



The Law Society of
Upper Canada | Barreau
du Haut-Canada

November 9, 2016
9:00 a.m.

CONVOCAATION MATERIAL

PUBLIC COPY

*THIS PAGE CONTAINS
IN CAMERA MATERIAL*

CONVOCATION AGENDA November 9, 2016

Convocation Room – 9:00 a.m.

Treasurer's Remarks

Consent Agenda - Motion [Tab 1] [5 minutes]

- **Confirmation of Draft Minutes of Convocation – September 22, 2016**
- **Motion – Committee and Other Appointments**
- **Report of the Director of Professional Development and Competence - Deemed Call Candidates**

Professional Development and Competence Committee Report (P. Wardle) [Tab 2] [60 minutes]

- Pathways Project Review, Lawyer Licensing Process

Audit and Finance Committee Report (C. Bredt) [Tab 3] [30 minutes]

- 2017 LibraryCo Inc. Budget
- 2017 Law Society Budget

For Information:

- Performance of Portfolio Manager

Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones Report (D. Corbiere/J. Falconer/T. Donnelly) [Tab 4] [10 minutes]

- Human Rights Monitoring Group Request for Interventions

For Information:

- Public Education Equality and Rule of Law Series Calendar 2016 – 2017

Professional Regulation Committee Report (W. McDowell) [Tab 5] [10 minutes]

- Expanded Use of Regulatory Meetings by the Proceedings Authorization Committee

For Information:

- Update on Work of the Advertising and Fee Arrangements Issues Working Group (M. Mercer)

Tribunal Committee Report (B. Murchie) [Tab 6] [10 minutes]

- Law Society Tribunal Hearing and Appeal Divisions Rule Amendments

Secretary's Report (S. McGrath) [Tab 7] [5 minutes]

- Amendments to By-Law 6

Update on Work of the Governance Task Force 2016 (J. Leiper) [5 minutes]

Report of the LL.D. Advisory Committee (T. Donnelly/W. McDowell) (in camera) [Tab 8] [10 minutes]

Report of the Chief Executive Officer (R. Lapper) (in camera) [Tab 9] [30 minutes]

REPORT FOR INFORMATION ONLY

Report from The Action Group on Access to Justice (TAG) [Tab 10]

Lunch – Museum Room

Tab 1

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON NOVEMBER 9, 2016

MOVED BY: Suzanne Clément

SECONDED BY: Robert Burd

THAT Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Tab 1.1

DRAFT

MINUTES OF CONVOCATION

Thursday, 22nd September, 2016
9:00 a.m.

PRESENT:

The Treasurer (Paul B. Schabas), Anand, Armstrong, Beach, Boyd, Braithwaite, Bredt, Burd (by telephone), Callaghan, Chrétien (by telephone), Clément, Cooper, Corbiere, Corsetti, Criger, Donnelly, Earnshaw, Epstein, Evans, Falconer, Ferrier (by telephone), Finkelstein (by telephone), Furlong, Go, Goldblatt, Gottlieb, Groia (by telephone), Hartman, Horvat (by telephone), Krishna (by telephone), Lawrie, Leiper, Lem (by telephone), Lerner, Lippa (by telephone), MacKenzie (by telephone), McDowell, McGrath, Merali, Mercer, Murchie, Nishikawa, Papageorgiou, Pawlitza, Porter, Richardson (by telephone), Richer, Rosenthal, Ross, Ruby (by telephone), Sharda, Sheff (by telephone), Sikand, Spurgeon, St. Lewis, C. Strosberg, H. Strosberg, Swaye, Troister, Udell, Vespry, Walker, Wardle, Wright and Yachetti (by telephone).

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Secretary: James Varro

The Reporter was sworn.

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IN PUBLIC

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TREASURER'S REMARKS

The Treasurer welcomed those joining Convocation by webcast.

The Treasurer recognized that Convocation is meeting in Toronto, which is a Mohawk word that means "where there are trees standing in the water."

The Treasurer welcomed Elder Myeengun Henry, Elders Council, Indigenous Advisory Group, and Kathleen N. Lickers, Chair, Indigenous Advisory Group and a Seneca from the Six Nations of the Grand River in Southern Ontario, to Convocation.

Elder Henry performed a ceremony to polish the eagle feathers, with a smudging, and performed a pipe ceremony to honour the Creator, during which the Law Society and the Indigenous Peoples Community committed to renew their partnership.

The Treasurer welcomed Tanya Walker, the Law Society's newest benchler, to Convocation.

The Treasurer welcomed Karen Manarin, the new Executive Director of Professional Regulation.

The Treasurer welcomed Jennifer Khor, the new Director, Policy.

The Treasurer welcomed Marian MacGregor, the new Equity Advisor.

The Treasurer expressed condolences to the family of Martin Teplitsky, O.Ont, Q.C., LSM, who recently passed away.

The Treasurer advised Convocation of a number of events he attended in the past months, including the opening of the courts on September 13, 2016.

The Treasurer reminded benchers of the call to the bar tomorrow, which will include honorary LL.D. recipients Grand Chief Alvin Fiddler of Nishnawbe Ashi Nation and Professor David N. Weisstub, and the inaugural group of graduates from the Bora Laskin Faculty of Law at Lakehead University.

The Treasurer noted a number of upcoming events organized by the Law Society and other organizations, including Access to Justice Week from October 17 to 21, 2016.

The Treasurer updated Convocation on a number of submissions in response to consultations on federal government initiatives, including regulation of intellectual property agents, the judicial discipline process and the judicial appointments process.

The Treasurer advised benchers of his memoranda to committees on expectations for their work over the Treasurer's term, with reference to the Treasurer's report in the Convocation Materials.

The Treasurer advised benchers of his appointment of the Treasurer's Appointments Advisory Group, with reference to the Treasurer's report in the Convocation Materials.

The Treasurer reminded benchers of the Budget Information Session following Convocation lunch today.

MOTION – CONSENT AGENDA – Tab 1

It was moved by Mr. Wardle, seconded by Ms. McGrath, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Carried

Tab 1.1 – DRAFT MINUTES OF CONVOCATION

Tab 1.1.1 – Draft Minutes of Convocation June 23, 2016

The draft minutes of Convocation of June 23, 2016 were confirmed.

Tab 1.1.2 – Draft Minutes of Convocation August 9, 2016

The draft minutes of Convocation of August 9, 2016 were confirmed.

Tab 1.2 – MOTION - APPOINTMENTS

THAT Ross F. Earnshaw be appointed as the Law Society's representative on the Council of the Federation of Law Societies of Canada, effective November 15, 2016.

THAT Jack Braithwaite be reappointed as the Law Society's representative on the Canadian National Exhibition Association for a term of one year commencing October 27, 2016.

Carried

Tab 1.3 – REPORT OF THE EXECUTIVE DIRECTOR OF PROFESSIONAL DEVELOPMENT AND COMPETENCE

THAT the Report of the Executive Director of Professional Development and Competence listing the names of the call to the bar candidates be adopted.

Carried

REPORT OF THE CHIEF EXECUTIVE OFFICER

Mr. Lapper presented an oral report on Law Society operations for information, focussing on the Professional Regulation Division. Ms. Manarin also provided a report for information.

PROFESSIONAL DEVELOPMENT AND COMPETENCE COMMITTEE REPORT

Mr. Wardle presented the Report

Re: Pathways Pilot Project Review

Mr. Wardle presented the report for information.

EQUITY AND ABORIGINAL ISSUES COMMITTEE/COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES REPORT

Ms. Leiper presented the Report.

Re: Challenges Faced by Racialized Licensees Final Report – “Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Profession”

Ms. Leiper presented the report for information.

LAWPRO REPORT

Ms. McGrath presented the Report.

Re: 2017 Insurance Program

It was moved by Ms. McGrath, seconded by Ms. Murchie, that Convocation approve the program of insurance offered by LAWPRO for 2017 as set out in the report at Tab 4 of the Convocation Materials.

Carried

TREASURER'S REPORT

Mr. Wardle presented the Report.

Re: Proposed Mental Health Strategy Implementation Task Force

It was moved by Mr. Wardle, seconded by Mr. Goldblatt, that Convocation create the Mental Health Strategy Implementation Task Force as set out in the report.

Carried

Re: Proposed Governance Task Force 2016

It was moved by Mr. Wardle, seconded by Mr. Troister, that Convocation establish a task force to undertake a review of and make recommendations respecting the Law Society's governance structure, with terms of reference and membership of the task force as set out in the report.

Carried

For Information:

- Treasurer's Committee Memoranda
- Treasurer's Appointments Advisory Group

AUDIT & FINANCE COMMITTEE REPORT

Mr. Bredt presented the Report.

Re: Cheque Signing Authority

It was moved by Mr. Bredt, seconded by Ms. Donnelly, that Convocation approve a revised banking resolution that updates the old title of Director, Policy with the new title of Director, Office of the CEO and Corporate Secretary and updates the names of the office holders.

Carried

Re: Lawyers Compensation Fund Fund Balance Management Policy Amendment

It was moved by Mr. Bredt, seconded by Ms. Donnelly, that Convocation amend the Lawyers Compensation Fund, Fund Balance Management Policy as set out in the report by

reducing the minimum balance from three one-in-one hundred year events to one one-in-two hundred year event.

Carried

Re: Law Society of Upper Canada Financial Statements for the Six Months Ended June 30, 2016

Mr. Bredt presented the report for information.

For Information:

- Law Society of Upper Canada Financial Statements for the Six Months ended June 30, 2016
- LibraryCo Inc. Financial Statements for the Six Months ended June 30, 2016
- LAWPRO Financial Statements for the Six Months ended June 30, 2016
- Investment Compliance Reporting
- Other Committee Work

COMPENSATION FUND COMMITTEE REPORT

Ms. Hartman presented the Report.

Re: Increase in the Per-Claimant Limit

It was moved by Ms. Hartman, seconded by Mr. Bredt, that Convocation approve:

- a. an increase in the per claimant limit from \$150,000 to \$500,000, to apply only to the claims in respect of funds advanced to a lawyer licensee on or after the date on which Convocation approves the increased limit; and
- b. an amendment to the General Guidelines for the Determination of Grants from the Compensation Fund to reflect this increase, as set out at Tab 7.1.1.

Carried

For Information:

- Grants Paid by the Compensation Fund
- Summary of Fund Performance

PARALEGAL STANDING COMMITTEE REPORT

Ms. Criger presented the Report.

Re: Amendments to the Paralegal Rules of Conduct

It was moved by Ms. Criger, seconded by Ms. Corsetti, that Convocation approve the amendments to the Paralegal Rules of Conduct set out at Tab 8.1.1.

Carried

For Information:

- 2016 Paralegal Annual Report
- Amendments to the Paralegal Guidelines

PROFESSIONAL REGULATION COMMITTEE REPORT

Mr. McDowell presented the Report.

Re: Amendments to the Rules of Professional Conduct Regarding Short Term Pro Bono Services

It was moved by Mr. McDowell, seconded by Mr. Rosenthal, that Convocation approve amendments to the Rules of Professional Conduct respecting conflicts of interest relevant to short term *pro bono* legal services, as set out in Tab 9.1.1.

Carried

Re: 2016 Lawyer Annual Report

Mr. McDowell presented the report for information.

Re: Professional Regulation Division Quarterly Report

Mr. McDowell presented the report for information.

For Information:

- Professional Regulation Division Quarterly Report
- 2016 Lawyer Annual Report

EQUITY AND ABORIGINAL ISSUES COMMITTEE/COMITÉ SUR L'ÉQUITÉ ET LES AFFAIRES AUTOCHTONES REPORT

Ms. Donnelly presented the Report.

Re: Human Rights Monitoring Group Request for Intervention

It was moved by Ms. Donnelly, seconded by Ms. St. Lewis, that Convocation approve the letters and public statements in the case of Yessika Hoyos and other members of the José Alvear Restrepo Lawyers' Collective (CAJAR), Colombia – letters of intervention and public statement presented at Tab 10.1.1.

Carried

For Information:

- Human Rights Monitoring Group Update
- Public Education Equality and Rule of Law Series Calendar 2016 – 2017

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PROFESSIONAL REGULATION COMMITTEE REPORT

The Treasurer announced that the report of the Professional Regulation Committee at Tab 9.2.2 of the Convocation Materials will be made public and that Convocation approved a disclosure policy framework as set out in the report at Tab 9.2.2.3.

REPORTS FOR INFORMATION ONLY

TRIBUNAL COMMITTEE REPORT

- Tribunal 2016 Second Quarter Statistics

REPORT FROM THE ACTION GROUP ON ACCESS TO JUSTICE (TAG)

CONVOCATION ROSE AT 12:53 P.M.

Tab 1.2

THE LAW SOCIETY OF UPPER CANADA

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON NOVEMBER 9, 2016

THAT Janis Criger be appointed to the Governance Task Force 2016.

THAT Ross Earnshaw and Janet Leiper be appointed to the Priority Planning Committee.

THAT Janis Criger, Isfahan Merali, Sandra Nishikawa and Joanne St. Lewis be appointed to the Appeal Division of the Law Society Tribunal for a term ending May 25, 2017.

THAT Teresa Donnelly be removed from the Hearing Division of the Law Society Tribunal at her own request.

THAT Susan E. Opler and Judith M. Potter be removed from the Hearing and Appeal Divisions of the Law Society Tribunal at their own request.

Tab 1.3

To the Benchers of the Law Society of Upper Canada Assembled in Convocation

The Executive Director of Professional Development and Competence reports as follows:

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Licensing Process and Transfer from another Province – By-Law 4

Attached is a list of candidates who have successfully completed the Licensing Process and have met the requirements in accordance with section 9.

All candidates now apply to be called to the bar and to be granted a Certificate of Fitness on Wednesday, November 9th 2016

ALL OF WHICH is respectfully submitted

DATED this 9th day of November, 2016

CANDIDATES FOR CALL TO THE BAR
November 9th 2016

Transfer from another province (Mobility)

Christine Dawn Black
Vivian Ellen Mary Burton
Emelie Lauren Kozak
Scott Daniel Kuehn
Ava Gwendolyn Murphy
Kimberley Anne Nusbaum
Wasiu Adebisi Omotoso
Jacqueline Anna Porter
John Edward Shewman Poyser
Elizabeth Ann Utting
Venetia Elisabet Katharina Whiting

Licensing Candidates

Nicolas Dan Duong Pham

L3

Martine Réjeanne Vicky Sirois

Transfer Candidates (from Québec)

Geneviève Kathleen Burns
Alexander James Spraggs



Report to Convocation November 9, 2016

Professional Development & Competence Committee

COMMITTEE MEMBERS

Peter Wardle (Chair)
Jacqueline Horvat (Vice-Chair)
Joanne St. Lewis (Vice-Chair)
Jack Braithwaite
Dianne Corbiere
Teresa Donnelly
Joseph Groia
Michelle Haigh
Barbara Murchie
Sandra Nishikawa
Andrew Spurgeon
Catherine Strosberg
Sidney Troister
Anne Vespry

Purpose of Report: Decision

Prepared by the Policy Secretariat
(Sophia Sperdakos 416-947-5209)

EXECUTIVE SUMMARY

On September 22, 2016, the PD&C Committee provided its Report on the Pathways Pilot Project Evaluation and Proposed Enhancements to the Licensing Process ("September 22 Report") to Convocation for information. Convocation was to consider the Report on November 9, 2016. The Report made a number of unanimous recommendations to Convocation. The recommendation to end the Law Practice Program ("LPP") component of the Pathways Pilot Project at the completion of three years reflected a majority view, with a number of Committee members expressing dissent.

The Law Society invited written comments/submissions on the Report and recommendations until October 19, 2016. It received 93 public submissions from individuals, plus 104 additional individual comments linked to a petition, and 32 from organizations, associations, legal clinics, law schools and others. The submissions are detailed and thoughtful and provide important perspectives on the issues discussed in the Committee's September 22 Report. The majority of them address the Committee's recommendation respecting the LPP. There are, as well, a number of submissions that address the proposed enhancements to the licensing process.

This supplementary Committee Report for Convocation provides an overview to the seven main themes that have emerged from the submissions and sets out the reasons for the revised recommendations put forward by a majority of the Committee. Regardless of the submissions' specific position on Pathways, collectively they reflect that views on the issues have undergone and continue to undergo change even since 2012 and that the debate on how to find a sustainable resolution for licensing is intense.

In the course of its deliberations leading to the recommendations in its September 22 Report, the members of the Committee identified and discussed these same themes. The Committee's own diversity of perspectives, expressed in that Report in majority and minority views, reflects the complexity of the issues.

Some of the Committee continues to be concerned that second-tier perceptions, financial sustainability and readiness for licensing are serious concerns when considering the LPP's long-term viability. As discussed in this Report, a minority of the Committee remains convinced that extending the pilot to continue the LPP is a serious error not justified by the evidence on which the Committee based its original recommendation. That view has been echoed in some of the submissions.

The majority of the members of the Committee, however, has reflected further on the many submissions that speak to other options for approaching concerns about the LPP and caution the Law Society about ending it at too early a stage in the process. As noted above, some of those members had originally expressed views similar to those outlined in the submissions.

Consultation is a meaningful, not pro forma, process and the Committee has taken what it has heard into account in formulating modified recommendations to Convocation.

The comments received in response to the Committee's September 22 Report have also raised a number of important questions about licensing that go beyond the LPP. In this Report the Committee outlines what may be attitudinal shifts among stakeholders that are important to take into account.

There also appears to be interest from a range of perspectives for a broader analysis to be undertaken of the licensing process, which Pathways may have engendered. In the Committee's view, the submissions demonstrate that the profession will support the Law Society undertaking such a process. The Committee is unanimous in its view that this analysis should be undertaken, but three members believe that it should be based on a commitment to transitional training as a foundation of the analysis. The rest of the Committee is of the view that if the purpose of the analysis is to make long-term recommendations for an appropriate, sustainable Law Society licensing process, in the interest of fairness the discussion should not be circumscribed.

All but two members of the Committee recommend that to enable this longer-term analysis, the current Pathways Pilot Project (both the LPP and articling enhancements) should be extended. In the Committee's view, that extension should be for two years, specifically the 2017-2018 and 2018-2019 licensing years, to enable the gathering of more data on the LPP and articling and the larger analysis of licensing.

The majority of the Committee recommends that to facilitate the discussion and development of a long-term plan, the recommendations in its September 22 Report respecting the exploration of initiatives for a post-LPP environment (recommendations in Paragraph 3) and the enhancements to the licensing process (recommendations in Paragraph 4) should not be considered at this time. Two members believe implementation of components of those recommendation should begin now, but the rest of the Committee is of the view that all these recommendations need to be considered in the context of the broader analysis of the licensing process, rather than in isolation.

Finally, the Committee has considered the importance a carefully developed process will play in the success of the analysis, including engaging relevant stakeholders throughout. It recommends that in the first quarter of 2017 it provide Convocation with a report identifying the issues that should be the focus of the analysis and a proposed plan to address them, a proposal for an engagement strategy and a budget to address resource requirements for the analysis.

Motion

1. **That Convocation approve an extension of the current Pathways Pilot Project for two years, specifically the 2017-2018 and 2018-2019 licensing years.**
2. **That, at this time, Convocation withdraw consideration of the recommendations at paragraphs 3 and 4 of the September 22, 2016 PD&C Committee Report to Convocation.**
3. **That Convocation direct that an analysis of the licensing process be undertaken for the purpose of making long-term recommendations for an appropriate, sustainable Law Society licensing process.**
4. **That in the first quarter of 2017, the PD&C Committee provide Convocation with,**
 - a. **a report identifying the issues that should be the focus of the analysis and a proposed plan to address them;**
 - b. **a proposal for an engagement strategy that will involve relevant stakeholders throughout the process; and**
 - c. **a budget that will address resource requirements, including staffing and research resources.**

Pathways Evaluation and Enhancements to Licensing Process Submissions

5. On September 22, 2016, the PD&C Committee provided its Report on the Pathways Pilot Project Evaluation and Proposed Enhancements to the Licensing Process ("September 22 Report") to Convocation for information. Convocation was to consider the Report on November 9, 2016.
6. The Report made a number of unanimous recommendations to Convocation. The recommendation to end the Law Practice Program ("LPP") component of the Pathways Pilot Project at the completion of three years reflected a majority view, with a number of Committee members expressing dissent.
7. The Law Society invited written comments/submissions on the September 22 Report and recommendations until October 19, 2016. It received 93 public submissions¹ from individuals, plus 104 additional individual comments linked to a petition, and 32 from organizations, associations, clinics, law schools and others. The submissions from individuals, including the petition, are available on the Law Society's website at <http://www.lsuc.on.ca/uploadedFiles/Pathways-Submissions-Evaluations-Individuals.pdf>. The submissions from organizations are available on the Law Society website at

¹ Nine anonymous submissions were given to the Committee, but not provided to Convocation or made public.

<http://www.lsuc.on.ca/uploadedFiles/Pathways-Submissions-Evaluations-Organizations.pdf>.

8. In addition, the Treasurer and the Chair or Vice-Chairs of the Committee heard comments from those attending the Ontario Bar Association Council meeting (September 24) the Treasurer's Liaison Group meeting (September 26) and the Early Careers and Law Student Roundtable meeting (September 27). The Chair is also scheduled to participate at the Federation of Ontario Law Associations meeting on November 4, 2016.
9. The Committee has also reviewed numerous media and other commentaries respecting the Report and recommendations.
10. Concerns are expressed in a number of submissions on the brevity of the consultation period and the implications for providing detailed commentary on all recommendations. The Committee acknowledges this and recognizes that the timing necessitated by Convocation having to consider the issue before the end of 2016 has affected the length of time available for consideration of the Committee's September 22 Report. The Committee also recognizes that there may be a number of stakeholders who were unable to respond during the comment period. Despite this, the submissions are numerous, detailed and thoughtful and provide important perspectives on the issues raised. Moreover, the length of the consultation should in no way be seen as reflecting a lack of interest on the Law Society's part in what those with an interest in the issues have to say. On the contrary, the Committee has considered carefully what it has heard. This Report and the public availability of the submissions ensure that Convocation, the public and stakeholders will be well-advised of what the consultation process revealed.
11. This supplementary Committee Report provides an overview to the seven main themes that have emerged from the submissions and sets out the reasons for the revised recommendations put forward by a majority of the Committee. Where the Committee is not unanimous, dissenting views are outlined below.
12. In the submissions, some organizations note that they were unable to reach consensus on one or more recommendations, but set out the issues underlying the differing views of their members. They also raise other points that they consider relevant to the issues under consideration. A number of the comments and suggestions, while important to reflect upon, may or may not be viable, may be based on considerations outside the Law Society's mandate or may require much more consideration to determine whether they could or should be taken further.
13. Although each submission reveals certain nuanced views that are specific to the responding individual's experience or the organization's mandate, for the purposes of the Committee's assessment of what it has heard, seven recurrent themes have emerged across a broad spectrum of the submissions, as outlined below.

14. In the course of its deliberations leading to the recommendations in its September 22 Report, the members of the Committee identified and discussed these same themes. The Committee's own diversity of perspectives, expressed in that Report as majority and minority views, reflects the complexity of the issues.

Pathways Evaluation - Submissions

15. The seven main themes that have emerged from the submissions are as follows:

- a. **There is insufficient data to allow for conclusions to be made about the LPP at this time.** The submissions highlight that in effect the evaluation is based on only two years of data and, for one aspect,² one year. This has not even allowed for an evaluation of the pilot's three years. The submissions suggest the need for more time and advocate greater caution in drawing conclusions too soon. They suggest that given the significant shift that the creation of the LPP effected in the transitional training environment, it should not be surprising that the initial limited data reveals concerns. Many of the submissions suggest that given that it is agreed that the LPP is, itself, a good transitional training program, more time should be afforded to the program to assess its sustainability. The financial investment made in the program also justifies more opportunity to evaluate it. Moreover, a number of submissions suggest it is essential to conduct a more robust public consultation. The reasons for the contrast between the candidates in the LPP and those in articling, particularly as they relate to equality-seeking groups, must be more fully explored for meaningful analysis and solutions.

There are numerous comments from those lawyers who have supervised or mentored LPP candidates and been impressed with both the training program and the candidates. They question ending the program based on the data available and the emphasis placed on that data, rather than the strength of the program. The view of these mentors is that the program's focus on practical training and small firm contexts, is invaluable. It is too soon to say that it will not be accepted or viable in the long term. Time is needed to gather more data that addresses the value and sustainability of the program generally and in terms of the goals it was intended to serve. Some note their surprise that their views have not been canvassed in the process of collecting data, given that articling principals' have.

Some comments highlight that it is also too soon to determine whether the LPP has had an effect on the manner in which new licensees are practising.

While the majority of comments have focused on the four-month course component, there have also been a number of submissions from those who have taken candidates as work placements and from the candidates themselves. These

² Post-licensing data collection for the second year of the LPP will be done in the spring of 2017.

have reflected on the quality of the candidates, the diverse settings in which they have worked (legal aid clinics, private practices, corporate settings) and on the ability of those who could not offer a 10 month articling job, being able to offer a shorter work placement. Some of these have commented that as social justice venues with limited budgets they have at least been able to offer a four-month placement.

One submission also suggests that the Law Society should attempt to analyze and explain the underlying reasons for the discrepancies between LPP candidates' and articling candidates' results relating to (1) the pass rate for first attempts at the licensing exams, and (2) first year employment opportunities, and for the discrepancy between Canadian law school educated candidates and non-Canadian law school educated candidates. There may be reasons unrelated to competence for failure rates.

- b. **It is defeatist and unwise to end a new program because of perceived second-tier status.** Many submissions suggest that it should not have been surprising to anyone that in the brief period the LPP has been in place second-tier status has been an issue. Indeed, it may be more appropriate to celebrate how much has been accomplished in such a brief period. Some submissions suggest that insufficient effort has been made at many levels, including leadership levels, to alter what was a pre-conceived view of the LPP. The Law Society and others should make a concerted effort to change the perception before it is accepted as fatal. This is particularly true since the September 22 Report concludes that the LPP is equal to, and in some ways better than, articling as transitional training. Accordingly, the Law Society needs to convince the profession and others of this, rather than ending the LPP. Some submissions suggest that the time has come to consider whether, in fact, it is articling that should be discontinued. Some also comment that the traditional articling system has itself created the second-tier sentiment.

One comment points to the fact that the LPP is not presented as a viable transitional training option early enough in the student-to-lawyer pipeline. Its work placements are not recruited for during the summer or articling student recruitment drives that occur during law school, meaning students cannot explore the LPP as an option until much later. This ultimately makes the program appear less desirable because it does not allow students to solidify plans for the early development of their career.

Others indicate that even if the LPP remains a second-tier option, it should be left to the candidates to determine their entry route. Even if it is second-tier, those who took it and are now licensed are happy to have their careers. Further, some suggest that if it is preferable to have a single pathway, it may still nonetheless be premature to end the LPP before developing a plan for next steps.

Submissions commenting on the Ottawa French LPP, known as Le Programme de pratique du droit or PPD, emphasize that because of the unique training it offers, it is not seen as a second choice for candidates. Some raise a concern that by doing the evaluation of the PPD in English it militated against a meaningful understanding by the assessors of the specific and global objectives of the PPD and the candidates' experience. In their view much of the data around second-tier perceptions is misleading in the context of the PPD. These submissions also note that the concerns expressed in the September 22 Report around the readiness for licensing of some internationally-trained candidates based on exam performance are also less relevant in the PPD, which after the first year has had few, if any, internationally-trained candidates. In their view, the development of the PPD has contributed significantly to the enhancement of competence in the delivery of French language services and the practice of law and is increasingly sought out by candidates.

A number of submissions comment on the innovative nature of the LPP and the use of technology and forward-looking approaches to the practice of law. Some are satisfied that the program in fact prepares lawyers for the practice of law in the 21st century, in contrast to the articling system. Some mentors and graduates of the LPP consider that it is a preferred choice to articling and may represent the future of practical training.

Some mentors note that they have, in fact, seen attitudes to the program change over the three years, suggesting the second-tier issue may be less important over time.

There are also submissions from those who consciously chose the LPP over articling, in a number of cases because their legal career goals are unconventional.

Others note that the dearth of available information about the LPP, given its recent introduction, may have affected the willingness of candidates to choose it.

Other submissions emphasize that the low take up by students and firms alike support the need for enhancing the LPP, not eliminating it, and for transition into a system that all students can access and participate in the profession on a more equitable footing. This could be developed using aspects of both pathways currently in place, evolving a system with a temporary stream while the permanent one is being developed or developing a system that incorporates new approaches. One comment suggests exploring the viability of offering both academic and clinical training as a mandatory part of the curriculum of all Canadian law schools, with an adjunct program to be made available to internationally trained ("NCA") students.

- c. **Before any decision is made to end the LPP there must be a concrete plan to deal with candidates who will no longer have that pathway to licensing.** This is a common view across the range of submissions. The sentiment is that even with the lower than expected enrollment in the LPP, approximately 200 candidates a year are being licensed who might not have been, otherwise. Many submissions comment that with no concrete proposal in the September 22 Report for what will happen to candidates such as these if the LPP is discontinued, it is difficult to accept the recommendation. For some of those who have commented in this vein, the concern is magnified by the disproportionate representation of racialized, age 40+ and internationally-trained candidates in the LPP. Some of the comments emphasize that since the Law Society appears to agree it cannot return to the status quo of 2012, it should not be recommending the end of the LPP without a resolution of the issues that led to its introduction.

Many of the submissions indicate growing acceptance that the LPP or other alternatives may be valuable transitional training models. Some of the submissions also suggest that if articling cannot provide sufficient jobs, it may be time to end articling. One submission mentions an approach that would have necessary competencies for practice acquired in law school with an additional year of law school for acquiring practical experience in placements that are unpaid.

Comments around the PPD again centre on the unique opportunity it offers to provide training for those specifically interested in French language legal services. The removal of this unique program, with nothing put in place to replace it, is considered premature and contrary to the Law Society's commitment to diversity and linguistic rights and access to justice.

A number of submissions suggest that the LPP is valuable for a range of candidates, such as those who are equality-seeking, internationally-trained, age 40+, unable to secure an articling job for reasons unrelated to competence, whose backgrounds and interests for a career do not fit into the traditional private practice or government structure and even for candidates in other Canadian jurisdictions who have not obtained articling positions in their own province.

One comment suggests that for internationally-trained candidates who reside outside the country and cannot avail themselves of the opportunity to interview in person at multiple stages (e.g. "summering," articling) or lack "connections" that assist with job placement, the LPP is important in addressing unreasonable barriers.

Comments are made that the quality of articling training is currently in the hands of articling principals whose approach to training is not consistent. As such, the

articling system may not fulfill its goal to ensure that new lawyers are sufficiently competent to serve the public upon licensing. The LPP provides students with experiential training that is comparable and offers consistent quality.

A subset of this theme is expressed as the need to consider factors not directly raised in the September 22 Report in considering any future plan for licensing. One example of this is how to address the rising numbers of those seeking licensing in Ontario and whether these numbers are sustainable.

- d. **Consider making the LPP the only Pathway.** As seen above, the unevenness of articling is raised in a number of contexts in the submissions. At a minimum, there appears to be some appetite for exploring a single pathway for transitional training other than articling. The language in the September 22 Report that pointed to the quality of the LPP training and in some instances its apparent superiority to articling appears to have engendered this willingness to look to a world beyond articling. The comments allude to the fact that the Law Society has little control over numbers entering its licensing process, given both the increasing number of internationally-trained candidates and increasing enrollment in law schools as well as establishment of new law schools. The issue of continued articling job shortages is raised.

A number of mentors with experience with both articling and the LPP express the view that the LPP is superior transitional training, suggesting that articling often entails menial tasks while the LPP has systematic training and prepares candidates for sole practice.

- e. **Before concluding that the LPP is unsustainable because of financial considerations, consider alternative financing methods.** The submissions that discuss the financial sustainability issue offer a range of suggestions and comments as follows:
 - i. Increase Law Society fees to pay for licensing, LPP and access to justice initiatives and make them progressive to reflect licensee income.
 - ii. In the alternative, increase the amount of the current lawyer licensee contribution (currently \$1 million) across the board.
 - iii. In the short term, have lawyer licensees fund the cost of an initiative with the goals of the PPD to advance the need for more francophone lawyers and access to justice of the francophone community. Work collaboratively to find long-term solutions.
 - iv. Require LPP candidates to pay the full fee, but offer bursaries and loans in appropriate places.
 - v. Make efforts to reduce the costs of providing the LPP.
 - vi. If articling students are to continue to subsidize the LPP, provide them with the materials.
 - vii. Remove the stipend given to mentors in the LPP.

The underlying theme is that although the current funding structure is in place for the pilot, sustainability does not necessarily need to be judged on the basis of that being the model, longer term. Additional time is necessary to explore various possible funding models. In the face of a quality transitional training option that is in some cases offering a route to licensing for those who before the LPP faced barriers, there must be more creative effort expended to avoid a decision based primarily on financial considerations when alternatives have not been tested.

- f. **There is a “disconnect” between the Challenges Faced by Racialized Licensees Report (“Challenges Report”) and recommendations in the Pathways Evaluation Report.** A number of submissions emphasize that since the Challenges Report focuses on eliminating barriers for racialized licensees/candidates, the elimination of the LPP runs counter to that Report. A number of submissions more specifically point to the broad range of groups who have been served by the existence of the LPP.

Many racialized, internationally-trained and older candidates who took the LPP identify their negative and frustrating experiences with the traditional articling route, expressing the importance of the LPP to their ability to complete the licensing requirement.

Candidates in the PPD have commented that half of their number are visible minorities and Francophone, emphasizing that the PPD directly addresses diversity and linguistic dualism. It has also been suggested that the changes proposed in the Challenges Report may gradually result in a culture shift that will have a positive effect on licensing issues that currently raise barriers to racialized candidates. It is premature to end the PPD and LPP for these reasons.

A number of equality-seeking groups reflect that concerns they raised to the Articling Task Force have either been confirmed by what the September 22 Report addresses or point to the deficiencies in the approach to transitional training that continue to create discriminatory barriers for equality-seeking communities. In the view of some, whether the LPP should be made permanent is not the immediate issue. Rather it is that without a plan to address the ongoing issues that affect equality-seeking groups, ending the LPP is premature or worse. Much more consultation is needed to determine the way forward, particularly in view of the Challenges Report.

One comment notes that the LPP is the only recent initiative that has borne any fruit in addressing the problem of the lack of licensing opportunities for racialized, foreign, or older candidates, and has done so without compromising the competency requirements of the Law Society.

- g. **The LPP should be discontinued, as recommended in the September 22 Report.** A small minority of submissions agree with the recommendation to end the LPP at the completion of the three year pilot and express a number of reasons that include the following:
- i. The second-tier perception is real and unlikely to change.
 - ii. Articling is a critical feature of licensing, which the LPP cannot replace.
 - iii. The view in (ii) is sometimes accompanied by an exhortation to take steps to increase the supply of articling jobs, discussed further below.
 - iv. Given low enrollment, the LPP has been unable to address the Law Society's commitment to ensure a licensing process that is fair, accessible and objective.
 - v. The work placement process is arbitrary and not transparent.
 - vi. There is unfairness in requiring articling candidates to assume the cost burden of the LPP. In addition to this burden, they receive no benefit from their financial contribution. They should at least receive the LPP materials.
 - vii. Having a catch-all program for candidates increases the risk of unsupervised junior lawyers practising without mentors or direction.
 - viii. Some do not express a view about the LPP directly but raise a serious concern about the growing numbers of candidates seeking to be licensed. They question whether this is viable in the long term. They agree that any unreasonable barriers must be eliminated, but believe candidates even as early as law school should receive realistic information about the profession and numbers.

For those who support articling as the more appropriate option, there is recognition, nonetheless, that the status quo, in which the number of available jobs is significantly outnumbered by the number of candidates, cannot continue. Submissions offer suggestions for what might be done to address the issue, including support for the recommendations in paragraph 3 of the Committee's September 22 Report. A number of suggestions may be beyond the Law Society's mandate or require third party commitment

Some comments suggest working with government and the private sector to explore the development of a fund to facilitate the creation of articling placements, to subsidize firms to hire articling students or to establish additional articling placements, either paid or unpaid.

Some also suggest working with law schools on issues related to enrollment, encouraging work experience opportunities during law school to count toward the articling requirement or having a shorter articling period with more rigorous examinations.

Enhancements to Licensing Process – Comments

16. Overall, the Committee received few comments about the proposed enhancements to the licensing process. In some cases, this may be because in the period between the original April 2016 Report and the Committee's September 22 Report, it revised some of the recommendations.
17. It may also be the case that given the necessarily short period for receiving submissions on the September 22 Report most individuals and organizations focused their attention on the Pathways Evaluation.
18. In the comments on the enhancements, one general comment is made that even if the decision on the LPP must be made before the end of the year, there should be more opportunity to consult on the other recommendations before Convocation votes on them.

Examinations (PPE and PSE)

19. Among the few comments received on the examination recommendations, some support the introduction of the practice and procedure examination (PPE) that candidates will be required to pass before proceeding to the transitional training part of the licensing process. In the view of these comments, this is to enhance the quality of candidates, independent of the path they choose for experiential training. Others comment that the proposed PPE and PSE appear to be appropriate mechanisms for assessing whether licensees possess the requisite procedural base prior to beginning articling and confirming that articling has achieved its goal of experiential learning.
20. Other comments suggest that more information is necessary about what gaps both new examinations are intended to fill or deficiencies they are intended to remedy, as well as how any unintended consequences around possible unreasonable barriers will be addressed.
21. One comment suggests that the September 22 Report does not address the fundamental question of how and whether the substantive point-in-time testing of knowledge through the PPE will provide a necessary and meaningful enhancement to the overall process of entry-level training for new lawyers. Instead of emphasizing and enhancing the experiential component of the licensing process, the focus is continued on point-in-time testing relating to diverse statutory law. A few comments raise concern for a lack of sufficient evidence for requiring passage of the PPE before proceeding to transitional training. Similarly, questions are raised about the efficacy of assessing skills through a PSE.
22. Others raise concerns that the proposed dates for the first sitting of the PPE in May could have serious consequences for graduating law students' opportunities to prepare because of interference with completion of law school requirements. As well, the

proposed first rewrite date of July might interfere with traditional starting dates for articling.

23. The comment is also offered that the transition to a new format must be gradual, to accommodate those students who have already begun their law studies. This would allow them to adjust their selection of courses to maximize their preparedness for passing the examinations.
24. Some emphasize that there are many questions around the examination recommendations for which there are not yet sufficient answers to enable meaningful comment.

Abridgment of Articles for Experiential Learning Credits

25. There are a few comments on the recommendation. One speaks to the need to ensure that the Law Society consider all the ramifications of this recommendation, in particular given its potential impact on law school curriculum. The different imperatives of the Law Society and law schools are important in considering a recommendation such as this and should engender meaningful discussion before any significant steps are taken to move it forward.
26. Some concern is raised on the impact this recommendation could have on law firm recruitment, articling programs and candidates' futures. Discussions at an early stage to explain and consider views from affected stakeholders should be undertaken before moving forward.
27. One submission suggests possibly expanding the availability of an abridgment beyond formally recognized skills training programs to any licensee capable of demonstrating a sufficiency of practical experience.

Changes to Eligibility for Exemption from Articling for Internationally-Trained

28. There are only a few comments that address this recommendation. Some comments point to an absence of evidence supporting the decision to change the requirement from 10 months to three years of practice. These also note the assumption that one size fits all and suggest that rather than a calculation based on years it should be based on an analysis of the skills each candidate seeking the exemption demonstrates.
29. Another comment agrees with the recommendation on the basis that it should minimize some of the concerns regarding the baseline skills of some internationally-educated candidates.

The Committee's Analysis and Revised Recommendations

30. It has been clear for some time that the issues around the licensing process in Ontario generate a multitude of views, perspectives, proposals for resolution and responses to those proposals. The Articling Task Force engendered many such views and perspectives, with divergent views on the merits of Convocation's approval of the Pathways Pilot Project in 2012 that created the LPP.
31. Not surprisingly, then, the Committee's majority recommendation respecting the LPP in its September 22 Report has generated much comment and debate about the recommended approach. The Committee's own diversity of views, expressed in that Report as majority and minority views, reflected the complexity of the issues. In the course of its own deliberations leading to the recommendations in its September 22 Report, the members of the Committee identified and discussed the themes subsequently reflected in the submissions. The scope of the submissions suggests that further discussion is warranted on the issues before decisions are made.
32. Regardless of the submissions' specific position on Pathways or the fact that in some cases the suggestions may be beyond the Law Society's mandate to undertake, they also reflect that views on the issues have undergone and continue to undergo change even since 2012 and that the debate on how to find a sustainable resolution is intense.
33. Some of the Committee continues to be concerned that second-tier perceptions, financial sustainability and readiness for licensing are serious concerns when considering the LPP's long-term viability. Indeed, as discussed further below, a minority of the Committee remains convinced that extending the pilot to continue the LPP is a serious error not justified by the evidence on which the Committee reached its original recommendation. That view has been echoed in some of the submissions.
34. The majority of the Committee, however, some of whom originally expressed the view that more time was needed to evaluate the pilot, has reflected further on the many submissions that speak to other options for approaching the concerns it has laid out, as well as to cautioning the Law Society about ending the LPP at too early a stage in the process. Consultation is a meaningful, not pro forma, process and the Committee has taken what it has heard into account in formulating modified recommendations to Convocation.
35. Of equal significance, the comments received in response to the Committee's September 22 Report have also raised a number of important questions about the licensing process that go beyond the LPP. The Committee has noticed what may be attitudinal shifts among stakeholders that it believes are important to take into account, as follows:
 - a. The fact that a significant number of submissions are now highly critical of evaluating the pilot after so short an implementation period suggests that an attitude of greater openness respecting alternative approaches to transitional

training has emerged since 2012, when concerns about the length of the pilot and its entrenchment saw it reduced from five years to three. This is important when considered in conjunction with the number of submissions that have emphasized the quality of the LPP as transitional training.

- b. The language in a number of submissions that suggests or implies that it may be time to consider ending articling is worth noting. The Committee wishes to be careful not to overstate the meaning of this. The issue of ending articling was not discussed in its September 22 Report and might have engendered different comments had it been. The Committee's mandate did not include a first principles examination of the licensing process, including articling, which had been undertaken as part of the Articling Task Force's mandate. As a result, the Committee's September 22 Report was limited in scope and was focused primarily on an evaluation of the LPP as an acceptable transitional training alternative to articling.

But the comments that have identified the possibility of reconsidering articling may signal a shift from the strongly supportive views of stakeholders who responded to the Articling Task Force's consultation that articling should be a central component of transitional training. These comments should not be ignored.

- c. Many submissions received during the Articling Task Force consultation in 2011-2012 indicated reservations about introducing an LPP transitional training pathway if articling were also to continue, on the basis that licensees coming through it would be perceived as second-tier. This view was expressed by a number of equality-seeking groups, as well as others. The recommendation of the majority of the Committee in its September 22 Report concluded that this perception has in fact occurred and has had a powerful, negative impact on the program and its sustainability. The reaction to this part of the Committee's Report has been overwhelmingly critical, however, arguing that there is a responsibility among all stakeholders to tackle and eliminate this perception or come up with new solutions to the licensing issues. Again the strength of these submissions, if translated into action going forward, suggest a shift in attitude.
- d. The Committee has been concerned about the negative impact that ending the LPP would have on candidates who might otherwise have availed themselves of it. It made recommendations to address this issue over the coming year, but the submissions received have been largely of the view that if the LPP is to end there must be a concrete plan in place *before* such a step is taken.

- 36. There also appears to be interest from a range of perspectives for a broader analysis to be undertaken of the licensing process, which Pathways may have engendered. The Law Society's Strategic Priority #1 focuses on enhancing licensing standards and requirements and their assessment with a focus on competence. Ensuring a sustainable

licensing process in the context of this strategic priority, has been the Committee's overall concern. In the Committee's view, the submissions raise that issue as well and make clear that any meaningful plan going forward would need to be developed in the context of a full analysis of the licensing process and a realistic consideration of a sustainable future.

37. The Committee believes that the submissions demonstrate that the profession is interested in such further and broad analysis and will support the Law Society undertaking such a process. The Committee is unanimous in its view that this analysis should be undertaken, but three members believe that it should be based on a commitment to transitional training as a foundation of the analysis. The rest of the Committee is of the view that if the purpose of the analysis is to make long-term recommendations for an appropriate, sustainable Law Society licensing process, in the interest of fairness the discussion should not be circumscribed.
38. All but two members of the Committee agree and recommend that to enable this longer-term analysis, the current Pathways Pilot Project (both the LPP and articling enhancements) should be extended. In the Committee's view, that extension should be for two years, specifically the 2017-2018 and 2018-2019 licensing years, to enable the gathering of more data on the LPP and articling and consideration of the larger analysis of licensing. A one-year extension would not be sufficient. Indeed, the Committee cautions that a full and proper analysis of all the issues may require longer than two years, beyond the parameters mandated by Convocation for the Pathways Pilot Project in 2012. While some submissions appear to suggest the LPP component of the pilot be made permanent at this time, for the majority of submissions the issue is one of extending the pilot to enable a more thorough evaluation.
39. Two members of the Committee are of the view that despite the importance of, and their agreement with, the larger analysis of the licensing process, this should not change the Committee's recommendation to end the LPP. In their view, the reasons for the Committee's original recommendations are too significant to allow the program to continue for two more years. The impact of extending the pilot for two more years is to license hundreds more candidates who are stigmatized with a second-tier perception, continue a financial model that imposes a burden on all candidates and, because it accepts all applicants, allows some candidates who may not be ready for licensing to nonetheless complete transitional training. In their view, the process of undertaking a large scale analysis of the licensing process should not necessitate continuing the LPP, which is not sustainable.
40. While the Committee respects this minority view and some of the Committee members share many of the concerns it reveals about the LPP, the majority of the Committee is nonetheless of the view that given the acceptance that an analysis of licensing overall should be undertaken it is better done with the pilot continuing so that no doors or options are closed.

41. The majority of the Committee is of the view that to facilitate the discussion and development of a long-term plan, the recommendations in its September 22 Report respecting the exploration of initiatives for a post-LPP environment (recommendations at Paragraph 3) and the enhancements to the licensing process (recommendations at Paragraph 4) should not be considered at this time. Two members believe implementation of components of those recommendation should begin now, but the rest of the Committee is of the view that all these recommendations need to be considered in the context of the broader analysis of the licensing process, rather than in isolation. In addition, these changes would have resource implications. These recommendations should inform the analysis going forward as part of many factors that will be examined.
42. Finally, the Committee has considered the importance a carefully developed process will play in the success of the analysis, including engaging relevant stakeholders throughout. It recommends that in the first quarter of 2017 it provide Convocation with a report identifying the issues that should be the focus of the analysis and a proposed plan to address them, a proposal for an engagement strategy and a budget to address resource requirements for the analysis.



TAB 3

**Report to Convocation
November 9, 2016**

Audit & Finance Committee

Committee Members

Chris Bredt (Chair)
Suzanne Clément (Vice Chair)
Teresa Donnelly (Vice-Chair)
Peter Beach
Paul Cooper
Janis Criger
Seymour Epstein
Rocco Galati
Michelle Haigh
Vern Krishna
Gina Papageorgiou
Jan Richardson
Andrew Spurgeon
Cathy Strosberg
Tanya Walker

**Purpose of Report: Decision
Information**

**Prepared by the Finance Department
Wendy Tysall, Chief Financial Officer, 416-947-3322 or wtysall@lsuc.on.ca**

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COMMITTEE PROCESS

1. The Audit & Finance Committee (“the Committee”) met on October 5, 2016. Committee members in attendance were Chris Bredt (Chair), Suzanne Clément (Vice Chair), Teresa Donnelly (Vice-Chair), Peter Beach, Paul Cooper, Janis Criger, Seymour Epstein, Michelle Haigh, Vern Krishna, Gina Papageorgiou, Jan Richardson (phone) and Cathy Strosberg.
2. Also in attendance: Brian White and Tanya Bishop from AON Hewitt.
3. Law Society staff in attendance: Robert Lapper, Wendy Tysall, Fred Grady, Wes Robertson, Suzanne Douglas and Andrew Cawse.

FOR DECISION

LIBRARYCO INC. 2017 BUDGET

Motion

4. **That Convocation approve the LibraryCo Inc. budget for 2017, incorporating Law Society funding of \$7,815,300.**
5. At its meetings in September and October, the Committee considered LibraryCo funding for 2017, which for 2016 was in the amount of \$7,662,000, and LibraryCo's request for a 2% increase in funding for 2017, amounting to an additional \$153,300.
6. The Law Society collects funds for county and district law library purposes and transfers these funds to LibraryCo.
7. LibraryCo, a wholly-owned, not-for-profit subsidiary of the Law Society, was established to develop policies, procedures, guidelines and standards for the delivery of county law library services and legal information across Ontario and to administer funding on behalf of the Law Society. The Law Society holds all of the 100 common shares. Of the 100 special shares, 25 are held by the Toronto Lawyers Association ("TLA") and 75 are held by the Federation of Ontario Law Associations ("FOLA"). The Law Society may appoint up to four directors, FOLA may appoint up to three directors and TLA may appoint one director.
8. Under the Unanimous Shareholders Agreement for LibraryCo:

“at least ninety days prior to the commencement of each financial year of the Corporation the Board shall oversee the preparation and approve a detailed operating plan and budget for the operation of the Corporation for the coming fiscal year. The budget shall include the request from the Corporation in respect of the library levy for the next ensuing fiscal year. Once approved, the budget shall be forthwith presented to LSUC for its approval. If LSUC does not approve the budget as presented, the board and LSUC shall cooperate in good faith to resolve any disputes with a view to developing a budget that is mutually acceptable, prior to the commencement of the fiscal year. In the event a mutually acceptable budget is not developed within a reasonable period of time, nothing herein shall fetter the budgetary discretion of LSUC to determine the level of funding for the Corporation.”
9. The Committee is recommending the 2% increase, following discussions between the Law Society and LibraryCo. The recommendation incorporates the following:

- a. There will be no further increase to the Law Society contribution to LibraryCo beyond the 2017 amount unless there is an agreement between the LibraryCo shareholders (the Law Society, the Federation of Ontario Law Associations and the Toronto Lawyers Association) on a transition plan and the resources necessary to effect that plan;
 - b. In future, the Law Society will fund and report legal information and library support expenses in the same way it treats program expenses and contributions to external organizations, not through a separate levy.
 - c. The Law Society contribution to LibraryCo or any future entity or system that provides legal information and library support services will be determined by an annual review of the resource requirements for providing these services. It will be approved in the Law Society budget process as a line item in that budget.
 - d. Part of the determination and approval of the Law Society contribution will include an annual review of any reserves accumulated with the expectation that these would not be in excess of what is required by an appropriate reserve policy approved as part of normal governance and finance policy.
10. LibraryCo's draft budget for 2017 is shown on the following page. This budget, approved by the LibraryCo Board, incorporates the 2% increase in Law Society funding or \$153,300.



LIBRARYCO INC. DRAFT 2017 BUDGET

Expenses		2016 Budget \$	2017 Budget \$
1	Library System (Attachment A)	6,476,764	6,612,724
2	Special Needs Grants	44,400	44,888
3	Electronic Products	339,000	339,000
4	Transition Expenses	84,836	85,000
		6,945,000	7,081,612
	Delivery of Administrative and Centralized		
5	Services (Attachment B)	860,000	892,200
6	Total Expenses	7,805,000	7,973,812
Revenue			
7	Law Society Grant	7,662,000	7,815,240
8	Use of General Fund / Reserve Fund	143,000	158,572
9	Total Revenue	7,805,000	7,973,812
10	Surplus / (Deficit)	0	0

LIBRARYCO INC.	ATTACHMENT A	
GRANTS TO COUNTY LIBRARIES		
ASSOCIATION	2016 LibraryCo Grant (\$)	2017 LibraryCo Grant (\$)
Algoma	136,951	139,690
Brant	101,737	103,772
Bruce	56,742	57,877
Carleton	626,976	639,515
Cochrane	49,293	50,278
Dufferin	47,276	48,221
Durham	132,032	134,672
Elgin	77,516	79,067
Essex	285,223	290,927
Frontenac	134,667	137,360
Grey	67,190	68,533
Haldimand	30,334	30,941
Halton	141,549	144,380
Hamilton	455,675	464,788
Hastings	86,063	87,784
Huron	77,002	78,542
Kenora	88,547	90,318
Kent	71,498	72,928
Lambton	76,027	77,547
Lanark	39,851	40,648
Leeds & Grenville	72,870	74,328
Lennox & Addington	26,987	27,527
Lincoln	181,086	184,708
Manitoulin	2,576	2,627
Middlesex	367,759	375,115
Muskoka	65,481	66,790
Nipissing	87,482	89,232
Norfolk	71,521	72,951
Northumberland	78,035	86,020
Oxford	72,187	73,631
Parry Sound	44,612	45,505
Peel	301,696	307,730
Perth	55,596	56,708
Peterborough	134,575	137,266
Prescott & Russell	14,112	14,394
Rainy River	27,368	27,916
Renfrew	126,017	128,537
Simcoe	142,481	145,330
Stormont, Dundas & Glengarry	78,711	80,286
Sudbury	190,108	193,910
Temiskaming	43,848	44,725
Thunder Bay	172,843	176,300
Toronto	596,816	608,753
Victoria Haliburton	88,906	90,684
Waterloo	243,225	248,090
Welland	95,239	97,144
Wellington	76,854	78,391
York	235,623	240,336
	6,476,764	6,612,724

**DELIVERY OF ADMINISTRATIVE AND CENTRALIZED SERVICES**Attachment B

	2016	2017
	\$	\$
<hr/>		
Head Office		
<hr/>		
1 Insurance	5,000	5,100
2 Publications	4,000	4,000
3 Professional & Consulting Fees	30,000	30,000
4 Administrative Services	305,000	305,000
5 Web Initiatives	3,000	3,000
6 Board of Directors	20,000	20,000
7 Courier and Postage	21,000	20,300
8 Miscellaneous	6,000	6,000
<hr/>		
9 Total Head Office Expenses (A)	394,000	393,400
<hr/>		
Law Libraries Centralized Purchasing		
10 County Library Benefit Plan	255,000	260,000
11 COLAL Education and Meetings	36,000	36,800
12 Publications County Libraries	64,000	90,000
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13 Insurance - Counties	90,000	92,000
14 CDLPA Meeting Expense	10,000	10,000
15 1-800 Phone Lines	11,000	10,000
<hr/>		
16 Total Centralized Expenses (B)	466,000	498,800
<hr/>		
17 Total Expenses (Total of A and B)	860,000	892,200
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FOR DECISION
LAW SOCIETY 2017 BUDGET

Motion:

11. That Convocation approve the Law Society's 2017 Budget including the following annual fee amounts.

For lawyers:

General Fee	1,329
Compensation Fund	289
LibraryCo	194
Capital	104
Total	\$1,916

For paralegals:

General Fee	788
Compensation Fund	154
Capital	104
Total	\$1,046

12. The budget allocates \$4.8 million from the Lawyer General Fund balance and \$600,000 from the accumulated surplus investment income in the E&O Fund to mitigate the fee increase for lawyers. \$1 million is allocated from the Paralegal General Fund balance to mitigate the fee increase for paralegals.

Budget Material

13. A full discussion can be found in the attached [2017 Draft Budget & Three Year Forecast](#) materials.
14. The Law Society's draft 2017 budget and three year projections were presented to benchers for input at a budget information session on September 22, 2016.

Key Issues and Considerations

15. Under S.50 of By-Law 2:
- i. The annual budget shall be presented to Convocation for final approval not later than November 30 each year.
 - ii. The budget shall be consistent with the activities planned by Convocation for the next financial year.

- iii. The budget shall include a reasonable projection of all expenses and revenues.
- iv. The use of reserve funds to supplement estimated revenues requires the express approval of Convocation.
- v. Where Convocation has approved a budget that provides for the continuation of a program, activity or service, any significant reduction or cancellation of that program, activity or service during the financial year requires the express approval of Convocation.

Licensees' Annual Fees

- 16. The draft budget incorporates an annual fee increase for lawyers and paralegals of \$50 for an annual fee of \$1,916 and \$1,046 respectively.
- 17. The draft budget projects an increase in the number of lawyers of 700 to a Full Fee Paying Equivalent total of 40,200. It also projects an increase in the number of paralegals of 550 to a Full Fee Paying Equivalent total of 5,600.

Capital Fund

- 18. The budget for capital expenditures is also being approved as part of the budget material. The capital budget includes a provision of \$2.1 million representing the initial investment in the modernization of the Society's licensee data base. The project is estimated to cost approximately \$7 million over the next three years.

Preauthorized Payment Plan and Discount

- 19. As set out in the budget, licensees who enroll in the annual Preauthorized Payment Plan that automatically withdraws the balance on their account in the first week of February each year will qualify for a discount:
 - o Licensees in the 100% fee category will receive a discount of \$50.
 - o Licensees in the 50% and 25% fee categories will receive a discount prorated to the fee category - \$25 and \$12 respectively.

LibraryCo Inc.

- 20. LibraryCo's draft budget for 2017 is being approved separately. This budget incorporates a 2% increase in Law Society funding or \$153,300 to \$7.8 million.

Salary Administration

- 21. The draft 2017 budget includes a salary and benefit provision of 3% to provide for merit adjustments, increasing employee benefit costs, compensate for lagging the market over the past three years, to be in line with expected market rates for 2017 and accommodate any operational changes that may arise in 2017.

Compensation Fund

22. The provision for grant claims in the Lawyer Compensation Fund has been set at \$3.7 million. The provision, compared with much of the historical data, reflects the recent actuarial work done in support of the lawyers Fund Balance Policy and the increase in the lawyer claim limit from \$150,000 to \$500,000 recently approved by Convocation. The provision for grant claims in the Paralegal Compensation Fund has been set at \$111,000, the same as 2016.

Governance Expenses

23. The total budget for benchers and Treasurer expenses has remained relatively flat at \$3 million for 2017 with a slight decrease in Treasurer expenses offsetting inflationary increases. No increase in benchers remuneration per diems has been included in the budget.

Licensing Process and Challenges Faced by Racialized Lawyers

24. The report from the Challenges Faced by Racialized Licensees Working Group and the evaluation of the Pathways Pilot Project are going on as the 2017 budget is being finalized.
- The current Licensing Process fee is unchanged at \$4,710 per lawyer candidate and \$1,400 per paralegal candidate.
 - In anticipation of Convocation's consideration of Challenges Faced by Racialized Licensees, additional funds are included in the budget to ensure that a follow-up survey of licensees can be conducted and an additional staff person is available to work on implementation starting in 2017.
 - The Contingency has been maintained at \$1 million in 2017 and the \$200,000 for consulting on the strategic plan has also been maintained.

Financial Impact

25. The financial impact of the budget is set out in the accompanying budget materials.

Stakeholder Response/Reaction

26. Stakeholder responses are assessed as part of the ongoing budget and financial reporting cycle.

Anticipated Divisional Impacts

27. Set out in the budget material.

Anticipated Strategic/Other Impacts

28. The budget is intended to provide the resources to continue implementing the strategic plan while establishing an appropriate annual fee for 2017.



THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

November 9, 2016

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

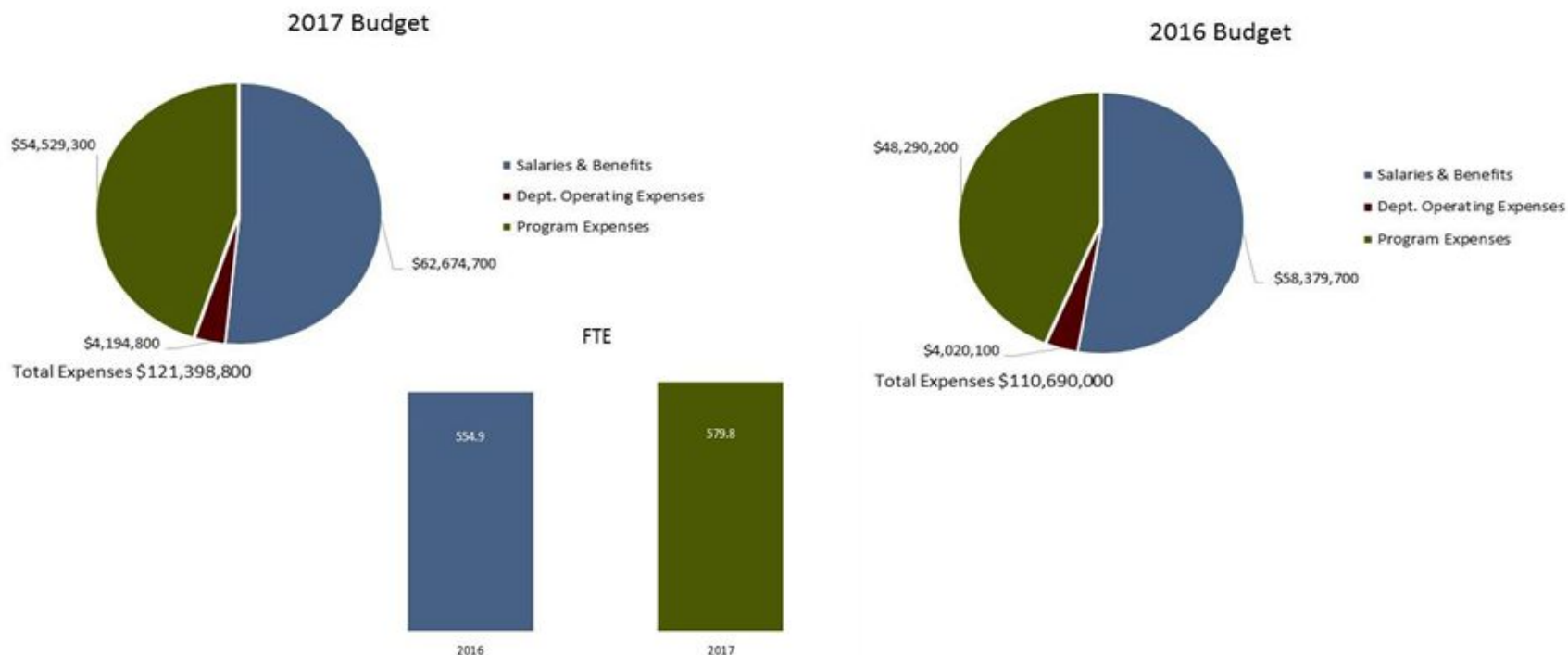
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THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

The 2017 budget and 2017-2019 financial projections are intended to ensure operational sustainability and ongoing support of the Law Society's core functions and the priorities of Convocation. While demonstrating fiscal restraint, the budget focuses on the organization's core responsibilities of professional regulation, professional development and competence and policy development and facilitating access to justice, while addressing the established priorities for the 2015-2019 bench term.

Law Society By-Law 2:

- i. The annual budget shall be presented to Convocation for final approval not later than November 30 each year.
- ii. The budget shall be consistent with the activities planned by Convocation for the next financial year.
- iii. The budget shall include a reasonable projection of all expenses and revenues.
- iv. The use of reserve funds to supplement estimated revenues requires the express approval of Convocation.



THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Law Society of Upper Canada 2017 Budget Summary Lawyers and Paralegals

	Approved 2016 Budget	Draft 2017 Budget	Change 2016 vs 2017
1 Annual fee revenue	78,727,700	82,883,000	4,155,300
2 Licensing process	12,168,300	13,198,300	1,030,000
3 CPD	8,477,000	8,686,000	209,000
4 Other revenue	9,777,000	10,149,200	372,200
5 Total Funding	109,150,000	114,916,500	5,766,500
6 Salaries and benefits	58,379,700	62,674,700	4,295,000
7 Operating	4,020,100	4,194,800	174,700
8 Program	35,297,700	37,926,100	2,628,400
9 General fund	97,697,500	104,795,600	7,098,100
10 Capital fund	2,084,500	4,777,000	2,692,500
11 LibraryCo	7,662,000	7,815,300	153,300
12 Compensation Fund	3,246,000	4,010,900	764,900
13 Total Expenditures	110,690,000	121,398,800	10,708,800
14 Deficit	- 1,540,000	- 6,482,300	- 4,942,300
15 E&O surplus investment income	1,200,000	600,000	- 600,000
16 Fund Balances	340,000	5,882,300	5,542,300
17 Total Use of Fund Balances	1,540,000	6,482,300	4,942,300

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Law Society of Upper Canada 2017 Budget Summary Lawyers

	Approved 2016 Budget	Draft 2017 Budget	Change 2016 vs 2017
1 Annual fee revenue	73,697,000	77,027,300	3,330,300
2 Licensing process	10,216,700	11,016,700	800,000
3 CPD	7,743,700	7,817,400	73,700
4 Other revenue	8,958,000	9,153,100	195,100
5 Total Funding	100,615,400	105,014,500	4,399,100
6 Salaries and benefits	53,115,600	56,257,100	3,141,500
7 Operating	3,671,400	3,778,100	106,700
8 Program	32,406,000	34,537,600	2,131,600
9 General fund	89,193,000	94,572,800	5,379,800
10 Capital fund	1,847,100	4,194,600	2,347,500
11 LibraryCo	7,662,000	7,815,300	153,300
12 Compensation Fund	3,113,300	3,870,000	756,700
13 Total Expenditures	101,815,400	110,452,700	8,637,300
14 Deficit	- 1,200,000	- 5,438,200	- 4,238,200
15 E&O surplus investment income	1,200,000	600,000	- 600,000
16 Fund Balances	-	4,838,200	4,838,200
17 Total Use of Fund Balances	1,200,000	5,438,200	4,238,200

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Law Society of Upper Canada 2017 Budget Summary Paralegals

	Approved 2016 Budget	Draft 2017 Budget	Change 2016 vs 2017
1 Annual fee revenue	5,030,700	5,855,700	825,000
2 Licensing process	1,951,600	2,181,600	230,000
3 CPD	733,300	868,600	135,300
4 Other revenue	819,000	996,100	177,100
5 Total Funding	8,534,600	9,902,000	1,367,400
6 Salaries and benefits	5,264,100	6,417,600	1,153,500
7 Operating	348,700	416,700	68,000
8 Program	2,891,700	3,388,500	496,800
9 General fund	8,504,500	10,222,800	1,718,300
10 Capital fund	237,400	582,400	345,000
11 Compensation Fund	132,700	140,900	8,200
12 Total Expenditures	8,874,600	10,946,100	2,071,500
13 Deficit	- 340,000	- 1,044,100	- 704,100
14 Fund Balances	340,000	1,044,100	704,100
15 Total Use of Fund Balances	340,000	1,044,100	704,100

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Major Budgetary Assumptions

- Increase in Full Fee Paying Equivalent members(FFE): 700 for lawyers to 40,200 and 550 for paralegals to 5,600
- 3% provision for salary and benefits increases in 2017 and 2% in 2018 and 2019
- Provision for routine grant claims in the lawyer compensation fund set at \$3.7 million
- Non-salary expenses projected to increase at 2% annual rate and 1% annual rate for 2018 and 2019
- Allocation of \$600,000 from the accumulated surplus investment income in the E&O Fund to mitigate fee increase for lawyers (2016: \$1.2 million)
- \$4.8 million of the lawyer General Fund Balance used to mitigate fee increase in 2017
- \$1 million of the paralegal General Fund Balance used to mitigate fee increase in 2017
- LibraryCo funding increased 2% to \$7,815,300.
- Contingency maintained at \$1 million, \$200,000 in consulting for studies resulting from strategic planning maintained in 2017
- Contribution to Parental Leave Assistance Plan reduced to \$0 from \$200,000 in 2016 reflecting declining utilization of program
- \$2.1 million proposed for replacement/development of Relationship Management System (Member Data Base)
- Discount of \$50 (prorated based on fee category) will be available for licensees enrolling in the annual preauthorized payment plan
- Licensing Process fees unchanged \$1 million contribution from lawyers maintained
- Incremental lease costs of \$700,000 in 2018 and additional \$100,000 in 2019
- Lawyer Compensation Fund grant limits increased to \$500,000
- Lawyer Compensation Fund Balance policy to provide for one 1 in 200 year event.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Licensees Annual Fee

	2016 Annual Fee	2017 Annual Fee	Change 2016 vs 2017
Lawyer Annual Fee			
General Fund	1,371	1,329	- 42
Compensation Fund	254	289	35
Capital Fund	47	104	57
LibraryCo	194	194	-
Annual Fee	1,866	1,916	50
Full Fee Paying Equivalent Lawyers	39,500	40,200	700
	2016 Annual Fee	2017 Annual Fee	Change 2016 vs 2017
Paralegal Annual Fee			
General Fund	810	788	- 22
Compensation Fund	139	154	15
Capital Fund	47	104	57
Annual Fee	996	1,046	50
Full Fee Paying Equivalent Paralegals	5,050	5,600	550

The budget incorporates an annual fee increase for lawyers and paralegals of \$50 for an annual fee of \$1,916 and \$1,046 respectively.

The lawyer annual fee has been at \$1,866 since 2014 and the paralegal annual fee has been at \$996 since 2013.

The Society has a three tier annual fee structure. Licensees engaged in the practice of law or the provision of legal services pay 100% of the annual fee. Licensees otherwise employed pay 50% of the annual fee and those on parental leave or unemployed pay 25%. For the purpose of determining the annual fee the total number of licensees

is prorated based on the 100% paid to determine the Full Equivalent total of licensees. The budget projects an increase in the number of lawyers of 700 to a Full Fee Paying Equivalent total of 40,200. It also projects an increase in the number of paralegals of 550 to a Full Fee Paying Equivalent total of 5,600. Relevant revenues and expenditures not directly attributable to lawyers or paralegals are allocated proportionately based on the FFE count.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Annual Preauthorized Payment Plan and Discount

The Society introduced electronic fee billing in 2015. Along with this, an on-line application process for payment by preauthorized electronic debit was also created. The Society has had a monthly preauthorized payment plan (PAP) for many years with approximately 5,500 lawyers and paralegals participating. This service includes an \$80 administration fee and results in 10 equal payments withdrawn from the licensee's bank account.

	Lawyers	Paralegals
2017 Budget Annual Fee	\$ 1,916	\$ 1,046
Discount for Annual PAP Enrolment	50	50
Effective Annual Fee	\$ 1,866	\$ 996

With the automation of the application process, a second PAP option was introduced. Members are able to enroll in an annual PAP plan that withdraws the balance on their account in the first week of February each year. There is no administration fee for this plan.

In the 2017 budget, a discount of \$50 (prorated by fee category, \$25 for 50% fee and \$12.50 for 25% fee) will

be offered to members enrolling in this plan. The benefits to the Society in terms of administrative processing time will vary, dependent upon the enrollment in the plan. A provision for an initial enrollment of 10,000 (\$500,000) has been included in the budget for 2017. For lawyers and paralegals opting for the annual PAP method of paying their annual fee, the effective fee increase would be zero.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Use of Fund Balances to Mitigate The Annual Fee

	A	B	C	D	E
	No Use of Fund Balances	2017 Budget Lawyers General Fund	Estimated Policy Maximum Requirement	Estimated Policy Mid-point Requirement	Estimated Policy Minimum Requirement
1 Projected Balance December 31, 2016	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000
2 Available to mitigate annual fee		4,838,200	2,000,000	6,000,000	10,000,000
3 Projected balance after fee mitigation	26,000,000	21,161,800	24,000,000	20,000,000	16,000,000
4 Annual Fee	\$ 2,005	\$ 1,916	\$ 1,956	\$ 1,856	\$ 1,756
	No Use of Fund Balances	2017 Budget Paralegals General Fund	Estimated Policy Maximum Requirement	Estimated Policy Mid-point Requirement	Estimated Policy Minimum Requirement
5 Projected Balance December 31, 2016	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
6 Available to mitigate annual fee		1,044,100	2,650,000	3,042,000	3,433,000
7 Projected balance after fee mitigation	5,000,000	3,955,900	2,350,000	1,958,000	1,567,000
8 Annual Fee	\$ 1,222	\$ 1,046	\$ 749	\$ 679	\$ 609

The budget allocates \$4.8 million from the Lawyer General Fund balance and \$600,000 from the accumulated surplus investment income in the E&O Fund to mitigate the fee increase for lawyers. \$1 million is allocated from the Paralegal General Fund balance to mitigate the fee increase for paralegals. This complies with the Society's Fund Balance Management Policies, although the Audit & Finance Committee maintains its commitment to achieving a budget that minimizes the use of fund balances to mitigate fees.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Law Society of Upper Canada 2017-2019 Forecast Summary Lawyers and Paralegals

	Draft 2017 Budget	Projected 2018 Budget	Projected 2019 Budget
1 Annual fee revenue	82,883,000	85,578,400	88,320,000
2 Licensing process	13,198,300	13,198,300	13,198,300
3 CPD	8,686,000	8,773,000	8,861,000
4 Other revenue	10,149,200	10,251,000	10,353,000
5 Total Funding	114,916,500	117,800,700	120,732,300
6 Salaries and benefits	62,674,700	63,928,000	65,207,000
7 Operating	4,194,800	4,237,000	4,279,000
8 Program	37,926,100	39,005,000	39,495,000
9 General fund	104,795,600	107,170,000	108,981,000
10 Capital fund	4,777,000	4,777,000	4,777,000
11 LibraryCo	7,815,300	7,815,300	7,815,300
11 Compensation Fund	4,010,900	4,010,900	4,010,900
12 Total Expenditures	121,398,800	123,773,200	125,584,200
13 Deficit	- 6,482,300	- 5,972,500	- 4,851,900
14 E&O surplus investment income	600,000	1,200,000	1,200,000
15 Fund Balances	5,882,300	4,772,500	3,651,900
16 Total Use of Fund Balances	6,482,300	5,972,500	4,851,900

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Law Society of Upper Canada 2017-2019 Forecast Summary Lawyers

	Draft 2017 Budget	Projected 2018 Budget	Projected 2019 Budget
1 Annual fee revenue	77,027,300	79,182,400	81,369,600
2 Licensing process	11,016,700	11,016,700	11,016,700
3 CPD	7,817,400	7,896,000	7,975,000
4 Other revenue	9,153,100	9,245,000	9,337,000
5 Total Funding	105,014,500	107,340,100	109,698,300
6 Salaries and benefits	56,257,100	57,382,000	58,530,000
7 Operating	3,778,100	3,816,000	3,854,000
8 Program	34,537,600	35,513,000	35,958,000
9 General fund	94,572,800	96,711,000	98,342,000
10 Capital fund	4,194,600	4,194,600	4,194,600
11 LibraryCo	7,815,300	7,815,300	7,815,300
13 Compensation Fund	3,870,000	3,870,000	3,870,000
14 Total Expenditures	110,452,700	112,590,900	114,221,900
15 Deficit	- 5,438,200	- 5,250,800	- 4,523,600
16 E&O surplus investment income	600,000	1,200,000	1,200,000
17 Fund Balances	4,838,200	4,050,800	3,323,600
18 Total Use of Fund Balances	5,438,200	5,250,800	4,523,600

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Law Society of Upper Canada 2017-2019 Forecast Summary Paralegals

	Draft 2017 Budget	Projected 2018 Budget	Projected 2019 Budget
1 Annual fee revenue	5,855,700	6,396,000	6,950,400
2 Licensing process	2,181,600	2,181,600	2,181,600
3 CPD	868,600	877,000	886,000
4 Other revenue	996,100	1,006,000	1,016,000
5 Total Funding	9,902,000	10,460,600	11,034,000
6 Salaries and benefits	6,417,600	6,546,000	6,677,000
7 Operating	416,700	421,000	425,000
8 Program	3,388,500	3,492,000	3,537,000
9 General fund	10,222,800	10,459,000	10,639,000
10 Capital fund	582,400	582,400	582,400
11 Compensation Fund	140,900	140,900	140,900
12 Total Expenditures	10,946,100	11,182,300	11,362,300
13 Deficit	- 1,044,100	- 721,700	- 328,300
14 Fund Balances	1,044,100	721,700	328,300
15 Total Use of Fund Balances	1,044,100	721,700	328,300

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Annual Fee Forecast

	2017	2018	2019
	Annual Fee	Annual Fee	Annual Fee
Lawyer Annual Fee			
General Fund	1,329	1,355	1,386
Compensation Fund	289	287	282
Capital Fund	104	103	100
LibraryCo	194	191	188
Annual Fee	1,916	1,936	1,956
Full Fee Paying Equivalent Lawyers	40,200	40,900	41,600
	2017	2018	2019
	Annual Fee	Annual Fee	Annual Fee
Paralegal Annual Fee			
General Fund	788	816	836
Compensation Fund	154	150	150
Capital Fund	104	100	100
Annual Fee	1,046	1,066	1,086
Full Fee Paying Equivalent Paralegals	5,600	6,000	6,400

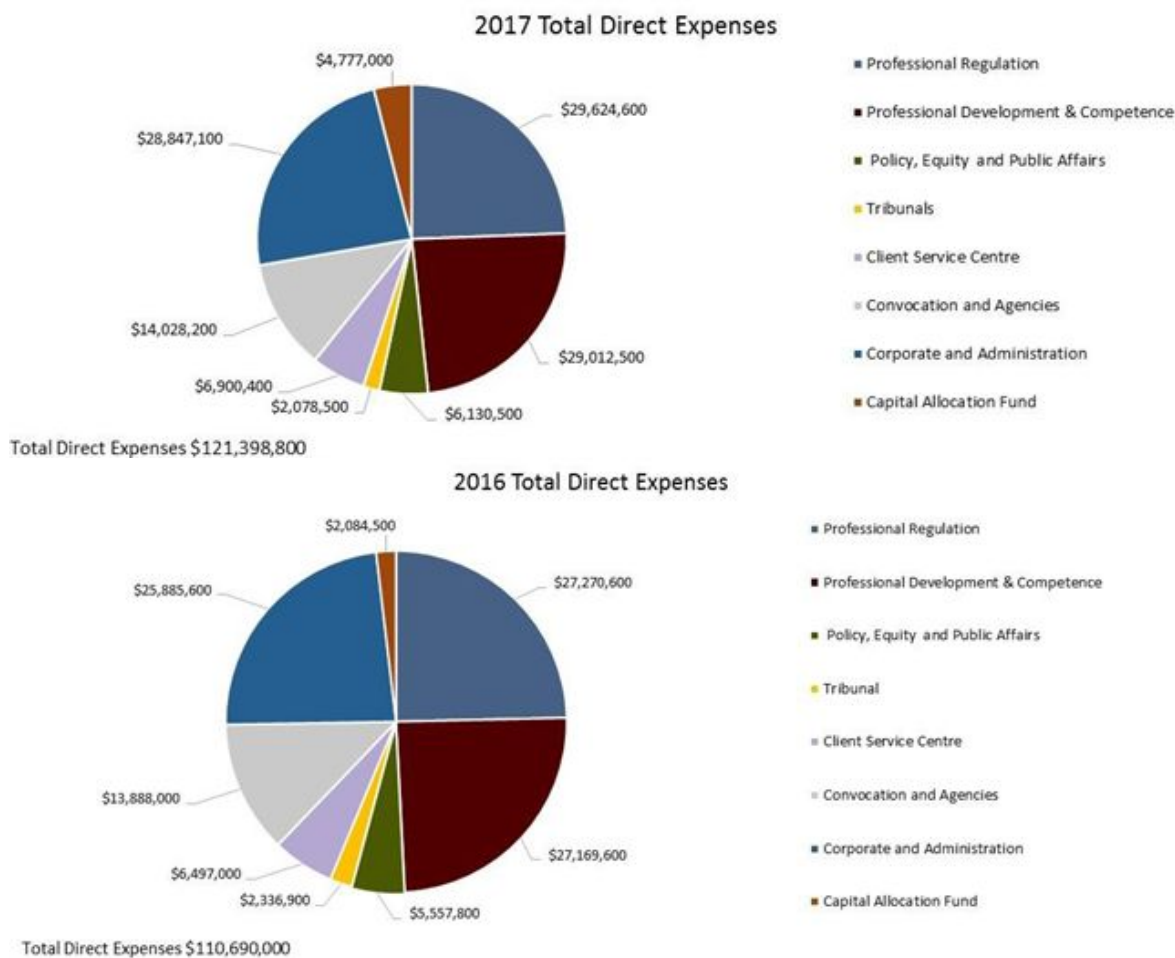
THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Use of General Fund Balances to Mitigate Annual Fee

	A	B	C
	2017 Budget Lawyers General Fund	Projected 2018 Budget Lawyers General Fund	Projected 2019 Budget Lawyers General Fund
1 Projected Balance January 1	26,000,000	21,161,800	17,111,000
2 Available to mitigate annual fee	4,838,200	4,050,800	3,323,600
3 Projected balance after fee mitigation	21,161,800	17,111,000	13,787,400
4 Annual Fee	\$ 1,916	\$ 1,936	\$ 1,956
	2017 Budget Paralegals General Fund	Projected 2018 Budget Paralegals General Fund	Projected 2019 Budget Paralegals General Fund
5 Projected Balance January 1	5,000,000	3,955,900	3,234,200
6 Available to mitigate annual fee	1,044,100	721,700	328,300
7 Projected balance after fee mitigation	3,955,900	3,234,200	2,905,900
8 Annual Fee	\$ 1,046	\$ 1,066	\$ 1,086

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Expenditures by Operational Area



Salary Administration

The Law Society aims to compensate employees with salaries and benefits that are competitive and fair in exchange for their contribution to the organization at a rate that is consistent with the 50th percentile of the organization's comparator group of companies and organizations that access the same talent pool.

The Law Society salary administration budget has lagged market projections since 2014 by a minimum of 0.6%, 0.6% and 0.4% in 2014, 2015 and 2016. The 2017 budget includes a provision of 3% (\$1.7 million) to fund annual merit adjustments, increases in employee benefit expenditures and to compensate for lagging the market over the past three years and to be in line with expected market rates for 2017.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Space Requirements

Operationally, the expansion of existing activities and the introduction of new activities in 2016, 2017 and forecast for 2018 and 2019 make it necessary for the Society to seek additional space for the staff being added. The Society expects limited additional rental payments in the fourth quarter of 2017 with full implementation in 2018. The costs of relocating staff and operations from Osgoode Hall to this new space and reconfiguring the existing space they occupy in Osgoode Hall have been included in the facilities capital budget for 2017.

Support of Other Organizations

The budget includes support for a number of other organizations as summarized below:

	2017	2016
LibraryCo	\$7,815,300	\$7,662,000
CanLII	\$1,540,000	\$1,345,000
Federation of Law Societies	\$1,120,000	\$1,120,000
Federation of Ontario Law Associations	\$260,000	\$255,000
Law Commission of Ontario	\$145,000	\$138,000
Lawyers Feed the Hungry	\$100,000	
Ontario Justice Education Network	\$50,000	\$60,000
Pro Bono Ontario	\$50,000	\$50,000

LibraryCo funding has been increased 2% from the 2016 amount of \$7.7 million while LibraryCo's transition planning progresses.

Parental Leave Assistance Plan

Funding of the Parental Leave Assistance Plan has been reduced to zero in the budget. Use of the Parental Leave Assistance Plan continues to decline with expenses of \$61,000 in the first half of 2016 compared to \$105,000 in 2015. At the end of June 2016, the PLAP Fund balance was \$575,000.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Licensee Database Development

The Society's capital budgets for facilities and information systems are discussed in the detailed section below. However, the fundamental system deficiency faced by the Society is the storage and access of the Society's core business data - its licensee data base. The Society's is currently relying on an IBM platform released in 1988 for this purpose.

The platform has served the Society's needs for over 25 years. However, the underlying data base application is no longer suited to best support the ever changing needs of the Society.

The Society has begun the process of replacing the existing licensee data base with a modern, more robust database application that will serve the Society's needs for the coming decades. This will be a multi-year, multi-million dollar investment. The current systems are rapidly approaching the end of their useful lives and will constrain the Society in its efforts to deal with the need for increased automation, licensee self-service and built in data validation as well as the ability to add new fields, or whole new types of data as required for many of the initiatives that Convocation is considering.

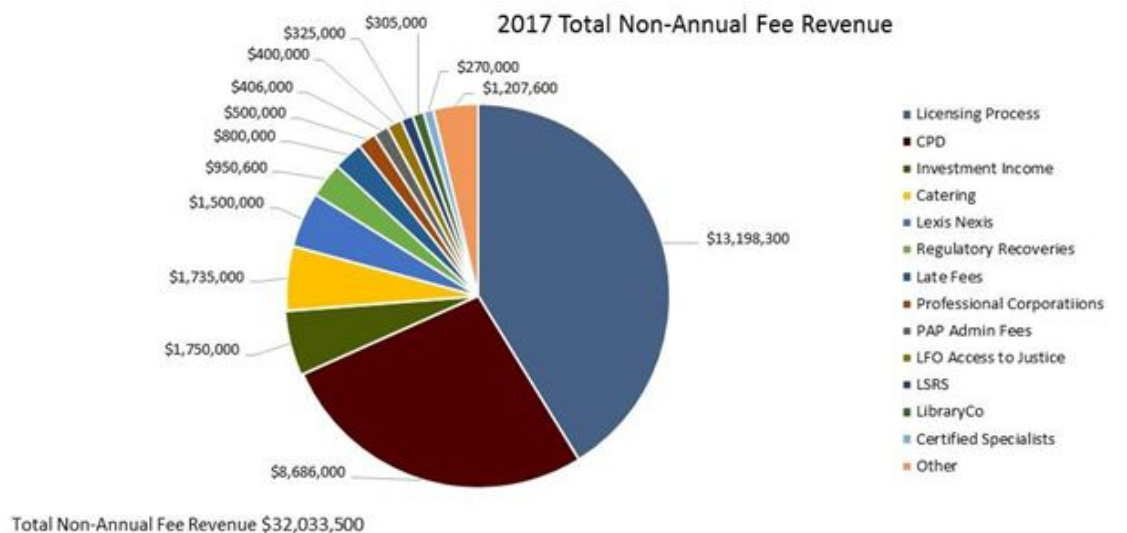
The budget for 2017 includes a provision of \$2.1 million to fund the initial phase of the platform acquisition, data model design, system acquisition or development. It is anticipated that over the course of a number of years, all Law Society applications, with the exception of the Law Society's financial applications, will migrate to the Society's new platform.

Compensation Fund

The provision for grant claims in the Lawyer Compensation Fund has been set at \$3.7 million, increased by \$700,000 from 2016. The provision has increased from 2016 based on actuarial analysis of historic grant payment data. The provision for grant claims in the Paralegal Compensation Fund has been set at \$122,000, the same as 2016.

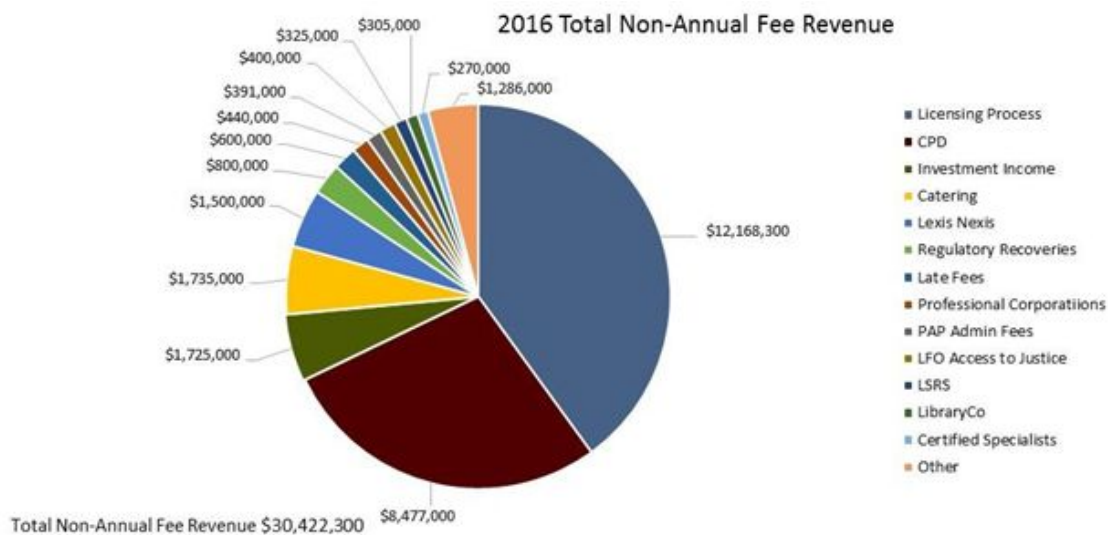
The fund balance for lawyers is projected to end 2016 with an estimated balance of \$14 million and the paralegal fund balance is estimated to be \$450,000.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST



Annual fees continue to provide the bulk of the Society's revenue. For 2017 annual fees totaling \$82.9 million will represent approximately 72% of total revenues.

Licensing process fees total \$13.2 million followed by Continuing Professional Development revenues totaling \$8.7 million.



THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Strategic Plan

In the fall of 2015, the Society undertook a comprehensive strategic planning exercise documenting the strategic priorities that will guide the operations of the Society through 2019. Convocation's adopted plan will focus on five priorities and several key initiatives to support them through 2019. These priorities are:

Lead as a professional regulator



- Enhance regulatory effectiveness to advance protection of the public
- Ensure appropriate considerations for mental health and equity are integrated into regulatory processes

Engage stakeholders and the public with responsive communications



- Improve communication with lawyers and paralegals through greater accountability, transparency and collaboration
- Build a better understanding of the Law Society among the public through heightened engagement

Increase organizational effectiveness



- Continue to enhance the public interest in the policy-making process
- Review governance methods and structures to ensure efficiency and effectiveness
- Enhance measurement and assessment of our services and programs

Prioritize life-long competence for lawyers and paralegals



- Evaluate and enhance licensing standards and requirements
- Improve and increase practice supports
- Consider comprehensive mentoring services

Enhance access to justice across Ontario



- Increase collaboration with access to justice partners and other stakeholders
- Develop and implement a more concrete access to justice action plan

In 2016, the implementation of initiatives supporting the Society's strategic direction commenced, with undertakings to enhance the paralegal licensing process, increased practice supports for practitioners, mentoring, recommendations from the Mental Health Task Force, engagement of a consultant to review and make

recommendations to enhance public communications and awareness, including public awareness on legal service issues and improved communications with practitioners by revising the Society's website to be more focused and responsive to practitioner needs and preferences. Additional resources were also allocated to support the investigative activities of the Society's professional regulation division.

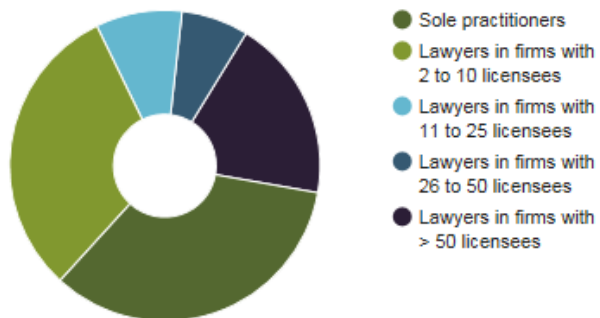
THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

KEY METRICS AND STATISTICS

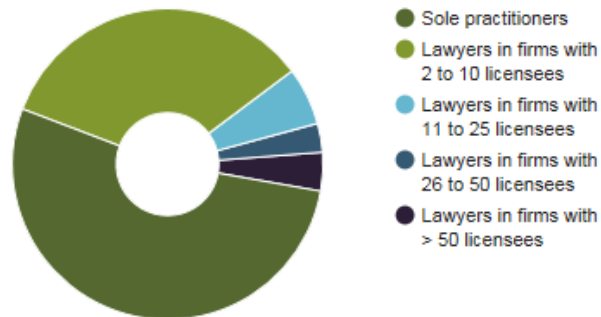
PROFESSIONAL REGULATION

Lawyers in practice against whom a complaint was made in 2015 by size of firm, compared to all lawyers in practice by size of firm

All lawyers in practice by size of firm

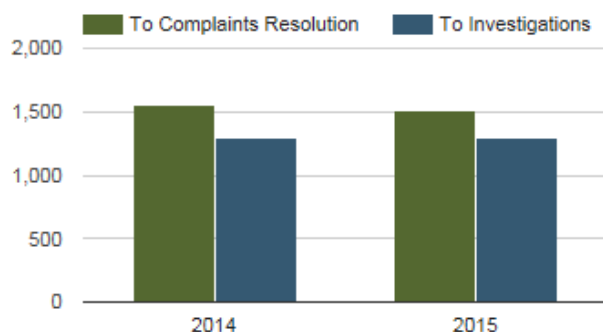


Lawyers in practice against whom a complaint was made in 2015 by size of firm



THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Complaints referred for investigation by the Intake Department



Approximately 4,800 complaints each year are referred to the Professional Regulation Division. The Intake, Complaints Resolution, Investigations, and Discipline departments address complaints at various stages of the process. The Disclosure Unit, Monitoring and Enforcement, Trustee Services and Compensation Fund departments provide related services. The Case Management department supports the entire operation and facilitates effective and efficient management of issues and cases.

The number of new cases referred to the Division through the Intake department has remained relatively constant over the past few years at approximately 4,800 per year. 2013 was an exception in which over 5,000 were received. With the number of new complaints received to date, it is anticipated that the input in 2016 will increase slightly from 2015's input. The input for 2017 is projected to be similar to 2016's input.

As the Division's regulatory gatekeeper, the Intake department provides early and expert complaint assessment by reviewing and substantiating complaints where necessary, resolving complaints where possible, identifying regulatory and risk issues, triaging where required and streaming complaints appropriately where required. It is expected that the department will receive a slightly higher number of complaints in 2016 and 2017 than in the last couple of years. It is expected that case completions will remain approximately the same.

One of Intake's important functions is to assist complainants with early resolution of minor complaints. In the last 6 years, approximately 320 complaints have been dealt with by Intake Resolution Officers each year. However, the proportion of resolutions as compared with all matters completed in the department is declining, from 24% of all case completions in 2010 to 13% of all case completions as at the end June 2016. Complaints Services has taken on some of the resolution work and PRD has received fewer cases over the years that lend themselves to resolution at Intake.

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Complaints Resolution

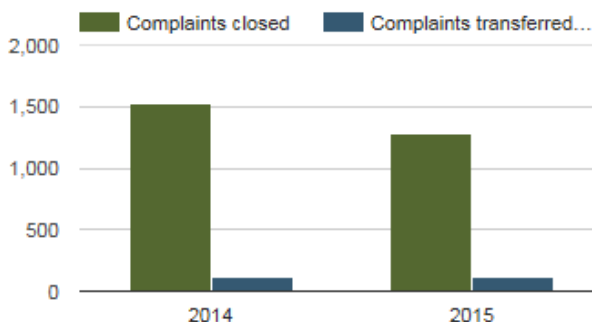
The Complaints Resolution department investigates and resolves more minor complaints. Many of these complaints appear to be related to licensees' lack of competency, either personally or resulting from a lack of attention or resources to meet their professional obligations. Traditionally, a small percentage of these cases are referred to Discipline and those tend to be licensees who fail to respond to or cooperate with the Law Society.

Investigations

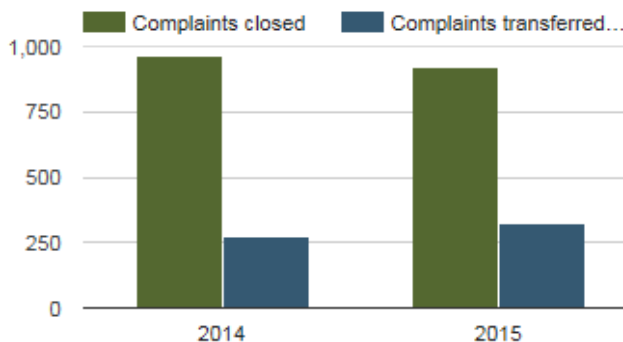
The Investigations department investigates more serious complaints, which, if supported by the evidence, are likely to lead to discipline or other proceedings. Investigations staff includes lawyers, investigators and auditors. On completion of the investigation, a complaint is referred to the Proceedings Authorization Committee (PAC) for consideration, closed or resolved. On reviewing any complaint referred to it, the PAC may authorize a prosecution, order further investigation or authorize an alternative resolution such as an Invitation to Attend.

Based on the experience in the first half of the year, the input of cases into Investigations in 2016 is expected to decrease by approximately 100 cases from the input in 2015 and 2014. The decline is primarily due to the type of allegations raised in a complaint that lend themselves more appropriately to being dealt with by Complaints Resolution.

Cases completed in the Complaints Resolution Department



Cases completed in the Investigations Department



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The following projections take into account the five new positions that were approved in February 2016, four of which have been filled as of the end of June. The addition of new staff will contribute significantly to Investigations' ability to balance its input and output, and reduce the department's inventory.

Mortgage Fraud Investigations

Mortgage Fraud Prosecutions – 2015
results from the Law Society Tribunal –
Hearing Division



Mortgage Fraud Prosecutions – results
from the Law Society Tribunal since
2001



In 2013, there was a reduction in the number of new reports of mortgage fraud complaints with three new lawyer investigations per month. In 2014, that trend reversed with an average of 4.5 new lawyer investigations per month. In 2015, the trend reversed again with an average

of 2.8 new lawyer investigations per month. In the first 6 months of 2016, new reports of mortgage fraud complaints has decreased to 2.2 new lawyer investigations per month. As a result, the inventory of mortgage fraud investigations has decreased from 66 lawyers (relating to 91 cases) at the beginning of 2016 to 39 lawyers (relating to 72 cases) as at June 27, 2016. Staffing needs for mortgage fraud investigations remains stable.

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Disclosure Unit / Risk Strategies

In June 2014, the Disclosure Unit was established as a permanent unit (it started operations in 2013 as a pilot project).

The Disclosure Unit was established on the basis of recommendations arising from a review of discipline department processes to the effect that the Law Society adopt more standardized, better recorded disclosure, which could be used as a precursor to implementation of electronic disclosure. It also suggested that improvements in disclosure practice will likely reduce the time cases take in discipline overall, which is a key objective for Professional Regulation.

Since completion of the pilot project, the Disclosure Unit has expanded the types of cases accepted into the process. Currently, the Unit is processing all investigation cases except mortgage fraud and Summary Hearing matters and cases referred from Monitoring and Enforcement. It is expected that the Unit will begin processing mortgage fraud investigations shortly.

In February 2016, Convocation approved the addition of one full-time Law Clerk to be added to the Disclosure Unit.

The Manager of the Disclosure Unit has a dual role as Manager, Risk Strategies. The Manager of the Disclosure Unit and Risk Strategy is responsible for developing new procedures, guidelines and templates for staff for the analysis of risk, as well as managing current risks particularly where they involve more than one department.

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Discipline

Discipline Counsel represent the Law Society before Hearing and Appeal Panels and in the courts when appeals are taken from the decisions of these panels. The department is responsible for the prosecution of a variety of matters including those concerning licensee conduct, capacity and competency as well as applications of various types for a license.

The Discipline department received a significantly large number of new licensee matters in the second half of 2015 and the first quarter of 2016, which will result in an increased number of applications issued and hearings conducted in 2016 and 2017. At present, the department is operating at full capacity, but its inventory is stable.

In 2015, a vacant Discipline Counsel position was reallocated to the new Capacity Program Advisor position in the Disclosure Unit/Risk Strategies, but a new contract Discipline Counsel position is included for 2017.

Monitoring & Enforcement

The Monitoring & Enforcement department monitors and enforces Law Society Tribunal orders against licensees and undertakings given by licensees, as well as bankruptcies. Additional functions include judicial appointment clearances, reporting Tribunal decisions to the police and reporting on Regulatory Meetings and Invitations to Attend.

The number of undertakings has remained stable, but the number of orders has been increasing, thereby increasing the department's inventory. In 2014, a position was transferred from this department to the Disclosure Unit, and the department is operating at full capacity.

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Trustee Services

Trustee Services responds in situations where a lawyer has abandoned his/her practice or is unable to practise due to serious health problems, or where there are regulatory issues such as a suspension or revocation of licence. Trustee Services may provide informal support, or may apply for a formal trusteeship of the practice under the *Law Society Act*. The department also provides information and assistance to licensees and their personal representatives who are closing their practices.

Unclaimed Trust Fund

Under the *Law Society Act*, lawyers and paralegals are required to submit to the Law Society unclaimed trust funds that they have held for at least two years. Members of the public who believe they are entitled to these funds are able to make claims for these funds. Names of those entitled are published from time to time in the *Ontario Gazette*.

2015



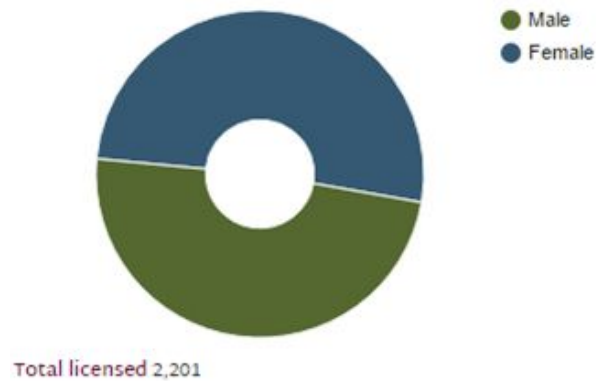
Trustee Services is also responsible for the administration of the Unclaimed Trust Fund Program. This program enables lawyers to submit unclaimed trust funds that they have held for at least two years to the Law Society and allows members of the public to make claims for these funds.

Trustee Services has seen growth in the volume of trusteeships as well as in other activities and in the complexity of the work performed. At least some of this is attributable to an aging profession, in which some licensees have not made adequate provision for succession planning.

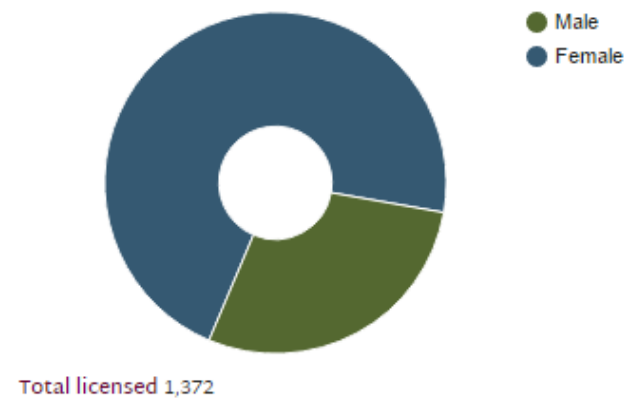
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Professional Development and Competence

Lawyers issued a licence in 2015



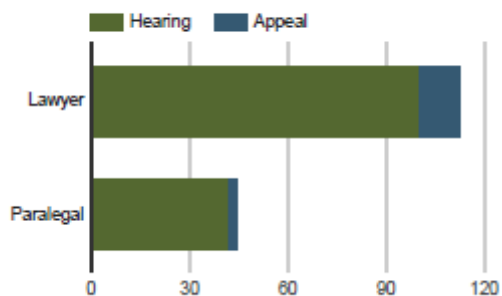
Paralegals issued a licence in 2015



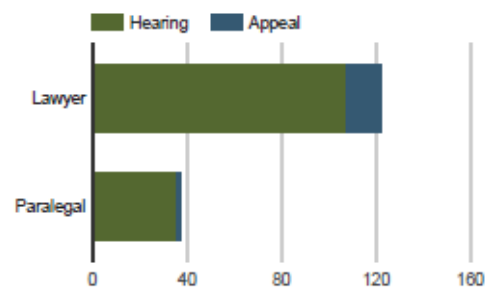
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Tribunal

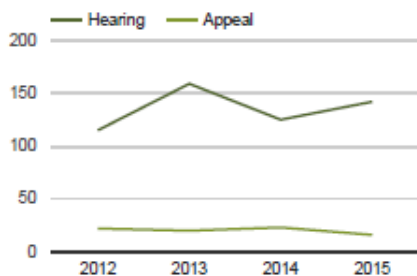
Law Society Tribunal: Files opened, by type



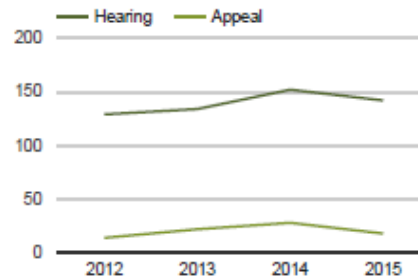
Law Society Tribunal: Files closed, by type



Law Society Tribunal: Files opened, by year



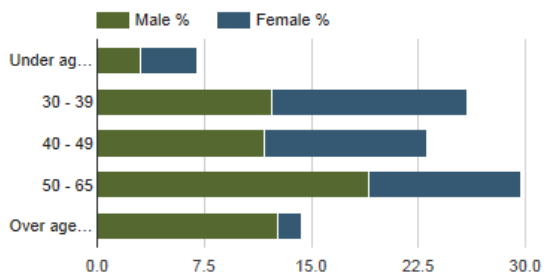
Law Society Tribunal: Files closed, by year



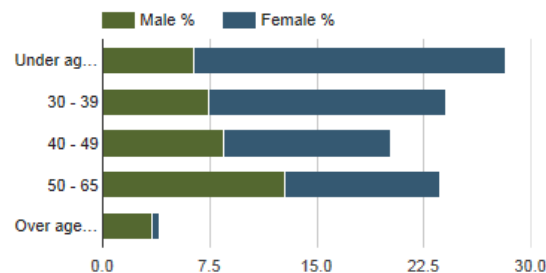
THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Licensees

Lawyers by age and gender

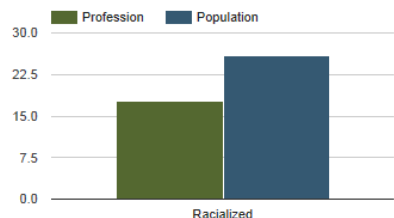


Paralegals by age and gender

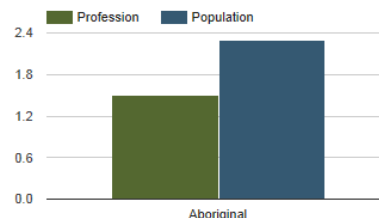


Lawyers

Representation in profession vs. representation in Ontario Population – Racialized (%)

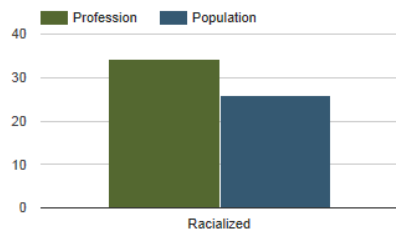


Representation in profession vs. representation in Ontario Population – Aboriginal (%)

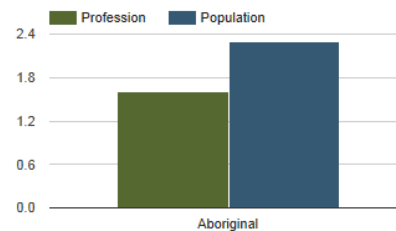


Paralegals

Representation in profession vs. representation in Ontario Population – Racialized (%)

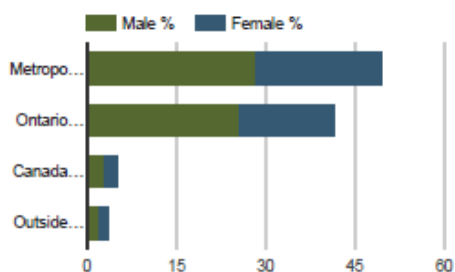


Representation in profession vs. representation in Ontario Population – Aboriginal (%)

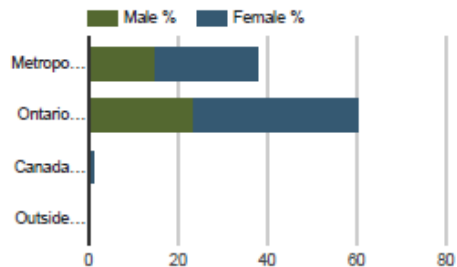


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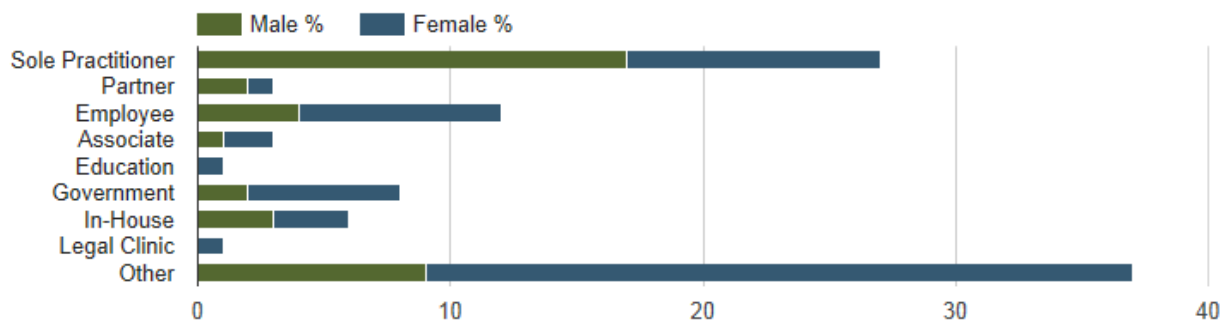
Geographical distribution of lawyers



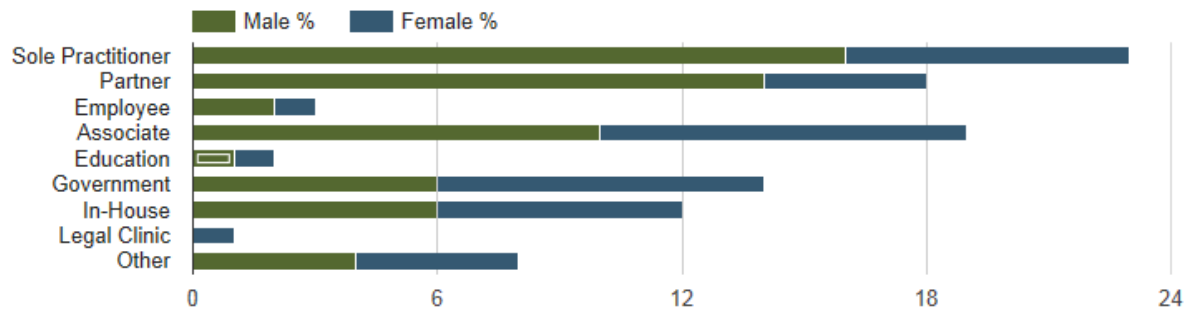
Geographical distribution of paralegals



Paralegals by type of employment



Lawyers by type of employment



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Lawyers

Gender - Total (%)



Type of Licence by Gender – Women (%)



Type of Licence by Gender – Men (%)



Paralegals

Gender - Total (%)



Type of Licence by Gender – Women (%)



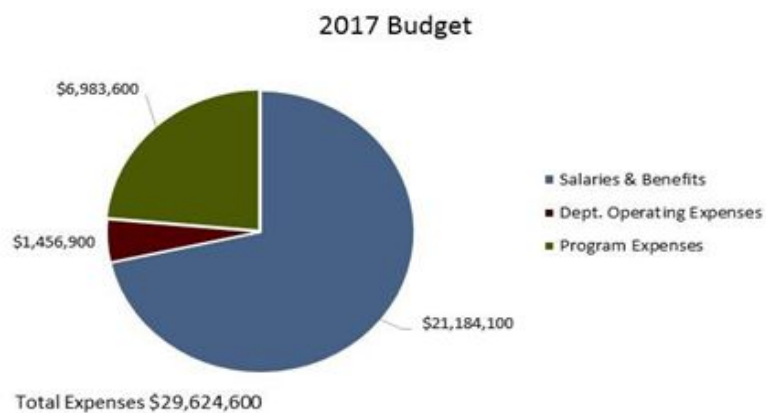
Type of Licence by Gender – Men (%)



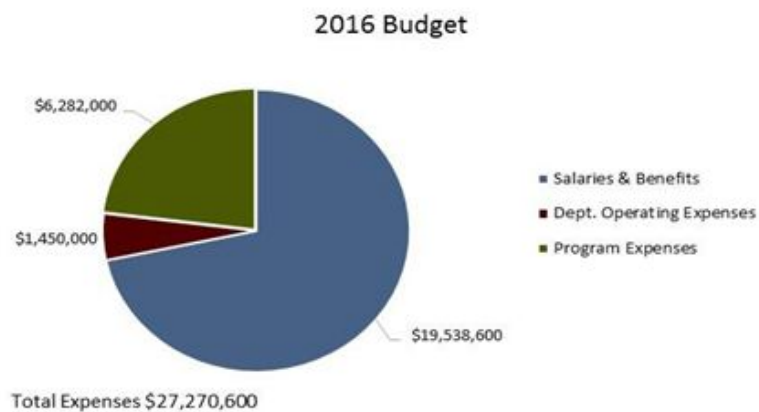
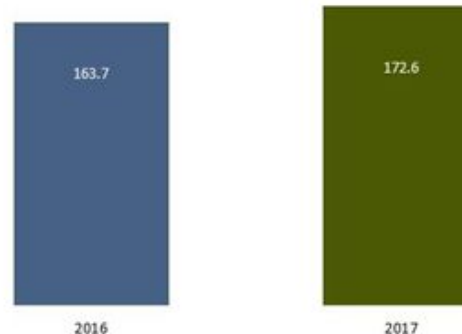
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PROFESSIONAL REGULATION DIVISION OVERVIEW

As part of its mandate to protect the public interest, the Law Society addresses issues of capacity, conduct and competence of lawyers and licensed paralegals. For Professional Regulation this includes response to complaints, investigations, discipline prosecutions, trusteeships, management of the Compensation Fund and related activities.



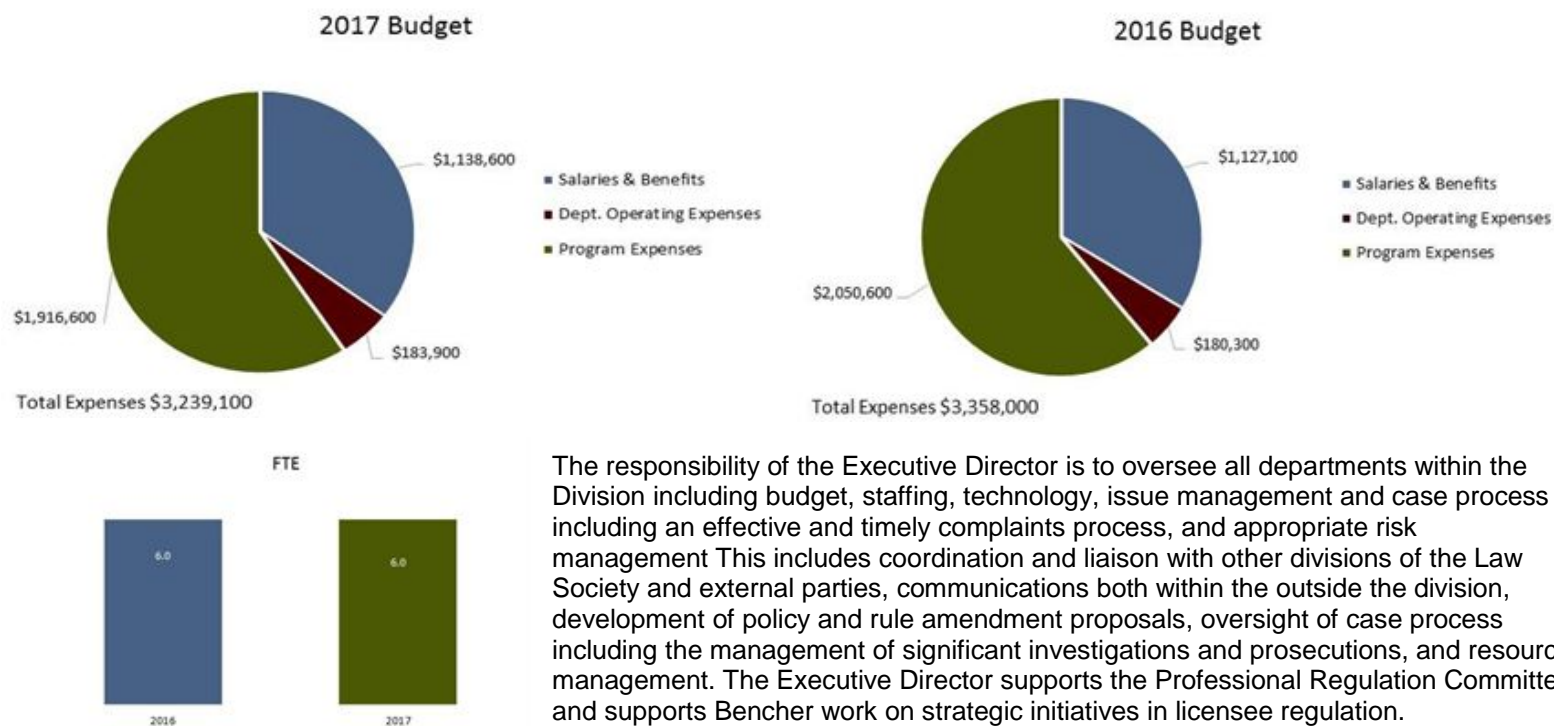
FTE



The mandate of the Division is to identify and manage risk, to respond to complaints based on good standards, to ensure a fair, accessible, transparent and effective process, to identify and bring forward issues concerning regulation, and to manage relationships with the communities and individuals related to the regulatory work of the Law Society.

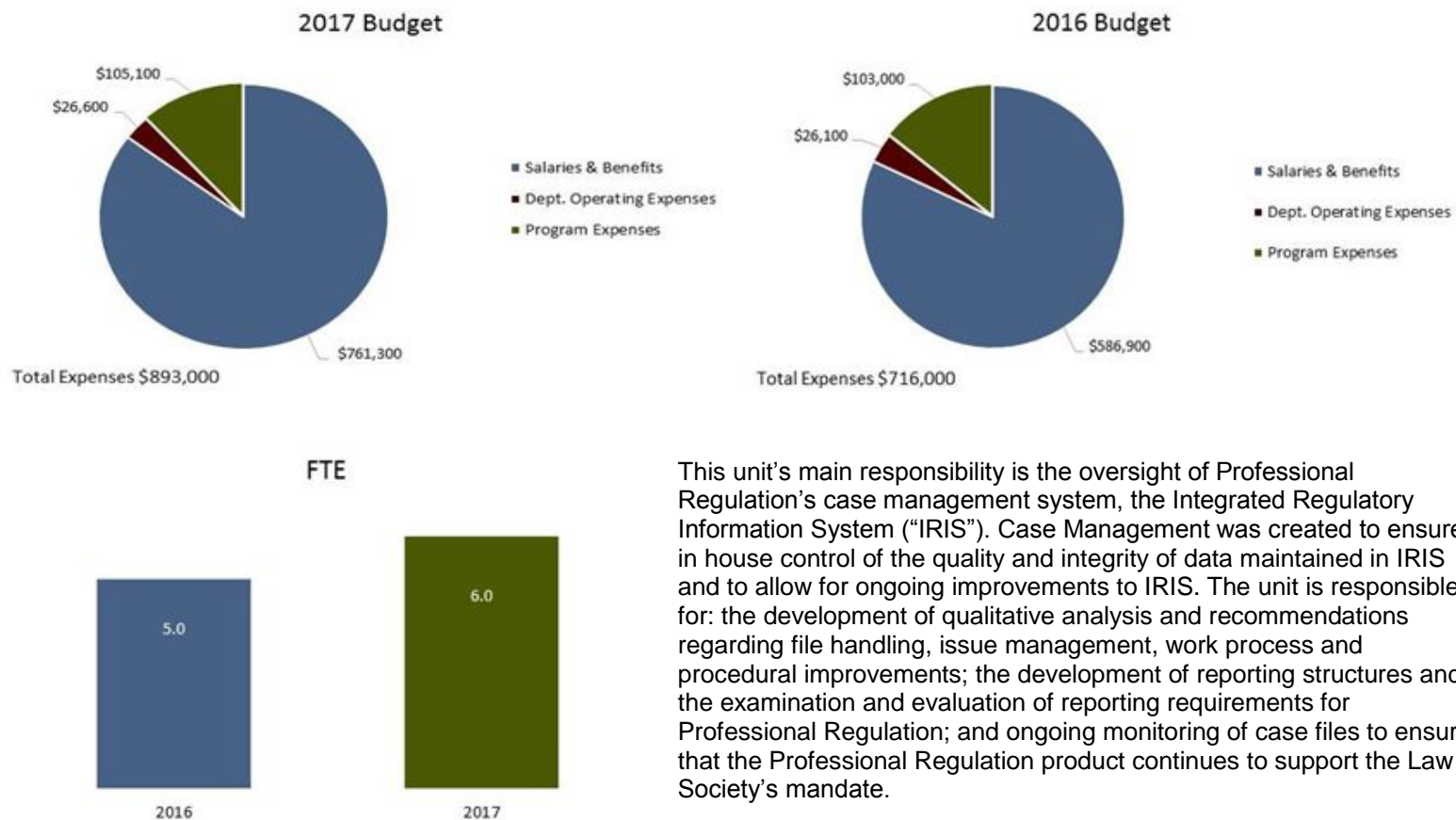
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Office of Executive Director



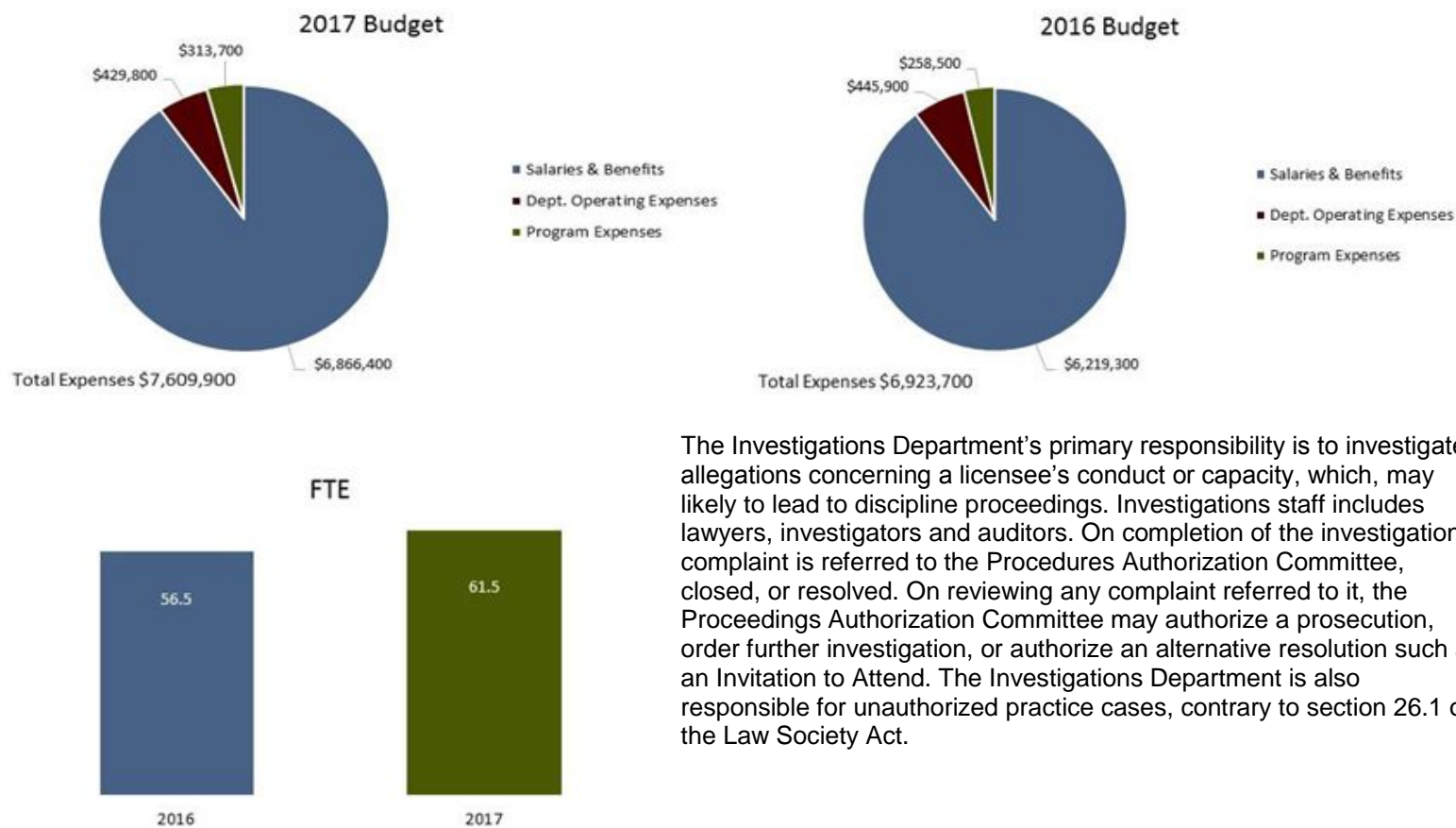
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Case Management and Technology and Evidence Control Unit



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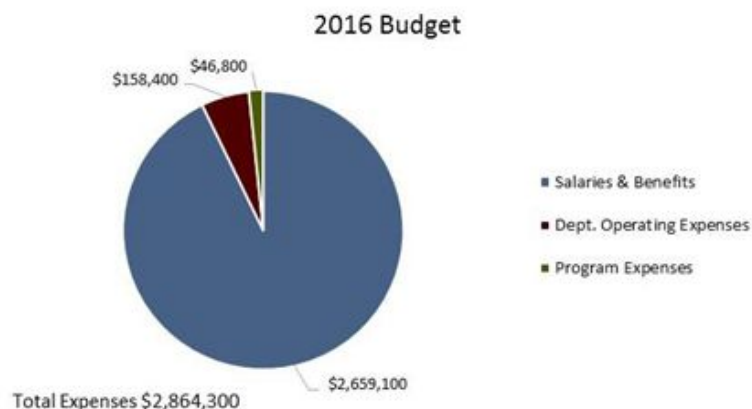
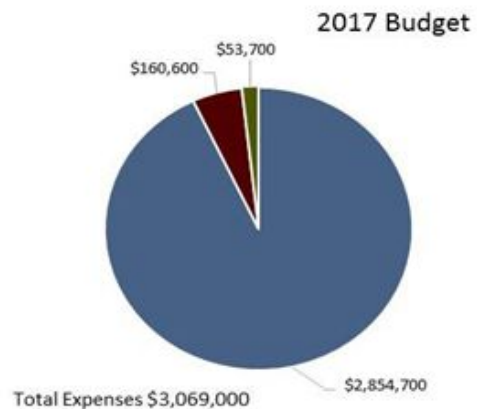
Investigations



The Investigations Department's primary responsibility is to investigate allegations concerning a licensee's conduct or capacity, which, may likely to lead to discipline proceedings. Investigations staff includes lawyers, investigators and auditors. On completion of the investigation a complaint is referred to the Procedures Authorization Committee, closed, or resolved. On reviewing any complaint referred to it, the Proceedings Authorization Committee may authorize a prosecution, order further investigation, or authorize an alternative resolution such as an Invitation to Attend. The Investigations Department is also responsible for unauthorized practice cases, contrary to section 26.1 of the Law Society Act.

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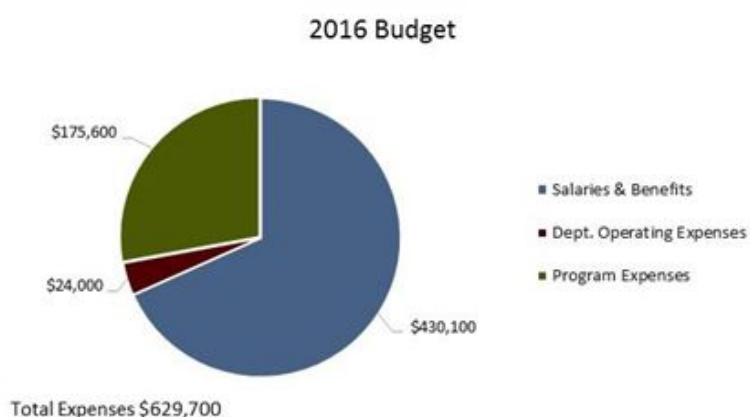
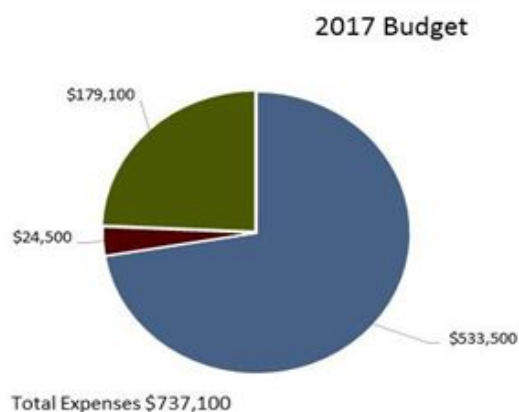
Complaints Resolution



The role of Complaints Resolution is to investigate and resolve complaints where the allegations indicate less serious breaches of the Rules of Professional Conduct. The majority of complaints are resolved, or closed on the basis of an informal regulatory response. Where a significant breach of the rules is shown on investigation, or where the licensee fails to cooperate in the regulatory process, a prosecution or other response may be sought from the Proceedings Authorization Committee.

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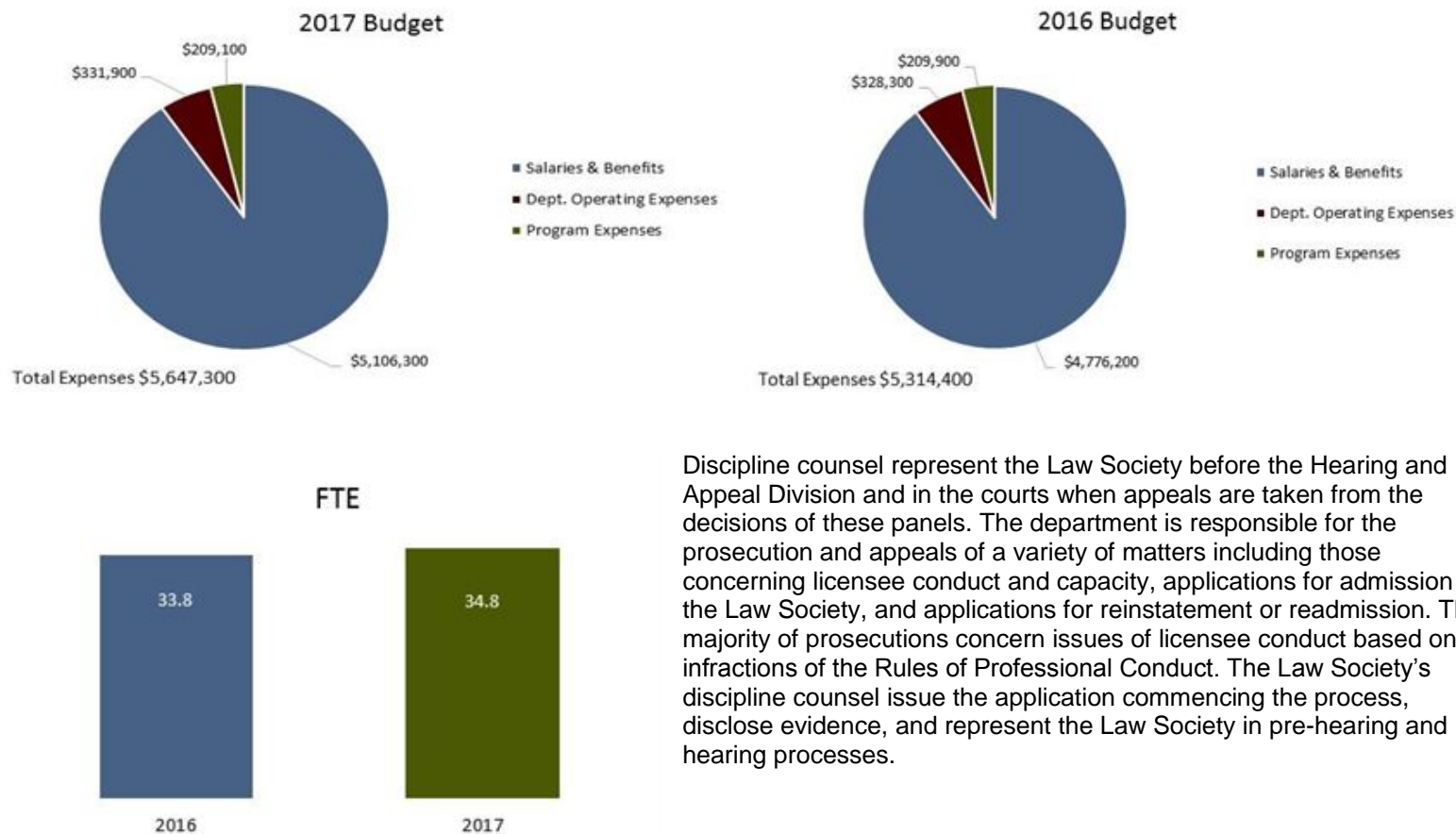
Complaints Resolution Commissioner



Where a complaint is closed by Law Society staff, the complainant may have the right to a review of that decision by the Complaints Resolution Commissioner. The role of the Commissioner and the complaints review process is established by the Law Society Act and Law Society By-Law 11. The Commissioner receives all cases where a complainant wishes to bring a complaint and holds meetings with the complainants. At the end of the process, the Commissioner may confirm the Law Society decision, or recommend further investigation. The Commissioner may also make informal recommendations for improved process.

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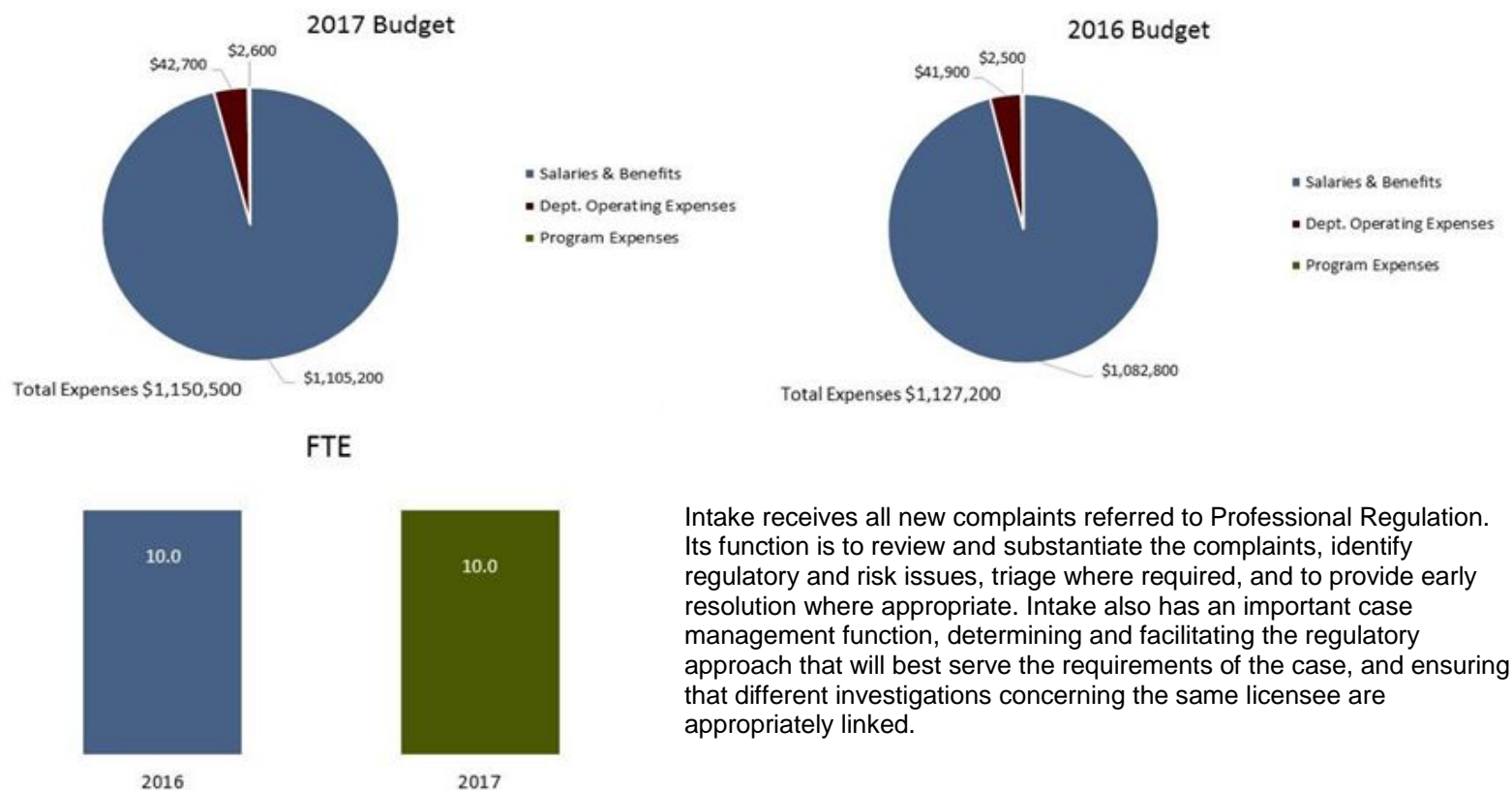
Discipline



Discipline counsel represent the Law Society before the Hearing and Appeal Division and in the courts when appeals are taken from the decisions of these panels. The department is responsible for the prosecution and appeals of a variety of matters including those concerning licensee conduct and capacity, applications for admission to the Law Society, and applications for reinstatement or readmission. The majority of prosecutions concern issues of licensee conduct based on infractions of the Rules of Professional Conduct. The Law Society's discipline counsel issue the application commencing the process, disclose evidence, and represent the Law Society in pre-hearing and hearing processes.

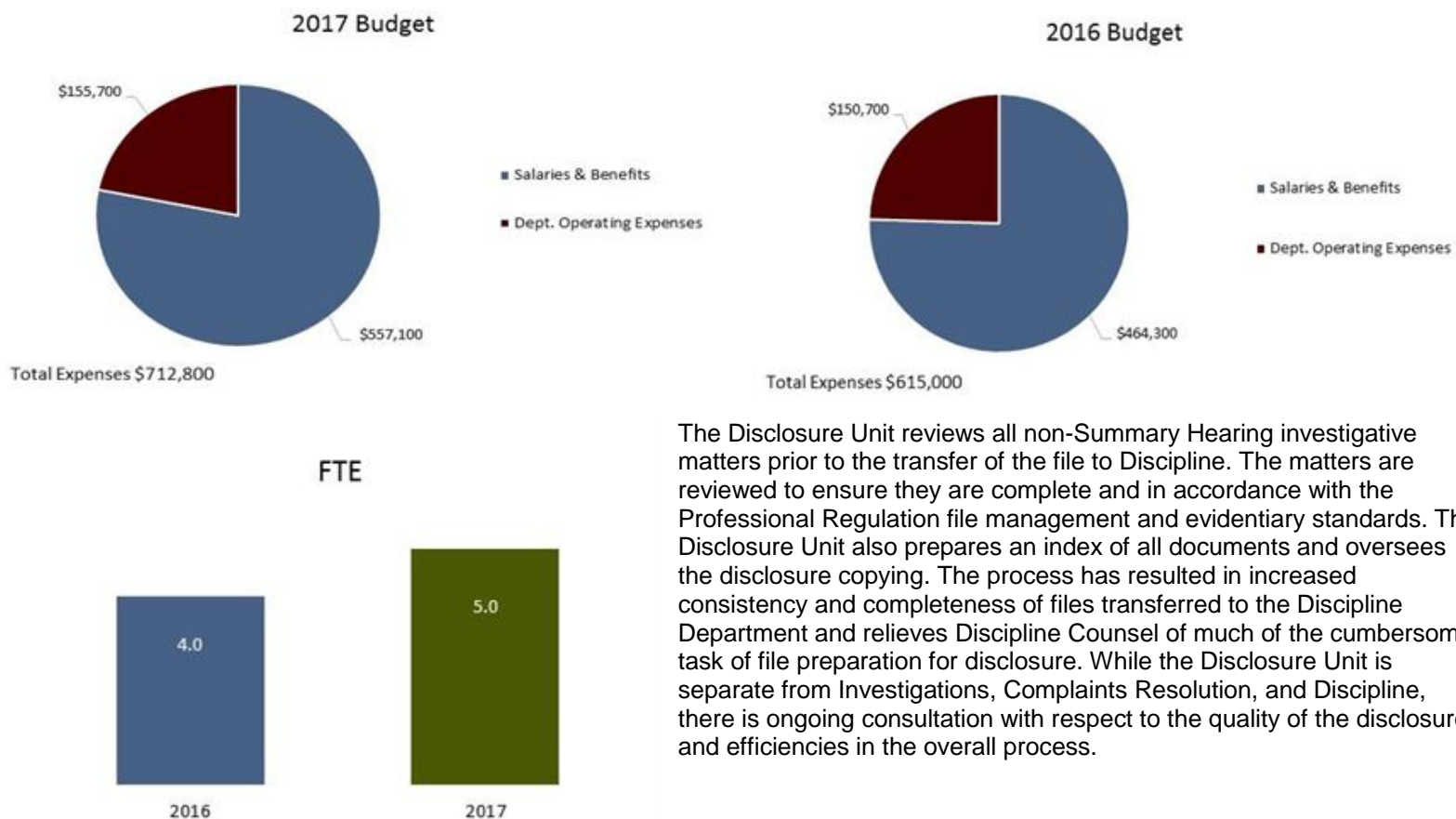
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Intake



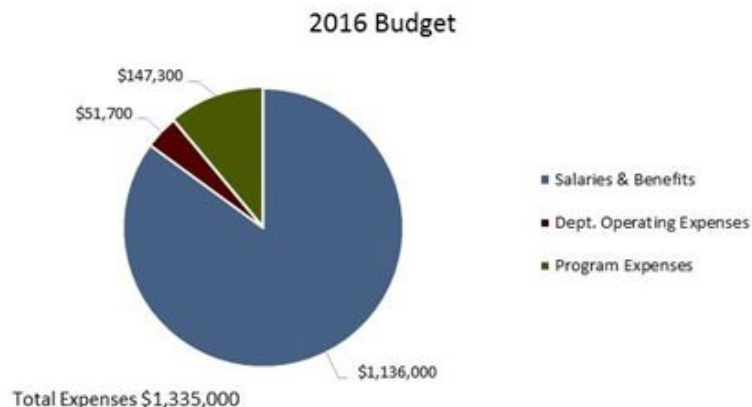
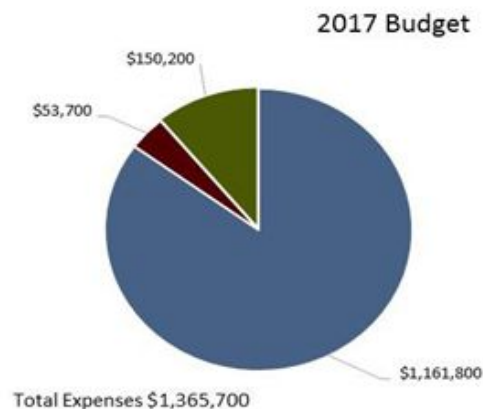
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Disclosure Unit



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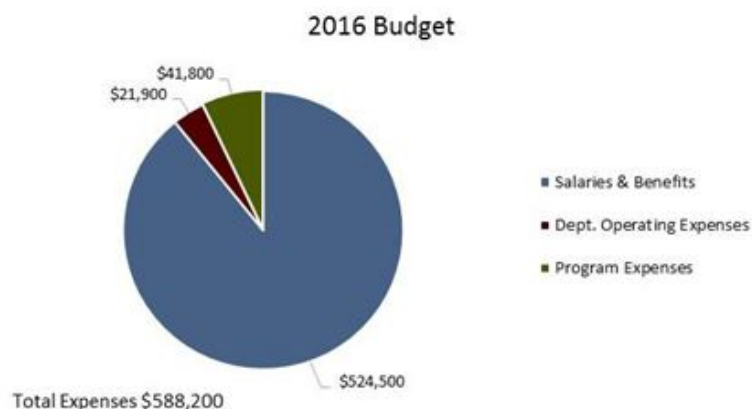
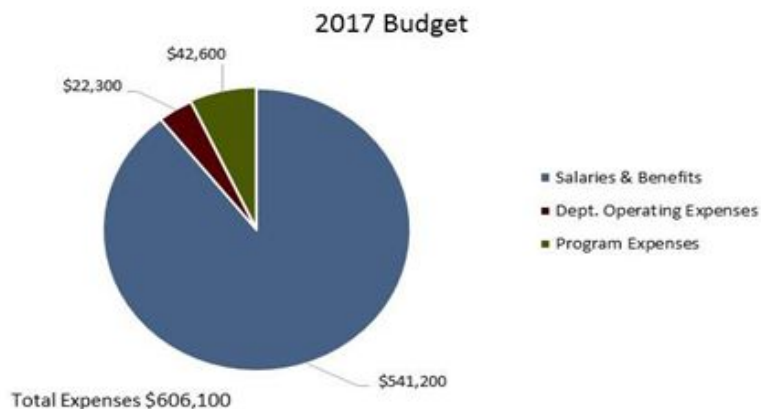
Trustee Services



Trustee Services responds in situations where a licensee has abandoned their practice or has been disbarred or suspended, as well as situations where a sole practitioner has suffered serious health problems and is unable to continue in the practice. Through the use of the Law Society's trusteeship powers, staff carry out the Law Society's mandate to protect the public interest by taking possession of the practice, if necessary. The department also provides information and assistance to licensees and their personal representatives who are closing their practices. The department also administers the Unclaimed Trust Fund.

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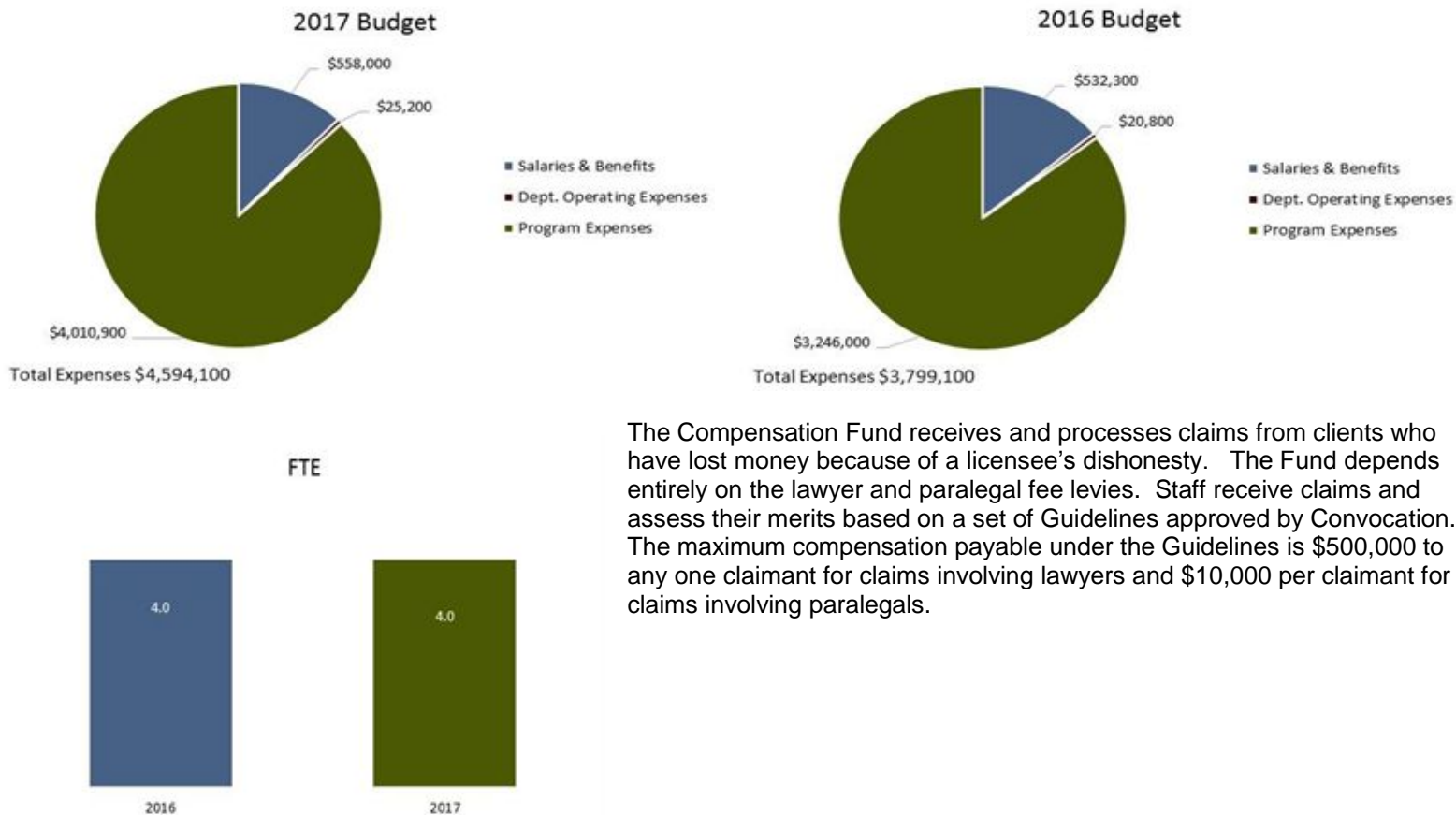
Monitoring and Enforcement



The Monitoring & Enforcement Department is responsible for enforcement of Hearing Panel orders and licensee undertakings. Monitoring & Enforcement Department activities include enforcing Hearing Panel orders, monitoring undertakings obtained at the completion of matters by other departments within the Division, ensuring that bankrupt lawyers comply with the Law Society's by-laws; enforcing judgments and mortgages obtained by or assigned to the Compensation Fund and responding to regulatory inquiries from the public.

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Compensation Fund



THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST**MAJOR BUDGET CHANGES****Investigations and Disclosure Unit**

In February 2016, Convocation approved the addition of six additional staff in the division's investigations and disclosure departments. At that time it was reported to Convocation that the Professional Regulation Division was experiencing a rising backlog of complaints as previously reported to the Professional Regulation Committee and Convocation. Funds were requested for additional resources in the Professional Regulation Division's Investigations Department and Disclosure Unit and Risk Strategy Department in 2016.

The Investigations Department handles the most serious investigations and the funding was to help address the backlog and support the timely and effective completion of investigations, in the interests of protecting the public. The investigations backlog occurred as a result of a number of factors, including the application of enhanced risk management in investigations, undertaking investigations in an electronic world and heightened attention to communications and transparency in the course of an investigation.

The additional resources approved in 2016 are included in the 2017 budget with an estimated cost of \$670,000 over the approved 2016 budget.

Technology & Evidence Control Unit

The Professional Regulation Division is seeking to establish a new Technology & Evidence Control (TEC) Unit and specifically, to hire one permanent, full-time Manager for this Unit in 2017. The TEC Unit will play a critical role in the Division's ability to receive, produce, manage and control electronic data. It will facilitate electronic disclosure and hearings. It will greatly increase the Law Society's ability to identify and protect privileged documents received during an investigation. It is anticipated that in 2018, additional staff may be required. However, for 2017, one new staff is required to establish, obtain and incorporate a new electronic data management system for the Division.

The TEC Unit will work closely with all areas of the Professional Regulation Division to aid in the investigation and prosecution of regulatory matters. The scope of the Unit will include evidence management, computer forensics, electronic disclosure to licensees and other types of disclosure of information including referrals to law enforcement.

An electronic data management system is the foundation for the TEC Unit to carry out its functions. Law Society requirements for an electronic data management system have previously been identified and systems are in place in other Divisions as well as the Law Society Tribunal. The initial task for the new Manager will be to work with other staff in the Professional Regulation Division as well

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as the Client Service Centre and the Information Technology department to develop, establish and run a new electronic data management system for the Professional Regulation Division. Initial tasks required will be to assess current professional regulation processes and needs, identify software needs and solutions and oversee the development process.

Once an electronic data management system is in place, the functions of the Unit will include:

- Oversee the production flow, quality control and adherence to correct legal procedures regarding evidence handling processes and seizure of electronic evidence within the Division
- Manage the software applications that support an electronic data management system
- Establish policies and practices to align with evidence management best practices
- Liaise with Divisional staff to determine their requirements for seizure of electronic evidence and production/disclosure of electronic evidence
- Testify at Tribunal hearings as required
- Perform forensic analysis on computers as required
- Supervise work of outside forensic service providers in conjunction with other department managers
- Identify, respond to training needs by delivering training as required
- Attend to end-user inquiries in a timely and efficient manner
- Develop reports for cases and assist in the disclosure process for Discipline counsel.
- Manage the storage of physical evidence obtained during an investigation

Discipline

One additional contract Discipline Counsel is included in the 2017 budget. This addition is expected to be cost neutral due to anticipated savings in outside counsel expenditures.

There are three reasons for this inclusion. First it is proposed that prosecution of unauthorized practice of law/provision of legal services (UAP) be conducted by Discipline Counsel rather than outside counsel, a budgetary savings of \$150,000.

Second is the increased pressure on existing Discipline resources due to the Divisional focus on early intervention and risk measures, and in particular, interlocutory suspension or restriction motions.

Third is the request from the Executive Director, Policy, Equity & Public Affairs (PEPA) that the use of the bilingual Discipline Counsel to handle French language issues in PEPA, arranged as a temporary measure following the departure of the former Equity Director

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continue for a further period extending into 2017. To date, her work on French language issues has approximated 20 hours each month (approximately 0.125 FTE).

Prosecution of UAP matters

(a) Legislative framework

Under sections 26.1 and 26.2 of the *Law Society Act* (the “Act”), only a licensee may provide legal services. Under s. 26.3 of the Act, those who provide legal services in contravention of the Act are subject to prosecution or an injunction.

26.3(1) On the application of the Society, the Superior Court of Justice may,

- (a) make an order prohibiting a person from contravening section 26.1, if the court is satisfied that the person is contravening or has contravened section 26.1;
- (b) make an order prohibiting a person from giving legal advice respecting the law of a jurisdiction outside Canada in contravention of the by-laws, if the court is satisfied that the person is giving or has given legal advice respecting the law of a jurisdiction outside Canada in contravention of the by-laws. 2006, c. 21, Sched. C, s. 22.

(b) Current process and numbers

The number of UAP complaints increased sharply with the start of paralegal regulation but has since started to decline. In 2015 the Law Society received about 200 UAP complaints, which is a decrease from 223 complaints in 2014 and 260 in 2013. As of the end of June, the Law Society has received 82 UAP complaints in 2016.

With the Division’s UAP triage process, cases that do not meet the threshold for investigation receive a cease and desist letter and are closed at the Intake stage. Despite these early closures, approximately 150 cases were transferred for investigation each year in 2014 and 2015. There are 109 UAP investigations underway as at the end of June 2016. It is not likely that the number of new cases will be higher in 2016 than in 2015.

Most UAP complaints are resolved without taking formal enforcement action. Where required, enforcement action is taken by way of application for injunctive relief in the Ontario Superior Court rather than prosecution in the Ontario Court of Justice. Applications in the civil court are more efficient and less costly. The current process is to refer prosecutions to outside counsel who have developed an expertise and provide an efficient service to the Society.

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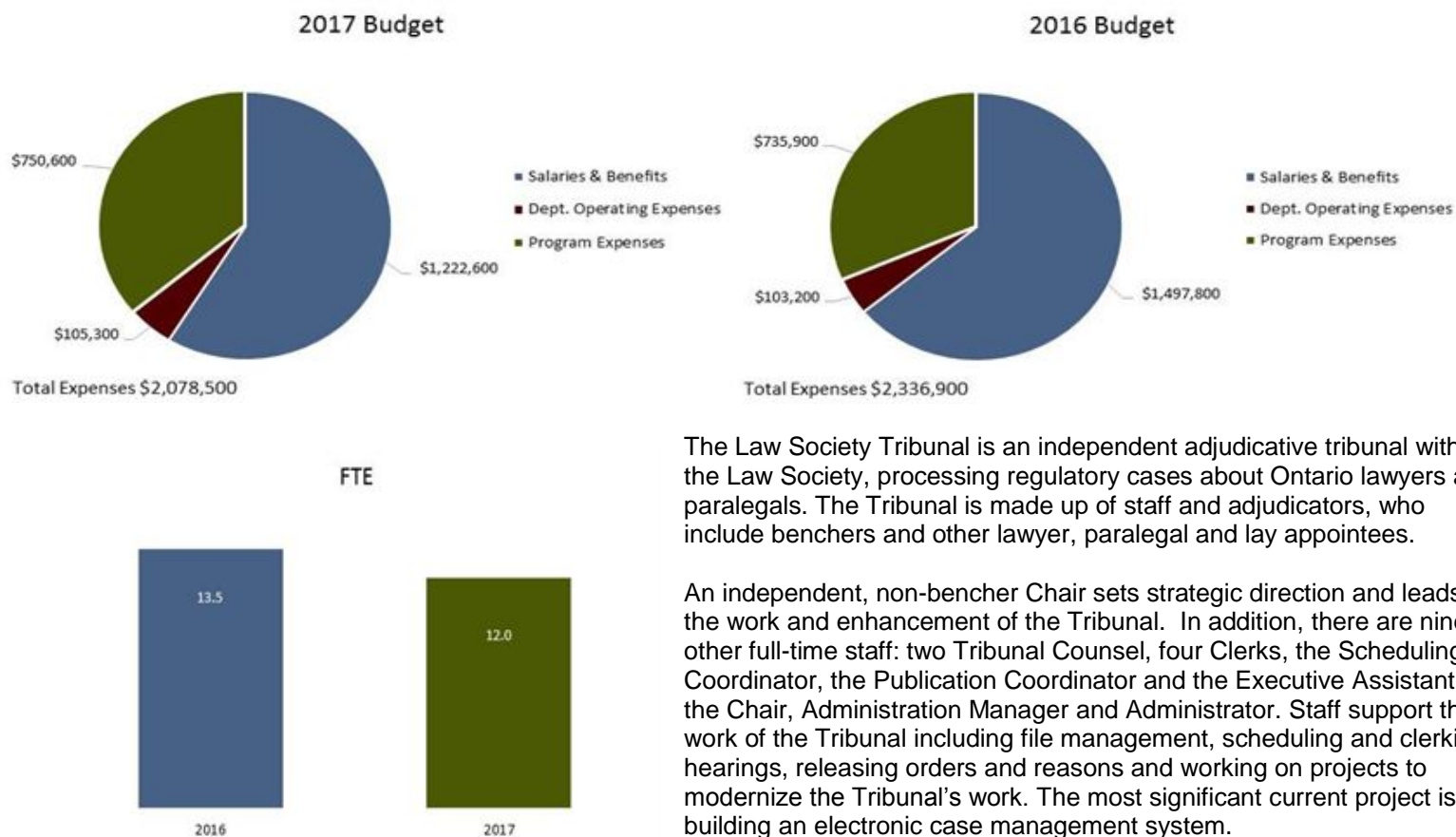
(c) Cost of outside counsel

\$150,000 has been allocated in the Divisional budget for UAP prosecutions. The amount of fees and disbursements billed each year from 2013 – 2015 ranged from \$75,000 to \$214,000. Time billed ranged from 283 hours to 828 hours (40 – 118 working days).

Adding one additional position would provide resources to the department for in-house prosecution of UAP matters as well as other matters.

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LAW SOCIETY TRIBUNAL OVERVIEW



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The Tribunal has made considerable enhancements over the past three years, including the establishment of the full-time Chair, the appointment of additional experienced adjudicators, an improved scheduling system, increased emphasis on case management, greater use of written submissions, promotion of agreed statements of fact and joint submissions and additional adjudicator education.

Due to these and other developments, there is dramatically less hearing time, although the number of files remains consistent. This trend is expected to continue.

This led to the Tribunal's staff structure being changed in 2016, reducing the number of full-time equivalent positions from 14 to 12. Two positions eliminated were both counsel positions, further reducing staffing costs.

Accordingly there is an overall decrease in the staffing budget.

The largest non-staffing expenditures remain adjudicator education and appointed adjudicator remuneration and disbursements (bencher remuneration and disbursements come from a different budget).

There are standards relating to the timeliness of hearing dates. The need to produce high-quality, comprehensive and transparent reasons in conjunction to meet the expectations of the public, the professions and the courts is reflected in increased remuneration for reason-writing in recent years.

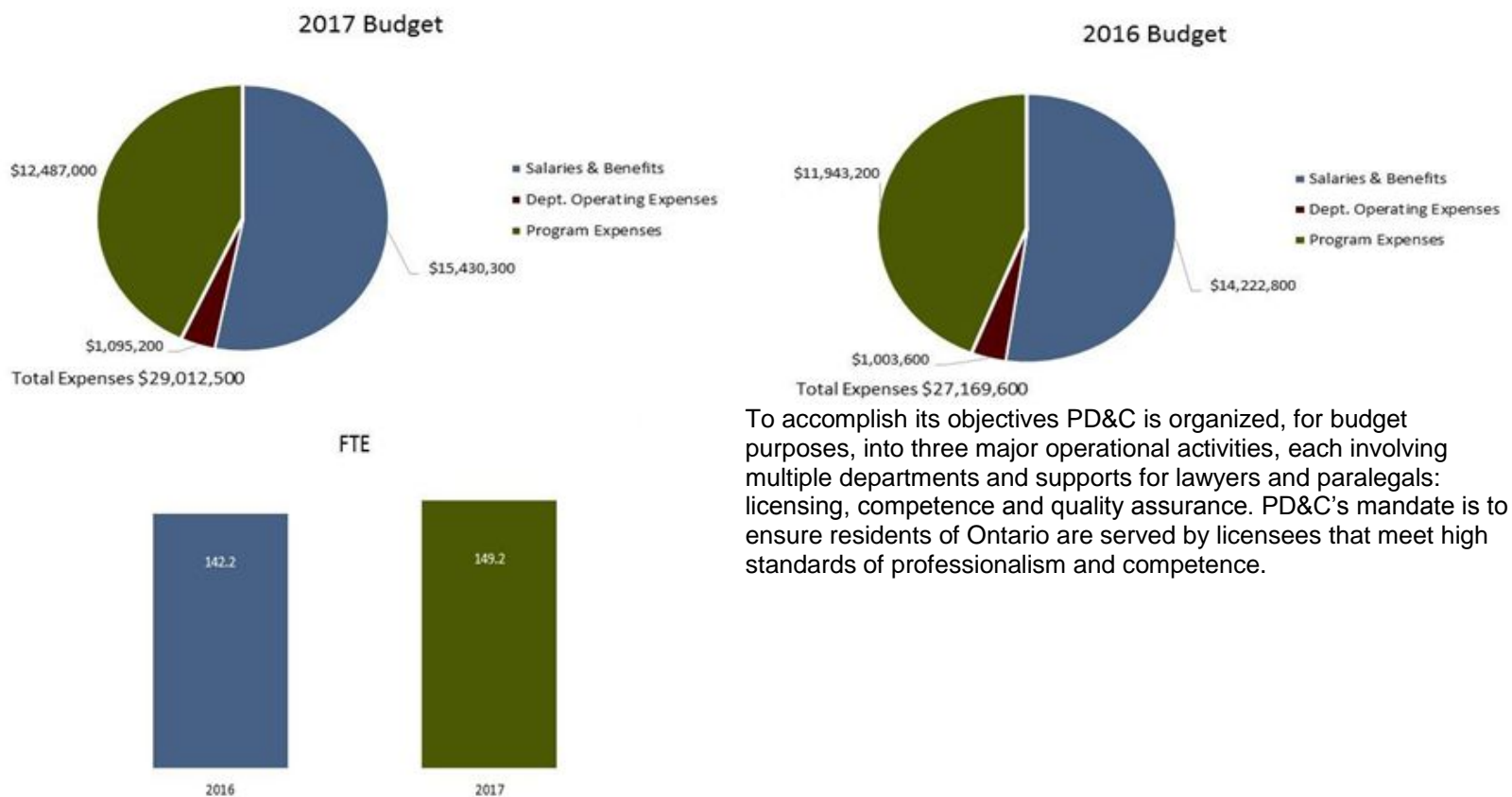
The Tribunal expects to incur significant expenses for out-of-town hearing costs in the second half of 2016 and into 2017 because of a complex matter proceeding for multiple weeks.

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PROFESSIONAL DEVELOPMENT AND COMPETENCE

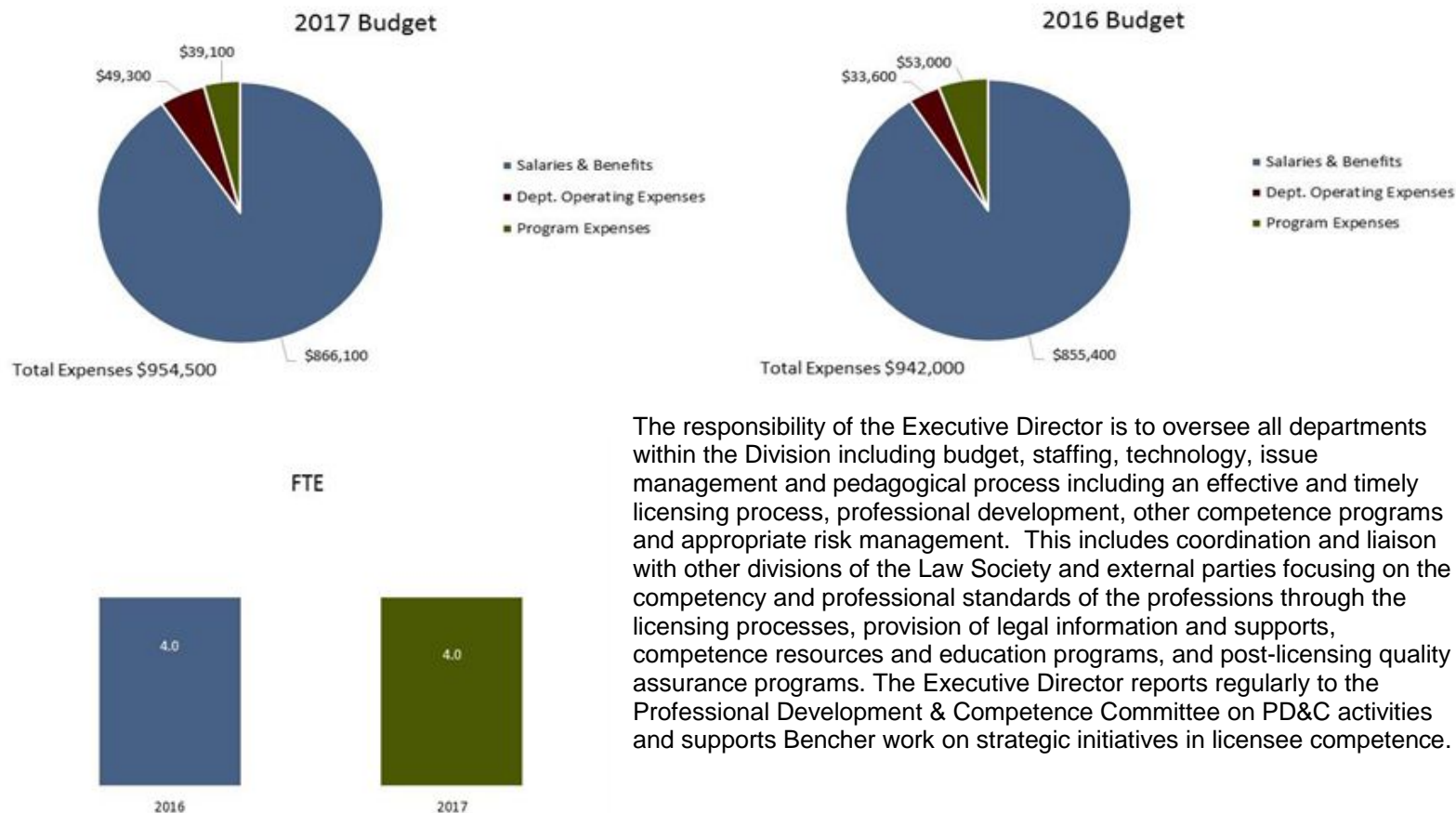
The Professional Development and Competence (PD&C) Division is responsible for all activities relating to licensing, continuing professional development, practice management support and quality assurance for lawyers and paralegals.

DIVISIONAL OVERVIEW



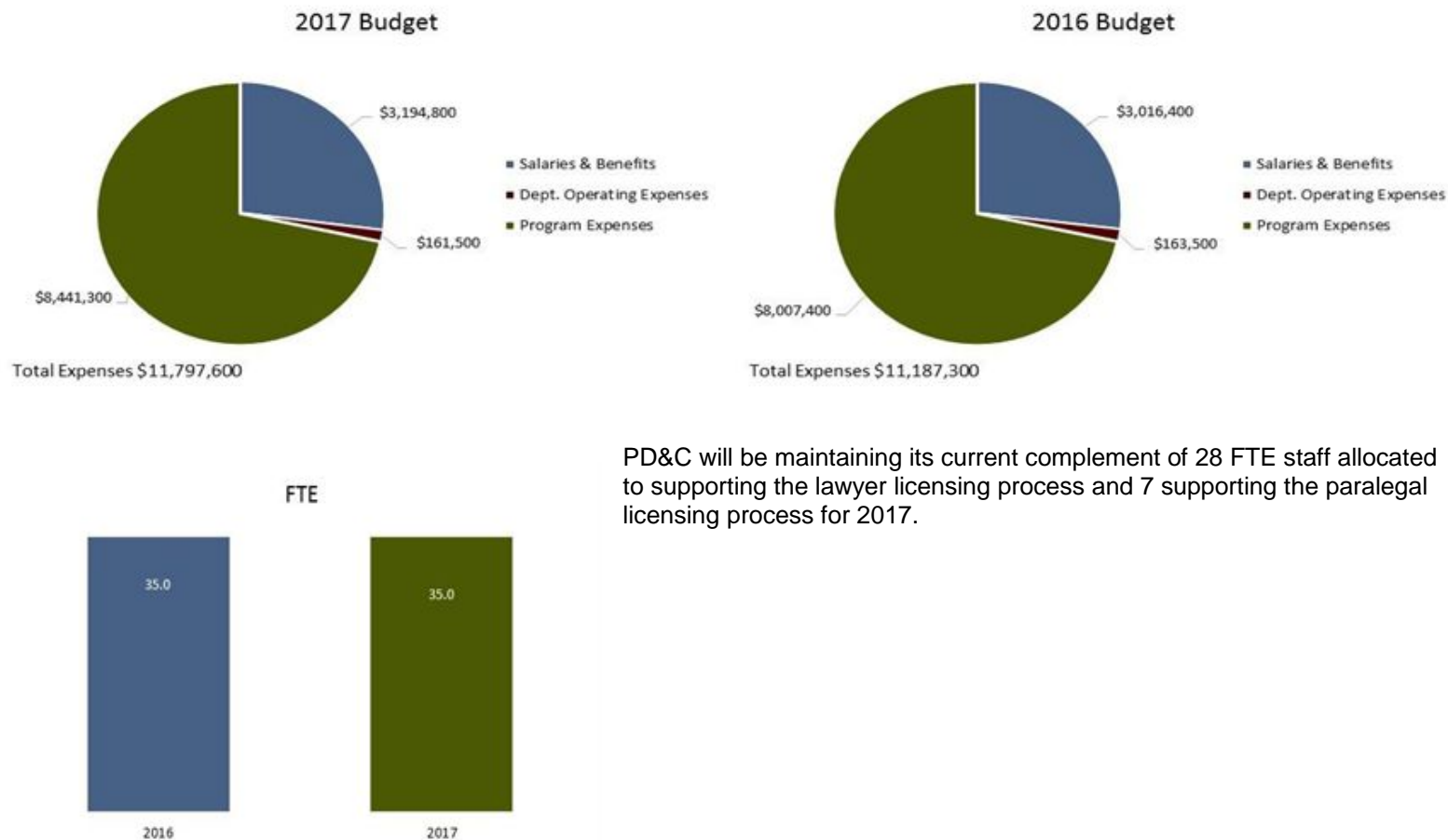
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Office of Executive Director



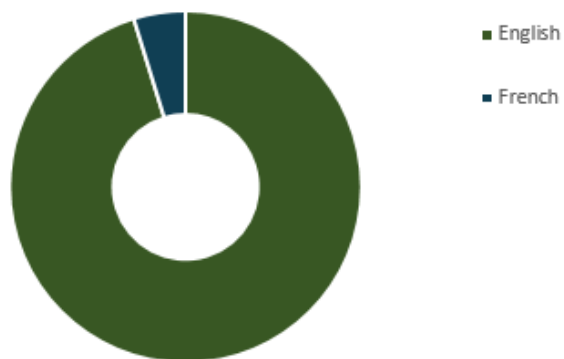
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LICENSING



THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

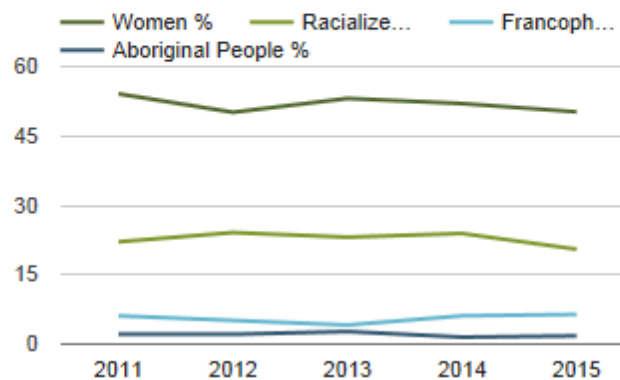
LPP Enrollment 2015



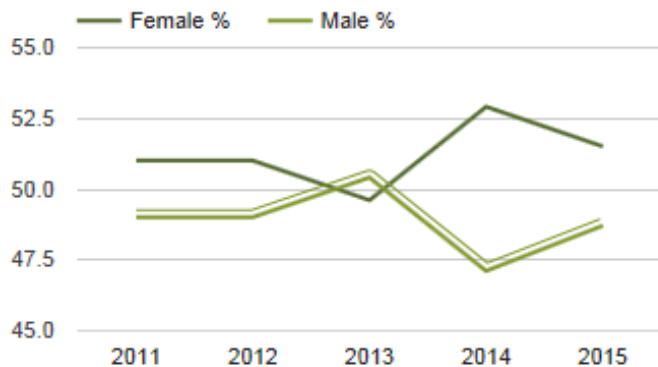
Total Enrolled 231

The current licensing fee of \$4,710 per lawyer candidate (not including HST) will be continued in 2017-18 and includes the costs of the Law Practice Program, the enhanced Articling Program and all other fees for licensure equalized across all candidates.

Lawyer enrolment in the Licensing Process by equity-seeking group: 2011-15



Lawyers licensed, by gender: 2011-2015

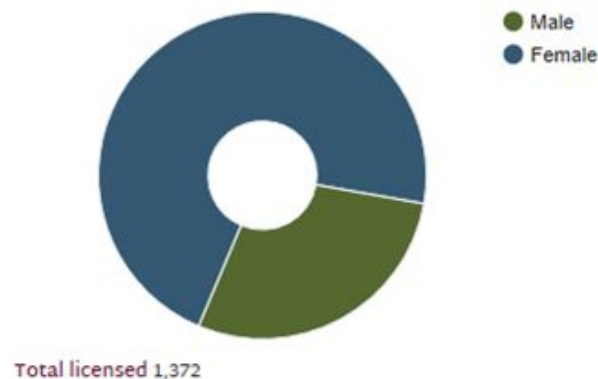


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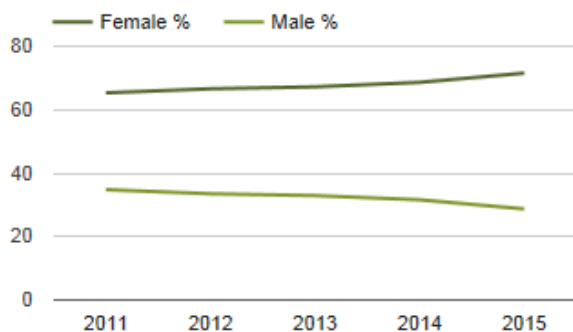
The Paralegal Licensing Process fee for 2017 remains at \$1,400 per candidate for all fees associated with licensing (not including HST). Paralegal Licensing Process expenses continue to be supported by candidate fees – the process operates on a cost recovery basis.

The increased workload associated with the expanded paralegal examination and college accreditation processes is now being supported by the new paralegal counsel and paralegal coordinator, which were the two new FTEs allocated to PD&C in 2016.

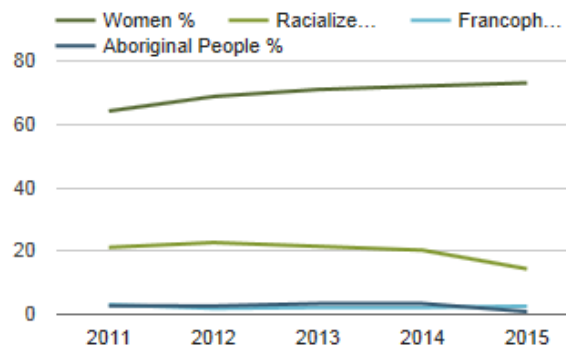
Paralegals issued a licence in 2015



Paralegals licensed, by gender: 2011-15



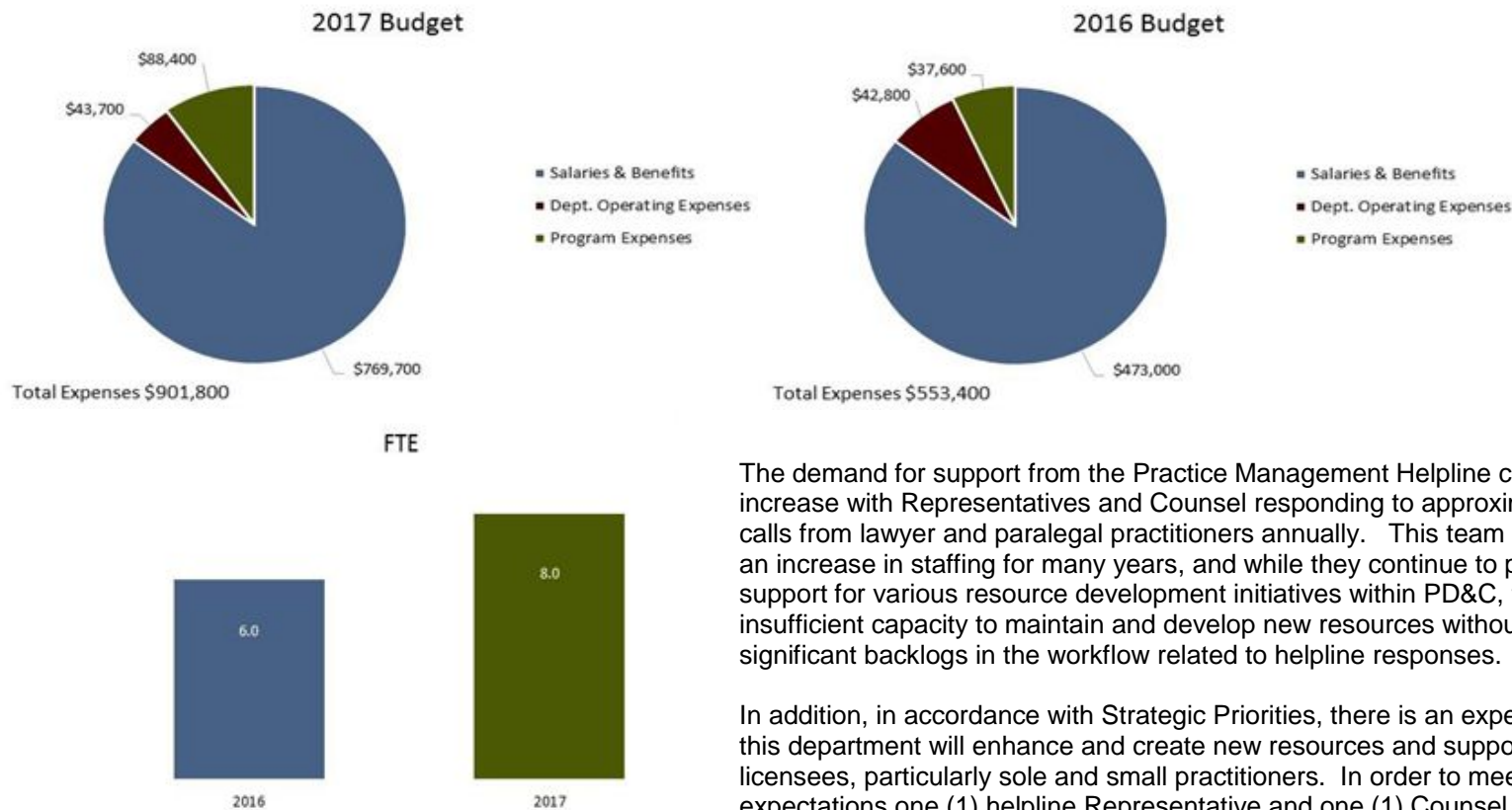
Paralegal enrolment in the Licensing Process by equity-seeking group: 2011-15



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COMPETENCE

Practice Management Resources and Helpline



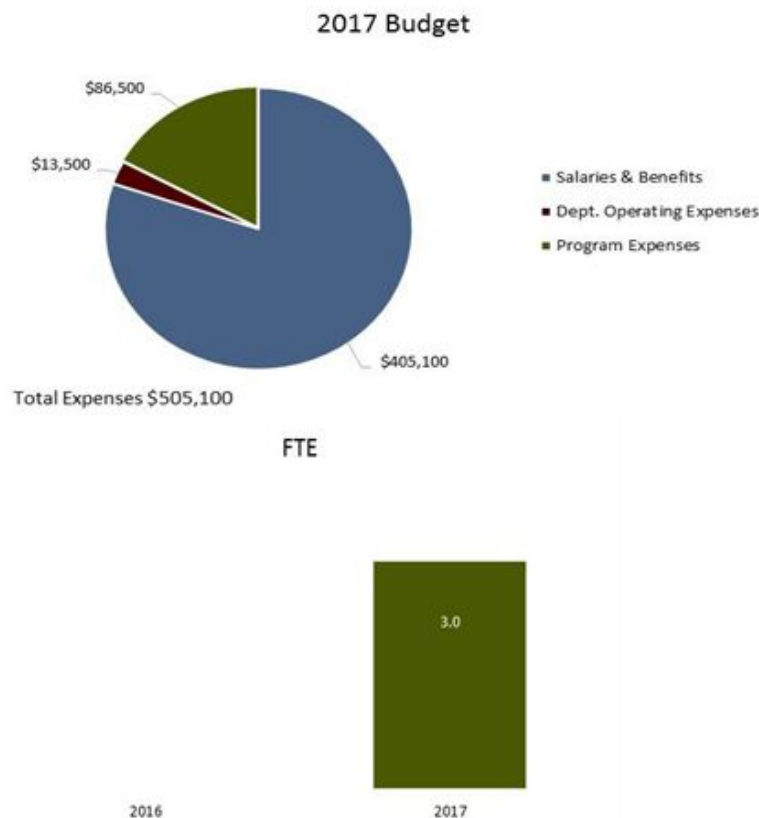
The demand for support from the Practice Management Helpline continues to increase with Representatives and Counsel responding to approximately 8,000 calls from lawyer and paralegal practitioners annually. This team has not had an increase in staffing for many years, and while they continue to provide support for various resource development initiatives within PD&C, there is now insufficient capacity to maintain and develop new resources without creating significant backlogs in the workflow related to helpline responses.

In addition, in accordance with Strategic Priorities, there is an expectation that this department will enhance and create new resources and supports for licensees, particularly sole and small practitioners. In order to meet these expectations one (1) helpline Representative and one (1) Counsel will be added to the group in 2017. With the addition of this staffing, the Practice

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Management Department will be better positioned to move forward with the gap/needs analysis and resource development envisioned in the Strategic Plan while still managing the call volumes.

Coach and Advisor Network



The new Coach and Advisor Network has been a significant focus of attention in the PD&C Practice Supports and Resources department since it was approved for implementation by Convocation in January 2016.

Along with administrative process and usage policies, plans are underway to recruit, train and market the new program. Following the launch which will be held in November 2016, the Coach and Advisor Network will maintain an ongoing focus on recruitment, training, technology, and outreach.

Training and supports for coach volunteers will include in-person workshops offered around the province and blended learning events to support wider accessibility. Technology enabled interactivity will be further explored to ensure the Network can connect licensees across the province and to ensure that the Network is supporting the creation of a collaborative learning community. Marketing and outreach to raise the profile of the initiative both with licensees and with legal associations and organizations will be a central focus for 2017.

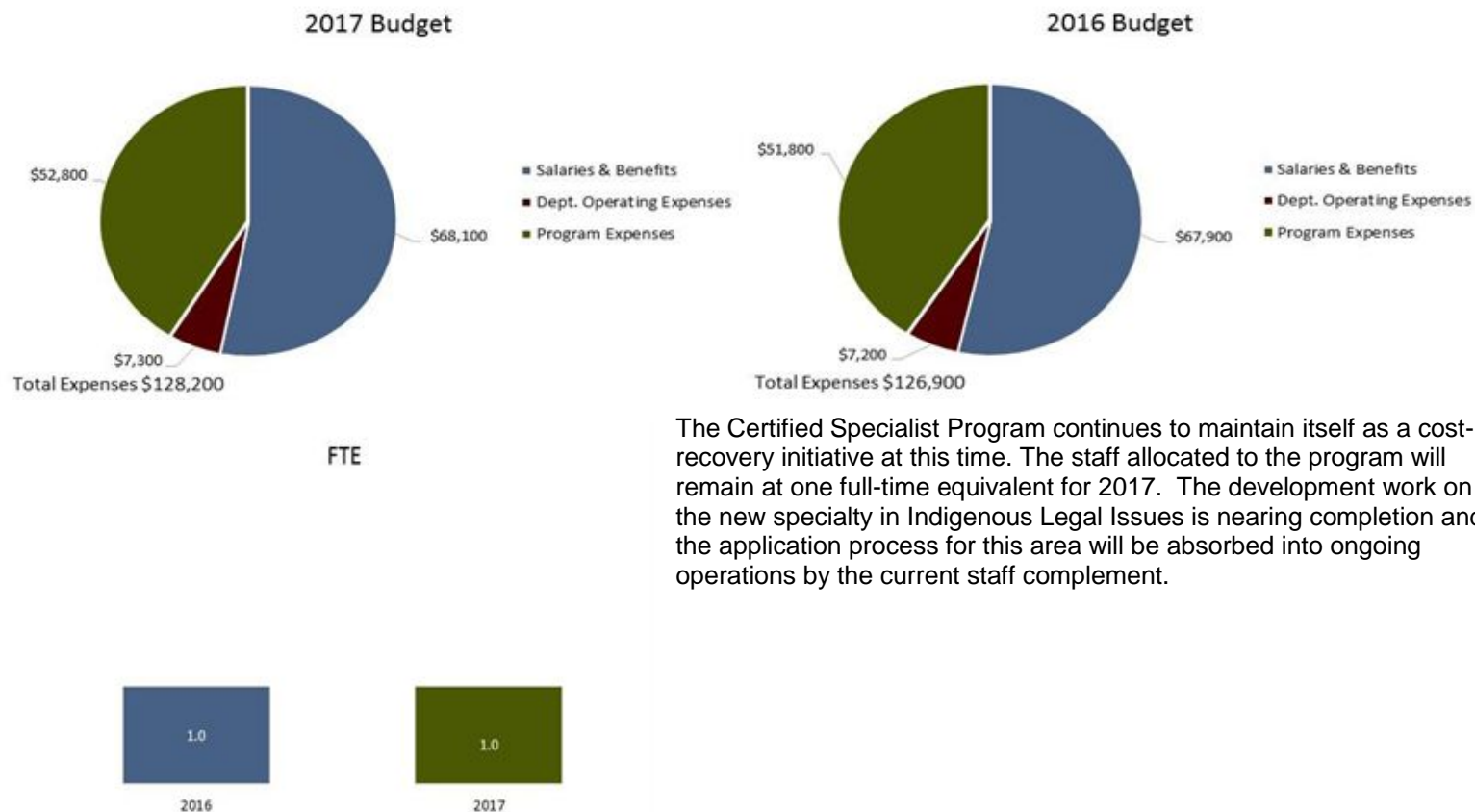
One (1) additional counsel staff will be added in 2017 to support this effort, in accordance with the approved report to Convocation

The Practice Management Supports and Resources, Legal Information and CPD groups continue to provide support to paralegal practices by integrating paralegal resources into all programs and activities. This includes the provision of assistance through the Practice Management Helpline, the Coach and Advisor Network, practice management resources designed

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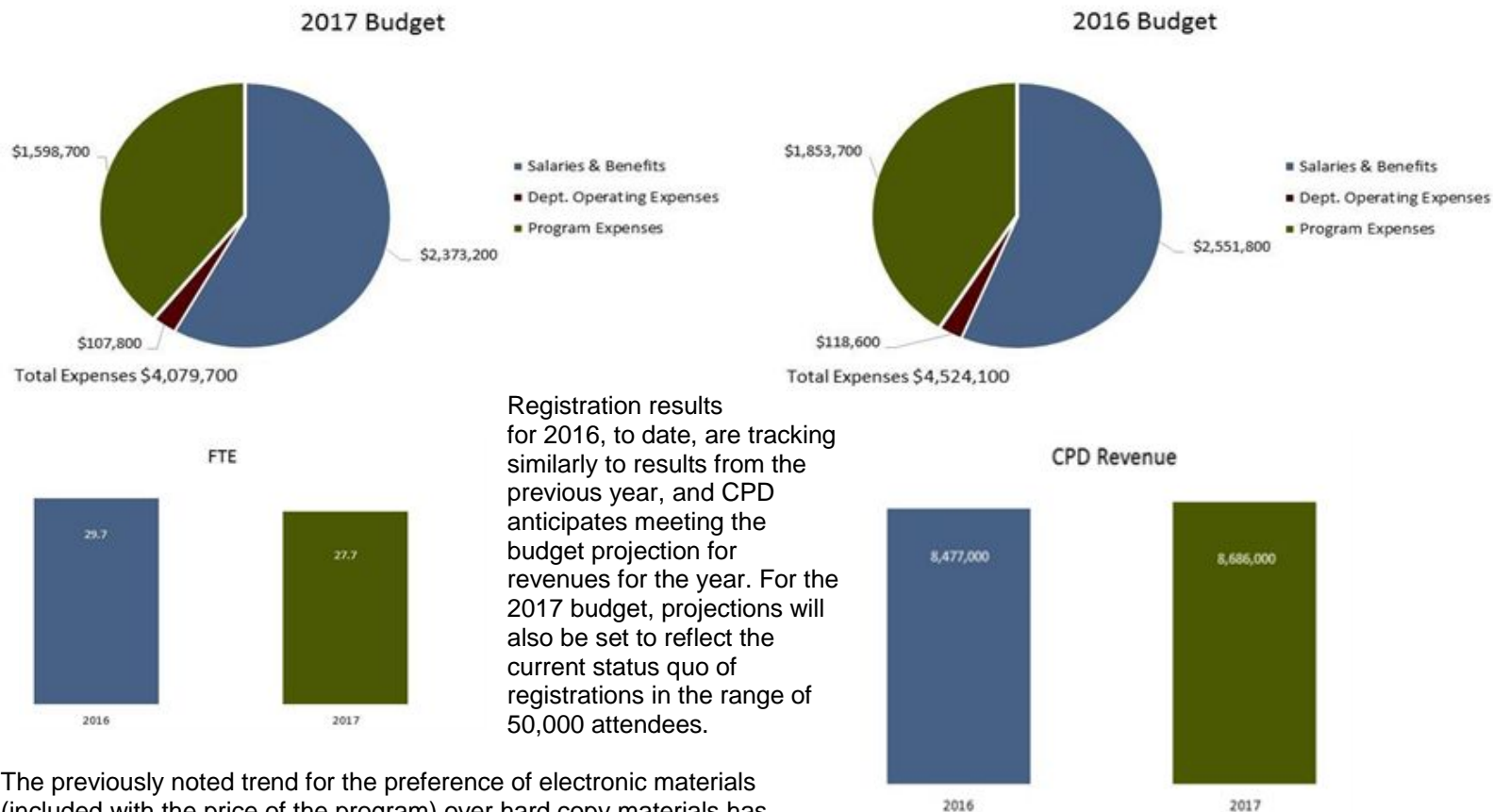
specifically for paralegal practices, development of CPD programs for paralegals and provision of legal research and content supports. Contributions for all of this work are allocated accordingly.

Certified Specialist Program



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CPD Program Production



The previously noted trend for the preference of electronic materials (included with the price of the program) over hard copy materials has continued in 2016 with the result that expected revenue from publications continues to decline. The department reduced expenditures for paper

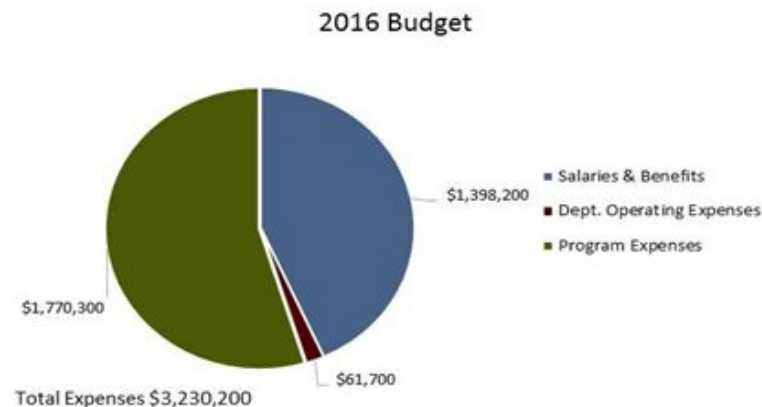
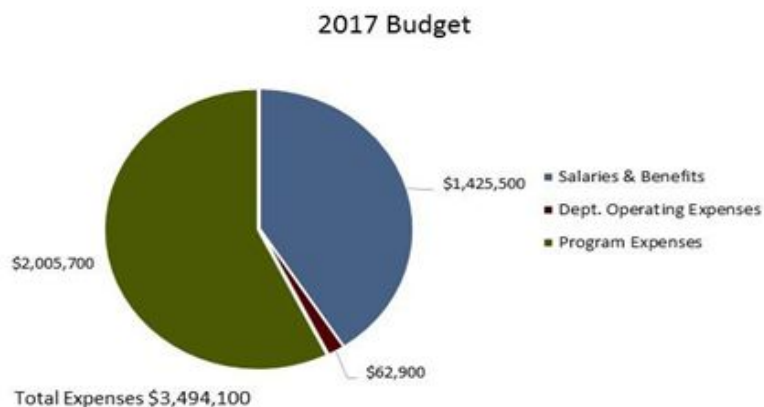
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production to offset the loss in hard copy sales. This trend is anticipated to continue, albeit at a slower pace, and so revenue generation from publications is projected to decrease for the 2017 budget.

In 2017, the department will continue to modify its programs and to create new offerings to address the ability of the Law Society to better support practice in the early years with a more significant focus on skills for supporting and managing competence and ethical practices. The transition to curriculums of learning that is currently underway addresses strategic priorities and activities focused on enhanced knowledge and skills training required for practitioners to maintain their competence. This imperative is pursuant to the organization's strategic priorities.

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Legal Information and Library Services

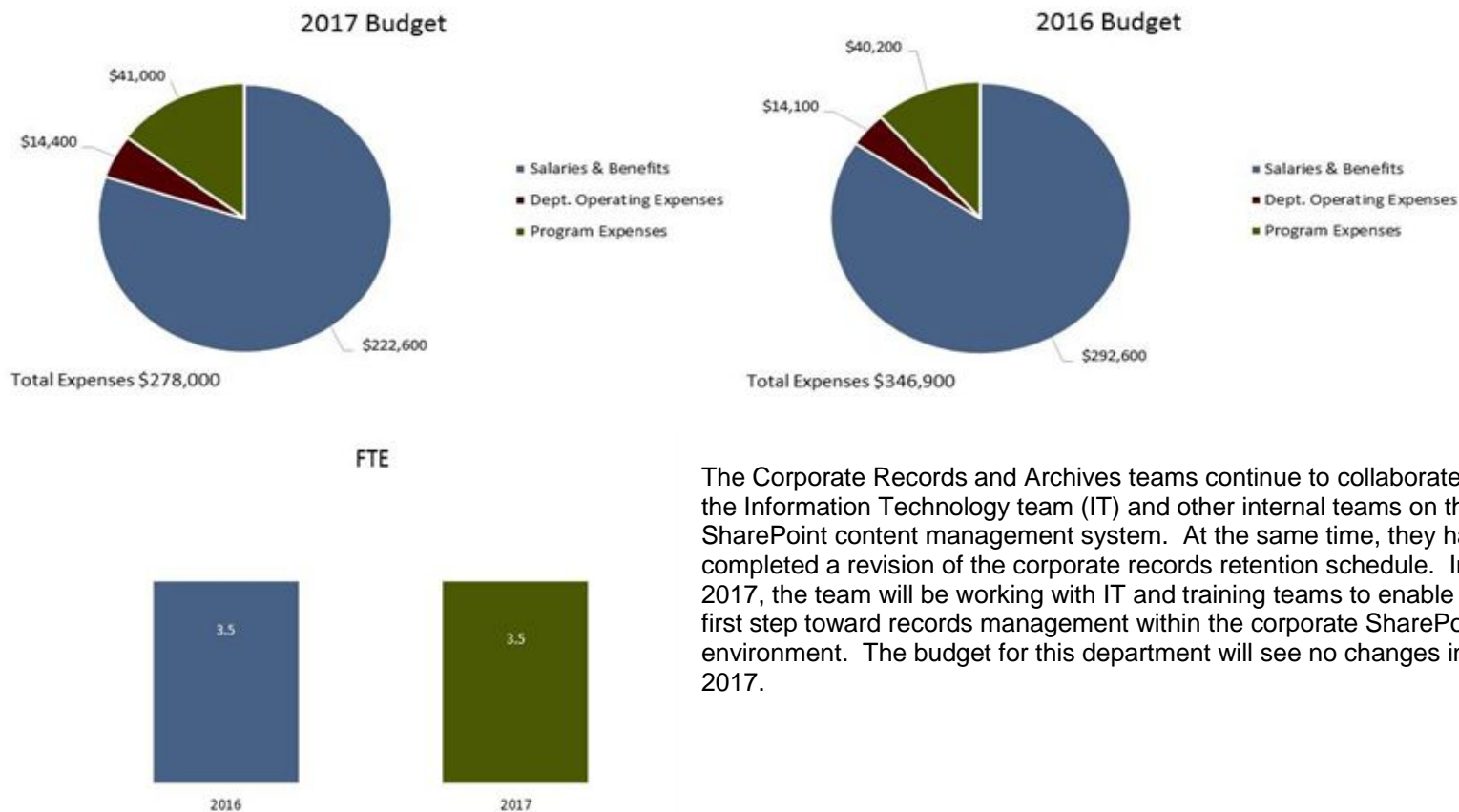


The Great Library continues to provide access to a print and electronic collection that acts as a core practice resource to lawyers and paralegals across the province. In 2017, it will commence a maintenance agreement to cap the rising cost of its print collection.

However, the library will continue to see collection pricing increases from 5-10% a year. Library staff continue to balance the need for print access, increasing digital collections that are accessible province wide, and space usage in Osgoode Hall. Multiple collection shifts currently underway will take advantage of new compact shelving and enable additional research space on the Great Library's main floor in 2017 for use by patrons.

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Corporate Records and Archives

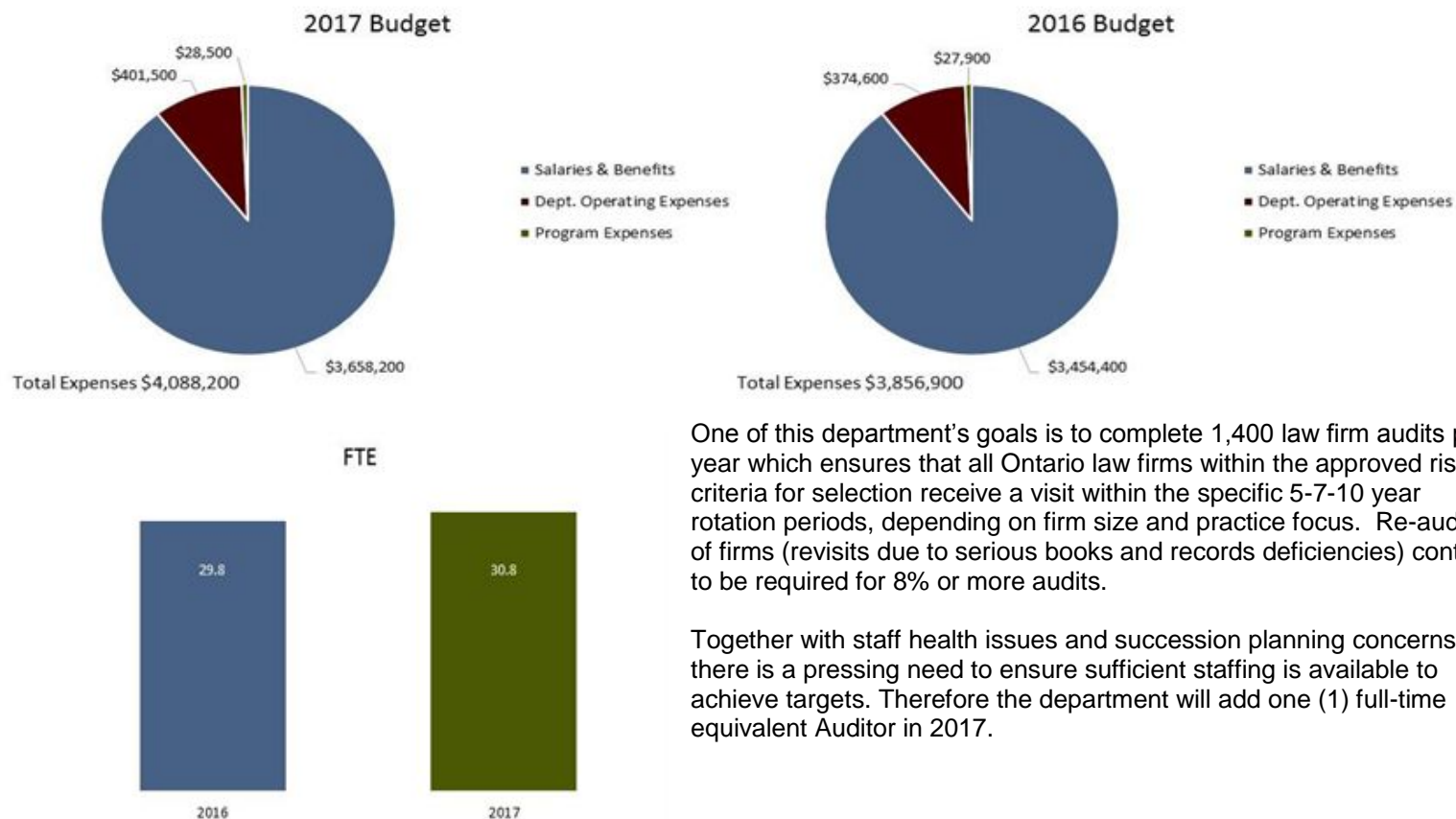


The Corporate Records and Archives teams continue to collaborate with the Information Technology team (IT) and other internal teams on the SharePoint content management system. At the same time, they have completed a revision of the corporate records retention schedule. In 2017, the team will be working with IT and training teams to enable the first step toward records management within the corporate SharePoint environment. The budget for this department will see no changes in 2017.

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Quality Assurance

Spot Audit

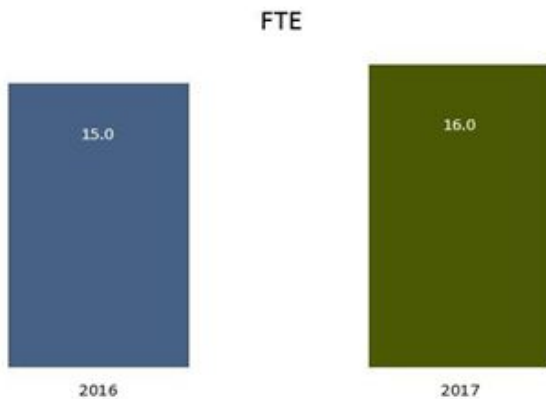
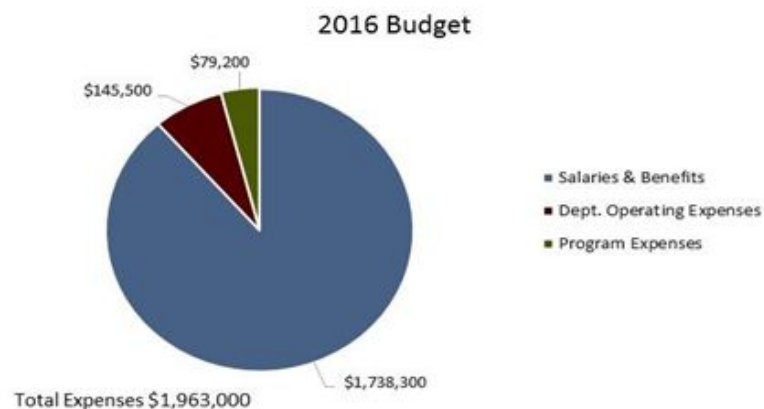
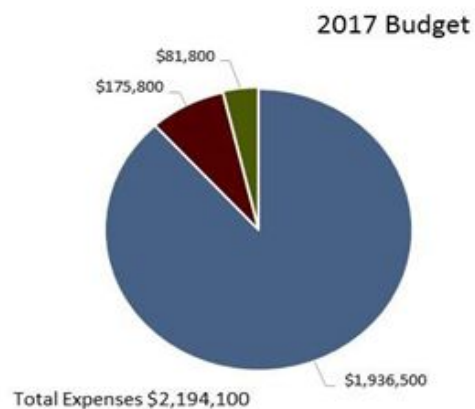


One of this department's goals is to complete 1,400 law firm audits per year which ensures that all Ontario law firms within the approved risk criteria for selection receive a visit within the specific 5-7-10 year rotation periods, depending on firm size and practice focus. Re-audits of firms (revisits due to serious books and records deficiencies) continue to be required for 8% or more audits.

Together with staff health issues and succession planning concerns, there is a pressing need to ensure sufficient staffing is available to achieve targets. Therefore the department will add one (1) full-time equivalent Auditor in 2017.

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Practice Review

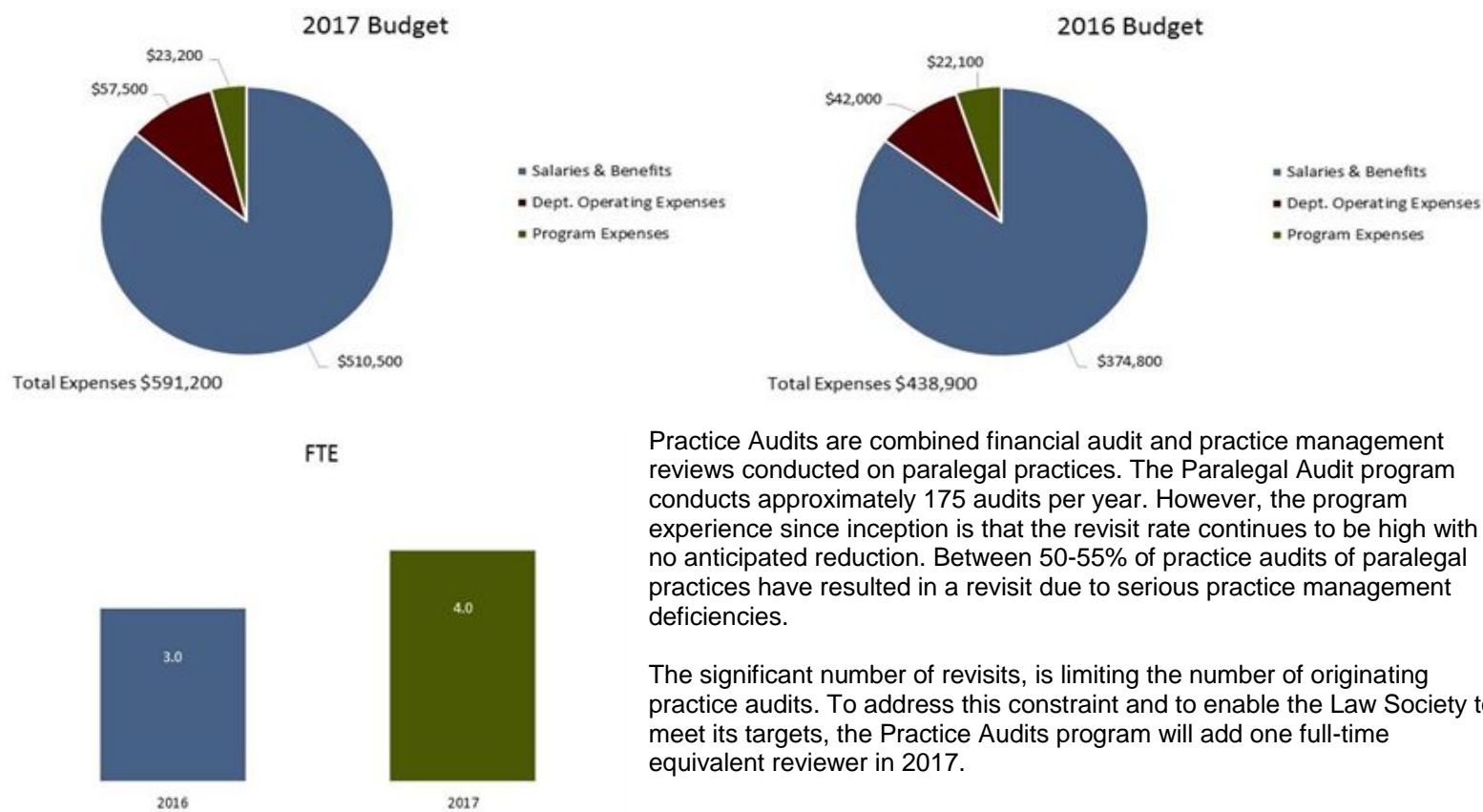


The Practice Review program conducts approximately 560 reviews per year, comprised of random reviews (lawyers who were called within the past 8 years), focused reviews (lawyers selected for a review due to cause) and re-entry reviews (lawyers re-entering private practice after 5 years).

Factors such as the retirement of external reviewers and more lawyers requiring re-entry reviews are impacting the ability to meet practice review targets and member competence objectives. To address these challenges, the Practice Review program will add one full-time equivalent Reviewer in 2017.

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Practice Audits

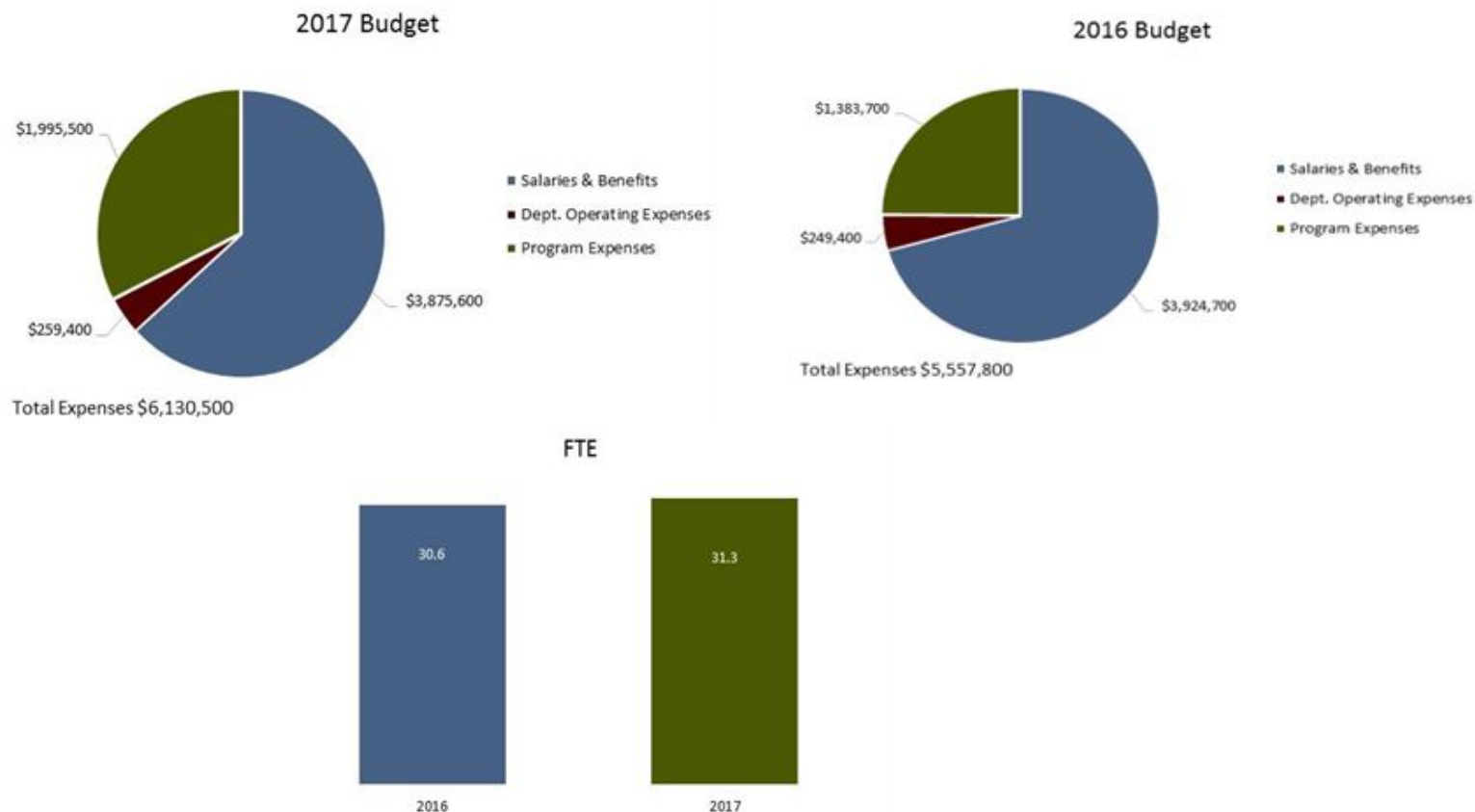


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POLICY, EQUITY AND PUBLIC AFFAIRS (PEPA)

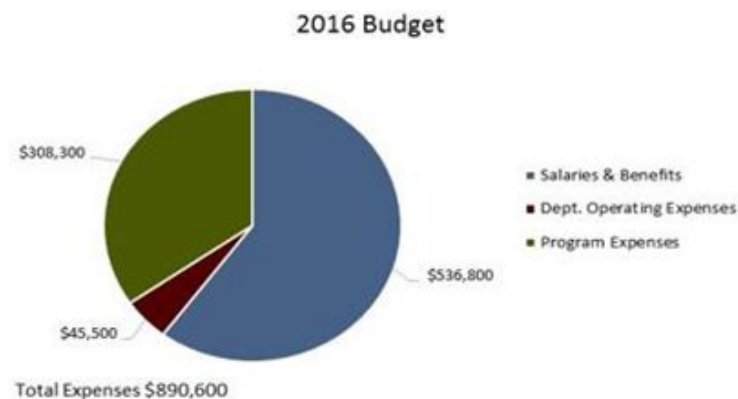
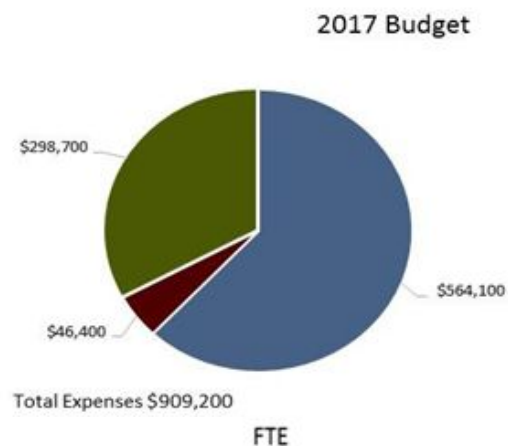
DIVISIONAL OVERVIEW

The Policy, Equity and Public Affairs Division supports the Society's policy development, communications functions including media relations & issue management and also marketing, stakeholder relations, equity initiatives and access to justice. This includes support to the Treasurer and benchers, Convocation, the CEO and Senior Management Executive (SME) and various departments as needed.



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EXECUTIVE DIRECTOR'S OFFICE



The role of the Executive Director is to provide strategic leadership to the PEPA team on the SME, and regarding key stakeholders and initiatives. The PEPA Executive Director is engaged in ensuring strong collegiality and achieving operational efficiencies to provide effective service.

The PEPA Executive Director has had primary responsibility for The Action Group on Access to Justice (TAG) initiative supported by a full-time TAG Manager reporting to the Executive Director. Funding for the TAG initiative includes \$400,000 from the Law Foundation of Ontario in 2016. For 2016, there has been a consolidation of Access to Justice expenses for TAG in the PEPA Executive Director's office.

The PEPA Executive Director has key involvement with respect to the renewal of the Law Society's Indigenous Strategy and increased outreach by the Treasurer and benchers to the Indigenous community now in cooperation with the newly established Indigenous Advisory Council. With the hiring of the new Policy Director and Equity Advisor, the PEPA team will be focused on increasing collaboration and quality work to support the work of Convocation in ensuring measurable progress on achieving the 2015-2019 Strategic Priorities.

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The Action Group on Access to Justice (TAG)

Mandate

The Action Group on Access to Justice is catalyzing solutions to Ontario's access to justice challenges by facilitating collaboration with institutional, political and community stakeholders.

Role

The primary activities of the department include coordinating collaborative initiatives known as "clusters". Clusters increase awareness and impact of access to justice efforts by fostering greater coordination among participants. Recent efforts have focused on increasing uptake of unbundled legal services, developing resources for trusted intermediaries, implementing digital public legal education resources and addressing the over-representation of Indigenous children and youth in care. In October 2016, TAG will mount an inaugural Access to Justice Week.

TAG advances access to justice related information exchanges between various stakeholders and key Law Society offices, namely the Treasurer, the CEO, Policy, Equity & Public Affairs Divisions as well as the Access to Justice Committee. Working closely with PEPA and other Law Society departments, TAG acts a facilitator for a diverse community of stakeholders committed to finding innovative solutions to a wide range of access to justice challenges.

TAG plays a key role in advancing the Law Society's strategic priority to enhance access to justice across Ontario. By developing continuing professional development programs that focus on access to justice matters, TAG also bolsters the Law Society's strategic priority to ensure lifelong competence for lawyers and paralegals. In addition, TAG's robust engagement advances the Law Society's strategic priority to engage stakeholders and the public with responsive communications, and will contribute to the implementation of the Law Society's new Communications Plan in 2017.

In addition to sponsoring Access to Justice Week, other highlights of TAG activities to date have included work on "targeted legal services", digital "Steps to Justice", public legal education for librarians in rural and remote communities, addressing the challenges of overrepresentation of Indigenous children and youth in the justice system, creating "Architects for Justice" a student and community public legal education initiative, etc.

TAG is funded by the Law Foundation of Ontario and 2017 serves as the third year of support. In-kind contributions are provided by the Law Society. The annual budget totals \$400,000. It is anticipated that while TAG cluster activities and public engagement initiatives will increase in 2017, this work will be met with existing resources. An evaluation of the impact of TAG initiatives is being undertaken to be presented to the Law Foundation in early 2017 to seek a renewal of TAG funding in 2018-2020.

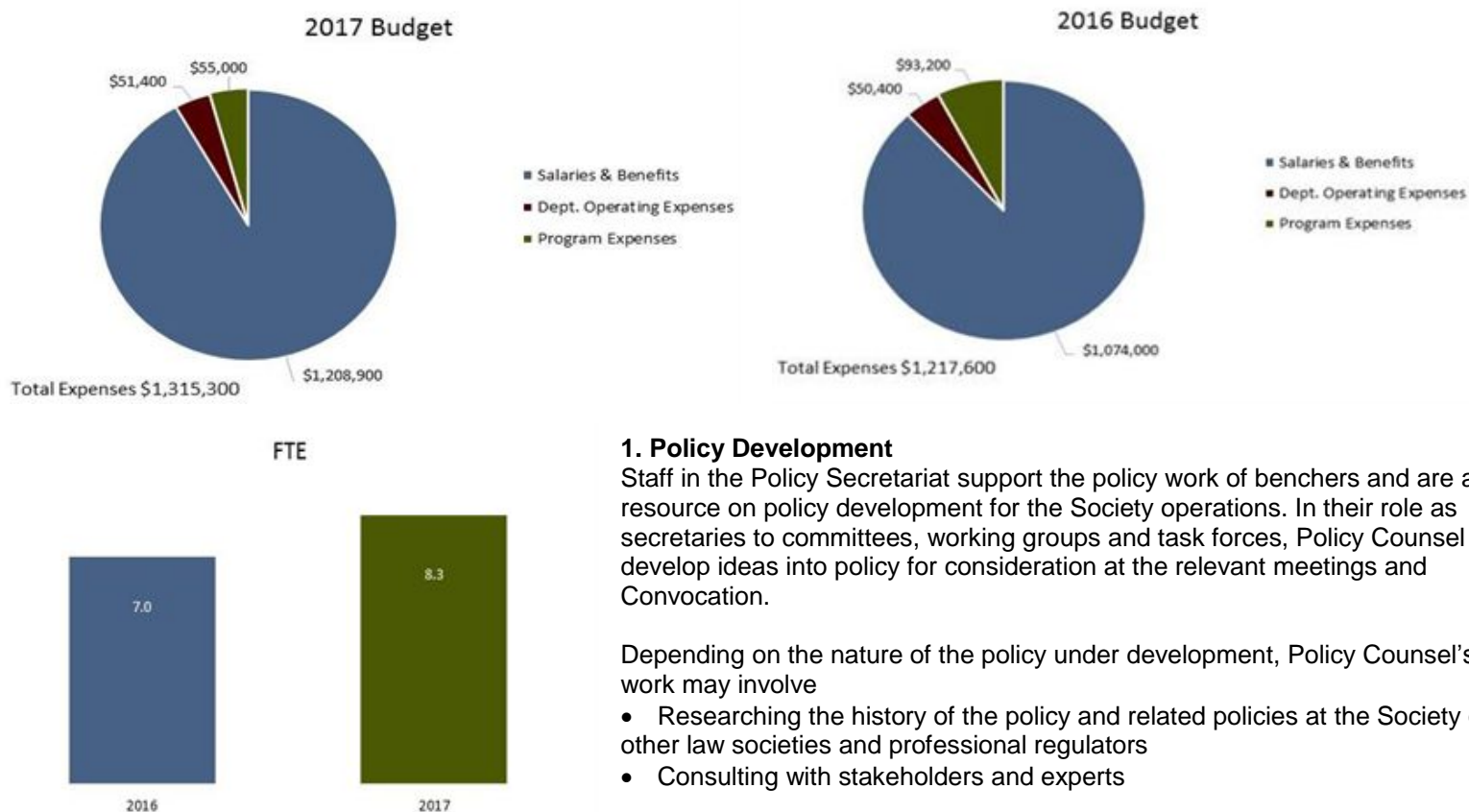
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POLICY

Mandate

The Director, Policy is responsible for supporting Convocation's policy agenda and policy development for the Law Society.

The responsibilities of the Policy Secretariat fall into three main categories:



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- Consulting with the operational staff who will be implementing the policy

2. Legislative Review

Draft legislation is reviewed in the Policy Secretariat and, if relevant, responded to. The Society is vigilant in commenting on issues that affect the governance of lawyers and paralegals. Policy Counsel regularly draft submissions to government and other bodies in response to proposals that may undermine an independent legal profession with negative implications for the public interest.

Legislation reviewed monitored by staff in the Policy Secretariat has included:

- Bill 132, *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)*, 2015
- Bill 144, *Budget Measures Act*, 2015
- Bill 156, *An Act to Amend Various Acts with Respect to Financial Services*
- Bill 173, *Jobs for Today and Tomorrow Act (Budget Measures)*, 2016
- Bill 218, *Burden Reduction Act*, 2016

3. Federation of Law Societies of Canada

The Policy Secretariat contributes considerable time and expertise to the work of the Federation of Law Societies of Canada.

In 2016, staff in the Policy Secretariat participated in the following work of the Federation:

- Providing support to the Federation's governance review
- Assisting in responding to a call for input on the International Bar Association Guidelines on Exchange of Discipline Information
- Participating in the National Standards Project
- Contributing to submissions of the Federation to government on a variety of issues

Other Policy Secretariat Work

Throughout 2016, the resources of the Policy Secretariat have been focused on many issues and projects, including the following:

- Supporting work on a number of initiatives arising from the 2015-19 Strategic Plan relating to paralegal practice, licensing, access to justice, policy development processes and governance
- Continuing implementation of the Federation of Law Societies' Model Code of Conduct with amendments to the Society's lawyer and paralegal rules of conduct
- Work on other Rules issues, including advertising and fee arrangements issues

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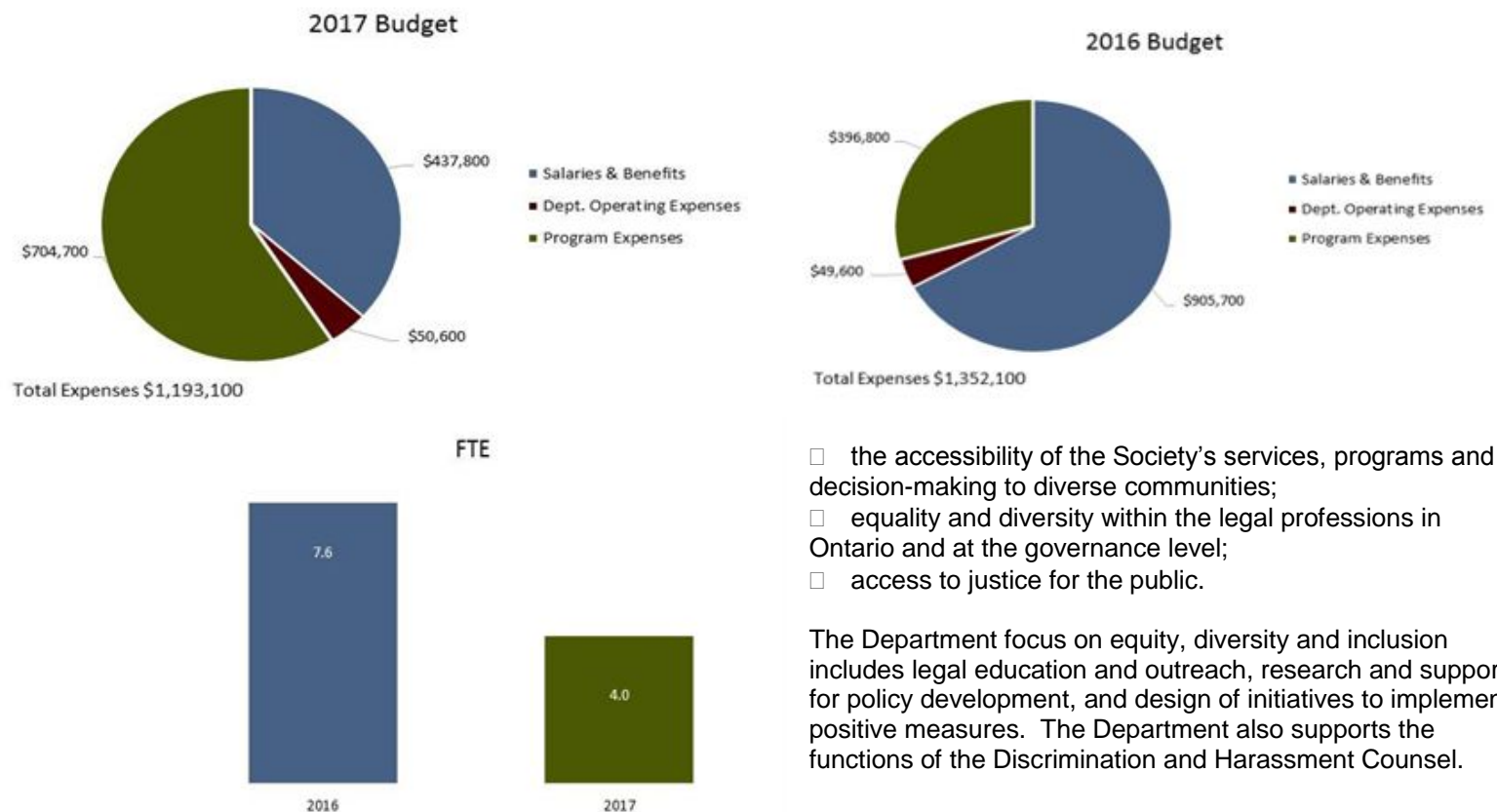
- Supporting the work of the Alternative Business Structures Working Group, the Real Estate Issues Working Group, the Compliance-Based Entity Regulation Task Force, the Task Force to Create a Strategy to Promote Wellness and Address Mental Health and Addictions Issues and the Mentoring and Advisory Services Proposal Task Force
- Supporting the working group examining discipline process disclosure rules and procedures
- Supporting the work of the LibraryCo Inc. transition initiative
- Continuing implementation of tribunal reforms and reporting requirements
- Supporting the work on review of the Pathways Pilot Project
- Preparing materials, including memoranda, briefing notes, responses to consultations, submissions and presentations, for the Treasurer, benchers, Executive Director - Policy, Equity and Public Affairs and the CEO on various Law Society or related issues

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EQUITY

Mandate

Consistent with the Society's mandate to govern the profession in the public interest, the Equity Initiatives Department undertakes activities to enhance,



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Public Education and Outreach

The Department coordinates legal education events as a way of promoting equality and diversity and of improving relations between the Society and members of Indigenous, Francophone and equality-seeking communities within the profession and the broader community. All events are planned in partnership with legal associations and community organizations and with the participation of licensees. Relevant educational and promotional materials are prepared for events.

Equity Initiatives

Research in Demographic Analysis

Demographic analysis is undertaken each year to provide insights into the demographic profile of the profession and help formulate the rationale for various policy initiatives.

Professional Development Initiatives

Professional development opportunities for lawyers will be provided through specific education and training programs aimed at imparting knowledge and skills on law related to equality and diversity as well as best practices of integrating equality and diversity into day-to-day business. In 2017, it is anticipated that at least ten training programs and presentations will be delivered to lawyers and students in legal organizations, including law firms and law faculties.

Equity and Diversity at the Law Society

Professional development activities are also delivered within the Society. In 2017, at least five sessions will be delivered to staff of the Society. These activities will enable the Society to continue to maintain a workforce that reflects and benefits from diversity.

National Collaboration

The Equity Advisor and Discrimination and Harassment Counsel attend national annual meetings of equity advisors and ombudspersons. The meetings provide a forum for continued dialogue and exchanges of ideas about equity and diversity initiatives. It is anticipated that such meetings will continue in 2017.

Women in Private Practice

In 2009, Convocation approved recommendations to enhance the retention of women in private practice. The Equity Initiatives Department is responsible for implementing the bulk of the recommendations, including working with law firms to implement the Justicia Project, managing the Contract Lawyers' Registry and conducting a change of status survey. In 2017, the Equity Initiatives

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Department will continue to produce resources and organize Continuing Professional Development programs for women lawyers and paralegals.

Challenges Faced by Racialized Licensees Working Group

In anticipation of Convocation's consideration of the Report and recommendations from the Challenges Faced by Racialized Licensees Working Group additional funds are included to ensure that a follow-up survey of licensees can be conducted and an additional staff person is available to work on implementation starting in 2017.

Access to Justice Initiatives

The Equity Initiatives Department continues to receive requests such as for accommodations for participation in meetings and legal education programs, requests for webcasting and requests for translation services.

Indigenous Initiatives

The program endeavours to provide links to Indigenous lawyers and paralegals about issues regarding governance of the profession and its relationship with Indigenous peoples. To do this, there is a newly-established Indigenous Advisory Council. The Department also convenes educational forums and seminars that promote Indigenous perspectives on law and discuss Canadian and Indigenous law and impact on Indigenous peoples. In 2017, the Department, with the Equity and Aboriginal Issues Committee, will continue to renew its Indigenous strategy. This will involve outreach and engagement with the Indigenous and non-Indigenous community.

Discrimination and Harassment Counsel (DHC)

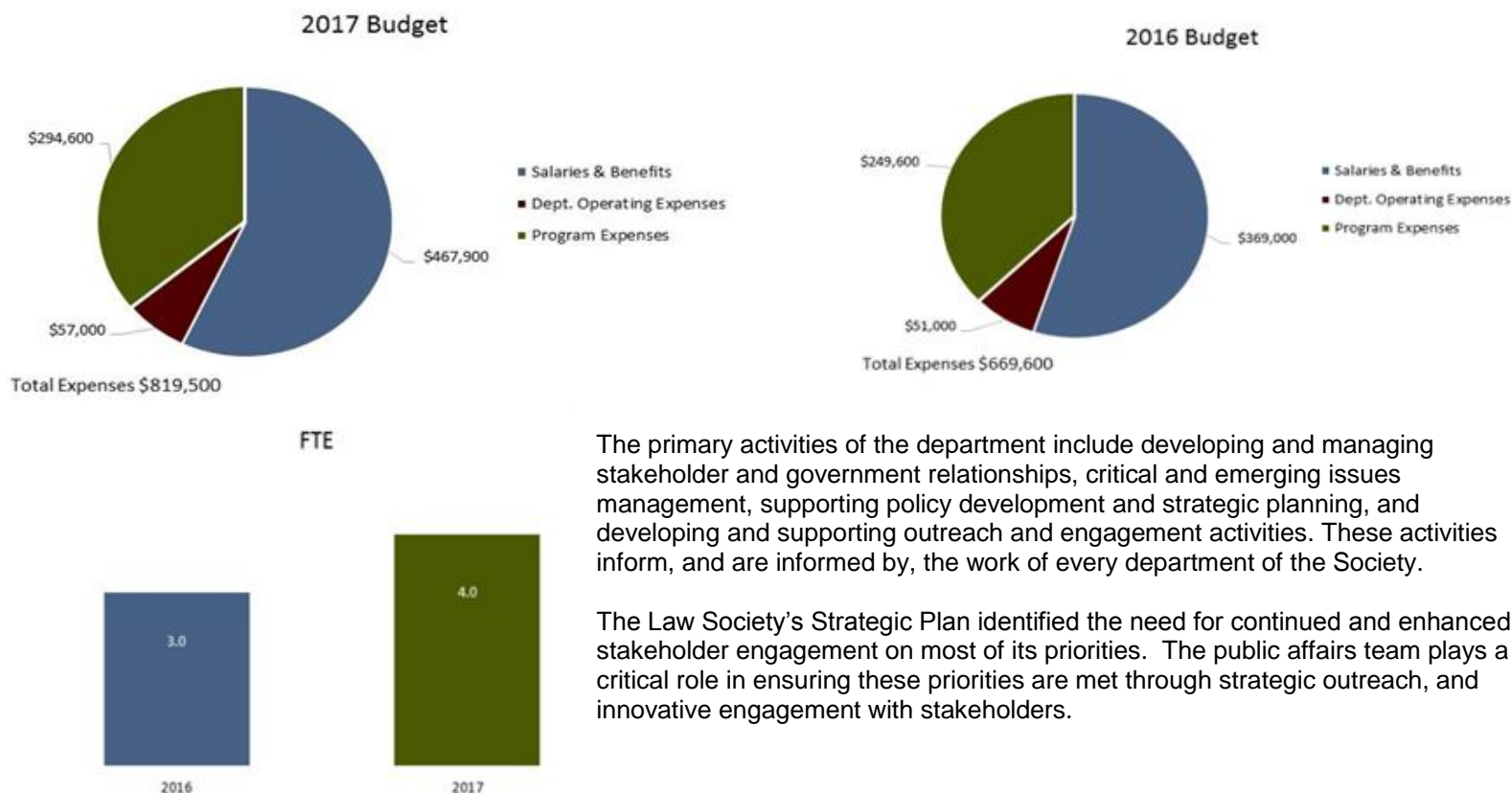
Convocation approved this program in 2001 as a permanent program. Its purpose is to provide lawyers and the public with access to someone they can speak with in confidence regarding allegations of discrimination or harassment by lawyers and paralegals. The DHC operates at arm's length from the Society. The services include assisting individuals in clarifying their issues/concerns and enabling individuals to identify options to take action on their concerns.

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PUBLIC AFFAIRS

Mandate

The Public Affairs department develops and maintains government and stakeholder relationships that assist the Society in identifying and achieving its priorities and objectives. By cultivating these relationships, the department is able to facilitate effective government and stakeholder engagement in the Society's policy development processes and ensure timely and appropriate responses to emerging issues.



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Issues Management

The Society is able to respond to and manage critical and emerging issues effectively and appropriately as a result of the leadership provided by the Public Affairs Department and the relationships it has cultivated with key stakeholders and government.

Working closely with the Office of the Treasurer, the CEO, PEPA and other Society departments, Public Affairs researches and provides strategic advice and support to ensure Society positions are clear, consistent and representative of the interests of the whole organization.

Public Affairs supports the coordination and preparation of briefing notes and materials to support outreach and engagement. Anticipating stakeholder interest and impact enables the Law Society to incorporate better information, critical to achieving its priorities.

Cultivating External Relationships

Strong relationships, built and maintained with stakeholders and government, enhance the Society's ability to identify and meet its priorities and objectives. Strong stakeholder relations are founded on transparency and information sharing, central tenets of the work of the Public Affairs department. This work enhances the reach and relevance of the Society and contributes to a strong reputation and brand. The department's work will continue to focus on:

- Maintaining and enhancing relationships with government, legal and paralegal organizations, law firms, judiciary, self-regulatory bodies, public forums and the Federation of Law Societies of Canada
- Ensuring Benchers and staff have the information they need to understand the public policy implications of relevant legislation and provide strategic advice and support to the Treasurer, Benchers, CEO and Law Society employees
- Coordinating outreach opportunities to increase the visibility and profile of the Society
- Establishing a stronger presence in public policy development and decision making
- Enhancing relationships with other regulatory bodies
- Aligning corporate outreach messages for stakeholder consumption
- The department maintains a strong focus in cultivating the Society's government relations, anticipating, monitoring and addressing government initiatives that may affect any part of the Society's mandate. The department will continue to act as a primary point of contact and liaison with all levels of governments
- Make representations to government on issues relating to the effective regulation of the provinces lawyers and paralegals in the public interest
- Monitor the legislative agenda of all levels of government to ensure that the Society is aware of government initiatives that affect its mandate
- Manage the process for the Society's recommended appointments of individuals to various external organizations.

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The department is also engaged in the Society's policy development processes generally, ensuring stakeholder and government interests and feedback are considered, as appropriate.

The department continues to support these activities and bring greater focus to issues tracking and information sharing and coordination, and contributes to the corporate approach to stakeholder consultation. This enables the Law Society to take a deliberate and consistent approach to consultations that aid in policy development and decision-making.

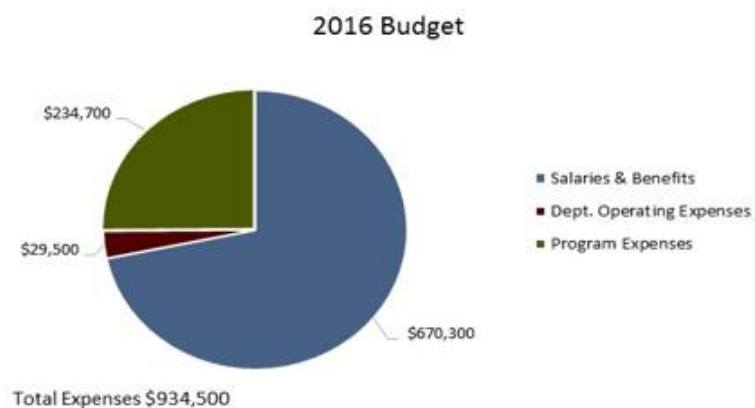
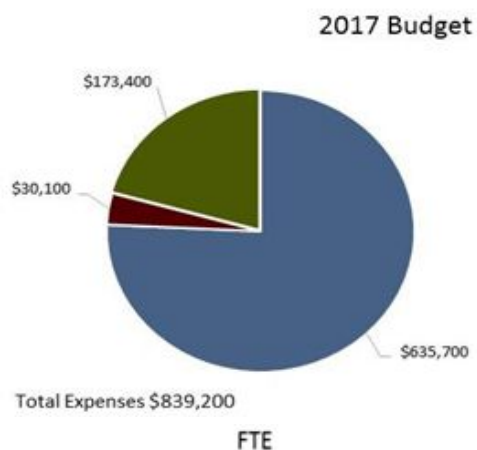
The department will also continue to take on special projects as requested by the Treasurer and CEO, such as the leadership provided on Access to Justice.

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COMMUNICATIONS AND MARKETING

Mandate

The Communications and Marketing department provides proactive and professional communications leadership and support to the organization and all of its divisions to achieve the following objectives:



Build a greater public understanding of the role of the Law Society in serving the public interest.

Improve public perception of the effectiveness of the Law Society as a regulator – in regulating the conduct and competence of lawyers and paralegals and facilitating access to justice.

Improve communication and engagement with members of the profession and the public

The Communications and Marketing team supports the business objectives of the organization by providing the following products and services:

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Strategic marketing communications planning

Develops and implements integrated marketing communications plans that are aligned with corporate priorities. The team takes a 'digital first', integrated approach to communications, and uses a range of paid, earned, shared and owned media channels to effectively position the Law Society's activities and give greater visibility to key initiatives.

Examples include Indigenous initiatives, Access to Justice, Law Society Awards, Mental Health, Convocation webcasts, Consultations and Calls for Feedback.

Digital Leadership

Leads the content, design and strategy of the Law Society's external and internal digital properties. In 2016 and 2017, Communications and Marketing is co-leading the redesign of the public website with Information Technology to improve the site as a strategic and accessible communications tool that effectively supports the organization's core work in 2016 and beyond. On an ongoing basis, the team creates and publishes content for both public and member audiences on the corporate website.

Is responsible for the online Annual Report which provides details of the Law Society's performance and updates on its strategic initiatives; as well as for producing the *Gazette*, including the Treasurer's Blog.

Provides leadership and strategy advice to the organization in the use of social media, including the development and publishing of content and the tracking of Law Society mentions and presence. Manages the organization's corporate accounts on Twitter, LinkedIn, Facebook, YouTube, Instagram and other channels. In addition, provides support and advice to the Treasurer on building and maintaining his digital presence.

Manages corporate content and design of the intranet to facilitate better employee communication and knowledge exchange.

Production of collateral material and publications

Is responsible for the design, content and production of corporate publications, including brochures, the Law Society's Ontario Reports pages and special reports.

Provides graphic design and layout services to all departments. Develops common graphic standards for print and online publications and promotional and marketing purposes. Graphic standards are made available to outside designers, printers, and to other departments in the organization to ensure brand consistency. Creates and maintains a corporate style guide.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Delivery and measurement of creative marketing programs

Develops creative briefs and delivers marketing campaigns to support key initiatives and media relations and issues management plans with a focus on digital properties and social media. Conducts research, gathers analytics and available metrics to target messaging appropriately and evaluate the effectiveness of communications.

Tracks the tone and frequency of Law Society coverage in social media, and provides regular reports to senior management.

Brand strategy

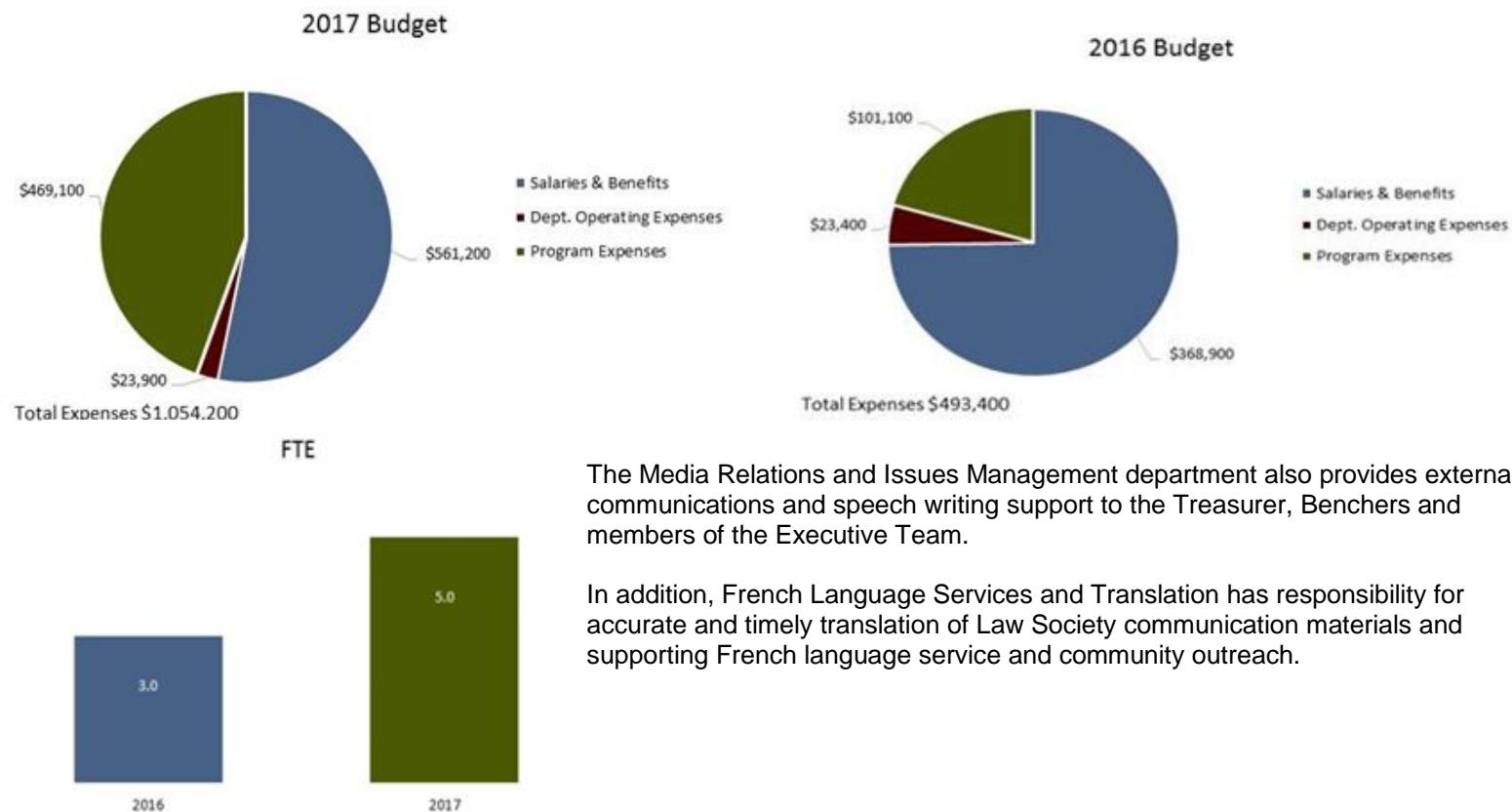
Supports the marketing of a corporate brand, as well as advertising, promotion, and other marketing activities to assist with initiatives, products and services from other departments, while ensuring alignment with the corporate brand. Manages visual brand in accordance with graphic standards and provides logo assistance to the organization.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

MEDIA RELATIONS AND ISSUES MANAGEMENT

Mandate

PEPA's Media Relations and Issues Management department provides professional support and services to the organization and all its divisions, in order to promote and raise awareness of the many initiatives, programs, and services of the Society, as well as to enhance corporate reputation in the media and public sphere.



THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

The main responsibilities include:

Media Relations:

- ☐ Managing media inquiries and providing timely and thoughtful responses beneficial to our primary stakeholder: the public
- ☐ Ensuring the Law Society of Upper Canada, its mission, initiatives and employees are positively and accurately represented in the public sphere.
- ☐ Pursuing positive earned media coverage of LSUC initiatives through proactive media relations plans and outreach
- ☐ Profile building coverage for Treasurer and Benchers and the work produced by committees
- ☐ Providing media training for key subject matter and organization spokespersons

Issues Management:

- ☐ Effectively manage and respond to critical issues that may arise in the media, public or with members on Law Society related issues
- ☐ Flag potential issues that may impact the reputation of the Law Society
- ☐ Work with the Office of the CEO, the Treasurer, and other relevant departments to gather pertinent facts and information and develop clear, consistent positions that represent the interests of the whole organization
- ☐ Committee and Convocation Support: Provide communications and issues management support to committees and Convocation.

Objectives of the department:

- ☐ Increase public awareness of the Society through earned media
- ☐ Pursue positive media coverage of Law Society policies, events, and initiatives, and minimize negative coverage
- ☐ Convey the Society's purpose and key priorities, including those of the Treasurer with media, members and the public
- ☐ Provide strategic communications advice and support to Convocation, senior management and other senior staff as required. Provide media relations and other communications support to TAG.

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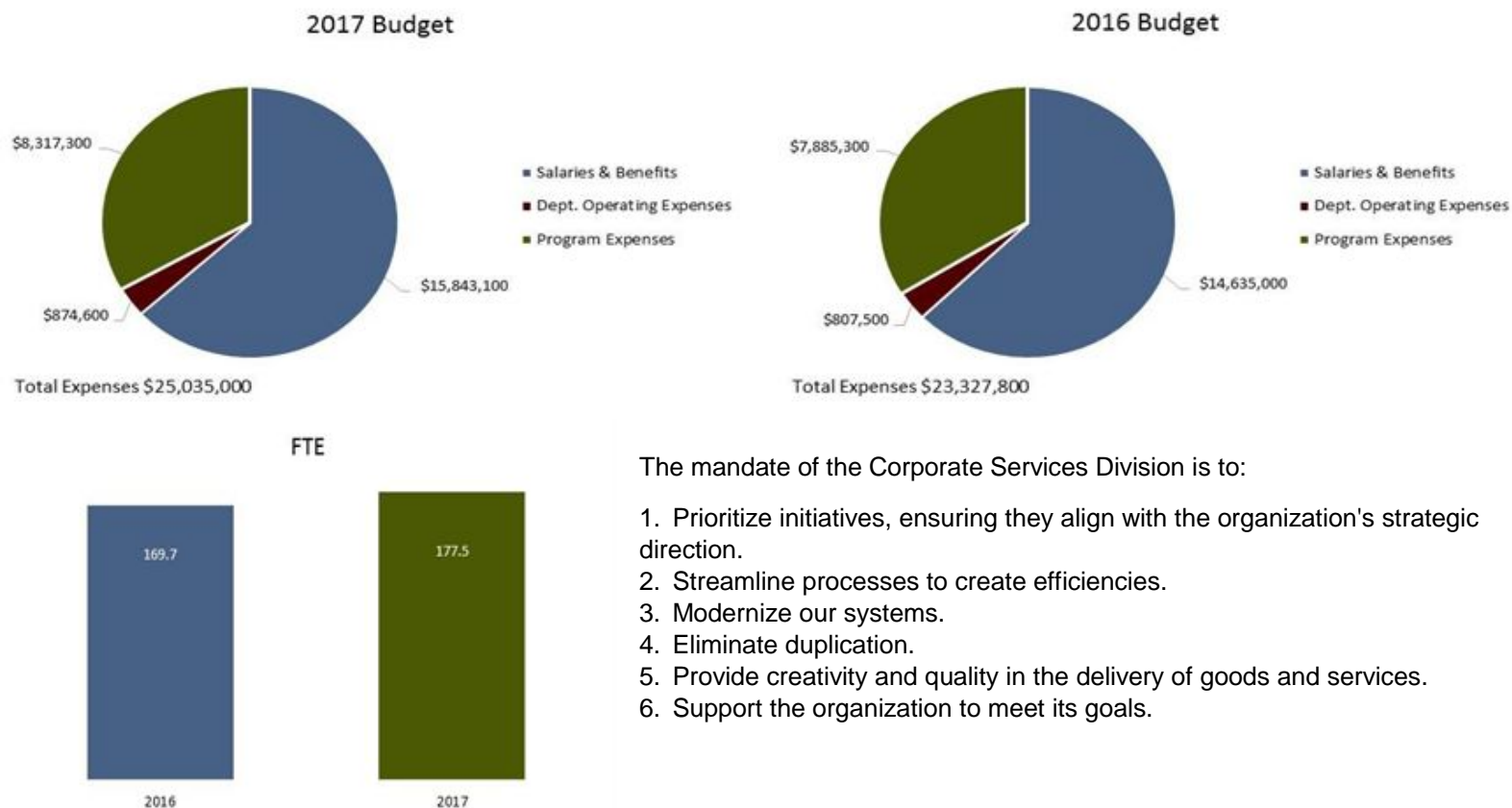
Products and services provided by the department

- ☐ Managing of high volume of media inquiries and spokesperson duties: Respond to daily media inquiries, manage their requests, provide information and act as spokesperson where appropriate on behalf of all departments within the Society
- ☐ Maintenance of a media contact and response database to improve the consistency and efficiency of responding to media inquiries
- ☐ Media Training/Preparation for interviews: For the Treasurer and key spokespersons at the Society, provide an interview brief with potential questions and answers and other considerations for the conduct of media interviews
- ☐ Proactive weekly media distribution of Tribunal Proceedings
- ☐ Daily Media Clipsheet: Assess and send relevant media clippings to Law Society staff and Benchers
- ☐ Media List Management: development and maintenance of a media contact lists and delivery of information
- ☐ Media monitoring: tracking the tone and frequency of Society coverage in traditional media and providing regular reports to senior management
- ☐ Speech Writing: Our department prepares remarks for the Treasurer, Benchers, CEO and members of SMT
- ☐ Issues Monitoring/Notes: The Society deals with a number of topics of interest to the public and to its members that can be at a minimum subject to healthy debate and at times highly contentious. It is our role to work with other departments to keep a live database of proposed messaging related to these issues
- ☐ Tracking and Analysis of Convocation and Committee reports. Issue analysis and production of Convocation News
- ☐ Translation of Materials and French Language Services Communications Support: Our department also manages some translation efforts and budget for our translators and French Languages Services Advisor who provide support for all necessary bilingual communications activities
- ☐ French Language Complaints Review and Responses Process
- ☐ Implementation of Integrated Strategic Communications Plan to support the Treasurer's key priorities and the Benchers' identified priorities in the 2015-2019 Strategic Plan.

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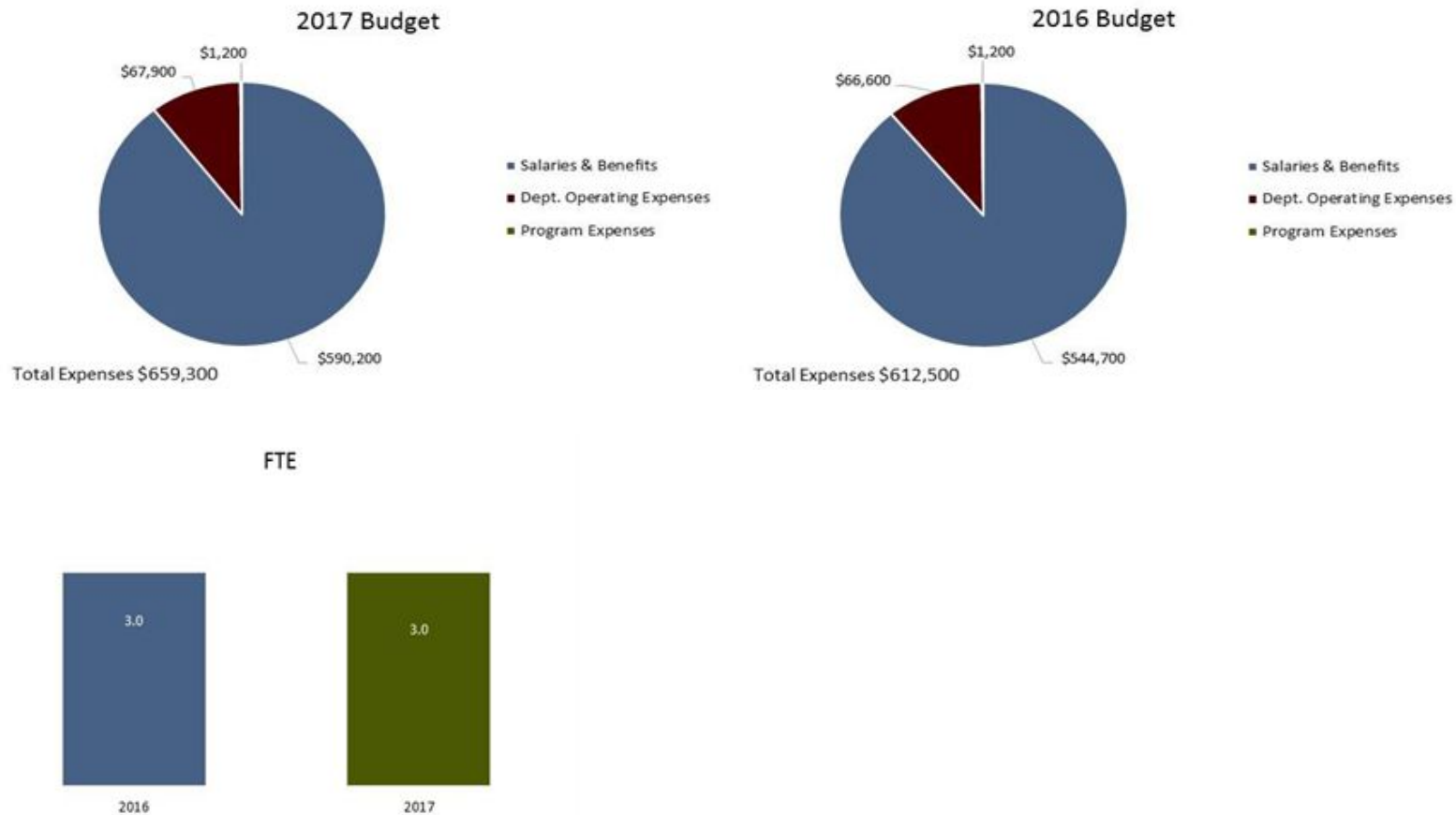
CORPORATE SERVICES

The Corporate Services Division is a collection of business units that offer a diverse range of services to both internal and external stakeholders, including: staff, licensees, members of the public and visitors to the building. However, what they all have in common is the provision of shared services that contribute to the effective operations of the Law Society.



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Executive Director's Office

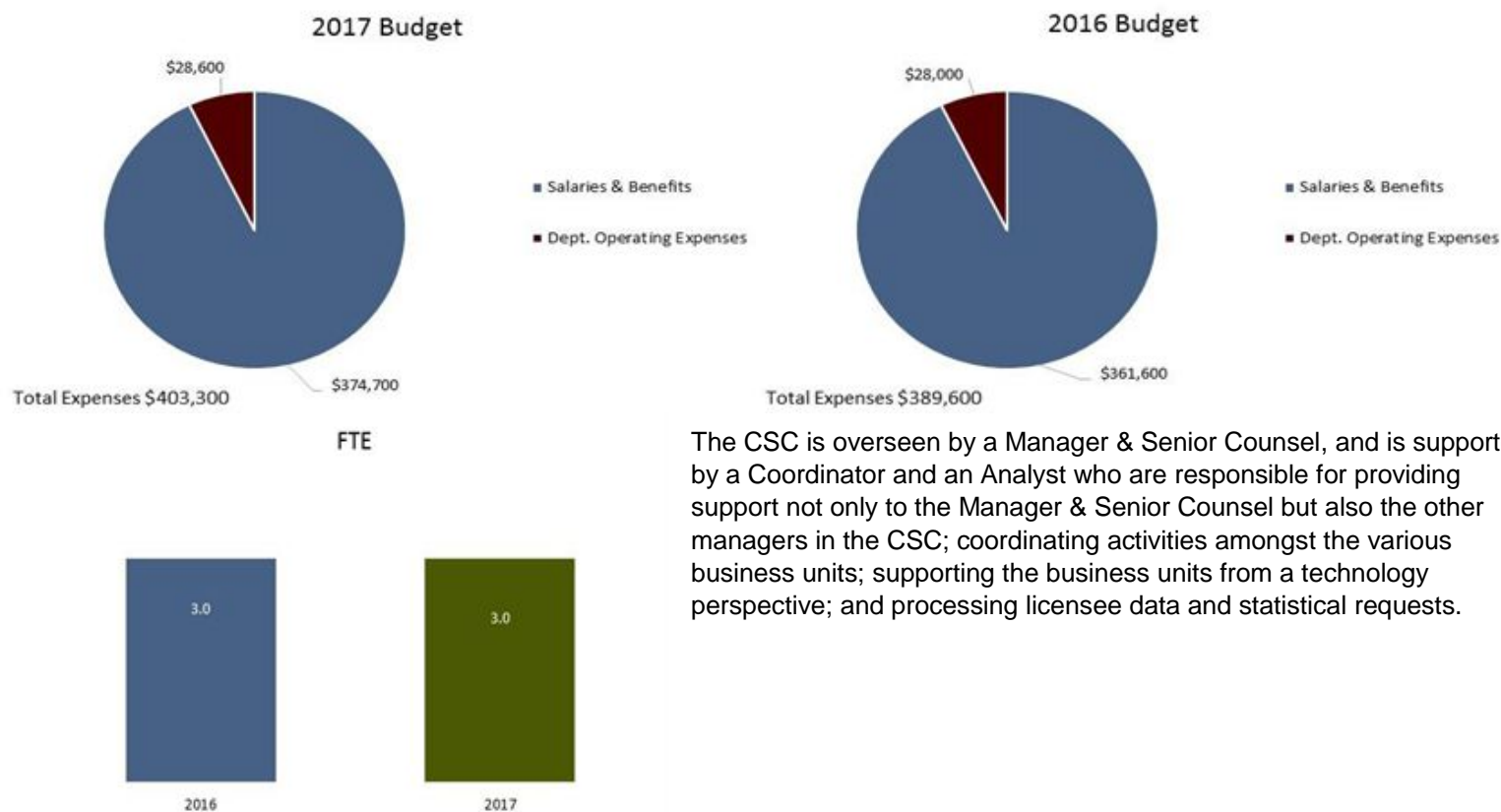


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CLIENT SERVICE CENTRE

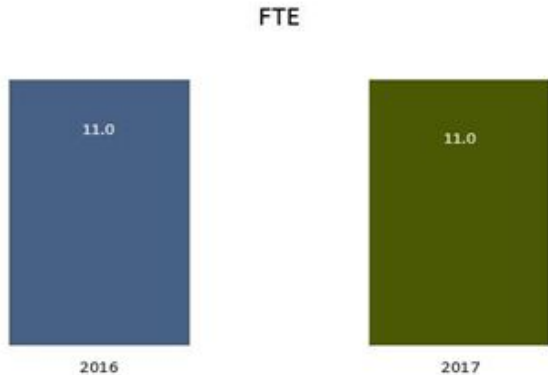
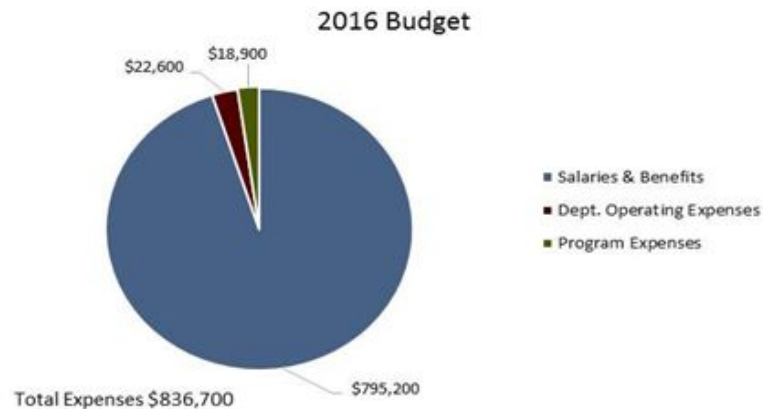
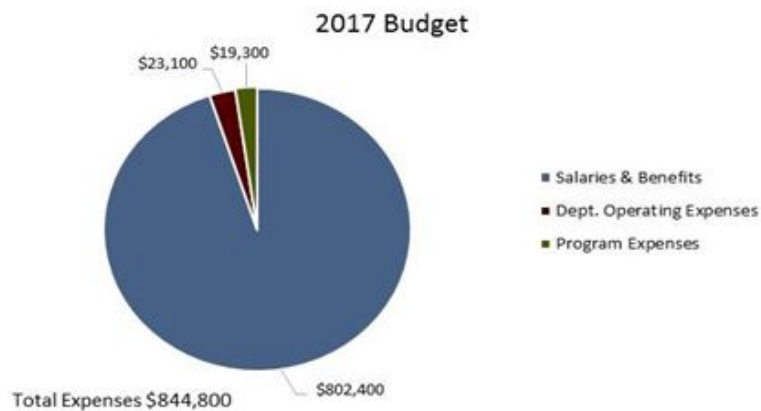
The Client Service Centre consolidates the various intake channels of the Law Society, handling most of the incoming calls and emails from licensees and from the general public. It is typically a person's first point of contact with the Law Society. The CSC consists of six business units, and is the largest area within Corporate Services.

Administration - Office of the Manager & Senior Counsel, CSC



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Call Centre, CSC



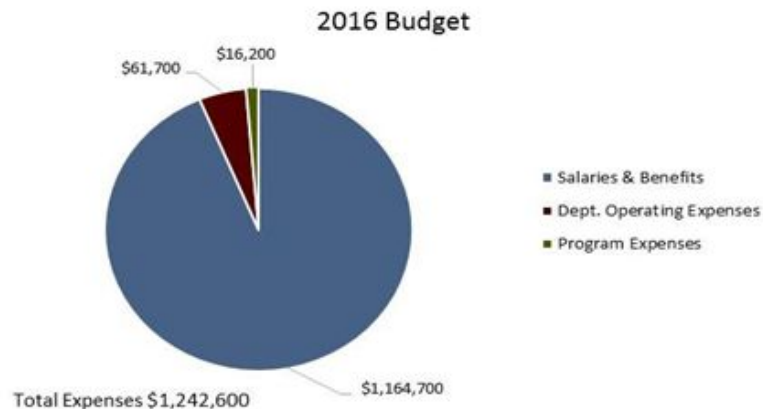
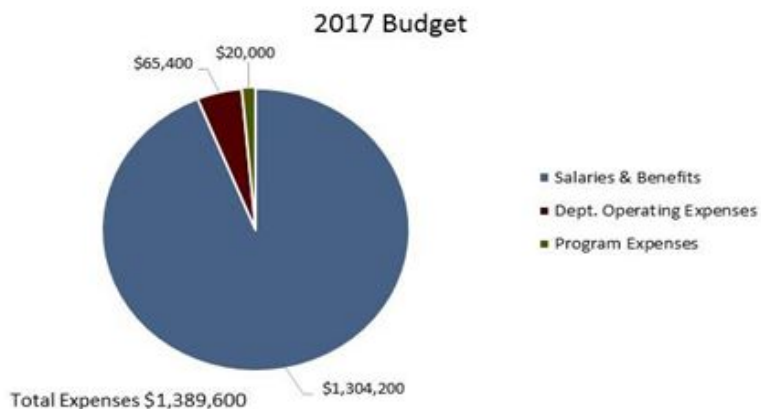
The Call Centre is the primary intake area for inbound phone calls to the Law Society.

There are three main call streams, depending on the nature of the call: Reception; Complaints Reception and the Resource Centre.

The Call Centre staff are well trained and have a broad range of knowledge of the Law Society's services. A typical day in the Call Centre will see approximately 700 calls handled by 9 Client Service Representatives.

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Membership Services, CSC



Membership Services is responsible for processing a significant volume of transactional work originating in the LSUC Portal, the Call Centre, and elsewhere. In 2015, Membership Services processed almost 110,000 transactions by mail, email, fax, phone, in person and through the Portal. These transactions included requests related to database changes, adjusted billings and refunds, window transactions, and other miscellaneous requests. In addition to being responsible for the maintenance of most of the database changes (name, address, mailing information, status changes, etc.) for lawyers and paralegals, they create and mail adjusted billings, which are also posted on the LSUC Portal for those licensees whose status changed during the year, triggering changes to their annual fees. Staff also assist licensees by phone, relating to various issues, including reporting CPD Hours.

Their responsibilities extend to the ongoing maintenance of a member file room for storage of hardcopy & scanned electronic licensee records, a service desk for payments and general inquiries, and a front desk providing reception services.

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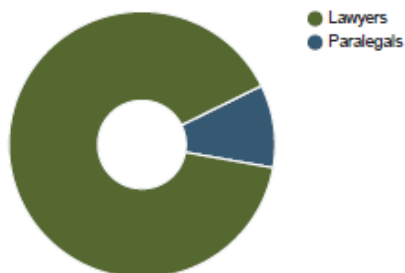
An analysis of this department has determined a need for one FTE Licensee, Assistant Manager position. This will allow the staff, currently 19 people, to be divided into two groups, one of which will focus on status and fee changes and the other on licensee contact information changes. There are both organizational and customer service reasons to have a licensee in management positions in Membership Services. The insight of a licensee in discussions about business structures, firm names, advertising, status, insurance and fee obligations is invaluable. In addition, having a licensee to handle escalated inquiries has historically been helpful in satisfying concerns.

The Assistant Manager position will have approximately 7 direct reports in the licensee information change group. He or she would speak to questions about the licensee's practice, including possible rule and by-law compliance issues relating to business structures or advertising.

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LAW SOCIETY REFERRAL SERVICE (“LSRS”)

LSRS referrals to lawyers and paralegals



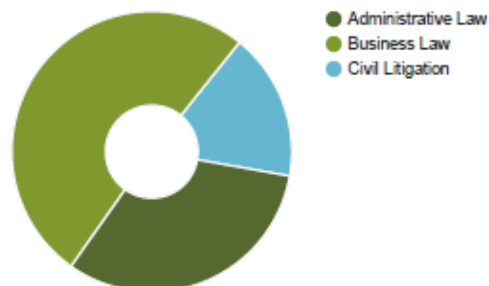
The Law Society Referral Service fills an important community need by connecting people looking for legal assistance with a lawyer or paralegal who will provide a free consultation of up to 30 minutes to help determine rights and options. With the internet playing an increasing role in making access to justice more widely available, LSRS has evolved into a strictly online service.

The public is requested not to use the online referral service if in crisis, for example if in custody. LSRS is adding 1 FTE Legal Information Officer position which will assist in handling all incoming calls to the crisis line, ensuring timely responses to e-mails received, as well as processing administrative work.

LSRS referrals by area of law: Lawyers

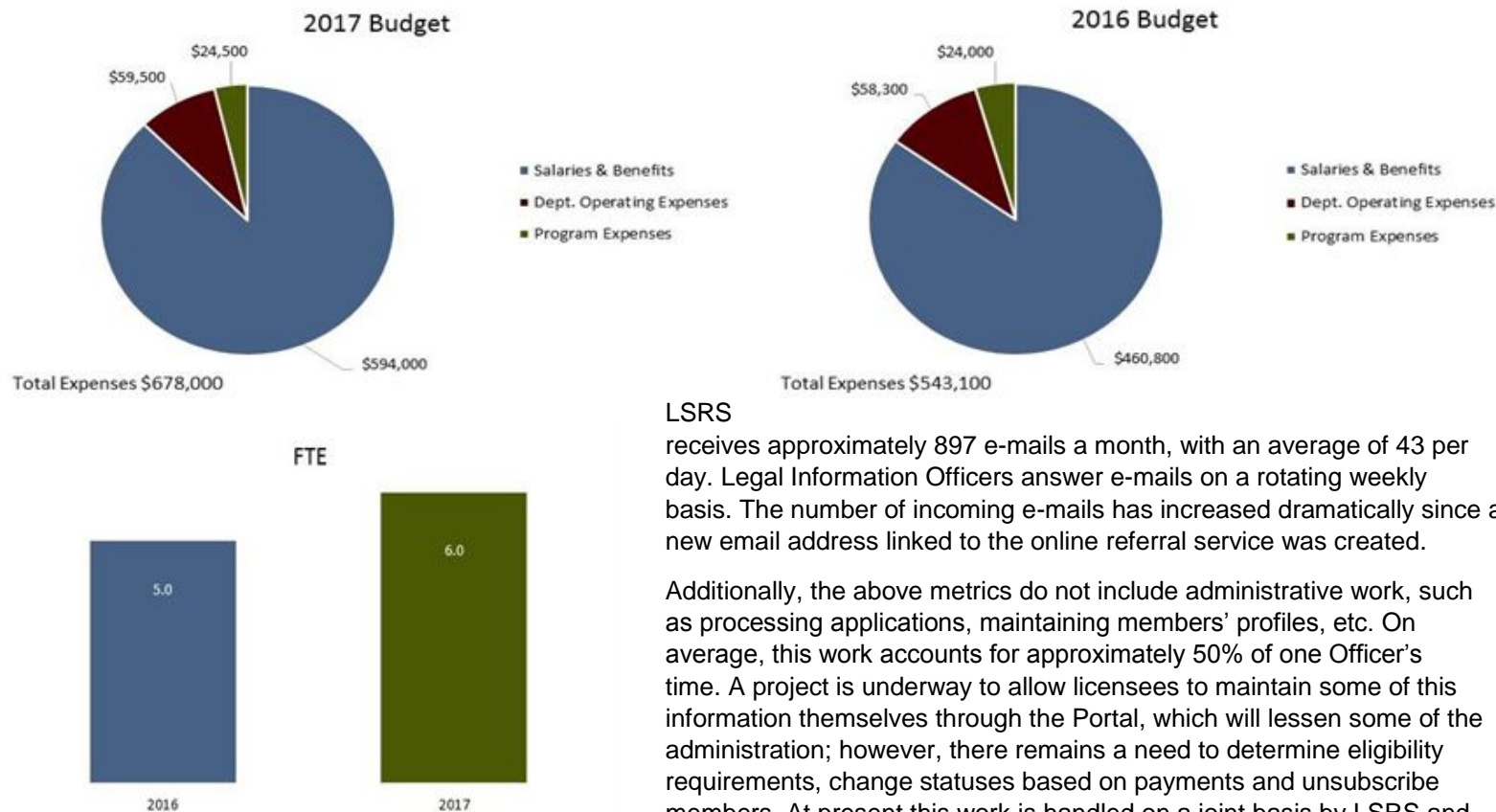


LSRS referrals by area of law: Paralegals



LSRS receives an average 2,818 calls per month (based on January to July), with an average call answer rate of approximately 80%. There is no comparable time period because the online service took effect March 9, 2015; however, there has been an upward trend in the number of incoming calls to the crisis line. The Law Society also makes the crisis line available to members of the public who live in remote areas without access to the internet.

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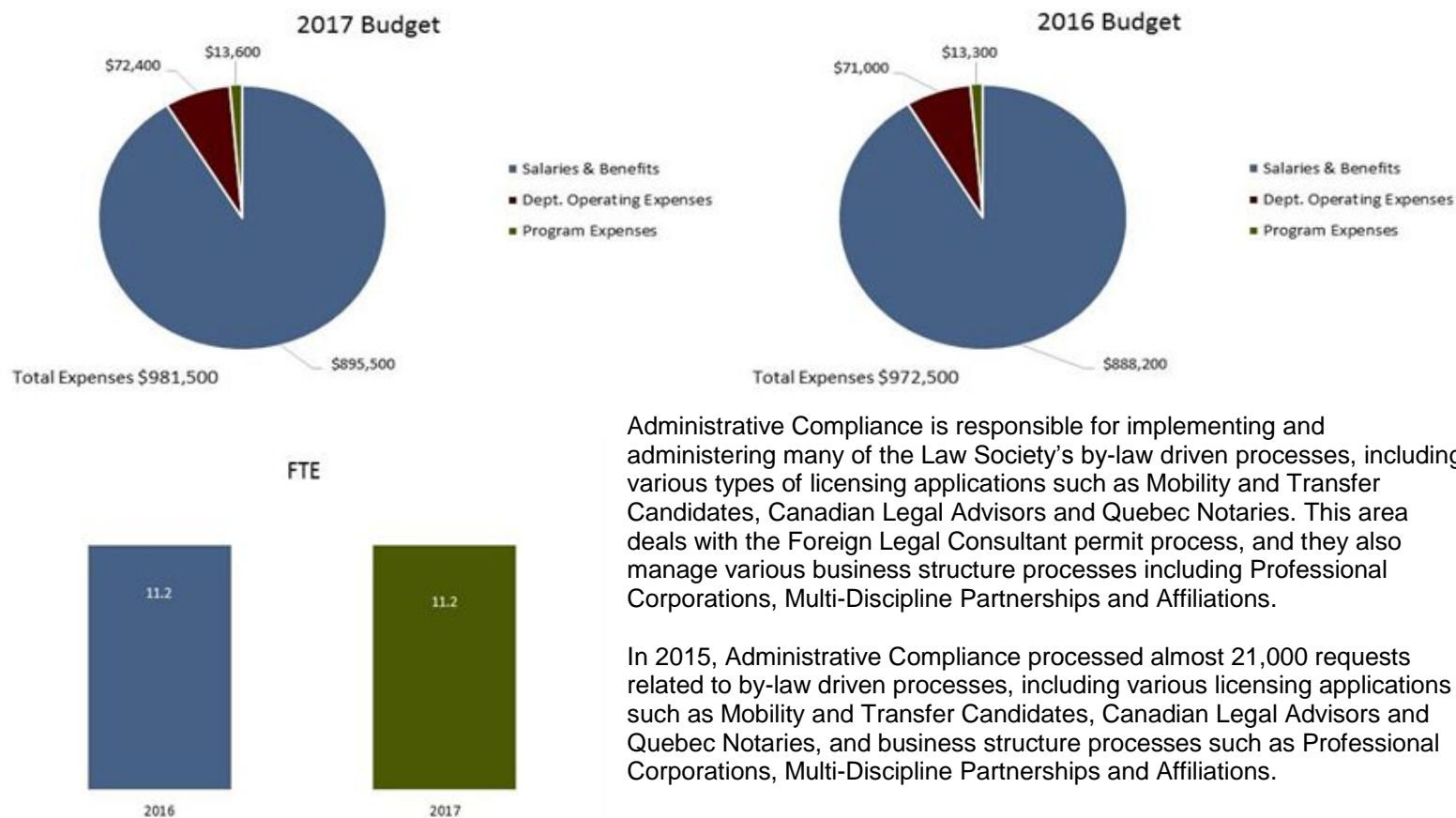
LSRS

receives approximately 897 e-mails a month, with an average of 43 per day. Legal Information Officers answer e-mails on a rotating weekly basis. The number of incoming e-mails has increased dramatically since a new email address linked to the online referral service was created.

Additionally, the above metrics do not include administrative work, such as processing applications, maintaining members' profiles, etc. On average, this work accounts for approximately 50% of one Officer's time. A project is underway to allow licensees to maintain some of this information themselves through the Portal, which will lessen some of the administration; however, there remains a need to determine eligibility requirements, change statuses based on payments and unsubscribe members. At present this work is handled on a joint basis by LSRS and CSC Administration staff.

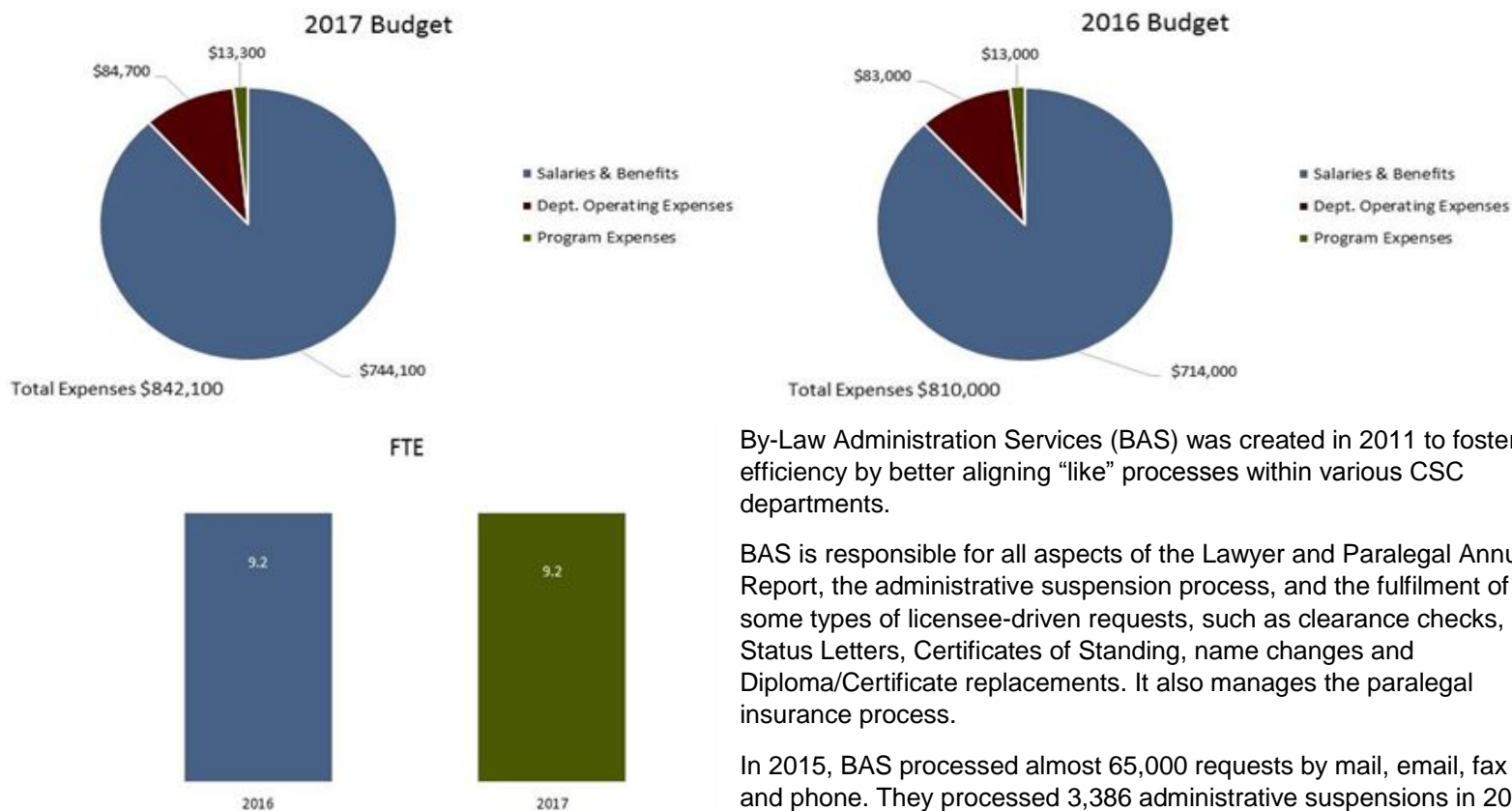
THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Administrative Compliance, CSC



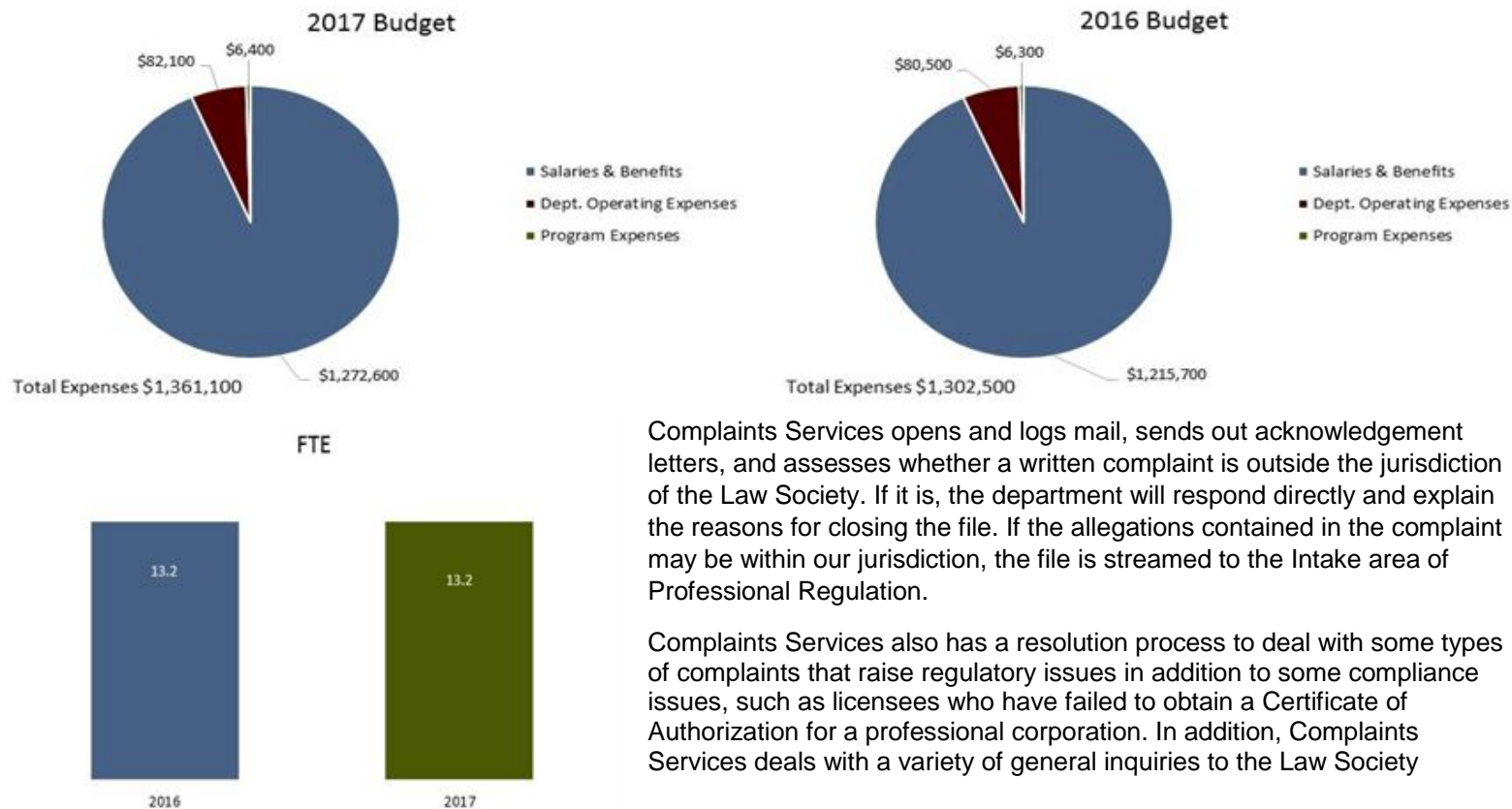
THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

By-Law Administration Services, CSC



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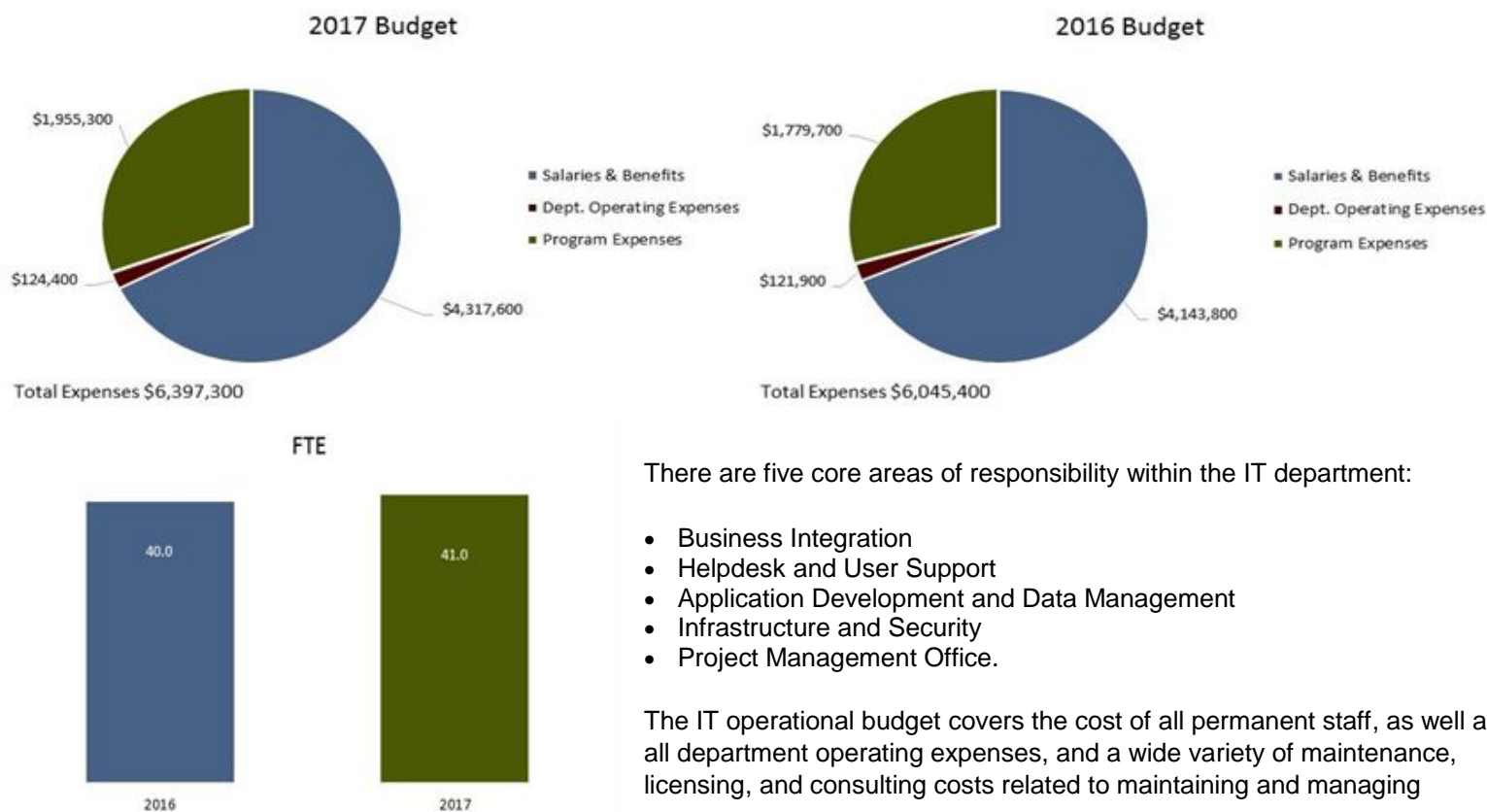
Complaints Services, CSC



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INFORMATION TECHNOLOGY (“IT”)

Information Technology (IT) is responsible for designing, implementing, and maintaining the organization's technology systems, business applications, and data management systems, according to professional standards and best practices, while ensuring their confidentiality, integrity, and availability.



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operational systems. The IT capital budget covers the cost of an approved list both business-related and infrastructure projects, often related to the implementation of new systems or major upgrades to existing ones, with clients from every LSUC division.

Operational Budget 2017

In 2017, the proposed IT operational budget is \$6.4 million (2016: \$5.7 million). In 2017, staffing is increasing by one FTE Helpdesk Analyst position and one summer student position.

Sixty percent of the approximately 700 incoming tickets per month are solved at the Helpdesk level, and do not need to be delegated or escalated to another area. In addition, the Helpdesk processes an average of 22 employee new/delete/update requests and 77 audiovisual (AV) setup requests per month. In this way, the Helpdesk directly contributes to the productivity of the entire organization.

While there are initiatives to reduce the Helpdesk workload in some areas—for example by outfitting meeting rooms with permanent presentation AV equipment—it is clear that in order to handle the consistently high volume of requests, to maintain or increase service levels, and also in order to provide coverage between 8:00am and 5:00pm, two full-time Helpdesk staff are required.

Our service goals are to maintain or increase the percentage of tickets resolved by the Helpdesk, to consistently attain a calls answered percentage of 80% or higher, and to improve our on-time completion of employee new / delete / update requests through process improvement and automation.

The Equipment Maintenance budget in 2017 has been increased by \$50,000, as these costs exceeded budget in 2016 due to infrastructure aging.

\$100,000 in 2017 is required for Software Licenses, to cover the agreement for server software as well as the annual cost of various security and server monitoring software.

\$100,000 is needed to complete the website redesign implementation project. The design phase will be completed in 2016.

Capital Budget 2017

The capital budget envelope for 2017 is \$1.3 million, which is a portion of the \$8 million capital allocation to IT in 2014. Originally a three-year allocation (2014, 2015, and 2016), in 2015 the time period was extended by two years, making it a five-year allocation (including 2017 and 2018). In 2017, in addition to the \$1.3 million, there will be a roll-over of \$75,000 from the 2016 capital budget to fund data storage expansion in 2017.

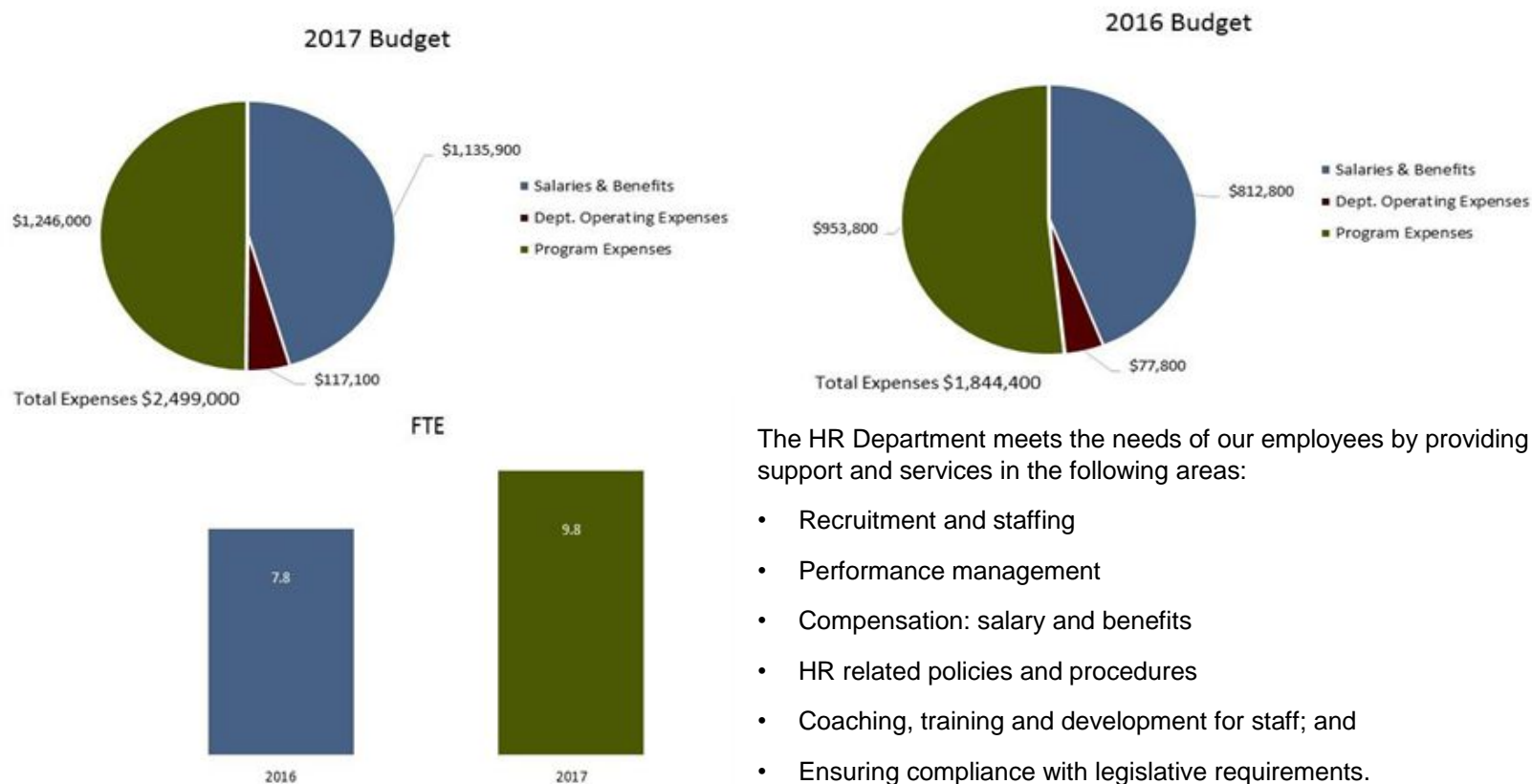
THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

The Relationship Management System project (RMS), will be managed as a standalone capital project starting in 2017 - separate from the five-year capital IT allocation. The required capital funding for the RMS for 2017 is \$2,052,000.

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HUMAN RESOURCES (“HR”)

The Human Resources department provides assistance to all Law Society employees and responds to ongoing organizational change.



THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST**Operating Budget**

Over the past three years, there has been a steady increase in the number of employees at the Law Society, resulting in an increase in the volume of HR work. Currently, there are 558 employees at the Law Society, as well as a number of contracted and seconded staff. There are also plans to increase the organizational FTE in 2017 and potentially 2018. The increase in volume of work has been across the department, but predominantly in the HR Specialist and HR Representative positions. The increased work load is primarily in the following areas: onboarding process (including request for hire and status change processing); employee meetings for benefit-related program enrollment and leave of absence planning; job description creation and evaluation; as well as attendance administration (bi-weekly, quarterly, and annual processes),

In order to maintain current service levels and to fill positions in a timely and effective manner, the addition of two FTE positions, a HR Analyst and a HR Manager is proposed. The HR Analyst will have a focus on systems-related administration (Ceridian HPL, Synerion Direct, etc.), data integrity maintenance, as well as reporting and trend analysis. The Manager position will have two direct reports in an area of his/her expertise and will be responsible for that functional area of expertise. The Manager will also have specified divisional client groups.

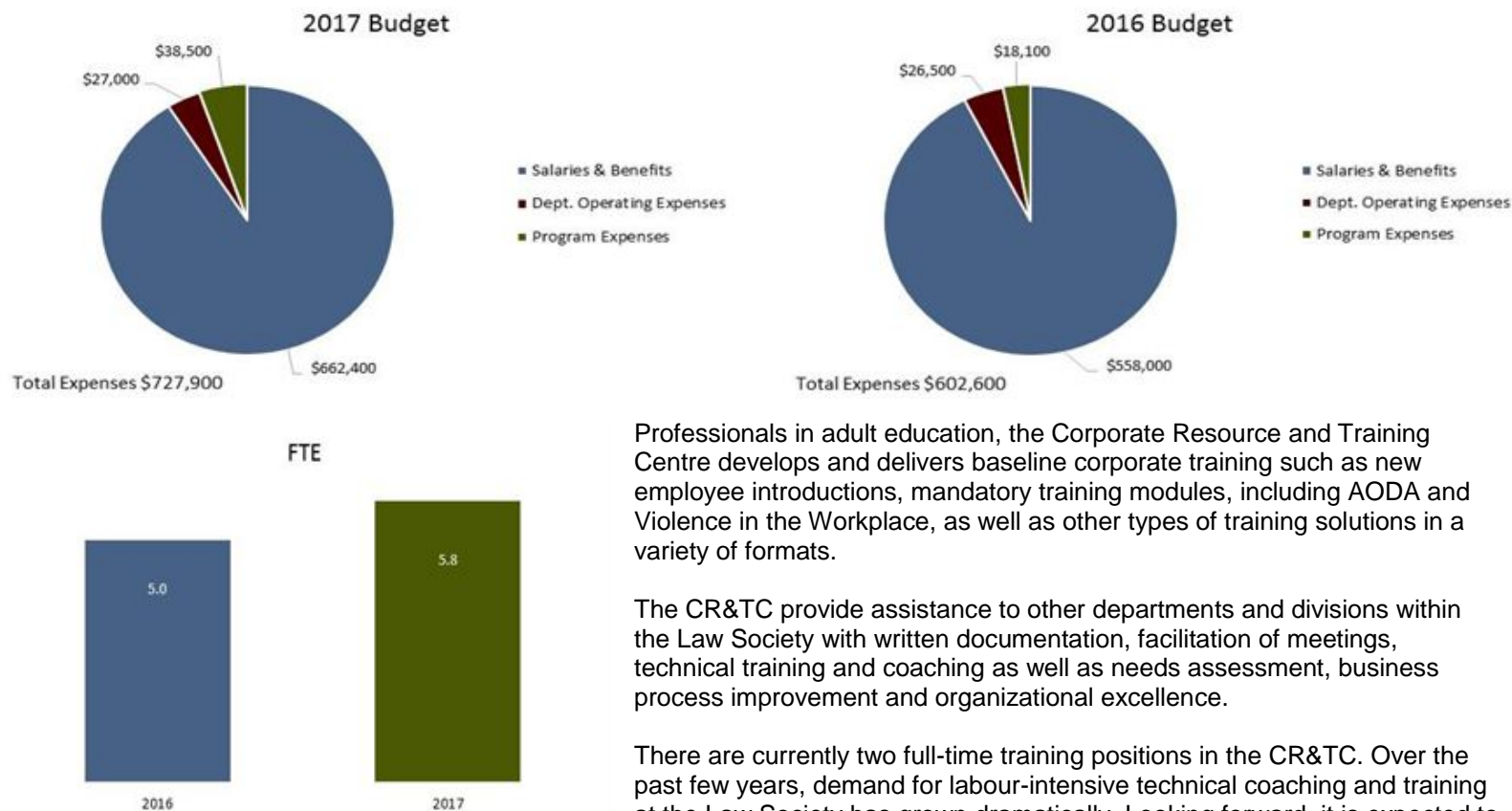
Program Budget

In changes to the proposed HR program budget, an increase of \$148,000 is requested for Harassment & Discrimination Prevention, Complaints and Mediation and a \$100,000 increase is requested for Agency Fees.

Finally, \$76,000 has been moved from Performance Management to LSUC Training to begin a program in talent management and succession planning for the organization, to facilitate development in staff and ensure organizational knowledge transfer.

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CORPORATE RESOURCE AND TRAINING CENTRE (“CR&TC”)



Professionals in adult education, the Corporate Resource and Training Centre develops and delivers baseline corporate training such as new employee introductions, mandatory training modules, including AODA and Violence in the Workplace, as well as other types of training solutions in a variety of formats.

The CR&TC provide assistance to other departments and divisions within the Law Society with written documentation, facilitation of meetings, technical training and coaching as well as needs assessment, business process improvement and organizational excellence.

There are currently two full-time training positions in the CR&TC. Over the past few years, demand for labour-intensive technical coaching and training at the Law Society has grown dramatically. Looking forward, it is expected to this trend will continue. There is also a much higher demand for e-learning modules and video production. While these delivery methods have many advantages, they are also quite time-consuming to produce compared to facilitated training. Currently, a trainer devotes about 70% of his time to the development of e-learning modules and this

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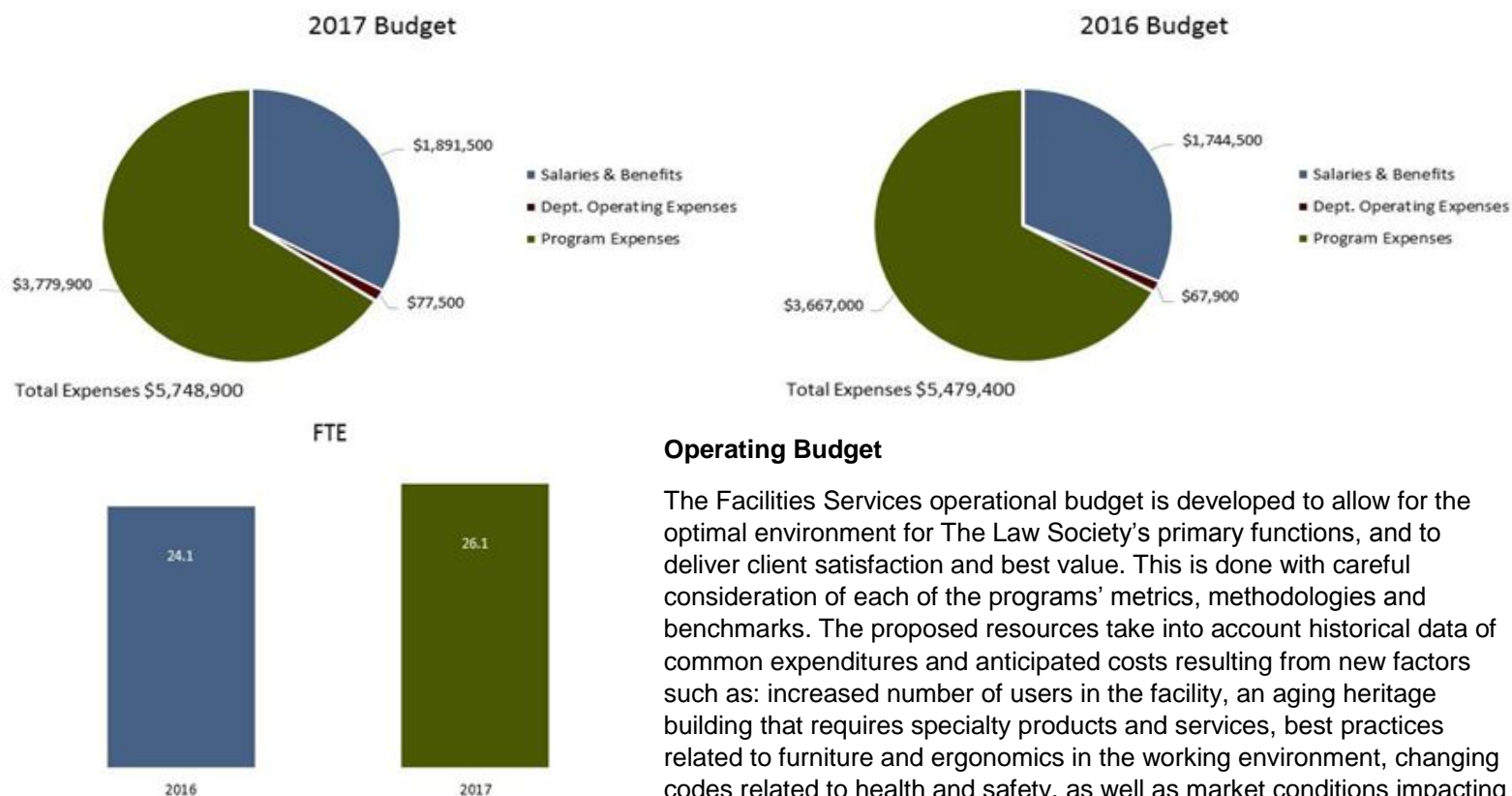
is expected to increase. There is an addition of one contract FTE Trainer position to assist in the development of e-learning modules and to augment the work of existing trainers in other areas.

The Law Society's Client Service Centre recently received the Canada Awards for Excellence Gold Trophy for a legacy Standard (Public Sector Quality). Plans are in place to move to the newer Excellence Innovation and Wellness standard and expand our certification drive to include the entire Corporate Services Division. An increase in funding to cover expenses associated with our Excellence drive – including the Law Society's Excellence Canada annual membership, the cost of applying for certification, employee training and various other expenses is included.

Recent technology projects such as "Time and Attendance" and SharePoint have already resulted in a marked increase in demand for the CR&TC's training and coaching resources. Over the next few years, plans for modernizing our I.T. infrastructure include an automated Expense Management system (1-2 year time frame) and the replacement of our AS/400 with a new Relationship Management system (3-5 year time frame). The latter project is a major undertaking that will touch virtually all areas of the Law Society and will require a significant commitment of additional training resources.

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FACILITIES SERVICES



Operating Budget

The Facilities Services operational budget is developed to allow for the optimal environment for The Law Society's primary functions, and to deliver client satisfaction and best value. This is done with careful consideration of each of the programs' metrics, methodologies and benchmarks. The proposed resources take into account historical data of common expenditures and anticipated costs resulting from new factors such as: increased number of users in the facility, an aging heritage building that requires specialty products and services, best practices related to furniture and ergonomics in the working environment, changing codes related to health and safety, as well as market conditions impacting general costs for materials and labour.

To accommodate a high volume of work and ensure a higher number of preventative maintenance projects are complete, which yield higher margins for potential saving, one new Senior Projects Lead position has been added. A Senior Projects Lead will ensure there is sufficient support for a growing number of Law Society staff and assist in addressing a growing list of deferred projects, resulting in

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

improved client services, timelines and project turnarounds. One additional FTE Security Guard position has been added to accommodate the increase in the number of events.

Capital Budget

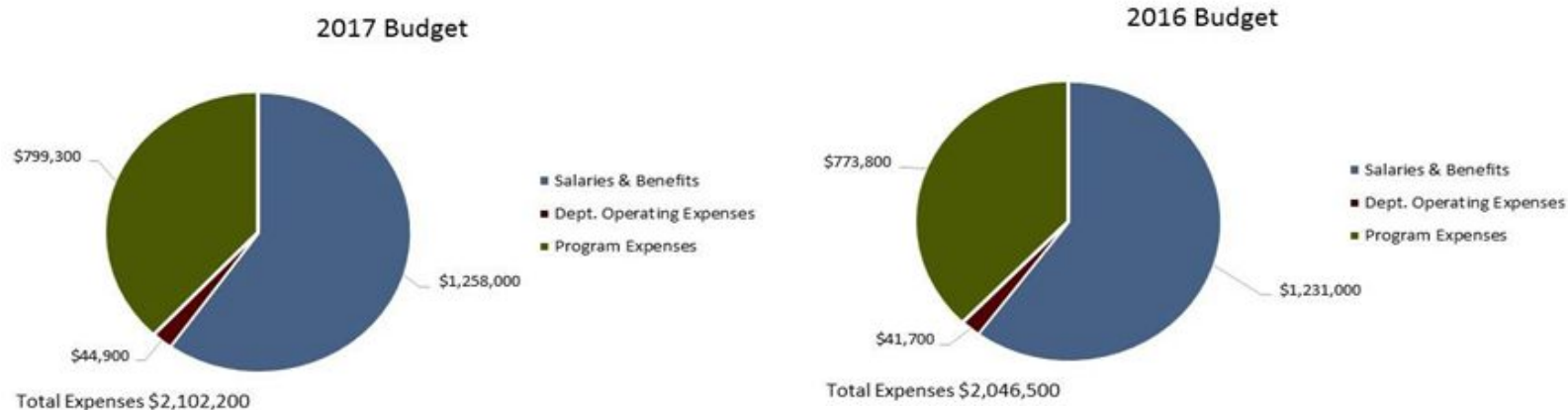
The Facilities Services capital budget for 2017 includes new projects as well as successive phases of ongoing projects started in 2016. The list of projects for 2017 is mainly preventative / reactive maintenance, critical for ensuring future cost savings by extending the performance lifecycle and avoiding early replacement.

2017 New Projects:

North Elevator Cab Interiors	\$60,000
Lighting Retrofit	\$75,000
Main Kitchen Flooring	\$100,000
T-Bar Ceiling	\$50,000
Technology (A/V) Convocation Hall	\$50,000
Washrooms Upgrades – various	\$100,000
Stone Repair N/E Corner	\$100,000
Security Mag Locks Upgrade	\$150,000
Osgoode Fence	\$500,000
Boardroom Infrastructure	\$250,000
Convocation Dining Chairs	\$100,000
Space Consolidation and Relocation	\$600,000
Workstation Replacement	\$325,000
Convocation Hall ceiling repairs	\$90,000
Contingency	\$175,000
Total	\$2,725,000

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CATERING



The primary function of the Society's Catering Department is to provide food services for internal and external meetings and events.

The department caters a variety of internal functions such as Continuing Professional Development programs, stakeholder education and outreach events as well as bench functions and staff meetings, averaging 1,500 catered events per year. In addition, Catering provides the venue for the Toronto Lawyers Feed the Hungry program, and contributes to its operation in a number of significant ways.

Responsibilities of the Catering Department also extend to the management of Osgoode Hall Restaurant.

There are small increases in the miscellaneous and advertising budgets. As the website for the Osgoode Hall Restaurant is now live, website hosting

and maintenance is required as part of the budget. The increased budgetary amounts for advertising will be used to have menu tastings, and print advertising in local periodicals.

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MEMBER ASSISTANCE PLAN

This confidential assistance program administered by Homewood Health, funded by the Society and LAWPRO, provides support to lawyers and paralegals in Ontario who are experiencing a professional or personal crisis. The program provides peer-to-peer counseling and other support services.

In 2017, our proposed operational budget for the program is \$400,000, unchanged from our 2016 operational budget

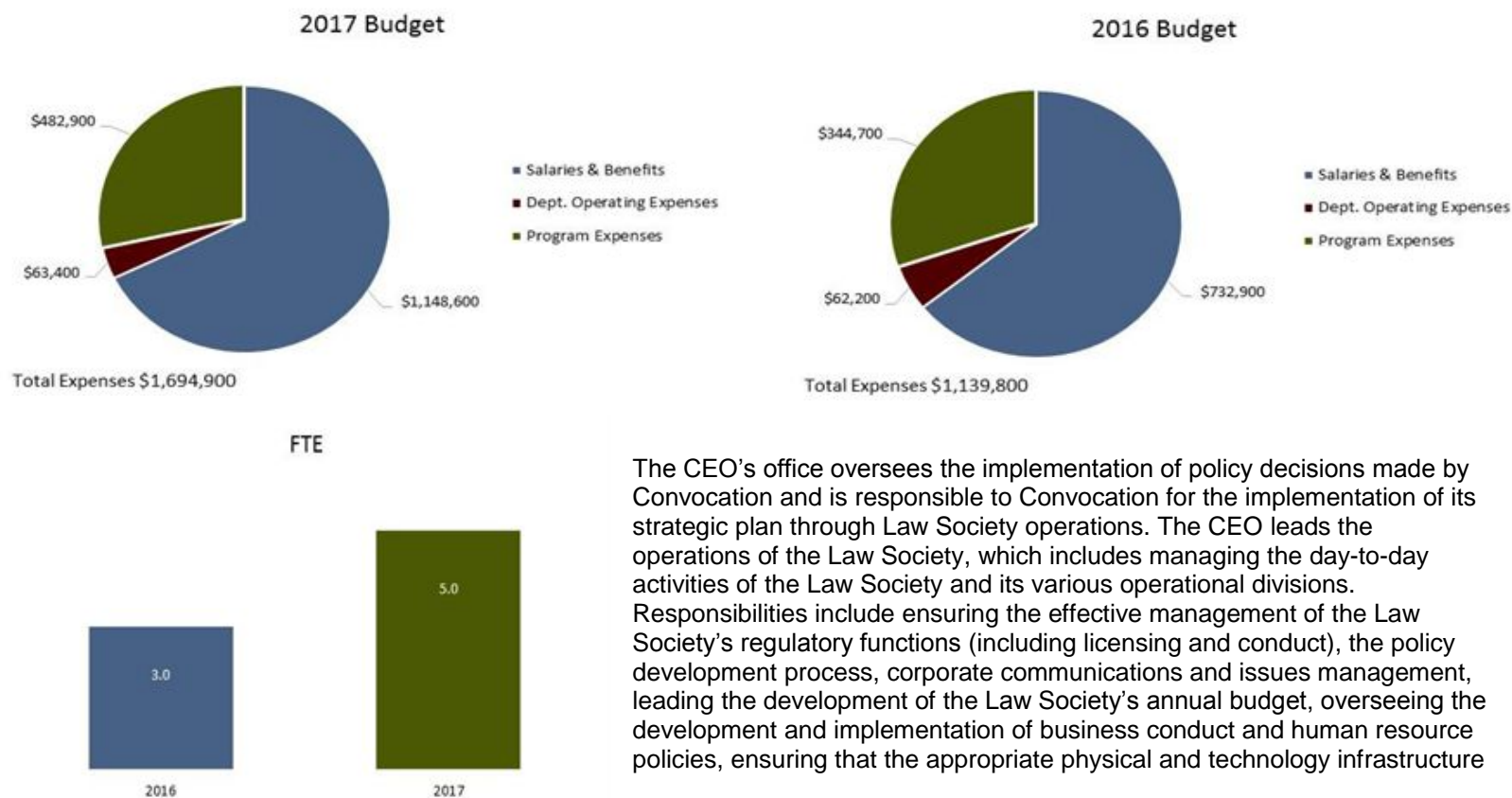
The Quarter 2 Statistical Report provided by Homewood Health indicated that based on usage for the period of January 1, 2016 to June 30, 2016, the projected yearly utilization rate for 2016 is 5.14%. If the projections are correct, this will be the highest usage rate since the program launch.

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CHIEF EXECUTIVE OFFICER

Mandate

The main activities that come under the Chief Executive Officer (“CEO”) are the operation of the office of the CEO and governance support activities.



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is in place to support the work of the Law Society and overseeing the work of general counsel. The CEO manages the operational divisions' Senior Management Executives as direct reports to the CEO.

The CEO is accountable to Convocation for fulfilling Convocation's policy objectives as established through the strategic plan and its priorities, and also fulfills an advisory role to the Treasurer and Convocation. The CEO provides reports at regular intervals to Convocation on the status of Law Society operations, including challenges and opportunities that arise, progress in achieving the Law Society's strategic priorities and the manner in which the Law Society's operations support its mandate to regulate in the public interest.

The CEO participates as the Law Society's most senior executive in the work of the Federation of Law Societies of Canada. The CEO also represents the Law Society, when called upon, as its senior executive in various provincial, national and international fora centered on the legal profession and its regulation, and ensures the appropriate management of various stakeholder relationships.

The CEO is also a member of the Board of Directors of LAWPRO.

The responsibilities of the Director, Office of the CEO and Corporate Secretary include managing governance functions such as the conduct of Benchers and Treasurer elections, the conduct of the Annual General Meeting, Convocation and other general Corporate Secretary functions.

The CEO's office also provides project and event planning, protocol, and logistic support to the Treasurer and the Treasurer's office.

BUDGET REQUIREMENT

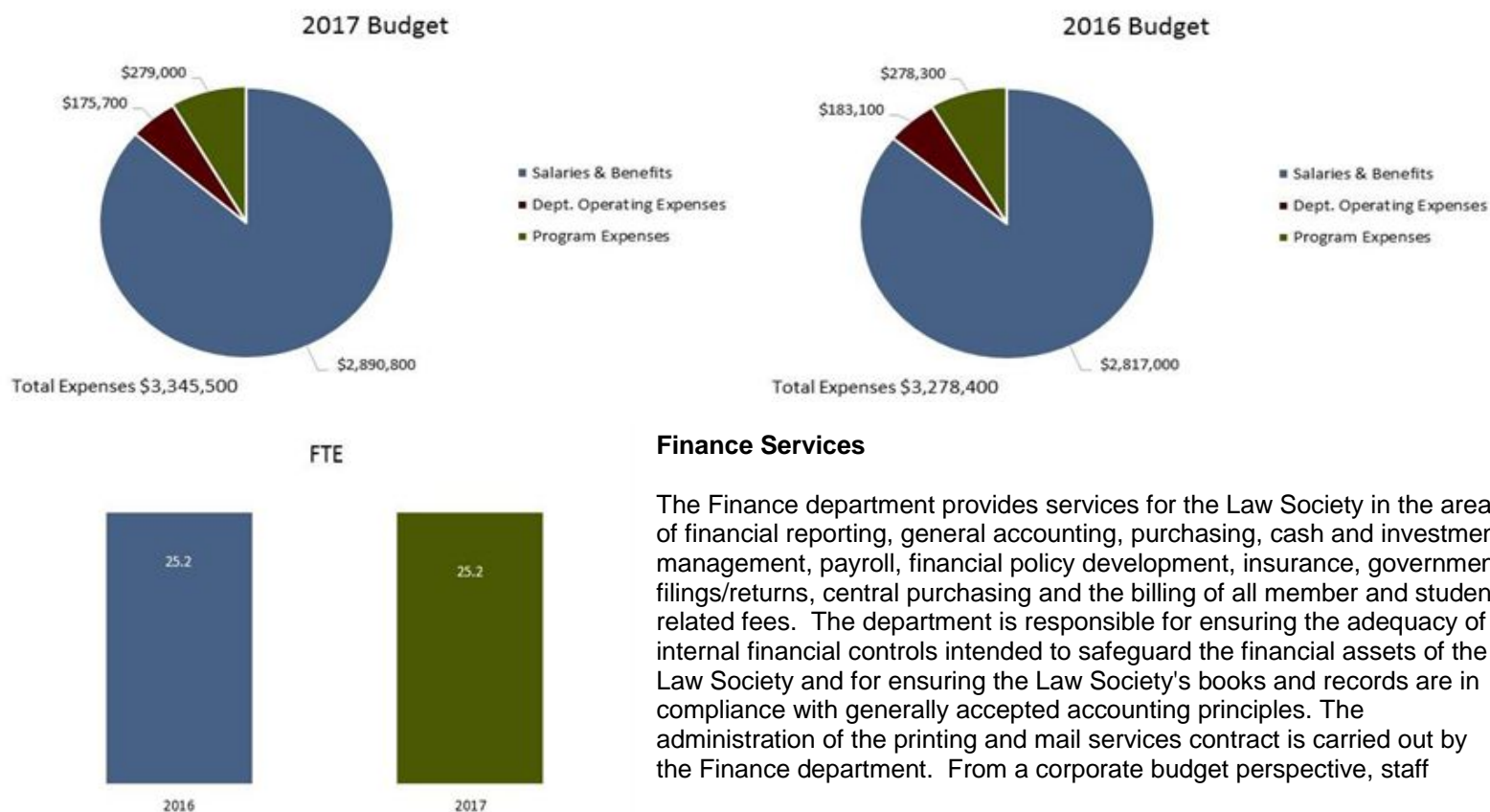
The employee count is five in 2017. With the addition of the new position of Director in the CEO's office in July 2016, salary budget associated with that position has been added and program expenses associated with the governance functions of the Director and administrative support, previously in Policy, have been moved to the CEO's office. Minor increases have been made in operating expenses as a result of the new Director's position and associated administrative support.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

FINANCE

The three main activities that come under Finance are the provision of administrative, accounting and finance services in support of:

- the Law Society of Upper Canada,
- LibraryCo Inc. ("LibraryCo"), and
- the Law Society Foundation ("Foundation").



THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

manage the Law Society's annual process for the lawyer, paralegal and capital budgets, develop budget policy options, track expenditures to budget throughout the year and provide assistance to departments in managing their individual budgets. In support of the Audit and Finance Committee, staff research developments related to financial policy and planning, presenting information and policy options for consideration by the Committee as well as research and prepare material for review by the Committee, at their request.

Under a Management Services Agreement signed between the Law Society of Upper Canada and LAWPRO in 2009, LAWPRO provides services with respect to the management of the Law Society's Errors and Omissions Insurance Fund. From a financial perspective, the services provided include the billing of members for premiums, cash and investment management, general accounting services, completion of some government filings/returns and the provision of information to support the Law Society's financial reporting. The Finance department works closely with LAWPRO's management team on financial reporting and audit matters.

LibraryCo Administration

Under the Administrative Services Agreement (ASA) signed in 2007 between the Law Society of Upper Canada and LibraryCo Inc., the Finance department provides administrative services to LibraryCo. In coordinating the annual budget process for LibraryCo, staff also liaise with the 48 county libraries in determining their budgetary needs as they relate to the funding provided by LibraryCo. In addition to salary costs, expenses are also incurred in the areas of professional membership fees, travel, office supplies, etc. These budgeted expenses are offset by revenue from LibraryCo, billed under the ASA, with the revenue recognized corporately.

Law Society Foundation Administration

The Finance department provides administrative and accounting services to the Foundation. Specifically, various staff are involved in supporting the Foundation through the provision of the following services: financial reporting, Board support, general accounting, accounts payable processing, cash and investment management, financial policy development, sourcing and ensuring adequate insurance coverage, completion of government filings and the issuance of income tax receipts in compliance with Canada Revenue Agency regulations. In addition, staff in Finance play an integral role in supporting the fundraising efforts of the Toronto Lawyers Feed the Hungry Program, a fund of the Foundation. In addition to supporting fundraising efforts of the Toronto program, staff liaise with volunteer program coordinators for the four other Lawyers Feed the Hungry Programs (operating in Barrie, London, Ottawa and Windsor) on financial and fundraising matters, ensuring compliance with Canada Revenue Agency requirements for charities.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Other

Other Finance department responsibilities include:

- Benchers expense reimbursement and Benchers remuneration administration
- Secretariat support to the Law Society's Audit and Finance Committee, LibraryCo's Audit and Finance Committee and the Foundation's Board of Trustees
- Financial analysis for policy decisions of Convocation and the Boards of LibraryCo and the Foundation
- Administration of the Parental Leave Assistance Program
- Coordinating the annual external audit and preparing annual audited financial statements for the Law Society, the Law Society Pension Fund, LibraryCo and the Foundation as well as quarterly financial reports for presentation to the relevant Committees and/or Boards
- Group benefits and investment management support to the Osgoode Society

Finance Department Initiatives

With development of the Member Portal and related systems that facilitate on-line self-service for lawyers and paralegals, Finance will continue to work with other stakeholder departments to augment the self-services options available to members through the Portal. Since implementing in 2015 the electronic distribution of the annual membership fee billing through the Portal and will begin providing members with annual tax receipts through their portal account for the 2016 taxation year.

With HR's implementation of a self-service employee time and attendance system in 2016, Finance will move forward with the next phase of the project which will aim to automate some of the current manual processes related to remuneration activity submissions for Benchers and adjudicators.

Finance is also moving forward with investigating options to streamline and automate the expense management process for employees, Benchers and adjudicators with a Request for Proposal ("RFP") issued in 2016. Provided the responses to the RFP allow for the selection of a vendor with a viable solution meeting the Law Society's needs, the intent is to have an expense management solution implemented by the end of 2017.

The Finance department continues to assess any changes to Generally Accepted Accounting Principles for Not-for-Profit organizations. Finance managers will continue to work closely with the external auditors for the Law Society, LibraryCo and the Foundation in implementing the necessary changes to financial reporting. Similarly, the Finance department, in conjunction with the

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

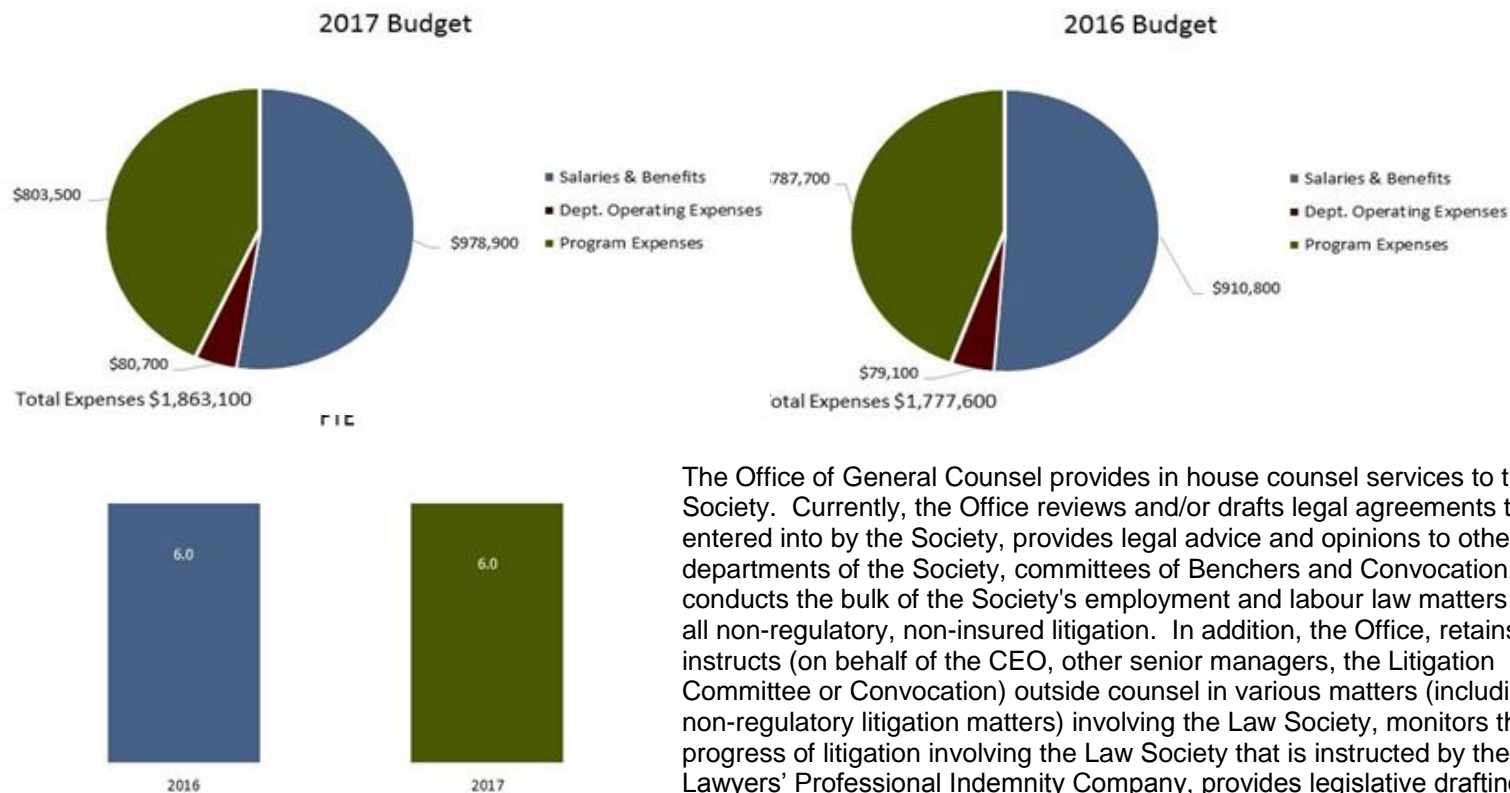
Office of General Counsel, will address any compliance issues with the Ontario Not-for-Profit Corporations Act and any possible impact on the Law Society, LibraryCo or the Foundation.

BUDGET REQUIREMENT

The employee count is 26 for the 2017 budget. The employee count remains unchanged but factors in the contract fundraising coordinator position for the Lawyers Feed the Hungry Program approved by Convocation. To continue to provide service to our stakeholders (Convocation, LibraryCo and Foundation Boards, Committees, departments, members, employees, the public, donors, etc.) and work on enhancing operations by improving customer service, financial reporting, internal controls and streamlining processes, the Finance department budget, consisting primarily of staffing costs is \$3.3 million (2016 - \$3.3 million).

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

OFFICE OF GENERAL COUNSEL

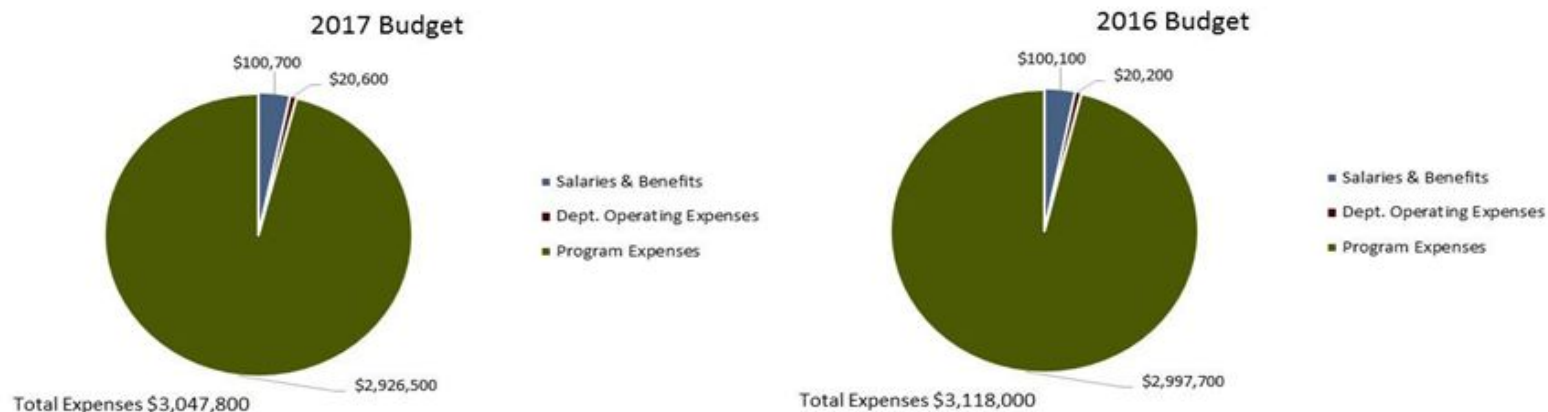


The Office of General Counsel provides in house counsel services to the Society. Currently, the Office reviews and/or drafts legal agreements to be entered into by the Society, provides legal advice and opinions to other departments of the Society, committees of Benchers and Convocation and conducts the bulk of the Society's employment and labour law matters and all non-regulatory, non-insured litigation. In addition, the Office, retains and instructs (on behalf of the CEO, other senior managers, the Litigation Committee or Convocation) outside counsel in various matters (including non-regulatory litigation matters) involving the Law Society, monitors the progress of litigation involving the Law Society that is instructed by the Lawyers' Professional Indemnity Company, provides legislative drafting services to committees of Benchers and Convocation (i.e., drafts by-laws

and regulations) and responds to general requests from licensees for access to information about them in the possession of the Society. The General Counsel is the Society's designated privacy officer.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

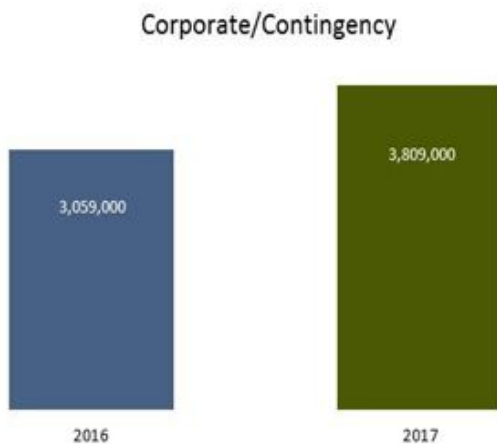
BENCHER/TREASURER



The total budget for Bencher and Treasurer expenses has remained relatively flat at \$3.1 million for 2017 with a slight decrease in Treasurer expenses offsetting inflationary increases. Bencher per diems are unchanged at \$585 per day / \$355 per half day.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

CORPORATE



Total corporate expense levels at \$3.8 million (2016 - \$3.1 million) include:

A contingency of \$1.0 million (2016 - \$1 million)

Stable insurance premiums and audit fees

Credit card fees \$929,000 (2016 - \$929,000).

A provision of \$500,000 for the licensee discount of \$50 to enroll in the annual preauthorized payment plan.

As noted in the Society's 2015 audited financial statements, the Society may be liable for costs regarding two Law Society professional misconduct proceedings. The awards could, at the upper end of the range, approach \$5 million. Because of the uncertainty about whether costs will be awarded, their amount and the timing of any awards, there has been no inclusion in the 2017 budget. If payments do occur they would be financed from the General Fund balance, significantly reducing the balance and limiting the Society's ability to mitigate fee increases by using the fund balance in the future.

THE LAW SOCIETY OF UPPER CANADA DRAFT 2017 BUDGET AND THREE YEAR FORECAST

Budget History 2008-2017

	Draft 2017 Budgeted Expenditures	2016 Budgeted Expenditures	2015 Budgeted Expenditures	2014 Budgeted Expenditures	2013 Budgeted Expenditures	2012 Budgeted Expenditures	2011 Budgeted Expenditures	2010 Budgeted Expenditures	2009* Budgeted Expenditures	2008 Budgeted Expenditures
1 Total Expenditures (000's)	\$ 121,399	\$ 110,690	\$ 109,014	\$ 106,273	\$ 103,444	\$ 99,482	\$ 92,514	\$ 86,615	\$ 81,918	\$ 77,122
2 Full Time Equivalent Employees (FTE)	579.8	554.9	545.9	552.2	558.6	552.2	523.7	493.1	466.0	434.3
3 FTE Annual Change	24.9	9.0	(6.3)	(6.4)	6.4	28.5	30.6	27.1	31.7	15.3
4 FTE Accumulated Change	160.8	135.9	126.9	133.2	139.6	133.2	104.7	74.1	47.0	15.3
5 Full Fee Equivalent (FFE) Lawyers	40,200	39,500	38,100	37,200	36,600	36,000	35,000	34,000	33,600	32,800
6 FFE Paralegals	5,600	5,050	4,700	4,350	4,050	3,400	3,200	2,800	2,400	-
7 Total FFE Licencees	45,800	44,550	42,800	41,550	40,650	39,400	38,200	36,800	36,000	32,800
8 General Lawyer Fee	\$ 1,329	\$ 1,371	\$ 1,370	\$ 1,376	\$ 1,340	\$ 1,326	\$ 1,292	\$ 1,211	\$ 1,212	\$ 1,143
9 LibraryCo Fee	194	194	202	202	205	203	196	203	220	235
10 Compensation Fund	289	254	225	238	221	222	222	257	226	200
11 Capital Fund	104	47	69	50	85	75	75	65	45	75
12 Total Other Fees	\$ 587	\$ 495	\$ 496	\$ 490	\$ 511	\$ 500	\$ 493	\$ 525	\$ 491	\$ 510
13 Total Lawyer Fee	\$ 1,916	\$ 1,866	\$ 1,866	\$ 1,866	\$ 1,851	\$ 1,826	\$ 1,785	\$ 1,736	\$ 1,703	\$ 1,653
14 General Paralegal Fee	\$ 788	\$ 810	\$ 804	\$ 796	\$ 758	\$ 693	\$ 711	\$ 685	\$ 710	
15 Compensation Fund	154	139	123	150	153	214	171	183	145	
16 Capital Fund	104	47	69	50	85	75	75	65	45	
17 Total Other Fees	\$ 258	\$ 186	\$ 192	\$ 200	\$ 238	\$ 289	\$ 246	\$ 248	\$ 190	
18 Total Paralegal Fee	\$ 1,046	\$ 996	\$ 996	\$ 996	\$ 996	\$ 982	\$ 957	\$ 933	\$ 900	

* 2009 first full year of paralegal regulation - 2008 represents lawyers only

REPORT FOR INFORMATION

TAB 3.3

TAB 3.3.1

FOR INFORMATION

PERFORMANCE OF PORTFOLIO MANAGER

29. **Convocation is requested to receive a report on the performance of the Law Society's long-term investments for the six months to June 30, 2016 for information.**

Rationale

30. Under the Law Society's Investment Policy, the Audit & Finance Committee shall periodically report to Convocation on the investment returns of the portfolio investments. The Law Society's long-term investments, totaling \$65 million at the end of June, are divided into three portfolios for the General Fund (June 30, 2016: \$15.4 million), the Compensation Fund (June 30, 2016: \$30.1 million), and the Errors & Omissions Insurance Fund (June 30, 2016: \$20.3 million). All the investments are managed by Foyston Gordon & Payne under the same investment policy.
31. Approximately 20% of the portfolio administered is held in equity investments with the balance in fixed income securities.
32. We receive biannual reports on investment performance from AON Hewitt, our investment consultants. The Investment Monitoring Report as at June 30, 2016 is provided.

Key Issues and Considerations

33. According to the Investment Policy, the Portfolio Manager's benchmarks are:
- a) By asset class
to outperform the appropriate market index return
 - b) By benchmark portfolio
to outperform a static benchmark portfolio consisting of the benchmark of the asset mix ranges (i.e., a portfolio consisting of 85% of the FTSE TMX Short-Term Bond Index total return, and 15% of the total return of the S&P/TSX Composite Index, over a four year moving average or complete market cycle).
34. According to the AON report, the Portfolio Manager's overall gross return over the 4-year period ending 30 June 2016 was 3.82%, outperforming the benchmark by 0.54%. Over the most recent 6-month period, the Fund underperformed its benchmark by 0.11%, with a return of 2.25% and this will be monitored.
35. The second quarter financial statements show total investment income of \$986,000 for the year to date.

Aon Hewitt
Investment Consulting

Streamlined Performance Review and Investment Manager Evaluation

*Law Society of Upper Canada:
Errors & Omissions Insurance Fund, Compensation Fund and General Fund*

Semi-Annual Period Ending 30 June 2016

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Executive Summary

Executive Summary

Commentary and Recommendations

As of 30 June 2016

	Comments	Recommendations
E&O Insurance Fund Performance	<ul style="list-style-type: none"> The overall gross return over the 4-year period ending 30 June 2016 was 3.82%, outperforming the benchmark by 0.54%. Over the most recent 6-month period, the Fund underperformed its benchmark by 0.11%, with a return of 2.25%. Strong stock selection in the industrials sector contributed to performance, as did the portfolio's underweight position in the consumer staples sector. Stock selection in the energy sector detracted from performance, as did the portfolio's absence from the gold sub-sector. The portfolio's overweight position in corporate bonds relative to the benchmark contributed to performance as corporate bonds outperformed Government of Canada bonds. The portfolio's underweight position in energy bonds detracted from performance, as did the portfolio's underweight position in corporate BBB bonds. 	<ul style="list-style-type: none"> No action is required.
Compensation Fund Performance	<ul style="list-style-type: none"> The overall gross return over the 4-year period ending 30 June 2016 was 3.81%, outperforming the benchmark by 0.53%. Over the most recent 6-month period, the Fund underperformed its benchmark by 0.14% with a return of 2.22%. Performance attribution comments for this Fund are the same as the E&O Insurance Fund comments above. 	<ul style="list-style-type: none"> No action is required.
General Fund Performance	<ul style="list-style-type: none"> The overall gross return over the 4-year period ending 30 June 2016 was 3.80%, outperforming the benchmark by 0.52%. Over the most recent 6-month period, the Fund underperformed its benchmark by 0.13% with a return of 2.23%. Performance attribution comments for this Fund are the same as the E&O Insurance Fund comments above. 	<ul style="list-style-type: none"> No action is required.

Executive Summary

Commentary and Recommendations

As of 30 June 2016

Portfolio Rebalancing	<ul style="list-style-type: none"> All asset classes were within their allowable ranges as at 30 June 2016. 	<ul style="list-style-type: none"> No action is required.
Statement of Investment Policies and Procedures (SIPP)	<ul style="list-style-type: none"> The SIPP was last updated in May 2016. The Compliance Summary was revised, accordingly. 	<ul style="list-style-type: none"> The SIPP should be reviewed and updated annually and any changes to the Plan's investment policies should be reflected accordingly.
Foyston, Gordon & Payne (FGP)	<ul style="list-style-type: none"> Tom Duncanson was promoted to Senior Research Analyst & Portfolio Manager of Canadian equities effective 1 January 2016. He will co-manage FGP's small cap mandates with Bryan Pilsworth who will retain the lead responsibility on portfolio decision-making. 	<ul style="list-style-type: none"> Continue to monitor.

Executive Summary

Latest Thinking

During the last quarter, we have produced papers on the following topics. Although these topics may not be directly applicable to your Fund, they may be of general interest and provide some insight into Aon Hewitt's global research. For hard copies of the papers, or for more details, please contact your Aon Hewitt Investment Consultant.

Topic	Summary
Revisiting the Hedge Path	<p>A hedge path refers to a transition plan to gradually decrease the mismatch between assets and liabilities over time based on certain triggers, such as the level of interest rates and/or funding ratios. A hedge path can be an efficient tool for aligning the fixed income portfolio with liabilities in an orderly manner. However, as with all investment strategies, it should be reviewed periodically to account for changes in economic conditions, objectives and other circumstances to ensure it remains appropriate. This paper looks at the various forms a hedge path can take, along with several courses of action available for plan sponsors.</p> <p>www.aon.ca/pubs/ii/2016/revisiting_the_hedge_path.pdf</p>
Actively Emerging: Opportunities in Debt	<p>Emerging market debt (EMD) offers higher yields relative to developed market debt to compensate investors for domestic risks including political upheavals, volatile growth and currency fluctuations. More recently, EMD performance has been driven by factors including economic slowdown in China, falling commodity prices and uncertainty surrounding US interest rate rises.</p> <p>This paper, written in the UK, discusses EMD as a potentially attractive source of return for active managers. The active investment approach includes rigorous top down and bottom up analysis to identify individual emerging market countries with compelling risk/reward profiles.</p> <p>www.aon.ca/pubs/ii/Actively-Emerging-Opportunities-in-Debt.pdf</p>
US Core Private Real Estate	<p>U.S. real estate gross unlevered returns averaged 12% per annum (in USD) over the past five years, well above longer-term averages (7.9% for the last 30 years in USD). While we do not expect this above average performance to continue, we believe returns will remain relatively attractive and average around 5.5% per annum over the next three years (in USD).</p> <p>This paper, written in the U.S., discusses the absolute and relative valuations for U.S. core real estate and its attractiveness against other asset classes.</p> <p>http://www.aon.ca/pubs/ii/US-Core-Private-Real-Estate.pdf</p>
The UK decides to leave the EU	<p>In June 2016, the United Kingdom held a referendum to decide whether to leave or remain in the European Union, with the leave vote winning by a narrow margin. This note from Aon Hewitt's Global Asset Allocation team discusses implications of the vote and impacts on the financial markets.</p> <p>http://www.aon.ca/pubs/ii/The-UK-decides-to-leave-the-EU.pdf</p>

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Executive Summary

E&O Insurance Fund Asset Allocation and Annualized Performance

As of 30 June 2016

	Market Value (\$000)	%	Performance (%)								Inception Date
			6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	Since Inception		
E&O Insurance Fund (Gross)	21,342	100.0	2.25	0.82	1.04	3.45	3.82	3.45	3.91	1/04/2006	
E&O Insurance Fund Benchmark			2.36	1.35	2.06	3.59	3.28	2.96	3.39		
Value Added			-0.11	-0.53	-1.02	-0.14	0.54	0.49	0.52		
E&O Insurance Fund (Net)	21,342	100.0	2.19	0.70	0.91	3.32	3.69	3.32	3.77	1/04/2006	
E&O Insurance Fund Benchmark			2.36	1.35	2.06	3.59	3.28	2.96	3.39		
Value Added			-0.17	-0.65	-1.15	-0.27	0.41	0.36	0.38		
E&O Canadian Equities	3,731	17.5	9.10 (26)	-0.32 (47)	-2.96 (92)	7.22 (87)	10.56 (44)	6.14 (44)	5.44 (45)	1/04/2006	
S&P/TSX Capped Composite			9.84 (14)	-0.20 (46)	-0.68 (72)	8.27 (74)	8.17 (87)	4.21 (87)	4.45 (75)		
Value Added			-0.74	-0.12	-2.28	-1.05	2.39	1.93	0.99		
E&O Canadian Fixed Income	16,538	77.5	0.84 (96)	1.10 (99)	2.06 (98)	2.72 (63)	2.63 (39)	2.88 (54)	4.15 (1)	1/04/2006	
FTSE TMX Short Term Bond			1.07 (89)	1.56 (72)	2.49 (57)	2.73 (62)	2.39 (67)	2.67 (63)	3.83 (79)		
Value Added			-0.23	-0.46	-0.43	-0.01	0.24	0.21	0.32		
E&O Short-Term	1,072	5.0	0.32 (71)	0.65 (71)	0.82 (72)	0.90 (75)	0.96 (69)	0.96 (76)	0.89 (74)	1/10/2009	
FTSE TMX 91-Day T-Bill			0.25 (95)	0.49 (95)	0.68 (95)	0.78 (95)	0.83 (94)	0.86 (91)	0.80 (90)		
Value Added			0.07	0.16	0.14	0.12	0.13	0.10	0.09		

The total fund performance prior to 30 June 2009 includes a U.S. equities component.
 Parentheses contain percentile rankings.
 Returns for periods greater than one year are annualized.

Executive Summary

E&O Insurance Fund Annual Performance

As of 30 June

	Performance (%)										
	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006
E&O Insurance Fund (Gross)	0.82	1.25	8.45	4.94	1.98	6.54	7.43	-0.46	1.42	11.24	-
E&O Insurance Fund Benchmark	1.35	2.77	6.72	2.34	1.70	5.70	5.57	-0.80	2.82	8.39	-
Value Added	-0.53	-1.52	1.73	2.60	0.28	0.84	1.86	0.34	-1.40	2.85	-
E&O Insurance Fund (Net)	0.70	1.12	8.30	4.82	1.86	6.40	7.29	-0.66	1.26	11.03	-
E&O Insurance Fund Benchmark	1.35	2.77	6.72	2.34	1.70	5.70	5.57	-0.80	2.82	8.39	-
Value Added	-0.65	-1.65	1.58	2.48	0.16	0.70	1.72	0.14	-1.56	2.64	-
E&O Canadian Equities	-0.32 (47)	-5.53 (91)	30.89 (36)	21.21 (6)	-9.83 (50)	22.80 (25)	13.89 (23)	-18.85 (25)	-6.78 (95)	26.80 (24)	-
S&P/TSX Capped Composite	-0.20 (46)	-1.16 (69)	28.66 (69)	7.90 (95)	-10.25 (56)	20.87 (54)	11.95 (44)	-25.69 (62)	6.75 (31)	22.73 (62)	19.64 (43)
Value Added	-0.12	-4.37	2.23	13.31	0.42	1.93	1.94	6.84	-13.53	4.07	-
E&O Canadian Fixed Income	1.10 (99)	3.03 (80)	4.04 (1)	2.37 (1)	3.87 (65)	3.44 (40)	7.43 (1)	6.16 (100)	6.91 (7)	5.39 (1)	-
FTSE TMX Short Term Bond	1.56 (72)	3.43 (40)	3.21 (77)	1.36 (86)	3.80 (75)	3.16 (74)	4.31 (84)	8.02 (25)	6.46 (16)	4.02 (100)	0.09 (89)
Value Added	-0.46	-0.40	0.83	1.01	0.07	0.28	3.12	-1.86	0.45	1.37	-
E&O Short-Term	0.65 (71)	0.99 (69)	1.06 (70)	1.13 (60)	0.96 (81)	0.99 (56)	-	-	-	-	-
FTSE TMX 91-Day T-Bill	0.49 (95)	0.87 (96)	0.97 (93)	1.00 (79)	0.96 (81)	0.89 (85)	0.33 (77)	1.98 (67)	4.13 (75)	4.27 (67)	3.15 (78)
Value Added	0.16	0.12	0.09	0.13	0.00	0.10	-	-	-	-	-

The total fund performance prior to 30 June 2009 includes a U.S. equities component.
 Parentheses contain percentile rankings.

Executive Summary

Compensation Fund Asset Allocation and Annualized Performance

As of 30 June 2016

	Market Value (\$000)	%	Performance (%)							
			6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	Since Inception	Inception Date
Compensation Fund (Gross)	31,693	100.0	2.22	0.73	0.97	3.40	3.81	3.44	4.94	1/06/2003
Compensation Fund Benchmark			2.36	1.35	2.06	3.59	3.28	2.96	4.56	
Value Added			-0.14	-0.62	-1.09	-0.19	0.53	0.48	0.38	
Compensation Fund (Net)	31,693	100.0	2.16	0.61	0.85	3.27	3.68	3.31	4.84	1/06/2003
Compensation Fund Benchmark			2.36	1.35	2.06	3.59	3.28	2.96	4.56	
Value Added			-0.20	-0.74	-1.21	-0.32	0.40	0.35	0.28	
Compensation Canadian Equities	5,539	17.5	9.00 (27)	-0.53 (49)	-2.97 (93)	7.23 (87)	10.57 (43)	6.15 (44)	9.63 (37)	1/06/2003
S&P/TSX Capped Composite			9.84 (14)	-0.20 (46)	-0.68 (72)	8.27 (74)	8.17 (87)	4.21 (87)	8.49 (74)	
Value Added			-0.84	-0.33	-2.29	-1.04	2.40	1.94	1.14	
Compensation Canadian Fixed Income	24,561	77.5	0.83 (96)	1.09 (99)	2.09 (93)	2.74 (62)	2.65 (36)	2.89 (54)	4.62 (-)	1/06/2003
Compensation Fixed Income Benchmark			1.07 (89)	1.56 (72)	2.49 (57)	2.73 (62)	2.39 (67)	2.67 (63)	4.24 (-)	
Value Added			-0.24	-0.47	-0.40	0.01	0.26	0.22	0.38	
Compensation Short-Term	1,593	5.0	0.32 (71)	0.65 (72)	0.82 (72)	0.91 (73)	0.96 (68)	0.96 (75)	1.68 (96)	1/06/2003
FTSE TMX 91-Day T-Bill			0.25 (95)	0.49 (95)	0.68 (95)	0.78 (95)	0.83 (94)	0.86 (91)	1.85 (88)	
Value Added			0.07	0.16	0.14	0.13	0.13	0.10	-0.17	

The total fund performance prior to 30 June 2009 includes a U.S. equities component.
 Parentheses contain percentile rankings.
 Returns for periods greater than one year are annualized.

Executive Summary

Compensation Fund Annual Performance

As of 30 June

	Performance (%)										
	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006
Compensation Fund (Gross)	0.73	1.22	8.43	5.03	1.98	6.49	7.97	3.91	3.36	7.93	0.75
Compensation Fund Benchmark	1.35	2.77	6.72	2.34	1.70	5.70	6.40	2.72	4.91	6.85	0.78
Value Added	-0.62	-1.55	1.71	2.69	0.28	0.79	1.57	1.19	-1.55	1.08	-0.03
Compensation Fund (Net)	0.61	1.09	8.28	4.91	1.86	6.46	7.95	3.85	3.26	7.79	0.63
Compensation Fund Benchmark	1.35	2.77	6.72	2.34	1.70	5.70	6.40	2.72	4.91	6.85	0.78
Value Added	-0.74	-1.68	1.56	2.57	0.16	0.76	1.55	1.13	-1.65	0.94	-0.15
Compensation Canadian Equities	-0.53 (49)	-5.36 (90)	30.97 (34)	21.21 (6)	-9.83 (50)	22.80 (25)	13.89 (23)	18.85 (25)	-6.78 (95)	26.80 (24)	16.48 (66)
S&P/TSX Capped Composite	-0.20 (46)	-1.16 (69)	28.66 (69)	7.90 (95)	10.25 (56)	20.87 (54)	11.95 (44)	25.69 (62)	6.75 (31)	22.73 (62)	19.64 (43)
Value Added	-0.33	-4.20	2.31	13.31	0.42	1.93	1.94	6.84	13.53	4.07	-3.16
Compensation Canadian Fixed Income	1.09 (99)	3.10 (63)	4.04 (1)	2.39 (1)	3.87 (65)	3.44 (40)	7.88 (1)	6.33 (97)	6.95 (6)	5.47 (1)	-0.17 (100)
Compensation Fixed Income Benchmark	1.56 (72)	3.43 (40)	3.21 (77)	1.36 (86)	3.80 (75)	3.16 (74)	5.62 (1)	7.02 (84)	6.80 (9)	4.77 (1)	-0.66 (100)
Value Added	-0.47	-0.33	0.83	1.03	0.07	0.28	2.26	-0.69	0.15	0.70	0.49
Compensation Short-Term	0.65 (72)	0.99 (69)	1.08 (68)	1.12 (61)	0.96 (81)	0.99 (56)	-3.72 (100)	5.27 (1)	3.72 (88)	3.76 (98)	2.26 (99)
FTSE TMX 91-Day T-Bill	0.49 (95)	0.87 (96)	0.97 (93)	1.00 (79)	0.96 (81)	0.89 (85)	0.33 (77)	1.98 (67)	4.13 (75)	4.27 (67)	3.15 (78)
Value Added	0.16	0.12	0.11	0.12	0.00	0.10	-4.05	3.29	-0.41	-0.51	-0.89

The total fund performance prior to 30 June 2009 includes a U.S. equities component.
 Parentheses contain percentile rankings.

Executive Summary

General Fund Asset Allocation and Annualized Performance

As of 30 June 2016

	Market Value (\$000)	%	Performance (%)								Inception Date
			6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	Since Inception		
General Fund (Gross)	16,231	100.0	2.23	0.75	0.98	3.40	3.80	3.44	4.05	1/04/2004	
General Fund Benchmark			2.36	1.35	2.06	3.59	3.28	2.96	3.87		
Value Added			-0.13	-0.60	-1.08	-0.19	0.52	0.48	0.18		
General Fund (Net)	16,231	100.0	2.16	0.63	0.86	3.27	3.68	3.31	3.95	1/04/2004	
General Fund Benchmark			2.36	1.35	2.06	3.59	3.28	2.96	3.87		
Value Added			-0.20	-0.72	-1.20	-0.32	0.40	0.35	0.08		
General Canadian Equities	2,838	17.5	9.00 (27)	-0.53 (49)	-2.99 (93)	7.22 (87)	10.56 (44)	6.14 (44)	8.13 (42)	1/04/2004	
S&P/TSX Capped Composite			9.84 (14)	-0.20 (46)	-0.68 (72)	8.27 (74)	8.17 (87)	4.21 (87)	6.98 (77)		
Value Added			-0.84	-0.33	-2.31	-1.05	2.39	1.93	1.15		
General Canadian Fixed Income	12,578	77.5	0.83 (96)	1.10 (99)	2.09 (93)	2.74 (62)	2.65 (35)	2.90 (53)	3.68 (79)	1/04/2004	
FTSE TMX Short Term Bond			1.07 (89)	1.56 (72)	2.49 (57)	2.73 (62)	2.39 (67)	2.67 (63)	3.63 (81)		
Value Added			-0.24	-0.46	-0.40	0.01	0.26	0.23	0.05		
General Short-Term	815	5.0	0.32 (71)	0.65 (71)	0.82 (71)	0.91 (73)	0.94 (75)	0.94 (82)	2.07 (19)	1/04/2004	
FTSE TMX 91-Day T-Bill			0.25 (95)	0.49 (95)	0.68 (95)	0.78 (95)	0.83 (94)	0.86 (91)	1.78 (88)		
Value Added			0.07	0.16	0.14	0.13	0.11	0.08	0.29		

The total fund performance prior to 30 June 2009 includes a U.S. equities component.
 Parentheses contain percentile rankings.
 Returns for periods greater than one year are annualized.

Executive Summary

General Fund Annual Performance

As of 30 June

	Performance (%)										
	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006
General Fund (Gross)	0.75	1.22	8.41	5.03	1.98	6.52	4.68	5.33	3.16	6.82	1.25
General Fund Benchmark	1.35	2.77	6.72	2.34	1.70	5.70	5.25	3.58	4.64	6.19	1.42
Value Added	-0.60	-1.55	1.69	2.69	0.28	0.82	-0.57	1.75	-1.48	0.63	-0.17
General Fund (Net)	0.63	1.09	8.27	4.91	1.86	6.48	4.67	5.26	3.06	6.70	1.14
General Fund Benchmark	1.35	2.77	6.72	2.34	1.70	5.70	5.25	3.58	4.64	6.19	1.42
Value Added	-0.72	-1.68	1.55	2.57	0.16	0.78	-0.58	1.68	-1.58	0.51	-0.28
General Canadian Equities	-0.53 (49)	-5.39 (90)	30.97 (32)	21.21 (6)	-9.83 (50)	22.80 (25)	13.89 (23)	-18.85 (25)	-6.78 (95)	26.80 (24)	16.48 (66)
S&P/TSX Capped Composite	-0.20 (46)	-1.16 (69)	28.66 (69)	7.90 (95)	-10.25 (56)	20.87 (54)	11.95 (44)	-25.69 (62)	6.75 (31)	22.73 (62)	19.64 (43)
Value Added	-0.33	-4.23	2.31	13.31	0.42	1.93	1.94	6.84	-13.53	4.07	-3.16
General Canadian Fixed Income	1.10 (99)	3.10 (63)	4.04 (1)	2.41 (1)	3.87 (65)	3.44 (40)	3.75 (96)	7.90 (28)	6.79 (9)	3.69 (100)	0.54 (70)
FTSE TMX Short Term Bond	1.56 (72)	3.43 (40)	3.21 (77)	1.36 (86)	3.80 (75)	3.16 (74)	4.31 (84)	8.02 (25)	6.46 (16)	4.02 (100)	0.09 (89)
Value Added	-0.46	-0.33	0.83	1.05	0.07	0.28	-0.56	-0.12	0.33	-0.33	0.45
General Short-Term	0.65 (71)	0.99 (69)	1.08 (69)	1.04 (75)	0.93 (83)	0.90 (84)	0.05 (100)	8.48 (1)	3.76 (88)	3.05 (100)	2.29 (98)
FTSE TMX 91-Day T-Bill	0.49 (95)	0.87 (96)	0.97 (93)	1.00 (79)	0.96 (81)	0.89 (85)	0.33 (77)	1.98 (67)	4.13 (75)	4.27 (67)	3.15 (78)
Value Added	0.16	0.12	0.11	0.04	-0.03	0.01	-0.28	6.50	-0.37	-1.22	-0.86

The total fund performance prior to 30 June 2009 includes a U.S. equities component.
 Parentheses contain percentile rankings.

Capital Market Performance

Capital Market Performance

Major Capital Markets' Returns

As of 30 June 2016

	6 Months	Year To Date	1 Year	2 Years	3 Years	4 Years	5 Years	10 Years
Canadian Equity								
S&P/TSX Composite	9.8	9.8	-0.2	-0.7	8.3	8.2	4.2	4.9
Foreign Equity								
S&P 500 (CAD)	-2.9	-2.9	8.2	16.7	19.7	20.9	19.0	9.1
S&P 500 (USD)	3.8	3.8	4.0	5.7	11.7	13.8	12.1	7.4
MSCI EAFE (Net) (CAD)	-10.6	-10.6	-6.5	2.4	9.4	12.6	7.9	3.2
MSCI World (Net) (CAD)	-5.9	-5.9	1.1	9.6	14.6	16.6	13.1	6.1
Real Estate								
REALpac / IPD Canada Property Index	2.4	2.4	7.9	7.3	8.0	9.3	10.4	9.9
Fixed Income								
FTSE TMX Universe Bond	4.0	4.0	5.2	5.7	5.6	4.1	5.2	5.6
FTSE TMX Long Term Bond	8.3	8.3	9.9	10.0	9.2	6.0	8.5	7.8
FTSE TMX 91-Day T-Bill	0.3	0.3	0.5	0.7	0.8	0.8	0.9	1.6
Consumer Price Index								
Canadian CPI, unadjusted	2.1	2.1	1.5	1.3	1.6	1.5	1.5	1.7

Canadian Equities

The S&P/TSX Composite Index returned 9.8% over the last six months. Materials (52.3%) and Energy (19.3%) were the best performing sectors while Healthcare (-72.3%) and Information Technology (-5.7%) were the only sectors to have a negative return over the six month period. The S&P/TSX Composite Index returned -0.2% over the past year, with the Materials and Utilities sectors the strongest performers at 19.3% and 18.6% respectively.

U.S. Equities

The S&P 500 Index (CAD) returned -2.9% during the six month period. Financials (-9.4%), Information Technology (-6.8%) and Healthcare (-6.1%) were the worst performing sectors over the quarter in Canadian dollar terms, while the best performing sectors were Telecommunications (16.7%), Utilities (15.4%) and Energy (8.6%). Currency played a large role in the six month return as the strong appreciation in the Canadian dollar that occurred at the beginning of 2016 decreased returns for Canadian investors by 6.7%. The Index returned 8.2% over the last twelve months in Canadian dollar terms. Utilities and Telecommunications were the strongest performing sectors at 36.8% and 30.2% respectively.

Non-North American Equities

The MSCI EAFE Index (CAD) fell 10.6% over the last six months. Energy (8.9%) was the only positive performing sector in Canadian dollar terms, while Financials (-21.1%), Consumer Discretionary (-18.1%) and Information Technology (-12.8%) were the worst performing sectors. Over the past twelve months, the Index returned -6.5% in Canadian dollar terms. Financials (-20.1%) and Consumer Discretionary (-14.3%) were the worst performers. Consumer Staples (14.5%) and Utilities (3.8%) were the strongest performing sectors. New Zealand (36.5%), Belgium (9.9%) and Denmark (7.5%) were the top performing countries over the twelve month period while Italy (-22.1%) and Spain (-19.5%) were the worst performing.

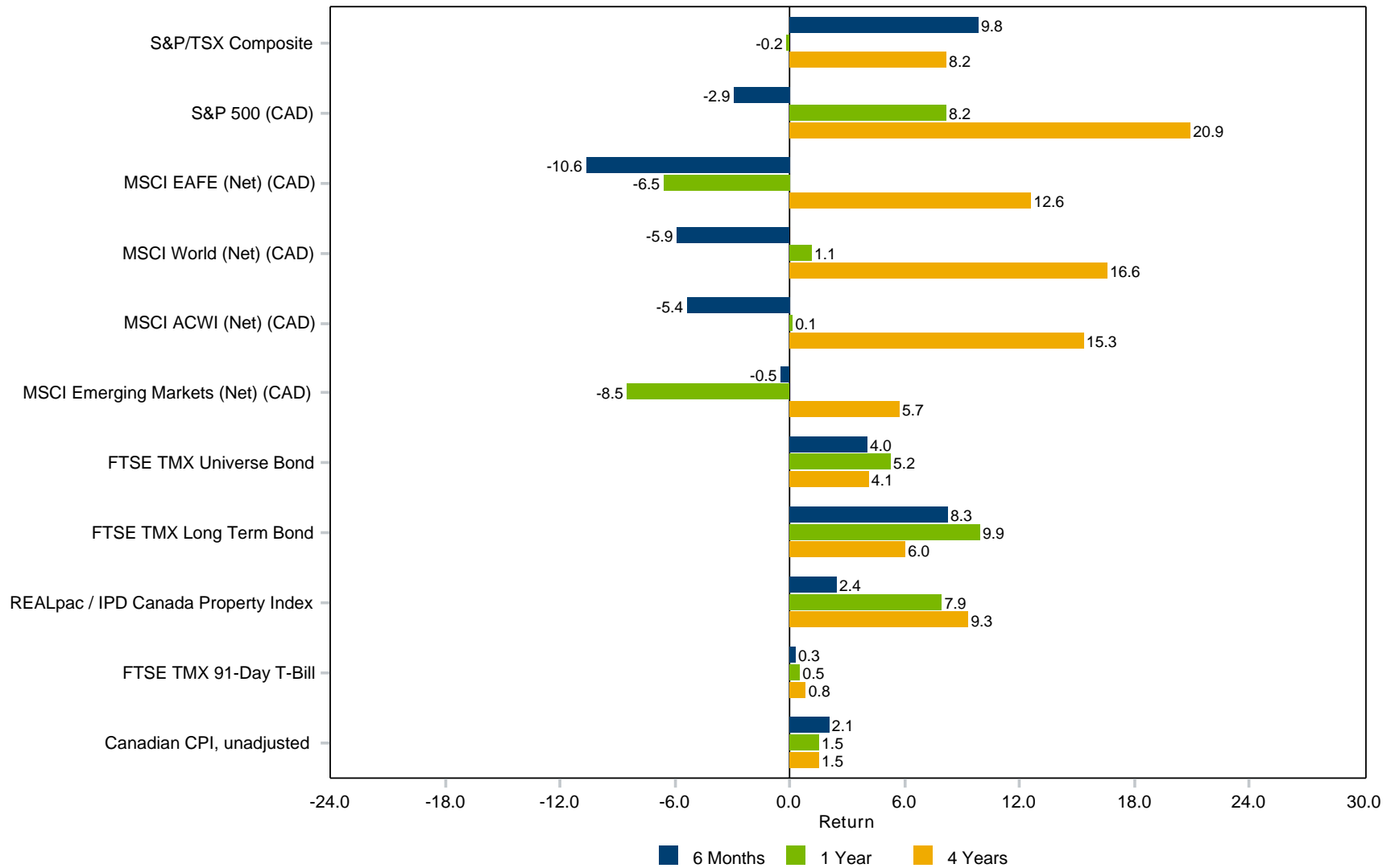
Fixed Income

The Canadian bond market, as measured by the FTSE TMX Universe Bond Index, gained 4.1% over the last six months. During the last six months bond market returns were positive across all sectors, with the strongest returns posted in Provincial bonds (5.3%), followed by Corporate bonds (4.0%) and Federal bonds (2.8%). Over the last twelve months the Index returned 5.2%. Long duration bonds outperformed medium and short duration bonds over the twelve month period, as yields fell in general, but particularly at the long end of the curve.

Capital Market Performance

Comparative Performance

As of 30 June 2016



E&O Insurance Fund Analysis

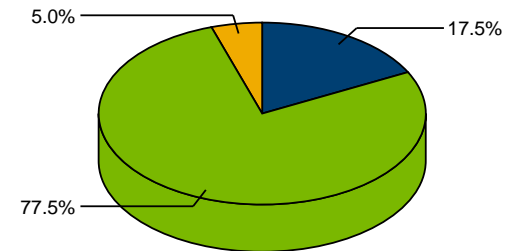
E&O Insurance Fund

Asset Allocation by Segment

E&O Insurance Fund

Segments	Market Value (\$)	Allocation (%)
■ Canadian Equity	3,731,013	17.5
■ Canadian Fixed Income	16,538,200	77.5
■ Short-Term	1,072,333	5.0

30 June 2016 : \$21,341,546



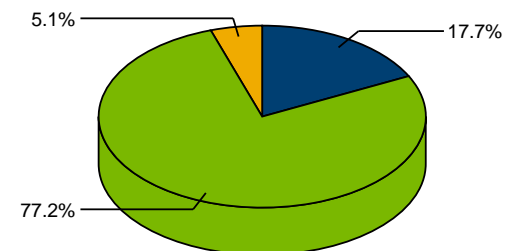
Segments	Market Value (\$)	Allocation (%)
■ Canadian Equity	3,997,819	17.7
■ Canadian Fixed Income	17,488,873	77.2
■ Short-Term	1,155,679	5.1

■ Canadian Equity

■ Canadian Fixed Income

■ Short-Term

31 December 2015 : \$22,642,371



■ Canadian Equity

■ Canadian Fixed Income

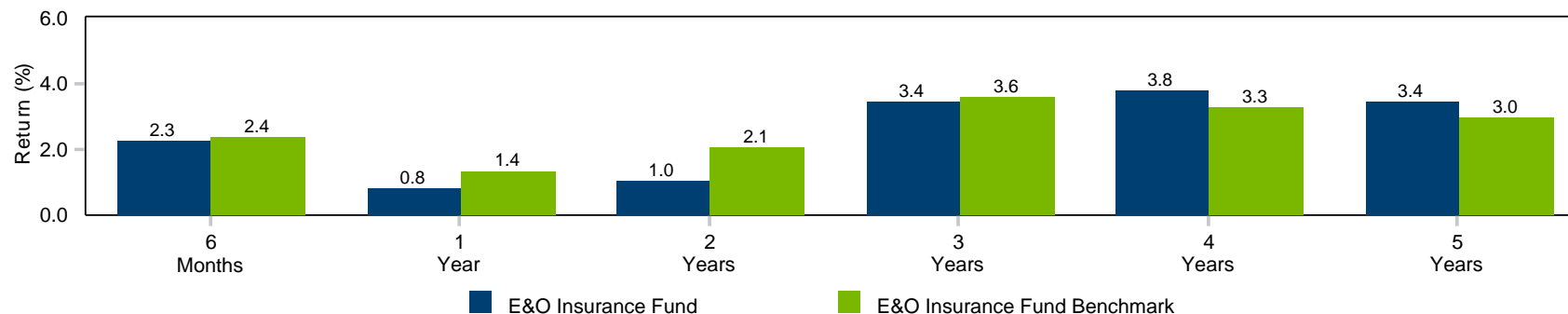
■ Short-Term

E&O Insurance Fund

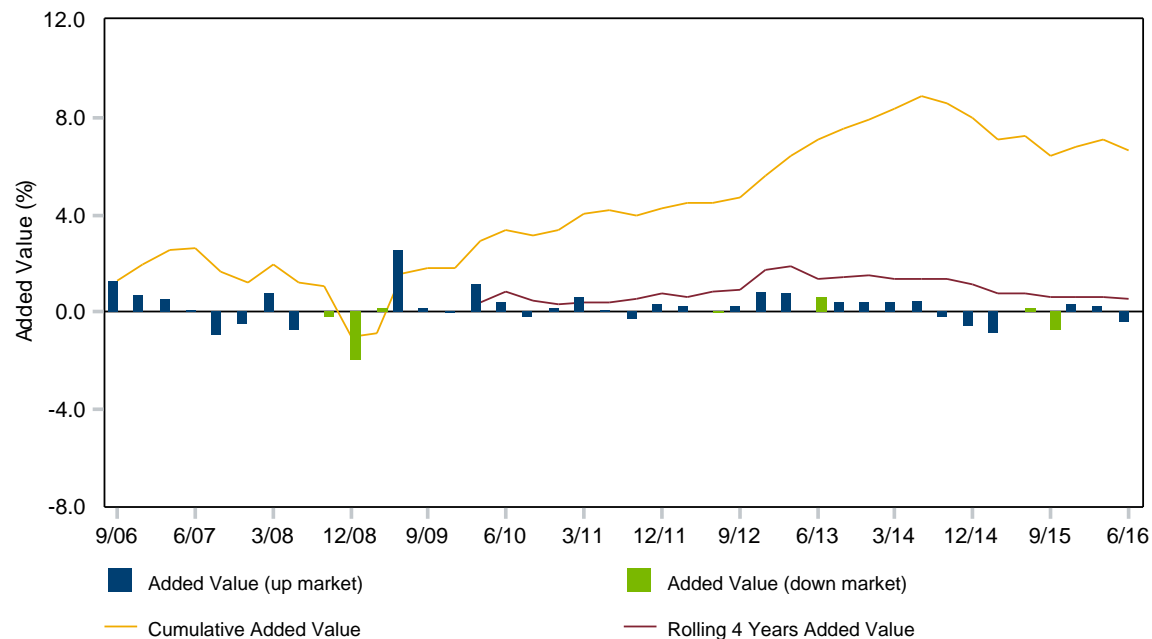
E&O Insurance Fund Performance Summary

As of 30 June 2016

Return Summary



Added Value History (%)



Performance Statistics

	Quarters	%
Market Capture		
Up Markets	33	120.2
Down Markets	8	136.9
Batting Average		
Up Markets	33	72.7
Down Markets	8	37.5
Overall	41	65.9

Six Months

Strong stock selection in the industrials sector contributed to performance, as did the portfolio's underweight position in the consumer staples sector. Stock selection in the energy sector detracted from performance, as did the portfolio's absence from the gold sub-sector.

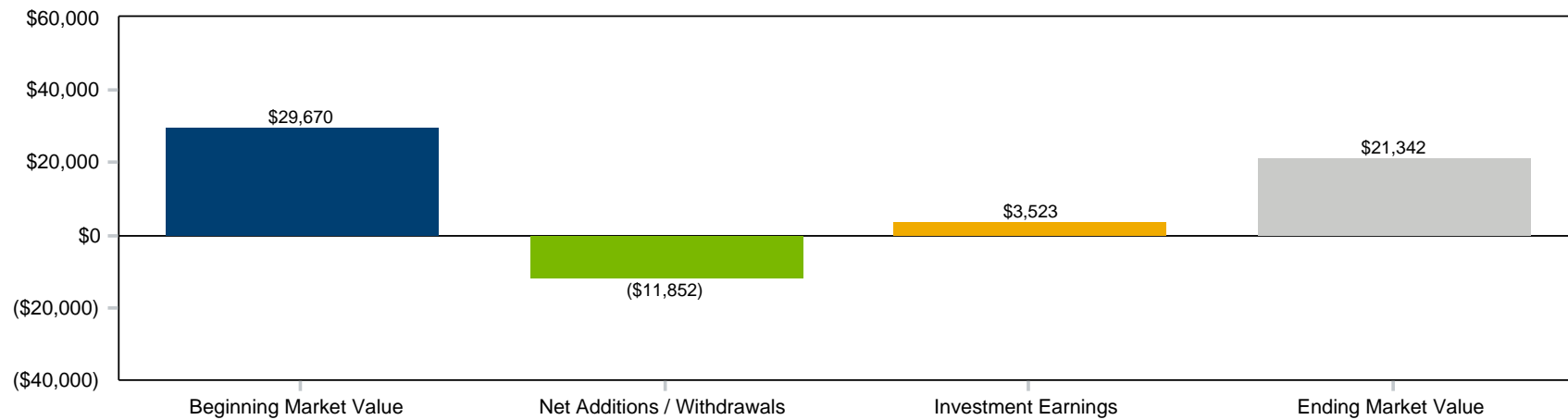
The portfolio's overweight position in corporate bonds relative to the benchmark contributed to performance as corporate bonds outperformed Government of Canada bonds. The portfolio's underweight position in energy bonds detracted from performance, as did the portfolio's underweight position in corporate BBB bonds.

E&O Insurance Fund

E&O Insurance Fund Asset Summary

As of 30 June 2016

Change in Market Value (\$'000)
From 1 January 2013 to 30 June 2016

**Summary of Cash Flows (\$'000)**

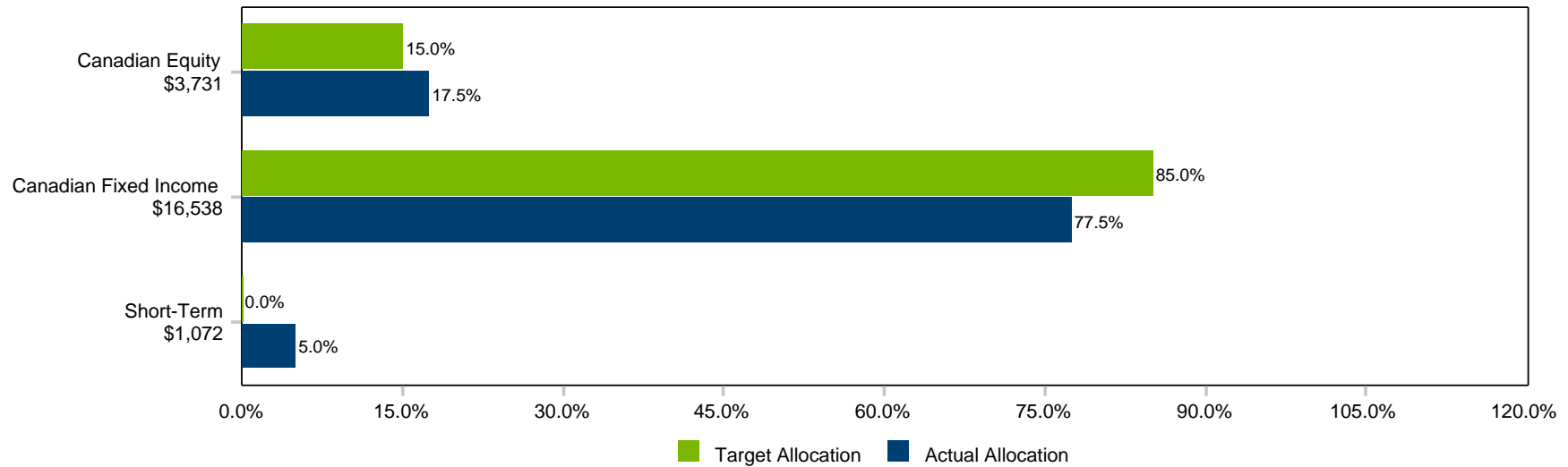
	Jan-2013 To Jun-2016
E&O Insurance Fund	
Beginning Market Value	29,670
+/- Net Cash Flows	-11,852
+/- Income	3,112
+/- Capital Gains / Losses	411
= Ending Market Value	21,342

Note: Capital Gains / Losses also includes Accretion / Amortization

E&O Insurance Fund

Asset Allocation Compliance

As of 30 June 2016 (\$000)



	Market Value (\$000)	Market Value (%)	Target Allocation (%)	Differences (%)	Minimum Allocation (%)	Maximum Allocation (%)
Total Fund	21,342	100.0	100.0	0.0		
Canadian Equity	3,731	17.5	15.0	2.5	5.0	25.0
Canadian Fixed Income	16,538	77.5	85.0	-7.5	60.0	95.0
Short-Term	1,072	5.0	0.0	5.0	0.0	15.0

Compensation Fund Analysis

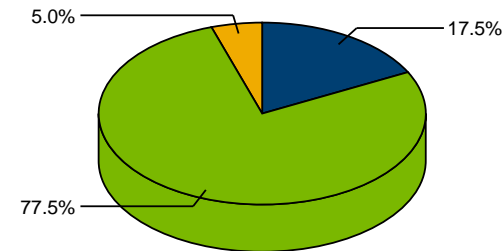
Compensation Fund

Asset Allocation by Segment

Compensation Fund

Segments	Market Value (\$)	Allocation (%)
■ Canadian Equity	5,539,442	17.5
■ Canadian Fixed Income	24,560,565	77.5
■ Short-Term	1,592,849	5.0

30 June 2016 : \$31,692,856



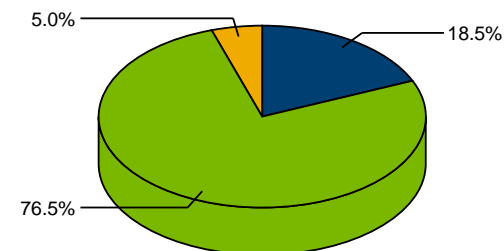
Segments	Market Value (\$)	Allocation (%)
■ Canadian Equity	5,748,147	18.5
■ Canadian Fixed Income	23,702,349	76.5
■ Short-Term	1,552,928	5.0

■ Canadian Equity

■ Canadian Fixed Income

■ Short-Term

31 December 2015 : \$31,003,424



■ Canadian Equity

■ Canadian Fixed Income

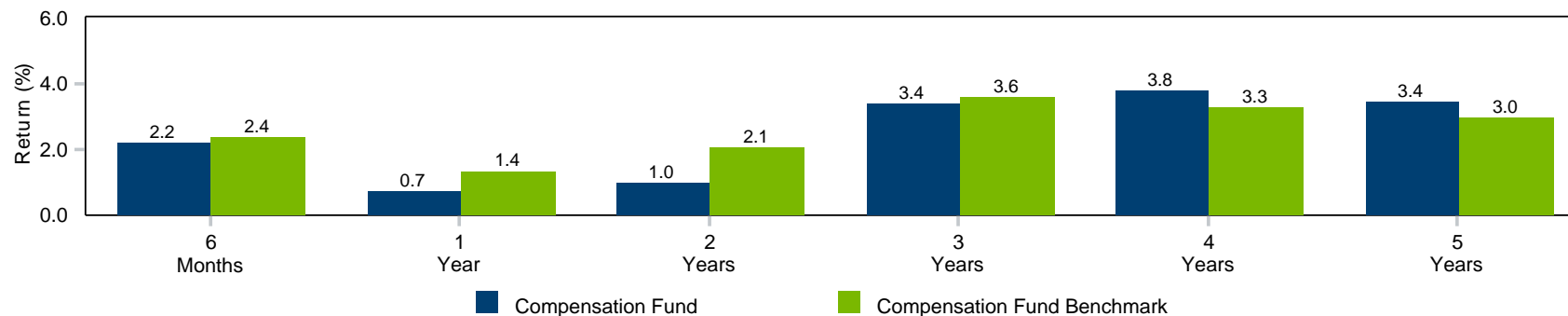
■ Short-Term

Compensation Fund

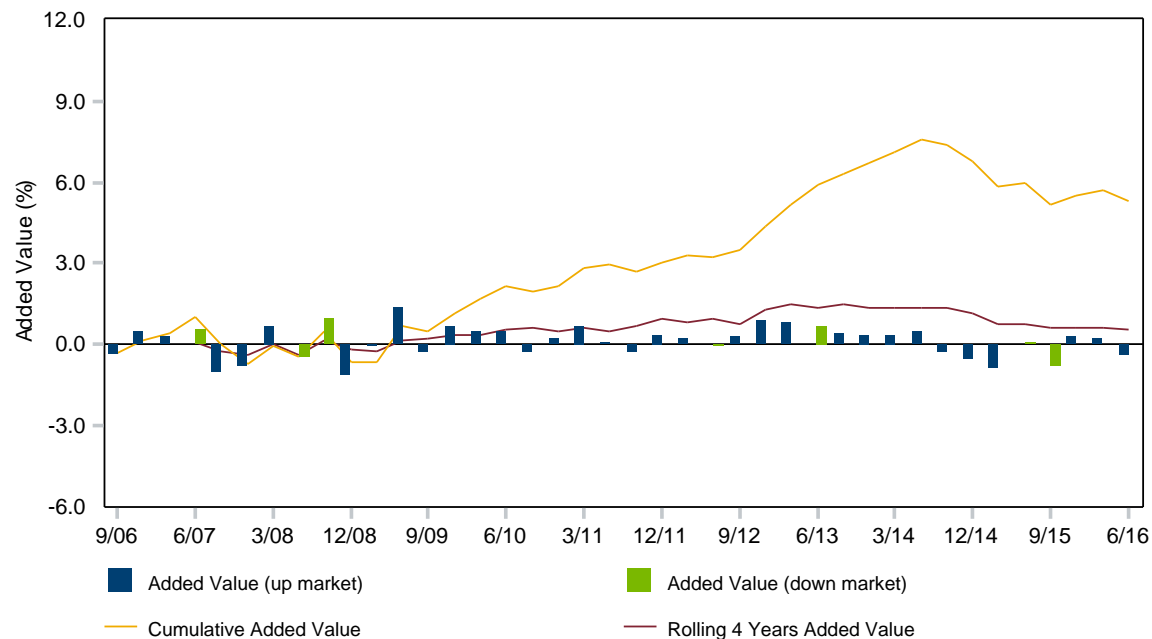
Compensation Fund Performance Summary

As of 30 June 2016

Return Summary



Added Value History (%)



Performance Statistics

	Quarters	%
Market Capture		
Up Markets	33	109.1
Down Markets	7	82.1
Batting Average		
Up Markets	33	63.6
Down Markets	7	57.1
Overall	40	62.5

Six Months

Strong stock selection in the industrials sector contributed to performance, as did the portfolio's underweight position in the consumer staples sector. Stock selection in the energy sector detracted from performance, as did the portfolio's absence from the gold sub-sector.

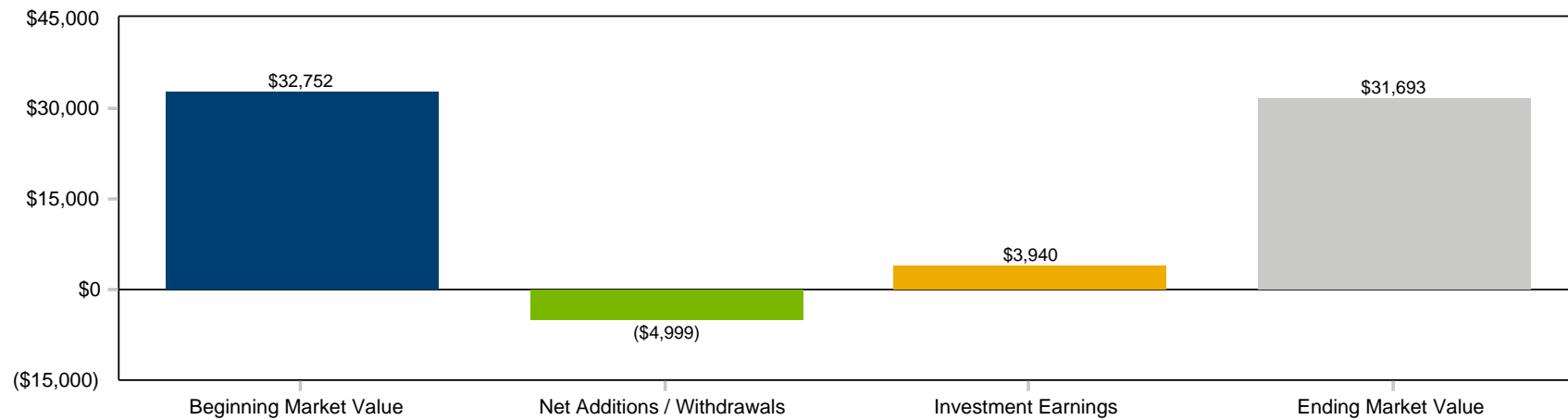
The portfolio's overweight position in corporate bonds relative to the benchmark contributed to performance as corporate bonds outperformed Government of Canada bonds. The portfolio's underweight position in energy bonds detracted from performance, as did the portfolio's underweight position in corporate BBB bonds.

Compensation Fund

Compensation Fund Asset Summary

As of 30 June 2016

Change in Market Value (\$'000)
From 1 January 2013 to 30 June 2016



Summary of Cash Flows (\$'000)

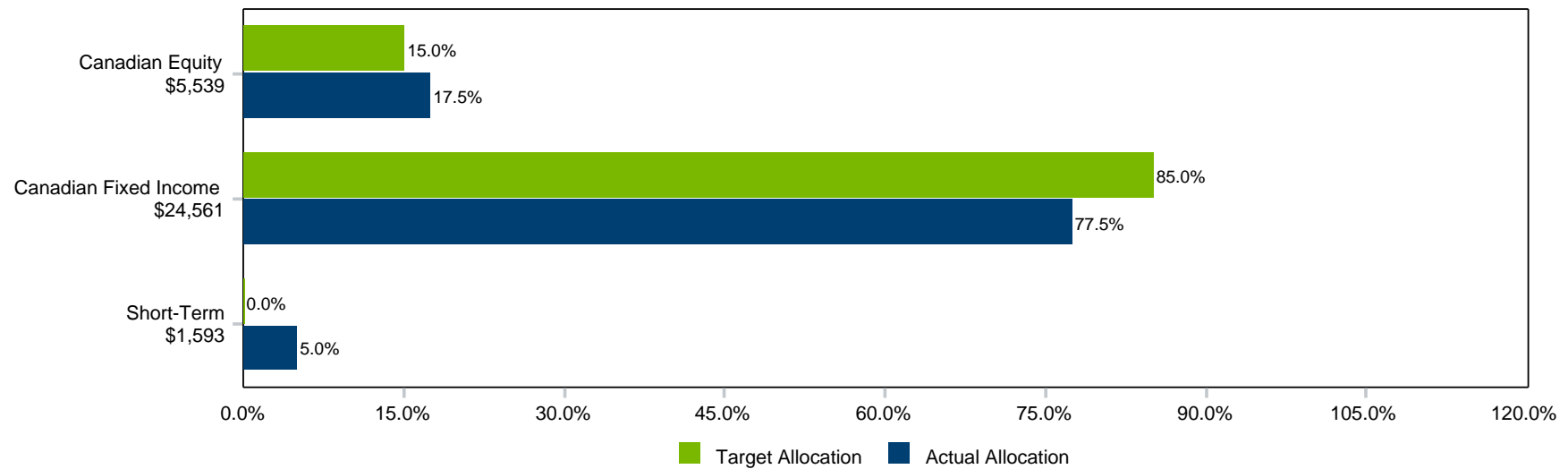
	Jan-2013 To Jun-2016
Compensation Fund	
Beginning Market Value	32,752
+/- Net Cash Flows	-4,999
+/- Income	3,516
+/- Capital Gains / Losses	424
= Ending Market Value	31,693

Note: Capital Gains / Losses also includes Accretion / Amortization

Compensation Fund

Asset Allocation Compliance

As of 30 June 2016 (\$000)



	Market Value (\$000)	Market Value (%)	Target Allocation (%)	Differences (%)	Minimum Allocation (%)	Maximum Allocation (%)
Total Fund	31,693	100.0	100.0	0.0		
Canadian Equity	5,539	17.5	15.0	2.5	5.0	25.0
Canadian Fixed Income	24,561	77.5	85.0	-7.5	60.0	95.0
Short-Term	1,593	5.0	0.0	5.0	0.0	15.0

General Fund Analysis

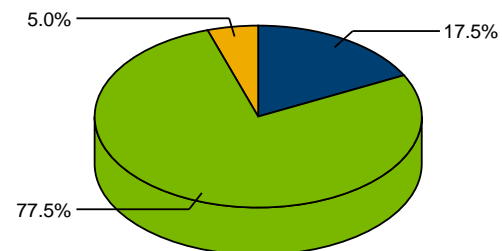
General Fund

Asset Allocation by Segment

General Fund

Segments	Market Value (\$)	Allocation (%)
Canadian Equity	2,837,665	17.5
Canadian Fixed Income	12,577,971	77.5
Short-Term	814,962	5.0

30 June 2016 : \$16,230,598



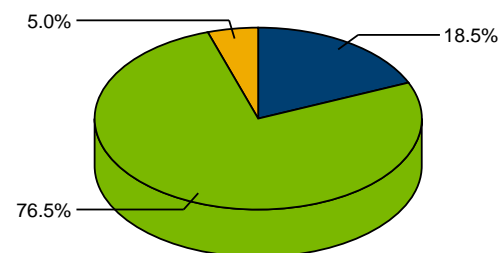
Segments	Market Value (\$)	Allocation (%)
Canadian Equity	2,940,408	18.5
Canadian Fixed Income	12,143,419	76.5
Short-Term	793,447	5.0

Canadian Equity

Canadian Fixed Income

Short-Term

31 December 2015 : \$15,877,274



Canadian Equity

Canadian Fixed Income

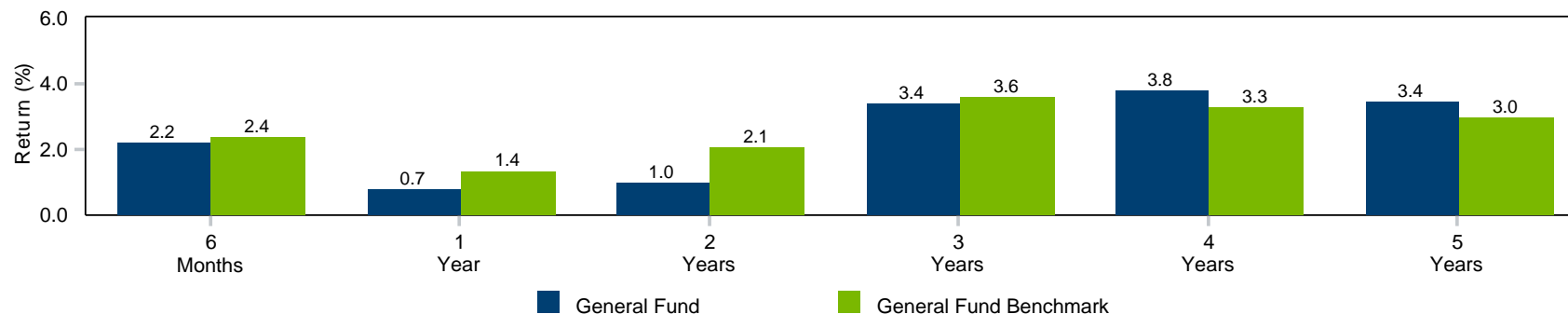
Short-Term

General Fund

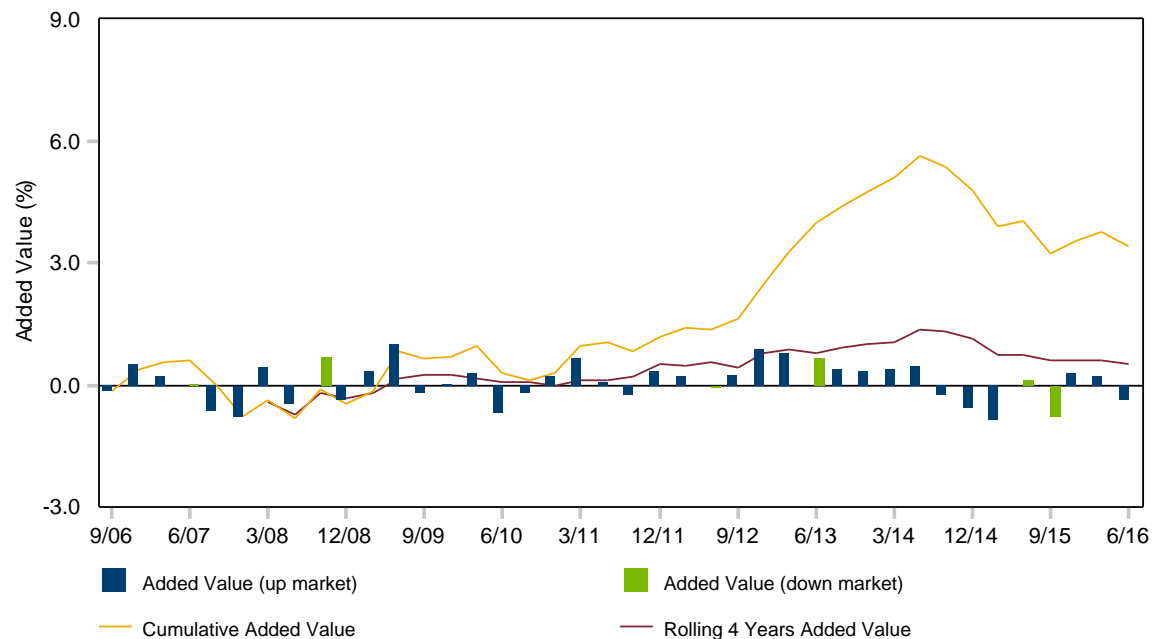
General Fund Performance Summary

As of 30 June 2016

Return Summary



Added Value History (%)



Performance Statistics

Quarters

%

Market Capture

Up Markets	41	102.2
Down Markets	8	74.2

Batting Average

Up Markets	41	58.5
Down Markets	8	62.5
Overall	49	59.2

Six Months

Strong stock selection in the industrials sector contributed to performance, as did the portfolio's underweight position in the consumer staples sector. Stock selection in the energy sector detracted from performance, as did the portfolio's absence from the gold sub-sector.

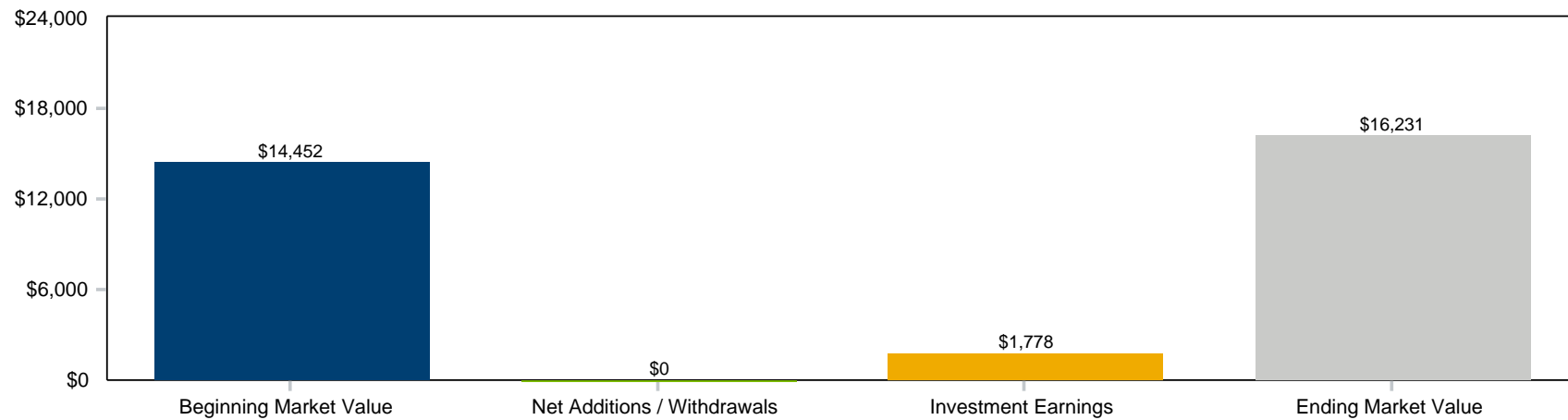
The portfolio's overweight position in corporate bonds relative to the benchmark contributed to performance as corporate bonds outperformed Government of Canada bonds. The portfolio's underweight position in energy bonds detracted from performance, as did the portfolio's underweight position in corporate BBB bonds.

General Fund

General Fund Asset Summary

As of 30 June 2016

Change in Market Value (\$000)
From 1 January 2013 to 30 June 2016



Summary of Cash Flows (\$000)

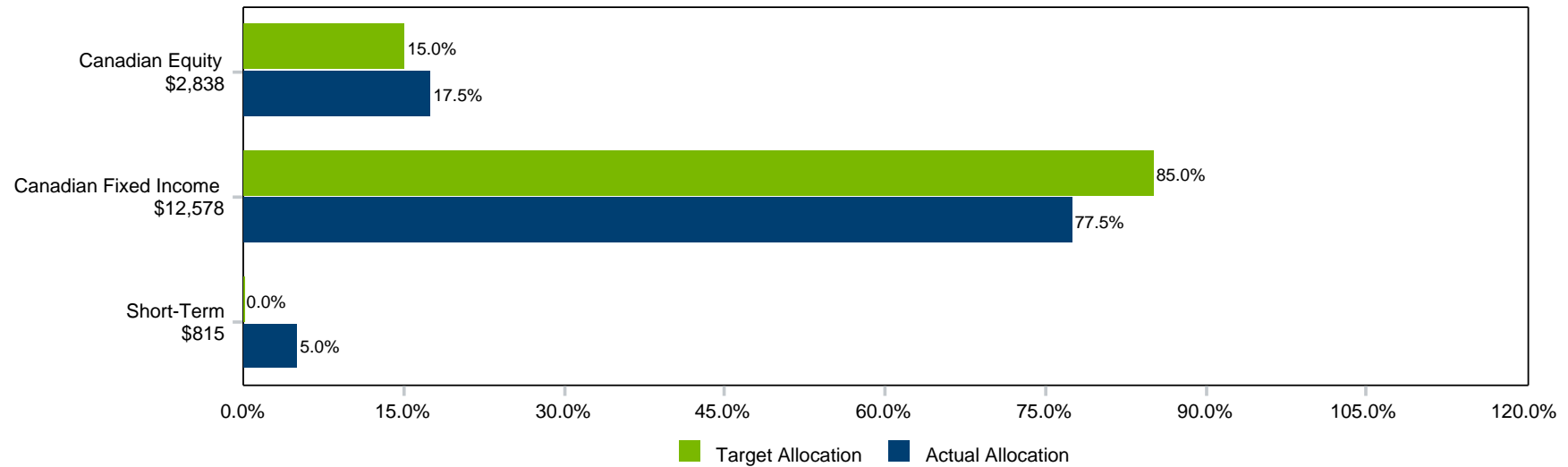
	Jan-2013 To Jun-2016
General Fund	
Beginning Market Value	14,452
+/- Net Cash Flows	-
+/- Income	1,588
+/- Capital Gains / Losses	190
= Ending Market Value	16,231

Note: Capital Gains / Losses also includes Accretion / Amortization

General Fund

Asset Allocation Compliance

As of 30 June 2016 (\$000)



	Market Value (\$000)	Market Value (%)	Target Allocation (%)	Differences (%)	Minimum Allocation (%)	Maximum Allocation (%)
Total Fund	16,231	100.0	100.0	0.0		
Canadian Equity	2,838	17.5	15.0	2.5	5.0	25.0
Canadian Fixed Income	12,578	77.5	85.0	-7.5	60.0	95.0
Short-Term	815	5.0	0.0	5.0	0.0	15.0

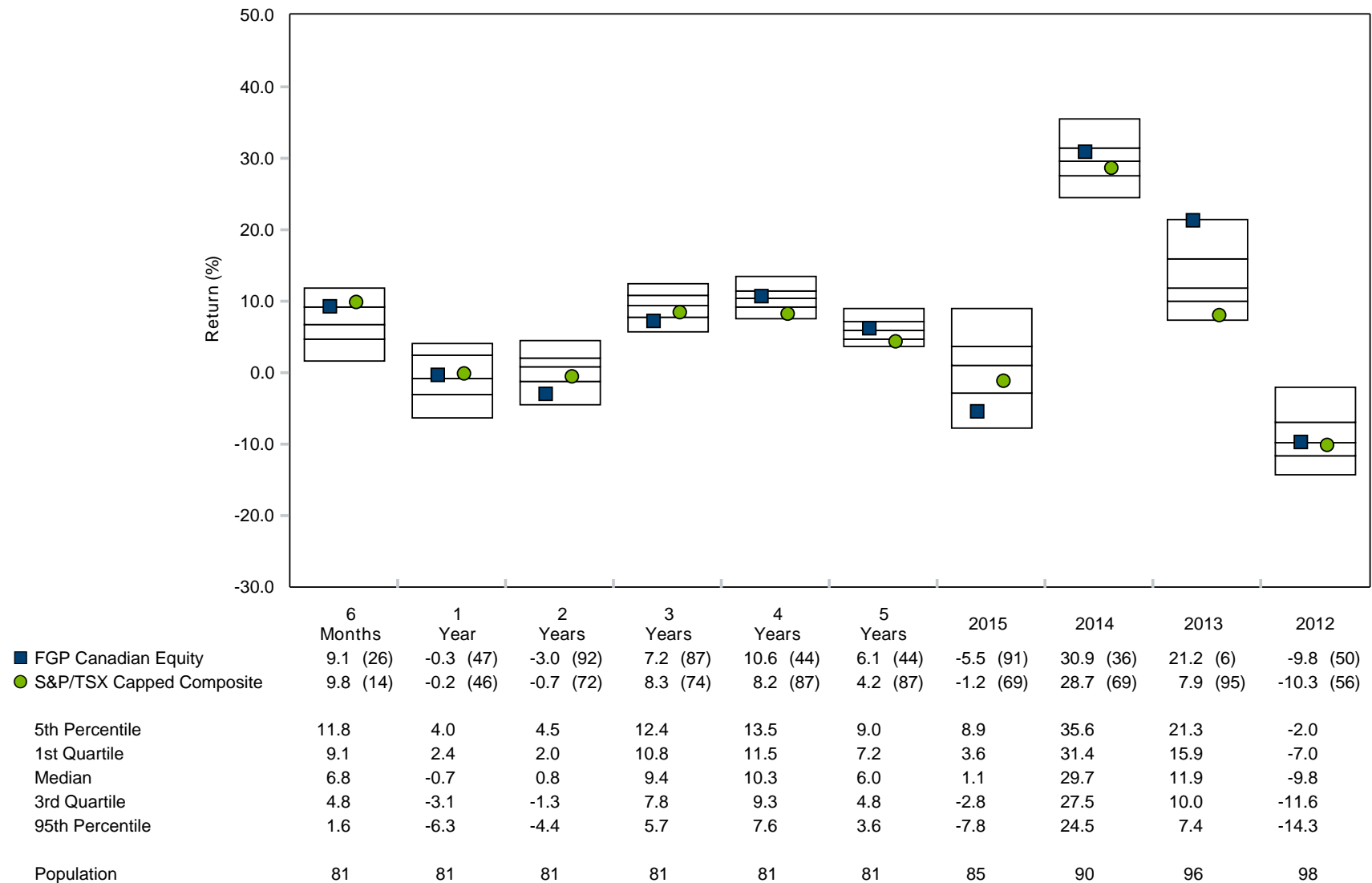
Asset Class Analysis

Canadian Equity Funds

Peer Group Analysis

As of 30 June 2016

Canadian Equity



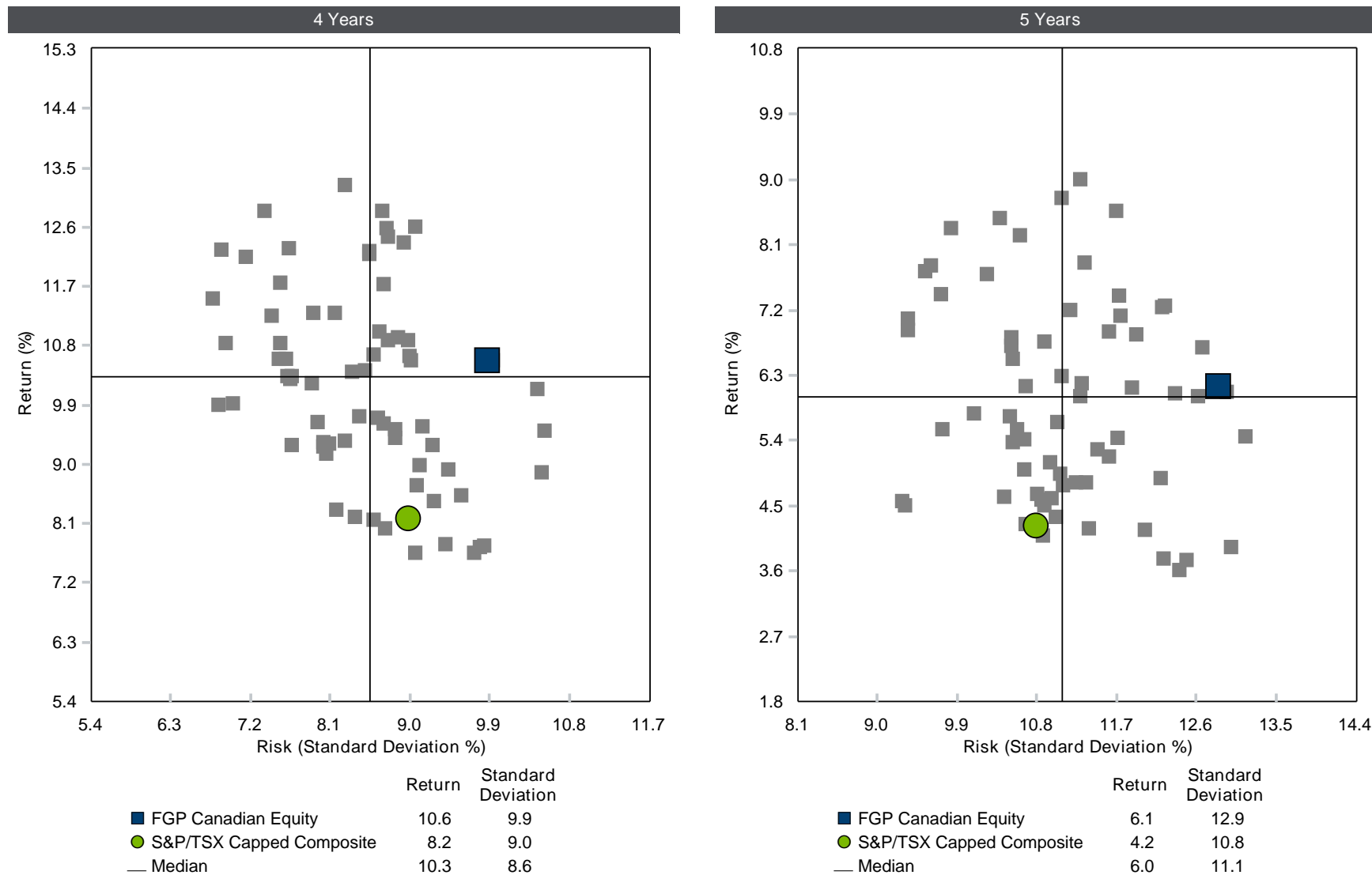
Parenteses contain percentile rankings.
 Returns for periods greater than one year are annualized.
 Source: Aon Hewitt Manager Universe.

Canadian Equity Funds

Peer Group Scattergram

Periods Ending 30 June 2016

Canadian Equity



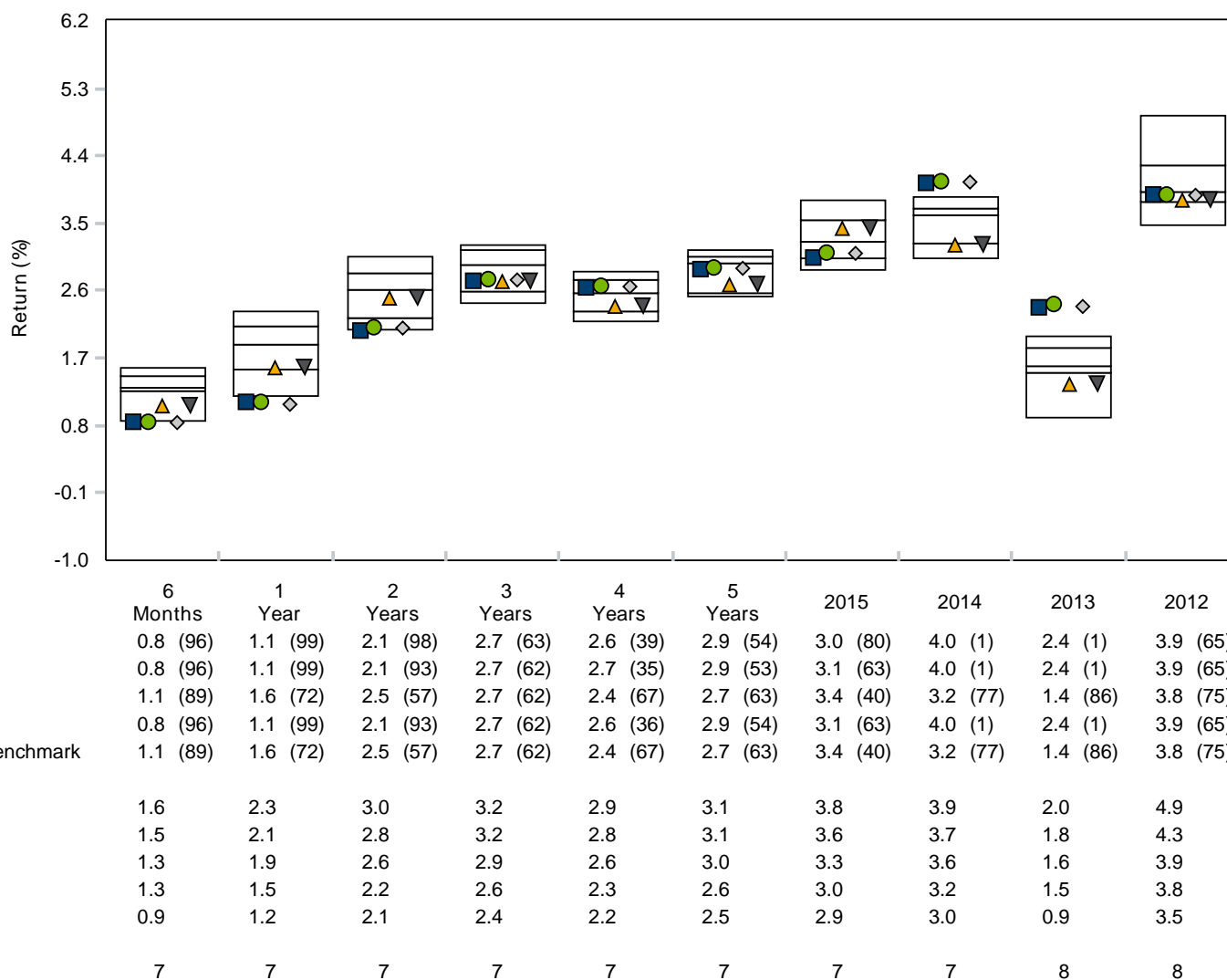
Returns for periods greater than one year are annualized.
Source: Aon Hewitt Manager Universe.

Fixed Income Funds

Peer Group Analysis

As of 30 June 2016

Canadian Short Term Bonds



Parentheses contain percentile rankings.

Returns for periods greater than one year are annualized.

For illustrative purposes, Aon Hewitt has used the FTSE TMX Universe Bond Index for the purpose of a peer group analysis.

Note, this is not a direct comparison between FGP's Canadian fixed income mandate and the Canadian bonds universe.

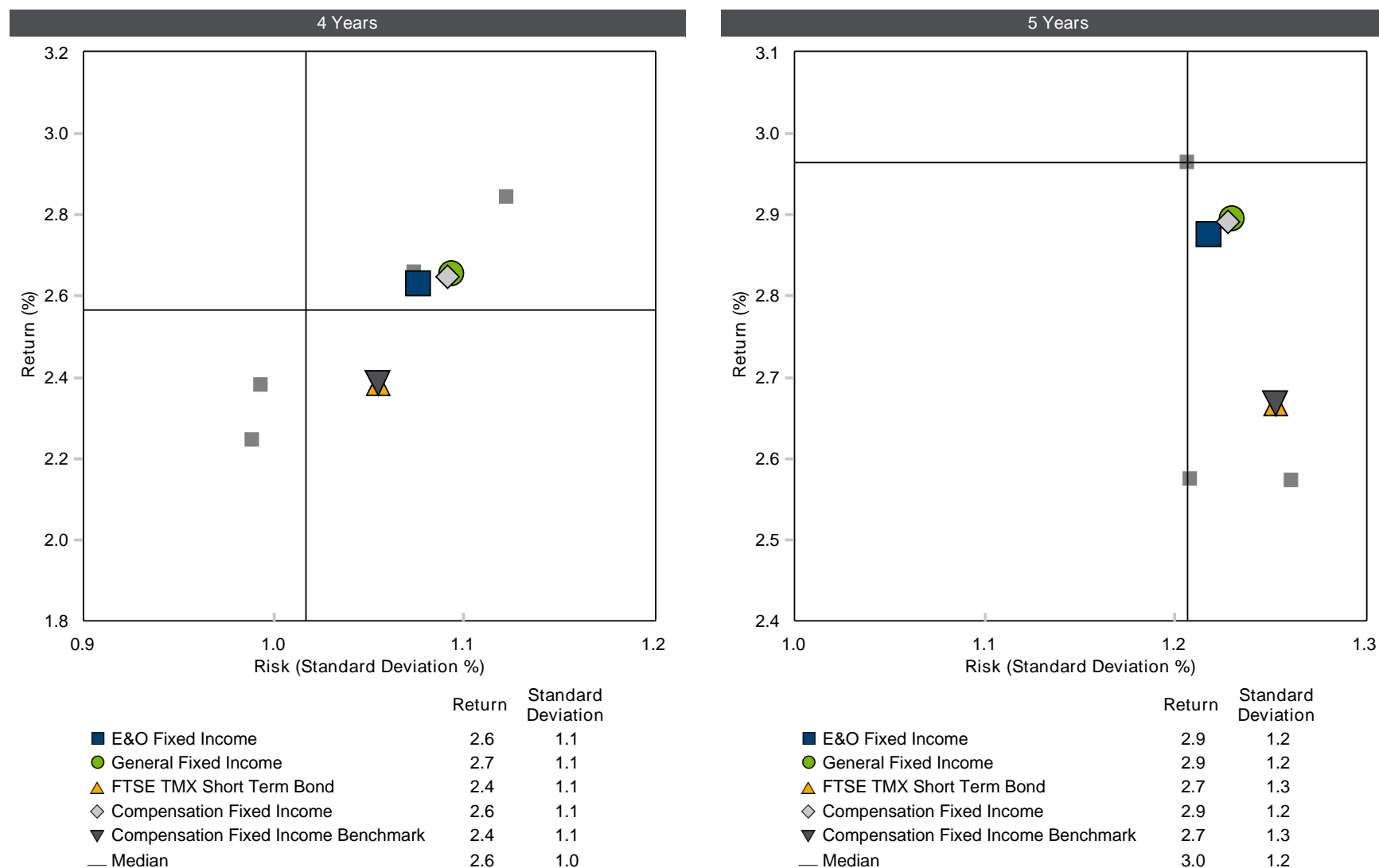
Source: Aon Hewitt Manager Universe.

Fixed Income Funds

Peer Group Scattergram

Periods Ending 30 June 2016

Canadian Short Term Bonds



Returns for periods greater than one year are annualized.

For illustrative purposes, Aon Hewitt has used the FTSE TMX Universe Bond Index for the purpose of a peer group analysis.

Note, this is not a direct comparison between FGP's Canadian fixed income mandate and the Canadian bonds universe.

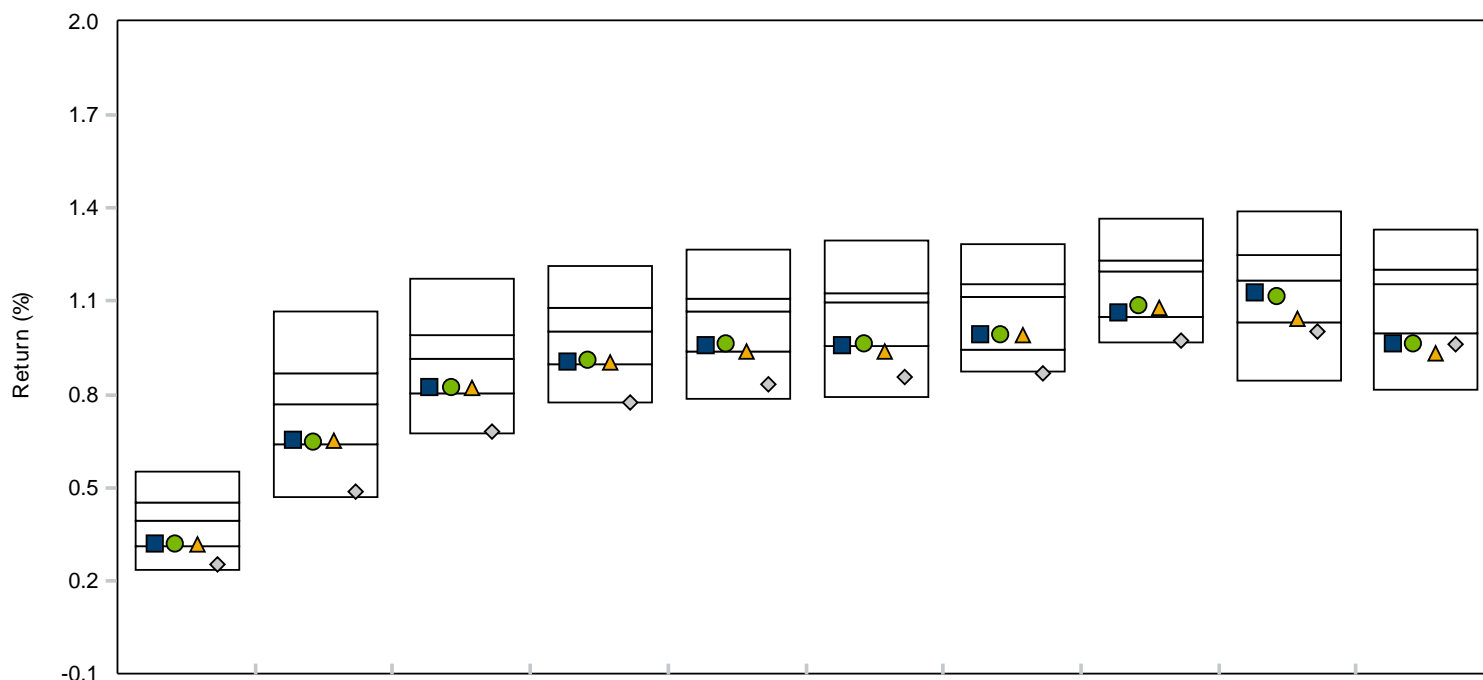
Source: Aon Hewitt Manager Universe.

Money Market Funds

Peer Group Analysis

As of 30 June 2016

Money Market



	6 Months	1 Year	2 Years	3 Years	4 Years	5 Years	2015	2014	2013	2012
■ E&O Short-Term	0.3 (71)	0.7 (71)	0.8 (72)	0.9 (75)	1.0 (69)	1.0 (76)	1.0 (69)	1.1 (70)	1.1 (60)	1.0 (81)
● Compensation Short-Term	0.3 (71)	0.6 (72)	0.8 (72)	0.9 (73)	1.0 (68)	1.0 (75)	1.0 (69)	1.1 (68)	1.1 (61)	1.0 (81)
▲ General Short-Term	0.3 (71)	0.7 (71)	0.8 (71)	0.9 (73)	0.9 (75)	0.9 (82)	1.0 (69)	1.1 (69)	1.0 (75)	0.9 (83)
◆ FTSE TMX 91-Day T-Bill	0.3 (95)	0.5 (95)	0.7 (95)	0.8 (95)	0.8 (94)	0.9 (91)	0.9 (96)	1.0 (93)	1.0 (79)	1.0 (81)
5th Percentile	0.6	1.1	1.2	1.2	1.3	1.3	1.3	1.4	1.4	1.3
1st Quartile	0.5	0.9	1.0	1.1	1.1	1.1	1.2	1.2	1.3	1.2
Median	0.4	0.8	0.9	1.0	1.1	1.1	1.1	1.2	1.2	1.2
3rd Quartile	0.3	0.6	0.8	0.9	0.9	1.0	0.9	1.0	1.0	1.0
95th Percentile	0.2	0.5	0.7	0.8	0.8	0.8	0.9	1.0	0.8	0.8
Population	28	28	28	28	28	28	29	31	34	36

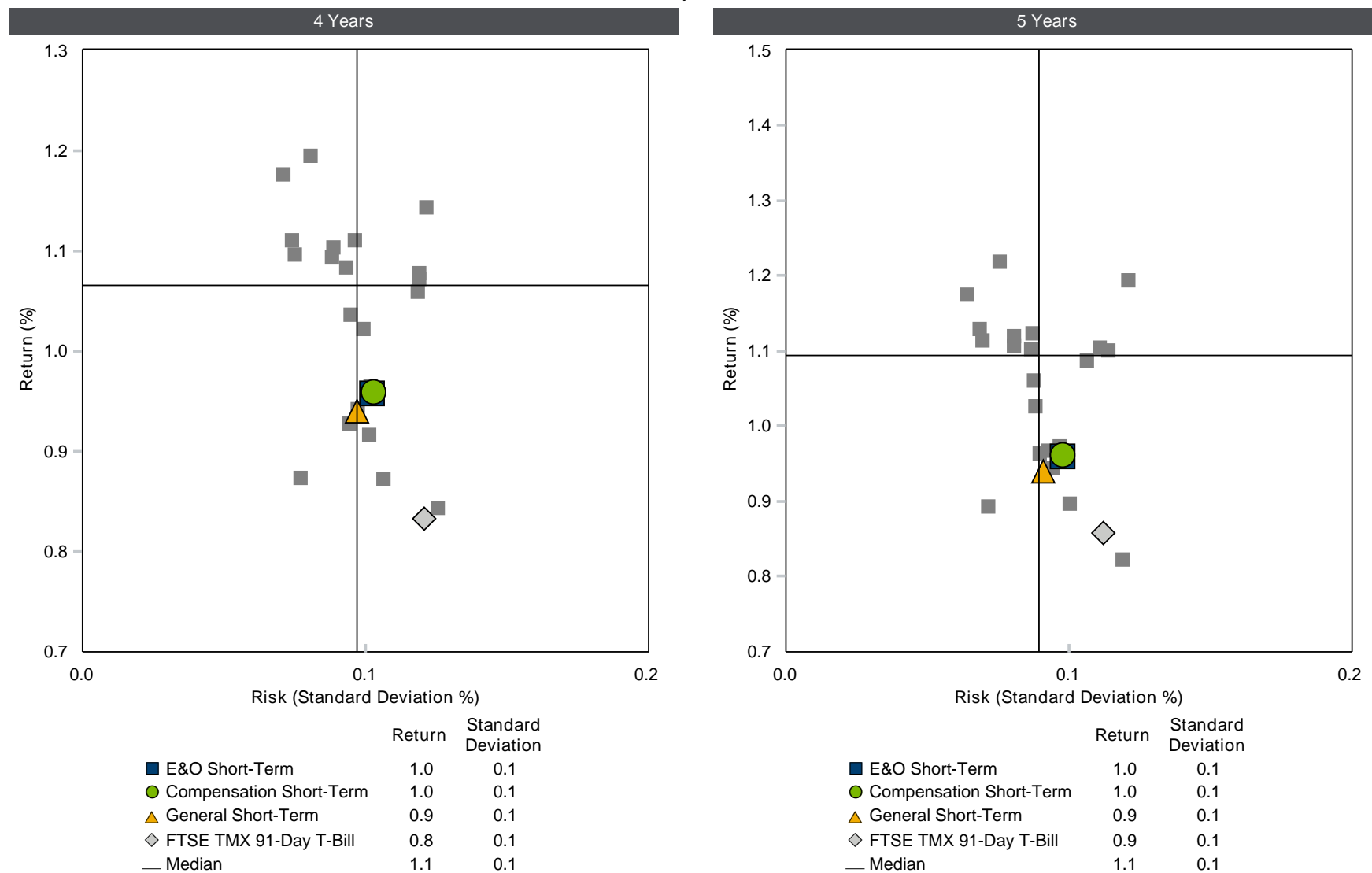
Parenttheses contain percentile rankings.
Returns for periods greater than one year are annualized.
Source: Aon Hewitt Manager Universe.

Money Market Funds

Peer Group Scattergram

Periods Ending 30 June 2016

Money Market



Returns for periods greater than one year are annualized.
Source: Aon Hewitt Manager Universe.



Appendix A - Plan Information

Plan Information**Summary of Investment Objectives**

The investment policy contains specific performance objectives for the fund and for the investment manager.

Investment rates of return are reported on a calendar basis and include realized and unrealized capital gains and losses, plus income.

Returns are calculated on a time-weighted basis and are compared to the objectives described below in order to assess the performance of the investment manager.

The primary objective is to outperform a benchmark portfolio over moving four-year periods. The specific benchmark weights are provided on the following page.

Management Mandates: Active management of the asset allocation
 Active management of the asset classes

Management Structure: One Short-Term bond mandate
 One Canadian equity mandate

Management Firm: Foyston, Gordon & Payne Inc. (FGP)

Investment Products:	Prior to 30 June 2009	From 1 July 2009 to 21 May 2010	From 21 May 2010 23 June 2014	After 23 June 2014
<u>E&O Insurance Fund</u>				
Short-Term	-	Pooled	Pooled	Pooled
Canadian Bonds	Pooled	Pooled	Segregated	Pooled
Canadian Equities	Pooled	Pooled	Pooled	Pooled
Private U.S. Equities	Pooled	-	-	-
<u>Compensation & General Fund</u>				
Short-Term	Pooled	Pooled	Pooled	Pooled
Canadian Bonds	Segregated	Segregated	Segregated	Pooled
Canadian Equities	Pooled	Pooled	Pooled	Pooled
Private U.S. Equities	Segregated	-	-	-

Note: Segregated = Individual Securities

Plan Information

Summary of Investment Objectives

Blended Benchmark Composition

E&O Insurance Fund Benchmark		Compensation Fund Benchmark	
Components	Weight (%)	Components	Weight (%)
Mar-2006		Jun-2003	
S&P/TSX Composite	15.00	S&P/TSX Composite	7.50
S&P 500 (CAD)	15.00	S&P 500 (CAD)	7.50
FTSE TMX Short Term Bond	70.00	FTSE TMX Short Term Bond	85.00
Jul-2009		Jan-2004	
S&P/TSX Composite	15.00	S&P/TSX Composite	7.50
FTSE TMX Short Term Bond	85.00	S&P 500 (CAD)	7.50
FTSE TMX 91-Day T-Bill	0.00	FTSE TMX Universe Bond	85.00
		Jul-2009	
		S&P/TSX Composite	13.00
		FTSE TMX Universe Bond	87.00
		Apr-2010	
		S&P/TSX Composite	15.00
		FTSE TMX Short Term Bond	85.00
		FTSE TMX 91-Day T-Bill	0.00
General Fund Benchmark		Compensation Fund Fixed Income Benchmark	
Components	Weight (%)	Components	Weight (%)
Mar-2004		Jun-2003	
S&P/TSX Composite	7.50	FTSE TMX Short Term Bond	100.00
S&P 500 (CAD)	7.50	Jan-2004	
FTSE TMX Short Term Bond	85.00	FTSE TMX Universe Bond	100.00
Jul-2009		Apr-2010	
S&P/TSX Composite	13.00	FTSE TMX Short Term Bond	100.00
FTSE TMX Short Term Bond	87.00		
Apr-2010			
S&P/TSX Composite	15.00		
FTSE TMX Short Term Bond	85.00		
FTSE TMX 91-Day T-Bill	0.00		

Appendix B - Manager Updates

Manager Updates

Manager Updates

As of 30 June 2016

Foyston, Gordon & Payne ("FGP")

Q2 2016

Business

There were no significant events.

Staff

There were several internal changes in the foreign equity team in June 2016. Senior Research Analyst Dave Chan was appointed portfolio manager for all U.S. equity mandates. Current co-portfolio manager Valentino DeFranco assumed responsibility as senior research analyst for foreign financials, utilities and information technology companies. Vice-President and Portfolio Manager Mohammed Ahmad was appointed lead portfolio manager for emerging market mandates. Senior Vice President and Portfolio Manager Andrew Fernow will focus on global and international equity strategies. Senior Vice President and Portfolio Manager John Berry will have oversight of the foreign equity team in addition to his primary focus on Canadian equities. Fernow, Ahmad and Chan will report to Berry.

Q1 2016

Business

There were no significant events.

Staff

Andy Thi joined the fixed income team as a credit analyst in February 2016. Thi was at DBRS previously where he specialized in energy companies. In addition, two senior research analysts were given portfolio manager responsibilities: Tom Duncanson began co-managing FGP's small cap mandates in January with Bryan Pilsworth who will retain the lead responsibility on portfolio decision-making, and Brandon Tu began co-managing Canadian equity income mandates in February.

Appendix C - Capital Markets Environment

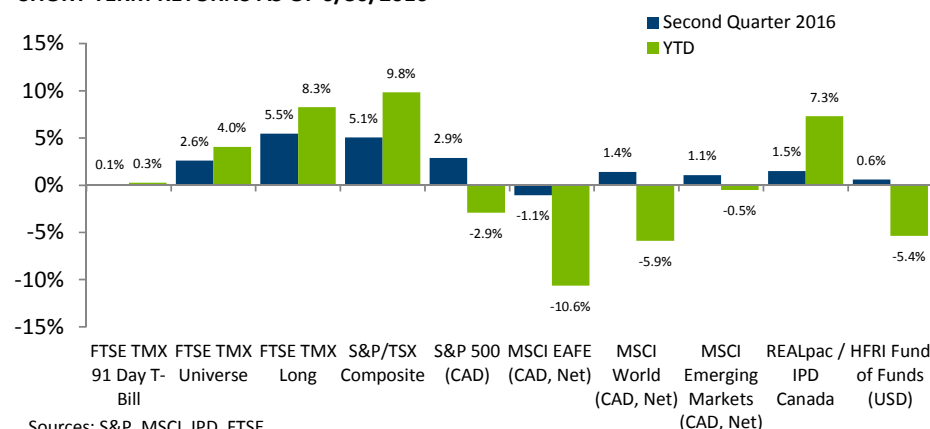
Capital Markets Environment

Capital Markets Environment

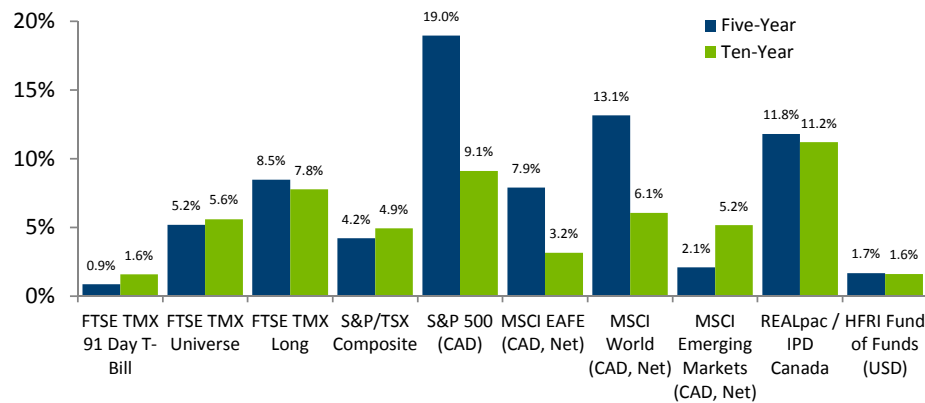
As of 30 June 2016

- Global equities rebounded somewhat after a volatile first quarter. Despite falling sharply on the news of the UK's surprise referendum vote to leave the EU (Brexit), equities recovered quickly on speculation over global monetary policy easing. The MSCI All Country World Index returned 1.2% in local currency terms. However, modest weakness in the Canadian dollar over the quarter pushed returns in Canadian dollar terms up to 1.4%.
- Central banks responded to the market's negative reaction to the UK's decision to leave the EU by reassuring markets that they would maintain their accommodative monetary policies. Expectations for the next interest rate increase by the Federal Reserve (Fed) were pushed back, and the Bank of England hinted that rates may be cut as a way to offset the expected slowdown in the UK economy.
- The Canadian economy grew faster than the previous quarter in Q1 2016 at an annualized growth rate of 2.4%. However, growth disappointed against economists' expectations, as falling exports amid a drop in oil investment and production led to successive monthly contractions later in the quarter.
- The Bank of Canada (BoC) kept monetary policy unchanged over the quarter, but downgraded growth forecasts for Q2 2016, due to wildfires in Northern Alberta, which disrupted oil production.

SHORT TERM RETURNS AS OF 6/30/2016



LONG TERM ANNUALIZED RETURNS AS OF 6/30/2016



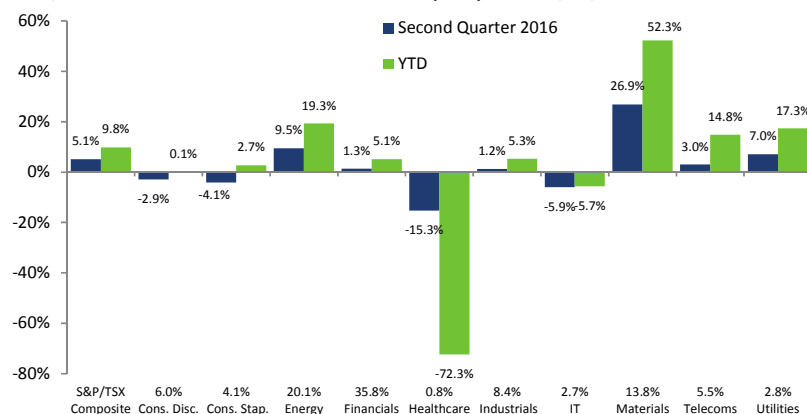
Capital Markets Environment

Capital Markets Environment

As of 30 June 2016

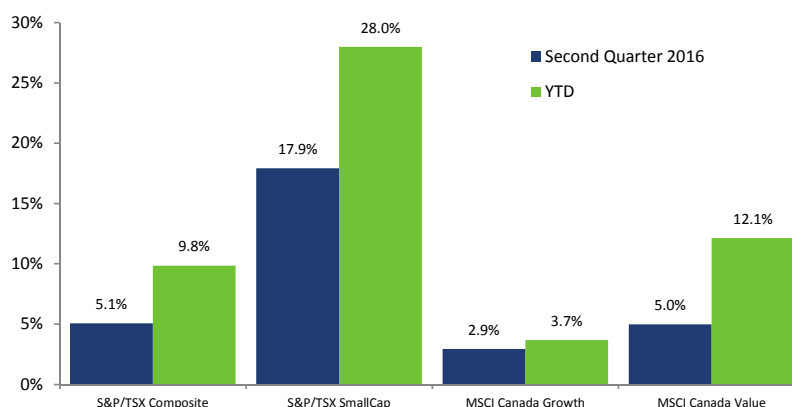
Canadian Equity Markets

S&P/TSX COMPOSITE GICS SECTOR RETURNS (CAD) AS OF 6/30/2016



Source: S&P

CANADIAN EQUITY STYLE/SIZE RETURNS (CAD) AS OF 6/30/2016



Source: S&P, MSCI

- The S&P/TSX Composite Index returned 5.1% during the quarter, driven by increasing energy and materials prices and better than expected earnings from banks. The Index returned 9.8% on a year-to-date basis.
- The majority of the sectors generated positive returns in the second quarter of 2016. The best performing sectors were Materials (26.9%), Energy (9.5%) and Utilities (7.0%). Healthcare continued to be the worst performing sector returning -15.3%; as one of the largest holdings in the sector, Valeant Pharmaceuticals, posted first quarter earnings which fell short of analyst expectations and reduced its earnings and revenue forecasts.
- In the second quarter of 2016, Canadian value stocks, as measured by MSCI, returned 5.0%, outperforming Growth stocks (2.9%).
- Canadian small cap stocks outperformed large cap stocks in the second quarter of 2016.

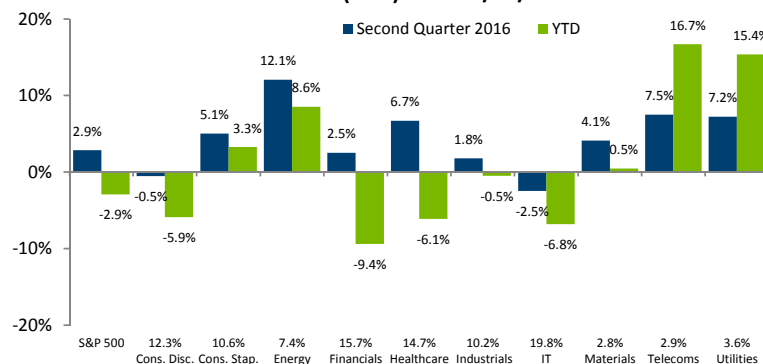
Capital Markets Environment

Capital Markets Environment

As of 30 June 2016

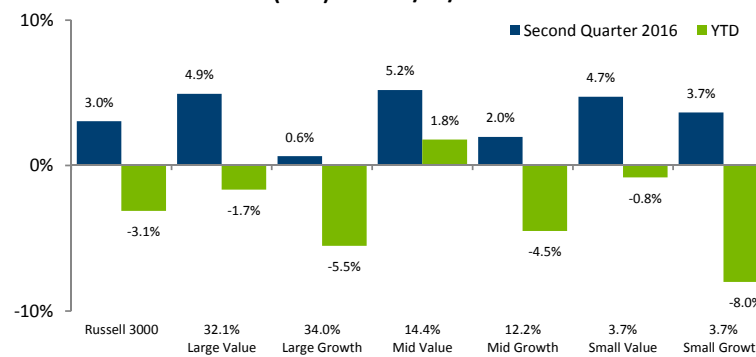
U.S. Equity Markets

S&P 500 GICS SECTOR RETURNS (CAD) AS OF 6/30/2016



Source: S&P

RUSSELL STYLE RETURNS (CAD) AS OF 6/30/2016



Source: Russell Indexes

- U.S. equity returns were less volatile than elsewhere globally as expectations over the timing of the next interest rate increase by the Fed got pushed back, much to the joy of equity investors. Over the quarter, U.S. equities returned 2.5% in local currency terms. In Canadian dollar terms, the Index's return was increased to 2.9% during the quarter as the Canadian dollar weakened against the U.S. dollar. On a year-to-date basis, the Index has returned -2.9% in Canadian dollar terms.
- All sectors posted positive returns last quarter except for Information Technology (-2.5%) and Consumer Discretionary (-0.5%). The top performing sectors were Energy (12.1%) and Telecommunications (7.5%).
- Performance across the style spectrum was positive in Q2 2016 in the U.S., with value stocks leading across all market cap segments.

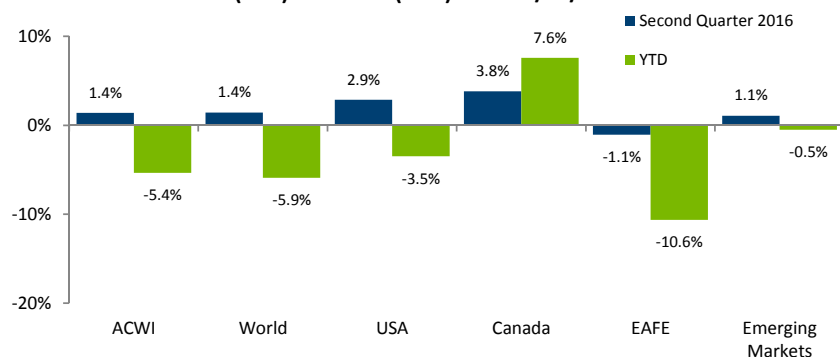
Capital Markets Environment

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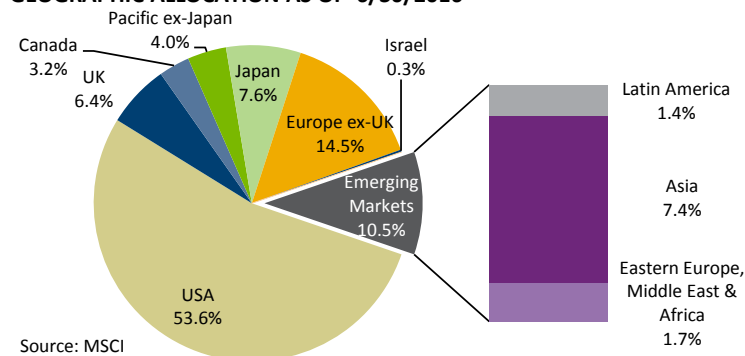
As of 30 June 2016

Global Equity Markets

GLOBAL MSCI INDEX (NET) RETURNS (CAD) AS OF 6/30/2016



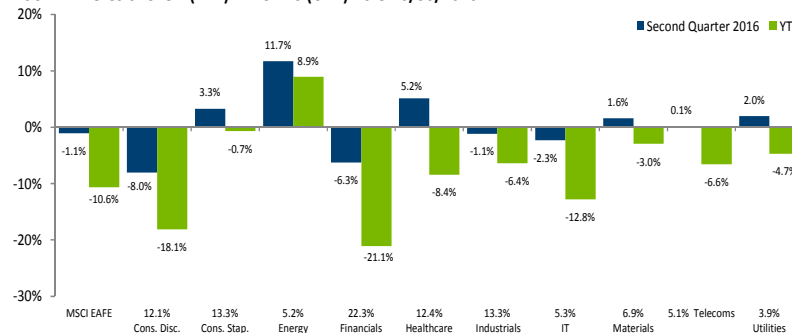
Source: MSCI

MSCI ALL COUNTRY WORLD INDEX
GEOGRAPHIC ALLOCATION AS OF 6/30/2016

Source: MSCI

- The MSCI ACWI Index (CAD) returned 1.4% during the quarter and -5.4% on a year-to-date basis.
- The MSCI EAFE Index returned -0.7% in local currency terms for the quarter. European equities fell as the Brexit vote increased the risk of political and economic stability in the wider European region. European bank share prices were particularly hard hit. Japanese equities also fell as the stronger yen posed a threat to exporter profits. Central bank policy effectiveness concerns and poor corporate earnings also drove the market down. European currencies weakened, pushing down the Index's return in Canadian dollar terms to -1.1%.
- The MSCI Emerging Markets Index returned 0.8% in local currency terms. The prospect of looser monetary policy from central banks and MSCI's decision to delay adding Chinese domestic 'A' shares to the Index served as opposing forces in emerging markets, keeping returns muted. Canadian dollar weakness increased the Index's return to 1.1% over the quarter.
- The MSCI EAFE sectors had mixed returns in Canadian dollar terms, with Energy (11.7%) being the strongest performer and Consumer Discretionary (-8.0%) being the worst.

MSCI EAFE GICS SECTOR (NET) RETURNS (CAD) AS OF 6/30/2016



Source: MSCI

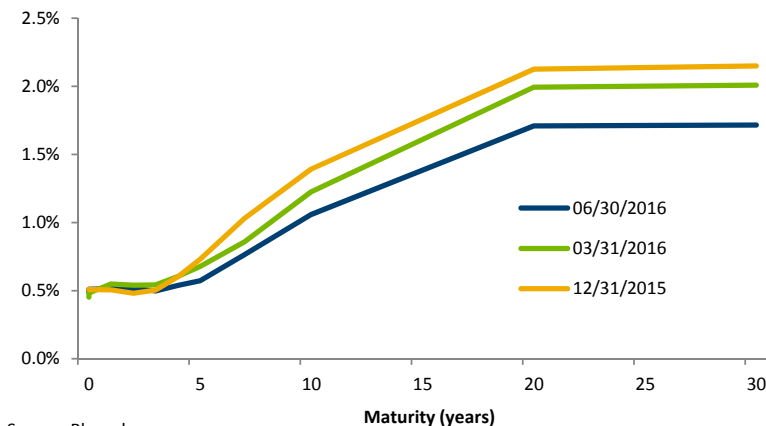
Capital Markets Environment

Capital Markets Environment

As of 30 June 2016

Canada Fixed Income Markets

CANADIAN FEDERAL YIELD CURVE



CANADIAN 30-YEAR FEDERAL YIELDS



- The Canadian yield curve shifted downwards over the quarter with yields falling across all maturities except at the short end of the curve.
- Yields trended lower following the government yields of developed bond markets as investors on a global basis pushed out their expectations for how long low yields would persist. Canadian bonds remain amongst the higher yielding bonds across developed markets.

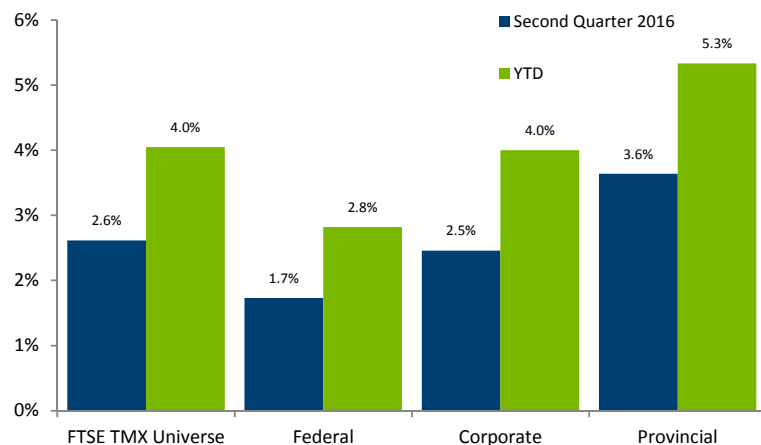
Capital Markets Environment

Capital Markets Environment

As of 30 June 2016

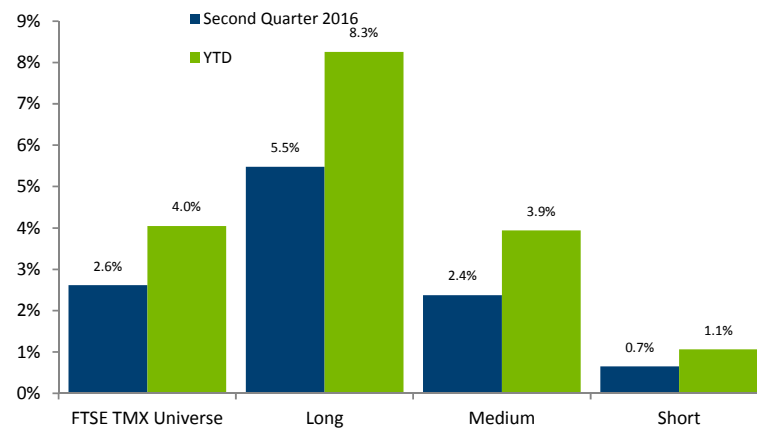
Canada Fixed Income Markets

FTSE TMX RETURNS BY SECTOR AS OF 6/30/2016



Source: FTSE

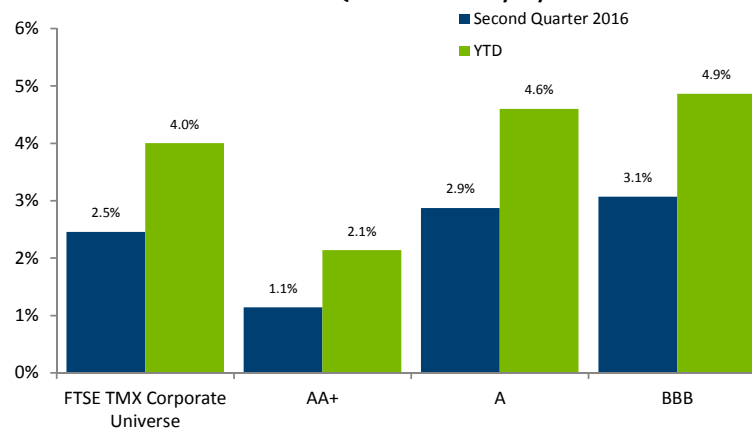
FTSE TMX RETURNS BY MATURITY AS OF 6/30/2016



Source: FTSE

- Bond market returns were positive for the quarter and on a year-to-date basis. Provincial issues outperformed federal and corporate issues during the quarter.
- Investment grade corporate bond market returns were positive across all grades of credit quality during the quarter, with BBB rated bonds providing the highest return. BBB rated bonds also outperformed both A rated and AA+ rated bonds on a year-to-date basis.
- Long duration bonds outperformed medium and short duration bonds during the quarter.

FTSE TMX RETURNS BY CREDIT QUALITY AS OF 6/30/2016



Source: FTSE

Capital Markets Environment

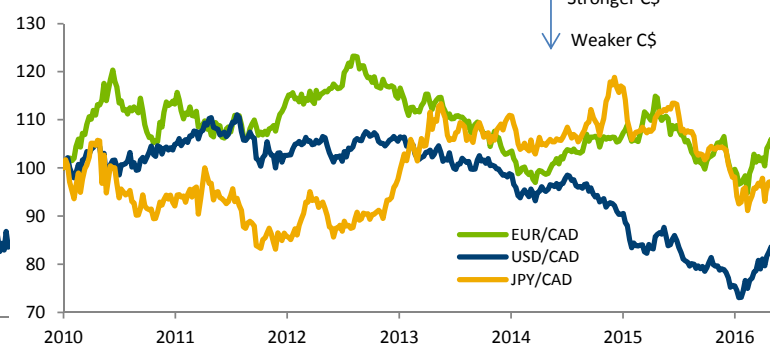
Capital Markets Environment

As of 30 June 2016

Currency

TRADE WEIGHTED CANADIAN DOLLAR INDEX
(1997 = 100)

Source: Bank of England

CANADIAN DOLLAR RELATIVE TO EUR, USD AND JPY
REBASED TO 100 AT 12/31/2009

Source: DataStream

- As measured by the broad Trade Weighted Canadian Dollar Index, the Canadian dollar depreciated marginally by 0.6% during the quarter. The dollar rose in the beginning of the quarter on the back of surging oil prices but declined towards the end of the quarter following dovish talks by the BoC and the reduced growth outlook.
- The U.S. dollar depreciated by 1.1% on a trade-weighted basis as expectations over the timing of future interest rate rises were pushed back. However, the U.S. dollar appreciated by 0.5% against the Canadian dollar.
- The euro weakened by 1.0% on a trade-weighted basis and weakened by 2.1% against the Canadian dollar. The UK Pound weakened by 8.3% against the Canadian dollar with all the weakness occurring after the Brexit vote.
- The yen appreciated strongly by 11.0% on a trade-weighted basis primarily on safe haven flows. The yen strengthened sharply by 8.7% against the Canadian dollar over the quarter.

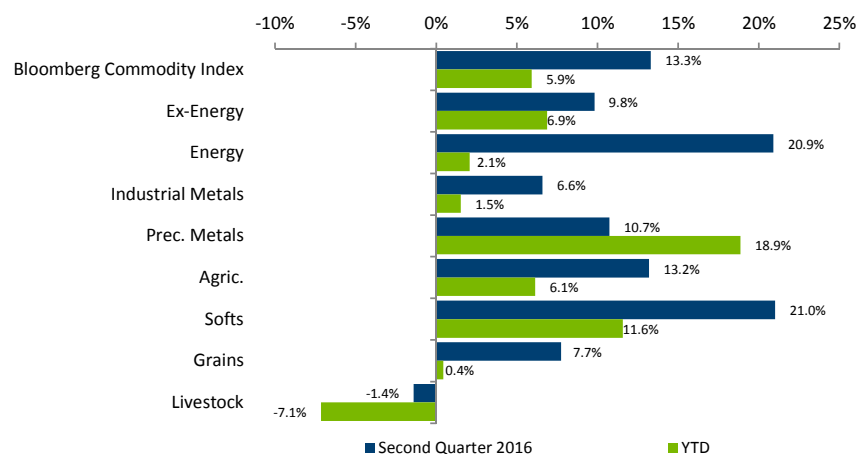
Capital Markets Environment

Capital Markets Environment

As of 30 June 2016

Commodities

COMMODITY RETURNS (CAD) AS OF 6/30/2016



Source: Bloomberg

- The Bloomberg Commodity Index rose significantly in Q2 2016, posting a return of 13.3%.
- Over the quarter, the best performing commodity segment was Softs (21.0%), which is comprised of sugar, coffee and cotton. Energy was a close second with a 20.9% return.
- Livestock was the worst performing sector during the quarter and on a year-to-date basis, returning -1.4% and -7.1% respectively.

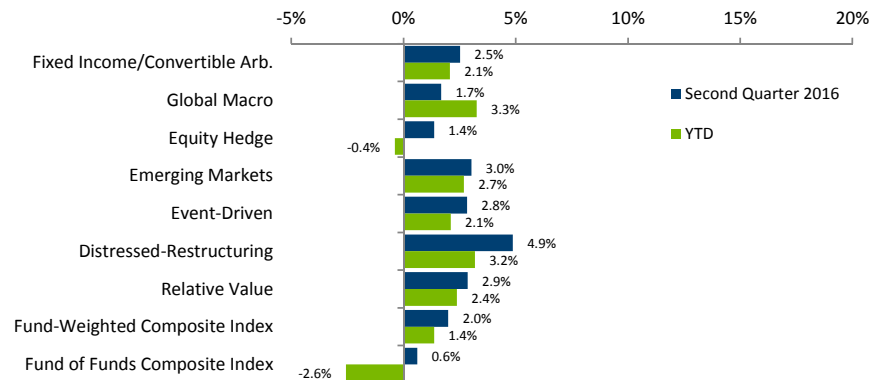
Capital Markets Environment

Capital Markets Environment

As of 30 June 2016

Hedge Fund Markets Overview

HEDGE FUND PERFORMANCE (USD) AS OF 6/30/2016



Note: Latest 5 months of HFR data are estimated by HFR and may change in the future.

Source: HFR

- Hedge fund performance was positive over the quarter across all major strategy types.
- The HFRI Fund-Weighted and Fund of Funds Composite Indices returned 2.0% and 0.6% respectively in Q2 2016.
- Distressed-Restructuring was the strongest performing hedge fund sector over the quarter, returning 4.9%, while the Equity Hedge strategies sector was the worst (1.4%).

Appendix D - Description of Market Indices and Statistics

Description of Market Indices and Statistics

Index Definitions

S&P/TSX Composite

S&P/TSX Composite Index comprises approximately 71 percent of market capitalization for Canadian-based, Toronto Stock Exchange listed companies. It is calculated on a float market capitalization and is the broadest Canadian equity index available. The index also serves as the premier benchmark for Canadian pension funds and mutual market funds.

S&P 500

Standard and Poor's 500 Composite Stock Index consists of the largest 500 companies in the United States chosen for market size, liquidity and industry group representation. It is a market-value weighted index, with each stock's weight in the index proportionate to its market value. For the purposes of this report, the S&P 500 Index returns are converted from U.S. dollars into Canadian dollars, and therefore reflect currency gains or losses.

FTSE TMX Universe Bond (formerly DEX Universe Bond)

The FTSE TMX Universe Bond Index covers all marketable Canadian bonds with term to maturity of more than one year. The Universe contains approximately one thousand marketable Canadian bonds with an average term of 10.5 years and an average duration of 7.6 years. The purpose of the index is to reflect the performance of the broad "Canadian Bond Market" in a similar manner to the S&P/TSX Composite Index.

FTSE TMX 91-Day T-Bill (formerly DEX 91-Day T-Bill)

Canada Treasury Bills represent the highest quality short-term instruments available. The index is constructed by selling and repurchasing Government of Canada T-Bills with an average term to maturity of 91 days. The 91-Day Treasury Bill Index is calculated and marked to market daily.

Description of Market Indices and Statistics

Statistic Definitions

As of 30 June 2016

Active Return

Arithmetic difference between the portfolio return and the benchmark return over a specified time period.

Active Weight

The difference between the portfolio weight and the benchmark weight, where the weight is based on the beginning of period weights for the sector/region/asset class for a certain periodicity (monthly or quarterly, depending upon the reporting frequency), adjusted by the relative return for the sector/region/asset class.

Annualized Value Added

A portfolio's excess return over a benchmark, annualized as it is recorded.

Asset Allocation

The value added or subtracted by under or over weighting sectors/regions/asset classes versus the benchmark weights. Asset allocation measures the impact on performance attributed only to the sector/region/asset class weighting decisions by the manager. It assumes that the manager holds the same securities in each sector/region/asset class and in the same proportion as in the benchmark. Any differences in return can be attributed to differences in sector weights between the manager's fund and the benchmark.

Batting Average

The frequency, expressed in percentage terms, of the portfolio's return equaling or exceeding the benchmark's return.

Beta

A measure of the sensitivity of a portfolio to the movements in the market. It is a measure of a portfolio's non-diversifiable or systematic risk.

Correlation

Also called coefficient of correlation, it is a measure of the co-movements of two sets of returns. Indicates the degree in which two sets of returns move in tandem.

Cumulative Added Value

The geometrically linked excess return of a portfolio over a benchmark.

Down Market Capture

The portfolio's average return as a percentage of the benchmark return, during periods of negative benchmark return. Lower values indicate better portfolio performance.

Downside Risk

A measure similar to standard deviation, but focuses only on the negative movements of the return series. It is calculated by taking the standard deviation of the negative quarterly set of returns. The higher the factor, the riskier the portfolio.

Description of Market Indices and Statistics

Statistic Definitions

As of 30 June 2016

Duration

A measure of a bond portfolio's sensitivity to movements in interest rates.

EPS

Earnings Per Share

Excess Return

Arithmetic difference between the managers return and the risk-free return over a specified time period.

Excess Risk

A measure of the standard deviation of a portfolio's performance relative to the risk free return.

Information Ratio

Measured by dividing the active rate of return by the tracking error. The higher the Information Ratio, the more value-added contribution by the manager.

Return

Compounded rate of return for the period.

R-Squared

The percentage of a portfolio's performance explained by the behaviour of the appropriate benchmark. High R-Square means a higher correlation of the portfolio's performance to the appropriate benchmark.

Security Selection

The value added or subtracted by holding securities at weights which differ from those in the benchmark, including securities not in the benchmark or a zero weight. The security selection return assumes the manager weights for each sector/region/asset class in the portfolio are in the same proportion as in the overall benchmark, and excess returns are due to security selection. That is, differences in returns between the manager's fund and the benchmark are attributed to the securities the manager has chosen.

Sharpe Ratio

Represents the excess rate of return over the risk free return divided by the standard deviation of the excess return. The result is the absolute rate of return per unit of risk. The higher the value, the better the portfolio's historical risk-adjusted performance.

Simple Alpha

The difference between the portfolio's return and the benchmark's return.

Description of Market Indices and Statistics

Statistic Definitions

As of 30 June 2016

Sortino Ratio

Represents the excess return over the risk-free rate divided by the downside deviation (i.e. the standard deviation of negative asset returns). Therefore, the Sortino Ratio differentiates harmful volatility from general volatility. A large Sortino Ratio indicates there is a low probability of a large loss.

Standard Deviation

A statistical measure of the range of a portfolio's performance, the variability of a return around its average return over a specified time period.

Tracking Error

A measure of the standard deviation of a portfolio's performance relative to the performance of an appropriate benchmark.

Treynor Ratio

Similar to Sharpe ratio, but focuses on beta rather than excess risk (standard deviation). Represents the excess rate of return over the risk free rate divided by the beta. The result is the absolute rate of return per unit of risk. The higher the value, the better the portfolio's historical risk-adjusted performance.

Up Market Capture

The portfolio's average return as a percentage of the benchmark return, during periods of positive benchmark return. Higher values indicate better portfolio performance.

Appendix E - Fee Analysis

Fee Analysis

Manager Fees

Account	Fee Schedule	Market Value	Percentage of Portfolio	Estimated Annual Fee (\$)	Estimated Annual Fee (%)
Total		\$69,265,001	100.0%	\$83,065	0.120%
FGP - Equities	0.450% of the first \$50 Million 0.300% of the next \$25 Million 0.200% of the balance	\$12,108,120	17.5%	\$54,487	0.450%
FGP - Fixed Income & Short-Term	0.050% of the balance	\$57,156,881	82.5%	\$28,578	0.050%

Appendix F - Compliance

Compliance

E&O Insurance Fund, Compensation Fund and General Fund		
Category	Guidelines	Jun-16
General	Confirm whether the following transactions have occurred in the portfolio:	
	Use of non-taxable accounts.	no
	Use of derivatives.	no
	Short selling investments.	no
	Use of margin.	no
	Direct investment in real estate.	no
Money Market Investments	Investments have a minimum rating of R1 or equivalent, by DBRS, Moody's or Standard and Poor.	yes
	Investments have a maximum maturity of 1 year (364 days).	yes
	Money Market/Short Term Investments are only in these type of investments: • Federal Government T-Bills (including Federal and Provincial agencies) • Bankers Acceptance • Commercial Paper	yes
	No more than 8% of the total portfolio has been invested with any single issuer other than Government of Canada securities.	yes
Fixed Income Investments	Investments have a minimum rating of BBB for bonds and debentures or P2 for preferred stocks or equivalent by DBRS, Moody's or Standard and Pooers.	yes
	Investments are in Canadian Currency.	yes
	No more than 10% of the market value of the fixed income portfolio has been invested with any one security or issuer other than holdings with Federal and Provincial Governments and their guarantees.	yes
	Portfolio's weighted average duration is between 1 to 5 years and in-line with the Benchmark (FTSE TMX Short Term Bond Index).	yes
	Fixed Income Investments are only in these type of investments: • Bonds, Debentures, Notes, Non-Convertible Preferred Stocks, Term Deposits and GICs • Bonds of Foreign Issuers denominated in Canadian Dollars • NHA-insured Mortgage-Backed Securities or Collateralized Mortgage-Backed Securities • Marketable Private Placement of Bonds	yes
	Confirm whether the fixed income portion of the portfolio's asset mix has been within the ranges defined below for the previous month:	
	Minimum holding in Government of Canada Debt Obligations: Benchmark Weight minus 20%	yes
	Provincial Government Debt and Municipal Government Debt Obligations: Benchmark Weight plus or minus 20%	yes
	Maximum Total Corporate Debt Obligations: Benchmark weight plus 20%	yes
	Maximum Total Corporate BBB Issues: Benchmark weight plus 10%	yes
	Foreign Issuer or Canadian Issuer in foreign currency: Max 10%	yes
Equity Securities	Stocks are listed on one of the major stock exchanges.	
	No more than 10% of market value of the total portfolio is invested with a single issuer.	yes
Asset Mix (based on market value)	Confirm whether the portfolio asset mix has been within the ranges defined below for the previous month:	
	Money Market: Min 0%, Max 15%	yes
	Canadian Fixed Income: Min 60%, Max 95%	yes
	Total Fixed Income: Min 75%, Max 95%	yes
	Canadian Equities: Min 5%, Max 25%	yes

Appendix G - Disclosure

Disclosure

Statement of Disclosure

As of 30 June 2016

Aon Hewitt Inc. reconciles the rates of return with each investment manager quarterly. Aon Hewitt Inc. calculates returns from the custodian/trustee statements while the managers use different data sources. Occasionally discrepancies occur because of differences in computational procedures, security prices, "trade date" versus "settlement date" accounting, etc. We monitor these discrepancies closely and find that they generally do not tend to persist over time. However, if a material discrepancy arises or persists, we will bring the matter to your attention after discussion with your money manager.

This report may contain slight discrepancies due to rounding in some of the calculations.

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TAB 4



Report to Convocation November 9, 2016

Equity and Aboriginal Issues Committee/ Comité sur l'équité et les affaires autochtones

Committee Members
Dianne Corbiere, Co-Chair
Julian Falconer, Co-Chair
Sandra Nishikawa, Vice-Chair
Gina Papageorgiou, Vice-Chair
Marion Boyd
Suzanne Clément
Robert Evans
Avvy Go
Howard Goldblatt
Marian Lippa
Isfahan Merali
Sidney Troister
Tanya Walker

Purpose of Report: Decision and Information

**Prepared by the Policy Secretariat
(Ekua Quansah – 416-947-3425)**

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For Information [TAB 4.2](#)

Equity Legal Education and Rule of Law Calendar 2016[TAB 4.2.1](#)

COMMITTEE PROCESS

1. The Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones (the "Committee") met on October 6, 2016. Committee members, benchers Dianne Corbiere, Co-Chair, Julian Falconer, Co-Chair, Sandra Nishikawa, Vice-Chair, Gina Papageorgiou, Vice-Chair, Marion Boyd, Avvy Go, Howard Goldblatt, Isfahan Merali, Sidney Troister and Tanya Walker attended. Elder Myeengun Henry and Kathleen Lickers, representative of the Indigenous Advisory Group, Julie Lassonde, representative of the Association des juristes d'expression française de l'Ontario, and Paul Saguil, Chair of the Equity Advisory Group, also participated. Staff members Darcy Belisle, Hyacinth Khin, Jennifer Khor, Marian MacGregor, and Ekua Quansah were present.

TAB 4.1

FOR DECISION

HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTION

Motion

2. **That Convocation approve the letters and public statements in the following cases:**
 - a. **Ramón Cadena Rámila – Guatemala – letters of intervention and public statement presented at [TAB 4.1.1](#).**
 - b. **Jamshed Yorov – Tajikistan – letters of intervention and public statement presented at [TAB 4.1.2](#).**

Rationale

3. The request for interventions falls within the mandate of the Human Rights Monitoring Group (the “Monitoring Group”) to,
 - a. review information that comes to its attention about human rights violations that target members of the profession and the judiciary, here and abroad, as a result of the discharge of their legitimate professional duties;
 - b. determine if the matter is one that requires a response from the Law Society; and,
 - c. prepare a response for review and approval by Convocation.

Key Issues and Considerations

4. The Monitoring Group considered the following factors when making a decision about the harassment of lawyer Ramón Cadena Rámila in Guatemala:
 - a. there are no concerns about the quality of sources used for this report;
 - b. the harassment of lawyer Ramón Cadena Rámila falls within the mandate of the Monitoring Group; and
 - c. the Law Society has intervened previously in the cases of a lawyers and judges in Guatemala – most recently in June 2014.
5. The Monitoring Group considered the following factors when making a decision about the arrest of lawyer Jamshed Yorov in Tajikistan:
 - a. there are no concerns about the quality of sources used for this report;
 - b. the arrest of lawyer Jamshed Yorov falls within the mandate of the Monitoring Group; and

- c. the Law Society has intervened previously in the cases of a lawyers and judges in Tajikistan– most recently in January 2016 – in the case of Jamshed Yorov's brother, Buzurgmehr Yorov.

KEY BACKGROUND

GUATEMALA – HARASSMENT OF LAWYER RAMÓN CADENA RÁMILA

Sources of Information

6. The background information for this report was taken from the following sources:
 - a. Council of Bar and Law Societies of Europe;
 - b. International Bar Association's Human Rights Institute;
 - c. International Commission of Jurists;
 - d. The Guardian; and
 - e. The Law Society of England and Wales.

Background

7. Ramón Cadena Rámila is a well-known human rights lawyer and the International Commission of Jurists' (ICJ) regional director for Central America. He was "...a key witness in the trial of former President Efraín Ríos Montt for his role in the alleged genocide and other atrocities committed during the civil war of the 1970s and 80s."¹ Ramón Cadena Rámila also provides legal advice on behalf of the ICJ to communities fighting against mining projects in Guatemala.²
8. Reports indicate that on August 15, 2016, armed men ransacked Ramón Cadena Rámila's home in Guatemala City while he was attending a workshop in another part of the country. Ramón Cadena Rámila's family and a security guard were forced to wait on their knees outside.³
9. The Law Society of England and Wales (LSEW) notes that attacks against human rights lawyers in Guatemala have intensified in the past months. The LSEW has expressed concern that "the recent attack to Mr. Cadena's property reflect a pattern of systematic intimidations and harassment carried out against human rights lawyers in relation to their work in Guatemala."⁴

¹ "ICJ strongly condemns attack on its director in Central America," online: ICJ < <http://www.icj.org/icj-strongly-condemns-attack-on-its-director-in-central-america/>>

² *Ibid.*

³ "Re: Concerns regarding Guatemalan lawyer Ramón Cadena Rámila" online: Council of Bar and Law Societies of Europe [http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Guatemala - Guatemala/2016/EN_HRL_20160914_Guatemala_Ramon_Cadena_Ramila.pdf](http://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Guatemala_-_Guatemala/2016/EN_HRL_20160914_Guatemala_Ramon_Cadena_Ramila.pdf)

⁴ "Harassment of lawyer – Mr Ramón Cadena Rámila," online: The Law Society of England and Wales < <http://communities.lawsociety.org.uk/human-rights/interventions/2016/mr-ramon-cadena-ramila-harassment-of-a-lawyer/5057464.article>>

TAJIKISTAN – ARREST OF LAWYER JAMSHED YOROV

Sources of Information

10. The background information for this report was taken from the following sources:

- a. Amnesty International;
- b. International Commission of Jurists;
- c. Lawyers for Lawyers; and
- d. Reuters.

Background

11. Lawyers for Lawyers has reported the following:

Jamshed Yorov represented Muhammadali Hayit, the deputy chairman of the banned opposition Islamic Renaissance Party of Tajikistan (IRPT). On June 2, 2016, Mr. Hayit was sentenced to life imprisonment after a closed-door ruling by Tajikistan's Supreme Court. Hereafter, Jamshed Yorov was arrested and detained on 22 August 2016 on suspicion of 'dissemination of a state secret'. Allegedly, Atty. Yorov would have disclosed information about the closed-door ruling against Mr. Hayit. We were informed that under Tajik law, court rulings can no longer be a state secret after their announcement.

This case is not an isolated one. Jamshed Yorov is at least the third Tajik lawyer representing members of the IRPT that has been arrested. In September and October 2015, lawyers Buzurgmehr Yorov and Nuriddin Makhkamov were arrested. Atty. Yorov was initially charged with fraud related charges. In December 2015, authorities added charges of "arousing national, racial, local or religious hostility" and extremism. Nuriddin Makhkamov faces swindling charges. At the time of their arrest, both lawyers were representing members of the IRPT. When the trial against Attys. Yorov and Makhkamov started on May 3, it was closed to the public.⁵

12. Lawyers for Lawyers and the International Commission of Jurists believe that Jamshed Yorov's arrest may be as a result of the exercise of his legitimate duties in defending Muhammadali Hayit.⁶

⁵ "Tajikistan – Concerns about arrest lawyer Jamshed Yorov," online: Lawyers for Lawyers < <http://www.advocatenvooradvocaten.nl/11882/tajikistan-concerns-about-arrest-lawyer-jamshed-yorov/>>

⁶ "Tajikistan – Concerns about arrest lawyer Jamshed Yorov," online: Lawyers for Lawyers < <http://www.advocatenvooradvocaten.nl/11882/tajikistan-concerns-about-arrest-lawyer-jamshed-yorov/>> and "Tajikistan: arrest of lawyer raises concern over reprisals for defense of clients," online: International Commission of Jurists < <http://www.icj.org/tajikistan-arrest-of-lawyer-raises-concern-over-reprisals-for-defense-of-clients/>>

TAB 4.1.1

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

LAWYER RAMÓN CADENA RÁMILA

His Excellency Mr. Jimmy Morales
President of the Republic of Guatemala
6av. 5-34 zona 1,
Guatemala City
Guatemala

Dear Mr. President:

Re: Harassment of lawyer Ramón Cadena Rámila

I write on behalf of the Law Society of Upper Canada to voice our grave concern in the matter of lawyer Ramón Cadena Rámila. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Ramón Cadena Rámila is a well-known human rights lawyer and the International Commission of Jurists' (ICJ) regional director for Central America. He was a key witness in the trial of former President Efraín Ríos Montt for his role in the alleged genocide and other atrocities committed during the civil war of the 1970s and 1980s. Ramón Cadena Rámila also provides legal advice on behalf of the ICJ to communities fighting against mining projects in Guatemala.

It has come to our attention that on August 15, 2016, armed men ransacked Ramón Cadena Rámila's home in Guatemala City while he was attending a workshop in another part of the country. Ramón Cadena Rámila's family and a security guard were forced to wait on their knees outside.

The Law Society is deeply concerned about these reports. It is our understanding that attacks against human rights lawyers in Guatemala have intensified in the past months and that this incident is the latest in a string of incidents of intimidation and harassment against human rights lawyers in Guatemala. We believe strongly that lawyers should be able to exercise their legitimate duties without fear for their lives, for their liberty and for their security.

The Law Society of Upper Canada urges Your Excellency to comply with Guatemala's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or

improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the government of Guatemala to:

- a. conduct an immediate and impartial investigation into the harassment and intimidation of Ramón Cadena Rámila and bring those responsible to justice;
- b. put an end to the harassment of lawyers and human rights defenders in Guatemala;
- c. ensure that all lawyers can carry out their legitimate activities without fear of physical violence or other human rights violations; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Paul Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 7,800 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

H.E. Ms. Rita Claverie de Sciolli
Ambassador of Guatemala to Canada
Embassy of Guatemala in Canada
130 Albert Street, Suite 1010
Ottawa, ON K1P 1B1

The Honourable Stéphane Dion
Minister of Foreign Affairs
Global Affairs Canada
125 Sussex Drive
Ottawa, ON K1A 0G2
stephane.dion@parl.gc.ca

President, Colegio de Abogados y Notarios de Guatemala
0 calle 15-46 zona 15, colonial El Maestro
Edificio de los Colegios Profesionales
Nivel 7 y 8
Guatemala

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Charlotte Ford, Head of International Policy and Engagement, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Harassment of lawyer Ramón Cadena Rámila

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to His Excellency Mr. Jimmy Morales, President of Guatemala, expressing our deep concerns over reports of the harassment and intimidation of lawyer Ramón Cadena Rámila.

We would be very interested in hearing from you concerning the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have any of the facts in the case wrong. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekua Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

Teresa Donnelly
Chair, Human Rights Monitoring Group

* The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 7,800 paralegals in the province of Ontario, Canada. The Law Society is committed to preserving the rule of law and to the maintenance of an independent Bar. Due to this commitment, the Law Society established a Human Rights Monitoring Group ("Monitoring Group"). The Monitoring Group has a mandate to review information of human rights violations targeting, as a result of the discharge of their legitimate professional duties, members of the legal profession and the judiciary, in Canada and abroad. The Human Rights Monitoring Group reviews such information and determines if a response is required of the Law Society.

Letter to be sent to:

- President, Colegio de Abogados y Notarios de Guatemala
- Alex Neve, Secretary General, Amnesty International Canada

- Mary Lawlor, Executive Director, Front Line Defenders
- Emma Achili, Head of European Union Office, Front Line Defenders
- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
- David F. Sutherland, Chair, Lawyers' Rights Watch Canada
- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Charlotte Ford, Head of International Policy and Engagement, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concerns over the harassment of lawyer Ramón Cadena Rámila

Ramón Cadena Rámila is a well-known human rights lawyer and the International Commission of Jurists' (ICJ) regional director for Central America. He was a key witness in the trial of former President Efraín Ríos Montt for his role in the alleged genocide and other atrocities committed during the civil war of the 1970s and 1980s. Ramón Cadena Rámila also provides legal advice on behalf of the ICJ to communities fighting against mining projects in Guatemala.

It has come to our attention that on August 15, 2016, armed men ransacked Ramón Cadena Rámila's home in Guatemala City while he was attending a workshop in another part of the country. Ramón Cadena Rámila's family and a security guard were forced to wait on their knees outside.

The Law Society is deeply concerned about these reports. It is our understanding that attacks against human rights lawyers in Guatemala have intensified in the past months and that this incident is the latest in a string of incidents of intimidation and harassment against human rights lawyers in Guatemala. We believe strongly that lawyers should be able to exercise their legitimate duties without fear for their lives, for their liberty and for their security.

The Law Society of Upper Canada urges the government of Guatemala to comply with Articles 16, 17 and 18 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the government of Guatemala to:

- a. conduct an immediate and impartial investigation into the harassment and intimidation of Ramón Cadena Rámila and bring those responsible to justice;
- b. put an end to the harassment of lawyers and human rights defenders in Guatemala;
- c. ensure that all lawyers can carry out their legitimate activities without fear of physical violence or other human rights violations; and
- d. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 4.1.2

PROPOSED LETTERS OF INTERVENTION AND PUBLIC STATEMENT

LAWYER JAMSHED YOROV

His Excellency Mr. Emomali Rahmon
President of the Republic of Tajikistan
Rudaki Avenue, 80
Dushanbe 734023
Republic of Tajikistan

Your Excellency:

Re: Arrest of lawyer Jamshed Yorov

I write on behalf of the Law Society of Upper Canada to voice our grave concern in the matter of lawyer Jamshed Yorov. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

Jamshed Yorov is known for representing Mahmadalli Hait, the deputy chairman of the banned opposition Islamic Renaissance Party of Tajikistan. On June 2, 2016, Mr. Hait was sentenced to life imprisonment after a closed-door ruling by Tajikistan's Supreme Court.

It has come to our attention that Jamshed Yorov was arrested and detained on August 22, 2016, and charged with "disclosure of State secrets" under part 1 of article 311 of the Criminal Code of Tajikistan. Jamshed Yorov informed his family that he was being questioned in connection with the alleged leaked publication of the text of a classified court judgment, concerning the case of Mr. Hait, on the internet.

The Law Society is deeply concerned about these reports. It is our understanding that Jamshed Yorov's arrest may be as a result of the exercise of his legitimate duties in defending Mahmadalli Hait. We believe strongly that lawyers should be able to exercise their legitimate duties without fear for their lives, for their liberty and for their security.

The Law Society of Upper Canada urges Your Excellency to comply with Tajikistan's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

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Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other

sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

Where the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities.

Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the government of Tajikistan to:

- a. release Jamshed Yorov immediately;
- b. guarantee all the procedural rights that should be accorded to Jamshed Yorov and other human rights lawyers and defenders in Tajikistan;
- c. put an end to all acts of harassment against Jamshed Yorov as well as other human rights lawyers and defenders in Tajikistan;
- d. guarantee in all circumstances the physical and psychological integrity of Jamshed Yorov;
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Paul Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 7,800 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

H.E. Mr. Mahmamin Mahmadaminov
Permanent Representative of Tajikistan to the United Nations
216 East 49th Street, 4th Floor
New York, NY 10017
USA

The Honourable Stéphane Dion
Minister of Foreign Affairs
Global Affairs Canada
125 Sussex Drive
Ottawa, ON K1A 0G2
stephane.dion@parl.gc.ca

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Emma Achili, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

Adrie van de Streek, Executive Director, Lawyers for Lawyers

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Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Charlotte Ford, Head of International Policy and Engagement, The Law Society of England and Wales

Proposed Letter to Lawyers' Associations

Dear [Name],

Re: Arrest of lawyer Jamshed Yorov

I write to inform you that on the advice of the Human Rights Monitoring Group*, the Law Society of Upper Canada sent the attached letter to His Excellency Mr. Emomali Rahmon, President of Tajikistan, expressing our deep concerns over reports of the arrest of lawyer Jamshed Yorov.

We would be very interested in hearing from you concerning the situation noted in the attached letter, whether your organization has intervened in this matter and whether we have any of the facts in the case wrong. Any further information you may have about the case would also be welcome.

Please forward any further correspondence to the attention of Ekua Quansah, Policy Counsel, The Law Society of Upper Canada, 130 Queen St. West, Toronto, Ontario, Canada, M5H 2N6 or to equansah@lsuc.on.ca.

I thank you for your time and consideration.

Sincerely,

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Chair, Human Rights Monitoring Group

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Letter to be sent to:

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- Emma Achili, Head of European Union Office, Front Line Defenders

- Kenneth Roth, Executive Director, Human Rights Watch
- Adrie van de Streek, Executive Director, Lawyers for Lawyers
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- Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders
- Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights
- Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights
- Charlotte Ford, Head of International Policy and Engagement, The Law Society of England and Wales

PROPOSED PUBLIC STATEMENT

The Law Society of Upper Canada expresses grave concerns over arrest of lawyer Jamshed Yorov in Tajikistan

Jamshed Yorov is known for representing Mahmadalli Hait, the deputy chairman of the banned opposition Islamic Renaissance Party of Tajikistan. On June 2, 2016, Mr. Hait was sentenced to life imprisonment after a closed-door ruling by Tajikistan's Supreme Court.

It has come to our attention that Jamshed Yorov was arrested and detained on August 22, 2016, and charged with "disclosure of State secrets" under part 1 of article 311 of the Criminal Code of Tajikistan. Jamshed Yorov informed his family that he was being questioned in connection with the alleged leaked publication of the text of a classified court judgment, concerning the case of Mr. Hait, on the internet.

The Law Society is deeply concerned about these reports. It is our understanding that Jamshed Yorov's arrest may be as a result of the exercise of his legitimate duties in defending Mahmadalli Hait. We believe strongly that lawyers should be able to exercise their legitimate duties without fear for their lives, for their liberty and for their security.

The Law Society of Upper Canada urges the government of Tajikistan to comply with Tajikistan's obligations under international human rights laws, including the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 of the *Basic Principles on the Role of Lawyers* states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economics or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Article 17 states:

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Article 18 states:

Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

The Law Society urges the government of Tajikistan to:

- a. release Jamshed Yorov immediately;
- b. guarantee all the procedural rights that should be accorded to Jamshed Yorov and other human rights lawyers and defenders in Tajikistan;
- c. put an end to all acts of harassment against Jamshed Yorov as well as other human rights lawyers and defenders in Tajikistan;
- d. guarantee in all circumstances the physical and psychological integrity of Jamshed Yorov;
- e. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

TAB 4.2

FOR INFORMATION

**EQUITY LEGAL EDUCATION AND RULE OF LAW SERIES CALENDAR
2016**

13. The Equity Legal Education and Rule of Law Series calendar is presented at [TAB 4.2.1](#).

Tab 4.2.1

FOR INFORMATION

EQUITY LEGAL EDUCATION AND RULE OF LAW SERIES CALENDAR

FALL 2016

November 17, 2016

Louis Riel Day Event

Relationships, Reconciliation and Redress: The Road Ahead for the Métis

November 16, 2016, marks the 131st anniversary of the execution of Louis Riel. Members of the Métis community traditionally join together each year to honour and commemorate the life and work of Louis Riel, and to celebrate Métis culture.

Join the Law Society of Upper Canada and the [Métis Nation of Ontario](#), on November 17, to mark this important occasion. Hear from a panel that includes Métis leadership, legal experts and those involved in this “road ahead” with the Métis.

Thursday, November 17, 2016

Program: 4:30 to 6:30 p.m.*

Reception: 6:30 to 8:00 p.m.

Location: Osgoode Hall, 130 Queen St. W., Toronto

**This program is also available as a simultaneous webcast*

For additional information and to register for this event, please visit:

www.lawsocietygazette.ca/event/louis-riel-day-2016



TAB 5

Report to Convocation November 9, 2016

Professional Regulation Committee

Committee Members

William C. McDowell (Chair)
Jonathan Rosenthal (Vice-Chair)
Malcolm Mercer (Vice-Chair)
Fred Bickford
John Callaghan
Gisèle Chrétien
Suzanne Clément
Seymour Epstein
Carol Hartman
Michael Lerner
Brian Lawrie
Virginia MacLean
Susan Richer
Raj Sharda
Jerry Udell

Purpose of Report: Decision

**Prepared by the Policy Secretariat
Margaret Drent (416) 947-7613**

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For Decision

Expanded Use of Regulatory Meetings by the Proceedings Authorization
Committee.....[Tab 5.1](#)

COMMITTEE PROCESS

1. The Professional Regulation Committee (“the Committee”) met on October 6, 2016. In attendance were William C. McDowell (Chair), Jonathan Rosenthal (Vice-Chair), Malcolm Mercer (Vice-Chair), Suzanne Clément, Seymour Epstein, Carol Hartman (by telephone), Michael Lerner (by telephone), Brian Lawrie, Virginia MacLean, and Jerry Udell.
2. The following Law Society staff members attended the meeting: Karen Manarin, Naomi Bussin, Jennifer Khor, and Margaret Drent.

FOR DECISION

**EXPANDED USE OF REGULATORY MEETINGS BY THE
PROCEEDINGS AUTHORIZATION COMMITTEE**

Motion

3. **That Convocation expand the circumstances in which the Proceedings Authorization Committee (“PAC”) may authorise the invitation of a licensee to a Regulatory Meeting by removing the requirement that the conduct has been the subject of comment in a public forum.**

Introduction

4. The Regulatory Meeting was approved by Convocation in January 2006. A Regulatory Meeting is distinct from an Invitation to Attend (ITA). The ITA, which may also be authorized by PAC, is a confidential meeting with a licensee to discuss an issue or issues of professional misconduct. Because of the confidential nature of an ITA, there is no public statement about the outcome of an investigation.
5. Participants in a Regulatory Meeting include the licensee and a panel of benchers. Following the meeting, in contrast to the ITA, there is a public statement that the meeting occurred which identifies both the licensee and the issues. This statement is placed on the Law Society’s website and published in the Ontario Reports.

Criteria Applied by PAC to Authorize a Regulatory Meeting

6. Convocation approved the following criteria to be applied by PAC in considering whether a Regulatory meeting should be held:
 - (a.) The Law Society has conducted an investigation of the licensee’s conduct and the evidence indicates that the licensee may have breached their obligations under the Rules of Professional Conduct (or Paralegal Rules of Conduct) but in the opinion of PAC, the circumstances are such that a conduct application may not be warranted if the licensee agrees to a meeting.
 - (b.) The conduct to be discussed is not substantially in dispute.
 - (c.) It is not in the public interest to deal with the matter by way of an Invitation to Attend, given its confidential nature, because the conduct of the licensee has been the subject of comment in a public forum (i.e. by a court as a matter of

public record, in a news report, at a conference or other public gathering, or other comment in a public forum).

7. The Committee has considered a PAC request that the criterion described in paragraph (c) be removed. PAC would like to have the ability to respond to certain types of misconduct with a Regulatory Meeting in all cases. Regulatory Meetings are a stronger remedial response than a confidential ITA. However, currently, PAC is prevented from holding such meetings in circumstances in which the licensee's conduct has not been the subject of public comment.
8. The Committee agrees with PAC's request. The Paralegal Standing Committee also considered this request at its October 5 meeting and is in agreement with it.

Current Regulatory Framework

9. Pursuant to [By-Law 11](#) under s. 62(0.1) of the *Law Society Act*, the function of the PAC is to review all matters referred to it, and to determine whether any of various actions should be taken.
10. The actions that may be taken are listed in s. 51(1) of By-Law 11. The options include authorizing the Law Society to apply to the Law Society Tribunal for a determination by the Hearing Division that the licensee has contravened s. 33 of the Law Society Act (which refers to professional misconduct or conduct unbecoming); a determination that a licensee is incapacitated, or a determination that a licensee has failed to meet standards of professional competence.
11. Under s. 51(1) above, and pursuant to Convocation Policy, PAC has three options where it wishes to take remedial action. The first two options (a Regulatory Meeting and an Invitation to Attend) are described above. The third remedial option is a Letter of Advice.
12. None of the three options is considered to be disciplinary, and they do not form part of a licensee's discipline record.

13. The following table compares the features of a Letter of Advice, an ITA, and a Regulatory Meeting.

Option	Attendance by Licensee Required	Public/Private Nature
Letter of Advice	No, the letter arrives in the mail.	Only the complainant is told that the letter was sent. The complainant does not receive a copy of the letter, although he or she is told at a high level what issues were addressed.
ITA	Yes.	Only the complainant is told that the meeting was conducted. The complainant does not receive details about what was discussed, although he or she is told at a high level what issues were addressed. A summary of the advice given at ITAs is published in the Ontario Reports for the benefit of the profession, but the information is anonymized and the licensees who attended are not identified.
Regulatory Meeting	Yes.	That the meeting occurred is a matter of public record at the Law Society and a public statement on the Law Society's website and in the Ontario Reports identifies both the licensee and the issues discussed.

The Committee's View

14. The Committee is of the view that PAC should have the ability to respond to certain types of professional misconduct with a Regulatory Meeting in all cases, as a Regulatory Meeting is considered to be a stronger remedial response than a confidential ITA. ITAs would continue to be held in appropriate circumstances.



TAB 6

Report to Convocation November 9, 2016

Tribunal Committee

Committee Members

Barbara Murchie (Chair)
Isfahan Merali (Vice-Chair)
Raj Anand
Larry Banack
Peter Beach
Christopher Bredt
Robert Burd
Paul Cooper
Janis Criger
Rocco Galati
Baljit Sikand
Peter Wardle

Purpose of Report: Decision

**Prepared by the Policy Secretariat
(Sophia Sperdakos 416-947-5209)**

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Decision

Amendments to the Law Society Tribunal Hearing Division
and Appeal Division Rules of Practice and Procedure

TAB 6.1

COMMITTEE PROCESS

1. The Committee met on October 6, 2016. Committee members Barbara Murchie (Chair), Isfahan Merali (Vice-Chair) Raj Anand, Larry Banack, Peter Beach, Christopher Brett, Robert Burd, Paul Cooper, Janis Criger, Baljit Sikand and Peter Wardle attended. Tribunal Chair, David Wright, and Tribunal staff members Samantha Gomez, Lisa Mallia, Vashti Ramsukh and Joe Zaffino also attended. Director of Policy, Jennifer Khor, and Policy Counsel, Sophia Sperdakos, also attended.

TAB 6.1

DECISION

**AMENDMENTS TO THE LAW SOCIETY TRIBUNAL HEARING
DIVISION AND APPEAL DIVISION RULES OF PRACTICE AND
PROCEDURE**

Motion

2. That Convocation approve the proposed English and French amendments to the Law Society Tribunal Hearing Division and Appeal Division Rules of Practice and Procedure, effective January 1, 2017, set out in the Motion at [TAB 6.1.1: Amendments to HD and AD Rules](#).

Proposal under Consideration and Rationale

3. Amendments to the Hearing Division Rules of Practice and Procedure at [TAB 6.1.1.1](#) and Appeal Division Rules of Practice and Procedure at [TAB 6.1.1.2](#) are proposed as part of the implementation of the Tribunal's new electronic case management system (TIM) and the ongoing efforts to streamline the Rules to make them more accessible.
4. The proposed amendments are necessary to,
 - a. facilitate implementation of electronic filing, the first stage of the new case management system;
 - b. modernize and shorten the relevant rules and employ plain language;
 - c. simplify administrative processes for parties and the Tribunal;
 - d. minimize the disclosure of personal information that is not relevant to the matter by separating the Notice of Application, which will appear on the website, from personal information, which will not; and
 - e. make the information on the Tribunal website easier to review and follow.

Key Issues and Considerations

5. In developing the amendments and new rules the following are the key issues addressed:
 - a. Notices of Application
 - i. The forms are simplified to focus on the allegations and remove information about the first appearance before the Tribunal that could be confusing to the public.
 - ii. A separate Notice of Application is developed for each type of application, clearly referencing the statutory test.

- iii. For Law Society applications, Notices of Application will be composed and filed electronically.
 - iv. Going forward, the Notices of Applications will be served, then filed with the Tribunal (rather than the current practice of first issuing the Notice of Application, then serving it).
- b. Information Sheet
- i. A separate information sheet containing personal information not relevant to the matter will be in the Tribunal file, but not posted on the web site or available to the public.
 - ii. The form will provide an opportunity to indicate alternate contact information, accommodation needs, etc. that was not available on the previous form.
- c. Rules Respecting Service
- i. The language of the Rule has been simplified.
 - ii. A new “confirmation of service” form eliminates the need to do an affidavit of service each time and a fillable form will be put on the website for licensees.
 - iii. Email service is now allowed without consent.
- d. Interlocutory Suspension/Restriction Motions
- i. The motion becomes a separate type of proceeding in all cases to ensure personal service and allow consistent statistics on interlocutory suspension/restriction motions.
- e. Orders
- i. The Order forms are simplified to focus on information the public and licensees need to know: the determination of the panel about the allegations/motion and the content of the order.
 - 1. By enabling orders to be published on the website and in the *Ontario Reports*, thereby making summaries unnecessary,
 - a. staff time preparing summaries is no longer required; and
 - b. risk of litigation against the Law Society/Tribunal, engendered by differences between the summary and the findings, is eliminated.
- f. Appeal Rules
- i. There is a correction to the Rule dealing with the time to perfect an appeal. This will simplify the process and make it fairer. Under the proposed Rule, the appeal period is 60 days from notice of the Order under appeal or when the transcripts are received, whichever comes last.

6. The proposed amendments have been discussed with the Chair's Practice Roundtable. The Tribunal has also discussed the amendments and process with the Professional Regulation Division ("PRD") on an ongoing basis over a period of time. PRD will also test the electronic system.

TAB 6.1.1

THE LAW SOCIETY OF UPPER CANADA

LAW SOCIETY TRIBUNAL

RULES OF PRACTICE AND PROCEDURE

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON NOVEMBER 9, 2016

MOVED BY

SECONDED BY

THAT, effective January 1, 2017, Convocation amend the Law Society Tribunal Hearing Division Rules of Practice and Procedure, made by Convocation on March 12, 2014, and amended by Convocation on May 22, 2014, September 24, 2014, October 30, 2014, February 25, 2016, April 28, 2016, and June 23, 2016 by,

1. revoking Rule 9 and replacing it with the [revised Rule 9](#) as indicated at Tab 6.1.1.1;
2. revoking the General Heading forms and replacing them with the [revised General Heading forms](#) as indicated at Tab 6.1.1.1;
3. revoking Forms 9A to 9E and replacing them with [Forms 9A to 9P](#) as indicated at Tab 6.1.1.1;
4. revoking Rule 10 and replacing it with the [revised Rule 10](#) as indicated at Tab 6.1.1.1;
5. adding [Form 10A](#);
6. revoking Rule 21 and replacing it with the [revised Rule 21](#) as indicated at Tab 6.1.1.1;
7. revoking Rules 26.03 to 26.06 and replacing them with the revised [Rules 26.03 to 26.06](#) as indicated at Tab 6.1.1.1;
8. revoking Forms 26A and 26B and replacing them with [Forms 26A to 26D](#) as indicated at Tab 6.1.1.1;
9. revoking Rule 27 and replacing it with the [revised Rule 27](#) as indicated at Tab 6.1.1.1;

AND, effective January 1, 2017, Convocation amend the Law Society Tribunal Appeal Division Rules of Practice and Procedure, made by Convocation on March 12, 2014 and amended by Convocation on October 30, 2014 and June 23, 2016 by,

1. amending [Rule 1.2 \(2\)](#) as indicated at Tab 6.1.1.2;
2. amending Rule 3 as indicated at Tab 6.1.1.2;

3. amending Rule 7.1 (4) as indicated at Tab 6.1.1.2;
4. amending Rule 13 as indicated at Tab 6.1.1.2;
5. amending Rule 17 as indicated at Tab 6.1.1.2;
6. adding the Formal Order form as indicated at Tab 6.1.1.2;
7. revoking Forms 3A and 3B and replacing them with Forms 3A to 3E as indicated at Tab 6.1.1.2.

RULE 9 ORIGINATING PROCESS

Service

9.01 (1) A proceeding is commenced by serving and filing the appropriate Information Sheet and originating process: Notice of Application, Notice of Referral for Hearing or Notice of Motion – Interlocutory Suspension or Restriction (Forms 9A-9O).

(2) An originating process and Information Sheet must be served by:

- (a) hand delivery to the person being served;
- (b) regular mail, registered mail or courier; or
- (c) any other method agreed to by the person being served or directed by the Tribunal.

(3) The Law Society of Upper Canada must file originating processes and Information Sheets electronically.

Amendment

9.02 (1) The applicant may amend an originating process no later than 10 days before the hearing on the merits, without leave, by serving and filing an amended version that clearly indicates the nature of the changes.

(2) The applicant may amend an originating process at any time with consent of the other party or with leave of the Tribunal.

Abandonment

9.03 (1) The applicant may, at any time, abandon the proceeding by serving and filing a Notice of Abandonment (Form 9P).

(2) After a proceeding is abandoned, the respondent may bring a motion for costs under Rule 25.

GENERAL HEADING

CONDUCT, CAPACITY, COMPETENCE, NON-COMPLIANCE, REINSTATEMENT, TERMS DISPUTE PROCEEDING

(Law Society Tribunal file no.)

LAW SOCIETY TRIBUNAL HEARING DIVISION

BETWEEN:

(name)

Applicant

and

(name)

Respondent

(Title of document)

(Text of document)

GENERAL HEADING

LICENSING, RESTORATION, RETIRED JUDGE APPEARING AS COUNSEL, WORKING WITH OR EMPLOYING UNAUTHORIZED PERSONS PROCEEDING

(Law Society Tribunal file no.)

LAW SOCIETY TRIBUNAL HEARING DIVISION

BETWEEN:

(name)

Applicant

and

The Law Society of Upper Canada

Respondent

(Title of document)

(Text of document)

FORM 9A – NOTICE OF APPLICATION – CONDUCT

(General Heading)

NOTICE OF APPLICATION – CONDUCT

TO THE RESPONDENT:

THE LAW SOCIETY OF UPPER CANADA applies under s. 34(1) of the *Law Society Act*, RSO 1990, c. L.8, for a determination of whether you have contravened s. 33 by engaging in professional misconduct and/or conduct unbecoming a licensee and for an order under s. 35. Details of the allegations are set out below.

This Notice of Application is served together with an Information Sheet that sets out the next steps in the proceeding.

(Law Society's representative)

(address)

(telephone)

(facsimile)

(e-mail)

DETAILS OF THE ALLEGATIONS:

1.

2.

FORM 9B – NOTICE OF APPLICATION – CAPACITY

(General Heading)

NOTICE OF APPLICATION – CAPACITY

TO THE RESPONDENT:

THE LAW SOCIETY OF UPPER CANADA applies under s. 38(1) of the *Law Society Act*, RSO 1990, c. L.8, for a determination of whether you are or have been incapacitated as defined in s. 37 and for an order under s. 40. Details of the application are set out below.

This Notice of Application is served together with an Information Sheet that sets out the next steps in the proceeding.

(Law Society's representative)
(address)
(telephone)
(facsimile)
(e-mail)

DETAILS OF THE ALLEGATIONS:

- 1.
- 2.

FORM 9C – NOTICE OF APPLICATION – NON-COMPLIANCE

(General Heading)

NOTICE OF APPLICATION – NON-COMPLIANCE

TO THE RESPONDENT:

THE LAW SOCIETY OF UPPER CANADA APPLIES under s. 45(1) of the *Law Society Act*, RSO 1990, c. L.8, for a determination of whether you have failed to comply with an order under Part II of the Act and for an order under s. 45(3). Details of the allegations are set out below.

This Notice of Application is served together with an Information Sheet that sets out next steps in the proceeding.

(Law Society's representative)
(address)
(telephone)
(facsimile)
(e-mail)

DETAILS OF THE ALLEGATIONS:

- 1.
- 2.

FORM 9D – NOTICE OF APPLICATION – PROFESSIONAL COMPETENCE

(General Heading)

NOTICE OF APPLICATION – PROFESSIONAL COMPETENCE

TO THE RESPONDENT:

THE LAW SOCIETY OF UPPER CANADA APPLIES under s. 43(1) of the *Law Society Act*, RSO 1990, c. L.8, for a determination of whether you are failing, or have failed, to meet the standards of professional competence as defined in s. 41 and for an order under s. 44. Details of the allegations are set out below.

This Notice of Application is served together with an Information Sheet that sets out the next steps in the proceeding.

(Law Society's representative)
(address)
(telephone)
(facsimile)
(e-mail)

DETAILS OF THE ALLEGATIONS:

- 1.
- 2.

FORM 9E – NOTICE OF APPLICATION – REINSTATEMENT

(General Heading)

NOTICE OF APPLICATION – REINSTATEMENT

TO THE RESPONDENT:

(Applicant's full name) applies:

(Select applicable option below.)

- ☐ under s. 49.42(1) of the *Law Society Act*, RSO 1990, c. L.8, for an order discharging or varying an order to suspend or restrict my licence on the basis of fresh evidence or a material change in circumstances; or
- ☐ under s.49.42(3) of the *Law Society Act*, RSO 1990, c. L.8, for an order discharging or varying an order made under s. 46 of the Act on the basis that I have been discharged from bankruptcy.

Details of the application are set out below.

This Notice of Application is served together with an Information Sheet that sets out the next steps in the proceeding.

(Applicant/representative's full name)

DETAILS OF THE APPLICATION:

- 1.
- 2.

FORM 9F – NOTICE OF APPLICATION – TERMS DISPUTE

(General Heading)

NOTICE OF APPLICATION – TERMS DISPUTE

TO THE RESPONDENT:

(Applicant's full name) applies under s. 49.43(1) of the *Law Society Act*, RSO 1990, c. L.8, for a determination of whether the terms and conditions specified in an order under Part II of the Act have been met and for an order under s. 49.43(2). Details of the application are set out below.

This Notice of Application is served together with an Information Sheet that sets out the next steps in the proceeding.

(Applicant/representative's full name)

DETAILS OF THE APPLICATION:

1.

2.

FORM 9G – NOTICE OF MOTION FOR INTERLOCUTORY SUSPENSION OR RESTRICTION

(General Heading)

NOTICE OF MOTION FOR INTERLOCUTORY SUSPENSION OR RESTRICTION

TO THE RESPONDENT:

THE LAW SOCIETY OF UPPER CANADA brings a motion under s. 49.27(1) of the *Law Society Act*, RSO 1990, c. L.8, seeking to suspend and/or restrict the Respondent's licence on the basis that there are reasonable grounds for believing that there is a significant risk of harm to members of the public, or to the public interest in the administration of justice, if the order is not made and that making the order is likely to reduce the risk.

The order requested, the grounds for the motion and the documentary evidence the Law Society will rely on at the hearing of the motion are set out below.

This Notice of Motion is served together with an Information Sheet that sets out the next steps in the proceeding.

(Law Society's representative)
(address)
(telephone)
(facsimile)
(e-mail)

The motion is for:

- 1.
- 2.

The grounds for the motion are:

- 1.
- 2.

The Law Society will rely on the following documentary evidence at the hearing of the motion:

- 1.
- 2.

FORM 9H – NOTICE OF REFERRAL FOR HEARING – LICENSING

(General Heading)

NOTICE OF REFERRAL FOR HEARING – LICENSING

TO THE APPLICANT:

THE LAW SOCIETY OF UPPER CANADA refers your application for a licence to a hearing under s. 27(4) of the *Law Society Act*, RSO 1990, c.L. 8.

This Notice of Referral for Hearing is served together with an Information Sheet that sets out the next steps in the proceeding.

(Law Society's representative)
(address)
(telephone)
(facsimile)
(e-mail)

FORM 9I – NOTICE OF REFERRAL FOR HEARING – RESTORATION

(General Heading)

NOTICE OF REFERRAL FOR HEARING – RESTORATION

TO THE APPLICANT:

THE LAW SOCIETY OF UPPER CANADA refers your application to restore your licence that is in abeyance to a hearing under s. 31(2.1) of the *Law Society Act*, RSO 1990, c. L.8.

This Notice of Referral for Hearing is served together with an Information Sheet that sets out the next steps in the proceeding.

(Law Society's representative)
(address)
(telephone)
(facsimile)
(e-mail)

FORM 9J – NOTICE OF REFERRAL FOR HEARING – RETIRED JUDGE APPEARING AS COUNSEL

(General Heading)

NOTICE OF REFERRAL FOR HEARING – RETIRED JUDGE APPEARING AS COUNSEL

TO THE APPLICANT:

THE LAW SOCIETY OF UPPER CANADA refers your application to appear as counsel to a hearing under Rule 9.01 of the *Rules of Practice and Procedure* and s. 7.7 of the *Rules of Professional Conduct*.

This Notice of Referral for Hearing is served together with an Information Sheet that sets out the next steps in the proceeding.

(Law Society's representative)
(address)
(telephone)
(facsimile)
(e-mail)

FORM 9K – NOTICE OF REFERRAL FOR HEARING – WORKING WITH OR EMPLOYING UNAUTHORIZED PERSONS

(General Heading)

NOTICE OF REFERRAL FOR HEARING – WORKING WITH OR EMPLOYING UNAUTHORIZED PERSONS

TO THE APPLICANT:

THE LAW SOCIETY OF UPPER CANADA refers your application to work with or employ an unauthorized person to a hearing under Rule 9.01 of the *Rules of Practice and Procedure* and (s. 7.6-1.1 of the *Rules of Professional Conduct* OR Subrule 6.01(6) of the *Paralegal Rules of Conduct*).

This Notice of Referral for Hearing is served together with an Information Sheet that sets out the next steps in the proceeding.

(Law Society's representative)
(address)
(telephone)
(facsimile)
(e-mail)

FORM 9L – INFORMATION SHEET – LAW SOCIETY APPLICATION

(General Heading)

INFORMATION SHEET – LAW SOCIETY APPLICATION

TO THE RESPONDENT:

The Law Society of Upper Canada is serving you with a Notice of Application. This document starts a proceeding before the Law Society Tribunal.

Following service, the Notice of Application will be filed with the Tribunal. The Tribunal Office will assign a file number and send the parties confirmation of filing and a copy of the Notice of Application as filed.

(For Summary hearing applications)

A summary hearing before a single Tribunal member panel is scheduled to take place on *(summary hearing date)* at 9:30 AM at the Law Society Tribunal, 375 University Avenue, 4th Floor, Toronto, Ontario, M5G 2J5 *(or indicate location)*.

IF YOU DO NOT ATTEND THE HEARING, IT MAY PROCEED IN YOUR ABSENCE and you will not be entitled to any further notice in the proceeding. All issues, including penalty and costs, if applicable, may be heard and decided on the above date.

(For all other applications)

Unless the Tribunal advises otherwise, this proceeding will be placed on the proceeding management conference (PMC) list for *(PMC date)* at 9:00 AM at the Law Society Tribunal, 375 University Avenue, 4th Floor, Toronto, Ontario, M5G 2J5 to schedule a pre-hearing conference or give other directions about the proceeding.

You are required to attend the PMC. You are encouraged to attend in person. If you are unable to attend in person, you may attend by telephone by providing a contact number to the Tribunal Office no later than noon on the last business day before the PMC date noted above at tribunal@lsuc.on.ca, 416-947-5249 or 1-800-668-7380, extension 5249. You may also choose to have a representative attend with you or on your behalf.

IF YOU FAIL TO ATTEND THE PMC, IT MAY PROCEED IN YOUR ABSENCE.

The following information is being provided to the Tribunal for the purpose of this proceeding.

Respondent's Law Society licence number (if any): *(Law Society number)*

Licensee type: *(lawyer/paralegal/lawyer applicant/paralegal applicant)*

Year of licence (if any): *(year of licence)*

Location of licensee: *(city, town or community of practice or, if none, city, town or community of residence)*

Date of Proceedings Authorization Committee (PAC), if applicable: *(PAC date)*

Respondent's contact information

Primary contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Alternate contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Representative contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Additional Notes: *(Notes, including any accommodation needs on human rights or other grounds for any participant in this proceeding)*

If any of the above contact information is incorrect, please advise the Tribunal immediately.

Information about the Tribunal is available on its website at www.lawsocietytribunal.ca. You may contact the Tribunal at:

Law Society Tribunal
Suite 402, 375 University Avenue
Toronto, ON M5G 2J5
Tel: 416-947-5249
Toll Free: 1-800-668-7380, extension 5249
Fax: 416-947-5219
Email: tribunal@lsuc.on.ca

FORM 9M – INFORMATION SHEET – LICENSEE APPLICATION

(General Heading)

INFORMATION SHEET – LICENSEE APPLICATION

TO THE RESPONDENT:

(Applicant's full name) is serving The Law Society of Upper Canada with a Notice of Application. This document starts a proceeding before the Law Society Tribunal.

Following service, the Notice of Application will be filed with the Tribunal. The Tribunal Office will assign a file number and send the parties confirmation of filing and a copy of the Notice of Application as filed.

Unless the Tribunal advises otherwise, this proceeding will be placed on the proceeding management conference (PMC) list for *(PMC date)* at 9:00 AM at the Law Society Tribunal, 375 University Avenue, 4th Floor, Toronto, Ontario, M5G 2J5 to schedule a pre-hearing conference or give other directions about the proceeding.

The following information is being provided to the Tribunal for the purpose of this proceeding.

Applicant's Law Society licence number (if any): *(Law Society number)*

Licensee type: *(lawyer/paralegal/lawyer applicant/paralegal applicant)*

Year of licence (if any): *(year of licence)*

Location of licensee: *(city, town or community of practice or, if none, city, town or community of residence)*

Date of Proceedings Authorization Committee (PAC), if applicable: *(PAC date)*

Applicant's contact information

Primary contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Alternate contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Representative contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Additional Notes: *(Notes, including any accommodation needs on human rights or other grounds for any participant in this proceeding)*

Information about the Tribunal is available on its website at www.lawsocietytribunal.ca. You may contact the Tribunal at:

Law Society Tribunal
Suite 402, 375 University Avenue
Toronto, ON M5G 2J5
Tel: 416-947-5249
Toll Free: 1-800-668-7380, extension 5249
Fax: 416-947-5219
Email: tribunal@lsuc.on.ca

FORM 9N – INFORMATION SHEET – INTERLOCUTORY SUSPENSION OR RESTRICTION

(General Heading)

INFORMATION SHEET – INTERLOCUTORY SUSPENSION OR RESTRICTION

TO THE RESPONDENT:

The Law Society of Upper Canada is serving you with a Notice of Motion for Interlocutory Suspension or Restriction. This document starts a proceeding before the Law Society Tribunal.

Following service, the Notice of Motion will be filed with the Tribunal. The Tribunal Office will assign a file number and send the parties confirmation of filing and a copy of the notice as filed.

The motion is scheduled to be heard on *(date)* at *(time)* at the Law Society Tribunal, 375 University Avenue, 4th Floor, Toronto, Ontario, M5G 2J5 *(or indicate location)*.

IF YOU DO NOT ATTEND THE HEARING, IT MAY PROCEED IN YOUR ABSENCE and you will not be entitled to any further notice. All issues may be heard and decided on the above date.

The following information is being provided to the Tribunal for the purpose of this proceeding.

Respondent's Law Society licence number (if any): *(Law Society number)*

Licensee type: *(lawyer/paralegal/lawyer applicant/paralegal applicant)*

Year of licence (if any): *(year of licence)*

Location of licensee: *(city, town or community of practice or, if none, city, town or community of residence)*

Date of Proceedings Authorization Committee (PAC), if applicable: *(PAC date)*

Respondent's contact information

Primary contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(E-mail address)

(Accommodation needs in the Law Society's records, if any)

Alternate contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(E-mail address)

(Accommodation needs in the Law Society's records, if any)

Representative contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(E-mail address)

(Accommodation needs in the Law Society's records, if any)

Additional Notes: *(Notes, including any accommodation needs on human rights or other grounds for any participant in this proceedings)*

If any of the above contact information is incorrect, please advise the Tribunal immediately.

Information about the Tribunal is available on its website at www.lawsocietytribunal.ca. You may contact the Tribunal at:

Law Society Tribunal
Suite 402, 375 University Avenue
Toronto, ON M5G 2J5
Tel: 416-947-5249
Toll Free: 1-800-668-7380, extension 5249
Fax: 416-947-5219
Email: tribunal@lsuc.on.ca

FORM 90 – INFORMATION SHEET – REFERRAL FOR HEARING

(General Heading)

INFORMATION SHEET – REFERRAL FOR HEARING

TO THE APPLICANT:

The Law Society of Upper Canada is serving you with a Notice of Referral for Hearing. This document starts a proceeding before the Law Society Tribunal.

Following service, the Notice of Referral for Hearing will be filed with the Tribunal. The Tribunal Office will assign a file number and send the parties confirmation of filing and a copy of the Notice of Referral for Hearing as filed.

Unless the Tribunal advises otherwise, this proceeding will be placed on the proceeding management conference (PMC) list for *(PMC date)* at 9:00 AM at the Law Society Tribunal, 375 University Avenue, 4th Floor, Toronto, Ontario, M5G 2J5 to schedule a pre-hearing conference or give other directions about the proceeding.

You are required to attend the PMC. You are encouraged to attend in person. If you are unable to attend in person, you may attend by telephone by providing a contact number to the Tribunal Office no later than noon on the last business day before the PMC date noted above at tribunal@lsuc.on.ca, 416-947-5249 or 1-800-668-7380, extension 5249. You may also choose to have a representative attend with you or on your behalf.

IF YOU FAIL TO ATTEND THE PMC, IT MAY PROCEED IN YOUR ABSENCE.

The following information is being provided to the Tribunal for the purpose of this proceeding.

Applicant's Law Society licence number (if any): *(Law Society number)*

Licensee type: *(lawyer/paralegal/lawyer applicant/paralegal applicant)*

Year of licence (if any): *(year of licence)*

Location of licensee: *(city, town or community of practice or, if none, city, town or community of residence)*

Date of Proceedings Authorization Committee (PAC), if applicable: *(PAC date)*

Applicant's contact information

Primary contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Alternate contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Representative contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Additional Notes: *(Notes, including any accommodation needs on human rights or other grounds for any participant in this proceeding)*

If any of the above contact information is incorrect, please advise the Tribunal immediately.

Information about the Tribunal is available on its website at www.lawsocietytribunal.ca. You may contact the Tribunal at:

Law Society Tribunal
Suite 402, 375 University Avenue
Toronto, ON M5G 2J5
Tel: 416-947-5249
Toll Free: 1-800-668-7380, extension 5249
Fax: 416-947-5219
Email: tribunal@lsuc.on.ca

FORM 9P - NOTICE OF ABANDONMENT

(General heading)

NOTICE OF ABANDONMENT

The applicant abandons this proceeding.

(Date)

(Applicant/Applicant's representative)
(address)
(telephone)
(facsimile)
(e-mail)

TO: *(Respondent/Respondent's Representative)*
(address)
(telephone)
(facsimile)
(e-mail)

RULE 10 SERVICE OF DOCUMENTS

Manner of service

10.01 A document other than an originating process may be served by:

- (a) hand delivery;
- (b) regular mail, registered mail or courier;
- (c) fax, only if the document is 20 pages or less;
- (d) e-mail; or
- (e) any other method agreed to by the person being served or directed by the Tribunal.

Effective date of service

10.02 Service is deemed to be effective:

- (a) if the document is faxed, e-mailed, hand delivered or delivered by courier before 5 p.m. on a business day, on that day;
- (b) if the document is faxed, e-mailed, hand delivered or delivered by courier after 5 p.m. on a business day, on the next business day;
- (c) if the document is faxed, e-mailed, hand delivered or delivered by courier on a weekend or holiday, on the next business day; or
- (d) if the document is mailed, on the fifth business day after mailing.

Proof of service

10.03 When a document is filed, service must be confirmed by including:

- (a) a Confirmation of Service (Form 10A);
- (b) an affidavit of the person who served it; or
- (c) written acceptance of service.

Contact information in the Society's records

10.04 For this Rule and Rule 9, service on a licensee using contact information provided to the Society under By-Law 4, s. 4 shall be deemed effective unless otherwise ordered by the Tribunal.

FORM 10A – CONFIRMATION OF SERVICE

(General Heading)

CONFIRMATION OF SERVICE

I, *(name, title/position if applicable)*, confirm that the document(s) set out below and all attachments have been served as required by the *Rules of Practice and Procedure*:

Document(s) served:

1.

2.

Method of service:

☐ **Hand Delivery**

Date: _____ Time: _____

Location: _____

Name of person who delivered document(s): _____

Name of person to whom document(s) was/were delivered: _____

☐ **Regular Mail**

☐ **Registered Mail:**

Date Mailed: _____

Address sent to: _____

☐ **Courier**

Date sent: _____ Expected delivery date: _____

Name of Courier: _____

Address: _____

Tracking No. _____ Is delivery confirmed? ☐ Y ☐ N

☐ **E-mail**

☐ **Fax**

Date sent: _____ Time sent: _____

E-mail address / fax no. sent to: _____

E-mail address / fax no. sent from: _____

Is delivery confirmed? ☐ Y ☐ N

☐ **Other method** agreed to by the person being served or as directed by the Tribunal

Details: _____

Signature: _____

Date: _____

RULE 21 INTERLOCUTORY SUSPENSION OR RESTRICTION

Authority

21.01 On the motion of the Society, the Hearing Division may make an interlocutory order suspending a licensee's licence or restricting the manner in which a licensee may practise law or provide legal services.

Rule 13 Applies

21.02 Rule 13 applies with necessary modifications to an interlocutory suspension or restriction motion.

Authorization by PAC required in certain circumstances

21.03 The Society shall obtain the authorization of the Proceedings Authorization Committee to make an interlocutory suspension or restriction motion if the motion relates to a proceeding that has not been commenced or if the motion is being made in a proceeding where the Hearing Division has not commenced a hearing on the merits of the proceeding.

Making the motion

21.04 (1) The Society shall serve and file its Notice of Motion, Information Sheet, motion record, factum and book of authorities at least three days before the hearing of the motion, unless the Tribunal orders otherwise.

(2) The Society shall serve and file its Notice of Motion and, Information Sheet electronically as set out in Rule 9.

(3) The Tribunal may order that service is not necessary:

- (a) when it is not practical; or
- (b) the delay it could cause may lead to serious consequences.

Licensee's Materials

21.05 (1) The licensee shall serve and file his or her motion record, factum and book of authorities, if any, not later than 2 p.m. on the day before the hearing of the motion.

Admissibility of evidence

What is admissible

21.06 (1) Despite Rules 24.02, 24.06 and 24.07, and subject to subrule (2), the following may be admitted as evidence and may be acted on at the hearing of a motion for an order mentioned in Rule 21.01, whether or not given or proven under oath or affirmation or admissible as evidence in a court:

1. Any oral testimony that is relevant to the subject-matter of the hearing.
2. Any document or other thing that is relevant to the subject-matter of the hearing.

What is inadmissible

- (2) Unless permitted by the Act, nothing shall be admitted in evidence at the hearing:
- (a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or
 - (b) that is inadmissible under any statute.

Order

21.07 (1) An order mentioned in Rule 21.01 shall specify that the order shall be in effect until the earliest of the following:

- (a) Where an order was made dispensing with service of the motion record, a panel varies or cancels the order on the basis of evidence that is brought by the licensee to the panel within 30 days of service of the order on the licensee.
- (b) A panel varies or cancels the order on the consent of the Society and the licensee prior to the hearing on the merits of the proceeding to which the motion relates.
- (c) A panel varies or cancels the order on the basis of fresh evidence or a material change in circumstances that is brought by the Society or the licensee to the panel prior to the hearing on the merits of the proceeding to which the motion relates.
- (d) The panel presiding at the hearing on the merits of the proceeding to which the motion relates, prior to disposing of the proceeding, varies or cancels the order.
- (e) The panel presiding at the hearing on the merits of the proceeding to which the motion relates disposes of the proceeding.

(2) Where an order was made that service of the motion record is not necessary, the Society shall serve on the licensee: any order made by the panel, a copy of the motion record, and all other documents used in the hearing of the motion.

(3) On the motion of the Society, an order may be made that the service mentioned in subrule (2) is not necessary.

RULE 26 DECISIONS, ORDERS AND REASONS

Formal order

Preparation of draft formal order

26.03 (1) Any party affected by an order may prepare a draft of the formal order.

Form of formal order

(2) A formal order shall be in Form 26A, 26B, 26C or 26D.

Signing of formal order

(3) A party that has prepared a draft of a formal order may submit it to the panel that made the order at the end of the hearing.

(4) The panel shall review all drafts submitted under subrule (3) and the chair of the panel shall, with or without amending it, sign one of the drafts.

(5) Where a formal order is not prepared by any party, it shall be prepared by the Tribunal Office and a panelist on the panel that made the order shall sign it.

Written reasons

Where required

26.04 A panel shall give written reasons for,

- (a) its decision or order in a capacity proceeding; and
- (b) its order if,
 - (i) an oral request for written reasons is made by a party immediately after the order is made, or
 - (ii) a written request for written reasons is made by a party within sixty days after the order is made.

Correction of errors

26.05 The Registrar or the panel may at any time correct a typographical error, error of calculation or similar minor error made in a decision, an order, or reasons of a panel.

Notice of decisions

26.06 (1) The Tribunal shall send to each party or to the representative of each party,

- (a) who participated in a proceeding,

- (i) a copy of the formal order,
 - (ii) a copy of the written reasons, if any, for the decision, or order, and
 - (iii) a copy of a corrected decision, corrected order, or corrected reasons; or
- (b) who participated in a motion in a proceeding,
 - (i) a copy of the formal order,
 - (ii) a copy of the written reasons, if any, for the order, and
 - (iii) a copy of a corrected order, corrected formal order or corrected reasons.

FORM 26A – ORDER – MOTION

(Law Society Tribunal file no.)

LAW SOCIETY TRIBUNAL HEARING DIVISION

(Panelist(s))

(Date)

(Title of proceeding)

ORDER – MOTION

(Order after considering party's motion)

In this proceeding concerning *(subject of proceeding)*, *(year of licence if applicable)*, of *(location)*, the panel considered the *(moving party)*'s motion for:

- *(insert summary of relief sought in the notice of motion).*

The panel orders:

- 1.
- 2.

OR

(Order after panel's own motion)

In this proceeding concerning *(subject of proceeding)*, *(year of licence if applicable)*, of *(location)*, on its own motion, the panel orders:

- 1.
- 2.

(Name of panelist)

FORM 26B – ORDER – CONDUCT APPLICATION

(Law Society Tribunal file no.)

LAW SOCIETY TRIBUNAL HEARING DIVISION

(Panelist(s))

(Date)

(Title of proceeding)

ORDER – CONDUCT APPLICATION

The Law Society alleged that *(subject of proceeding)*, *(year of licence)*, of *(location)*, committed *(professional misconduct/conduct unbecoming a licensee)*.

The panel determined that the following allegations were established:

- *(insert summary of the particulars the panel found were established).*

OR

The panel found that the allegations were not established.

AND

The panel orders:

- 1.
- 2.

(Name of Panelist)

FORM 26C – ORDER – NON-CONDUCT PROCEEDING

(Law Society Tribunal file no.)

LAW SOCIETY TRIBUNAL HEARING DIVISION

(Panelist(s))

(Date)

(Title of proceeding)

ORDER – (INSERT PROCEEDING TYPE)

In this proceeding concerning *(subject of proceeding)*, *(year of licence, if applicable)*, of *(location)*, the panel determined:

- *(insert summary of determination made by panel).*

The panel orders:

- 1.
- 2.

(Name of Panelist)

FORM 26D – ORDER – COSTS ONLY

(Law Society Tribunal file no.)

**LAW SOCIETY TRIBUNAL
HEARING DIVISION**

(Panelist(s))

(Date)

(Title of proceeding)

ORDER – COSTS

In this proceeding concerning *(subject of proceeding)*, *(year of licence if applicable)*, of *(location)*, further to the panel's order of *(date)*, the panel considered the issue of costs.

The panel orders:

- 1.
- 2.

(Name of Panelist)

RULE 27 RECORD OF PROCEEDING

Requirement to compile record

27.01 (1) The Tribunal shall compile a record of every proceeding.

Contents of record

- (2) A record of a proceeding shall contain the following:
1. Every document filed with the Tribunal under these Rules in respect of the proceeding or a step in the proceeding.
 2. Every document received by a panel under these Rules in respect of the proceeding or a step in the proceeding.
 3. The notice of a hearing on the merits of a proceeding.
 4. The endorsement of the order in the proceeding and of the order in a motion in the proceeding.
 5. The formal order in the proceeding and the formal order in a motion in the proceeding.
 6. The reasons, if any, for the decision or order in the proceeding and for the order in a motion in the proceeding.
 7. The transcript of a hearing in the proceeding or in a motion in the proceeding that is obtained by the Tribunal.

Record is public record

- (3) Subject to subrule (4), the record of a proceeding is a public record.

Documents not available for public inspection

- (4) A document or a part of a document contained in the record of a proceeding that contains information that may not be disclosed under rule 18.04 or 18.05 is not available for public inspection.

RÈGLE 9 ACTE D'INTRODUCTIF D'INSTANCE

Signification

9.01 (1) Une instance est introduite par la signification et le dépôt de la fiche d'information appropriée et d'un acte introductif d'instance : avis de requête, avis de renvoi à l'audience ou avis de motion – suspension interlocutoire ou restriction (formulaires 9A-9O).

(2) L'acte introductif d'instance et la fiche d'information doivent être signifiés par un ou l'autre des modes suivants :

- a) en main propre à la personne qui reçoit la signification ;
- b) par la poste, courrier recommandé ou par messagerie ;
- c) par tout autre mode accepté par la personne qui reçoit la signification ou ordonné par le Tribunal.

(3) Le Barreau du Haut-Canada doit déposer les actes introductifs d'instance et les fiches d'information par voie électronique.

Modification

9.02 (1) Le requérant peut modifier un acte introductif d'instance au plus tard 10 jours avant l'audience sur le fond, sans autorisation, en signifiant et en déposant une version modifiée qui indique clairement la nature des changements.

(2) Le requérant peut modifier un acte introductif d'instance en tout temps avec le consentement de l'autre partie ou avec l'autorisation du Tribunal.

Désistement

9.03 (1) Le requérant peut, en tout temps, se désister en signifiant et en déposant un avis de désistement (Formulaire 9P).

(2) Après le désistement d'une instance, l'intimé peut présenter une motion relative aux dépens en vertu de la Règle 25.

TITRE GÉNÉRAL

CONDUITE, CAPACITÉ, COMPÉTENCE, NON-OBSERVATION D'UNE ORDONNANCE, RÉTABLISSEMENT, DIFFÉREND QUANT À L'OBSERVATION DES CONDITIONS

(N° de dossier du Tribunal du Barreau)

TRIBUNAL DU BARREAU SECTION DE PREMIÈRE INSTANCE

ENTRE :

(nom)

Requérant

et

(nom)

Intimé

(Titre du document)

(Texte du document)

TITRE GÉNÉRAL

**DÉLIVRANCE DE PERMIS, REMISE EN VIGUEUR, JUGE À LA
RETRAITE QUI DÉSIRE PLAIDER COMME AVOCAT, TRAVAILLER
AVEC DES PERSONNES NON AUTORISÉES OU LES EMBAUCHER**

(N° de dossier du Tribunal du Barreau)

TRIBUNAL DU BARREAU SECTION DE PREMIÈRE INSTANCE

ENTRE :

(nom)

Requérant

et

(nom)

Intimé

(Titre du document)

(Texte du document)

FORMULAIRE 9A – AVIS DE REQUÊTE – CONDUITE

(Titre général)

AVIS DE REQUÊTE – CONDUITE

À L'INTIMÉ :

LE BARREAU DU HAUT-CANADA demande, en vertu du paragraphe 34 (1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, que soit établi si vous avez contrevenu à l'art. 33 en vous conduisant d'une façon qui constitue un manquement professionnel ou qui est indigne d'un titulaire de permis, et une ordonnance en vertu de l'art. 35. Les détails des allégations sont énoncés ci-dessous.

Le présent avis de requête est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(représentant du Barreau)
(adresse)
(téléphone)
(télécopieur)
(courriel)

DÉTAILS DES ALLÉGATIONS :

- 1.
- 2.

FORMULAIRE 9B – AVIS DE REQUÊTE – CAPACITÉ

(Titre général)

AVIS DE REQUÊTE – CAPACITÉ

À L'INTIMÉ :

LE BARREAU DU HAUT-CANADA demande, en vertu du paragraphe 38 (1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, que soit établi si vous êtes ou avez été incapable au sens de l'art. 37, et une ordonnance en vertu de l'art. 40. Les détails des allégations sont énoncés ci-dessous.

Le présent avis de requête est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(représentant du Barreau)

(adresse)

(téléphone)

(télécopieur)

(courriel)

DÉTAILS DES ALLÉGATIONS :

1.

2.

FORMULAIRE 9C – AVIS DE REQUÊTE – INOBSERVATION D'UNE ORDONNANCE

(Titre général)

AVIS DE REQUÊTE – INOBSERVATION D'UNE ORDONNANCE

À L'INTIMÉ :

LE BARREAU DU HAUT-CANADA demande, en vertu du paragraphe 45 (1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, que soit établi si vous n'avez pas observé une ordonnance rendue aux termes de la partie II de la Loi, et demande une ordonnance en vertu du paragraphe 45 (3). Les détails des allégations sont énoncés ci-dessous.

Le présent avis de requête est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(représentant du Barreau)
(adresse)
(téléphone)
(télécopieur)
(courriel)

DÉTAILS DES ALLÉGATIONS :

- 1.
- 2.

FORMULAIRE 9D – AVIS DE REQUÊTE – COMPÉTENCE PROFESSIONNELLE

(Titre général)

AVIS DE REQUÊTE – COMPÉTENCE PROFESSIONNELLE

À L'INTIMÉ :

LE BARREAU DU HAUT-CANADA demande, en vertu du paragraphe 43 (1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, que soit établi si vous ne respectez pas ou n'avez pas respecté les normes de compétence professionnelle au sens de l'art. 41, et une ordonnance en vertu de l'art. 44. Les détails des allégations sont énoncés ci-dessous.

Le présent avis de requête est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(représentant du Barreau)
(adresse)
(téléphone)
(télécopieur)
(courriel)

DÉTAILS DES ALLÉGATIONS :

- 1.
- 2.

FORMULAIRE 9E – AVIS DE REQUÊTE – RÉTABLISSEMENT

(Titre général)

AVIS DE REQUÊTE – RÉTABLISSEMENT

À L'INTIMÉ :

(Nom complet du requérant) sollicite :

(Choisir l'option qui s'applique ci-dessous.)

- ☐ aux termes du paragraphe 49.42 (1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, une ordonnance révoquant ou modifiant l'ordonnance de suspension ou de limitation de mon permis sur la foi de nouvelles preuves ou d'un changement important de circonstances ;
- ☐ aux termes du paragraphe 49.42 (3) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, une ordonnance révoquant ou modifiant l'ordonnance de suspension faite en vertu de l'art. 46 de la Loi au motif que j'ai été libéré de faillite.

Les détails relatifs à cette demande sont énoncés ci-dessous.

Le présent avis de requête est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(Requérant/nom complet du représentant)

DÉTAILS DE LA DEMANDE :

1.

2.

FORMULAIRE 9F – AVIS DE REQUÊTE – DIFFÉREND QUANT À L'OBSERVATION DES CONDITIONS

(Titre général)

AVIS DE REQUÊTE – DIFFÉREND QUANT À L'OBSERVATION DES CONDITIONS

À L'INTIMÉ :

(Nom complet du requérant) demande aux termes du paragraphe 49.43 (1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L. 8, que soit établi si les conditions précisées dans une ordonnance rendue en vertu de la partie II de la Loi ont été remplies, et une ordonnance en vertu du paragraphe 49.43 (2). Les détails relatifs à cette requête sont énoncés ci-dessous.

Le présent avis de requête est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(Requérant/nom complet du représentant)

DÉTAILS DE LA DEMANDE :

1.

2.

FORMULAIRE 9G – AVIS DE MOTION POUR UNE SUSPENSION OU UNE RESTRICTION INTERLOCUTOIRE

(Titre général)

AVIS DE MOTION POUR UNE SUSPENSION OU UNE RESTRICTION INTERLOCUTOIRE

À L'INTIMÉ :

Le BARREAU DU HAUT-CANADA présente une motion en vertu du paragraphe 49.27 (1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L. 8, afin de suspendre ou de limiter le permis de l'intimé parce qu'il existe des motifs raisonnables de croire que le fait de ne pas rendre l'ordonnance constitue un risque important de préjudice pour les membres du public ou pour l'intérêt qu'a le public à l'égard de l'administration de la justice, et que le fait de la rendre réduira vraisemblablement le risque.

L'ordonnance demandée, les motifs de la motion et la preuve documentaire qui sera utilisée à l'audience de la motion par le Barreau sont énoncés ci-dessous.

Le présent avis de motion est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(représentant du Barreau)
(adresse)
(téléphone)
(télécopieur)
(courriel)

Les objets de la motion sont les suivants :

- 1.
- 2.

Les moyens à l'appui de la motion sont les suivants :

- 1.
- 2.

Le Barreau utilisera la preuve documentaire suivante lors de l'audience sur la motion :

- 1.
- 2.

FORMULAIRE 9H – AVIS DE RENVOI À L'AUDIENCE – DÉLIVRANCE DE PERMIS

(Titre général)

AVIS DE RENVOI À L'AUDIENCE – DÉLIVRANCE DE PERMIS

À L'INTIMÉ :

LE BARREAU DU HAUT-CANADA renvoie à une audience votre demande de permis aux termes du paragraphe 27 (4) de la *Loi sur le Barreau*, L.R.O. 1990, c. L. 8.

Le présent avis de renvoi à l'audience est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(représentant du Barreau)
(adresse)
(téléphone)
(télécopieur)
(courriel)

FORMULAIRE 9I – AVIS DE RENVOI À L'AUDIENCE – REMISE EN VIGUEUR

(Titre général)

AVIS DE RENVOI À L'AUDIENCE – REMISE EN VIGUEUR

À L'INTIMÉ :

LE BARREAU DU HAUT-CANADA renvoie à une audience votre demande de remise en vigueur de votre permis en suspens aux termes du paragraphe 31 (2.1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L. 8.

Le présent avis de renvoi à l'audience est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(représentant du Barreau)
(adresse)
(téléphone)
(télécopieur)
(courriel)

FORMULAIRE 9J – AVIS DE RENVOI À L'AUDIENCE – JUGE À LA RETRAITE QUI DÉSIRE PLAIDER COMME AVOCAT

(Titre général)

AVIS DE RENVOI À L'AUDIENCE – JUGE À LA RETRAITE QUI DÉSIRE PLAIDER COMME AVOCAT

À L'INTIMÉ :

LE BARREAU DU HAUT-CANADA renvoie à une audience votre demande de plaider comme avocat en vertu de la règle 9.01 des *Règles de pratique et de procédure* et de la règle 7.7 du *Code de déontologie*.

Le présent avis de renvoi à l'audience est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(représentant du Barreau)
(adresse)
(téléphone)
(télécopieur)
(courriel)

FORMULAIRE 9K – AVIS DE RENVOI À L'AUDIENCE – RÉTENTION DES SERVICES OU EMBAUCHE D'UNE PERSONNE NON AUTORISÉE

(Titre général)

AVIS DE RENVOI À L'AUDIENCE – RÉTENTION DES SERVICES OU EMBAUCHE D'UNE PERSONNE NON AUTORISÉE

À L'INTIMÉ :

LE BARREAU DU HAUT-CANADA renvoie à une audience votre demande de retenir les services de ou d'embaucher une personne non-autorisée en vertu de la règle 9.01 des *Règles de pratique et de procédure* et (règle 7.6-1.1 du *Code de déontologie* OU règle 6.01 (6) du *Code de déontologie des parajuristes*).

Le présent avis de renvoi à l'audience est signifié avec une fiche d'information établissant les prochaines étapes de l'instance.

(représentant du Barreau)
(adresse)
(téléphone)
(télécopieur)
(courriel)

FORMULAIRE 9L – FICHE D'INFORMATION – REQUÊTE DU BARREAU

(Titre général)

FICHE D'INFORMATION – REQUÊTE DU BARREAU

À L'INTIMÉ :

Le Barreau du Haut-Canada vous signifie un avis de requête. Ce document introduit une instance devant le Tribunal du Barreau.

Suite à la signification, l'avis de requête sera déposé au Tribunal. Le greffe du Tribunal attribuera un numéro de dossier et enverra aux parties une confirmation du dépôt et une copie de l'avis de requête tel que déposé.

(Pour les demandes d'audiences sommaires)

Une audience sommaire devant une formation du Tribunal composé d'un seul membre est fixée le *(date de l'audience sommaire)* à 9 h 30 au Tribunal du Barreau, au 375, avenue University, 4^e étage, Toronto (Ontario) M5G 2J5 *(ou indiquez le lieu)*.

SI VOUS NE VOUS PRÉSENTEZ PAS À L'AUDIENCE, ELLE POURRAIT SE DÉROULER EN VOTRE ABSENCE et vous n'aurez pas droit à un autre avis dans le cadre de l'instance. Toutes les questions, y compris les pénalités et les dépens, s'il y a lieu, peuvent être entendues et tranchées à la date ci-dessus.

(Pour toutes les autres demandes)

À moins que le Tribunal ne donne d'autres directives, cette instance sera mise à l'ordre du jour de la conférence de gestion de l'instance (CGI) du [date de la CGI], à 9 h, au Tribunal du Barreau, 375, avenue University, 4^e étage, Toronto (Ontario), M5G 2J5, afin de fixer la date d'une conférence préparatoire à l'audience ou de donner d'autres directives sur l'instance.

Vous devez assister à la CGI. Il est préférable que vous y assistiez en personne. Si vous ne pouvez y assister en personne, vous pouvez y assister par téléphone en donnant votre numéro de téléphone au greffe du Tribunal au plus tard à midi le dernier jour ouvrable avant la date de la CGI indiquée ci-dessus au tribunal@lsuc.on.ca, 416 947-5249 ou au 1 800 668-7380, poste 5249. Vous pouvez aussi y assister avec un représentant ou lui demander de comparaître en votre nom.

SI VOUS NE VOUS PRÉSENTEZ PAS À LA CGI, ELLE POURRAIT SE DÉROULER EN VOTRE ABSENCE.

Les renseignements suivants sont fournis par le Tribunal pour cette instance.

Matricule du Barreau de l'intimé (s'il y a lieu) : *(Matricule du Barreau)*

Type de permis : *(avocat/parajuriste/candidat avocat/candidat parajuriste)*

Année d'admission (s'il y a lieu) : *(année du permis)*

Lieu du titulaire de permis : *(ville, communauté où il exerce ou, si non applicable, ville ou communauté de résidence)*

Date de l'approbation du Comité d'autorisation des instances (CAI) s'il y a lieu : *(date de la CAI)*

Coordonnées de l'intimé

Coordonnées principales (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées secondaires (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées du représentant (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Remarques additionnelles : *(Remarques, y compris tout besoin de mesures d'adaptation fondée sur les droits de la personne ou autres motifs de tout participant à cette instance).*

Si certaines de ces coordonnées sont inexactes, veuillez en aviser le Tribunal immédiatement.

Pour plus d'information sur le Tribunal, consultez son site Web au www.tribunaldubarreau.ca. Pour joindre le Tribunal :

Tribunal du Barreau
Bureau 402, 375, avenue University
Toronto (Ontario) M5G 2J5
Tél. : 416 947-5249
Sans frais : 1 800 668-7380, poste 5249
Télec. : 416 947-5219
Courriel : tribunal@lsuc.on.ca

FORMULAIRE 9M – FICHE D'INFORMATION – REQUÊTE D'UN TITULAIRE DE PERMIS

(Titre général)

FICHE D'INFORMATION – REQUÊTE D'UN TITULAIRE DE PERMIS

À L'INTIMÉ :

(Nom complet du requérant) signifie un avis de requête au Barreau du Haut-Canada. Ce document introduit une instance devant le Tribunal du Barreau.

Suite à la signification, l'avis de requête sera déposé au Tribunal. Le greffe du Tribunal attribuera un numéro de dossier et enverra aux parties une confirmation du dépôt et une copie de l'avis de requête tel que déposé.

À moins que le Tribunal ne donne d'autres directives, cette instance sera mise à l'ordre du jour de la conférence de gestion de l'instance (CGI) du [date de la CGI], à 9 h, au Tribunal du Barreau, 375, avenue University, 4^e étage, Toronto (Ontario), M5G 2J5, afin de fixer la date d'une conférence préparatoire à l'audience ou de donner d'autres directives sur l'instance.

Les renseignements suivants sont fournis par le Tribunal pour cette instance.

Matricule du Barreau du requérant (s'il y a lieu) : *(Matricule du Barreau)*

Type de permis : *(avocat/parajuriste/candidat avocat/candidat parajuriste)*

Année d'admission (s'il y a lieu) : *(année du permis)*

Lieu du titulaire de permis : *(ville, communauté où il exerce ou, si non applicable, ville ou communauté de résidence)*

Date de l'approbation du Comité d'autorisation des instances (CAI) s'il y a lieu : *(date de la CAI)*

Coordonnées du requérant

Coordonnées principales (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées secondaires (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées du représentant (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Remarques additionnelles : *(Remarques, y compris tout besoin de mesures d'adaptation fondées sur les droits de la personne ou autres motifs de tout participant à cette instance).*

Si certaines de ces coordonnées sont inexactes, veuillez en aviser le Tribunal immédiatement.

Pour plus d'information sur le Tribunal, consultez son site Web au www.tribunaldubarreau.ca. Pour joindre le Tribunal :

Tribunal du Barreau
Bureau 402, 375, avenue University
Toronto (Ontario) M5G 2J5
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Sans frais : 1 800 668-7380, poste 5249
Télec. : 416 947-5219
Courriel : tribunal@lsuc.on.ca

FORMULAIRE 9N – FICHE D'INFORMATION – SUSPENSION OU RESTRICTION INTERLOCUTOIRE

(Titre général)

FICHE D'INFORMATION – SUSPENSION OU RESTRICTION INTERLOCUTOIRE

À L'INTIMÉ :

Le Barreau du Haut-Canada vous signifie un avis de motion pour une suspension interlocutoire ou une restriction. Ce document introduit une instance devant le Tribunal du Barreau.

Suite à la signification, l'avis de motion sera déposé au Tribunal. Le greffe du Tribunal attribuera un numéro de dossier et enverra aux parties une confirmation du dépôt et une copie de l'avis tel que déposé.

La motion sera entendue le *(date)* à *(heure)* au Tribunal du Barreau, 375, avenue University, 4^e étage, Toronto (Ontario) M5G 2J5 *(ou indiquez le lieu)*.

SI VOUS NE VOUS PRÉSENTEZ PAS À L'AUDIENCE, ELLE POURRAIT SE DÉROULER EN VOTRE ABSENCE et vous n'aurez pas droit à un autre avis dans le cadre de l'instance. Toutes les questions peuvent être entendues et tranchées à la date ci-dessus.

Les renseignements suivants sont fournis par le Tribunal pour cette instance.

Matricule du Barreau de l'intimé (s'il y a lieu) : *(Matricule du Barreau)*

Type de permis : *(avocat/parajuriste/candidat avocat/candidat parajuriste)*

Année d'admission (s'il y a lieu) : *(année du permis)*

Lieu du titulaire de permis : *(ville, communauté où il exerce ou, si non applicable, ville ou communauté de résidence)*

Date de l'approbation du Comité d'autorisation des instances (CAI) s'il y a lieu : *(date de la CAI)*

Coordonnées de l'intimé

Coordonnées principales (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées secondaires (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées du représentant (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Remarques additionnelles : *(Remarques, y compris tout besoin de mesures d'adaptation fondées sur les droits de la personne ou autres motifs de tout participant à cette instance).*

Si certaines de ces coordonnées sont inexactes, veuillez en aviser le Tribunal immédiatement.

Pour plus d'information sur le Tribunal, consultez son site au www.tribunaldubarreau.ca.
Pour joindre le Tribunal :

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Sans frais : 1 800 668-7380, poste 5249
Téléc. : 416 947-5219
Courriel : tribunal@lsuc.on.ca

FORMULAIRE 90 – FICHE D'INFORMATION – RENVOI À L'AUDIENCE

(Titre général)

FICHE D'INFORMATION – RENVOI À L'AUDIENCE

AU REQUERANT :

Le Barreau du Haut-Canada vous signifie un avis de renvoi à l'audience. Ce document introduit une instance devant le Tribunal du Barreau.

Suite à la signification, l'avis de renvoi à l'audience sera déposé au Tribunal. Le greffe du Tribunal attribuera un numéro de dossier et enverra aux parties une confirmation du dépôt et une copie de l'avis de renvoi à l'audience tel que déposé.

À moins que le Tribunal ne donne d'autres directives, cette instance sera mise à l'ordre du jour de la conférence de gestion de l'instance (CGI) du [date de la CGI], à 9 h, au Tribunal du Barreau, 375, avenue University, 4^e étage, Toronto (Ontario), M5G 2J5, afin de fixer la date d'une conférence préparatoire à l'audience ou de donner d'autres directives sur l'instance.

Vous devez assister à la CGI. Il est préférable que vous y assistiez en personne. Si vous ne pouvez y assister en personne, vous pouvez y assister par téléphone en donnant votre numéro de téléphone au greffe du Tribunal au plus tard à midi le dernier jour ouvrable avant la date de la CGI indiquée ci-dessus au tribunal@lsuc.on.ca, 416 947-5249 ou au 1 800 668-7380, poste 5249. Vous pouvez aussi y assister avec un représentant ou lui demander de comparaître en votre nom.

SI VOUS NE VOUS PRÉSENTEZ PAS À LA CGI, ELLE POURRAIT SE DÉROULER EN VOTRE ABSENCE.

Les renseignements suivants sont fournis par le Tribunal pour cette instance.

Matricule du Barreau de l'intimé (s'il y a lieu) : *(Matricule du Barreau)*

Type de permis : *(avocat/parajuriste/candidat avocat/candidat parajuriste)*

Année d'admission (s'il y a lieu) : *(année du permis)*

Lieu du titulaire de permis : *(ville, communauté où il exerce ou, si non applicable, ville ou communauté de résidence)*

Date de l'approbation du Comité d'autorisation des instances (CAI) s'il y a lieu : *(date de la CAI)*

Coordonnées du requérant

Coordonnées principales (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées secondaires (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées du représentant (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Remarques additionnelles : *(Remarques, y compris tout besoin de mesures d'adaptation fondées sur les droits de la personne ou autres motifs de tout participant à cette instance).*

Si certaines de ces coordonnées sont inexactes, veuillez en aviser le Tribunal immédiatement.

Pour plus d'information sur le Tribunal, consultez son site Web au www.tribunaldubarreau.ca. Pour joindre le Tribunal :

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Courriel : tribunal@lsuc.on.ca

FORMULAIRE 9P — AVIS DE DÉSISTEMENT

(Titre général)

AVIS DE DÉSISTEMENT

Le requérant se désiste de cette instance.

(Date)

(requérant/représentant du requérant)
(adresse)
(téléphone)
(télécopieur)
(courriel)

À : *(intimé/représentant de l'intimé)*
(adresse)
(téléphone)
(télécopieur)
(courriel)

RÈGLE 10 SIGNIFICATION DES DOCUMENTS

Mode de signification

10.01 Un document autre que l'acte introductif d'instance peut être signifié selon un ou l'autre des modes suivants :

- a) en main propre ;
- b) par la poste, par courrier recommandé ou par messagerie ;
- c) par télécopieur, seulement si le document est d'au plus 20 pages ;
- d) par courriel ;
- e) par tout autre mode accepté par la personne qui a reçu la signification ou ordonné par le Tribunal.

Date de validité de la signification

10.02 La signification est réputée valide :

- a) le jour même, si le document est transmis par télécopieur, courriel, en main propre ou par service de messagerie avant 17 h un jour ouvrable ;
- b) le jour ouvrable suivant, si le document est transmis par télécopieur, courriel, en main propre ou par service de messagerie après 17 h un jour ouvrable ;
- c) le jour ouvrable suivant, si le document est transmis par télécopieur, courriel, en main propre ou par service de messagerie la fin de semaine ou un jour férié ;
- d) le cinquième jour ouvrable après l'envoi, si le document est transmis par la poste.

Preuve de la signification

10.03 Quand un document est déposé, la signification doit être confirmée en incluant un des éléments suivants :

- a) une confirmation de la signification (Formulaire 10A) ;
- b) un affidavit de la personne qui l'a signifié ;
- c) l'acceptation par écrit de la signification.

Coordonnées dans les registres du Barreau

10.04 Aux fins de la présente règle et de la Règle 9, la signification à un titulaire de permis utilisant les coordonnées fournies en vertu du Règlement administratif n° 4, art. 4 est réputée valide à moins d'une ordonnance contraire du Tribunal.

FORMULAIRE 10A – CONFIRMATION DE LA SIGNIFICATION

(Titre général)

CONFIRMATION DE LA SIGNIFICATION

Je soussigné(e), (*nom, titre/poste si applicable*), confirme que le ou les document(s) décrits ci-dessous et toutes les pièces jointes ont été signifiés tel que les *Règles de pratique et de procédure* l'exigent :

Document(s) signifié(s) :

1.

2.

Mode de signification :

☐ **en main propre**

Date : _____ Heure : _____

Lieu : _____

Nom de la personne qui a livré
le ou les document(s) : _____

Nom de la personne à qui le ou les
document(s) a/ont été livrés : _____

☐ **Poste**

☐ **Courrier recommandé :**

Date d'envoi : _____

Envoyé à cette
adresse : _____

☐ **Service de messagerie**

Date d'envoi : _____ Date de la livraison prévue : _____

Nom du messenger : _____

Adresse : _____

N° de repérage : _____

La livraison est-elle confirmée ?

☐ O ☐ N

☐ **Courriel**

☐ **Télécopieur**

Date d'envoi : _____ Heure d'envoi : _____

Envoyé à l'adresse courriel/n° de téléc. : _____

Envoyé de l'adresse courriel/n° de téléc. : _____

La livraison est-elle confirmée ? ☐ O ☐ N

☐ **Autre mode** accepté par la personne qui reçoit la signification ou tel qu'ordonné par le Tribunal

Détails : _____

Signature : _____

Date : _____

RÈGLE 21 SUSPENSION OU RESTRICTION INTERLOCUTOIRE

Pouvoir

21.01 Sur motion du Barreau, la Section de première instance peut rendre une ordonnance interlocutoire ayant pour effet de suspendre le permis du titulaire de permis ou de restreindre la manière dont un titulaire de permis peut pratiquer le droit ou fournir des services juridiques.

Application de la Règle 13

21.02 La Règle 13 s'applique, avec les adaptations nécessaires, à une motion pour une suspension ou une restriction interlocutoire.

Autorisation du CAI nécessaire dans certains cas

21.03 Le Barreau doit obtenir l'autorisation du Comité d'autorisation des instances avant de présenter une motion pour une suspension ou une restriction interlocutoire si la motion se rapporte à une instance qui n'a pas commencé ou si la motion est présentée dans le cadre d'une instance pour laquelle la Section de première instance n'a pas encore entendu le fond de l'instance.

Signification de la motion

21.04 (1) Le Barreau doit signifier et déposer un avis de motion, une fiche d'information, un dossier de motion, un mémoire et un recueil de jurisprudence au moins trois jours avant l'audience sur la motion, sauf sur ordonnance contraire du Tribunal.

(2) Le Barreau doit signifier et déposer son avis de motion et la fiche d'information par voie électronique tel qu'énoncé dans la Règle 9.

(3) Le Tribunal peut ordonner que la signification n'est pas nécessaire dans un ou l'autre des cas suivants :

- a) si elle n'est pas pratique ;
- b) si le délai qu'elle entraînerait risque d'avoir des conséquences graves.

Document du titulaire de permis

21.05 (1) Le titulaire de permis doit signifier au Barreau et déposer, au plus tard à 14 heures la veille de l'audience sur la motion, son dossier de motion, son mémoire et son recueil de jurisprudence, le cas échéant.

Admissibilité de la preuve

Ce qui est admissible

21.06 (1) Malgré les règles 24.02, 24.06 et 24.07, et sous réserve du paragraphe (2), les éléments suivants peuvent être admis en preuve et servir de fondement à une décision lors de l'audience d'une motion présentée en vue d'obtenir une ordonnance prévue à la Règle 21.01, qu'ils soient ou non donnés ou prouvés sous serment ou affirmation solennelle et qu'ils soient ou pas admissibles en preuve devant un tribunal judiciaire :

1. Tous témoignages oraux qui sont pertinents à l'objet de l'audience.
2. Les documents et les objets qui sont pertinents à l'objet de l'audience.

Ce qui est inadmissible

(2) Sauf dans la mesure permise par la Loi, est inadmissible en preuve au cours de l'audience :

- a) ce qui serait inadmissible en preuve devant un tribunal judiciaire en raison d'un privilège reconnu en droit de la preuve ; ou
- b) ce qui est inadmissible en vertu de n'importe quelle loi.

Ordonnance

21.07 (1) Une ordonnance prévue à la Règle 21.01 précise que celle-ci a effet jusqu'au premier en date des événements suivants :

- a) En cas d'ordonnance dispensant de la signification du dossier de motion, une formation modifie ou annule l'ordonnance en se fondant sur des preuves que le ou la titulaire de permis lui présente dans les 30 jours de la signification de l'ordonnance.
- b) Une formation modifie ou annule l'ordonnance sur consentement du Barreau et du ou de la titulaire de permis avant l'audience sur le fond de l'instance à laquelle se rapporte la motion.
- c) Une formation modifie ou annule l'ordonnance en se fondant sur de nouvelles preuves ou un changement important que le Barreau ou le ou la titulaire de permis lui présente avant l'audience sur le fond de l'instance à laquelle se rapporte la motion.
- d) La formation qui préside l'audience sur le fond de l'instance à laquelle se rapporte la motion modifie ou annule l'ordonnance avant de rendre une décision définitive dans l'instance.
- e) La formation qui préside l'audience sur le fond de l'instance à laquelle se rapporte la motion rend une décision définitive dans l'instance.

(2) Lorsqu'une ordonnance dispensant de la signification du dossier de motion a été rendue, le Barreau doit signifier au titulaire de permis toute ordonnance de la formation, ainsi qu'une copie du dossier de motion et de tous les autres documents utilisés au cours de l'audience sur la motion.

(3) Sur motion du Barreau, une ordonnance peut être rendue pour indiquer que la signification mentionnée au paragraphe (2) n'est pas nécessaire.

RÈGLE 26 DÉCISIONS, ORDONNANCES ET MOTIFS

Ordonnance définitive

Rédaction du projet d'ordonnance officielle

26.03 (1) La partie sur laquelle une ordonnance a une incidence peut rédiger un projet d'ordonnance officielle.

Forme de l'ordonnance définitive

(2) L'ordonnance officielle est rédigée selon le formulaire 26A, 26B, 26C ou 26D.

Signature de l'ordonnance officielle

(3) La partie qui a rédigé un projet d'ordonnance officielle peut le remettre à la formation qui a rendu l'ordonnance à la fin de l'audience.

(4) La formation examine tous les projets qui lui sont remis en application du paragraphe (3) et son président ou sa présidente signe l'un des projets en le modifiant ou non.

(5) Si aucune des parties ne rédige de projet d'ordonnance officielle, le greffe du Tribunal en rédige un et un membre de la formation qui fait partie de la formation qui a rendu l'ordonnance le signe.

Motifs écrits

Motifs obligatoires

26.04 La formation motive par écrit,

- a) sa décision ou son ordonnance dans une instance portant sur la capacité ; et
- b) son ordonnance si, selon le cas,
 - (i) une partie le demande oralement immédiatement après le prononcé de l'ordonnance,
 - (ii) une partie le demande par écrit dans les 60 jours qui suivent le prononcé de l'ordonnance.

Correction d'erreurs

26.05 Le greffier ou la formation peuvent en tout temps corriger une erreur typographique, une erreur de calcul ou une erreur mineure semblable dans une décision, une ordonnance ou les motifs de la formation.

Avis des décisions

26.06 (1) Le Tribunal envoie à chaque partie, ou au représentant ou à la représentante de chaque partie,

- a) qui a participé à une instance,
 - (i) une copie de l'ordonnance officielle,
 - (ii) une copie des motifs écrits, le cas échéant, de la décision ou de l'ordonnance,
 - (iii) une copie d'une décision corrigée, d'une ordonnance corrigée ou de motifs corrigés ;
- b) qui a participé à une motion dans une instance,
 - (i) une copie de l'ordonnance officielle,
 - (ii) une copie des motifs écrits, le cas échéant, de l'ordonnance,
 - (iii) une copie d'une ordonnance corrigée, d'une ordonnance officielle corrigée ou de motifs corrigés.

FORMULAIRE 26A – ORDONNANCE – MOTION

(N° de dossier du Tribunal du Barreau)

TRIBUNAL DU BARREAU SECTION DE PREMIÈRE INSTANCE

(Membre(s) de la formation)

(Date)

(Titre de l'instance)

ORDONNANCE – MOTION

(Ordonnance après considération de la motion de la partie)

Dans la présente instance concernant *(sujet de l'instance)*, *(année d'obtention du permis, le cas échéant)*, de *(lieu)*, la formation a considéré la motion de *(auteur de la motion)* pour :

- *(insérer le sommaire des redressements recherchés dans l'avis de motion).*

La formation ordonne ce qui suit :

- 1.
- 2.

OU

(Ordonnance suivant la motion de la formation)

Dans cette instance concernant *(sujet de l'instance)*, *(année d'obtention du permis, le cas échéant)*, de *(lieu)*, de sa propre initiative, la formation ordonne ce qui suit :

- 1.
- 2.

(Nom du membre de la formation)

FORMULAIRE 26B – ORDONNANCE – REQUÊTE SUR LA CONDUITE

(N° de dossier du Tribunal du Barreau)

TRIBUNAL DU BARREAU SECTION DE PREMIÈRE INSTANCE

(Membre(s) de la formation)

(Date)

(Titre de l'instance)

ORDONNANCE – REQUÊTE SUR LA CONDUITE

Le Barreau allègue que *(sujet de l'instance)*, *(année d'obtention du permis)*, de *(lieu)*, a commis *(manquement professionnel/conduite indigne d'un titulaire de permis)*.

La formation a conclu que les allégations suivantes ont été établies :

- *(insérer le sommaire des allégations)*.

OU

La formation a conclu que les allégations n'ont pas été établies.

ET

La formation ordonne ce qui suit :

- 1.
- 2.

(Nom du membre de la formation)

FORMULAIRE 26C – ORDONNANCE – INSTANCE AUTRE QUE SUR LA CONDUITE

(N° de dossier du Tribunal du Barreau)

TRIBUNAL DU BARREAU SECTION DE PREMIÈRE INSTANCE

(Membre(s) de la formation)

(Date)

(Titre de l'instance)

ORDONNANCE – *(INSÉRER LE TYPE D'INSTANCE)*

Dans la présente instance concernant *(sujet de l'instance)*, *(année d'obtention du permis, si applicable)*, de *(lieu)*, la formation a conclu ce qui suit :

- *(insérer le sommaire de la décision de la formation)*.

La formation ordonne ce qui suit :

- 1.
- 2.

(Nom du membre de la formation)

FORMULAIRE 26D – ORDONNANCE – DÉPENS SEULEMENT

(N° de dossier du Tribunal du Barreau)

TRIBUNAL DU BARREAU SECTION DE PREMIÈRE INSTANCE

(Membre(s) de la formation)

(Date)

(Titre de l'instance)

ORDONNANCE – DÉPENS

Dans la présente instance concernant *(sujet de l'instance)*, *(année d'obtention du permis, si applicable)*, de *(lieu)*, suite à l'ordonnance de la formation du *(date)*, cette dernière a considéré la question des dépens.

La formation ordonne ce qui suit :

- 1.
- 2.

(Nom du membre de la formation)

RÈGLE 27 DOSSIER DE L'INSTANCE

Obligation d'établir un dossier

27.01 (1) Le Tribunal établit un dossier de toutes les instances.

Contenu du dossier

- (2) Le dossier de l'instance comprend ce qui suit :
1. Tous les documents déposés auprès du Tribunal en application des présentes règles à l'égard de l'instance ou d'une de ses étapes.
 2. Tous les documents reçus par une formation en application des présentes règles à l'égard de l'instance ou d'une de ses étapes.
 3. L'avis de l'audience sur le fond de l'instance.
 4. La page d'inscription de l'ordonnance rendue dans l'instance et de l'ordonnance rendue à la suite d'une motion présentée dans l'instance.
 5. L'ordonnance officielle rendue dans l'instance ou l'ordonnance officielle rendue à la suite d'une motion présentée dans l'instance.
 6. Les motifs, le cas échéant, de la décision ou de l'ordonnance rendue dans l'instance et de l'ordonnance rendue à la suite d'une motion présentée dans l'instance.
 7. La transcription qu'obtient le Tribunal de l'audience tenue dans l'instance ou de l'audience sur une motion présentée dans l'instance.

Domaine public

- (3) Sous réserve du paragraphe (4), le dossier d'une instance est du domaine public.

Documents non disponibles au public

- (4) Les documents ou portions de documents versés au dossier de l'instance qui contiennent des informations qui ne peuvent pas être divulguées en application de la règle 18.04 ou 18.05 ne sont pas mis à la disposition du public.

RULE 1 APPLICATION AND INTERPRETATION

Application

1.1 These Rules, apply to proceedings before the Appeal Division that are commenced on or after July 1, 2012.

Application of Hearing Division Rules

1.2 (1) Except where otherwise provided by these Rules, the Hearing Division Rules, where appropriate and with necessary modifications, apply to proceedings before the Appeal Division.

(2) The following Hearing Division Rules do not apply to proceedings before the Appeal Division:

1. Rule 6 [Adding Parties].
2. Rule 7 [Joinder or Severance of Proceedings].
- ~~3. Rule 9 [Commencement, Amendment and Abandonment of Proceedings].~~
- ~~4-3.~~ Rule 11 [Scheduling].
- ~~54.~~ Rule 12 [Proceedings Management].
- ~~65.~~ Rule 16.04 [Motion under Rule 21: no notice required].
- ~~76.~~ Rule 19 [Disclosure].
- ~~87.~~ Rule 20 [Admissions].
- ~~98.~~ Rule 21 [Suspension or Restriction Order].
- ~~109.~~ Rule 22 [Pre-Hearing Conferences].
- ~~110.~~ Rule 23.01 [Consent to hearing by one panelist].
- ~~1211.~~ Rule 29 [Retired Judge Appearing As Counsel Proceedings and Working with or Employing Unauthorized Persons Proceedings].

RULE 3 COMMENCEMENT OF APPEAL

Commencement of appeal

3.1 (1) An appeal shall be commenced by,

- (a) ~~serving a Notice of aAppeal (Form 3A or 3B) together with an Information Sheet, (Form 3C or 3D) within the time prescribed by subrules (2) and (3),~~
- (i) in the case of an appeal by the person who is the subject of a decision, an order or a disposition that may be appealed, on the Society, and
- (ii) in the case of an appeal by the Society, on the subject of the decision, order or disposition that the Society is appealing; and
- (b) filing the Notice of aAppeal with the Tribunal, with proof of service, within 30 days after notice of the order or decision and order, is deemed to have been received by the appellant within the time prescribed by subrules (2) and (3);

~~Time for commencement of appeal: decision or order made in proceeding before Hearing Division~~

(2) ~~The Law Society must file a Notice of Appeal and Information Sheet electronically. - Where the decision or order being appealed relates to the merits of a proceeding before the Hearing Division under section 27, 31, 34, 38, 43, 45, 49.42 or 49.43 of the Act, the notice of appeal shall be served on the respondent and filed with the Tribunal, with proof of service, within 30 days after notice of the formal decision and order, containing the decision, order or decision and order being appealed, is deemed to have been received by the appellant.~~

~~Time for commencement of appeal: order made on motion brought before Hearing Division~~

~~(3) Where the order or disposition being appealed relates to a motion brought in a proceeding or intended proceeding before the Hearing Division, the notice of appeal shall be served on the respondent and filed with the Tribunal, with proof of service, within 30 days after notice of the formal order, containing the order or disposition being appealed, is deemed to have been received by the appellant.~~

Method of service

(43) The Notice of aAppeal shall be served in accordance with these Rules in the same way as ~~as if it were~~ an originating process.

Extension of time for commencing appeal

3.2 (1) The Notice of aAppeal may be served on the respondent and filed with the

Tribunal, with proof of service, after the ~~30--days period described above~~~~time prescribed by subrules 3.1 (2) and (3)~~ with the written consent of the respondent.

Filing of consent

(2) ~~Where the respondent has consented in accordance with subrule (1) to service and filing of the notice of appeal after the time prescribed by subrules 3.1 (2) and (3), the~~The appellant shall file with the Tribunal the respondent's consent, together with the ~~a~~N~~otice of~~ ~~a~~A~~ppeal~~, Information Sheet and proof of service of the notice of appeal.

Amendment of notice of appeal

3.3 The ~~a~~N~~otice of~~ ~~a~~A~~ppeal~~ may be amended without leave before the appeal is perfected by serving a ~~s~~Supplementary ~~a~~N~~otice of~~ ~~a~~A~~ppeal~~ (Form ~~3B3E~~) on the respondent and filing it with the Tribunal, with proof of service.

RULE 7 PERFECTING APPEALS

Service and filing of appellant's materials

7.1

Time for perfection

(4) The appellant shall perfect the appeal by complying with subrules (1) and (3) by the later of:

(a) 60 days after notice of the decision and order or formal order is deemed to have been received by the appellant; or

(b) 60 days after the appellant has received the transcript;

(a) within 60 days after notice of the formal decision and order, containing the decision, order or decision and order appealed from, or the formal order, containing the order or disposition appealed from, is deemed to have been received by the appellant, if within the 60 days the appellant has received the transcript; or

(b) within 60 days after the appellant has received the transcript, if within the 60 days mentioned in clause (a) the appellant has not received the transcript.

RULE 13 MOTIONS

Making motions

13.1 (1) Subject to subrule (2), a motion to the Appeal Division may not be made unless an appeal has been commenced.

Motion to extend time for commencing appeal

(2) A motion to extend the time for commencing an appeal may be made at any time, however, the moving party shall ~~deliver~~include in the motion record, a draft notice of appeal.

Motion to stay decision or order

13.2 A motion to stay a decision or order appealed from shall be made by notice of motion.

Motions to be heard by one panelist

13.3 Pursuant to subsection 4.2 (1) of the *Statutory Powers Procedure Act*, the Chair or Vice-Chair may assign one panelist to hear and determine procedural or interlocutory motions, including the following motions:

1. A motion to quash an appeal for failure to comply with ~~rule~~Rule 2.1.
2. A motion to dismiss an appeal or a cross-appeal for delay.
3. A motion to reinstate an appeal or a cross-appeal that is deemed to have been abandoned.
4. A motion to extend the time for commencing an appeal.
5. A motion to stay the decision or order appealed from.

RULE 17 SUMMARY ORDER APPEALS

Summary order appeals

17.1 (1) Rule 17 applies to appeals from orders under sections 46, 47, 47.1, 48, or 49 of the Act (“summary order appeals”).

(2) Rules 1, [9](#), 10, 12, 13 and 15 apply with necessary modifications to summary order appeals. Rules 2, 3, 4, 5, 6, 7, 8, [9](#), 11, 14 and 16 do not apply to summary order appeals.

Commencement of summary order appeal

17.2 (1) An appellant shall commence a summary order appeal by serving on the Society and filing with the Tribunal a [Notice of Summary Order Appeal](#) (Form 17A) [and an Information Sheet \(Form 3D\)](#).

(2) The [Notice of Summary Order Appeal](#) shall be served on the Society [in the same way as an originating process by personal service or an alternative to personal service](#).

Time for commencement of summary order appeal

(3) The [Notice of Summary Order Appeal](#) shall be served on the Society and filed with the Tribunal within 30 days of the date the summary order is deemed to have been received by the appellant.

Extension of time for commencing summary order appeal

(4) A summary order appeal may be commenced beyond this time limit with consent of the Society or leave of the Tribunal. Leave may be sought by filing a motion in accordance with these Rules.

FORMAL ORDER

(Law Society Tribunal file no.)

LAW SOCIETY TRIBUNAL APPEAL DIVISION

(Panelist(s))

(Date)

(Title of proceeding)

ORDER – APPEAL

In this proceeding concerning *(subject of the proceeding)*, *(year of licence if applicable)*, of *(location)*, the panel considered *(insert appellant's name)*'s appeal for:

- *(insert summary of relief sought in the Notice of Appeal).*

The panel orders:

- 1.
- 2.

(Name of Panelist)

FORM 3A – NOTICE OF APPEAL – LAW SOCIETY

(General Heading)

NOTICE OF APPEAL

TO THE RESPONDENT IN APPEAL:

The Law Society of Upper Canada appeals:

(Select option(s) that apply.)

- ☐ under s. 49.32(1) of the *Law Society Act*, RSO 1990, c. L.8, from a final decision or order of the Hearing Division;
- ☐ under s. 49.32(2) of the *Law Society Act*, RSO 1990, c. L.8, from a costs order of the Hearing Division where the Hearing Division has given a final decision or order in the proceeding;
- ☐ under Rule 2.1(2) of the Law Society Tribunal – Appeal Division Rules of Practice and Procedure, from the Hearing Division's disposition of a motion to suspend or restrict the manner in which a licensee may practise law or provide legal services; or
- ☐ under s. 39(7) of the *Law Society Act*, RSO 1990, c. L.8, from the Hearing Division's order or refusal to make an order under s. 39.

Grounds of the appeal are set out below.

(Law Society's representative)
(address)
(telephone)
(facsimile)
(e-mail)

DETAILS OF THE APPEAL:

1.

2.

FORM 3B – NOTICE OF APPEAL – LICENSEE/LICENSEE APPLICANT

(General Heading)

NOTICE OF APPEAL – LICENSEE/LICENSEE APPLICANT

TO THE RESPONDENT IN APPEAL:

(Appellant's full name) appeals:

(Select option(s) that apply.)

- ☐ under s. 49.32(1) of the *Law Society Act*, RSO 1990, c. L.8, from a final decision or order of the Hearing Division;
- ☐ under s. 49.32(2) of the *Law Society Act*, RSO 1990, c. L.8, from a costs order of the Hearing Division where the Hearing Division has given a final decision or order in the proceeding;
- ☐ under Rule 2.1(2) of the Law Society Tribunal – Appeal Division Rules of Practice and Procedure, from the Hearing Division's disposition of a motion to suspend or restrict the manner in which a licensee may practise law or provide legal services; or
- ☐ under s. 39(7) of the *Law Society Act*, RSO 1990, c. L.8, from the Hearing Division's order or refusal to make an order under s. 39.

Grounds of the appeal are set out below.

(Appellant/representative's Name)

DETAILS OF THE APPEAL:

1.

2.

FORM 3C – INFORMATION SHEET – LAW SOCIETY APPEAL

(General Heading)

INFORMATION SHEET – LAW SOCIETY APPEAL

TO THE RESPONDENT IN APPEAL:

The Law Society of Upper Canada is serving you with a Notice of Appeal. This document starts an appeal before the Law Society Tribunal.

Following service, the Notice of Appeal will be filed with the Tribunal. The Tribunal Office will assign a file number and send the parties confirmation of filing and a copy of the Notice of Appeal as filed.

The following information is being provided to the Tribunal for the purpose of this appeal.

Respondent's Law Society licence number (if any): *(licence number)*

Licensee type: *(lawyer/paralegal/lawyer applicant/licensee applicant)*

Year of licence (if any): *(year of licence)*

Location of licensee: *(city, town or community of practice or, if none, city, town or community of residence)*

Respondent's contact information

Primary contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Alternate contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Representative contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Hearing Division File Number(s): *(Hearing Division file(s))*

Additional Notes: *(Notes, including any accommodation needs on human rights or other grounds for any participant in the appeal)*

If any of the above contact information is incorrect, please advise the Tribunal immediately.

Information about the Tribunal is available on its website at www.lawsocietytribunal.ca. You may contact the Tribunal at:

Law Society Tribunal
Suite 402, 375 University Avenue
Toronto, ON M5G 2J5
Tel: 416-947-5249
Toll Free: 1-800-668-7380, extension 5249
Fax: 416-947-5219
Email: tribunal@lsuc.on.ca

FORM 3D – INFORMATION SHEET – LICENSEE/APPLICANT APPEAL

(General Heading)

INFORMATION SHEET – LICENSEE/APPLICANT APPEAL

TO THE RESPONDENT IN APPEAL:

(Full name of appellant) is serving The Law Society of Upper Canada with a Notice of Appeal. This document starts an appeal before the Law Society Tribunal.

Following service, the Notice of Appeal will be filed with the Tribunal. The Tribunal Office will assign a file number and send the parties confirmation of filing and a copy of the Notice of Appeal as filed.

The following information is being provided to the Tribunal for the purpose of this appeal.

Appellant's Law Society licence number (if any): *(Licence number)*

Licensee type: *(lawyer/paralegal/lawyer applicant/licensee applicant)*

Year of licence (if any): *(year of licence)*

Location of licensee: *(city, town or community of practice or, if none, city, town or community of residence)*

Appellant's contact information

Primary contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Alternate contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Representative contact (if any):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Law Society Representative contact information (if available):

(Mailing address)

(Telephone number)

(Fax number)

(Email address)

(Accommodation needs in the Law Society's records, if any)

Hearing Division File Number(s) (if any): *(Hearing Division file(s))*

Additional Notes: *(Notes, including any accommodation needs on human rights or other grounds for any participant in the appeal)*

Information about the Tribunal is available on its website at www.lawsocietytribunal.ca. You may contact the Tribunal at:

Law Society Tribunal
Suite 402, 375 University Avenue
Toronto, ON M5G 2J5
Tel: 416-947-5249
Toll Free: 1-800-668-7380, extension 5249
Fax: 416-947-5219
Email: tribunal@lsuc.on.ca

FORM 3E – SUPPLEMENTARY NOTICE OF APPEAL

(General heading)

SUPPLEMENTARY NOTICE OF APPEAL

The appellant amends the notice of appeal dated *(date)* in the following manner:
(Give particulars of the amendment.)

(Date)

*(Name, address, telephone number, fax number
and e-mail address of appellant
or appellant's representative)*

TO: *(Name and address of respondent
or respondent's representative)*

RÈGLE 1 APPLICATION ET INTERPRÉTATION

Application

1.1 Les présentes règles s'appliquent aux instances introduites devant la Section d'appel après le 1^{er} juillet 2012.

Application des règles de la Section de première instance

1.2 (1) Sauf dispositions contraires des présentes règles, les règles de la Section de première instance, s'il y a lieu et avec les adaptations nécessaires, s'appliquent aux instances tenues devant la Section d'appel.

(2) Les règles suivantes de la Section de première instance ne s'appliquent pas aux instances tenues devant la Section d'appel :

1. Règle_6 [Jonction des parties].
2. Règle_7 [Réunion ou séparation des instances].
- ~~3. Règle_9 [Introduction, modification et désistement d'une instance].~~
- ~~4.3.~~ Règle_11 [Fixation des dates].
- ~~5.4.~~ Règle_12 [Gestion des instances].
- ~~6.5.~~ Règle_16.04 [Motion présentée en vertu de la ~~règle~~ Règle 21- : avis non obligatoire].
- ~~7.6.~~ Règle_19 ~~[H]~~[Divulgateion].
- ~~8.7.~~ Règle_20 [Aveux].
- ~~9.8.~~ Règle_21 [Ordonnances de suspension ou de restriction].
- ~~10.9.~~ Règle_22 [Conférences préparatoires à l'audience].
- ~~11.10.~~ Règle_23.01 [Consentement à l'instruction de l'instance par un seul membre].
- ~~12.11.~~ Règle_29 [Instances portant sur un juge à la retraite qui désire plaider comme avocat et sur la rétention des services d'une personne non autorisée ou sur son embauche].

RÈGLE 3 INTRODUCTION D'UN APPEL

Introduction de l'appel

3.1 (1) L'appel est introduit—.

a) par la signification d'un avis d'appel (~~formulaire~~ Formulaire 3A ou 3B), ~~dans les délais prescrits par les paragraphes (2) et (3),~~ accompagné d'une fiche d'information (Formulaire 3C ou 3D).

(i) _____ au Barreau, dans le cas d'un appel interjeté par la personne assujettie à une décision, à une ordonnance ou à une mesure susceptible d'appel—;

(ii) _____ à la personne assujettie à la décision, à l'ordonnance ou à la mesure, dans le cas ~~le cas~~ d'un appel interjeté par le Barreau—~~et~~ ;

b) par le dépôt de l'avis d'appel au Tribunal, avec la preuve de sa signification, dans les 30 jours après que l'avis de l'ordonnance est réputé avoir été reçu par l'appelant ~~dans les délais prescrits aux paragraphes (2) et (3).~~

~~Délai d'introduction de l'appel : décision ou ordonnance rendue dans une instance tenue devant la Section de première instance~~

~~(2) — Si la décision ou l'ordonnance portée en appel porte sur le fond d'une instance tenue devant la Section de première instance conformément aux articles 27, 31, 34, 38, 43, 45, 49.42 ou 49.43 de la Loi, l'avis d'appel est signifié à l'intimé et déposé au Tribunal, avec la preuve de sa signification, dans un délai de 30 jours après que l'avis de la décision et de l'ordonnance officielle contenant la décision, l'ordonnance ou la décision et l'ordonnance qui est porté en appel est réputé avoir été reçu par l'appelant.~~

~~Délai d'introduction de l'appel : ordonnance rendue à l'égard d'une motion déposée devant la Section de première instance~~

~~(3) — Si l'ordonnance ou la mesure portée en appel porte sur une motion présentée dans une instance ou une instance envisagée devant la Section de première instance, l'avis d'appel est signifié à l'intimé et déposé au Tribunal, avec la preuve de sa signification, dans les 30 jours après que l'avis de l'ordonnance officielle contenant l'ordonnance ou la mesure portée en appel et qui est réputée avoir été reçue par l'appelant.~~

(2) Le Barreau doit déposer un avis d'appel et une fiche d'information par voie électronique.

Mode de signification

(43) L'avis d'appel est signifié conformément aux présentes règles comme s'il s'agissait d'une la même façon qu'un acte introductif d'instance.

Prolongation du délai d'introduction de l'appel

3.2 (1) L'avis d'appel peut être signifié à l'intimé et déposé au Tribunal, avec la preuve de sa signification, après ~~le délai prescrit aux paragraphes 3.1 (2) et (3),~~ la période de 30 jours décrite ci-dessus, avec le consentement écrit de l'intimé.

Dépôt du consentement

(2) ~~Si l'intimé, conformément au paragraphe (1), a consenti à ce que l'avis d'appel soit signifié et déposé après le délai prescrit aux paragraphes 3.1 (2) et (3), l'appelant~~ L'appelant dépose au Tribunal le consentement de l'intimé, accompagné de l'avis d'appel, de la fiche d'information et de la preuve de signification de l'avis d'appel.

Modification de l'avis d'appel

3.3 L'avis d'appel peut être modifié sans ~~l'autorisation~~ autorisation, avant la mise en état de l'appel, par la signification à l'intimé d'un avis supplémentaire d'appel (~~formulaire~~ Formulaire 3B3E) et son dépôt au Tribunal, avec la preuve de sa signification.

RÈGLE 7 MISE EN ÉTAT DE L'APPEL

Signification et dépôt de la documentation de l'appelant

7.1

Délai de mise en état

(4) L'appelant met l'appel en état conformément aux paragraphes (1) et (3) au plus tard à l'une ou l'autre des périodes suivantes :

dans un délai de a) 60 jours après que l'avis de la décision et de l'ordonnance officielles contenant la décision, l'ordonnance ou la décision et l'ordonnance portées en appel, ou après que l'ordonnance officielle contenant l'ordonnance ou la mesure portée en appel est réputée réputé avoir été reçu reçu par l'appelant, si l'appelant a reçu la transcription dans le délai de 60 jours; ou ;

dans un délai de b) 60 jours après que l'appelant a reçu la transcription, s'il ne l'a pas reçue dans le délai de 60 jours mentionné à l'alinéa a);

RÈGLE 13 MOTIONS

Présentation de motions

13.1 (1) Sous réserve du paragraphe (2), une motion ne peut être présentée à la Section d'appel que si un appel a été introduit.

Motion en prolongation du délai d'introduction de l'appel

(2) Une motion visant à prolonger le délai d'introduction d'un appel peut être présentée en tout temps; toutefois, l'auteur de la motion doit délivrer un avis incorporer une ébauche de l'avis d'appel en même temps que dans le dossier de la motion.

Motion en sursis d'une décision ou d'une ordonnance

13.2 Une motion en sursis d'une décision ou d'une ordonnance portée en appel se fait par avis de motion.

Motions entendues par un seul membre de la formation

13.3 Conformément au paragraphe 4.2 (1) de la *Loi sur l'exercice des compétences légales*, le président ou le vice-président peut désigner un seul membre de la formation pour instruire entendre et trancher les motions interlocutoires ou de procédure, notamment les motions suivantes- :

- 1) une motion en rejet d'un appel pour cause d'inobservation de la règle-Règle 2.1;
- 2) une motion en rejet d'un appel ou d'un appel incident pour cause de retard;
- 3) une motion en rétablissement d'un appel ou d'un appel incident qui est réputé avoir fait l'objet d'un désistement;
- 4) une motion en prolongation du délai d'introduction d'un appel;
- 5) une motion en sursis d'une décision ou d'une ordonnance portée en appel.

RÈGLE 17 APPELS DES ORDONNANCES SOMMAIRES

Appels des ordonnances sommaires

- 17.1 (1) La Règle 17 ~~s'applique~~applique aux appels des ordonnances en vertu des articles 46, 47, 47.1, 48 ou ~~49~~ de la Loi (« appels des ordonnances sommaires »).
- (2) Les règles 1, 9, 10, 12, 13 et 15 s'appliquent avec les adaptations nécessaires aux appels des ordonnances sommaires. Les règles 2, 3, 4, 5, 6, 7, 8, 9, 11, 14 et ~~16~~ ne s'appliquent pas aux appels des ordonnances sommaires.

Introduction d'un appel d'ordonnance sommaire

- 17.2 (1) L'appelant introduit un appel d'ordonnance sommaire en signifiant au Barreau et en déposant auprès du Tribunal un avis d'appel d'ordonnance sommaire (~~formulaire~~Formulaire 17A) accompagné d'une fiche d'information (Formulaire 3D).
- (2) L'avis d'appel d'ordonnance sommaire ~~est~~doit être signifié au Barreau ~~à personne ou par un autre mode de signification directe~~la même façon qu'un acte introductif d'instance.

Délai d'introduction d'un appel d'ordonnance sommaire

- (3) L'avis d'appel d'ordonnance sommaire ~~est~~doit être signifié au Barreau et déposé auprès du Tribunal dans les ~~30~~ jours suivant la date à laquelle l'ordonnance sommaire est réputée avoir été reçue par l'appelant.

Prorogation du délai d'introduction d'un appel d'ordonnance sommaire

- (4) Un appel d'ordonnance sommaire peut être introduit après ce délai avec le consentement du Barreau ou l'autorisation du Tribunal. L'autorisation peut être demandée en déposant une motion conformément aux présentes règles.

ORDONNANCE OFFICIELLE

(N° de dossier du Tribunal du Barreau)

TRIBUNAL DU BARREAU SECTION D'APPEL

(Membre(s) de la formation)

(Date)

(Titre de l'instance)

ORDONNANCE – APPEL

Dans la présente instance concernant *(sujet de l'instance)*, *(année d'obtention du permis le cas échéant)*, de *(lieu)*, la formation a considéré l'appel de *(insérer le nom de l'appelant)* pour :

- *(insérer le sommaire des redressements recherchés dans l'avis d'appel).*

La formation ordonne ce qui suit :

- 1.
- 2.

(Nom du membre de la formation)

FORMULAIRE 3A – AVIS D'APPEL – BARREAU

(Titre général)

AVIS D'APPEL

À L'INTIMÉ EN APPEL :

Le Barreau du Haut-Canada interjette appel :

(Sélectionnez l'/ les option(s) qui s'applique(nt).)

- ☐ aux termes du paragraphe 49.32 (1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, d'une décision ou d'une ordonnance définitive de la Section de première instance ;
- ☐ aux termes du paragraphe 49.32 (2) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, d'une ordonnance de la Section de première instance sur les dépens lorsque celle-ci a rendu une décision ou une ordonnance définitive dans l'instance ;
- ☐ aux termes de la règle 2.1 (2) du Tribunal du Barreau – Règles de pratique et de procédure de la Section d'appel, de la décision de la Section de première instance à l'égard d'une motion visant à suspendre ou à restreindre la manière dont un titulaire de permis peut exercer le droit ou fournir des services juridiques ;
- ☐ aux termes du paragraphe 39 (7) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, d'une ordonnance de la Section de première instance ou de son refus de rendre une telle ordonnance en vertu de l'art. 39.

Les motifs de l'appel sont énoncés ci-dessous.

(représentant du Barreau)
(adresse)
(téléphone)
(télécopieur)
(courriel)

DÉTAILS DE L'APPEL :

1.

2.

FORMULAIRE 3B – AVIS D'APPEL – TITULAIRE DE PERMIS/CANDIDAT AU PERMIS

(Titre général)

AVIS D'APPEL – TITULAIRE DE PERMIS/CANDIDAT AU PERMIS

À L'INTIMÉ EN APPEL :

(Nom complet du l'appelant) interjette appel :

(Sélectionnez les option(s) qui s'appliquent.)

- ☐ aux termes du paragraphe 49.32 (1) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, d'une décision ou d'une ordonnance définitive de la Section de première instance ;
- ☐ aux termes du paragraphe 49.32 (2) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, d'une ordonnance sur les dépens de la Section de première instance lorsque celle-ci a rendu une décision ou une ordonnance définitive dans l'instance ;
- ☐ aux termes de la règle 2.1 (2) du Tribunal du Barreau – Règles de pratique et de procédure de la Section d'appel, de la décision de la Section de première instance à l'égard d'une motion visant à suspendre ou à restreindre la manière dont un titulaire de permis peut exercer le droit ou fournir des services juridiques ;
- ☐ aux termes du paragraphe 39 (7) de la *Loi sur le Barreau*, L.R.O. 1990, c. L.8, d'une ordonnance de la Section de première instance ou de son refus de rendre une telle ordonnance en vertu de l'art. 39.

Les motifs de l'appel sont énoncés ci-dessous.

(Appelant/nom du représentant)

DÉTAILS DE L'APPEL :

1.

2.

FORMULAIRE 3C – FICHE D'INFORMATION – APPEL DU BARREAU

(Titre général)

FICHE D'INFORMATION – APPEL DU BARREAU

À L'INTIMÉ EN APPEL :

Le Barreau du Haut-Canada vous signifie un avis d'appel. Ce document introduit un appel devant le Tribunal du Barreau.

Après cette signification, l'avis d'appel sera déposé au Tribunal. Le greffe du Tribunal attribuera un numéro et enverra aux parties une confirmation du dépôt et une copie de l'avis d'appel tel que déposé.

L'information suivante est fournie au Tribunal aux fins du présent appel.

Matricule du Barreau de l'intimé(le cas échéant) : *(matricule)*

Type de permis : *(avocat/parajuriste/candidat avocat/candidat parajuriste)*

Année d'obtention du permis (le cas échéant) : *(année d'obtention du permis)*

Lieu du titulaire de permis : *(ville, communauté où il exerce ou, si non applicable, ville ou communauté de résidence)*

Coordonnées de l'intimé

Coordonnées principales (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées secondaires (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées du représentant (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Numéro(s) de dossier de la Section de première instance : *(dossier(s) de la Section de première instance)*

Remarques additionnelles : *(Remarques, y compris tout besoin de mesures d'adaptation fondées sur les droits de la personne ou autres motifs de tout participant à l'appel).*

Si certaines de ces coordonnées sont inexactes, veuillez en aviser le Tribunal immédiatement.

Pour plus d'information sur le Tribunal, consultez son site Web au www.tribunaldubarreau.ca. Pour joindre le Tribunal :

Tribunal du Barreau
Bureau 402, 375, avenue University
Toronto (Ontario) M5G 2J5
Tél. : 416 947-5249
Sans frais : 1 800 668-7380, poste 5249
Télec. : 416 947-5219
Courriel : tribunal@lsuc.on.ca

FORMULAIRE 3D – FICHE D'INFORMATION – APPEL DU TITULAIRE DE PERMIS/CANDIDAT AU PERMIS

(Titre général)

FICHE D'INFORMATION – APPEL DU TITULAIRE DE PERMIS/CANDIDAT AU PERMIS

À L'INTIMÉ EN APPEL :

(Nom complet de l'appelant) signifie un avis d'appel au Barreau du Haut-Canada.
Ce document introduit un appel devant le Tribunal du Barreau.

Après cette signification, l'avis d'appel sera déposé au Tribunal. Le greffe du Tribunal attribuera un numéro et enverra aux parties une confirmation du dépôt et une copie de l'avis tel que déposé.

L'information suivante est fournie au Tribunal aux fins du présent appel.

Matricule du Barreau de l'appelant (le cas échéant) : *(matricule)*

Type de permis : *(avocat/parajuriste/candidat avocat/candidat parajuriste)*

Année d'obtention du permis (le cas échéant) : *(année d'obtention du permis)*

Lieu du titulaire de permis : *(ville, communauté où il exerce ou, si non applicable, ville ou communauté de résidence)*

Coordonnées de l'appelant

Coordonnées principales (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées secondaires (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Coordonnées du représentant (le cas échéant) :

(Adresse postale)

(Numéro de téléphone)

(Numéro de télécopieur)

(Adresse courriel)

(Besoin de mesures d'adaptation dans les registres du Barreau, le cas échéant)

Numéro(s) de dossier de la Section de première instance (le cas échéant) :
(dossier(s) de la Section de première instance)

Remarques additionnelles : *(Remarques, y compris tout besoin de mesures d'adaptation fondées sur les droits de la personne ou autres motifs de tout participant à l'appel).*

Pour plus d'information sur le Tribunal, consultez son site Web au www.tribunaldubarreau.ca. Pour joindre le Tribunal :

Tribunal du Barreau
Bureau 402, 375, avenue University
Toronto (Ontario) M5G 2J5
Tél. : 416 947-5249
Sans frais : 1 800 668-7380, poste 5249
Téléc. : 416 947-5219
Courriel : tribunal@lsuc.on.ca

FORMULAIRE 3E – AVIS SUPPLÉMENTAIRE D'APPEL

(Titre du document)

AVIS SUPPLÉMENTAIRE D'APPEL

L'appelant modifie l'avis d'appel daté du *(date)* de la façon suivante : *(Énoncer les détails de la modification.)*

(Date)

(Nom, adresse, numéro de téléphone, numéro
de télécopieur et adresse de courriel de
l'appelant ou de son représentant)

DEST. : *(Nom et adresse de l'intimé
ou de son représentant)*

Tab 7



Secretary's Report November 9, 2016

Amendments to By-Law 6

Purpose of Report: **Decision**

**Prepared by the Secretary
Jim Varro (416-947-3434)**

FOR DECISION

AMENDMENTS TO BY-LAW 6

Motion

1. That Convocation make the amendments to By-Law 6 [Professional Liability Insurance] as set out in the motion at [Tab 7.1](#) respecting lawyers who are seconded to corporate clients to provide professional services to them.

Issue for Consideration

2. For 2017, LawPro is amending its program of insurance to exclude claims brought by corporate employers against seconded practising lawyers for professional services provided while under secondment. The program policy will also be amended to extend the limited defence-only coverage to include coverage for these seconded lawyers acting in the role of in-house corporate counsel. The LawPRO Program Report included the following at paragraph 8(v):

Seconded Lawyers:

(v) Many lawyers in private practice go on temporary secondment in order to carry out the tasks of in-house counsel for corporate clients of their firms. Seconded lawyers face different risks than either employed corporate counsel or lawyers in traditional private practice and the Program requires amendment to reflect this. For 2017, the Program Policy will be amended to exclude claims brought by corporations against seconded lawyers for professional services provided while under secondment with them, where notwithstanding the form of the relationship, the claimant meets the definition of a "corporate employer" under the Program Policy. The Policy will also be amended to extend the \$250,000 per claim and in the aggregate defence-only coverage under the endorsement for "Claims Brought by CORPORATE EMPLOYERS" to include coverage for seconded lawyers in those circumstances (paragraph 20).

3. This change was approved by Convocation on September 22, 2016 when it approved LawPRO's program of insurance for 2017.
4. Corresponding changes to the language in By-Law 6 are now required to make it clear that practising lawyers employed by law firms who go on secondment are not eligible for exemption.
5. The amendments prepared by the Law Society's Office of General Counsel appear at [Tab 7.2](#), in both track changes version ([Tab 7.2.1](#)) and clean version ([Tab 7.2.2](#)).

Tab 7.1

THE LAW SOCIETY OF UPPER CANADA
**BY-LAWS MADE UNDER
SUBSECTIONS 62 (0.1) AND (1) OF THE *LAW SOCIETY ACT***

**BY-LAW 6
[PROFESSIONAL LIABILITY INSURANCE]**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON NOVEMBER 9, 2016

MOVED BY

SECONDED BY

THAT By-Law 6 [Professional Liability Insurance], made by Convocation on May 1, 2007 and in force immediately before this motion is made, be amended as follows:

- 1. Effective January 1, 2017, subparagraph 9 (1) 4 i of the English version of the By-Law is amended by adding “that is not a licensee or a licensee firm” at the end of the subparagraph.**
- 2. Effective January 1, 2017, subparagraph 9 (1) 4 i of the French version of the By-Law is amended by adding “qui n’est pas un titulaire de permis ni un cabinet de titulaires de permis” at the end of the subparagraph.**
- 3. Effective January 1, 2017, section 9 of the English version of the By-Law is amended by adding the following subsections:**

(5.1) For the purposes of paragraph 4 of subsection (1), a licensee who is employed by another licensee or a licensee firm and temporarily seconded to a client of the other licensee or licensee firm shall continue to be employed by the other licensee or licensee firm notwithstanding the form of the employment relationship between the licensee and the client during the period of the temporary secondment.

Interpretation: “licensee firm”

(5.2) In paragraph 4 of subsection (1) and in subsection (5.1), “licensee firm” means a partnership or other association of licensees, a partnership or association mentioned in Part III of By-Law 7 [Business Entities] or a professional corporation.

- 4. Effective January 1, 2017, section 9 of the French version of the By-Law is amended by adding the following subsections:**

(5.1) Pour l’application de l’alinéa 1 du paragraphe (4), un titulaire de permis qui est employé par un autre titulaire de permis ou un cabinet de titulaires de permis et qui est détaché

temporairement à un client de l'autre titulaire de permis ou cabinet de titulaires de permis continue d'être employé par l'autre titulaire de permis ou cabinet de titulaires de permis sans égard au type de la relation d'emploi entre le titulaire de permis et le client durant la période du détachement temporaire.

Définition : « cabinet de titulaires de permis »

(5.2) Au sous-alinéa 4 du paragraphe (1) et au paragraphe (5.1), « cabinet de titulaires de permis » s'entend d'une société de personnes ou d'un autre type d'association de titulaires de permis, d'une société de personnes ou d'une autre association mentionnée à la partie III du Règlement administratif n° 7 [Entreprises] ou d'une société professionnelle.

BY-LAW 6

May 1, 2007

Amended: June 28, 2007

February 21, 2008

September 24, 2009

November 24, 2011

September 27, 2012

April 25, 2013

October 24, 2013

October 29, 2015

December 10, 2015 (editorial changes)

November 9, 2016

PROFESSIONAL LIABILITY INSURANCE

PART I

LICENSEES HOLDING A CLASS L1 LICENCE

GENERAL

Interpretation

1. (1) In this Part,

“licensee” means a licensee who holds a Class L1 licence;

“Society’s insurance plan” means the Society’s professional liability insurance plan and includes any professional liability insurance policy which the Society may have arranged for licensees.

Interpretation: engaging in practice of law

(2) In this Part, a person engages in the practice of law if he or she gives legal advice respecting the laws of Ontario or Canada or provides any professional services of a barrister or solicitor for others.

INSURANCE PREMIUM LEVIES

Requirement to pay insurance premium levies

2. (1) Unless otherwise exempted, every licensee who is eligible for coverage under the

Society's insurance plan and who engages in the practice of law during the course of any year shall pay insurance premium levies for that year in accordance with this Part.

Same

(2) A licensee who is required to pay any insurance premium levy shall pay the amount of the levy and any taxes that the Society is required to collect from the licensee in respect of the payment of the insurance premium levy.

Insurance premium levies

3. The insurance premium levies mentioned in section 2 shall consist of a base levy, an innocent party surcharge levy, a claims history surcharge levy and such other levies as may be set by Convocation or required by the insurer of the Society's insurance plan.

Time for payment of insurance premium levies

4. (1) The base levy, the innocent party surcharge levy and the claims history surcharge levy are due and payable on January 1 of the year in which the coverage applies.

Same

(2) Such other levies as may be set by Convocation or required by the insurer of the Society's insurance plan are due and payable on the dates specified by Convocation or the insurer of the Society's insurance plan.

Period of default

5. (1) For the purpose of subsection 46 (1) of the Act, the period of default for failure to pay an insurance premium levy is 120 days after the day on which payment of the levy is due.

Payment plan: deemed date of failure to pay

(2) Where the Society or the insurer of the Society's insurance plan arranges or permits a schedule for the payment of an insurance premium levy by instalments or otherwise and a required payment is not made by a scheduled date, failure to pay the levy will be deemed to have occurred on January 1 of the year in which the coverage applies.

Reinstatement of licence

(3) If a licensee's licence has been suspended under subsection 46 (1) of the Act for failure to pay an insurance premium levy in a given year, for the purpose of subsection 46 (2) of the Act, the licensee shall pay an amount equal to the amount of the insurance premium levy which the licensee is required to pay in respect of that year and a reinstatement fee.

Refund of unearned portion of insurance premium levy

6. Where a licensee, who has paid one or more of the base levy, innocent party surcharge levy and claims history surcharge levy, subsequently, during the course of the year for which the levy or levies were payable, dies, retires, ceases to be eligible for coverage or is exempted by the Society from the requirement to pay one or more of the levies, the unearned portion of the levy or levies shall be refunded on a pro rata basis, subject to a two month minimum.

Society's insurance fund

7. (1) The insurance premium levies paid by licensees shall be used for the Society's insurance fund in respect of licensees, or to pay the required insurance premiums to the insurer of the Society's insurance plan, claims, group deductibles, adjusting costs, counsel and legal fees, administration costs and such other expenses reasonably incurred in connection with the Society's insurance plan.

Society's insurance fund not used up at year-end

(2) If at the end of any year the insurance fund is not entirely used up, the surplus remaining shall be carried forward into the next year.

Eligibility for coverage

8. (1) Every licensee is eligible for the standard coverage under the Society's insurance plan provided that his or her licence is not suspended.

Application for coverage

(2) A licensee who is eligible for coverage under the Society's insurance plan but who is not required under this Part to pay insurance premium levies may apply to the Society or to the insurer of the Society's insurance plan for coverage and, if granted coverage, shall pay the required levies in accordance with this Part.

Exemption from payment of insurance premium levies

9. (1) The following are eligible to apply for exemption from payment of insurance premium levies:

1. Any licensee who, during the course of the year for which a levy is payable, will not engage in the practice of law in Ontario.
2. Any licensee who, during the course of the year for which a levy is payable,
 - i. will be resident in a Canadian jurisdiction other than Ontario,
 - ii. will engage in the practice of law in Ontario on an occasional basis only, and

- iii. demonstrates proof of coverage for the licensee's practice of law in Ontario under the mandatory professional liability insurance program of another Canadian jurisdiction, such coverage to be reasonably comparable in coverage and limits to professional liability insurance that is required under the Society's insurance plan.
- 3. Any licensee who, during the course of the year for which a levy is payable,
 - i. will be resident,
 - A. in a reciprocating jurisdiction, or
 - B. in Quebec and deemed resident in a reciprocating jurisdiction, and
 - ii. demonstrates proof of coverage for the licensee's practice of law in Ontario under the mandatory professional liability insurance program of the reciprocating jurisdiction, such coverage to be reasonably comparable in coverage and limits to professional liability insurance that is required under the Society's insurance plan.
- 4. Any licensee who, during the course of the year for which a levy is payable,
 - i. will be employed by a single employer that is not a licensee or a licensee firm,
 - ii. will engage in the practice of law only for and on behalf of the employer as,
 - A. counsel or solicitor to the Government of Canada or the Government of Ontario,
 - B. a Crown Attorney,
 - C. counsel to a corporation other than a law corporation, or
 - D. a city solicitor, and
 - iii. will not engage in the practice of law in Ontario other than for and on behalf of the employer.
- 5. Any licensee employed as a law teacher who, during the course of the year for which a levy is payable, will not engage in the practice of law in Ontario other than teaching.
- 6. Any licensee who, during the course of the year for which a levy is payable,

- i. will be employed or volunteer in a clinic within the meaning of the *Legal Aid Services Act, 1998*, a student legal aid services society or an Aboriginal legal services corporation, that is funded by Legal Aid Ontario, but will not be directly employed by Legal Aid Ontario,
 - ii. will engage in the practice of law only through the clinic, student legal aid services society or Aboriginal legal services corporation to individuals in communities served by the clinic, student legal aid services society or Aboriginal legal services corporation and will not otherwise engage in the practice of law in Ontario, and
 - iii. demonstrates proof of coverage for such practice of law under a professional liability insurance policy issued by a licensed insurer in Canada, such coverage to be at least equivalent to that required under the Society's insurance plan.
7. Any licensee who, during the course of the year for which a levy is payable, will act in the capacity of an estate trustee, a trustee for an *inter vivos* trust or an attorney for property in respect of an estate, a trust or a property of a person other than a related person of the licensee of which the licensee was named as estate trustee, trustee or attorney while the licensee was engaged in the practice of law in Ontario and,
- i. will not otherwise engage in the practice of law in Ontario, or
 - ii. who otherwise qualifies for exemption from payment of insurance premium levies under paragraph 4, 5 or 6 and will not engage in the practice of law in Ontario other than as provided for under this paragraph or paragraph 4, 5 or 6.

Same

(2) A licensee who is exempt from payment of insurance premium levies under paragraph 1, 2, 3, 4, 5, 6 or 7 of subsection (1) continues to be exempt from payment of insurance premium levies even though he or she engages in the practice of law in Ontario in contravention of the paragraph under which he or she is exempt from payment of insurance premium levies if the following conditions are met:

- 1. The licensee's practice of law in Ontario in contravention of the paragraph under which he or she is exempt from payment of insurance premium levies is restricted to engaging in the practice of law only on a pro bono basis and only,
 - i. to or on behalf of non-profit organizations, or
 - ii. through a program that is and continues to be registered with Pro

Bono ~~Law~~ Ontario and approved by the insurer of the Society's insurance plan while the licensee is engaging in the practice of law through the program.

2. Prior to engaging in the practice of law in Ontario in contravention of the paragraph under which he or she is exempt from payment of insurance premium levies, the licensee applies to the insurer of the Society's insurance plan, in accordance with procedures established by the insurer, to continue to be exempt from payment of insurance premium levies and the insurer approves the licensee's application.

Interpretation: occasional practice of law

(3) For the purposes of paragraph 2 of subsection (1), in any year, a licensee engages in the practice of law on an occasional basis if, during that year, the licensee engages in the practice of law in respect of not more than ten matters.

Interpretation: "reciprocating jurisdiction"

(4) In subsection (1), "reciprocating jurisdiction" means a Canadian jurisdiction other than Ontario or Quebec,

- (a) which is a signatory to,
 - (i) prior to January 1, 2014, the National Mobility Agreement originally entered into in December 2002 by the Society, the Law Society of British Columbia, The Law Society of Alberta, the Law Society of Saskatchewan, The Law Society of Manitoba, The Barreau du Québec, the Nova Scotia Barristers' Society and the Law Society of Newfoundland,
 - (ii) beginning January 1, 2014, the National Mobility Agreement entered into in October 2013 by the Society, the Law Society of British Columbia, The Law Society of Alberta, the Law Society of Saskatchewan, The Law Society of Manitoba, The Barreau du Québec, the Chambre des Notaires du Québec, The Law Society of New Brunswick, the Nova Scotia Barristers' Society, the Law Society of Prince Edward Island and the Law Society of Newfoundland and Labrador, or
 - (iii) the Territorial Mobility Agreement originally entered into in November 2011 by the Society, the Law Society of Yukon, the Law Society of the Northwest Territories, the Law Society of Nunavut, the Law Society of British Columbia, The Law Society of Alberta, the Law Society of Saskatchewan, The Law Society of Manitoba, The Barreau du Québec, the Law Society of New Brunswick, the Nova Scotia Barristers' Society, the Law Society of Prince Edward Island and the Law Society of Newfoundland and Labrador;

- (b) in which a licensee is authorized to engage in the practice of law; and
- (c) which would exempt the licensee from its mandatory professional liability insurance program if the licensee were resident in Ontario and demonstrated proof of coverage for the licensee's practice of law in the jurisdiction under the Society's insurance plan which was reasonably comparable in coverage and limits to the professional liability insurance that would otherwise be required of the licensee by the jurisdiction.

Interpretation: "employer"

(5) In paragraph 4 of subsection (1), "employer" includes a corporation, any affiliated, controlled and subsidiary company of the corporation and any other entity employing the licensee.

(5.1) For the purposes of paragraph 4 of subsection (1), a licensee who is employed by another licensee or a licensee firm and temporarily seconded to a client of the other licensee or licensee firm shall continue to be employed by the other licensee or licensee firm notwithstanding the form of the employment relationship between the licensee and the client during the period of the temporary secondment.

Interpretation: "licensee firm"

(5.2) In paragraph 4 of subsection (1) and in subsection (5.1), "licensee firm" means a partnership or other association of licensees, a partnership or association mentioned in Part III of By-Law 7 [Business Entities] or a professional corporation.

Interpretation: "affiliated", "controlled" and "subsidiary"

(6) In subsection (5), "affiliated", "controlled" and "subsidiary" have the same meanings given them in the *Securities Act*.

Interpretation: "resident"

(7) In subsection (1), other than in the phrase "deemed resident", "resident" has the same meaning given it for the purposes of the *Income Tax Act* (Canada).

Interpretation: "deemed resident"

- (7.1) In paragraph (1) 3, a licensee is deemed resident in a reciprocating jurisdiction if,
 - (a) where the Society and the governing bodies of the legal profession in all reciprocating jurisdictions have agreed on nationally consistent criteria for determining deemed residence, the licensee is deemed resident in a reciprocating jurisdiction under the criteria; or

- (b) where the Society and the governing bodies of the legal profession in all reciprocating jurisdictions have not agreed on nationally consistent criteria for determining deemed residence, as between Ontario and one or more reciprocating jurisdictions, the licensee has been continuously authorized to practise law for the longest period of time in a reciprocating jurisdiction.

Interpretation: “related person”

(8) In paragraph 7 of subsection (1), “related person” has the meaning given “related persons” in subsection 251 (2) of the *Income Tax Act* (Canada).

FILING INSURANCE DOCUMENTS

Interpretation: “insurance policy”

10. (1) In this section, “insurance policy” means a policy for indemnity for professional liability issued in respect of a licensee by the insurer of the Society’s insurance plan.

Period of default

(2) For the purpose of clause 47 (1) (b) of the Act, the period of default for failure to complete or file with the Society, or with the insurer of the Society’s insurance plan, any certificate, report or other document that a licensee is required to file under an insurance policy is 120 days after the day that the certificate, report or other document is required to be filed under the insurance policy.

DEDUCTIBLES

Interpretation: “insurance policy”

11. (1) In this section, “insurance policy” means a policy for indemnity for professional liability issued in respect of a licensee by the insurer of the Society’s insurance plan.

Requirement to pay deductible

(2) A licensee shall pay to the insurer of the Society’s insurance plan, or to such other person as the insurer may direct, any amount of a deductible under an insurance policy that the licensee is required by the insurer to pay.

Compliance with requirement

(3) For the purposes of subsection 47.1 (3) of the Act, a licensee complies with the requirement mentioned in subsection (2) when,

- (a) the licensee pays to the insurer of the Society’s insurance plan or, if the insurer has directed the licensee to pay to another person, to the person to whom the

insurer has directed the licensee to pay, the amount of the deductible that the insurer has required the licensee to pay; or

- (b) the licensee complies with an award made by the arbitrator as a result of an arbitration conducted under the insurance policy with respect to the requirement to pay the deductible.

PART II

LICENSEES HOLDING A CLASS P1 LICENCE

MANDATORY INSURANCE

Mandatory insurance

12. (1) Unless exempted and subject to subsection (1.1), every licensee who holds a Class P1 licence shall maintain insurance against professional liability under a policy of professional liability insurance issued by a company licensed to carry on business in the province of Ontario that complies with the following minimum requirements and is otherwise comparable to a policy of professional liability insurance issued by the Lawyers' Professional Indemnity Company to a licensee who holds a Class L1 licence:

1. A policy limit for each single claim of not less than \$1 million and an aggregate policy limit for all claims of not less than \$2 million per year.
2. A maximum deductible amount under the policy that is reasonable in relation to the financial resources of the licensee.
3. Coverage for liability for errors, omissions and negligent acts arising out of the provision by the licensee of legal services authorized under a Class P1 licence.
4. A provision granting an extended reporting period of ninety days from the date of cancellation of the policy.
5. A provision naming the Society as an additional insured, for the purposes of reporting claims and receiving notice of the cancellation or amendment of the policy.
6. A provision that the policy may not be cancelled or amended without at least 60 days written notice to the Society.

Insurance to be maintained under policy issued by the Lawyers' Professional Indemnity Company

(1.1) A licensee who holds a Class P1 licence shall maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company if,

- (a) the licensee is a partner in a partnership where licensees who hold a Class L1 licence are also partners and the business of the partnership is the practice of law in Ontario or the provision of legal services in Ontario; or
- (b) the licensee is a shareholder in a professional corporation where licensees who hold a Class L1 licence are also shareholders and the business of the professional corporation is the practice of law in Ontario and the provision of legal services in Ontario.

Transition

(1.2) Despite subsection (1.1), a licensee described in subsection (1.1) whose existing insurance policy expires in 2016 shall not be required to maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company until the expiry of her or his existing insurance policy in 2016.

Exemption from insurance requirement

(2) A licensee who holds a Class P1 licence is exempt from the requirement to maintain insurance against professional liability contained in subsection (1) if,

- (a) the licensee is not providing legal services in Ontario; or
- (b) the licensee is providing legal services in Ontario only in any of the following circumstances:
 - 1. The licensee,
 - i. is employed by a single employer that is not a licensee or a licensee firm,
 - ii. provides legal services only for and on behalf of the single employer, and
 - iii. does not provide any legal services to any person other than the single employer,
 - 2. The licensee,
 - i. is employed by a clinic, within the meaning of the *Legal Aid Services Act, 1998*, that is funded by Legal Aid Ontario,

- ii. provides legal services only through the clinic to the community that the clinic serves and does not otherwise provide legal services, and
 - iii. has professional liability insurance coverage for the provision of the legal services that is comparable in coverage and limits to professional liability insurance that is required of a licensee who holds a Class L1 licence,
3. The licensee,
- i. is employed by a not-for-profit organization that is established for the purposes of providing legal services and is funded by the Government of Canada, the Government of Ontario or a municipal government in Ontario,
 - ii. provides legal services only through the organization to the community that the organization serves and does not otherwise provide legal services, and
 - iii. has professional liability insurance coverage for the provision of the legal services that is comparable in coverage and limits to the professional liability insurance that is required of a licensee who holds a Class L1 licence,
4. The licensee,
- i. is a public servant in the service of the Office of the Worker Adviser,
 - ii. provides only the following legal services through the Office of the Worker Adviser:
 - I. advises a worker, who is not a member of a trade union, or a survivor of the worker of her or his legal interests, rights and responsibilities under the *Workplace Safety and Insurance Act, 1997*, as amended from time to time,
 - II. acts on behalf of a worker, who is not a member of a trade union, or a survivor of the worker in connection with matters and proceedings before the Workplace Safety and Insurance Board or the Workplace Safety and Insurance Appeals Tribunal or related proceedings, and
 - iii. does not otherwise provide any legal services to any person,

5. The licensee,
 - i. is a public servant in the service of the Office of the Employer Adviser,
 - ii. provides only the following legal services through the Office of the Employer Adviser:
 - I. advises an employer of her, his or its legal interests, rights and responsibilities under the *Workplace Safety and Insurance Act, 1997*, as amended from time to time, or any predecessor legislation,
 - II. acts on behalf of an employer in connection with matters and proceedings before the Workplace Safety and Insurance Board or the Workplace Safety and Insurance Appeals Tribunal or related proceedings, and
 - iii. does not otherwise provide any legal services to any person,
6. The licensee,
 - i. volunteers in an injured workers' group,
 - ii. provides only the following legal services through the group:
 - I. gives a worker advice on her or his legal interests, rights or responsibilities under the *Workplace Safety and Insurance Act, 1997*, as amended from time to time,
 - II. acts on behalf of a worker in connection with matters and proceedings before the Workplace Safety and Insurance Board or the Workplace Safety and Insurance Appeals Tribunal or related proceedings, and
 - iii. does not otherwise provide any legal services to any person,
7. The licensee,
 - i. is an employee of a trade union, a volunteer representative of the trade union or an individual designated by the Ontario Federation of Labour for the purposes of the trade union,
 - ii. provides to the trade union, a member of the trade union, a former member of the trade union or a spouse, child or dependant of a deceased member of the trade union only the following legal

services:

- I. gives the person advice on her, his or its legal interests, rights or responsibilities in connection with a workplace issue or dispute,
 - II. acts on behalf of the person in connection with a workplace issue or dispute or a related proceeding before an adjudicative body other than a federal or provincial court,
 - III. acts on behalf of the person in enforcing benefits payable under a collective agreement before the Small Claims Court, and
- iii. does not otherwise provide any legal services to any person.

Interpretation: “licensee firm”

(3) In paragraph 1 of clause (2) (b), “licensee firm” means a partnership or other association of licensees, a partnership or association mentioned in Part III of By-Law 7 [Business Entities] or a professional corporation.

Interpretation of words used in paragraphs 4, 5 and 6 of clause (2) (b)

(4) In this subsection and in paragraphs 4, 5 and 6 of clause (2) (b),

“employer” has the meaning given it in the *Workplace Safety and Insurance Act, 1997*, as amended from time to time;

“injured workers’ group” means a not-for-profit organization that is funded by the Workplace Safety and Insurance Board to provide specified legal services to workers;

“public servant” has the meaning given it in the *Public Service of Ontario Act, 2006*, as amended from time to time;

“survivor” has the meaning given it in the *Workplace Safety and Insurance Act, 1997*, as amended from time to time;

“worker” has the meaning given it in the *Workplace Safety and Insurance Act, 1997*, as amended from time to time.

Interpretation of words used in paragraph 7 of clause (2) (b)

(5) In this subsection and in paragraph 7 of clause (2) (b),

“dependant” means each of the following persons who was wholly or partly dependent upon the

earnings of a member of a trade union at the time of the member's death or who, but for the member's incapacity due to an accident, would have been so dependent:

1. parent, stepparent or person who stood in the role of parent to the member,
2. sibling or half-sibling,
3. grandparent,
4. grandchild;

“workplace” means,

- (a) in the case of a former member of a trade union, a workplace of the former member when he or she was a member of the trade union, and
- (b) in the case of a spouse, child or dependant of a deceased member of a trade union, a workplace of the deceased member when he or she was a member of the trade union.

Proof of compliance with s. 12

13. A licensee who holds a Class P1 licence shall provide evidence to the satisfaction of the Society that the licensee is in compliance with section 12,

- (a) immediately after the licensee is issued a Class P1 licence;
- (b) prior to the commencement of the provision of legal services;
- (c) prior to any change in the circumstances in which the licensee provides legal services, where the change in circumstances,
 - (i) would result in the licensee being required to maintain insurance against professional liability under subsection 12 (1),
 - (ii) would entitle the licensee to claim an exemption from the requirement to maintain insurance against professional liability under subsection 12 (2), or
 - (iii) would entitle the licensee to claim an exemption from the requirement to maintain insurance against professional liability under a different paragraph of subsection 12 (2) than the paragraph of subsection 12 (2) under which the licensee claimed an exemption from the requirement to maintain insurance against professional liability prior to the change in the circumstances of providing legal services;

- (d) where the licensee maintains insurance against professional liability, prior to the expiry of the licensee's policy of professional liability insurance;
 - (e) on the anniversary date of the last time the licensee provided evidence to the satisfaction of the Society that the licensee was in compliance with section 12 under clause (a), (b), (c) or (d); and
 - (f) immediately after being required by the Society to provide evidence to the satisfaction of the Society that the licensee is in compliance with section 12.
-

BY-LAW 6

May 1, 2007
Amended: June 28, 2007
February 21, 2008
September 24, 2009
November 24, 2011
September 27, 2012
April 25, 2013
October 24, 2013
October 29, 2015
December 10, 2015 (editorial changes)
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PROFESSIONAL LIABILITY INSURANCE

PART I

LICENSEES HOLDING A CLASS L1 LICENCE

GENERAL

Interpretation

1. (1) In this Part,

“licensee” means a licensee who holds a Class L1 licence;

“Society’s insurance plan” means the Society’s professional liability insurance plan and includes any professional liability insurance policy which the Society may have arranged for licensees.

Interpretation: engaging in practice of law

(2) In this Part, a person engages in the practice of law if he or she gives legal advice respecting the laws of Ontario or Canada or provides any professional services of a barrister or solicitor for others.

INSURANCE PREMIUM LEVIES

Requirement to pay insurance premium levies

2. (1) Unless otherwise exempted, every licensee who is eligible for coverage under the

Society's insurance plan and who engages in the practice of law during the course of any year shall pay insurance premium levies for that year in accordance with this Part.

Same

(2) A licensee who is required to pay any insurance premium levy shall pay the amount of the levy and any taxes that the Society is required to collect from the licensee in respect of the payment of the insurance premium levy.

Insurance premium levies

3. The insurance premium levies mentioned in section 2 shall consist of a base levy, an innocent party surcharge levy, a claims history surcharge levy and such other levies as may be set by Convocation or required by the insurer of the Society's insurance plan.

Time for payment of insurance premium levies

4. (1) The base levy, the innocent party surcharge levy and the claims history surcharge levy are due and payable on January 1 of the year in which the coverage applies.

Same

(2) Such other levies as may be set by Convocation or required by the insurer of the Society's insurance plan are due and payable on the dates specified by Convocation or the insurer of the Society's insurance plan.

Period of default

5. (1) For the purpose of subsection 46 (1) of the Act, the period of default for failure to pay an insurance premium levy is 120 days after the day on which payment of the levy is due.

Payment plan: deemed date of failure to pay

(2) Where the Society or the insurer of the Society's insurance plan arranges or permits a schedule for the payment of an insurance premium levy by instalments or otherwise and a required payment is not made by a scheduled date, failure to pay the levy will be deemed to have occurred on January 1 of the year in which the coverage applies.

Reinstatement of licence

(3) If a licensee's licence has been suspended under subsection 46 (1) of the Act for failure to pay an insurance premium levy in a given year, for the purpose of subsection 46 (2) of the Act, the licensee shall pay an amount equal to the amount of the insurance premium levy which the licensee is required to pay in respect of that year and a reinstatement fee.

Refund of unearned portion of insurance premium levy

6. Where a licensee, who has paid one or more of the base levy, innocent party surcharge levy and claims history surcharge levy, subsequently, during the course of the year for which the levy or levies were payable, dies, retires, ceases to be eligible for coverage or is exempted by the Society from the requirement to pay one or more of the levies, the unearned portion of the levy or levies shall be refunded on a pro rata basis, subject to a two month minimum.

Society's insurance fund

7. (1) The insurance premium levies paid by licensees shall be used for the Society's insurance fund in respect of licensees, or to pay the required insurance premiums to the insurer of the Society's insurance plan, claims, group deductibles, adjusting costs, counsel and legal fees, administration costs and such other expenses reasonably incurred in connection with the Society's insurance plan.

Society's insurance fund not used up at year-end

(2) If at the end of any year the insurance fund is not entirely used up, the surplus remaining shall be carried forward into the next year.

Eligibility for coverage

8. (1) Every licensee is eligible for the standard coverage under the Society's insurance plan provided that his or her licence is not suspended.

Application for coverage

(2) A licensee who is eligible for coverage under the Society's insurance plan but who is not required under this Part to pay insurance premium levies may apply to the Society or to the insurer of the Society's insurance plan for coverage and, if granted coverage, shall pay the required levies in accordance with this Part.

Exemption from payment of insurance premium levies

9. (1) The following are eligible to apply for exemption from payment of insurance premium levies:

1. Any licensee who, during the course of the year for which a levy is payable, will not engage in the practice of law in Ontario.
2. Any licensee who, during the course of the year for which a levy is payable,
 - i. will be resident in a Canadian jurisdiction other than Ontario,
 - ii. will engage in the practice of law in Ontario on an occasional basis only, and

- iii. demonstrates proof of coverage for the licensee's practice of law in Ontario under the mandatory professional liability insurance program of another Canadian jurisdiction, such coverage to be reasonably comparable in coverage and limits to professional liability insurance that is required under the Society's insurance plan.
- 3. Any licensee who, during the course of the year for which a levy is payable,
 - i. will be resident,
 - A. in a reciprocating jurisdiction, or
 - B. in Quebec and deemed resident in a reciprocating jurisdiction, and
 - ii. demonstrates proof of coverage for the licensee's practice of law in Ontario under the mandatory professional liability insurance program of the reciprocating jurisdiction, such coverage to be reasonably comparable in coverage and limits to professional liability insurance that is required under the Society's insurance plan.
- 4. Any licensee who, during the course of the year for which a levy is payable,
 - i. will be employed by a single employer that is not a licensee or a licensee firm,
 - ii. will engage in the practice of law only for and on behalf of the employer as,
 - A. counsel or solicitor to the Government of Canada or the Government of Ontario,
 - B. a Crown Attorney,
 - C. counsel to a corporation other than a law corporation, or
 - D. a city solicitor, and
 - iii. will not engage in the practice of law in Ontario other than for and on behalf of the employer.
- 5. Any licensee employed as a law teacher who, during the course of the year for which a levy is payable, will not engage in the practice of law in Ontario other than teaching.
- 6. Any licensee who, during the course of the year for which a levy is payable,

- i. will be employed or volunteer in a clinic within the meaning of the *Legal Aid Services Act, 1998*, a student legal aid services society or an Aboriginal legal services corporation, that is funded by Legal Aid Ontario, but will not be directly employed by Legal Aid Ontario,
 - ii. will engage in the practice of law only through the clinic, student legal aid services society or Aboriginal legal services corporation to individuals in communities served by the clinic, student legal aid services society or Aboriginal legal services corporation and will not otherwise engage in the practice of law in Ontario, and
 - iii. demonstrates proof of coverage for such practice of law under a professional liability insurance policy issued by a licensed insurer in Canada, such coverage to be at least equivalent to that required under the Society's insurance plan.
7. Any licensee who, during the course of the year for which a levy is payable, will act in the capacity of an estate trustee, a trustee for an *inter vivos* trust or an attorney for property in respect of an estate, a trust or a property of a person other than a related person of the licensee of which the licensee was named as estate trustee, trustee or attorney while the licensee was engaged in the practice of law in Ontario and,
- i. will not otherwise engage in the practice of law in Ontario, or
 - ii. who otherwise qualifies for exemption from payment of insurance premium levies under paragraph 4, 5 or 6 and will not engage in the practice of law in Ontario other than as provided for under this paragraph or paragraph 4, 5 or 6.

Same

(2) A licensee who is exempt from payment of insurance premium levies under paragraph 1, 2, 3, 4, 5, 6 or 7 of subsection (1) continues to be exempt from payment of insurance premium levies even though he or she engages in the practice of law in Ontario in contravention of the paragraph under which he or she is exempt from payment of insurance premium levies if the following conditions are met:

- 1. The licensee's practice of law in Ontario in contravention of the paragraph under which he or she is exempt from payment of insurance premium levies is restricted to engaging in the practice of law only on a pro bono basis and only,
 - i. to or on behalf of non-profit organizations, or
 - ii. through a program that is and continues to be registered with Pro

Bono Ontario and approved by the insurer of the Society's insurance plan while the licensee is engaging in the practice of law through the program.

2. Prior to engaging in the practice of law in Ontario in contravention of the paragraph under which he or she is exempt from payment of insurance premium levies, the licensee applies to the insurer of the Society's insurance plan, in accordance with procedures established by the insurer, to continue to be exempt from payment of insurance premium levies and the insurer approves the licensee's application.

Interpretation: occasional practice of law

(3) For the purposes of paragraph 2 of subsection (1), in any year, a licensee engages in the practice of law on an occasional basis if, during that year, the licensee engages in the practice of law in respect of not more than ten matters.

Interpretation: "reciprocating jurisdiction"

(4) In subsection (1), "reciprocating jurisdiction" means a Canadian jurisdiction other than Ontario or Quebec,

- (a) which is a signatory to,
 - (i) prior to January 1, 2014, the National Mobility Agreement originally entered into in December 2002 by the Society, the Law Society of British Columbia, The Law Society of Alberta, the Law Society of Saskatchewan, The Law Society of Manitoba, The Barreau du Québec, the Nova Scotia Barristers' Society and the Law Society of Newfoundland,
 - (ii) beginning January 1, 2014, the National Mobility Agreement entered into in October 2013 by the Society, the Law Society of British Columbia, The Law Society of Alberta, the Law Society of Saskatchewan, The Law Society of Manitoba, The Barreau du Québec, the Chambre des Notaires du Québec, The Law Society of New Brunswick, the Nova Scotia Barristers' Society, the Law Society of Prince Edward Island and the Law Society of Newfoundland and Labrador, or
 - (iii) the Territorial Mobility Agreement originally entered into in November 2011 by the Society, the Law Society of Yukon, the Law Society of the Northwest Territories, the Law Society of Nunavut, the Law Society of British Columbia, The Law Society of Alberta, the Law Society of Saskatchewan, The Law Society of Manitoba, The Barreau du Québec, the Law Society of New Brunswick, the Nova Scotia Barristers' Society, the Law Society of Prince Edward Island and the Law Society of Newfoundland and Labrador;

- (b) in which a licensee is authorized to engage in the practice of law; and
- (c) which would exempt the licensee from its mandatory professional liability insurance program if the licensee were resident in Ontario and demonstrated proof of coverage for the licensee's practice of law in the jurisdiction under the Society's insurance plan which was reasonably comparable in coverage and limits to the professional liability insurance that would otherwise be required of the licensee by the jurisdiction.

Interpretation: "employer"

(5) In paragraph 4 of subsection (1), "employer" includes a corporation, any affiliated, controlled and subsidiary company of the corporation and any other entity employing the licensee.

(5.1) For the purposes of paragraph 4 of subsection (1), a licensee who is employed by another licensee or a licensee firm and temporarily seconded to a client of the other licensee or licensee firm shall continue to be employed by the other licensee or licensee firm notwithstanding the form of the employment relationship between the licensee and the client during the period of the temporary secondment.

Interpretation: "licensee firm"

(5.2) In paragraph 4 of subsection (1) and in subsection (5.1), "licensee firm" means a partnership or other association of licensees, a partnership or association mentioned in Part III of By-Law 7 [Business Entities] or a professional corporation.

Interpretation: "affiliated", "controlled" and "subsidiary"

(6) In subsection (5), "affiliated", "controlled" and "subsidiary" have the same meanings given them in the *Securities Act*.

Interpretation: "resident"

(7) In subsection (1), other than in the phrase "deemed resident", "resident" has the same meaning given it for the purposes of the *Income Tax Act* (Canada).

Interpretation: "deemed resident"

- (7.1) In paragraph (1) 3, a licensee is deemed resident in a reciprocating jurisdiction if,
 - (a) where the Society and the governing bodies of the legal profession in all reciprocating jurisdictions have agreed on nationally consistent criteria for determining deemed residence, the licensee is deemed resident in a reciprocating jurisdiction under the criteria; or
 - (b) where the Society and the governing bodies of the legal profession in all

reciprocating jurisdictions have not agreed on nationally consistent criteria for determining deemed residence, as between Ontario and one or more reciprocating jurisdictions, the licensee has been continuously authorized to practise law for the longest period of time in a reciprocating jurisdiction.

Interpretation: “related person”

(8) In paragraph 7 of subsection (1), “related person” has the meaning given “related persons” in subsection 251 (2) of the *Income Tax Act* (Canada).

FILING INSURANCE DOCUMENTS

Interpretation: “insurance policy”

10. (1) In this section, “insurance policy” means a policy for indemnity for professional liability issued in respect of a licensee by the insurer of the Society’s insurance plan.

Period of default

(2) For the purpose of clause 47 (1) (b) of the Act, the period of default for failure to complete or file with the Society, or with the insurer of the Society’s insurance plan, any certificate, report or other document that a licensee is required to file under an insurance policy is 120 days after the day that the certificate, report or other document is required to be filed under the insurance policy.

DEDUCTIBLES

Interpretation: “insurance policy”

11. (1) In this section, “insurance policy” means a policy for indemnity for professional liability issued in respect of a licensee by the insurer of the Society’s insurance plan.

Requirement to pay deductible

(2) A licensee shall pay to the insurer of the Society’s insurance plan, or to such other person as the insurer may direct, any amount of a deductible under an insurance policy that the licensee is required by the insurer to pay.

Compliance with requirement

(3) For the purposes of subsection 47.1 (3) of the Act, a licensee complies with the requirement mentioned in subsection (2) when,

- (a) the licensee pays to the insurer of the Society’s insurance plan or, if the insurer has directed the licensee to pay to another person, to the person to whom the insurer has directed the licensee to pay, the amount of the deductible that the

insurer has required the licensee to pay; or

- (b) the licensee complies with an award made by the arbitrator as a result of an arbitration conducted under the insurance policy with respect to the requirement to pay the deductible.

PART II

LICENSEES HOLDING A CLASS P1 LICENCE

MANDATORY INSURANCE

Mandatory insurance

12. (1) Unless exempted and subject to subsection (1.1), every licensee who holds a Class P1 licence shall maintain insurance against professional liability under a policy of professional liability insurance issued by a company licensed to carry on business in the province of Ontario that complies with the following minimum requirements and is otherwise comparable to a policy of professional liability insurance issued by the Lawyers' Professional Indemnity Company to a licensee who holds a Class L1 licence:

1. A policy limit for each single claim of not less than \$1 million and an aggregate policy limit for all claims of not less than \$2 million per year.
2. A maximum deductible amount under the policy that is reasonable in relation to the financial resources of the licensee.
3. Coverage for liability for errors, omissions and negligent acts arising out of the provision by the licensee of legal services authorized under a Class P1 licence.
4. A provision granting an extended reporting period of ninety days from the date of cancellation of the policy.
5. A provision naming the Society as an additional insured, for the purposes of reporting claims and receiving notice of the cancellation or amendment of the policy.
6. A provision that the policy may not be cancelled or amended without at least 60 days written notice to the Society.

Insurance to be maintained under policy issued by the Lawyers' Professional Indemnity Company

- (1.1) A licensee who holds a Class P1 licence shall maintain insurance against

professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company if,

- (a) the licensee is a partner in a partnership where licensees who hold a Class L1 licence are also partners and the business of the partnership is the practice of law in Ontario or the provision of legal services in Ontario; or
- (b) the licensee is a shareholder in a professional corporation where licensees who hold a Class L1 licence are also shareholders and the business of the professional corporation is the practice of law in Ontario and the provision of legal services in Ontario.

Transition

(1.2) Despite subsection (1.1), a licensee described in subsection (1.1) whose existing insurance policy expires in 2016 shall not be required to maintain insurance against professional liability under a policy of professional liability insurance issued by Lawyers' Professional Indemnity Company until the expiry of her or his existing insurance policy in 2016.

Exemption from insurance requirement

(2) A licensee who holds a Class P1 licence is exempt from the requirement to maintain insurance against professional liability contained in subsection (1) if,

- (a) the licensee is not providing legal services in Ontario; or
- (b) the licensee is providing legal services in Ontario only in any of the following circumstances:
 - 1. The licensee,
 - i. is employed by a single employer that is not a licensee or a licensee firm,
 - ii. provides legal services only for and on behalf of the single employer, and
 - iii. does not provide any legal services to any person other than the single employer,
 - 2. The licensee,
 - i. is employed by a clinic, within the meaning of the *Legal Aid Services Act, 1998*, that is funded by Legal Aid Ontario,
 - ii. provides legal services only through the clinic to the community

that the clinic serves and does not otherwise provide legal services,
and

- iii. has professional liability insurance coverage for the provision of the legal services that is comparable in coverage and limits to professional liability insurance that is required of a licensee who holds a Class L1 licence,

3. The licensee,

- i. is employed by a not-for-profit organization that is established for the purposes of providing legal services and is funded by the Government of Canada, the Government of Ontario or a municipal government in Ontario,
- ii. provides legal services only through the organization to the community that the organization serves and does not otherwise provide legal services, and
- iii. has professional liability insurance coverage for the provision of the legal services that is comparable in coverage and limits to the professional liability insurance that is required of a licensee who holds a Class L1 licence,

4. The licensee,

- i. is a public servant in the service of the Office of the Worker Adviser,
- ii. provides only the following legal services through the Office of the Worker Adviser:
 - I. advises a worker, who is not a member of a trade union, or a survivor of the worker of her or his legal interests, rights and responsibilities under the *Workplace Safety and Insurance Act, 1997*, as amended from time to time,
 - II. acts on behalf of a worker, who is not a member of a trade union, or a survivor of the worker in connection with matters and proceedings before the Workplace Safety and Insurance Board or the Workplace Safety and Insurance Appeals Tribunal or related proceedings, and
- iii. does not otherwise provide any legal services to any person,

5. The licensee,

- i. is a public servant in the service of the Office of the Employer Adviser,
 - ii. provides only the following legal services through the Office of the Employer Adviser:
 - I. advises an employer of her, his or its legal interests, rights and responsibilities under the *Workplace Safety and Insurance Act, 1997*, as amended from time to time, or any predecessor legislation,
 - II. acts on behalf of an employer in connection with matters and proceedings before the Workplace Safety and Insurance Board or the Workplace Safety and Insurance Appeals Tribunal or related proceedings, and
 - iii. does not otherwise provide any legal services to any person,
- 6. The licensee,
 - i. volunteers in an injured workers' group,
 - ii. provides only the following legal services through the group:
 - I. gives a worker advice on her or his legal interests, rights or responsibilities under the *Workplace Safety and Insurance Act, 1997*, as amended from time to time,
 - II. acts on behalf of a worker in connection with matters and proceedings before the Workplace Safety and Insurance Board or the Workplace Safety and Insurance Appeals Tribunal or related proceedings, and
 - iii. does not otherwise provide any legal services to any person,
- 7. The licensee,
 - i. is an employee of a trade union, a volunteer representative of the trade union or an individual designated by the Ontario Federation of Labour for the purposes of the trade union,
 - ii. provides to the trade union, a member of the trade union, a former member of the trade union or a spouse, child or dependant of a deceased member of the trade union only the following legal services:

- I. gives the person advice on her, his or its legal interests, rights or responsibilities in connection with a workplace issue or dispute,
 - II. acts on behalf of the person in connection with a workplace issue or dispute or a related proceeding before an adjudicative body other than a federal or provincial court,
 - III. acts on behalf of the person in enforcing benefits payable under a collective agreement before the Small Claims Court, and
- iii. does not otherwise provide any legal services to any person.

Interpretation: “licensee firm”

(3) In paragraph 1 of clause (2) (b), “licensee firm” means a partnership or other association of licensees, a partnership or association mentioned in Part III of By-Law 7 [Business Entities] or a professional corporation.

Interpretation of words used in paragraphs 4, 5 and 6 of clause (2) (b)

(4) In this subsection and in paragraphs 4, 5 and 6 of clause (2) (b),

“employer” has the meaning given it in the *Workplace Safety and Insurance Act, 1997*, as amended from time to time;

“injured workers’ group” means a not-for-profit organization that is funded by the Workplace Safety and Insurance Board to provide specified legal services to workers;

“public servant” has the meaning given it in the *Public Service of Ontario Act, 2006*, as amended from time to time;

“survivor” has the meaning given it in the *Workplace Safety and Insurance Act, 1997*, as amended from time to time;

“worker” has the meaning given it in the *Workplace Safety and Insurance Act, 1997*, as amended from time to time.

Interpretation of words used in paragraph 7 of clause (2) (b)

(5) In this subsection and in paragraph 7 of clause (2) (b),

“dependant” means each of the following persons who was wholly or partly dependent upon the earnings of a member of a trade union at the time of the member’s death or who, but for the

member's incapacity due to an accident, would have been so dependent:

1. parent, stepparent or person who stood in the role of parent to the member,
2. sibling or half-sibling,
3. grandparent,
4. grandchild;

“workplace” means,

- (a) in the case of a former member of a trade union, a workplace of the former member when he or she was a member of the trade union, and
- (b) in the case of a spouse, child or dependant of a deceased member of a trade union, a workplace of the deceased member when he or she was a member of the trade union.

Proof of compliance with s. 12

13. A licensee who holds a Class P1 licence shall provide evidence to the satisfaction of the Society that the licensee is in compliance with section 12,

- (a) immediately after the licensee is issued a Class P1 licence;
- (b) prior to the commencement of the provision of legal services;
- (c) prior to any change in the circumstances in which the licensee provides legal services, where the change in circumstances,
 - (i) would result in the licensee being required to maintain insurance against professional liability under subsection 12 (1),
 - (ii) would entitle the licensee to claim an exemption from the requirement to maintain insurance against professional liability under subsection 12 (2), or
 - (iii) would entitle the licensee to claim an exemption from the requirement to maintain insurance against professional liability under a different paragraph of subsection 12 (2) than the paragraph of subsection 12 (2) under which the licensee claimed an exemption from the requirement to maintain insurance against professional liability prior to the change in the circumstances of providing legal services;
- (d) where the licensee maintains insurance against professional liability, prior to the

expiry of the licensee's policy of professional liability insurance;

- (e) on the anniversary date of the last time the licensee provided evidence to the satisfaction of the Society that the licensee was in compliance with section 12 under clause (a), (b), (c) or (d); and
 - (f) immediately after being required by the Society to provide evidence to the satisfaction of the Society that the licensee is in compliance with section 12.
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*THIS SECTION CONTAINS
IN CAMERA MATERIAL*



November 1, 2016

Update Report TAG – The Action Group on Access to Justice

Access to Justice Week

TAG coordinated Ontario's first [Access to Justice Week](#) with a wide range of partners from October 17 to 21. The week resulted in engagement with the public as well as representatives from technology, business, social sectors in addition to our justice system partners. Together, these participants explored different elements of the access to justice crisis such as public opinion, child welfare and importance of innovative collaborations in the development of meaningful solutions.

Highlights from the week include:

- Receiving letters of support from the [Chief Justice Beverley McLachlin](#) and [Federal Justice Minister Jody Wilson Raybould](#).
- Keynote remarks from Ontario's Attorney General the Hon. Yasir Naqvi and Indigenous child welfare advocate Cindy Blackstock.
- Having the Attorney General make a [Ministerial Statement](#) commending Access to Justice Week in the House. The official opposition and third party critic replied underscoring the importance of the week's events.
- Receiving coverage in 25 different media outlets including the front page of the Toronto Star and CBC Radio's Metro Morning. This resulted in 5 million impressions (the number of times content about Access to Justice Week was displayed or broadcast). Find links to media coverage on the [TAG website](#).
- Aligning with [Saskatchewan's first Access to Justice Week](#) which included the complete adoption of TAG's [Architects of Justice](#) program where students survey the public about access to justice concerns.
- Having the hashtag for the [Connect, Create, Communicate: Public Legal Education and the Access to Justice Movement](#) conference (#PLEA2J) trend on Twitter.

Updates, follow-up materials and details about CPD credit are now available on the [TAG website](#).

Many of our sessions were recorded and will be featured in TAG's forthcoming podcast. To be notified about our podcast launch join our [mailing list](#).

An info-graphic that captures Access to Justice Week "by the numbers" is in development. It will include the following details:

5 Events	9 Partners
40 Sessions	151 Speakers
633 Attendees	957 Tweets
Coverage in 25 Media Outlets	5 Million Impressions (print, radio, online media)

The following is an overview of Access to Justice Week events:

<p>October 17 Re-Designing Justice: How would you do it? Over 50 members of the public came to the Law Society of Upper Canada to participate in a facilitated session about access to justice and the user perspective.</p>
<p>October 18 Technology, Inclusion and Access to Justice: Broadening the Conversation Participants from the public, technology, business and justice sectors participated in a full day of discussion that highlighted new technology ideas in the justice sector and explored ways to strengthen the connection between inclusion and innovation. The Attorney General provided keynote remarks.</p>
<p>October 19 Attorney General makes a statement in the House with replies from the official opposition and the third party critic.</p>
<p>October 20-21 Connect, Create, Communicate: Public Legal Education and the Access to Justice Movement This two-day conference advanced knowledge, skills and awareness about promising practices in public legal education and current issues in the push for access to justice in Ontario.</p>
<p>October 21 Re-Imagining Child Welfare Systems in Canada: A Symposium This symposium brought together academics, practitioners, community-based organizations and those with lived experience to examine the over-representation of certain groups among children in child welfare care.</p>
<p>October 21 Architects of Justice: Stories From the Justice System This evening event held at Hart House featured true stories told live about personal and professional experiences with the justice system.</p>

Public Perceptions of Access to Justice in Ontario

On October 17, 2016 TAG released *Public Perceptions of Access to Justice in Ontario*. Conducted by Abacus Data, this poll was conducted online in August 2016 with 1,500 Ontarians ages 18 and over. View the full report on the [TAG website](#). Highlights from the study include:

- 40 per cent of Ontarians do not believe that they have fair and equal access to the justice system
- Of those who have needed legal help, most of the respondents (46 per cent) sought advice from lawyers and almost one third (32 per cent) turned to friends or family for advice
- Surprisingly, only 26 per cent turned to the internet for information.

Supreme Court of Canada
Chambers of The Chief Justice



Cour suprême du Canada
Cabinet du Juge en chef

301, rue Wellington Street
Ottawa, Ontario K1A 0J1

October 6, 2016

Dear Participants of Access to Justice Week,

I would like to welcome you all to Access to Justice Week and applaud the effort of the Action Group on Access to Justice (TAG), the Law Foundation of Ontario, and the Law Society of Upper Canada for organizing and supporting such an important initiative.

Raising awareness of access to justice issues is an essential starting point, but A2J Week takes the critical next step by providing a new framework for meaningful change. In the weeks and months ahead I look forward to the new initiatives which are surely to be born as a result of A2J Week.

Once again, I would like to thank TAG for organizing the events this week and all of those participating across the country.

Sincerely,

A handwritten signature in black ink, appearing to be "B. McLachlin", followed by a horizontal line.

Beverley McLachlin, P.C.
Chief Justice of Canada

Minister of Justice
and Attorney General of Canada



Ministre de la Justice
et procureur général du Canada

The Honourable / L'honorable Jody Wilson-Raybould, P.C., Q.C., M.P. / c.p., c.r., députée
Ottawa, Canada K1A 0H8

OCT 17 2016

The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto ON M5H 2N6

Dear Participant of Access to Justice Week:

I am pleased to see the tremendous array of events that have been planned for Access to Justice Week (A2J Week). Your participation represents an important contribution to the access to justice discussion and will inform the national discussion that has been taking place.

I would like to commend The Action Group on Access to Justice, the Law Foundation of Ontario, and the Law Society of Upper Canada for their collaborative efforts in organizing this initiative.

I hope that the opportunities provided during A2J Week inspire an exchange of ideas and innovative thinking. I look forward to hearing about the results of your meeting and wish you a most inspiring week.

Respectfully,

A handwritten signature in black ink, appearing to read 'JWR', with a large, sweeping loop at the end.

The Honourable Jody Wilson-Raybould

Canada¹³¹

Minister's Statement

by

**The Honorable Yasir Naqvi
Attorney General of Ontario**

on

**Access to Justice Week
Wednesday, October 19, 2016
Queen's Park**

CHECK AGAINST DELIVERY

Thank you, Mr. Speaker.

I rise in the House today to recognize Ontario's first Access to Justice Week.

As Attorney General, the issue of access to justice is incredibly important to me.

In all of its forms, access to justice is **the most central and relevant challenge** facing the broader legal community today.

We must always be working to ensure that all people enjoy the same advantages in our justice system, **regardless** of financial means, geography, ethnicity, sexuality or gender identity.

The Action Group on Access to Justice's recent report entitled, **Public Perceptions of Access to Justice in Ontario, conducted by Abacus Data**, makes this very clear:

- 78% of the people who participated in the study said they felt Ontario's justice system was "old fashioned."
- About 70% of people said it was "intimidating" and "confusing".
- Four in 10 people said they do not believe they have equal and fair access to the justice system.

It is clear that the status quo is not working...

The reality, Mr. Speaker, is our justice system and our services are **not** always modern and accessible, which people expect and deserve...

We **need** to shake things up.

[PAUSE]

I am excited by this challenge because I believe that we have an amazing **opportunity** to use technology in a way to make our justice system work better for all people.

Used in the right way, technology and digital innovation can make information, ideas and services more accessible. It can open doors that are usually closed... or are only open to an elite few.

It's about ensuring — wherever possible — that justice services are accessible and user-friendly for the public **and** members of the legal community.

That is why a key part of the solution is modernizing “old school” justice processes and the way we deliver our services.

Having grown up in the internet generation, I am inspired and excited about the opportunities that are available to us now.

You can already do day-to-day banking on your smart phone... You can buy groceries online without ever setting foot in a store.... You can even get a Master's degree online.

Mr. Speaker, it's time we provided the same convenience for justice services.

I am here today to tell you that we are on our way.

This means examining processes and procedures that are largely paper-based, and currently delivered in-person...

And taking a hard look at court and tribunal operations that — frankly — were designed in another era, for another era.

A big focus of my mandate as Attorney General is on using digital innovation to provide more accessible, responsive and easy-to-use justice services for Ontarians.

And although it will take time, my ministry has started laying the groundwork for the next generation of justice services.

Mr. Speaker, I would argue that to be successful at increasing access to justice through digital innovation and technology, it is essential for government to engage with organizations, innovators and the private sector.

That is why my ministry is supporting Ryerson University's Access to Justice Challenge led by the Legal Innovation Zone — a co-working space and incubator for people whose ideas will help change the status quo of Canada's legal system.

The Legal Innovation Zone helps support, foster and develop solutions and technologies that aim to improve the justice system and legal services.

In July, six start-ups were chosen to work in the Ryerson incubator for four months. During this time they'll have access to mentors, advisors and other resources that can help them grow their companies.

In early December, three of these start-ups will be chosen to receive seed funding to get their projects off the ground.

This is exactly the kind of thing we should be trying to foster in the justice system — new ways of thinking; new ways of working together — tapping new sources of energy and expertise.

[PAUSE]

Mr. Speaker, my ministry has taken some first steps to introduce digital innovation in the court system.

Last year, in partnership with the courts, we made it possible for people to submit all small claims online. **Since then, almost 50% of all claims are now being filed online.**

In many cases, people filing claims are even able to obtain a judgment online, meaning that they never have to set foot in a courthouse.

And earlier this spring, we rolled out an online service for setting up and updating straightforward child support payments. **One hundred applications have been received through the new service to date.**

This means that instead of filling out lengthy court forms and spending hours in court lines and hearings, parents can focus on what matters most — their kids.

Moving these straightforward claims and cases out of court also frees up valuable court time that can be used to deal with more urgent and complex cases.

We are also working to increase remote video capacity in our bail courts and our correctional institutions.

In 2014, we launched a new service, in partnership with the judiciary, to make daily court lists available online.

Now, over one million visitors a year go to OntarioCourtDates.ca to find out where and when they need to go to court, instead of having to go into a courthouse.

[PAUSE]

Mr. Speaker, my ministry is also working with the Safety, Licensing Appeals and Standards Tribunals Ontario to modernize the Automobile Accident Benefits Service, launched this past April.

This independent dispute resolution system helps people who have been injured in a motor vehicle accident, and have had their claim denied by an insurance company — appeal that decision.

Work is now underway to develop an e-filing tool for this service — reducing the amount of paperwork that needs to be filled out and speeding up response times to claims. This will help people move forward with their lives sooner.

These are gradual steps...but it's just the beginning.

Over the next two years, more online services will be available — aimed at making it easier for even more people who use our justice system to complete transactions without having to visit a courthouse or handle a lot of paperwork.

Work is already underway to expand online filing to civil claims in the Superior Court of Justice.

Documents filed for civil claims make up about **one third** of all documents filed **in all our courts today**.

That's a lot of paper.

Following the success of our e-filing tool for small claims court, we expect that people filing civil claims will experience quicker turnaround times for court documents, a faster and more efficient way to file forms and pay fees, and fewer trips to the courthouse.

[PAUSE]

Based on the latest census information, Mr. Speaker, four in 10 first marriages end in divorce in Canada, and while that is unfortunate, we don't want to add to peoples' stress at such a difficult time by making the process of getting a divorce cumbersome, time-consuming and hard to understand.

That is why I have asked my ministry to look at whether we can make this process easier and less expensive by making the filing process for divorce available online.

Nearly 30,000 divorce claims are filed with the court each year.

Many of these cases are fairly straightforward and shouldn't require a court hearing.

Now just to be clear, we're in the very early stages of this project...but it is a priority.

[PAUSE]

We also want to modernize our jury processes.

Each year, over 500,000 people across the province are engaged in processes related to jury duty.

We recognize the valuable public duty that jurors perform and we appreciate their dedication and the time that they spend away from their regular lives.

So we want to ensure the overall experience is fast, simple and as convenient as possible.

Some of the things we are considering include completing the eligibility questionnaire online instead of by mail.

And making it easier for jurors, and prospective jurors, to find out when and where they have to attend court.

To do this, we are now gathering information about what services and expertise are available in the marketplace.

Our next step will be to assess what we have learned and to determine how to move forward.

[PAUSE]

While that is by no means the extent of the work we are doing, Mr. Speaker, you can see how the use of new technology is at the forefront of our thinking.

I am truly excited about all of these future opportunities. . .

. . . And I believe that each one of them will work to make our justice system and our justice services more accessible for all.

Thank you, Mr. Speaker.

Déclaration

**de l'honorable Yasir Naqvi,
procureur général de l'Ontario,**

à l'occasion de

**la Semaine de l'accès à la justice
le mercredi 19 octobre 2016
Queen's Park**

SOUS RÉSERVE DE MODIFICATIONS

Merci, Monsieur le Président.

Je prends la parole, aujourd'hui, devant la Chambre, pour marquer la première Semaine de l'accès à la justice de l'Ontario.

En tant que procureur général, j'attache une extrême importance à la question de l'accès à la justice.

Sous toutes ses formes, l'accès à la justice est **le défi le plus central et complexe** auquel le secteur de la justice au sens large est confronté à notre époque.

Nous devons sans cesse veiller à ce que tous les justiciables bénéficient des mêmes avantages dans notre système de justice, **quels que soient** leurs moyens financiers, leur lieu de résidence, leur origine ethnique, leur sexualité ou leur identité sexuelle.

Le récent rapport du Groupe d'action sur l'accès à la justice, intitulé « **Public Perceptions of Access to Justice in Ontario** », préparé par **Abacus Data**, expose très clairement les résultats suivants :

- 78 % des personnes qui ont participé à l'étude ont déclaré percevoir le système de justice de l'Ontario comme « désuet ».
- Près de 70 % des participants ont affirmé que le système de justice était « intimidant » et qu'il « prêtait à confusion ».
- 4 participants sur 10 ont avoué ne pas croire en un accès juste et équitable à la justice.

Il est évident que le statu quo ne fonctionne pas ...

La réalité, Monsieur le Président, c'est que notre système de justice et nos services ne sont **pas** toujours modernes et accessibles, comme l'attendraient et le mériteraient les justiciables ...

Nous **devons** faire bouger les choses.

[PAUSE]

Je suis heureux de relever ce défi, car je crois que cela nous donnera la **possibilité** extraordinaire d'employer la technologie pour améliorer notre système de justice pour tous.

Utilisées correctement, la technologie et l'innovation numérique peuvent rendre des renseignements, des idées et des services plus accessibles ... Elles ouvrent des portes qui sont généralement closes ou... ou qui ne sont ouvertes que pour quelques heureux élus.

Nous devons veiller – dans la mesure du possible – à ce que les services de justice soient accessibles et conviviaux à la fois pour le public **et** pour le secteur juridique.

C'est pourquoi, un volet essentiel de la solution consistera à moderniser les processus de justice « désuets », ainsi que la prestation de nos services.

Ayant grandi dans la génération Internet, je suis enthousiasmé par les opportunités qui s'ouvrent à nous.

Il est déjà possible d'effectuer des transactions bancaires quotidiennes sur son téléphone portable ... de faire ses achats en ligne sans même mettre le pied dans un magasinet même d'obtenir une maîtrise en ligne.

Monsieur le Président, il est temps de rendre les services de justice aussi pratiques.

Je prends la parole, aujourd'hui, pour vous affirmer que nous sommes dans la bonne voie.

En effet, nous examinons les procédés et procédures qui se fondent encore en grande partie sur des documents sur papier, délivrés en personne ...

Nous nous penchons sur les activités des tribunaux qui — franchement — ont été conçues à une autre époque, pour une autre époque.

Mon mandat de procureur général attache une grande importance à l'utilisation de l'innovation numérique pour fournir à la population ontarienne des services de justice plus accessibles, plus sensibles et plus simples.

Même si cela prend du temps, mon ministère a commencé à jeter les bases de la prochaine génération de services de justice.

Monsieur le Président, j'affirme que pour parvenir à améliorer l'accès à la justice par l'innovation numérique et la technologie, il est essentiel que le gouvernement tisse des liens avec des organismes, des innovateurs et le secteur privé.

C'est pourquoi, mon ministère soutient le projet « Access to Justice Challenge » de l'Université Ryerson, dirigé par la Legal Innovation Zone — un espace de travail et incubateur destiné aux personnes dont les idées feront évoluer le système juridique du Canada.

La Legal Innovation Zone aide à soutenir, encourager et élaborer des solutions et des technologies qui visent à améliorer le système de justice et les services juridiques.

En juillet, six nouvelles entreprises ont été choisies pour travailler dans l'incubateur de Ryerson pendant quatre mois durant lesquels elles auront accès à des mentors et d'autres conseillers qui les aideront à prospérer.

Au début décembre, trois de ces nouvelles entreprises seront sélectionnées pour recevoir des fonds initiaux en vue de les aider à démarrer leurs activités.

C'est exactement ce genre d'initiative que nous devrions encourager dans le système de justice – de nouvelles façons de penser; de nouvelles façons de travailler ensemble – de tirer parti de nouvelles sources d'énergie et de savoir-faire.

[PAUSE]

Monsieur le Président, mon ministère a pris quelques mesures en vue d'introduire l'innovation numérique dans le système judiciaire.

L'année passée, en partenariat avec les tribunaux, nous avons lancé un processus de dépôt en ligne des demandes à la Cour des petites créances. **Depuis, près de 50 % des demandes sont déposées en ligne.**

Dans de nombreux cas, les gens qui déposent des demandes en ligne sont capables d'obtenir un jugement en ligne, ce qui signifie qu'ils ne doivent jamais mettre le pied dans un palais de justice.

Au début du printemps, nous avons donné le coup d'envoi à un service en ligne d'établissement et de modification des paiements de pensions alimentaires pour les enfants. **Ce**

nouveau service a déjà reçu une centaine de demandes à ce jour.

Autrement dit, au lieu de remplir des formulaires judiciaires interminables et de passer des heures dans des files d'attente au tribunal et dans des salles d'audience, les parents peuvent se concentrer sur ce qui compte le plus – leurs enfants.

En sortant ces cas et demandes simples de la charge de travail des tribunaux, nous libérons du temps précieux pour permettre aux tribunaux de traiter des cas plus urgents ou plus complexes.

Par ailleurs, nous œuvrons à l'accroissement de la capacité de vidéoconférences à distance dans les tribunaux du cautionnement et dans les établissements correctionnels.

En 2014, nous avons lancé un nouveau service, en partenariat avec les magistrats, qui affiche, en ligne, les rôles d'audience quotidiens.

Maintenant, plus d'un million de visiteurs par année consultent le site OntarioCourtDates.ca pour savoir où et quand aura lieu leur audience, au lieu de devoir se rendre à un palais de justice pour poser la question.

[PAUSE]

Monsieur le Président, mon ministère travaille également avec le groupe Tribunaux de la sécurité, des appels en matière de permis et des normes Ontario à la modernisation du Service d'aide relative aux indemnités d'accident automobile – lancé en avril dernier.

Ce système indépendant de règlement des différends aide les personnes qui ont été blessées dans un accident

automobile et dont la demande de règlement a été refusée par une compagnie d'assurance, à faire appel de cette décision de rejet.

Nous sommes en voie d'élaborer un outil de dépôt électronique pour ce service, qui réduira la paperasserie et accélérera le délai de réponse aux demandes. Ainsi, les personnes concernées pourront reprendre le fil de leur vie plus rapidement.

Ce sont des mesures graduelles, mais nous n'en sommes qu'au début.

Ces deux prochaines années, d'autres services en ligne seront offerts – dans le but de permettre à un nombre encore plus grand d'utilisateurs de notre système de justice d'effectuer des transactions plus facilement, sans même avoir à se rendre dans un palais de justice ou à remplir un grand nombre de formulaires sur papier.

Nous avons déjà commencé à élargir le système de dépôt en ligne pour les demandes en matière civile à la Cour supérieure de justice.

Les documents déposés dans le cadre de demandes en matière civile représentent environ **un tiers** des documents déposés **dans tous nos tribunaux à l'heure actuelle**.

C'est beaucoup de papier.

Dans la foulée du succès de notre outil de dépôt électronique des demandes à la Cour des petites créances, nous anticipons que les personnes qui déposeront en ligne des demandes en matière civile obtiendront leurs documents judiciaires plus rapidement, effectueront leurs paiements plus efficacement et éviteront des déplacements au palais de justice.

[PAUSE]

Selon les résultats du dernier recensement, Monsieur le Président, au Canada, quatre premiers mariages sur 10 se soldent par un divorce. C'est tragique et nous ne voulons pas empirer le niveau de stress des familles dans ces moments difficiles en leur faisant passer par un processus de divorce compliqué, long et difficile à comprendre.

C'est la raison pour laquelle j'ai demandé à mon ministère d'examiner la possibilité de rendre ce processus plus simple et moins coûteux en offrant des services en ligne.

Près de 30 000 demandes de divorce sont déposées chaque année au tribunal.

Un grand nombre de ces demandes sont simples et ne devraient pas nécessiter une audience au tribunal.

Bien entendu, nous en sommes encore au tout début de ce projet, mais c'est l'une de nos priorités.

[PAUSE]

Nous voulons également moderniser le système des jurés.

Chaque année, plus de 500 000 personnes, des quatre coins de la province, sont appelées à participer à des activités liées à la fonction de juré.

Nous sommes conscients de l'importance que revêt la fonction de juré et nous remercions les jurés du temps qu'ils consacrent à cette fonction malgré leurs activités habituelles.

Nous souhaitons donc leur faciliter la vie le plus possible.

Nous envisageons, par exemple, de leur offrir la possibilité de remplir le questionnaire d'admissibilité en ligne, au lieu de sur papier.

Et de permettre aux jurés et aux personnes qui pourraient le devenir d'apprendre plus simplement quand et où ils doivent se rendre au tribunal.

À cette fin, nous avons entrepris de recueillir des renseignements sur les services et le savoir-faire que nous pourrions utiliser sur le marché.

Nous passerons ensuite à la tâche d'évaluer ce que nous avons appris et d'établir nos prochaines étapes.

[PAUSE]

Même si nos efforts sont loin de s'arrêter là, Monsieur le Président, vous pouvez déjà avoir une idée de l'importance que nous accordons à la nouvelle technologie.

Je suis sincèrement enthousiasmé par toutes ces opportunités qui nous attendent. . .

. . . et je crois que chacune d'entre elles aura pour effet de rendre notre système de justice et nos services de justice plus accessibles pour tous.