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#193



### **LITIGATOR ALERT: BIG CHANGES ARE COMING**

In 2023, Chief Justice Geoffrey Morawetz of the Ontario Superior Court of Justice and the Attorney General of Ontario Doug Downey announced a complete review of Ontario's *Rules of Civil Procedure*. A Working Group lead by Justice Cary Boswell and lawyer Allison Spiegel undertook the gargantuan task of identifying changes that would increase efficiency and access to justice, reduce complexity and costs, maximize the effective use of court resources, reduce delay, and leverage technical solutions. The numerous Phase 2 proposals from starting a civil case to enforcing a judgment are now out for consultation. Look for programmes and participate in the process scheduled to end June 16, 2025. A final proposal is expected in July 2025, with a goal of having draft regulations by December 2025. If so, we can expect significant changes to the civil litigation practice to begin taking effect in 2026. Catch up by reading <https://www.ontariocourts.ca/scj/files/pubs/Civil-Rules-Review-2025-phase-two-EN.pdf>.

As well you might learn from listening to the Advocates' Society's recent programme recording:

[https://www.advocates.ca/TAS/News/Watch\\_TAS\\_Program\\_about\\_the\\_Overhaul\\_of\\_Ontarios\\_Civil\\_Rules.aspx](https://www.advocates.ca/TAS/News/Watch_TAS_Program_about_the_Overhaul_of_Ontarios_Civil_Rules.aspx)

### **OSGOODE HALL LAW LIBRARY SHRINKING**

After failing the public and law society with its expropriation of land for the new subway line, the Ontario government is at it again.

It has directed the LSO to vacate 70% of the space at Osgoode Hall that is owned by the province but has historically been part of the operations of the Great Library established in 1827. It wants the space for offices for judges and administrative staff.

By April 30, the Law Society must vacate offices and workstations on the third floor of the west wing, and spaces at the north end of the second floor and the south end of the first floor as well as important reading rooms. The Law Society retains

ownership of the main reading room and the two adjacent rooms.

Hopefully the work of the Great Library and the valuable legal information services it provides for licensees and the public will be sustained. However, there must be alternate unfunded relocation of many thousands of printed legal resources including the loss of invaluable reading rooms.

### **CHANGES TO LAW SOCIETY LEADERSHIP:**

The Chief Executive Officer, Diana Miles, is no longer employed by the Law Society which she had joined more than 23 years ago. She was named acting CEO in 2017 which was made permanent the following March.

The recent termination of employment arose out of a controversy relating to the methodology and amount of a raise agreed upon with the former Treasurer, now Justice Jacqueline Horvat, in June 2024. Earlier that year the Compensation Committee was provided with a market review analysis from consulting firm Arthur J. Gallagher & Co. which concluded that the CEO was being significantly underpaid. The Treasurer acted on that analysis, with the approval of the Benchers Compensation Committee. She entered into an Agreement implementing a retroactive raise which clarified and eliminated a previously negotiated, contentious bonus structure. However, the negotiations and proposed agreement were not brought to Convocation for approval.

Treasurer Peter Wardle brought the matter to the attention of Convocation in November, 2024 which acted promptly and decisively. Former associate chief justice of Ontario Dennis O'Connor was retained to expeditiously undertake a review and report to Convocation by February, 2025.

The Report concluded that the correct process was not followed by the former CEO and former Treasurer in approving the CEO pay increase and that there are governance changes that can be made to help ensure that this does not recur. Upon consideration of the O'Connor Report, Convocation decided to terminate the employment of the CEO. An acting CEO has been appointed and the status of other employees is under review. Mr. Jim Varro former Law Society Secretary has returned temporarily to fulfill that role. Efforts are now underway to implement the recommendations detailed by Mr. O'Connor on pages 28 and 29 of his report which can be reviewed at [The Hon. Dennis O'Connor's report and legal opinion](#).

A further compensation analysis and search process will be undertaken to secure a full time CEO. It is not presently clear what other action may be taken in light of the review of events as recorded in the O'Connor report. However, the good news out of all of this is that the attention of every Benchers is laser focused on doing their job to ensure that the Law Society effectively regulates more than 57,000 lawyers and 10,000 paralegals in the public interest. There is a lot of work to be done.

### **MORE GOOD GOVERNANCE**

Following a 2023 landslide Benchers slate victory, Convocation as a first order of business quickly decided to create a Governance Review Task Force which did not meet its 2024 deadline for a Final Report. The topic was given new impetus by the events described in the March 5<sup>th</sup> O'Connor Report. Subsequently the Treasurer presented a three-stage Action Plan on March 25<sup>th</sup> to consider the implementation of by-law amendments and develop policy responses to the issues identified by Mr. O'Connor. The goal is a response to be available for Convocation by June 2025 and a last report by fall 2025, with implementation following. Convocation approved that, as well as dissolving the Compensation Committee that had been involved in the CEO compensation discussion. To satisfy yourself about the course of conduct see yesterday's Report to Convocation at <https://lso.ca/about-lso/convocation/2025/april-24>

## **GOOD GOVERNANCE OR NOT**

On April 24<sup>th</sup> the Audit and Finance Committee presented the 2024 Audited Financial Statements for Convocation approval. As usual the Auditor reported that the “financial statements present fairly, in all material respects, the financial position of the Society as at December 31, 2024”. It is important to recall that such Financial Statements only address the financial position of the Society. It is not a forensic audit or a blessing of LSO operations or systems. However, there is no reference or cautionary note in respect of the contentious events described in the O'Connor report, which were reviewed by the auditor, relating to the compensation paid to the former CEO after June 2024. Although it appears that Canadian accounting standards do not require any such note a significant number of Benchers concluded that the Statements mislead readers by omission. The Statements were approved by a vote of 37 to 11 with 2 absentions.

## **LAW SOCIETY AWARDS OF EXCELLENCE – May 8, 2025**

There will be an in-person celebration also available by webcast link available that day at [Lso.on.ca](http://Lso.on.ca). This year's distinguished recipients are:

### **William J. Simpson Distinguished Paralegal Award**

Michelle Zare

### **Lincoln Alexander Award**

Antoine L. Collins

### **Laura Legge Award**

Yola Ventresca

### **J. Shirley Denison Award**

Professor Sharryn J. Aiken

### **Law Society Medal**

Barry Corbin

Norman Farrell

Monique Jilesen

Melissa Kluger

Professor Jim Phillips

Janice Rubin

Dr. Christopher Waters

### **Human Rights Award**

Ritu Gambhir

Jimmy Lai

## **LAW SOCIETY CONNECTS**

The introductory time has passed, and we all must be tethered to the LSO through its new link. (The former LSO portal is gone). Like any new technological change there have been implementation problems. The **webpage** offers tips and FAQs. However for one-on-one support reach out

- **By Email:** [LicenceSupport@lso.ca](mailto:LicenceSupport@lso.ca)
- **Online scheduling tool:** [Connects Help - TimeTap](#) – to select a time to

receive assistance from the LSO support team

- **By Phone:** [416-947-3315](tel:416-947-3315) (to be directed to a hotline focused on LSO Connects)

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