



### A FRESH APPROACH BY A VETERAN TREASURER:

In a Special Convocation convened on August 8th, Treasurer Mercer laid out a framework for the future work of Convocation adopting fresh approaches to make best use of new voices and insights. He will advance an agenda through new task forces addressing proportionate regulation and program review. His goal is to ensure minimum competence standards and development of best practices. He foresees an end to compliance based regulation and a pragmatic approach to access to justice within the existing system and the LSO's mandate.

The Treasurer's selection of committees was dictated in part by the large number of newly elected Benchers without prior Law Society or other comparable experience. Recognizing that almost two thirds of Convocation is new to the work, he has also reduced the number of committees and working groups. For tribunal discipline matters, four former Benchers were invited to continue to participate in hearings in the short term.

### TREASURER COMMITTEE APPOINTMENTS: As approved by Convocation:

Access to Justice:	Cathy Corsetti (Chair) Murray Klippenstein (Vice-Chair)
Audit and Finance:	Teresa Donnelly (Chair) Lubomir Poliacik (Vice-Chair)
Compensation:	Malcolm Mercer (Chair)
Compensation Fund:	Joseph Groia (Chair) Cathy Corsetti (Vice-Chair)
Indigenous Affairs:	Dianne Corbiere (Chair) Atrisha Lewis (Vice-Chair) Jorge Pineda (Vice-Chair)
Law Society Awards/LL.D. Advisory:	Malcolm Mercer (Chair)

Paralegal Awards:	Malcolm Mercer (Chair)
Paralegal Standing:	Robert Burd (Chair) Megan Shortreed (Vice-Chair)
Priority Planning and Government and Public Affairs Litigation:	Malcolm Mercer (Chair) Teresa Donnelly (Vice-Chair)
Proceedings Authorization:	Jacqueline Horvat (Chair)
Professional Development and Competence and Inter-jurisdictional Mobility:	Sidney Troister (Chair) Philip Horgan (Vice-Chair) Claire Wilkinson (Vice-Chair)
Professional Regulation:	Jacqueline Horvat (Chair) Etienne Esquega (Vice-Chair)
Tribunal:	Isfahan Merali (Chair) Julia Shin Doi (Vice-Chair)

### SUSPENSIONS-WHAT IS GOING ON:

The August 16th Ontario Reports recorded the administrative suspension of almost a 1000 lawyers and paralegals. Such suspensions are imposed by summary order for a host of reasons including non-payment of any of our many Law Society payment obligations, a failure to file the required forms or simply for not keeping up with CPD requirements. Through the new Proportionate Regulation Task Force, elected Benchers have to question the myriad of regulatory requirements that have been implemented over the years that may be overlooked or breached by so many of us. Perhaps professional compliance is just too complex today. Maybe the flavour of the month, "burden reduction" will be helpful to the profession. The current status of any practitioner can be found at [LawyerParalegalDirectory](#).

### PARALEGAL SCOPE OF PRACTICE:

The Federal government has implemented a criminal justice policy that inadvertently caused chaos in Law Societies across the country. However, Ontario (which has regulated paralegals for over 10 years) was most directly impacted. Previously, paralegals and supervised students were able to represent clients on relatively minor summary conviction criminal offences. The new Criminal Code provisions replaced previous maximum penalties of 6 months imprisonment with longer possible sentences. Co-operative action by an Ontario order-in-council and the LSO will maintain the scope of practice of paralegals and in fact restore their ability to represent clients in 4 specified driving offences lost to them in December 2018. The LSO response was developed in a swift fashion before a September 19th implementation date of the federal policy. Benchers were obliged to balance access to justice concerns, regulatory factors and the practical necessity to achieve a solution before rights of representation were lost to paralegals. Convocation approved "a not quite status quo" solution to preserve paralegals scope of practice for summary conviction offences as in the past, despite the significant new maximum penalties. In advancing a defensible response, the Law Society has committed to review the scope of paralegal defence of criminal law matters. Proponents of the Convocation decision asserted that there has been no change of scope of paralegal practice because the defended offences are no different than previously - maybe ask an imprisoned client how they might feel about that?

### STATEMENT OF PRINCIPLES:

So much time, energy and resources have been expended. The newly elected Stop SOP Benchers were successful by a Convocation vote of 28-20 in favour of repealing the 2016 mandatory rule requiring annual affirmation of promoting diversity and inclusion. The profession has now secured one of the goals sought in the last Bencher election. Not surprisingly a motion that would have made the process voluntary was defeated 27 to 23. However, the Benchers did approve a motion brought by clear-thinking Sid Troister, by a vote of 27-18 to require that we annually acknowledge our special responsibility to respect the requirements of human rights laws in Ontario and to honour the obligation not to discriminate (who doesn't like apple pie). Hopefully this compromise will allow Convocation to move forward to other issues without diminishing the need to vigilantly recognize ongoing discrimination in the legal profession and society generally. While this divisive debate has ended, many will closely monitor what happens with other important Law Society equity initiatives of the past decade.

### BENCHER RETREAT:

Benchers will venture off site this month with a facilitator, for a 2 day retreat to consider future planning and priorities. This, along with the coming budget deliberations will map out where Convocation will be headed in the next several years. Stay tuned.

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