund claim first, the benchers did not show institutional bias, by predetermining the very issue to be investigated in subsequent disciplinary proceedings. The majority of the Court found that the function of each committee of benchers was different. The dissenting judgment said that the benchers' decision in the assurance fund context cast a serious cloud on the perceived fairness of subsequent disciplinary proceedings.

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"C. Ruby"  
Chair

SCHEDULE "A"

GRANTS APPROVED BY THE REVIEW COMMITTEE AND BY THE LAWYERS FUND FOR CLIENT COMPENSATION COMMITTEE, THURSDAY, MAY 9TH, 1991

REFERREE AND/OR ASSISTANT SECRETARY	SOLICITOR	NUMBER OF CLAIMANTS	TOTAL
B.W. Grossberg (Deceased October 14/85)	H.D. Bernhard	2	\$83,000.00
P.B. Bell (Permitted to Resign April 27/89)	H. Gordon Mylks	1	\$ 1,582.00
P.B. Bell (Indefinite suspension October 26/89)	K. Goldstein	1	\$ 5,000.00
TOTAL		4	\$89,582.00

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

B-Item 1 - Letter from Mrs. Donna C. Cappon of Bordon & Elliot to Mr. Peter B. Bell dated May 1, 1991 re: Lawyers' Fund for Clients' Compensation Advertising Campaign. (Marked B1 - B7)

C-Item 4 - Financial Summary for the period July 1, 1990 - April 30, 1991 and Activity Report for the month of April 1990. (Marked C1 - C3)

It was moved by Mr. Thom, seconded by Mr. Wardlaw that B-Item 1 re: Publicity for the Fund, be referred back to Committee for a more explicit definition of what the Committee is recommending in regard to advertising the fund.

Lost

It was moved by Mr. McKinnon, seconded by Mr. Brennan that B-Item 3 re: Appointment of part-time referees, be referred back to be brought back next month with Curriculum Vitaes.

Withdrawn

It was moved by Mr. Yachetti, seconded by Mr. Wardlaw that B-Item 3 be deleted from the Report.

Withdrawn

It was moved by Mr. Strosberg, seconded by Mr. Yachetti that the words "commenced and" be deleted and the words "authorized but" be inserted and the words "and Convocation" added after the word "Committee" so that the sentence now reads:

"....that the publicity campaign be authorized but that the "advertisements are to be presented to the Committee and Convocation...."

These changes were accepted by the Chair.

It was moved by Mr. Thom, seconded by Mr. Yachetti that the newly appointed referees in B-Item 3 be accepted but that the previous appointments be renewed.

Lost

THE REPORT AS AMENDED WAS ADOPTED

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THE LIBRARIES AND REPORTING COMMITTEE

Mr. Murphy presented the Report of the Libraries and Reporting Committee of its meeting of May 9th, 1991.

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

The LIBRARIES AND REPORTING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991 at 9:30 a.m., the following members being present:

D. Murphy (Chair), R. Bragagnolo (Vice-Chair), M. Cullity, M. Hickey and R. Topp. G. Howell and P. Bell also attended.

A.  
POLICY

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NO ITEMS

B.  
ADMINISTRATION

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1. ONTARIO REPORTS DATA BASE

The Chair, Mr. Murphy, reported on the meeting of the Sub-Committee on the Ontario Reports Data Base with representatives of Q.L. Systems to finalize a contract for the next three years.

C.  
INFORMATION

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1. FUNDING FOR COUNTY LAW LIBRARIES

As part of the Ontario Government budget process, the provincial subsidy to the Bar Admission Course of some \$950,000. has been cut. The Law Society will be applying to the Law Foundation on May 14th for a grant to cover at least part of this shortfall.

The Committee discussed the implications of this development for 1992 Law Foundation funding of county libraries.

2. BOOK LIST

The Great Library will be adding 71 new titles to its book collection for April and May 1991.

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"D. Murphy"  
Chair

THE REPORT WAS ADOPTED

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UNAUTHORIZED PRACTICE COMMITTEE

The Report of the Unauthorized Practice Committee was deferred to the June Convocation.

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COMMUNICATIONS COMMITTEE

Mr. McKinnon presented the Report of the Communications Committee of its meeting on May 9th, 1991.

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

The COMMUNICATIONS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991, the following members were present: Colin McKinnon (Chair), June Callwood, Ron Manes, Bernie Shaffer, Stuart Thom, Roger Yachetti. Also in attendance: Theresa Starkes, Richard Tinsley, Gemma Zecchini.

A.  
POLICY

1. LAWYER REFERRAL SERVICE - REMOVAL FROM THE PANEL

Convocation referred this matter back to the Committee because the previous wording of point 6 was too vague. Convocation is asked to consider and, if appropriate, approve the substituted wording on the attached schedule (A-1).

2. PAMPHLET DISTRIBUTION

A sample of all Law Society pamphlets along with an order form was distributed to MPs, MPPs, court administrators, community legal clinics, legal aid offices, community information centres and law firms across the province. The response to this mailing has been overwhelming. A summary of the requests to date is attached (A-2).

Due to financial constraints, Convocation is asked to consider whether limits should be imposed on the quantities of pamphlets that will be distributed gratis to the legal profession on an annual basis.

The Communications Committee suggests an annual limit of 100 copies of each pamphlet per lawyer. Additional quantities will be provided at cost - approximately \$0.10 per pamphlet plus a charge for postage and handling.

Legal Aid offices, legal clinics and other non-profit organizations will be cost exempt.

B.  
ADMINISTRATION

1. LAWYER REFERRAL SERVICE - NEW CATEGORY OF LAW

The attached schedule (A-3) outlines the need for more Lawyer Referral lawyers in certain areas of the province. Referral lawyers are restricted to three areas of law only, therefore we ask Convocation to approve the addition of a "general law" category (A-4). This category would include areas of practice that are difficult for the Lawyer Referral operators to locate - especially in Northern Ontario.

The Chair of the Communications Committee will be meeting with and writing to the County and District Presidents to outline the under-serviced areas in an effort to boost recruitment to the Lawyer Referral Service.

C.  
INFORMATION

1. COMMUNICATIONS AUDIT

A copy of the communications audit survey is attached. (A-5)

2. NEWS CANADA PLACEMENTS

A summary of News Canada article placements is attached (A-6).

3. MEDIA ACTIVITY

A summary of media activity for the month of April is attached (A-7).

4. CALL STATISTICS

Call statistics for Dial-A-Law and the Lawyer Referral Service is attached (A-8).

5. NEW DIAL-A-LAW SCRIPTS

Justice for Children and Youth, a Community Legal Clinic has agreed to produce several new Dial-A-Law scripts dealing with the rights of young people.

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"C. McKinnon"  
Chair

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

- A-Item 1 - Schedule entitled Conditions of Membership. (Marked A-1)
- A-Item 2 - Order Form (orders requested by lawyers/law firms date ending May 3, 1991). (Marked A-2)
- B-Item 1 - Schedule - General Law. (Marked A-3)
- B-Item 1 - Schedule setting out County/District, Total Lawyers, Referral Lawyers and Areas of Concern in the County. (Marked A-4, pages 1 - 2)
- C-Item 1 - The Law Society of Upper Canada, Communications Survey, April, 1991. (Marked A-5, pages 1 - 3)
- C-Item 2 - Summary of News Canada Placements. (Marked A-6)
- C-Item 3 - Summary of media activity for the month of April, 1991. (Marked A-7)
- C-Item 4 - Statistics for Dial-A-Law and Lawyer Referral Service, Calls to April 30, 1991. (Marked A-8)

THE REPORT WAS ADOPTED

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LEGISLATION AND RULES COMMITTEE

Mr. Cass presented the Report of the Legislation and Rules Committee of its meeting on May 9th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGISLATION AND RULES COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991, at 11:15 a.m. the following members being present:

S. Lerner (Vice-Chair in the Chair), R. Cass, M. Cullity and D. Murphy; P. Bell, M. Bode and A. Stone also attended.

A.

POLICY

1. AMENDMENT TO THE LAW SOCIETY ACT TO PROVIDE THAT THE NAME OF THE LAWYERS' FUND FOR CLIENTS' COMPENSATION COMMITTEE BE CHANGED TO LAWYERS FUND FOR CLIENT COMPENSATION COMMITTEE

Convocation approved on April 25th, 1991, the recommendation of the Lawyers' Fund for Clients' Compensation Committee of April 11th, 1991, that the name of the Lawyers' Fund for Clients' Compensation Committee be changed to Lawyers Fund for Client Compensation. On March 28th Convocation approved the recommendation of this Committee that the Law Society Act be amended with the name, Lawyers' Fund for Clients' Compensation that was approved in January. In order to implement the April change the following sub-sections of Section 51 of the Law Society Act should be amended.

RECOMMENDATION: It is recommended that:-

1.-(1) Section 51(1) of the Law Society Act, being chapter 233 of the Revised Statutes of Ontario, 1980, be repealed and the following substituted therefore:

(1) The Compensation Fund is continued under the name of the "Lawyers Fund for Client Compensation".

(1a) The Society shall continue to maintain the Lawyers Fund for Client Compensation and shall continue to hold it in trust for the purposes of this section.

(2) Subsection 51(2) of the said Act be amended by striking out "Lawyers' Fund for Clients' Compensation" in the first line and inserting in lieu thereof "Lawyers Fund for Client Compensation".

2. Paragraph 14 of subsection 62(1) of the said Act be amended by striking out "Lawyers' Fund for Clients' Compensation" in the first line and inserting in lieu thereof "Lawyers Fund for Client Compensation".

B.

ADMINISTRATION

1. AMENDMENTS TO RULES UNDER THE LAW SOCIETY ACT TO PROVIDE THAT THE NAME OF THE LAWYERS' FUND FOR CLIENTS' COMPENSATION COMMITTEE BE CHANGED

Convocation approved on April 25th, 1991, the recommendation of the Lawyers' Fund for Clients' Compensation Committee of April 11th, 1991, that the name of the Lawyers' Fund for Clients' Compensation Committee be changed to Lawyers Fund for Client Compensation. In order to implement this change Rules 27, 46B and 50 under the Law Society Act should be amended.

RECOMMENDATION: It is recommended that:-

- (1) Rule 27 be amended by deleting  
11. Lawyers' Fund for Clients' Compensation  
and substituting  
11. Lawyers Fund for Client Compensation.
- (2) Rule 46B be amended by deleting "Lawyers' Fund for Clients' Compensation" in the Heading, in the first line, and in the second line and inserting in lieu thereof "Lawyers Fund for Client Compensation", and
- (3) Rule 50 be amended by deleting "Lawyers' Fund for Clients' Compensation" in the second line and inserting in lieu thereof "Lawyers Fund for Client Compensation".

2. RULE 2 UNDER THE LAW SOCIETY ACT - RE-DESIGN SO THAT SWORD HELD IN AN UPRIGHT POSITION

Donald Crosbie Q.C., Under-Treasurer, sent a memo dated April 5th, 1991, to members of the Committee concerning changing the corporate seal so that the sword is not held in an inverted position. Arthur Stone, counsel for the Society, has suggested re-designing the seal so that the sword held by Justice is held in an upright position. The wording of Rule 2 could be changed to describe the new design. Mr. Stone suggests that it might be difficult to change the seal to the coat of arms as described in Rule 3 because of the detail involved.

RECOMMENDATION: It is recommended that this matter be referred to an expert on heraldry and then that report would be again considered by the Committee.

C.  
INFORMATION

1. DEPARTMENT BUDGETS

The financial report of the Committee shows that there are no over-expenditures for the month.

2. TRANSLATION OF THE RULES INTO FRENCH

The Secretary advised that the translation of the Rules into French is completed.

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"R. Cass"  
for Chair

THE REPORT WAS ADOPTED

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INSURANCE COMMITTEE

Mr. Wardlaw presented 3 Reports of the Insurance Committee of its meetings on April 25th and May 9th, 1991.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

THE INSURANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 25th of April, 1991 at two o'clock in the afternoon, the following members being present: Messrs. Furlong (Chair), Howie, Hickey, Bragagnolo, Lawrence and Cass.

Also in attendance were Messrs. Whitman & O'Toole.

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ITEM

1. NEW PROFESSIONAL LIABILITY POLICY WORDING

This Special Meeting was scheduled to permit a detailed discussion of the proposed new liability policy wording. Though your Committee is of the view that the wording represents a positive evolution with respect to the coverage afforded under the Mandatory Errors and Omissions Program, the Director has been requested to redraft certain items to enhance the clarity of the Insurer's intentions, and to reflect minor changes recommended by your Committee.

ALL OF WHICH is respectfully submitted

DATED this 30th day of April, 1991

"J. Wardlaw"  
for Chair

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

THE INSURANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 25th of April, 1991 at four o'clock in the afternoon, the following members being present: Messrs. Furlong (Chair), Lawrence, Hickey, Bragagnolo, and Cass.

Also in attendance were Messrs. Whitman, Crack, Chippindale, James, Afzal & O'Toole.

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ITEM

1. CATASTROPHE/STOP LOSS REINSURANCE

Pursuant to your Committee's request that the Director investigate the feasibility and cost-effectiveness of obtaining such coverage, a presentation of the Director's findings was made at the offices of the Society's Brokers affirming the stability of the Errors and Omissions Fund. Your Committee is of the view that consideration of acquiring such coverage, to cap the exposure to the Fund with respect to losses within the group deductible, is unnecessary at this time. Your Committee has also concluded that the Reinsurer's (Lloyd's) \$15,000,000 Aggregate Limit of Liability is reasonable. Notwithstanding this, an increase in this Aggregate Limit might be possible in light of the favorable claims experience under the Mandatory Program, and will be explored during the next round of reinsurance negotiations in the fall.

ALL OF WHICH is respectfully submitted

DATED this 30th day of April, 1991

"J. Wardlaw"  
Chair

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

THE INSURANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991 at 1:30 p.m. in the afternoon, the following members being present: Messrs. Howie (Chair), Scace, Hickey, Bragagnolo, Cass, Wardlaw, Lawrence and Lamont.

Also in attendance were Ms. Bartsch and Mr. O'Toole.

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ITEM

1. DIRECTOR'S MONTHLY REPORT

The Director's Monthly Report is attached as Appendix "A".

2. E & O FINANCIAL REPORT

The Director's Monthly Errors and Omissions General Expense Budget Report is attached as Appendix "B".

3. AGGREGATE LIMIT OF LIABILITY

Convocation requested a report detailing the structure and operation of the Aggregate Limit of Liability with several examples depicting the eventualities that would be faced by the negligent member, the member's partners, and the public should the Aggregate Limit be exceeded. Due to time constraints, discussion of the Director's report on proposals for submission to Convocation has been postponed until the next Committee Meeting.

4. LOSS PREVENTION PROGRAM

The Chair requested your Committee address the question of creating and implementing a more structured Loss Prevention Program. In light of The Law Society's current policy of restraint, it was suggested that the Committee consider what economic parameters the Director should adhere to in developing proposals for such a Program. Due to time constraints, discussion of this subject has been postponed until the next Committee Meeting.

5. OUTSTANDING ITEMS

(a) New Professional Liability Policy Wording - Though the proposed new professional liability policy wording was favorably received at the April 25, 1991 Special Committee Meeting, the Director was requested to redraft certain items to enhance the clarity of the Insurer's intentions, and to reflect minor changes recommended by your Committee. The revised proposed wording has been approved by your Committee subject to the following:

- (i) approval of the wording by the Directors of LPIC;
- (ii) the Sub-Committee on the new policy wording will remain operational for the time being to make recommendations on fine tuning of the policy wording should same be necessary.

(b) E & O Loss Prevention Booklet - In light of the economic conditions that have prevailed since the Committee originally authorized the publication of the booklet, the Director has been requested to report on the cost of this publication in order to determine if pursuit of this initiative should be postponed. Due to time constraints, discussion of this subject has been postponed until the next Committee Meeting.

(c) E & O Levy Exemption/Pro Bono Work for Charitable Organizations - A Sub-Committee of the Research and Planning Committee is addressing the subject of pro bono services including discussion of how the Society can assist with the payment of the E & O levy on behalf of exempt members who provide pro bono services for such organizations. The Director advises that there is no additional information available at this time.

(d) American Home Assurance Company - The Director will provide an oral report on the latest developments involving the above noted Insurer at the next Committee Meeting.

ALL OF WHICH is respectfully submitted

DATED this 10th day of May, 1991

"J. Wardlaw"  
for Chair

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

- Item 1 - Director's Monthly Report. (Schedule "A", pages 1 - 5).
- Item 2 - Director's Monthly Errors and Omissions General Expense Budget Report for the ten month period ending April 30, 1991. (Schedule "B")

THE REPORTS WERE ADOPTED

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PROFESSIONAL STANDARDS COMMITTEE

Mr. Yachetti presented the Report of the Professional Standards Committee of its meeting on May 9th, 1991.

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

The PROFESSIONAL STANDARDS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991 at twelve noon in the afternoon the following members being present: Mr. Yachetti (Chair), Mrs. Weaver (Vice-Chair), Mr. Ferguson, Ms. Graham, Mrs. Legge, and Mr. Wardlaw.

Also present were Ms. McCaffrey, Ms. Poworoznyk, and Messrs. Kerr, and Stephany.

A.  
POLICY

1. RULE 2 DISCIPLINE AND THE PRACTICE REVIEW PROGRAMME

The Committee considered a report prepared by staff dealing with issues arising from the involvement of solicitors in the Practice Review Programme and the discipline process. The Committee members discussed the proposed guidelines contained in the report which if implemented, would assist staff in coordinating and standardizing the Society's approach to solicitors who become involved in both processes simultaneously. The Committee adopted the recommendations contained in the report.

Attached as A1 - A6 is a copy of the report.

2. PRACTICE REVIEW PROGRAMME - REVIEW PANELS

According to procedures developed by the Committee, a Panel of 3 Benchers considers the findings and recommendations of parties involved in the review of a member's practice. Recently, concern has been expressed about whether the involvement of 3 Benchers is necessary to perform this task effectively.

The Committee concluded that a 3 Bencher Panel was not necessary and further concluded that 1 Bencher would be sufficient to effectively deal with most matters. The Committee stipulated however, that the one Bencher on such Panels should be an elected Bencher.

3. PROFESSIONAL STANDARDS INFORMATION BROCHURE

The Committee discussed methods of publicizing the various initiatives it has undertaken during its brief history. It recommended that, with the assistance of the Communications Department, a brochure be prepared outlining the history of the Committee and its mandate. It is proposed that this brochure be circulated widely in the Profession and with the general public.

C.  
INFORMATION

1. PRACTICE ADVISORY SERVICE - STATUS REPORT

Attached as C1 is a copy of the monthly status report.

2. SUB-COMMITTEE FAMILY LAW

The checklist was reviewed by members of the Bar Admission Course faculty and certain amendments were incorporated into it. A copy of the checklist was distributed to Committee members at the meeting.

The Committee deferred further consideration of the checklist in order to allow representatives of the County and District Law Presidents' Association an opportunity to review the checklist.

3. SUB-COMMITTEE WILLS AND TRUSTS LAW

Mrs. Weaver, the Chair of the sub-committee, reported to the Committee on her meeting with members of the County and District Law Presidents' Association during their Plenary Session.

The Presidents made a number of proposals respecting the form and purpose of the sub-committee's draft checklist. It was concluded that the sub-committee should attempt to address these proposals and should continue working with the Presidents on an acceptable draft.

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"R. Yachetti"  
Chair

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

A-Item 1 - Memorandum to the Professional Standards Committee from Mr. Scott Kerr dated March 4, 1991 re: Rule 2 Discipline and the Practice Review Programme. (Marked A1 - A6)

C-Item 1 - Monthly status report of the Practice Advisory Service. (Marked C1)

THE REPORT WAS ADOPTED

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RESEARCH AND PLANNING COMMITTEE

Mr. Strosberg presented the Report of the Research and Planning Committee of its meeting on May 9th, 1991.

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

The RESEARCH AND PLANNING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 9th of May, 1991, at 8:00 a.m, the following members being present: H.T. Strosberg (Chair), T.G. Bastedo, D.E. Bellamy, R.C. Bragagnolo, C.L. Campbell, L.K. Ferrier, J.I. Laskin, R.D. Manes, V. Prince.

Also present: A.M. Brockett, R.F. Tinsley.

A.  
POLICY

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1. INCREASING THE NUMBERS OF NON-BENCHERS ON LAW SOCIETY COMMITTEES

Your Committee received a report from the Benchers' Responsibilities Subcommittee. The report is attached and is dealt with more fully under Part C (Information) below.

One reason for the establishment of the Subcommittee in 1988 was the perception that benchers were having to spend an unreasonable amount of time on Law Society business. A significant portion of a bencher's time is spent in committees. The report shows that in 1990 the 44 elected and appointed benchers shared, amongst them, 220 committee memberships.

In 1989, Convocation adopted the report of the Special Committee on Voting and Non Bencher Appointments which advocated the appointment of non-benchers (both lawyers and lay persons) to Standing Committees of the Law Society. Although non-benchers have been appointed to committees there are still a number of Standing Committees composed solely of benchers. Your Committee is of the opinion that the appointment of greater numbers of non-benchers to committees at all levels would be one means of reducing bencher workload.

If runners-up in bencher elections were to serve on committees, those who subsequently become benchers during the four-year term would already be familiar with aspects of the work of Convocation.

Your Committee also notes the valuable contribution that non-benchers can make to committees. There are members with specialist knowledge who would be willing to serve on committees even though they cannot spare the time to serve as benchers. There are non-lawyers whose experience would be of great value to the Society. In particular, your Committee is of the view that its own terms of reference (requiring it to consider "emerging policy issues affecting the Society and the profession") are such that it would be appropriate to include on the Research and Planning Committee persons from other disciplines.

Accordingly, your Committee makes the following recommendations:

- a. That greater numbers of persons who are not benchers (both lawyers and lay persons) should be appointed to committees of the Law Society.
- b. That members who run for election as benchers but who are not elected should be considered for membership of committees.
- c. That the membership of the Research and Planning Committee should include persons who are not lawyers.

B.  
ADMINISTRATION

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No matters to report.

C.  
INFORMATION

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1. REPORT OF THE BENCHERS' RESPONSIBILITIES SUBCOMMITTEE

Your Committee received the final report of the Benchers' Responsibilities Subcommittee. The report is attached for information.

The report gives the results of a survey of the hours spent by benchers on Law Society business. The Subcommittee presented the following recommendations:

If bencher workload is considered to be a serious problem:

- a. A committee should be struck to propose solutions to the problem.
- b. An essential first step should be a study of the limits of the proper role of the Law Society, to determine whether there are activities which Convocation might appropriately
  - i. terminate, or
  - ii. share with other bodies, or
  - iii. reassign to other bodies.
- c. When agreement has been reached on the limits of the proper role of the Law Society, a further study should be undertaken into the respective roles of benchers and staff to determine whether there are ways in which bencher workload might be reduced, including the use of volunteer, non-bencher lawyers.
- d. Consideration should be given as to whether the problem might be alleviated by the establishment of an Executive Committee of Convocation.

The proposal that the establishment of an Executive Committee should be studied coincides with your Committee's earlier thinking in response to the request from the Finance and Administration Committee to consider how the Society should respond to proposals for new programmes in times of fiscal restraint.

The further consideration of these matters will be recommended to the Research and Planning Committee which takes office after the 1991 bencher election.

ALL OF WHICH is respectfully submitted

DATED this 24th day of May, 1991

"H. Strosberg"  
Chair

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

- A-Item 1 - Final Report of the Benchers' Responsibilities Subcommittee, May, 1991. (Pages 1 - 7)
- C-Item 1 - Memorandum from Mr. Ronald Manes, Chair, Benchers' Responsibilities Subcommittee to the Benchers of the Law Society dated June 28, 1990 re: Questionnaire (Appendix A) - hours spent on Law Society business. (Marked A-1 - A3)
- C-Item 1 - Results of Questionnaire (Appendix B) mailed to Benchers on hours spent on Law Society business. (Marked B-1 - B16)

- C-Item 1 - First part of the preliminary report of the Special Committee on Convocation (The "Arthurs Committee") presented to Convocation December 16, 1980 (Appendix C). (Marked C1 - C12)
- C-Item 1 - Extracts from a review of the Secretariat of The Law Society of Upper Canada, March 1981, conducted by Peat, Marwick and Partners (Appendix D). (Marked D1 - D13)
- C-Item 1 - Report of the Benchers Ad Hoc Committee on the Peat Marwick Report, May 15, 1981 (Appendix E). (Marked E1 - D10)
- C-Item 1 - Extract from the Minutes of Convocation, July 16, 1981 (Appendix F). (Marked F1 - F5)
- C-Item 1 - First Interim Report of the Benchers' Responsibilities Subcommittee, June 1990 (Appendix G). (Marked G1 - G3)

THE REPORT WAS ADOPTED

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INVESTMENT COMMITTEE

The two Reports of the Investment Committee of its meetings on April 11th and May 9th, 1991 were deferred to the June Convocation.

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CONVOCATION ADJOURNED AT 4:10 P.M.

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Confirmed in Convocation this *21st* day of *June*, 1991.



Treasurer