

CONVOCATION

IN PUBLIC SESSION

WEDNESDAY, JUNE 23rd, 2021 - 9:00 a.m.

OSGOODE HALL, TORONTO

(Via videoconference)

CONVOCATION ATTENDANCE

Treasurer - Teresa Donnelly

Robert Armstrong	Vern Krishna
Harvey Strosberg	Janet E. Minor
Catherine Banning	Seymour Epstein
Nancy Lockhart	Geneviève Painchaud
Clare Sellers	Gerald Sheff
Doug Wellman	Larry Banack
Robert Adourian	Dr. Ryan Alford
Jack Braithwaite	D. Jared Brown
Robert Burd	Gerard Charette
Joseph Chiumminto	Dianne Corbiere
Cathy Corsetti	Jean-Jacques Desgranges
Etienne Esquega	John Fagan
Julian Falconer	Sam Goldstein
Gary Graham	Joseph Groia
Philip Horgan	Jacqueline Horvat
Murray Klippenstein	Shelina Lalji
Cheryl Lean	Michael Lesage
Atrisha Lewis	Marian Lippa
Michelle Lomazzo	Cecil Lyon
C. Scott Marshall	Isfahan Merali
Barbara Murchie	Trevor Parry
Lubomir Poliacik	Geoff Pollock
Brian Prill	Jonathan Rosenthal

Quinn Ross

Chi-Kun Shi

Julia Shin Doi

Megan Shortreed

Andrew Spurgeon

Sidney Troister

Tanya Walker

Alexander Wilkes

Claire Wilkinson

Nicholas Wright

Contents

- LLD CEREMONY, R. DOUGLAS ELLIOTT: 9
- ELECTION OF TREASURER: 21
- TREASURER'S REMARKS: 22
- CONSENT AGENDA: 37
- AUDIT AND FINANCE COMMITTEE REPORT: 38
- STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT: 42
- TRIBUNAL COMMITTEE REPORT: 48
- HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTION: 53

--- Upon commencing at 9:00 a.m.

TREASURER DONNELLY: Good morning, everyone, and welcome to Convocation. Bonjour and bienvenue au Conseil.

I wish to start by recognizing that normally we would be gathered at Osgoode Hall in Toronto, which is a Mohawk word that means "where there are trees standing in the water".

When Convocation meets in Toronto, I acknowledge that we meet on the traditional territory of the Mississaugas of the Credit First Nation.

Today we have benchers participating from across the province and elsewhere, and across many First Nations territories.

I acknowledge the land that I am on. I am speaking to you from my home in Huron County. I acknowledge that Huron County is on the traditional territory of the Anishnaabe peoples. Huron County is on territory that is covered by Crown Treaty Number 29, known as the Huron Tract Purchase of 1827.

I recognize the long history of all First Nations in Ontario and the Inuit and Métis peoples. We thank all First Nations who lived and live in these lands for sharing them with us in peace.

Before I begin, I would like to ask that

all -- I would like to ask that all benchers mute themselves.

Before we commence Convocation today, I wish to comment on the recent tragic events that had a profound impact on Canadians. On June 6th, the nation was shocked when a Muslim family was struck by a vehicle in London, Ontario. Tragically, four members the Afzaal family died and a nine year old boy was hospitalized.

On behalf of Convocation, I wish to express our condolences to the family and friends of the Afzaal family and to the many Muslim communities across Canada.

In late May, the nation was horrified by the discovery of the unmarked burials of 215 Indigenous children at the former Kamloops Indian Residential School. This recent uncovering is another painful reminder of the devastating impacts of the residential school system in Canada.

Beginning in the mid 19th century and continuing until 1996, over 150,000 Indigenous children were sent to 139 residential schools across the country.

For over a century, the goal of government officials and missionaries was to assimilate

Indigenous children by removing them from their parents and their home communities. The devastating harm caused by the residential school system continues to impact survivors, their children, their families and their communities.

The tragic discovery of the remains of 215 Indigenous children has evoked profound sadness. It is hard to imagine the grief and pain of the families and of Indigenous communities, especially the members of the Tk'emlups te Secwepemc First Nation.

On behalf of Convocation, I wish to express our condolences to the Tk'emlups te Secwepemc people, to all survivors of the residential school system, to all Indigenous peoples of Canada, and those affected by the uncovering of the unmarked burials.

As a symbol of respect for the 215 children and their grieving families and communities, I ask that we observe a minute of silence.

-- Moment of silence observed.

TREASURER DONNELLY: Thank you. The uncovering of this devastating tragedy highlights the important work that the Law Society needs to conduct, together with the Indigenous Advisory Group regarding the implementation of the Law Society's Indigenous framework and the recommendations of the review panel

on regulatory and hearing processes affecting Indigenous peoples.

The Law Society's Indigenous framework is based on four foundational pillars, which provide perspective and guidance for the Law Society in our interaction with Indigenous peoples. Those pillars are creating and enhancing cultural competency, achieving and improving access to justice, promoting and supporting knowledge of Indigenous legal systems, taking action on reconciliation.

In addition, it is imperative that the Law Society continue to support the implementation of the calls to action of the Truth and Reconciliation Commission.

Call to Action 27 is specific to Law Societies. It states, "We call upon The Federation of Law Societies of Canada to ensure that lawyers receive appropriate cultural competency training, which includes the history and legacy of residential schools, the United Nations declaration on the rights of Indigenous peoples, treaties and Aboriginal rights, Indigenous laws and Aboriginal Crown relations.

This will require skills-based training in intercultural competency, conflict resolution, human rights and antiracism.

Can you hear me?

SECRETARY: Yes, we can hear you,
Treasurer.

TREASURER DONNELLY: Thank you. It was frozen. Our work with Indigenous peoples is a critical part of our work on reconciliation, on equality, diversity and inclusion. As a regulator of the legal professions, the Law Society is committed to combating racism in all its forms and continuing to work to build a more diverse and inclusive legal profession and society.

[-- LLD CEREMONY, R. DOUGLAS ELLIOTT:](#)

TREASURER DONNELLY: We begin this morning with a ceremony to confer the degree of Doctor of Laws, honoris causa on R. Douglas Elliott.

Ordinarily, the ceremony would have taken place at the call to the bar ceremony, but due to the pandemic, we are conferring degrees to the candidates that Convocation approved at meetings of Convocation.

The granting of the degree is in recognition of outstanding achievements in service and benefits to the legal profession, the rule of law or the cause of justice.

The degree is also granted to those

whose extraordinary accomplishments were for public benefit.

We are honoured to have Douglas Elliott with us today. I would like to invite bencher Julian Falconer to read the citation.

MR. FALCONER: Good morning and thank you, Treasurer. And I just want to confirm my audio is working okay?

Treasurer, it's an honour to present to you and Convocation R. Douglas Elliott, and I just wanted to apologize in advance as I will, following Mr. Elliott's speech, I will have to absent myself. I will be attending a funeral this morning at ten a.m.

It's with a heavy heart that I advise Convocation and recognize for the formal record the passing the day before yesterday of one of this country's great lawyers, Morris Manning, QC.

Honestly, he has a place in my heart and professionally. I articulated for Morris, he gave me my start, and I know many lawyers in this room recognize him as a lawyer's lawyer, practising both in civil and criminal. He actually headed the Ministry of the Attorney General for Ontario's departments in both civil and criminal. He authored a text in constitutional law, criminal law.

He's simply the embodiment of a barrister, and I want to acknowledge his family's grief, Katherine and Rachel, among others, and I also want to say on behalf of those of us like former Treasurer and now Justice Paul Schabas, we come from the school of Morris Manning, graduates of that school, very proud graduates. Morris, you will be deeply missed.

Now I want to turn to Douglas Elliott. Douglas, you and I know each other, and it's an honour that I request, Treasurer, that you confer upon him the degree of Doctor of Laws, honoris causa.

Douglas Elliott was called to the Ontario bar in 1984, and was certified as a specialist in civil litigation in 2003. He was awarded the Law Society medal in 2010.

Mr. Elliott is well known for his work on landmark constitutional cases such as same sex marriage, and is also a leader in the field of class actions.

Mr. Elliott has argued some of this country's most important Canadian Charter of Rights cases, particularly in relation to minority rights, and served as counsel in major class action cases involving some of the largest recoveries against the Crown in

Canada.

Mr. Elliott won the largest Canadian class action trial judgment, at the time valued at 50 million dollars, in an action brought by a group of gay and lesbian Canadians seeking CPP survivors' pensions against the federal government in the Hislop case.

He played a key role in the national Hepatitis C team that secured a 1.5 billion dollar settlement from the federal and provincial governments in Hislop and Canada in respect to recipients of Hepatitis C contaminated blood.

He's led the way as a role model, proudly, openly gay national leader and a powerful advocate for the 2SLGBTQI community nationally and internationally. His work in the Balkans led to his appointment as Honorary Consul for Montenegro in Ontario. He has been widely recognized as the leading expert in public law, class actions and Charter Litigations and is one of the best class action lawyers in Canada by, wait for it, the publication is called the Best Lawyers in Canada.

R. Douglas Elliott is deserving of the highest honour this Society can bestow and I ask you, Treasurer, to confer upon him the degree of Doctor of laws, honoris causa.

TREASURER DONNELLY: On behalf of the benchers of the Law Society of Ontario, and pursuant to the authority vested in me, I admit you to the degree of Doctor of Laws honoris causa and all of the rights and privileges appertaining thereto.

I would now like to invite Doug Elliott to address Convocation.

MR. ELLIOTT: Treasurer, members of Convocation, I thank you for the high honour that you have conferred on me today. I am deeply touched, and truly grateful. It has brought joy to my family, here and around the world, my many friends around the globe, and to my colleagues at Cambridge LLP.

As a kid growing up in Elliot Lake, an honorary Doctor of Laws degree was not on my radar. My later legal work was not undertaken with such an honour in mind, either. If I may paraphrase my Scottish ancestors, "It is in truth not for glory, nor riches, nor honours, that I have been fighting, but for freedom" for my people.

This is Pride Month. But for the pandemic, we would be enjoying the annual Pride reception at Osgoode Hall, that then Treasurer Dr. Harvey Strosberg and I launched over 20 years ago.

The timing of this award is thus

especially significant. In fact, today marks the birthdate of two towering figures in the LGBT movement, Alan Turing and Dr. Alfred Kinsey.

Although many distinguished people have gone before me in receiving this honour, your selection of me, an openly gay man, marks an historic first for our Society. As a gay man, I was once an outlaw. For my community, for centuries, right did not prevail.

In fact, Pride Month celebrates the anniversary of the Stonewall Uprising, when members of my community actively resisted legal persecution, an event that sparked the modern LGBT rights movement.

This morning, we took a moment to remember the wrongs done to Indigenous people in this country. That injustice is part of my community's history, too. The colonialism and imperialism that were so celebrated in my childhood textbooks also brought systemic homophobia and transphobia to our shores for the first time. An unholy alliance of church and state collaborated to persecute Two Spirit persons, and to dismantle their privileged status among First Nations. The law was the handmaiden of that oppression and played a key role in centuries of cultural genocide.

My friend, former Justice Michael Kirby

of Australia, has rightly called the anti-sodomy statute England's least lovely law export.

In 1867, Canada took over responsibility from England for criminal lawmaking on its territory. Canada embraced the British legal and social persecution of the LGBT community with gusto. The range of crimes and penalties targeting us was regularly expanded by ingenious lawmakers for over 100 years.

This is not just ancient history, certainly not for me. Around the time that I was born, the infamous LGBT purge was launched to eliminate LGBT Canadians from federal employment, as a perceived threat to national security.

For most Canadians, 1967 was our joyous centennial year; however, for my community, that year will be forever remembered for the Supreme Court of Canada's odious ruling in Klippert and The Queen. The majority in that case upheld an infamous federal law condemning a gay man to a period of indefinite incarceration, until his homosexuality could be "cured".

A reform-minded Minister of Justice named Pierre Trudeau responded to that case by famously remarking that "The state has no place in the bedrooms

of the nation.”.

In an historic change of course, in 1969 Parliament acted to reform the anti-sodomy law to deliberately make it less harsh towards my community, for the very first time in Canadian legal history. Although it was a pivotal moment, it was no panacea.

When I met my husband, Greg Lawrence, back in 1976, the state was still in our bedroom. Our consensual sexual activity was considered a crime, because I was a young man of 20. If I had been a girl of just 14 at the time, the law would have looked the other way.

Things got worse before they got better.

40 years ago, when I was in law school, the infamous bath house raids in Toronto rocked my world. I marched in protest down Yonge Street with hundreds of others, not knowing if it would be the end of my legal career before it even got started.

When I took up my articling position, AIDS began to ravage my community. Far too many of my friends did not live to see this happy day, and the grief of their loss is a permanent scar on my heart.

As I entered the legal workforce, there was no law to protect me from overt homophobia by prospective employers. There were also few mentors; I

could count the openly gay lawyers in this province on the fingers of one hand.

Our profession must be accountable for all those years when the law was the instrument of my community's oppression. Some lawyers crafted and enacted those shameful laws, and others enforced them. Few opposed them.

Despite that tragic legacy, the law has also become the means of my community's liberation. When I was a young lawyer, something magical happened in my life: section 15 of the Charter came into effect, the equality guarantee.

I confess that, at first, I was skeptical about the prospects for legal equality for my community. The law had always been the enemy of the people of the rainbow flag. In 1982, we had been left out of the express language of section 15, and the Canadian judiciary up until that time had been remarkably timid in wielding the Canadian Bill of Rights to protect citizens against state sponsored discrimination.

At first, my skepticism seemed to be justified. Case after case failed under section 1.

Imagine how you would feel to hear one judge after another say that discrimination against

people like you was justified.

Slowly, as we entered the 1990s, the tide began to turn. AIDS was defanged by new medications. Social acceptance grew. And, we began to win in Court.

Up until that time, I had only been able to use the law as a shield to try to protect my community. Now, I could use the Charter as a sword to attack injustice. Like a number of my comrades in arms, like the late and much lamented Joe Arvay, I have wielded the Charter regularly in Court and, if I say so myself, to considerable effect.

The advent of class actions has provided greater access to justice for all in a wide variety of circumstances. Class actions have also further magnified the power of the Charter.

Canada's LGBT communities have won more section 15 cases in the Supreme Court of Canada than any other marginalized group, by a country mile.

Our profession may justly take credit for that progress. We have had the good fortune to have the right skills, in the right place, at the right time. However, human rights advocates like me have not done it alone. We have been blessed with courageous clients, supportive organizations, a lively free press

and a wise and independent judiciary that is second to none in the world.

Lawyers like me have had the benefit of the financial support of our business partners, and the genius and sweat of talented associates and students, many of them straight, but not narrow. And, of course, we have had the benefit of supportive families, especially supportive spouses.

Progress has been slower and more difficult than most Canadians would like to admit. The criminal ban on anal intercourse, an unconstitutional relic of the British Empire and the ancient cornerstone of my community's legal oppression, was finally fully repealed by Canada's Parliament in 2019. That's right, just two years ago.

My experiences of oppression as a gay man have included multiple death threats. Nonetheless, I recognize that I still enjoy great privilege in Canadian society. Women, indigenous people, racialized and religious minorities, the disabled and all others who experience injustice because of their identity will always find a friend in me.

Recognizing intersectionality, in my view, is inadequate. We need solidarity. I believe in human rights for all humans.

Despite the remarkable progress my rainbow community has enjoyed, there is still work to be done. The rights of intersex people have been scarcely recognized under our Canadian laws. Much work needs to be done in order to repair the damage that settlers and their descendants have inflicted on Two Spirit people and Two Spirit traditions.

The law cannot solve all of these problems, but it has a role to play, to be sure. Our profession must take responsibility for continuing to advocate for human rights, not just in Canada, but around the world. I am delighted that our Society is standing up for lawyers who are human rights defenders in other countries, I know a number of them, and many of them face far more daunting circumstances than anything that I have had to face.

Let us all go forth and make rights prevail.

In closing, I wish to recognize that in honouring me today, you are honouring both my work and my community's struggle for equality. For that, I thank you most sincerely.

I want to thank my colleague, Tim Phelan, a newly minted member of our Society, for doing me the honour of hooding me today. I also want to

thank my nephew, Christopher Elliott, for providing technical assistance today. Christopher is also a proud gay man.

There are countless other persons who deserve my thanks, but they are far too numerous for me to list them all by name. However, there is one other person that I must take a moment to thank by name, and that is my beloved husband, Greg Lawrence. None of what I do would be possible without him.

Greg sometimes complains that my work and his sacrifices go unappreciated.

I hope that he feels a little more appreciated today. I know that I do.

Thank you, merci, Hvala, Chi miigwetch.

TREASURER DONNELLY: Thank you. On behalf of Convocation, I would like to express our thanks to you for your leadership and your commitment to advancing human rights. It is indeed an honour to have you join us today. Thank you very much.

MR. ELLIOTT: Thank you, Treasurer, thank you, Convocation.

TREASURER DONNELLY: Mr. Varro.

[-- ELECTION OF TREASURER:](#)

SECRETARY: Thank you, Treasurer, and good morning, everyone.

As you know, by-law 3 requires that the first order of business at June Convocation is the election of the Treasurer. I've already reported to you by e-mail on May 13th about this matter, but I would like to repeat the announcement that I sent to you.

At the close of nominations on May 13, 2021, at five p.m. there was one candidate nominated for the election of Treasurer; Teresa Donnelly, nominated by Robert Burd and Nancy Lockhart.

In accordance with subsection 59.1 of by-law 3, I declare Teresa Donnelly to be elected as Treasurer for the term commencing June 23, 2021. Congratulations, Treasurer.

[-- TREASURER'S REMARKS:](#)

TREASURER DONNELLY: Thank you very much. Thank you. I'm honoured to be given the privilege to serve as Treasurer for a second term. I look forward to working with all of you and with the Law Society's diligent, dedicated and excellent staff for us to all work together on the important work that we have to do.

We have an opportunity to achieve the strategic priorities that we set out at the beginning of our term to ensure that the people of Ontario have

access to ethical, professional and competent lawyers and paralegals, and I look forward to all of us working together to achieve those priorities.

I'm having a little bit of problem today with my internet, so I have asked Mr. Varro to let me know if I can't be heard. I can -- my screen is half black, so you just have to bear with me if something happens. It might just be rural internet.

So just to start, just to outline some things about our meeting today, welcome to those who are watching us through the live webcast. A transcript of the meeting and a video file of the webcast will be posted on the Law Society website in the days following Convocation.

A brief reminder to benchers, participants will be marked based on the participants' panel. If you wish to speak during the meeting, first I ask that you mute yourselves and stay muted unless you wish to speak, use the raise hand function. If you're on the telephone, use star 9 or otherwise let Mr. Varro or me know if you would like to speak.

When it's time to vote, unless it's a recorded vote, we will use the yes-no voting buttons in the reactions tab, or we will use -- and if you wish to abstain, we will ask that you use the raised hand

function. For those on the phone, we ask that you tell us your vote orally.

Before I turn to the agenda, I have a number of news items and updates and reminders for you.

Avant de commencer, voici quelques informations et rappels.

I want to remind everyone, all licensees, all benchers, about the national wellbeing study that is underway.

The Law Society has partnered with law societies across the country in support of the first ever national wellbeing study dedicated to understanding and promoting the healthy and sustainable practice of law in Canada.

The questionnaire was launched in early June. A link to the survey was sent to all eligible participants on June 7th and is available through the Law Society portal.

The study is a collaborative initiative of all law societies across Canada, the Federation of Law Societies of Canada and the Canadian Bar Association.

The questionnaire will only be active for a few more days, until June 25th, 2021. All responses are anonymous and strictly confidential.

To our lawyer and paralegal benchers, I know that each of you has already completed the survey, and if you haven't, please do so. I sent you information this week so that you could share on your social media channels information about the survey, so I'm calling on all of us, we have 73 of us here, I'm calling on all of us to use our social media channels and our networks to spread the word to encourage lawyers, paralegals and eligible students to complete the questionnaire.

It's really important that people complete it. It will take between 30 and 45 minutes to do. Together we can break the stigma around mental illness and pave the way for a better understanding and care for those who are facing mental health challenges.

Before I leave the topic of mental health, I would like to speak to you about the work of the Law Society's Mental Health Working Group. This year, the Mental Health Working Group has met with organizations from across the province, both within the legal community and outside of it, with the goal of learning about different strategies and approaches that could lead to further improvements in the services and supports available to licensees.

The working group is exploring ways of

engaging in a collaborative process with other organizations to share tools, information and ideas for new supports, ways to combat stigma, and raising awareness of supports available for licensees, licensing candidates, law students and paralegal students.

We look forward to hearing more about the work of the Mental Health Working Group in the fall.

I turn now to the Competence Task Force. You will see in the for information materials for Convocation a consultation paper of the Competence Task Force. The Competence Task Force was formed to consider ways to ensure that lawyers and paralegals maintain and improve their competence after becoming licensed.

The objective of the task force is to recommend an effective, proportionate and balanced regulatory regime that addresses career-long competence in a way that protects the public interest and response to the public's legal needs. While licensee competence is intertwined with many aspects of Law Society regulation, the task force's mandate is focused on competence programs.

It's been 20 years since the Law Society

conducted a comprehensive review of the various programs that support competence. Today the task force is launching a public consultation on the Law Society's continuing competence framework.

The consultation paper included in today's Convocation materials is posted on the Law Society's website and the deadline for submissions is November 30th, 2021.

The consultation paper includes a number of questions to assist stakeholders in their consideration of the issues and in providing input. Participants may respond to some or all of the questions. The input from the legal professions, stakeholders and the public is critical in helping the Law Society to renew its approach to competence.

Maintaining and improving licensee competence is a shared endeavour. It's important for us to hear from lawyers and paralegals and the public that they serve about what matters to them, what works, and what should be changed to enhance competence to foster excellence in the legal professions.

We look forward to receiving the suggestions and feedback of all interested parties and encourage lawyers, paralegals, legal organizations, members of the public and others to share their

concerns, experiences and ideas about the competence framework.

A final reminder to licensees about the new contingency fee requirements that will come into force on July the 1st. These requirements are the result of years of negotiation between the Law Society and successive provincial governments.

The changes include amendments to the Solicitors' Act to repeal the prohibition against the inclusion of costs in a contingency agreement, and to extend the provisions in the Act and regulations to paralegal licensees.

There will also be requirements to use a new standard form contingency fee agreement, disclose the maximum contingency fee percentage charged, either on website, if you don't have a website, then during the first contact with the potential client, provide all clients with a standard form consumer guide called Contingency Fees, What You Need to Know, before they enter into a contingency fee agreement, and report fee related information to clients on completion of the contingency fee agreement.

Both the standard form agreement and the consumer guide are posted on the Law Society's website. There are also additional resources, including

comprehensive FAQs to help licensees navigate these upcoming changes.

I turn now to the Human Rights Award event that we held on June the 15th. We were honoured to have Professor Payam Akhavan as this year's recipient of the award. Professor Akhavan delivered a powerful keynote, sharing with us his experience with victims who have survived the most egregious crimes against humanity.

In his remarks, he noted the value of the work of organizations like the Law Society's Human Rights Monitoring Group. In response to one of the questions, he stated, "I have heard time and time again political prisoners on whose behalf we have had campaigns and who subsequently were released, and you hear time and time again that not only did it give them encouragement to know that the world is speaking and campaigning for their release, that it made it that much more difficult for their tormenters to harm them, knowing that there was some cost attached. Even the worst violators of human rights are concerned about the image, so I would say please keep doing what you are doing, it makes a difference."

On behalf of Convocation, I'd like to wish Professor Akhavan our congratulations.

For those who are not able to tune into the live event, the video of the event is available on the Law Society website.

In June we also celebrated National Accessibility Week, Pride Month and the National Indigenous History Month and National Indigenous Peoples Solidarity Day. We did that last night.

Last night's performance featured reflections, teachings from elders and cultural performances airing the richness of First Nations, Inuit and Métis peoples.

Thank you to Bencher Corbiere for all her work on putting that moving event together.

Together, all of the equity events in June were hugely successful, with more than 1600 attendees in total. These conversations, which are part of the Law Society's Equity Legal Education Series, are an important part of our work, the Law Society's work on equality, diversity and inclusion in combating racism and discrimination in the legal professions.

These events encourage us to use our skills to build a better system and to be part of a solution towards ending inequality, discrimination and racism.

June is also a time to celebrate Italian Heritage Month, Portuguese History and Heritage Month and Filipino Heritage Month. These are important occasions to honour and celebrate the valuable contributions of lawyers and paralegals of Italian, Portuguese and Filipino origins to the legal community in Ontario.

Mark your calendars for upcoming Access to Justice Week in Ontario. The Action Group On Access to Justice, or TAG, will be hosting the sixth annual Access to Justice or A2J Week, from October 25th to October 29th, 2021. We're hoping as many of you as possible can join us for these conversations that talk about and encourage us to improve access to justice for the people of Ontario. More information will be available on TAG's website.

I want to speak now about what we would have been doing this week had it not been for a global pandemic. We would have joined together in person in Ottawa, in London, and multiple times in Toronto to celebrate the Law Society's newest licensees.

We're normally very busy at this time, welcoming our newly licensed paralegals and calling to the bar new lawyers to the professions. It's been a challenging time, especially for students and new

licensees.

Since lockdown took effect in March of 2020, we have licensed 1250 paralegals and 4,154 lawyers. This group of lawyers and paralegals are a unique and historic cohort. They have had to pivot their legal studies, examination preparations, placements and experiential training and quickly adapt to unprecedented changes.

Resilience is a character trait that has long been valued by members of the legal professions, and our newest licensees have demonstrated and embraced this attribute with grace and fortitude.

Had I been presiding at in-person call to the bar ceremonies or speaking at a paralegal reception, I, along with my bencher colleagues, would have had the opportunity to personally welcome new licensees. This is one of our greatest pleasures as governors of the Law Society.

I'd like to take this moment to publicly acknowledge the unique challenges that you have had to endure during this time, to recognize your extraordinary achievement in becoming a licensee of the Law Society of Ontario, and to welcome you on behalf of the professions as our newest members.

On behalf of Convocation, I'd like to

wish our newest licensees success as they embark upon their legal careers and service in the public interest.

Before turning to the agenda, I would like to just review some of the things that we've done over the past year. I said at the outset I'm honoured to be the Treasurer for a second year, and I'd like to reflect on some of the activities since becoming Treasurer.

As we know, the profound impacts of the pandemic overshadowed much of 2020, however, the Law Society, under the leadership of CEO Diana Miles, and with the support of benchers and staff, successfully responded to these unprecedented challenges.

Like many organizations around the world, we rose to the occasion, acting swiftly to safeguard employees, assist licensees and members of the public and migrated to a new way of working.

The Law Society continues to closely monitor the pandemic. We established a COVID 19 section on our website early in the pandemic and continually update resources as new information becomes available.

We are encouraged by the relatively high vaccination uptake in Ontario, which brings an increased sense of optimism as we enter the summer

months and the ensuing fall season.

As you know, as Treasurer, recognizing and supporting the mental health and wellbeing of lawyers, paralegals and students has been a priority for me. For many legal practitioners, the challenges have multiplied as a result of pandemic.

It's important to note that help is available to Law Society licensees, law students, paralegal candidates, licensing candidates and eligible family members through the Member Assistance Program or MAP. It's confidential, it's independent of the Law Society.

To learn more about this support and other resources, please visit the Law Society's website at Iso.ca/your source.

Engagement with the Law Society members is another priority for me. Licensees are important partners to us as we move forward with our strategic priorities and initiatives. Engaging with lawyers, paralegals, law students and paralegal candidates helps me to understand how the Law Society can ensure appropriate support of members and understand their challenges and the challenges of their clients.

The use of the virtual platform for events and outreach activities has allowed me to do

more than I ever anticipated. Over the course of the past year, I have presented at 38 law and paralegal firms and associations, 35 law schools and paralegal colleges, hosted eleven equity legal education events, hosted ten Law Society organized regional and sector specific roundtables, including the inaugural Treasurer's Roundtable on Women in Law, and a paralegal roundtable, attended and spoken at 21 virtual swearing in ceremonies, and presided over three awards ceremonies, for a total of 119 engagements.

Through all these engagements, I'm advised that I have connected with more than 21,000 members of the profession, law students, paralegal students, and members of the public.

These figures don't capture the countless one-on-one meetings and activities that I have participated in, nor the continuing professional development programs that I have been involved in, including the Mental Health Summit, the 12 Minute Paralegal, and LawPro Toronto Lawyers Association Mental Health Programs.

All of these outreach activities have been wonderful opportunities for me to build connections, share information and updates, and learn from one another.

I would also like to acknowledge the achievements of Convocation over the past year. Our achievements include changes to the contingency fee regime, the appointment of Malcolm Mercer as the chair of the Law Society Tribunal, the 2021 annual fee COVID-19 deferral option, implementation of by-law amendments to fight money laundering and terrorist financing, approval of the regulatory sandbox for innovative technological legal services, a five year pilot project to facilitate innovative technological legal services and promote access to justice for the people of Ontario, approval of the delivery of online licensing examination, and the changes as set out at tab 3.2, related to the implementation of our strategic plan.

As you can tell, it's been a very busy time for Convocation and the Law Society. The list of achievements is only made possible because of the tireless efforts of CEO Diana Miles, her senior management team and Law Society staff.

To Diana, staff, benchers, justice sector stakeholders and partners, thank you for working together with me over the past year on the many important initiatives affecting the legal professions and the public that we serve. Together we make a

difference.

One last note, this is for our benchers, I mentioned our strategic plan. In keeping with our governance practices and policies, we're planning a midyear review of our 2019, 2023 strategic plan at a session planned for October. This will allow us to assess progress on the objectives that we set and to make any changes or adjustments that are required as a result of any developments or events that may have affected the integrity of the plan for the remaining two years of the bench term.

I turn now to the agenda. You will see information reports. These include an update on the implementation of the 2018 Abiding Interest Report of the Law Society's Legal Aid Working Group to strengthen the Law Society's relationship with Legal Aid Ontario and to promote robust legal aid.

Please have a read, and if you haven't read them already, please read these reports when you're able.

Mr. Fagan, thank you for contacting me yesterday. I understand you wish to speak to the Equity Partners Working Group Report, and I will call on you after the Human Rights Monitoring Group report.

[-- CONSENT AGENDA:](#)

TREASURER DONNELLY: Let's turn to the agenda now. On the consent agenda we have two items, the consent agenda is moved by Mr. Marshall and seconded by Mr. Wilkes.

Does anyone wish to have anything removed from the consent agenda? I'd ask you to use the raised hand function. Seeing none, is there any debate on the consent agenda? Seeing none, I'm going to ask you to use the yes-no voting buttons, please, to vote on the consent agenda. Mr. Varro?

SECRETARY: Yes, Treasurer, a majority of the benchers have voted in favour.

TREASURER DONNELLY: Thank you. We move next to the Audit and Finance Committee report. Mr. Groia, as chair, I understand is moving the motion and Mr. Poliacik is the seconder. Mr. Groia.

[-- AUDIT AND FINANCE COMMITTEE REPORT:](#)

MR. GROIA: Thank you, Treasurer. I hope you can hear me. Let me be the first to congratulate you on your acclamation as Treasurer for another year. It's a tribute to the leadership that you've shown as we have navigated through the difficulties of COVID-19, and I know all benchers are looking forward to working with you as we navigate our way out of this pandemic into next year, when hopefully

things will return to a state slightly more normal than your first term as Treasurer.

TREASURER DONNELLY: Thank you very much.

MR. GROIA: I'm pleased to speak to a motion to approve a new investment policy. The material can be found in Diligent beginning at page 23, and the Audit and Finance Committee is unanimously recommending a new investment policy for approval by Convocation.

This is an important decision for us because our investment revenues currently account for approximately two percent of our annual budgeted revenues for the General and Compensation funds. This comes to over 2-million dollars annually and I can report that our second quarter of this year continues to track favourably in a way consistent with the first quarter and that we continue to show a positive variance to our budget so these revenues are definitely put to good use as part of our overall fee structure.

An updated investment policy that expands our allowable investments and provides more diversification will hopefully help us improve this revenue source for the Law Society, as well as to mitigate risk during years of market volatility.

The new policy will also hopefully build on the foundation of the existing policy that was previously approved by Convocation.

Our primary objective will continue to be to ensure that we maintain and preserve our capital base, while at the same time generating investment returns to assist us in fulfilling our public interest mandate.

We have taken advice from our investment advisors at Proteus Management to help us ensure that the policy complies with best practices in the investment industry. We have also approved the selection of our new investment manager, Connor Clark & Lunn, and we have also taken their advice so that the policy can be applied in a practical and efficient way.

I'm grateful to all of the members of the Audit and Finance Committee and the Priority and Planning Committee, who have been working on this new policy for about a year.

Let me turn to the new asset mixes and risk tolerances that are contained in the policy.

Our previous asset mix for each of the General, Compensation and E&O funds was 70 percent fixed income and 30 percent Canadian equity. Our asset mixes have been updated to more clearly reflect our

liquidity requirements and our risk tolerances for each of the three funds. These funds will now also include a foreign equity component as an allowable investment.

You will find the new and old asset mixes on page 25 of BoardBooks. The General Fund will have a benchmark asset mix of 50 percent fixed income and 50 percent Canadian and global equity.

The Compensation Fund will now have a benchmark asset mix of 65 percent fixed income and 35 percent Canadian and global equity.

The E & O Fund will have a benchmark mix of 70 percent fixed income and 30 percent Canadian and global equity. The target mix of foreign equities for each of these three funds is set at roughly two-thirds of the total equity mix.

Connor Clark & Lunn proposes to use segregated funds to implement these mixes, including their money market fund, a short term bond fund, a Canadian equity fund and a global equity fund.

You will be relieved to hear that we will not be investing any of our money in bitcoin going forward.

I will be pleased, as will the members of Audit and Finance, to answer any questions you may have, before I move, seconded by Lou Poliacik, that

Convocation approve our new investment policy. Thank you, Treasurer.

TREASURER DONNELLY: Thank you. I ask if anybody has anything, any debate on this, please use the raised hand function. I'm not seeing any hands raised. Mr. Varro, are you?

SECRETARY: No, I'm not, Treasurer.

TREASURER DONNELLY: Thank you, I'm going to ask, then, if we could use the reactions tab and the voting buttons, please.

SECRETARY: Treasurer, a majority of benchers have voted in favour.

TREASURER DONNELLY: Thank you very much, Mr. Groia. Ms. Horvat, if we could now move to the Strategic Planning and Advisory Committee Report, I understand is moved by you and seconded by Ms. Corsetti.

[-- STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT:](#)

MS. HORVAT: Thank you, Treasurer, and congratulations again on your acclamation.

I am joining Convocation today from Windsor, which sits on the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwe, Ottawa and Pottawatomie.

I recognize and respect the longstanding relationships with First Nations people in this place in the 100 mile Windsor Essex Peninsula and the straits les Détroit of Detroit.

I am pleased to present the report for decision of the Strategic Planning and Advisory Committee. The report is found at tab 3.1, and the motion may be found on page 104 of BoardBooks.

The motion asks that Convocation make amendments to by-law 3, as set out in the motion at tab 3.1.1, to modernize the process for the election of the chair of the Paralegal Standing Committee.

Currently, voting for the chair is required to be done in person and by paper ballot. The full list of the current chair election process requirements is outlined at page 105 of BoardBooks.

The report recommends that changes be made to facilitate voting either in person with paper ballots or online. This is an effort to modernize this election process, similar to the recent changes to create an online platform for the Treasurer's election.

The proposed amendments to by-law 3 are set out in the track changes version of the by-law beginning at page 114 or tab 3.1.2.

While the basic process in by-law 3 to

elect the Paralegal Standing Committee chair remains the same, the recommended changes would continue to allow for an in-person paper-based election or allow an online voting process.

A key change is that, whether the voting is in person or online, the by-law provides that the election officer, the elections officer must establish and publish election procedures that would detail the method and process for voting. These procedures will include a description of how the voting system will work and how votes may be cast. This requirement means that the detailed procedures for the method of casting votes do not need to be set out in the by-law.

The election process will continue to provide that the chair's election is the first order of business on the day of the Paralegal Standing Committee's September meeting. On any ballot, committee members choose one candidate of their choice; a first ballot and the required number of subsequent ballots would be used for the election until one candidate receives more than 50 percent of the votes cast and the elections officer on any ballot, once voting is completed, ensures that the votes are counted and the results announced to the committee.

The amendments also remove references to

paper ballots, in-person voting; the ballot box as the method of casting votes would be included in the procedures to be published as applicable.

That's a summary of the recommendations, Treasurer, and I'm happy to answer any questions.

TREASURER DONNELLY: Mr. Burd.

MR. BURD: Thank you, Treasurer. Just a little history. There has only ever been one conducted contested election for the chair, which was won by Ms. Cathy Corsetti, that was back in 2010; however, the one thing I remember from back then that struck me as odd, and I don't think the motion today really addresses is let's just say, for example, come the next election we have five new paralegals, which was exactly what kind of happened in 2010, as it was the first election for paralegals to be benchers, and the first order of business was the election, so nobody knew anybody and nobody on the PSC Committee knew any of the paralegals, and then we just voted without any knowledge of who any of the candidates were.

Fortunately, you know, Cathy was the one that won, so everything went well, but I'm just wondering if there should be some consideration if that ever was the situation, that there be some ability for the candidates to -- because they have to be nominated,

first and foremost, and then they have to garner votes from the 13 members of the committee.

I'm wondering if something could be instituted that would permit that, should that ever be the case where a newbie would like to be heard prior to the actual commencement of the PSC meeting.

I don't know, Jim, maybe that's a question for you or maybe Jacqueline, I'm not sure.

TREASURER DONNELLY: Mr. Varro.

SECRETARY: Thanks, Mr. Burd. In the unlikely event that there are five brand new paralegals following an election, there is a period of time, as you know, following the election where committees are created and orientation occurs, and I would suggest that perhaps part of that orientation, if that is the event that happens, is that there be a specific discussion about the role of the committee, the role of the paralegals, and the fact that there is an election coming up in September following the April election, so there is a period of months there where I think that could occur and that might suffice at least in the interim to take care of that issue and make sure that the paralegal members of the committee are oriented to the structure of the committee and the potential role for chair.

MR. BURD: Thank you.

TREASURER DONNELLY: I can see there's a hand up. Mr. Desgranges.

MR. DESGRANGES: Yes, thank you, Treasurer. Thank you for the report, Ms. Horvat.

The -- I note that in the amendments that certain changes were made to the pronouns as well, and that was not part of the report, and I believe that it's -- probably should have been given note on that as well.

I believe that the amendments to the pronouns, which is to say that they're removing his or hers and replacing it with "their" is somewhat improper to the extent that we're actually using pronouns.

I'm not saying -- I think that there's a much more neutral way of writing these by-laws, and that would be just to remove the pronoun entirely. For instance, that the thing be signed by the person being nominated to indicate consent to the nomination says it all. I don't believe we need pronouns there.

Now, this is not a hill to die on or whatever; I guess what I'm trying to say is I think we need to be more careful, and as such I wish that in any revisions of this type we be -- that we be at least informed about it and perhaps to consider the removal

of pronouns where they're not necessary so as to avoid any -- well, any -- how can I say this? To avoid any confusion with respect to that. Thank you. You still have my vote.

TREASURER DONNELLY: Thank you. Thanks, Mr. Desgranges. Sorry, we'll take into consideration your concerns.

MR. DESGRANGES: Taking into consideration is what I was trying to come up with. I couldn't find the words. Thank you very much, Treasurer.

TREASURER DONNELLY: That's okay. Thank you. All right, so we're going to move to a vote then. If I could again ask that we use the reactions tabs, the yes-no buttons.

SECRETARY: Treasurer, a majority of benchers have voted in favour.

TREASURER DONNELLY: Thank you very much. We're going to now move, then, to the Tribunal Committee report. Ms. Shin Doi, the chair, is the mover, and going to present that report, and Dr. Alford, one of the vice-chairs, is going to second it. Ms. Shin Doi.

[-- TRIBUNAL COMMITTEE REPORT:](#)

MS. SHIN DOI: Thanks very much. I'm

speaking from Toronto, the Dish With one Spoon Territory, a treaty between the Anishnaabe Mississaugas and Haudenosaunee that bound them to share the territory and protect the territory. We have all been invited into this territory in the spirit of peace, friendship and respect.

I am pleased to present and move the adoption of amendments of the Law Society Tribunal rules of practice and procedure. If passed, the practice directions will be effective October 1st, 2021.

The effective date of October 1st provides ample notice of the changes to those appearing before the Tribunal and to other stakeholders, as well as provide time to review and update the Tribunal's practice directions to reflect the changes.

The Tribunal Committee's report is found at tab 4. The amended rules follow in English and then in French.

I want to thank the Tribunal Chair, Malcolm Mercer, Tribunal counsel, Lisa Mallia, and members of the Tribunal Committee for their hard work and leadership.

I will now give you a brief history, review the proposed changes and then the highlights,

and I will then move the motion and Bencher Alford will second the motion.

First the history. The Tribunal Committee, together with the Tribunal Chair, has reviewed the current rules of practice and procedure and the Tribunal's day to day experience over the past 15 or so months operating during the pandemic.

The committee discussed the rules and proposed policy changes and later draft language at committee meetings in November, January, February and April. The rules were also discussed at the March 2021 meeting of the Tribunal Chair's Practice Roundtable and meetings and e-mail exchanges with the Law Society Tribunal's post-pandemic working group. Convocation was provided with a copy of the draft changes in April 2021.

The proposed changes to the rules of practice and procedure reflect the committee's intent to move forward with greater reliance on electronic and videoconference hearings and acceptance of electronic documents. These are the highlights.

Updating the Tribunal's statement of purposes in rule 1 to include the importance of efficient processes and proceedings. Rules 3 and 5 have been updated to reflect the move to electronic

documents, including starting proceedings electronically.

A number of other rules, rule 13, record of proceedings, and rule 18.2, proposed fresh evidence were similarly updated.

Changes to rule 9 address the manner of appearance. The Tribunal will direct the manner of the appearance, whether it will proceed in person, in writing, by videoconference or teleconference.

Rule 9.1(2) sets out factors to consider in making the determination. Rule 7.3 has been deleted as a consequence.

We are also using this time to make some updates to the language and certain rules to make them easier to understand and apply based on experience gained over the last year.

Rule 6.4 is updated to reflect the language used in the Act. The same is true for rules 9.9 and 9.10. Rule 9.10 requires someone who wants to make an audit recording to notify the Tribunal.

Also, some changes are proposed to rule 17 on account of the Tribunal's experience in applying the rule over the past year. Issues have arisen in multiple proceedings because of the requirement in the initial rule to base calculations on the date a notice

of appeal was filed, regardless of any steps taken afterwards. The update proposed changes this to use "deadline" as the basis for calculating time, either the deadline established in rule 17.3 or as otherwise set by the Tribunal. Thank you.

TREASURER DONNELLY: Dr. Alford, do you wish to be heard now or do you wish to wait?

DR. ALFORD: I'll reserve, Treasurer.
Thank you.

TREASURER DONNELLY: Thank you. Does anybody wish to be heard on this? Any debate on this motion? Dr. Alford, I'm not seeing any hands, so do you want to say anything or should we move to --

DR. ALFORD: Well, I had reserved with the aim of responding to any questions. Seeing none, I guess I would just amplify the chair's remarks about how useful it was to have feedback from everyone who attended the Tribunal Committee or otherwise submitted comments or otherwise participated in the activities of the chair of the Tribunal, Malcolm Mercer, including his practitioners roundtable. It was all exceptionally collegial and helpful and I hope there will be further feedback coming, including ahead of the effective date of the implementation of the rule changes. Thank you very much, everyone.

TREASURER DONNELLY: Thank you. If we could move to the vote please, then, and use the voting buttons, the reactions in the reactions tab.

SECRETARY: Treasurer, a majority of benchers have voted in favour.

TREASURER DONNELLY: Thank you. If we could move to the next item, which is the Human Rights Monitoring Group Report request for intervention. Ms. Walker is moving it. Mr. Wellman is seconding the motion. Ms. Walker.

[-- HUMAN RIGHTS MONITORING GROUP REQUEST FOR INTERVENTION:](#)

MS. WALKER: Thank you, Treasurer. Good morning, everyone. As co-chair of the Human Rights Monitoring Group I am pleased to speak to the request for intervention that the monitoring group has made on behalf of lawyers from Myanmar, Thein Hlaing Tum and Ayeyar Lin Htut.

The motion can be found under tab 5 of your materials with the proposed letter and public statement in the sub tabs below.

The item before Convocation today has the unanimous support of monitoring group. I would like to thank my co-chair, Julian Falconer, and the members of the monitoring group for their hard work

during this past bencher year.

In March of this year, the monitoring group sent an intervention letter to Myanmar. The letter was sent after numerous reports outlined that the Myanmar military, which seized control of Myanmar in a coup on February 1st, were arresting and detaining lawyers and law students for protesting the military's antidemocratic actions.

At this time, almost a thousand other citizens were arrested and 70 people were killed by the military that shot people who continued to protest.

Since March, the violence against Myanmar citizens has continued to escalate, where, as of June 21st, 873 people have been killed, over 6,000 people have been arrested and over 5,000 people continue to be detained.

Now lawyers are being arrested for representing their clients in court. On May 24th, Thein Hlaing Tum, who is a lawyer, was arrested while exiting the courthouse after representing his client, Dr. Myo Aung, who was the elected chairman of the regional council representing Myanmar's capital region.

On May 27th, Ayeyar Lin Htut, who was also a lawyer, was arrested at the Hinthada District Court after representing clients who were arrested for

protesting the coup.

In both cases, the lawyers were charged under a new section of the penal code, which was changed by the military shortly after the coup.

The new law makes it an offence to speak out against the military or to call the coup illegitimate. By directly targeting lawyers and arresting them immediately after representing their clients in court, the military is making a direct attack on the rule of law and violating several United Nations articles on the role of lawyers.

After considering the above facts, including the mandate of the group, we ask that the proposed letter of intervention and public statements be supported by this Convocation so that we can continue to stand up for members of the legal professions when they are persecuted for defending and speaking out on behalf of some of the world's most vulnerable people.

TREASURER DONNELLY: Thank you. As the seconder, Mr. Wellman, do you wish to be heard now or do you wish to wait?

MR. WELLMAN: I'll wait, Madam Treasurer.

TREASURER DONNELLY: Does anybody wish

to be heard on this? Please use the raised hand function. Mr. Wellman, I'm not seeing anyone with their hand up. No -- Dr. Alford.

DR. ALFORD: Thank you very much, Treasurer. While I do share the concerns that Bencher Shi has raised in the past, I did want to express my particular appreciation for this report and the diligence that was required in completing it.

So just to build on the comments of Bencher Walker, I'm just particularly pleased to see the particular references to the addition of section 505 to the penal code of Myanmar in so far as the report states it makes it an offence to cause fear, spread false news or agitate crimes against the junta, including the making of statements that call the junta, the coup that led to the junta seizing power illegitimate.

I think it's absolutely and clearly correct for the working group to note that this is a threat to the independence of the legal profession insofar as it clearly implicates their ability to advance a cause.

And I would just also like to note that I did see that one of the cc's of the letter goes to Diego García Sayán, Special Rapporteur of the Human

Rights Council on the independence of judges and lawyers in the Office of the United Nations High Commissioner for Human Rights.

So I really appreciate the way that they put this letter together, the way that they highlighted all of the relevant issues and to the thought to the distribution of the report. So I would just like to express my sincere thanks to the working group.

TREASURER DONNELLY: Thank you, Dr. Alford. I don't see any other hands raised. Mr. Wellman, did you wish, as the seconder, to say anything or should we move to the vote?

MR. WELLMAN: I just wanted to comment, Madam Treasurer, and follow up your comments about Dr. Akhavan's award. I was inspired in his message that these leaders on the world scene in these situations do regard their image on the world scene and our letters contribute to them wanting to have a reasonable image. I just wanted to make that comment. Thank you.

TREASURER DONNELLY: Thank you. We're going to move to the vote then.

MS. WALKER: Treasurer, one more point I forgot to make. I just would like to thank Jason Pichelli, who has helped us considerably with the Human Rights Monitoring Group.

TREASURER DONNELLY: Thank you very much, Ms. Walker. If I could ask, then, that we use the voting buttons, please. So abstentions are a raised hand function. Yes, no, or any abstentions.

SECRETARY: Treasurer, a majority of benchers have voted in favour, with four abstentions -- sorry, five abstentions, excuse me.

TREASURER DONNELLY: Thank you very much. That completes the business that we had for motions. As I indicated at the outset, Mr. Fagan wished to be heard on the Equity Partners Working Group. Mr. Fagan.

MR. FAGAN: Yes, thank you, Treasurer. I wish to record for the record my view that the -- the manner in which the motion I brought in February 2020 on the subject later studied by the EIAC's Equity Partners Working Group is unsatisfactory.

As all will recall, a motion brought by me, seconded by Bencher Brown, sought a study of the desirability and advisability of continuing the special status of the appointed Equity Advisory Group, Indigenous Affairs Group, AJEFO, studying whether those groups should maintain their special status with the Equity and Indigenous Affairs Committee.

In order for that study to be

reasonable, fair and at all responsive to the motion that I had brought, which motion, of course, was tabled at the February Convocation, there would have had to be a study by a fairly composed group. The Equity Partners Working Group that produced the report before us today was composed of five benchers, two of whom had been the benchers who had moved and seconded the motion to table my motion in February. There was a 4 to 1 division on that committee as from -- pardon me, the working group, as from day one. The outcome was foreordained.

Notwithstanding that, the manner in which the working group conducted itself was unsatisfactory. To ask whether the continued special status of the Equity Group on the Equity and Indigenous Affairs Committee was desirable or not, who was asked for comment but the very equity advisory groups at issue. No input was sought from anyone on the other side of the question, no input was sought from either the mover or seconder of the February 2020 motion.

So the outcome leading to this report before us was foreordained from the word go and there was no -- there was never any reasonable possibility that the side of the issue which I had raised in February 2020 would be given a reasonable hearing.

Notwithstanding all these deficiencies, fortunately there was one member of the Equity Partners Working Group, Equity and Indigenous Affairs Committee member, Jorge Pineda, who prepared an excellent minority report which at least expresses the other side of the question. He had no chance whatsoever of having his views adopted, but he persevered.

I would hope, of course, that he would be reappointed and continued as a co-chair of the Equity and Indigenous Affairs Committee, given his excellent work for two years on such committee.

So I regard the entire matter raised at the February 2020 Convocation as unresolved, to be picked up at an appropriate later date for further study, interaction and decision.

Thank you, Treasurer, for giving me this opportunity to speak on this important matter at today's Convocation. Thank you.

TREASURER DONNELLY: Thank you.
Ms. Shortreed.

MS. SHORTREED: Thank you, Madam Treasurer. I'd simply like to say, as a member of the committee who was not a member of the working group, that I received two thoughtful reports on it. I, like other members of the committee, reviewed them, thought

about them, voted independently, and not in any way a way that was foreordained, as Mr. Fagan suggests, and so I do not join with him in an attack on the process, which was ably run by the chair of the committee and by the working group members, including the member who had a minority view, and so I would like to register my disappointment with an attack on the process and an attack on the committee members, suggesting that we have not voted thoughtfully. Thank you.

TREASURER DONNELLY: Ms. Lewis.

MS. LEWIS: Thank you, Treasurer. I also would like to reiterate that Bencher Fagan was part of our EIAC committee and was able to express views, and to the extent that he has concerns that the process, the working group process, the report and the discussions were not responsive to the February 2020 motions, this is frankly the first I've heard of it, and so if there were concerns I think they should have been registered at an earlier point and they have not been, and I also would like to reiterate that our process was very openminded.

We had -- we permitted and had minority opinions included, and everyone had the opportunity to vote on both perspectives and the vote reflects the opinion of the majority of our EIAC committee.

TREASURER DONNELLY: Thank you. Mr. Charette, and I'm going to stop there.

MR. CHARETTE: Thank you, Madam Chair. I would like to make clear, I don't think that Mr. Fagan intended to personally attack any members and I'm not sure that was the intention of Ms. Shortreed's comments, but I just want to make that clear. It was a concern about the process.

As to the issue, I think it's improper for the Law Society as a public interest regulator to grant specialized and preferred access to any group. These groups have valuable information to contribute, no doubt, but to grant specialized access to any group is improper for a public interest regulator. Thank you, Madam Chairman.

TREASURER DONNELLY: Thank you. So that concludes what -- I'm going to give Mr. Lyon the last word, not on this topic, on something totally different.

That I think is a record. I know it's a record for me as the Treasurer to conclude Convocation in an hour and a half. So maybe I should just check with Mr. Varro to make sure I didn't forget anything.

SECRETARY: You did not forget anything, Treasurer.

TREASURER DONNELLY: Okay. That's good.

Really, a huge thank you to everybody. I hope you get time over the summer to rest and recharge.

Mr. Lyon wants to address us briefly.

For those who can see him, you may suspect why. He's going to send us out hopefully with a smile on our face and some hope for hockey in Canada. So Mr. Lyon.

MR. LYON: Thank you, Treasurer, and first let me congratulate you, I will be the second after Bencher Groia, on your acclamation.

I think we do a lot of work at the Law Society, we can do something really good for Canada in all joining and congratulating the Canadiens on how far, the Montreal Canadiens, that is, on how far they've come. Notwithstanding that I suspect that there are some Leaf fans in the audience, we can put that aside, put our prejudices aside and join in wishing the Montreal Canadiens all of the best tomorrow against the Vegas Golden Knights. Go Habs. Thank you, Treasurer.

TREASURER DONNELLY: Everybody have a good summer. We will be getting back together for a special Convocation sometime late July. You will get a calendar notice about that, so we will be in touch, but please take the time to rest and recharge with your

families or your loved ones. Looking forward to getting back in September and to continuing our work.

Thank you everybody.

--- Whereupon the proceedings adjourned at 10:30 a.m.

I HEREBY CERTIFY THE FOREGOING

to be a true and accurate

transcription of my shorthand notes

to the best of my skill and ability

SHARI CORKUM, C.S.R.

Computer-Aided Transcript