

MINUTES OF CONVOCATION

Friday, 27th April, 1990
9:30 a.m.

PRESENT:

The Treasurer, (Mr. Lee K. Ferrier), Messrs. Arnup and Bastedo, Ms. Bellamy, Messrs. Campbell, Carey and Cass, Ms. Chapnik, Messrs. Cullity, Farquharson, Ferguson and Furlong, Mrs. Graham, Messrs. Ground and Guthrie, Ms. Harvey, Messrs. Hickey and Howie, Ms. Kiteley, Messrs. Lamek and Lawrence, Mrs. Legge, Messrs. Lerner, Levy, Lyons, Manes, McKinnon, Murphy, Noble, O'Connor and Pepper, Ms. Peters, Messrs. Rock, Ruby, Scace, Shaffer, Somerville, Spence, Strosberg, Thom, Topp and Wardlaw, Mrs. Weaver and Mr. Yachetti.

.....

"IN PUBLIC"

.....

MOTIONS

ELECTION OF BENCHER

It was moved by Mr. Lerner, seconded by Mr. Shaffer THAT Ms. Sandra Chapnik be elected a Bencher to fill the vacancy created by the resignation of Mr. Ian Outerbridge.

Carried

ALTERNATIVE DISPUTE RESOLUTION SUBCOMMITTEE

It was moved by Mr. Lerner, seconded by Mr. Shaffer THAT Ms. Chapnik be added as a member of the Alternative Dispute Resolution Subcommittee of the Research and Planning Committee.

Carried

.....

REPORT OF THE HONOURABLE A. S. DEWAR

It was moved by Mr. Rock, seconded by Ms. Kiteley that the Dewar Report be received and considered in public.

Carried

.....

NOTICE OF MOTION

Mr. Ground gave notice that in May he intended to bring a motion providing that any report to Convocation recommending a new program have attached to it a financial impact statement which has been reviewed by the Finance Committee.

.....

ADMISSIONS COMMITTEE

Ms. Peters presented the Report of the Admissions Committee of its meeting on April 12th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The ADMISSIONS COMMITTEE begs leave to report:

Your Committee met on Thursday, the 12th of April, 1990 at 9:30 a.m., the following members being present: Mrs. Weaver (Chair) and Messrs. Ground and Spence.

B.

ADMINISTRATION

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

Gregory Howard Barnett (B.A. 1970 from the University of Toronto and LL.B. 1973 from Osgoode Hall Law School of York University) was called to the Bar of the Province of British Columbia on the 15th day of May 1974 and practised in that province from the 25th day of August 1983 to the 14th day of July 1989. Mr. Barnett presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

Steven Mark Cook (B.Comm. 1980 and LL.B. 1981 both from the University of British Columbia) was called to the Bar of the Province of British Columbia in July 1982 and practised in that province from July 1982 to the present. Mr. Cook presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

Lorne Arthur Green (LL.B. 1979 from the University of British Columbia) was called to the Bar of the Province of British Columbia on the 12th day of May 1980 and practised in that province from the 12th day of May 1980 to March 1990. Mr. Green presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

John Norman Gregory (B. Admin. 1978 from the University of Wisconsin-Madison and LL.B. 1982 from the University of British Columbia) was called to the Bar of the Province of British Columbia on the 10th day of January 1984 and practised in that province from the 15th day of February 1984 to the 5th day of March 1990. Mr. Gregory presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

Warren John Addison Mitchell (B.A. 1962 and LL.B. 1963 both from the University of British Columbia) was called to the Bar of the Province of British Columbia on the 30th day of September 1966 and practised in that province from the 30th day of September 1966 to the present. Mr. Mitchell presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

Michael John O'Keefe (B.Comm. 1964, LL.B. 1965 both from the University of British Columbia and LL.M. 1967 from the University of California) was called to the Bar of the Province of British Columbia in May 1966 and practised in that province from May 1966 to September 1966, from June 1967 to May 1971 and then from January 1972 to the present. Mr. O'Keefe presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

Daniel Gordon Pole (LL.B. 1986 from the University of New Brunswick) was called to the Bar of the Province of New Brunswick on the 17th day of February 1987 and practised in that province from the 17th February 1987 to the present. Mr. Pole presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

James Herrick Gershaw Roche (B.A. 1967 from the University of Manitoba and LL.B. 1970 from the University of British Columbia) was called to the Bar of the Province of British Columbia in May 1977 and practised in that province from May 1977 to the present. Mr. Roche presents a Certificate of Good Standing and seeks to proceed under Regulation 4(1). There is nothing unusual about his application.

Approved

Harold Sandell (B.A. 1969, B.C.L. 1972, LL.B. 1973, and LL.M. 1976 all from McGill University and M.A. 1989 from Carleton University) was called to the Bar of the Province of Newfoundland on the 7th day of April 1977; to the Bar of the Province of Alberta on the 4th day of May 1981; to the Bar of the Yukon Territory on the 24th of April 1984 and to the Bar of the Northwest Territories on the 5th day of July 1985. From the 25th of January 1982 to the present Mr. Sandell has practised with the Federal Department of Justice in Ottawa. Mr. Sandell presents a Certificate of Good Standing from the Law Society of Newfoundland and seeks to proceed under Regulations 4(1) and 3(1). There is nothing unusual about his application.

In his letter to Ms. Patricia Peters dated the 26th of March, 1990, Mr. Sandell requests permission to sit the Bar Admission Course Transfer Examinations at the same time as the examinations are being sat by the students enrolled in the 1990/91 teaching term rather than during the 4 consecutive days ordinarily set aside for this purpose.

His letter was before the Committee for consideration.

Approved subject to the approval of the Director of Legal Education.

DIRECT TRANSFERS - QUEBEC - REGULATION 4(2)

Glen Peter O'Farrell (B.A. and LL.B. 1982 both from Laval University) was called to the Bar of the Province of Quebec on the 15th day of November 1983 and practised in that province from the 15th of November 1983 to the 5th day of March 1990. Mr. O'Farrell presents a Certificate of Good Standing and seeks to proceed under Regulation 4(2). There is nothing unusual about his application.

Approved

The following item was before the Committee on the 8th of March, 1990:

"George J. Pollack (LL.L. 1978 from the University of Laval and LL.B. 1980 from McGill University) was called to the Bar of the Province of Quebec in November 1981 and has practised in that province from November 1981 to the present. Mr. Pollack's LL.B degree was received 1 year and 8 months outside the 8 years within which an approved LL.B. degree must be granted preceding an application to transfer.

In his letter of the 6th February, 1990, Mr. Pollack states that since 1981 he has been practising admiralty law which, is based more or less entirely on Anglo-Canadian common law.

Mr. Pollack has been asked to send a letter outlining the nature of his work in admiralty law for the Committee's information. As of the 5th March, 1990 his letter has not be received.

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

Mr. Pollack's letter of the 7th March, 1990, more specifically describing the nature of his work, was before the Committee for further consideration.

Approved

2. ADMISSION OF STUDENTS-AT-LAW

Bar Admission Course

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

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

- | | |
|---------------------------------|---|
| 274. Abraham, Stephen Bruce | B.A. Western/84;
B.Comm. Windsor/86;
LL.B. Alberta/89 |
| 275. Aghaipour, Marjan | B.A. British Columbia/86;
LL.B. Dalhousie/89 |
| 276. de Boer, Stephen Cornelius | B.A. Western/86;
LL.B. Western/89 |
| 277. Hagler, Sidney | B.A. York/85;
LL.B. Victoria/89 |
| 278. Hamersfeld, Toba Ruth | B.A. Western/86;
LL.B. York/89 |
| 279. Hamilton, Ian Douglas | B.A. Alberta/89;
LL.B. Alberta/89 |

280. Hamilton, Irene Lisa Edme 1 yr. Arts, Malaspina;
2 yrs. Arts, Victoria;
LL.B. British Columbia/89
281. Hanna, Donald Duncan B.A. Manitoba/86;
LL.B. Toronto/89
282. Hanna, Shenda Lee B.Ed. Alberta/86;
LL.B. Toronto/89
283. Hanrahan, John James B.A. Western/86;
LL.B. Queen's/89
284. Hartung, Terry Alan B.A. Calgary/86;
LL.B. York/89
285. Hatnay, Andrew John Steven B.Sc. York/84;
LL.B. Ottawa/89
286. Hauer, Clare Bernadette B.A. Toronto/86;
LL.B. British Columbia/89
287. Healy, John Charles B.A. Western/84;
LL.B. Western/89
288. Herbert, Stuart William B.A. Toronto/78;
LL.B. Ottawa/89
289. Herlehy, Francinne Annette 3 yrs. Arts, Windsor;
LL.B. Windsor/89
290. Sterlin, Leora Judith Sterlin B.Comm. McGill/84;
LL.B. Western/89
291. Stewart, Delbert Orland B.A. Wilfrid Laurier/76;
M.Div. Toronto/80;
LL.B. Windsor/89
292. Stocco, Paolo Vito 3 yrs. Arts, Toronto;
LL.B. York/89
293. Stone, Harvey Sam Mature Student;
LL.B. York/89
294. Stone, Mark Anthony B.B.A. St. Francis Xavier/85;
B.A. St. Francis Xavier/86;
LL.B. Dalhousie/89
295. Strachan, Jacqueline Victoria B.A. Queen's/86;
LL.B. York/89
296. Streisfield, Jeffrey Elliot B.A. York/85;
LL.B. York/89
297. Stuart, Diane Elizabeth Mature Student;
LL.B. York/89
298. Stubbs, Jacqueline Mary B.A. Queen's/86;
Burton LL.B. Western/89
299. Sukmonowski, Catherine Anne B.A. Western/86;
LL.B. Windsor/89
300. Sun, Grace B.Comm. British Columbia/86;
LL.B. Windsor/89
301. Swanborough, Reginald Jay B.B.A. Bishop's/86;
LL.B. Windsor/89

302. Swarts, Gerald Shawn B.A. Trent/86;
LL.B. Western/89
303. Tateishi, Susan Ann Alter B.A. Ottawa/81;
B.Journ. Carleton/86;
LL.B. Ottawa/89
304. Therriault, Kathleen Diane B.A. York/86;
LL.B. York/89
305. Thomas, Aneurin Antony B.A. Toronto/86;
LL.B. Queen's/89
306. van Otterlo, Irvin Peter B.A. Edmonton/83;
LL.B. Windsor/89
307. Vass, William Bela B.A.Sc. Windsor/83;
LL.B. Western/89
308. Vegh, George B.A. York/86;
LL.B. Toronto/89
309. Voino, Paul David B.A.Sc. Toronto/72;
M.B.A. Queen's/77;
LL.B. Queen's/89
310. Volterra, Robert Gustavo B.A. Western/87;
LL.B. York/89
311. Voogd, James Herbert B.A. Calvin, USA/84;
LL.B. Western/89
312. Willis, Peter Alexander James 2 yrs. Arts, York;
LL.B. York/89
313. Wing, Rhonda Alexis B.A. Lancaster, England/83;
LL.B. Toronto/89
314. Winnick, Scott Jeffrey B.A. Toronto/86;
LL.B. Windsor/89
315. Wirth, Christopher Harold
Karl B.A. Toronto/86;
LL.B. British Columbia/89
316. Wislesky, Juanita Dahlia 4 yrs. Arts, McMaster;
LL.B. Queen's/89
317. Witmer, Darwin Rodger 2 yrs. Arts, York;
LL.B. Western/89
318. Wong, Vickie Sue B.A. McMaster/86;
LL.B. Western/89
319. Wonnick, Ross Gordon Campbell B.B.A. Wilfrid Laurier/86;
LL.B. Western/89
320. Woodman, Frederick Gordon
Randall B.A. Brandon/86;
LL.B. Manitoba/89
321. Woodward, David Mark B.B.A. Western/89;
LL.B. Queen's/88
322. Wright, Mark Alexander B.A. Toronto/82;
M.A. Toronto/85;
LL.B. York/89
323. Wyrzykowski, Owen Richard B.A. Western/86;
LL.B. Ottawa/89

5. CALL TO THE BAR AND CERTIFICATE OF FITNESS

Transfer from another province - Regulation 4(1)

The following candidates, having passed the Bar Admission Course Transfer Examinations, filed the necessary documents and paid the required fee, now apply for call to the Bar and to be granted Certificates of Fitness:

Mark Dowdell Cullen
Bonnie-Kae McPhee

Province of Alberta
Province of Manitoba

Approved

Bar Admission Course

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

Mark Gregory Abogado III
Stephen John Andari
Anna Teresa Drummond
Gail Nadine Erlichman
John O'Brien Grant
Christopher Dennis Harrs
Jennifer Anne Holmes
Richard Adam Levin
Barry Steven Mandelker
Susan Lynn Philpott
Marcus Gordon Pratt
Andrew George Saranchuk
David Harley Silverman
Shaun Stewart Thompson

Approved

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

Leroy Patrick Barry
Robert Peter Boron

Approved

6. OTHER ITEMS

Christopher Stanley Godfrey was suspended on the 26th of February 1982. Mr. Godfrey plans to sit the examinations required to be sat by those suspended for five or more consecutive years. In his letter dated April 5th, 1990, Mr. Godfrey requests permission to sit the required six examinations at the same time as the Bar Admission students sit the examinations during the teaching term. He explains that taking the six examinations spread out over the months of the teaching term would be preferable to sitting them over the usual four consecutive day period.

Approved subject to the approval of the Director of Legal Education.

ALL OF WHICH is respectfully submitted

DATED this 27th day of April, 1990

"P. Peters"
Chair

THE REPORT WAS ADOPTED

.....

CALL TO THE BAR

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

- | | |
|--------------------------|---------------------------|
| Leroy Patrick Barry | 30th Bar Admission Course |
| Robert Peter Boron | 30th Bar Admission Course |
| Mark Gregory Abogado III | 31st Bar Admission Course |
| Stephen John Andari | 31st Bar Admission Course |
| Anna Teresa Drummond | 31st Bar Admission Course |
| John O'Brien Grant | 31st Bar Admission Course |
| Christopher Dennis Harrs | 31st Bar Admission Course |
| Jennifer Anne Holmes | 31st Bar Admission Course |
| Richard Adam Levin | 31st Bar Admission Course |
| Barry Steven Mandelker | 31st Bar Admission Course |
| Susan Lynn Philpott | 31st Bar Admission Course |
| Marcus Gordon Pratt | 31st Bar Admission Course |
| Andrew George Saranchuk | 31st Bar Admission Course |
| David Harley Silverman | 31st Bar Admission Course |
| Shaun Stewart Thompson | 31st Bar Admission Course |
| Mark Dowdell Cullen | Transfer, Alberta |
| Bonnie-Kae McPhee | Transfer, Manitoba |

.....

MOTION

ANNUAL MEETING

Mr. Carey, in February had given notice that he intended to bring a motion before Convocation regarding the quorum at the Annual Meeting. The full text of Mr. Carey's Motion is:

THAT CONVOCATION recognizes the importance of the Annual General Meeting and the need to encourage members to attend the Meeting and therefore reaffirm that 100 members be the minimum quorum for the Annual General Meeting.

The Motion was seconded by Mr. McKinnon.

The Motion lost on a vote of 19 to 15.

It was moved by Mr. Lerner, seconded by Mr. Noble that consideration be given to having the Annual General Meeting at selected locations outside of Toronto.

Not Put

This matter was referred to the appropriate committee for consideration.

.....

THE REPORT OF THE HONOURABLE ARCHIBALD S. DEWAR

The Honourable Archibald S. Dewar, former Chief Justice of Manitoba was retained by the Law Society to conduct an inquiry into the Lang Michener affair. Mr. Dewar's terms of reference were to investigate into and report on what happened in the Law Society's handling of the Lang Michener matter, and to advise as to whether there was any favoritism or other impropriety in the way the case was dealt with including particulars of such improprieties, if any.

Neither Mr. Lamek nor Mr. O'Connor took part in the discussion.

In introducing the matter the Treasurer reviewed the major conclusions contained at page 38 of the Report.
(Copy of Report in Convocation File)

Mr. Ruby spoke against the Report and distributed copies of his remarks. A copy of those remarks can be found in Convocation File.

It was moved by Mr. Strosberg, seconded by Mr. Rock that the Society thank Mr. Lamek for his service as Chair of Discipline.

Carried

It was moved by Mr. Strosberg, but failed for want of a seconder that Mr. Ruby be removed as Chair of the House Committee and the Unauthorized Practice Committee.

It was moved by Mr. Farquharson, seconded by Mr. Strosberg that the Dewar Report be received and that no further action be taken.

Carried

.....

CONVOCATION THEN ADJOURNED FOR LUNCHEON

The luncheon guests were Mr. Victor Smith, the Society's Director of Insurance, Ms. Freda Bellamy and Mr. Lorne Scully of Marsh, McLellan.

.....

CONVOCATION RESUMED AT 3:00 P.M.

PRESENT:

The Treasurer, (Mr. Lee K. Ferrier), Mr. Bastedo, Ms. Bellamy, Messrs. Carey and Cass, Ms. Chapnik, Messrs. Cullity, Ferguson, Furlong, Ground, Hickey, Lamek, McKinnon, Rock, Shaffer, Somerville, Spence, Thom, Wardlaw and Mr. Yachetti.

.....

"IN PUBLIC"

.....

COMPENSATION FUND COMMITTEE

Mr. Yachetti presented the Report of the Compensation Fund Committee of its meeting on April 12th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The COMPENSATION FUND COMMITTEE begs leave to report:

Your Committee met on Thursday, the 12th of April, 1990 at 11:45 a.m. the following members being present: R. Yachetti (Chair), J. Wardlaw (Vice-Chair), S. Lerner and S. Thom; D. Crosbie, P. Bell, and H. Werry also attended.

A.

POLICY

1. THE PER CLAIMANT LIMIT

The Secretary reported that the Report from Tillinghast Actuaries has been received with the projected grants that will be paid out of the Fund for the fiscal year 1989-90 and 1990-91 based on the three scenarios that were proposed by the Committee.

The Committee discussed removal of the \$60,000 per claimant limit entirely so that there would be no per claimant limit. There was a discussion of increasing the \$60,000 per claimant limit to \$100,000 and there was a discussion of a 2-tiered system. The 2-tiered system would comprise no per claimant limit for claims arising from the normal solicitor/client relationship while there would be a limit of \$100,000 per claimant on claims arising from the syndication of mortgages or brokerage activities.

RECOMMENDATION: Your Committee recommends that the per claimant limit be increased to \$100,000 for funds advanced to a solicitor on or after the date of approval by Convocation. The Committee did not think it would be wise to remove the per claimant limit altogether because of the possibility of a catastrophic loss and if the limit was removed it would be hard to impose a limit in the future. The vast majority (90% based on Tillinghast report) of the claims to the Fund are under \$100,000.

The two-tiered system could work an unfairness and would be difficult to administer.

The additional cost of increasing the limit to \$100,000 would be \$300,000 in this fiscal year according to the report prepared by Tillinghast.

Note: Deferred by Convocation, see Page 152

B.

ADMINISTRATION

1. COMPENSATION FUND LEVY FOR 1990-91

The Secretary reported that the Compensation Fund levy should be set for the next fiscal year. In the 1989-90 fiscal year the levy was \$50 per member.

RECOMMENDATION: Your Committee recommends that the Compensation Fund Levy should be \$25 per member for the 1990-91 fiscal year. The Committee thought that a levy of \$50 seemed high and because of a healthy balance in the Compensation Fund a \$25 levy would be sufficient to meet the Fund's estimated expenses in the next fiscal year.

Subject to the approval of the Finance Committee.

Note: Deferred by Convocation, see Page

2. RECOVERY RE BRUCE PERREAULT

The Secretary reported that the Fund has paid out \$82,100.00 to former clients of Bruce Perreault. Maria Perreault (Mr. Perreault's wife) is suggesting two payments to the Fund totalling \$17,500.00 as a partial recovery of the grants paid out. Mrs. Perreault has sold shares of a company in order to obtain the funds to pay the Law Society.

RECOMMENDATION: Your Committee recommends that the Society accept \$17,500.00 from Mrs. Perreault on the understanding that Mr. Perreault's obligation to repay the Society the balance of the grants paid out of the Fund remains and that the payment in no way binds a Committee considering a readmission application by Mr. Perreault.

3. APPOINTMENT OF NEW REFEREES

The Chair has suggested that the Society place an advertisement in the Ontario Reports, the Lawyers Weekly, Le Droit, and the Law Times, indicating that the Society wishes to obtain the services of Referees fluent in both of Canada's Official Languages. The advertisement would indicate the qualifications for the position. Applicants would be lawyers, retired lawyers or retired judges.

RECOMMENDATION: Your Committee recommends that the advertisements be placed for new Referees in the above publications.

C.
INFORMATION

1. SUB-COMMITTEE ON THE GUIDELINES

The Sub-Committee on the Compensation Fund Guidelines met on Tuesday, February 20th, 1990 to consider changes to the General Guidelines for the Fund. The Sub-Committee is drafting its Report.

2. The total amount of accounts approved by Assistant Secretaries for the month of March, 1990 was \$32,319.97.

3. REFEREES' REPORTS AND ASSISTANT SECRETARIES MEMORANDA

The Secretary reported that the following Reports of Referees and Memoranda of Assistant Secretaries were approved by the Review Sub-Committee and amounts of grants are shown on "Schedule A" attached.

(Pg. 4)

- a) The Report of B.W. Grossberg, Q.C., re Albin Rogala (disbarred Feb. 22/89) re 26 claims on which the Referee has recommended grants of \$858,942.82. A substantial amount will be recovered from the bankruptcy trustee under the Society's subrogation rights.
- b) The Report of Helen L. Murray, Q.C., re Roger Morris (disbarred May. 26/88) re 21 claims on which the Referee has recommended grants of \$336,531.65.
- c) The Report of B.W. Grossberg, Q.C. re Bruce Perreault (permitted to resign June 22/89) re one claim.
- d) The Report of B.W. Grossberg, Q.C. re Michael A. Weller (disbarred June 23/88) re two claims.

The following memoranda of Assistant Secretaries, Peter B. Bell, and Heather A. Werry have also been approved by the Review Sub-Committee:-

- a) Michael D.T. Campbell (suspended indefinitely Sept. 22/88) re one claim.
- b) Howard S. Buckman (disbarred Sept. 25/86) re two claims.

4. The Financial Summary for the nine months, July 1st to March 31st, 1990, and the Activity Report are attached. (Pgs. 5-7)

5. AMERICAN BAR ASSOCIATION

The American Bar Association Conference of Client Protection Funds is to be held on Wednesday, June 6th, 1990 from 9:00 a.m. to 5:00 p.m. in New Orleans. James Wardlaw and Heather Werry have agreed to attend. The morning panel is "Funding Innovations" and it will explore various methods of increasing the capital in a Fund, without resorting to increasing the levies. The afternoon session is "Public Outreach/Media Relations". This panel will explore, among other things, the art of dealing with the media.

ALL OF WHICH is respectfully submitted

DATED the 27th day of April 1990

"R. Yachetti"
Chair

SCHEDULE "A"
- - - - -

COMPENSATION FUND GRANTS APPROVED BY
THE REVIEW COMMITTEE AND
BY THE COMPENSATION FUND COMMITTEE,
Thursday, April 12th, 1990

REFEREE/ ASSISTANT SECRETARY	SOLICITOR	NUMBER OF CLAIMANTS	TOTAL
B.W. Grossberg, Q.C.			
1.	ALBIN ROGALA (disbarred Feb. 22/89)	15	\$389,042.82
2.	BRUCE PERREAULT (permitted to resign) June 22/89)	1	10,000.00

3.	MICHAEL A. WELLER (disbarred June 23/88)	2	22,700.00
----	---	---	-----------

Helen L. Murray, Q.C.

ROGER MORRIS (disbarred May 26/88)	15	298,388.04
---------------------------------------	----	------------

Peter B. Bell

MICHAEL D.T. CAMPBELL (suspended indefinitely) Sept. 22/88)	1 claim	\$375.00
---	---------	----------

Heather A. Werry

HOWARD S. BUCKMAN (disbarred Sept. 25/86)	1 claim	\$13,200.00
--	---------	-------------

T O T A L	35	\$733,705.86
-----------	----	--------------

Attached to original Report in Convocation File, copy of:

C-Item 3 - Copy of Report re: Compensation Fund Grants approved by the Review Committee and by the Compensation Fund Committee, Thursday, April 12th, 1990. (Schedule "A", Page 4)

C-Item 4 - Financial Summary for the nine months, July 1st to March 31st, 1990, and the Activity Report. (Pages 5 - 7)

The items regarding the change in limits of the Compensation Fund were deferred until next Convocation.

THE REPORT WITH THE EXCEPTION OF A(1) AND B(1) WAS ADOPTED

.....

FINANCE COMMITTEE

Mr. Ground presented the Report of the Finance Committee of its meeting on April 12th, 1990 together with an Addendum regarding the Computer Facility.

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

The FINANCE COMMITTEE begs leave to report:

Your Committee met on Thursday, the 12th of April, 1990 at three o'clock in the afternoon, the following members being present: Messrs. Ground (Chair), Guthrie (Vice Chair), Howie (Vice Chair), Lamek, Pepper, Topp, Wardlaw and Mrs. Weaver.

B.
ADMINISTRATION

1. FINANCIAL REPORT

The Director presented the highlights memorandum for the three Law Society Funds together with supporting financial statements for the nine months ended March 31st 1990. A further memorandum dated April 12th 1990 updating the projection for the current year's deficit was also presented.

Approved

2. MORTGAGE FINANCING OF BUILDING ADDITION

In November the Committee recommended that for purposes of financing the new building addition "the Society arrange internal funding between the Errors and Omissions and General funds as required. The Errors and Omissions Fund would be offered a variable interest rate tied to the average rate of return on investments with a provision that the rate would not fall below prime + 1%". In a memorandum from Mr. Kenneth Howie to the Chair of Finance Committee and the Chair of the Building & Grounds Committee, two questions are raised.

- "(a) Is it proper for the Law Society in the administration of Errors and Omissions funds, to invest in the Law Society's indebtedness?
- (b) If the answer to that question is yes, then what change in policy should be instituted, approved by Convocation, to permit such a form of investment?"

The Chair is to obtain an opinion from Ralph Scane, Q.C., addressing this issue and the two questions raised.

Note: Amendment, see Page 157

3. EMPLOYEE PENSION PLAN - ESTABLISHMENT OF A PENSION ADVISORY COMMITTEE

In January the Committee asked for an opinion concerning the Society's responsibility to establish a pension committee and to advise employees with respect to their investments within the pension plan.

The opinion of Osler, Hoskin on the matter is attached and in effect advises that should the members of the plan wish to establish an advisory committee they may do so by majority vote, and that all members and former members of the plan be notified of that vote. The Pension Benefits Act however does not designate the employer as the party responsible for providing such notice, or envisage the employer being involved in the organization of such a vote.

The Committee recommended that the employees be advised of their right to establish an advisory committee.

4. GOODS AND SERVICES TAX

Attached is a letter from Ernst & Young, our auditors, outlining the impact on the Law Society of the proposed Goods and Services Tax.

The Chair, Under Treasurer, and Director of Finance have met with representatives of Ernst & Young to discuss this letter and in essence have determined that the Law Society should elect to be a "taxable organization" for purposes of the Act.

The Committee recommended that the Society should elect to be a "taxable organization".

Note: Deferred by Convocation, see Page 158

5. SUSPENSION OF MEMBERS - LATE FILING FEE

There are 28 members who have not complied with the requirements respecting annual filing and who have not paid the late filing fee.

In all 28 cases all or part of the late filing fee has been outstanding four months or more. The 28 members owe \$14,730.00 of which \$5,135.00 has been owing for more than four months.

The Committee was asked to recommend that the rights and privileges of the 28 members be suspended on April 27th 1990 if the late filing fee remains unpaid on that date and remain suspended until the late filing fee has been paid.

Approved

Note: Motion, see Page 158

6. SUSPENSION OF MEMBERS - ARREARS OF ANNUAL FEES

The following members have not paid their 1989-90 annual fees which were due on 1st October, 1989.

Robert Walter Dvorak	Bronxville, NY, USA
Shawn Bernard Flynn	Willowdale
Anita Marie Fox	Brampton
Gerald Bruce Fox	Newmarket

The Committee was asked to recommend that the rights and privileges of these members be suspended by Convocation on April 27th 1990 if the annual fees remain unpaid on that date.

Approved

Note: Motion, see Page

7. MEMBERSHIP UNDER RULE 50

Retired Members

The following member who is sixty-five years of age and fully retired from the practice of law, has requested permission to continue his membership in the Society without payment of annual fees:

Donald Raphael Snipper	Ottawa
------------------------	--------

His application is in order and the Committee was asked to approve it.

Approved

8. RESIGNATION - REGULATION 12

John Edward Kingsmill has applied for permission to resign his membership in the Society and has submitted a Declaration in support. He was called to the Bar on March 23rd 1973 and left Ontario in 1976. His rights and privileges as a member of the Society were suspended on February 21st 1985 for his failure to pay the 1984-85 fees. Arrears of fees now total \$4,849.00. Also, he is in default of annual filing. Since he has not practised law in Ontario for 14 years, Mr. Kingsmill is asking that the Committee dispense with the requirement that his application be published in the Ontario Reports.

4. ROLLS AND RECORDS

(a) Deaths

The following members have died:

William Jackson Palmer Scarborough (Life Member)	Called June 21st 1934 Died December 18th 1988
Henry Lennox Cartwright Kingston (Life Member)	Called November 15th 1928 Died October 28th 1989
Frank Gordon Harrington Scarborough	Called November 17th 1949 Died January 1st 1990
Edward Paul Coath Whitby	Called September 19th 1958 Died February 6th 1990
Dorothy Margaret Grimshaw Toronto	Called June 20th 1946 Died February 22nd 1990
Gordon Vernon Armstrong Toronto	Called June 29th 1948 Died March 5th 1990
Bertha May Hawkins Willowdale (Life Member)	Called November 18th 1926 Died March 14th 1990
Ronald Floyd Mervin Weed Sarnia	Called March 29th 1977 Died March 19th 1990

Noted

(b) Permission to Resign

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

Kevin John Mahan Hamilton	Called March 29th 1977 Resigned - Convocation March 22nd 1990
------------------------------	--

Noted

(c) Membership in Abeyance

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

Paul Henry Reinhardt Toronto	Called April 8th 1976 Appointed Judge, Provincial Court March 21st 1990
Robert Phillip Main Midland	Called April 6th 1979 Appointed Judge, Provincial Court April 2nd 1990

Noted

5. LEGAL MEETINGS AND ENTERTAINMENT

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

April 24, 1990	Diamond, Fairbairn Convocation Hall
----------------	--

April 25, 1990 C.B.A.O.
Convocation Hall

May 23, 1990 O.L.R.C.
Convocation Hall

June 6, 1990 C.B.A.O.
Convocation Hall

June 23, 1990 Osgoode Law School
Convocation Hall

Noted

ALL OF WHICH is respectfully submitted

DATED this 27th day of April 1990

"J. Ground"
Chair

Attached to original Report in Convocation File, copy of:

- B-Item 1 - Memorandum from David Crack dated April 9th, 1990 re:
Financial Statements - Highlights as at March 31st, 1990.
(Pages 1 - 7)
- B-Item 4 - Letter from Ernst & Young to Mr. David Crack dated April
4th, 1990 re: Goods and Services Tax. (Pages 8 - 16)

The item dealing with the effect of the GST was deferred.

In regard to the item dealing with the issue of the Society borrowing from the Insurance fund to finance the addition to Osgoode Hall it was decided that without deciding the issue as to whether the Society should use the Insurance funds in such a matter, that an opinion be obtained merely for consideration along with the basic policy issue.

THE REPORT AS AMENDED AND WITH THE EXCEPTION OF B(4) WAS ADOPTED
.....

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

Addendum to Finance Committee report of the meeting of the 12th of April 1990 at three o'clock in the afternoon.

B.
ADMINISTRATION

1.

(a) Upgrade of Computer

The Director of Finance presented a memorandum, with supporting detail from the Data Processing manager, addressing the issue of upgrading the Society's main computer. The 1990/91 budget, as presented, includes a provision for this to be done, however there is an opportunity to place an order by April 30, 1990, to acquire the equipment before the end of June 1990 at a substantial savings.

The acquisition would mean a one time payment of \$65,650. to terminate the old lease, but we would be entering 1991 and future years with an upgraded computer which operates at approximately the same cost as the current System 38, i.e. the major costs for the next five years are stabilized.

Approved

THE ADDENDUM TO THE FINANCE REPORT WAS ADOPTED

.....

MOTION TO SUSPEND: LATE FILING FEE

It was moved by Mr. Ground, seconded by Mr. Rock THAT the rights and privileges of each member who has not paid the fee for the late filing of Form 2/3 within four months after the day on which payment was due and whose name appears on the attached list be suspended from the 27th of April 1990 for one year and from year to year thereafter or until that fee has been paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Carried

(See List in Convocation File)

MOTION TO SUSPEND: ANNUAL FEES

It was moved by Mr. Ground, seconded by Mr. Rock THAT, having not paid their annual fees for the period July 1st, 1989 to June 30th, 1990, the rights and privileges of each of the members listed below be suspended for a period of one year from April 27th, 1990 and from year to year thereafter, or until their fees are paid together with any other fee or levy owing to the Society which has then been owing for four months or longer.

Robert Walter Dvorak
Anita Marie Fox

Bronxville, NY, USA
Willowdale

Carried

.....

CLINIC FUNDING COMMITTEE

Mr. Bastedo presented the Report of the Clinic Funding Committee of its meeting on April 25th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The Director of LEGAL AID begs leave to report:

CLINIC FUNDING

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

The Director recommends to Convocation that the report of the Clinic Funding Committee dated April 25, 1990 be adopted.

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

ALL OF WHICH is respectfully submitted

"T. Bastedo"
Robert L. Holden,
Director,
Legal Aid

April 25, 1990

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

The Clinic Funding Committee met on March 31, 1990. Present were: Philip Epstein, Q.C., Chair, Thea Herman, Jim Frumau. The Committee met again on April 24, 1990. Present were: Philip Epstein, Q.C., Chair, Thea Herman and Jim Frumau.

A. DECISIONS

1. Applications to the Clinic Funding Committee

(a) Court costs

Pursuant to s.10 of the Regulation on clinic funding, the Committee has reviewed and approved an application for the payment of court costs from Hastings & Prince Edward Legal Services, in an amount up to \$900.

2. Summer Students 1990

The Committee has approved the allocation of funds for summer students as follows:

Correctional Law Project (4 students)	\$ 26,800
Kensington-Bellwoods Community Legal Services (12 students)	86,806
Legal Assistance of Windsor (12 students)	80,640
Parkdale Community Legal Services (18 students)	<u>120,960</u>
	\$315,206

3. CLSNS re. continuation of immigration project

The Clinic Funding Committee approved continued funding of an immigration project to Community Legal Services of Niagara South, in an amount up to \$27,664.

4. CLW Survey

The Clinic Funding Committee approved the allocation of up to \$2,500 for collation and analysis of survey information concerning community legal workers.

5. Application for Incorporation

Pursuant to the directions of Convocation, the Clinic Funding Committee has reviewed, as to name and objects, an application for incorporation from Algoma Community Legal Clinic. The Committee recommends Convocation's approval of this application.

B. INFORMATION

1. Resignation of Oliver Carroll

Oliver Carroll has resigned his position from the Clinic Funding Committee due to new responsibilities with the Ministry of Industry, Trade and Commerce. The Chairman expressed his appreciation for Mr. Carroll's commitment to the community legal clinic system, and his contribution to the work of the Committee.

2. Regional Meetings with Clinics

In its efforts to continue the consultation process with community legal clinics, the Clinic Funding Committee met with Board and staff representatives of northern region clinics on March 31, 1990 in Sault Ste. Marie. Further meetings will be scheduled throughout 1990/91.

ALL OF WHICH is respectfully submitted

Philip Epstein, Q.C.
Chair
Clinic Funding Committee

April 25, 1990

THE REPORT WAS ADOPTED

.....

LIBRARIES AND REPORTING COMMITTEE

Mr. Murphy presented the Report of the Libraries and Reporting Committee of its meeting on April 12th, 1990.

TO THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

IN CONVOCATION ASSEMBLED

The LIBRARIES AND REPORTING COMMITTEE begs leave to report:

Your Committee met on Thursday, the 12th of April, 1990 at 9:30 a.m. the following members being present: D. Murphy (Chair), R. Bragagnolo (Vice-Chair), D. Bellamy, M. Cullity, G. Farquharson, G. Henderson, R. Lalande and R. Topp; D. Crosbie, G. Howell and P. Bell also attended.

A.

POLICY

1. GREAT LIBRARY - LONG RANGE PLANNING REPORT

The Chief Librarian reported to the Committee on the items of the Long Range Planning Report that affect the Law Society budget. Your Committee recommends that this matter be deferred until the Libraries and Reporting Committee budget is finalized.

B.

ADMINISTRATION

1. LAW SOCIETY BUDGET

The Chief Librarian presented the revised budget estimates of the Libraries and Reporting Committee for the fiscal year 1990-1991. After discussion of the Chief Librarian's memorandum and revised budget estimates, your Committee recommends that the budget be further revised to stay within the 11% guideline set by the Finance Committee and that the Chair and the Chief Librarian work out the details.

2. REQUEST TO APPEAR BEFORE THE COMMITTEE

The Chair, Mr. Murphy, advised the Committee that he had received a complaint from a solicitor requesting permission to appear before the Committee to make his submissions in person. Your Committee decided that the solicitor should be advised by the Secretary that the Committee denied his request to appear and make his submissions in person and that if he has further information to add to his letter to the Treasurer, that he forward it to the Secretary.

C.

INFORMATION

1. ONTARIO REPORTS - TENDER DOCUMENTS

The Sub-Committee on the Ontario Reports is meeting with four of the companies that submitted tenders on the Ontario Reports on Thursday, April 12th commencing at 10:30 A.M. and lasting all day to discuss the tenders for the Ontario Reports.

2. MEETING WITH LAW BOOK PUBLISHERS RE LOOSE-LEAF SERIES

The Chair has held meetings with the law book publishers concerning the price of loose-leaf subscription series. More information is to be sent to the Society by the publishers.

3. BOOK LIST

The Great Library will be adding 58 new titles to its book collection for April, 1990.

4. FINANCIAL STATEMENT

The Financial Statement for the first nine months ending March 31st, 1990 was received.

5. MEETING OF COMMITTEE OUTSIDE OF TORONTO

The Chief Librarian suggested that for the first time a meeting of the Libraries and Reporting Committee should be held outside Toronto. The Chief Librarian will contact the members of the Committee as to a

suitable date for the meeting. It is anticipated that there will be a luncheon followed by a meeting of the Libraries and Reporting Committee with the members of a County Law Association.

ALL OF WHICH is respectfully submitted

DATED this 27th day of April, 1990

"D. Murphy"
Chair

THE REPORT WAS ADOPTED

.....

DRAFT MINUTES OF CONVOCATION

It was moved by Mr. Rock, seconded by Mr. Carey that the Draft Minutes of Convocation of March 22nd, 1990 be approved.

Carried

.....

Mr. Somerville filed with Convocation one discipline order arising out of Convocation held on the 22nd of March, 1990.

RE: KEVIN JOHN MAHAN, Hamilton

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE Law Society Act;

AND IN THE MATTER OF Kevin John Mahan, of the City of Hamilton, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

O R D E R

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

CONVOCATION HEREBY ORDERS that the said Kevin John Mahan be granted permission to resign his membership in The Law Society of Upper Canada.

DATED this 22nd day of March, 1990

"Lee K. Ferrier"
Treasurer

(SEAL - The Law Society of Upper Canada)

"R. F. Tinsley"
Secretary

Filed

.....

"IN CAMERA"

.....

IN CAMERA Content Has Been Removed

IN CAMERA Content Has Been Removed

CONVOCATION ADJOURNED AT 4:00 P.M.

.....

Confirmed in Convocation this 27th day of April, 1990.

Treasurer