

MINUTES OF CONVOCATION

Monday, 6th May, 1991
11:45 a.m.

PRESENT:

The Treasurer, (James M. Spence, Q.C.), Bellamy, Callwood, Carey,
Carter, Cullity, Ferrier, Lamek, Lamont, Legge and Pepper.

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"IN PUBLIC"

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LEGISLATION AND RULES COMMITTEE

Mr. Cullity presented the Report of the Legislation and Rules Committee.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LEGISLATION AND RULES COMMITTEE begs leave to report:

Present: M. Cullity (Acting Chair), R. Carter and L. Ferrier;
D. Crosbie and P. Bell also attended.

It has been discovered that a change in postal rules made since the 1987 bencher elections, changed the postage requirements so that envelopes of a certain size required double the regular 40 cent postage notwithstanding the weight alone would have qualified the envelope to the regular postage.

Unaware of this change, a significant number of members have mailed envelopes containing ballots for the 1991 bencher election with only the regular 40 cent postage stamp affixed. The post office has dealt with this mail in several different ways. Some were delivered to the Law Society as normal mail, some were held at the local postal stations and arrangements were made for its delivery to the Law Society and the payment of the additional postage required, and some of it was returned to the sender so that additional postage could be affixed.

As a result of the above, some members were unable to return their ballots before the April 30th deadline for receipt of ballots.

At Convocation on April 26, 1991, the Treasurer reviewed this problem and advised that, based on consideration of this matter with Law Society staff, the appropriate course would be to extend the date for receipt of the ballots to the 10th day of May, 1991. Subsequent to that advice to Convocation, notice of the extension was sent to members whose ballots had not yet been received.

The Legislation and Rules Committee recommends that the Treasurer's decision be ratified and confirmed by Convocation and that the rules of the Law Society affected by such extension be amended, but that such amendment apply only to the 1991 bencher election.

The Legislation and Rules Committee therefore recommends that the following amendments to the Rules under the Law Society Act be adopted:

1. The rules made under the Law Society Act are amended by adding the following rule.:

13a. Notwithstanding the times set out in subrule 12(4) and 13(1) for receiving ballots and for opening and counting ballots, for the purposes of the election of Benchers held in 1991,

(a) the ballots may be received at the office of the Secretary before 5:00 p.m. on the 10th day of May, 1991; and

Note: amendment, see page below

(b) the ballots may be opened and prepared for counting on or after the 1st day of May, 1991 but no count, whether interim, partial or otherwise, shall be taken before the 11th day of May, 1991.

ALL OF WHICH is respectfully submitted

DATED this 6th day of May, 1991

"M. Cullity"
for Chair

Mr. Cullity amended the Report by deleting the word "may" in (a) under 13a. and inserting the word "shall" so that the sentence now reads:

(a) the ballots shall be received at the office of the Secretary before 5:00 p.m. on the 10th day of May, 1991; and

It was moved by Mr. Cullity, seconded by Mr. Carter that the Rules made under the Law Society Act be amended as recommended by the Legislation and Rules Committee in its report to the Convocation held May 6th, 1991.

Carried

THE REPORT AS AMENDED WAS ADOPTED

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CONVOCATION ADJOURNED FOR LUNCHEON AT 12 NOON

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The Treasurer and Benchers had as their guests for luncheon, Mme. Sylviane Borenstein, La batonniere du Quebec and Me. Jean Paquet and Me. Jacques Houle, senior members of the Barreau du Quebec.

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

Jaume Borenstein

Treasurer