



TREASURER MERCER:

Re-elected by a vote of 31 to 22. The 22 Benchers elected as a slate to oppose the Statement of Principles (the "STOPSOP Benchers") had declared support for one member of their group, Chi-Kun Shi. Ms. Shi graciously moved that the election outcome be made unanimous. The election will hopefully ensure a degree of stability and allow for reasonable planning of objectives to be determined by Benchers at a strategic planning retreat scheduled in the fall. In the interim, the Treasurer will consult with Benchers and make Committee appointments during the summer. The appointments will mark the beginning of Benchers' heavy lifting in respect of the many important issues facing the profession. They will also learn about the budget process which will significantly impact the Law Society's ability to fulfill its mandate is to be interpreted by the most recently elected Benchers. Let's see what significant difference is made. Unfortunately, after the Treasurer election, Convocation then descended into a quagmire of conflicting procedural and substantive motions related to the maligned Statement of Principles ("SOP") that graphically display the cultural battle to be fought on a number of fronts in the next 4 years.

STATEMENT OF PRINCIPLES:

The debate on these issues was kicked off with a point of order motion raising a conflict of interest based on the fact that Benchers Klippenstein and Alford are Applicants in an outstanding Superior Court proceeding before the Divisional Court by way of judicial review challenging the SOP. A procedural motion in that court proceeding had resulted in a costs order against the Bencher/applicants personally. The point of order sought to disqualify Benchers Klippenstein and Alford and defer the contested SOP motions until the litigation was resolved. The Treasurer exercised his discretion and ruled there to be no basis for disqualification. In an unexpected turn of events Bencher Julia Shin Doi seconded by Bencher Esquega appealed the Treasurer's decision as a matter of good governance, asserting that the Treasurer erred and there is in fact a conflict of interest that ought to disqualify Benchers Klippenstein and Alford. After a limited debate Convocation voted 41 to 12 that the Treasurer's ruling be upheld so that Benchers could turn to the main event of the day.

All issues were vigorously and passionately debated including motions, amendments and the numerous submissions to Benchers made by lawyers and lawyer associations. By proper procedure, amendments were voted upon before a principle motion. I am very sorry that this report is so complicated by reason of the of the painful route followed by Convocation today. The entire performance was underwhelming.

(1) The initial motion advanced by Bencher Murray Klippenstein, seconded by Cheryl Lean, simply sought to repeal Convocation's December 2016 adoption of the Statement of Principles which mandated that lawyers acknowledge the obligation to promote equality, diversity and inclusion generally and in their behavior towards colleagues, employees, clients and the public. This motion was the fulfillment of a pledge by the elected slate of STOPSOP Benchers. To the great dismay or pleasure of the many lawyers in attendance, Benchers Klippenstein/Lean withdrew their motion. Go figure.

(2) An amendment that had been advanced by Bencher Joseph Groia and seconded by Teresa Donnelly ("the Groia/Donnelly amendment") sought to remove the mandatory element of the Statement of Principles and replace it with a voluntary adoption of a personal and private Statement of Principles on how to best advance the goals of equality, diversity and inclusion in the legal profession and elsewhere. The amendment contemplated that the annual reports will permit licensees to choose whether they wish to disclose whether they have voluntarily adopted a SOP which shall be reported to Convocation. This amending motion was approved 27 to 25. Following withdrawal of the Klippenstein/Lean motion, it was reinstated, as amended, by Benchers Groia/Donnelly. The Klippenstein/Lean motion as amended was defeated. Go figure.

(3) An amendment to amend that had been advanced and seconded by Benchers Charette/Shi that the Groia/Donnelly motion be narrowed to delete any reporting through the annual reports and to Convocation. This amending motion was lost with a vote of 50 to 3. Convocation considered the Groia/Donnelly amendment.

(4) To get a final kick at the same motion, Benchers Horgan/Pollock reinstated the Klippenstein/Lean motion without amendment. The Treasurer adjourned Convocation at 6:30 pm as many Benchers had to leave the proceedings to attend to other pressing matters.

WHERE ARE WE:

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After months of sound and fury following the Bencher election and hours of passionate debate today, nothing has changed. Today has been a gong show with failed motions to adjourn, table and tie votes. Nothing was accomplished. A special Convocation will be convened in July to replay this horrible debate. The SOP as originally crafted remains in place.

WAKE UP CALL:

It is now time for Benchers to get to work to reflect the trust put in them by those lawyers who voted. Continued dysfunction as reported above will lead to dire consequences for self-regulation as has occurred in other jurisdictions. There is no Treasurer or Bencher who will feel pride or self satisfaction if the government steps in and revokes a hard earned privilege enjoyed by Lawyers for over 200 years.

Benchers must now roll up their sleeves and find a way to co-operatively get to work. It is far easier to be a dissident without responsibility. Members of Convocation must consider opposing view points and adapt their own reasoning to make tough decisions that will certainly be criticized by others. That goes with the job.

GOVERNMENT APPOINTED PUBLIC BENCHERS:

The Government has appointed 6 new public or lay Benchers and has reappointed two incumbents - Gerald Sheff and Seymour Epstein. Lay Benchers have historically provided Convocation with a grounding in real-people, non-lawyer reality and offer an important insight to the public interest as must be reflected in the work of the Law Society. The following information has been provided about the new Benchers who joined Convocation in time to vote in the Treasurer election and participate in the Statement of Principles debate:

Robert Bateman - Sudbury

Robert Bateman has been a consultant at Patricia Holdings Inc. since 1983. He specializes in the Forest & Mining Industry and has been a strong advocate for the film industry bringing projects into Northern Ontario. Mr. Bateman is also actively engaged in the City of Sudbury's Job Creation Task force where he helps pursue investment into the City, and has previously served as a director and President of the Sudbury Chamber of Commerce. Mr. Bateman is also an active volunteer for the Sudbury Cancer Society.

Seymour Epstein - Toronto

Seymour Epstein is Chair of Epstein Enterprises Inc., CENetwork Inc., and Kelman Technologies Inc. As well, Mr. Epstein is Chair and President of Law Gardens Inc., and Governor of the Royal Agricultural Winter Fair. Mr. Epstein holds a Bachelor of Engineering from McGill University.

Dr. Benson Lau - North York

Benson Lau is a family physician who has cared for Markham and GTA residents for more than 25 years. Dr. Lau is a former citizenship judge whose duty was to preside over citizenship ceremonies and to educate applicants on the rights and responsibilities of citizenship. He has served as a member of the Toronto Police Services Board and the Ontario Civilian Commission on Police Services. He has also volunteered with charitable organizations, including the Mon Sheong Foundation, Carefirst Seniors and Community Services Association, the Chinese Cultural Center of Greater Toronto and St. John's Ambulance. Dr. Lau received his Bachelor of Science degree from the University of Toronto in 1975 and his medical degree from the University of Toronto in 1985.

Nancy Lockhart - Toronto

Nancy Lockhart is the Chair of the Board of Directors of Gluskin Sheff + Associates Inc. Ms. Lockhart is a corporate director and for 18 years was the Chief Administrative Officer of Frum Development Group. She is a former Vice President of Shoppers Drug Mart Corporation. Ms. Lockhart is a director of Loblaw Companies Limited. She is also a director and chair of the Governance Committee at Atrium Mortgage Investment Corporation. Ms. Lockhart sits on a number of charitable boards in the health-care and arts sectors. Ms. Lockhart is a former trustee of Retirement Residences REIT and a former director of the Canada Deposit Insurance Corporation and of Barrick Gold Corporation. She holds the ICD.D designation from The Institute of Corporate Directors. She was awarded The Order of Ontario in 2006 and the Queens Golden Jubilee Medal in 2012.

Genevieve Painchaud - Ottawa

Geneviève Painchaud is a Realtor in the Ottawa area, with extensive community involvement through her volunteer work as a board member of a social services agency and a Director of Ontario 211. Mme. Painchaud is a marketing professional, having developed her expertise in her roles with Trimark Mutual Funds (Invesco) and Bell TV, and as a Professor at Collège La Cité in the Business Faculty. She received her Bachelor of Commerce degree from the University of Windsor in 1994.

Clare Sellers - Toronto

Clare Sellers joined the Board of Directors of SickKids Foundation in June 2016. Ms. Sellers most recently served as a Trustee of Over the Wall, an organization that runs residential camps for children in the United Kingdom affected by serious and life-threatening illnesses. Professionally, she has served as Director & Chief Operating Officer at ABN AMRO Rothschild and as Vice-President, Corporate Finance, at Midland Walwyn Capital. She also served for 8 years as a Trustee with the University of Western Ontario United Kingdom Foundation. Ms. Sellers is a graduate of the Richard Ivey School of Business and a Chartered Financial Analyst.

Gerald Sheff - Toronto

Gerald Sheff co-founded Gluskin Sheff + Associates Inc. in 1984 and served as its CEO until 2013. Mr. Sheff is a member of the Board of Governors of McGill University as well as a member of its Investment Committee. He is a Trustee of the Art Gallery of Ontario Foundation and its Investment Committee, a member of the Board of Directors of the Canadian Centre of Architecture and a member of the Scotiabank Giller Prize Advisory Committee. Mr. Sheff graduated from the School of Architecture at McGill University and received a Masters of Business Administration degree from Harvard Business School.

Doug Wellman - Pickering

Doug Wellman has owned and operated Wellman Financial since 1971, where he provides personalized financial advice, solutions and service to help his clients achieve their financial goals. Since 2014, Mr. Wellman has served as the Chair of the Kawartha Highlands Provincial Park Stewardship Committee. Mr. Wellman served as a Ward Councillor in the City of Pickering from 1991 to 1994, as the Treasurer of the Ajax-Pickering Hospital from 1992 to 1998, and as the Chair of the Bancroft Area Stewardship Council from 2000 to 2016.

HAVE A HAPPY AND SAFE SUMMER SEASON

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