



2016 EXECUTIVE

Eldon Horner, Chair

Jaye Hooper, 1<sup>st</sup> Vice Chair

Mike Winward, 2<sup>nd</sup> Vice  
Chair, Treasurer

Cheryl Siran, Past Chair

Nathan Baker, Central East  
Region

Christopher J. Edwards,  
East Region

Sonya Jain, Family Law  
Chair

John Krawchenko, Central  
South Region

Rene Larson, Northwest  
Region

Merredith MacLennan,  
Real Estate Chair

Jane Robertson, Central  
West Region

Alfred Schorr, Paralegal  
Committee Chair

Christopher Wayland,  
Toronto

Brigid Wilkinson, Northeast  
Region

William Woodward,  
Southwest Region

Michael Ras, Executive  
Director

Kelly Lovell, Executive  
Assistant

# Report of the November 2016 FOLA Plenary

## Links in this Document

Most of the Plenary was video-taped and recorded and those recordings are provided by clicking on the links that are **embedded in the title/heading** of each section for which we have video.

For speakers who used power-point, their presentations are embedded in the video in a convenient format to help you follow their presentations.

Some speakers did not provide permission to broadcast their remarks and the video of their sessions are omitted, but the content is reported in this report. If you have trouble with any of the links, please contact [mike.ras@fola.ca](mailto:mike.ras@fola.ca)

## *Report from the Chair*

[\(Adapted from the Chairs Report delivered at the Plenary\)](#)

The executive of the Federation of Ontario Law Associations (FOLA) has had a very busy six months since the May Plenary. We are very pleased to be hosting the



*Eldon Horner, Chair*

November 2016 Plenary in [Peel](#). This marks the first time in the history of our organization that the Plenary has been held in the GTA, rather than downtown Toronto. We felt it appropriate and important to recognize all the members of our county associations who make the justice system work in and around the GTA, and in particular the fast-growing associations like Peel.

In May I made the remark that it seemed that the threats and challenges to the practicing bar were growing daily. That situation has certainly continued in 2016 but I'm quite confident that FOLA is making progress in ensuring that the voice of the practicing bar is being heard by decision makers at all levels. This Plenary will combine discussion on several topics relating to the profession and provide some information to our associations regarding the changing environment in which we practice.

As you will see in this report, FOLA has been extremely busy responding to requests for input in relation to a number of subjects. We continue to believe that if we are to be heard we have to work collectively with other legal organizations and I'm pleased that we continue to coordinate efforts where we can with the OBA and others. Once again, we will have several attendees from a variety of organizations at our Plenary. We are also very pleased that our newly appointed Attorney General has accepted our request to attend and speak directly to the Presidents about the ongoing and future projects in the Ministry. Minister Naqvi recently extended an invitation to meet with myself, Jaye Hooper and Mike Ras in Ottawa and it was a very congenial, open and positive meeting where we covered a wide range of topics.

At our last Plenary we thanked former Treasurer Janet Minor for her work and in June of 2016 we welcomed our newly elected Treasurer, Paul Schabas. Treasurer Schabas has already demonstrated a willingness to engage in candid discussions with the bar on many topics and seems to be dedicated to "getting things done". To get a better sense of his "agenda" we urge you to take a look at the letters he has written to each Committee Chair setting out what he wants to see done in the coming term. Commendably, he has published these letters on the Law Society web-site. <https://www.lsuc.on.ca/Committees/> We are looking forward to working with Treasurer Schabas and Convocation during his term.

With respect to specific subjects I wish to provide a brief update on topics which will be front and center at this Plenary:

### **The Future of LibraryCo**

LibraryCo is an independent corporation owned by FOLA, the Law Society and the TLA. The LibraryCo Board, of which 3 of 8 directors are appointed by FOLA, has been working for some time to examine the current system of Practice Resource Centres (libraries) with a view to modernizing and improving the efficiency of the system.

I reported in May that the shareholders of LibraryCo met in February of 2016 and agreed that there would be no immediate changes to the existing governance structure of LibraryCo. At that point in time the LibraryCo Board was awaiting the completion of the Phase 5 consultant's surveys and report. This information was received by the Board in the last few weeks and we are hoping to have a more detailed update for Plenary. Thank you to all of you who completed the Phase 5 survey in late August. We are optimistic that this information will assist the Board in moving forward.

We recently received confirmation from our new Treasurer of the Law Society that a recommendation is going from the Treasurer and the Audit & Finance Committee to Convocation in November for a 2% increase in the funding for LibraryCo for 2017. Notwithstanding some positive news, this is a topic

which has generated significant discussion in recent weeks and we are working daily to ensure that all of our Benchers understand the importance of our Practice Resource Centers to the practising bar. These PRC's are the foundation of our associations and deliver excellent and necessary service to lawyers working in the Counties and we will continue our efforts to see them adequately funded and efficiently managed.

### **Family Law Reforms**

In February, the Attorney General announced the appointment of Justice Annemarie Bonkalo to head up a task-force to examine how an expanded scope of practice for paralegals, law clerks and law students might help address the problem of self-represented litigants in the family court. We made lengthy submissions to Justice Bonkalo and were pleased to have a chance to meet with her in person on May 31, 2016. Justice Bonkalo has recently requested and received an extension of time to submit her report to the Attorney General. We should know the results of this study early in 2017.

While we await the report our Family Law Chair, Sonya Jain together with family law lawyers from across the province and aided by Mike Ras and Alfred Schorr, our Paralegal Issues Chair are continuing to challenge the assumptions that underpin the move to expand scope of practice for paralegals, specifically that paralegals are inevitably "cheaper".

We have most recently been working on submissions to Justice Benotto, Chair of the Family Rules Committee, on the subject of a cost-grid or tariff in family law. In our submission, we attempted to challenge some of the underlying assumptions that are defining the problem and driving the development of a policy that seems to inevitably conclude that imposing a costs grid or tariff will be the answer to the "complexity and confusion" in costs decisions. We also make the case that the civil scales of partial, substantial and full indemnity should be adopted by the Family Law Rules and that the ranges should be more defined and narrowed and that this will assist in making the family law system more affordable and effective for the public we all serve. A link to our submission can be found [here](#).

### **Advertising and Fee Arrangement**

A detailed [report](#) was submitted by FOLA to the Advertising and Fees Issues Working Group in September calling on the LSUC to impose and enforce a standard of "professionalism" in regulating advertising by licensees. Such a standard would intentionally create a high standard for lawyers and paralegals, one which would require diligent enforcement by the Law Society. The Committee drafting the FOLA submissions headed by Mike Winward and Merredith MacLennan also proposed a limitation on referral fees such that fees should only be paid to other lawyers who were not able to complete carriage of the file and directed the client to capable counsel.

On the real estate front the submissions proposed an end to "all in" fees as they can lead to a conflict of interest between the lawyer and the client. We further proposed a detailed definition be put in place as to what fees and charges are "disbursements".

The submissions also proposed a restriction on the advertising of awards and the use of the Law Society of Upper Canada name in advertising.

The executive recognized that there was not unanimous consent on all of the issues being considered among the lawyers across the province but a significant majority appeared to support the final submissions.

### **Law Practice Program**

The PD&C Committee at the Law Society has recently circulated its Report on the future of the Law Practice Program. This Report addresses the evaluation of the Pathways Pilot Project (consisting of the Law Practice Program and the enhanced Articling Program) and the recommended enhancements to the lawyer licensing process. The [Report](#) consisted of more than 200 pages of detailed analysis of a very complex subject. Submissions to the Committee were due by October 19, 2016 which was a very short timeline. It appeared to us unlikely that the bar would have any consensus on the many issues being considered by the Committee however Chris Edwards took on the responsibility of preparing a [response](#) by FOLA and we had a more detailed discussion of this issue at Plenary, with

Benchers in attendance so they could hear our views directly before they deliberated themselves at Convocation on November 9<sup>th</sup>. In the end, the Benchers [decided](#) to extend the LPP for another two years and continue to study ways to improve legal education and licensing.

### **Member Benefits**

While not a primary focus for FOLA, Executive Director Mike Ras continues to explore ways in which FOLA might provide benefits to the lawyers who belong to their local associations. Following on the tremendous success of our China trips there are two opportunities available in 2017 for travel to Egypt and Italy which we hope will be of interest to many. Details have been circulated and are available at [www.fola.ca](http://www.fola.ca).

### **Conclusion**

The current executive is working very hard and committing a tremendous amount of time on behalf of the Bar to ensure that any changes considered by the Law Society, the Attorney General and others duly consider the concerns of the Bar. We can only be successful with your continued support and I encourage all of our Presidents to ensure that they stay in close contact with their regional reps to flow information to the Executive and to ensure that their members are kept informed on the issues which affect them daily.



## Opening Keynote: The Honourable Yasir Naqvi – Attorney General of Ontario

We were honoured to have the Honourable Yasir Naqvi address Plenary with a keynote address to start us off. His presentation (viewed below) was a highlight of the Fall 2016 Plenary and we look forward to having Minister Naqvi join us again at future meetings.



## Treasurer's Dinner Speaker: Paul Schabas, Treasurer of the Law Society of Upper Canada



## Executive Director's Report



Executive Director,  
Michael Ras

Once again, I was pleased to report on the progress made against the three main aspects of the mandate of the Executive Director. Those being:

1. To represent FOLA to government, the Law Society and other stakeholders and advise the Federation Executive on ways to improve relations and maximize influence with key partners;
2. To build the capacity of FOLA by:
  - a. Improving financial resources
  - b. Improving communication and demonstrating value to members
  - c. Improving efficiency of operations
  - d. Increasing capacity and ability to take on more issues
  - e. Building partnerships;
3. To support the work of local associations.

### Representing FOLA and Extending Influence

I reported on our regular interaction with the Law Society, Attorney General and with stakeholders such as the legal media in Ontario. I specifically noted that just a few of the “issues” and initiatives we have dealt with in the past number of months include:

- Family law/paralegal scope of practice
- Rainy River Crown issue
- Milton courthouse
- LibraryCo (the ongoing saga ...)
- Pathways/LPP response
- Family law cost grid consultation response
- Advertising & Referral Fees consultation
- Real estate committee(s) (more on this later in the report)
- Consultation on civil law e-filing pilot project
- Alliance for Sustainable Legal Aid
- TAG – The Action Group on Access to Justice
- Attendance at National Council of Bar Presidents and National Association of Bar Executives
- ... and much more ...

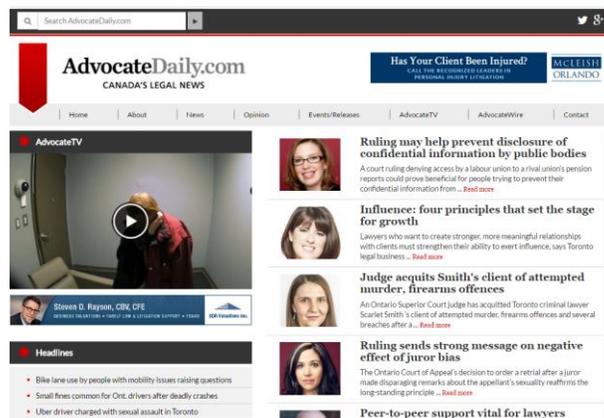
### Building Capacity

On the subject of “building capacity”, good progress has been made in the prior six months with plans in the coming months to:

- Develop a series of “op-eds” that can be used by local associations for community newspapers and to develop a “media kit” for FOLA and local associations.
- To extend our social media reach by building a LinkedIN community for FOLA in the coming months. Within the LinkedIN community, I am hoping that more interaction between members can result in business referrals, job postings, etc.
- Leveraging our new partnership with Advocate Daily.

### Advocate Daily

[Advocate Daily](#) is a new partnership for FOLA. It is a wire service and professional writing service focused on lawyers and the legal community. So far, their site receives approximately 600,000 pages views/year focused on our core audience of legal decision makers. This partnership gives us access to content for our own site, and a venue to distribute content and information about FOLA activities and the activities of our individual members.



From this partnership we receive:

- “Up to two strategically-developed stories per month written by Advocate Daily’s team of full-time and freelance journalists, featuring FOLA as the source in each post, publication on [AdvocateDaily.com](#) and promotion on social media (Twitter, LinkedIn and targeted LinkedIn discussion groups)”

- “One association-wide AdvocateWire membership providing unlimited posting of all FOLA news & events that we generate. Posts to AdvocateWire may feature any topic or individual we choose to highlight regardless of membership status with [AdvocateDaily.com](http://AdvocateDaily.com).”

What does this mean to you and your association? **Let me know about your events and initiatives and I will use our account to promote them.** Let me know about issues in your area and we can do stories about them. I’m excited by this partnership and look forward to doing much more with this in 2017.

### Focusing on Advocacy & Government Relations

The provincial election is June 7, 2018 and this date dictates, to some degree, the issues and initiatives that will be the focus of the Provincial government. The next 12 months constitute the last realistic opportunity for government to get controversial or substantive legislative items done because the Fall 2017 and Spring 2018 legislative sessions before the election will be focused on partisan positioning and preparing for the election. The other milestone to note is that the government has promised (and seems to be on-track) for a balanced budget by 2017 – 18. This means the “spending taps” should be a little more open for some initiatives, especially capital/infrastructure investments. Now is the time to make the case for larger-ticket items such as new courthouses and expanding the judicial complement. It is our intent to do exactly that in the coming months through pre-budget submissions and lobbying efforts. If your local association has an initiative that it feels deserves Ontario government investment, let us know so that we can promote it as well.

The other focus is on growing the representation of lawyers in the Ontario Legislature. Presently, there are only a handful of lawyers in the Ontario legislature and this is reflected in the poor level of understanding of legal issues that is often seen in Legislative debates.

For too many years now, not enough lawyers have been seeking elected office and many of those that have sought office were defeated. Right now, it’s nomination season. Candidates for all parties are seeking nomination in hotly contested, but relatively small and narrow-cast elections where only party members can vote. All candidates seek to win these

nominations by selling memberships and turning those new members out to vote.

We would encourage leaders of local law associations to get involved in these nomination races and support local lawyers who are running, but not necessarily by taking a partisan position. Instead, we are suggesting that local law associations can engage in activities that will educate and encourage both lawyers and non-lawyers seeking office to better understand the perspective of the local bar. Activities could include:

- Hosting a “meet the candidate” event allowing the candidate the opportunity to meet your membership, hear their concerns and sell memberships.
- Host a small fundraising “coffee party” that can help defray the costs of nomination campaigns.
- Host a courthouse tour and local legal issues briefing for candidates

Right now, across Ontario, some prominent lawyers and FOLA members are seeking nomination or have recently been involved. For example:

- Doug Downey in Simcoe North seeking the PC Nomination. Doug is active in the Simcoe Law Association and was the OBA representative on the Legal Information & Support Services Working Group looking at the future of law libraries.
- Vicky Ringuette, was the Liberal candidate in Niagara West-Glanbrook by-election that just concluded. She is an active member of the Hamilton Law Association family law committee and an advocate for legal reforms. Despite her loss in the by-election, I expect Ms. Ringuette will remain a prominent voice in the Liberal Party advocating for family law legal reforms.
- In the recently concluded by-election in Ottawa-Orleans, two lawyers were the leading contenders. Andre Marin (PC) and Nathalie Des Rosiers (Liberal) sought this seat won by Ms. Des Rosiers. She is a former Dean of the Civil Law Section at University of Ottawa and a General Counsel for the Canadian Civil Liberties Association. Having her voice in the Ontario legislature speaking about legal issues is welcomed.

These are just some examples of excellent lawyers and allies of the practicing bar who are seeking office or have recently been elected. We need more of them in the Ontario legislature! And regardless of whether the local candidates are lawyers, we believe our local associations across Ontario should offer opportunities for candidates to meet and speak with your members. This outreach will help all MPPs, no matter who forms the next government, be better informed on legal issues and the perspectives of the practicing bar.

### 2019 Bencher Election

2019 seems far away, but it's just around the corner! In the last Bencher election, though 20 new Benchers were elected, the results also showed that incumbency and high name recognition were critical factors in getting elected to Convocation. Cultivating allies and engaging in regular discussion with Benchers is a long-term, important strategy for FOLA. Simply put, it helps us if we have Benchers who understand what it takes to practice law in the counties and districts across Ontario.

In preparation for the 2019 Bencher election, we would encourage local associations to:

- Identify members of your local bar who have an interest in running
- Help them get out and network to raise their profile now (get them involved in local committees and initiatives, etc.)
- Prepare lists. Make sure you have current contact information for all your members and non-members (as much as possible) and identify these lawyers by their practice areas. These lists will become invaluable to our efforts in 2019 to turn out the vote.

### Raising Funds and Supporting the work of FOLA

I would also remind members of the various partnerships that will help FOLA and local associations meet its goals. At this Plenary, we announced on-going partnerships with [CPDOnline](#) and [Thomson Reuters](#) and a new partnership with the [Canadian Bar Insurance Association](#). We also welcomed new sponsorships from [FutureVault](#) and [Structured Settlements](#) and, of course, acknowledge the ongoing and generous sponsorship of our premier sponsor, [LAWPRO](#).

We are always looking for new and exciting marketing partnerships that can help enhance the value of being

a member of a local law association and help those members with discounts and excellent experiences. Later in this report, we provide more details on some of these partnerships and what they could mean to your association and your members.



## Treasurer's Report

Our Treasurer, **Mike Winward**, reported once again that financially FOLA is "in very good shape". Financial statements up to month-end of October 2016 were provided.

So far in 2016, our strong financial performance is continuing with a balanced budget projected for the year, though the possibility exists for a small deficit resulting from higher than anticipated costs at the November Plenary. Overall operating costs are continuing to decline as savings in operations are identified and as revenue from membership holds steady.



*Mike Winward, 2nd Vice Chair and Treasurer*

Mike noted that in 2016 FOLA has continued to make investments in our advocacy efforts with significant outlay of funds for initiatives such as the commissioned research we undertook as part of our Family Law/Bonkalo response and our investment in Advocate Daily. Even with these investments, our costs remain steady and savings continue to be identified.

Mike wrapped up his remarks with a reminder to all delegates to submit their expense claims resulting from the Plenary meeting as quickly as possible. In fact, a new policy was announced which notes that expenses must be submitted within 45 days of Plenary. Anything submitted after that date will only be approved by the Treasurer in special circumstances.

## Report from Robert Lapper, CEO of the Law Society of Upper Canada

Robert Lapper, CEO of the Law Society, gave his customary address covering the waterfront of issues and initiatives that are currently occupying the time and interest of the Law Society. His address is always welcomed by our members as an excellent summary that sets up the discussion in the following sessions.



Robert Lapper,  
CEO of the Law  
Society of Upper  
Canada

### *Strategic Initiatives of the Law Society*

Mr. Lapper reminded Plenary of the five key strategic initiatives of the Law Society:

- Life-long competence
- Stakeholder engagement
- Access to justice
- Organizational effectiveness
- Leadership as a professional regulator

### *Life-long Competence*

With respect to decisions of the Law Society around competence, Mr. Lapper briefed Plenary on the decision of the Professional Regulation Committee to extend the Law Practice Program for an additional two years and to continue the review of the licensing process. No doubt that FOLA will continue to engage in this discussion and be active in the debate. More on this topic will follow later in this report.

Mr. Lapper also announced the launch of “CAN – the Coach and Advisor Network” which officially kicked off November 24. CAN provides lawyers and paralegals with access to shorter-term, outcome-oriented relationships with Coaches and Advisors drawn from the professions. Coaches support the implementation of best practices and Advisors assist with substantive and procedural law inquiries on client files.



CAN recognizes that lawyers and paralegals need different types of support at different times and CAN will serve as a complement to existing mentorship programs in Ontario.

To sign up as either a coach or an advisor, or to seek advice, check out the Law Society web-site at: <https://www.lsuc.on.ca/coachandadvisor/>

### *Access to Justice*

In the area of access to justice, Mr. Lapper briefed plenary on the work of [TAG – the Action Group on Access to Justice](#). He highlighted the leadership of the Law Society on pushing along the joint initiative of the Federal and provincial government to support a [unified family court](#). It is encouraging that the development of a unified family court across Ontario is part of the mandate letters of both the Federal Minister of Justice and the Ontario Attorney General.

Mr. Lapper also noted that Treasurer Schabas has formed a Working Group at the Law Society mandated to look at Legal Aid in Ontario. This working group is chaired by Bencher John Callaghan and has the mandate to:

- inform and educate itself on the legislative framework for Ontario’s current legal aid model, how Legal Aid Ontario (“LAO”) currently administers Ontario’s legal aid program, and on recent developments in Ontario regarding the delivery of legal aid, utilizing a variety of resources;
- consider these developments in light of LAO’s requirement to promote access to justice throughout Ontario for low-income individuals, including in accordance with its objects prescribed by the Legal Aid Services Act ...;
- identify opportunities for engagement and enhancing the Law Society’s relationship with LAO, ASLA, government and other justice system and community services partners in accordance with and further to the Law Society’s functions and duties respecting competence, access to justice, the rule of law and the public interest, as prescribed in the Law Society Act ...;
- explore opportunities for robust and sustainable legal aid services for Ontarians; and

- (v) create a Work Plan for the Working Group that will include:
  - a. a project plan outlining key steps, timing and necessary operational resources;
  - b. budget as required; and
  - c. the provision of reports to Convocation as appropriate beginning in 2017.

*Note: This committee is committed to working closely with the Alliance for Sustainable Legal Aid (ASLA), of which FOLA is a member, and we have encouraged the working group to be an active voice on behalf of the practising bar on legal aid issues.*

### *Leading as a regulator*

Under the heading of leading as a regulator, Mr. Lapper addressed the following topics:

- Challenges Faced by Racialized Licensees
- The Advertising and Referral Fees
- LibraryCo
- Real estate
- Governance task force
- Appointment process
- Mental health strategy

The racialized licensee, advertising and referral fees, LibraryCo and Real Estate topics are referenced in other parts of this report.

On governance, a task force has been appointed by Treasurer Schabas, chaired by Bencher Janet Leiper, looking at the overall governance structure of the Law Society with a view to making it more effective. The committee is operating with a broad mandate, including looking at the composition and size of convocation. We are watching this task force closely and if there is an opportunity for stakeholder comment, we are eager to participate.

On the LSUC Appointments Process, Treasurer Schabas also initiated a review of the process used by the Law Society to make external appointments. The Law Society makes or recommends a number of appointments to boards, councils and committees of outside bodies. Often, the Law Society is called upon to provide a list of candidates for appointments made by the Attorney General or Lieutenant Governor in

Council. Over the years a sense has developed that the process used by the Law Society was not as open, transparent and consistent as it could be. There was also a sense that these appointments could be better used to advance the principles of equality, diversity and inclusion that are engrained in the Law Society.

Since Mr. Lapper’s presentation, Convocation has met on this issue and has adopted this Policy Statement:

*This policy affirms the Law Society’s commitment to promoting and respecting principles of equality, diversity and inclusion in the external appointments process at all stages.*

*As part of The Law Society of Upper Canada’s mandate to ensure access to justice, the Law Society integrates equality, diversity and inclusion values and principles into its policies, programs and procedures.*

*The Law Society recognizes the diversity of the legal profession and the public it serves. In fulfilling the specific criteria established by a board, council or committee to which an appointment is being made, when identifying candidates to appoint or recommend for external appointments, Convocation or the Treasurer will take into account the following:*

- *Membership in equality-seeking communities, including those based on race, ancestry, ethnic origin, place of origin, citizenship, language, disability, age, creed, sex, gender identity, gender expression and sexual orientation; and*
- *Knowledge of equality, diversity and inclusion issues.*

At a practical level, the Working Group proposed the that primary methods of recruitment for potential candidates be:

- A communications initiative that includes notices of vacancies as they occur in the Ontario Reports, on the Law Society’s website and other media. This is reasonably effective at reaching interested lawyers and paralegals;

- More particularly, for the Law Society’s website, vacancies on an ongoing basis should be easily accessed on a dedicated page, for which a link can be provided in the notices described above;
- Re-tooling the Law Society’s online resume bank, which can be accessed for review when vacancies arise
- Regular stakeholder contact through which requests for expressions of interest in appointments as vacancies arise can be made.

A listing of the external appointments made by the Law Society on a regular basis is provided here:

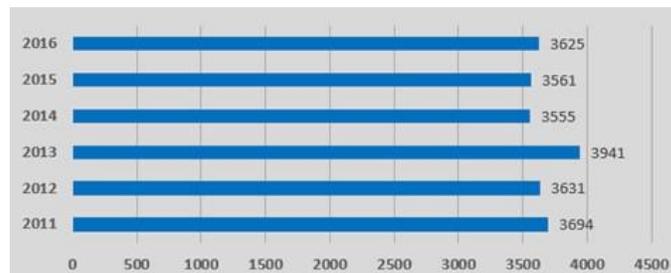
**LAW SOCIETY OF UPPER CANADA EXTERNAL APPOINTMENTS**

ORGANIZATION	ELIGIBLE APPOINTEES	APPOINTED BY	LENGTH OF TERM
Civil Rules Committee	Lawyers (4)	Law Society	3 years
Family Rules Committee	Lawyers (4)	Law Society	3 years
Federal Judicial Advisory Committee	Representatives (3)	Justice Minister selects from a list of 3 names provided by the Law Society	2 years
Judicial Appointments Advisory Committee	Lawyer	Law Society	3 years
Justices of the Peace Appointments Advisory Committee	Lawyer (one for each region)	Attorney General selects from a list of 3 names provided by the Law Society	3 years
Justices of the Peace Review Council	Lawyer	Attorney General selects from a list of 3 names provided by the Law Society	4 years
Legal Aid Ontario Board of Directors	Representatives (5)	Attorney General selects from a list of 3 names provided by the Law Society	2 or 3 years, to be determined by Attorney General
Ontario Judicial Council	Treasurer or other benchner (lawyer)	Treasurer	Not specified
	Lawyer who is not a benchner	Law Society	4 years

*Dealing with Complaints*

Mr. Lapper spent considerable time briefing plenary on the complaints process and the volume of complaints that they receive about lawyers and paralegals in Ontario.

As these charts show, the volume of complaints is very high averaging approximately 300/month and holding relatively steady over the last number of years.



He also highlighted that the majority of these complaints were dealt with long before reaching a hearing.

Matters Disposed of by the Hearing Division	Lawyers			Paralegals		
	2014	2015	2016*	2014	2015	2016*
Conduct	99	77	77	24	21	12
Total	15	16	16	2	0	2
Reprimand	50	30	31	14	16	8
Suspension	7	8	7	3	1	0
Permission to surrender	18	14	9	2	2	2
Revocation	0	0	0	1	0	0
Fine	1	0	0	0	0	0
No penalty imposed	4	4	3	0	2	0
Dismissed / stayed	4	5	11	2	0	0
Withdrawn /abandoned	12	7	15	2	3	2
Interlocutory suspension / restriction	3	5	1	0	0	0
Capacity	1**	1	0	0	0	0
Non-compliance	4	2	2	4	7	1
Reinstatement/Terms Dispute	2	4	2	4	7	1
Licensing (including readmission)						
<b>TOTALS</b>	<b>121</b>	<b>96</b>	<b>97</b>	<b>30</b>	<b>32</b>	<b>15</b>
2014				151		
2015				128		
2016*				112		

On the subject of mortgage fraud – a topic that is raised at every Plenary – Mr. Lapper reported that the number of new investigations for mortgage fraud remains steady. As of September 30<sup>th</sup>, there were 38 new investigations opened, compared to 34 in all of 2015 and 54 in 2014.

Overall, Mr. Lapper reported that the Law Society was closing 72% of complaints within 12 months (compared to a “National Discipline Standard” of 80% within 12 months) and 82% of complaints were closed or referred within 18 months.

*LSUC Budget*

Mr. Lapper reported that the Law Society had approved a modest increase to the Lawyer and paralegal fee for 2017.



## BUDGET 2017

	2017	2016	2015	2014
General Fee Lawyers	\$1334	\$1371	\$1370	\$1376
Compensation Fund	287	254	225	238
LibraryCo	191	194	202	202
Capital	104	47	69	20
<b>TOTAL</b>	<b>\$1,916</b>	<b>\$1866</b>	<b>\$1866</b>	<b>\$1866</b>

	2017	2016	2015	2014
General Fee Paralegals	\$789	\$810	\$804	\$796
Compensation Fund	153	139	123	150
LibraryCo		0	0	0
Capital		47	69	50
<b>TOTAL</b>	<b>\$1,046</b>	<b>\$996</b>	<b>\$996</b>	<b>\$996</b>

Note: The "LibraryCo levy" is no longer separately reported in the lawyer invoice, but is separately identified in the LSUC's budget documents. See the section on page 17 for a discussion on this topic.

### LSUC Awards

Mr. Lapper finished his presentation by making a plea to Plenary delegates to, once again, promote the Law Society Awards and to nominate worthy lawyers in your community who should be recognized for their outstanding service to the practice.

The deadline for nominations is January 27, 2017 and details can be found at this link:

<https://www.lsuc.on.ca/awards-nominations/>

## Reports on Major Issues & Initiatives

### Addressing Challenges Faced by Racialized Licensees

Grant Wedge, Executive Director of Policy, Equity & Public Affairs, gave an excellent [briefing](#) on the work of the [Equity & Aboriginal Issues Committee](#) of the Law Society examining the challenges faced by racialized licensees.

The full report to Convocation was tabled in September and can be accessed at this [link](#).

*This Report represents the final stage of a lengthy consultative and study exercise which has led to the*

*conclusion that racialized licensees face widespread barriers within the professions at all stages of their careers. As the title "Working Together for Change" bears out, the Challenges Faced by Racialized Licensees Working Group is confident that there is a unique opportunity for change, based on collaborative, concrete steps to implement solutions. That said, the challenges faced by racialized licensees are both longstanding and significant. In our view, the Law Society must take a leadership role in giving legal workplaces reasonable deadlines to implement steps that are important to bringing about lasting culture change. The Working Group has concluded that prescribing minimum standards of equality, diversity and inclusion are consistent with the human rights responsibilities of the profession — obligations already required by the Rules of Professional Conduct, the Paralegal Rules of Conduct and, more generally, the Human Rights Code.*

*Reform in addressing barriers faced by racialized licensees is an essential component of ensuring a healthy and successful legal profession, and to advancement of the public interest — goals that we all share and must achieve.*

As a result of the lengthy and comprehensive consultation process, the committee made 13 recommendations, summarized here:

#### Recommendation 1 – Reinforcing Professional Obligations

The Law Society will review and amend, where appropriate, the Rules of Professional Conduct, the Paralegal Rules of Conduct, and Commentaries to reinforce the professional obligations of all licensees to recognize, acknowledge and promote principles of equality, diversity and inclusion consistent with the requirements under human rights legislation and the special responsibilities of licensees in the legal and paralegal professions.

#### Recommendation 2 – Diversity and Inclusion Project

The Law Society will work with stakeholders, such as interested legal workplaces, legal associations, law schools and paralegal colleges to develop model policies and resources to address the challenges faced by racialized licensees.

### Recommendation 3 – The Adoption of Equality, Diversity and Inclusion Principles and Practices

The Law Society will:

- 1) require every licensee to adopt and to abide by a statement of principles acknowledging their obligation to promote equality, diversity and inclusion generally, and in their behaviour towards colleagues, employees, clients and the public;
- 2) require a representative of each legal workplace of at least 10 licensees in Ontario to develop, implement and maintain a human rights/diversity policy for their legal workplace addressing at the very least fair recruitment, retention and advancement;
- 3) require a representative of each legal workplace of at least 10 licensees in Ontario to complete, every two years, an equality, diversity and inclusion self-assessment for their legal workplace, to be provided to the Law Society; and
- 4) encourage legal workplaces to conduct inclusion surveys by providing them with sample templates.

### Recommendation 4 – Measuring Progress through Quantitative Analysis

Each year, the Law Society will measure progress quantitatively by providing legal workplaces of at least 25 licensees in Ontario with the quantitative self-identification data of their licensees compiled from the Lawyers Annual Report and the Paralegal Annual Report so they can compare their data with the aggregate demographic data gathered from the profession as a whole through the annual reports.

### Recommendation 5 – Measuring Progress through Qualitative Analysis

The Law Society will measure progress by:

- 1) asking licensees to answer inclusion questions, provided by the Law Society, about their legal workplace, every four years; and
- 2) compiling the results of the inclusion questions for each legal workplace of at least 25 licensees in Ontario and providing the legal workplace with a summary of the information gathered

### Recommendation 6 – Inclusion Index

Every four years, the Law Society will develop and publish an inclusion index that reflects the following information, including, for each legal workplace of at least 25 licensees: the legal workplace's self-assessment information (Recommendation 3(3)),

demographic data obtained from the Lawyer Annual Report and Paralegal Annual Report (Recommendation 4) and information gathered from the inclusion questions provided by the Law Society (Recommendation 5).

### Recommendation 7 – Repeat Challenges Faced by Racialized Licensees Project Inclusion Survey

The Law Society will conduct inclusion surveys with questions similar to those asked in Appendix F of the Stratcom Challenges Faced by Racialized Licensees Final Report (March 11, 2014) (available online at [http://www.stratcom.ca/wp-content/uploads/manual/RacializedLicensees\\_Full-Report.pdf](http://www.stratcom.ca/wp-content/uploads/manual/RacializedLicensees_Full-Report.pdf)). The first inclusion survey will be conducted within one year of the adoption of these recommendations, and thereafter every four years, subject to any recommendation by the Equity and Aboriginal Issues Committee to Convocation.

### Recommendation 8 – Progressive Compliance Measures

The Law Society will consider developing and implementing progressive compliance measures for legal workplaces that do not comply with the requirements proposed in Recommendation 3 and/or legal workplaces that are identified as having systemic barriers to diversity and inclusion.

### Recommendation 9 – Continuing Professional Development (CPD) Programs on Topics of Equality and Inclusion in the Professions

The Law Society will:

- 1) launch a three hour accredited program focused on advancing equality and inclusion in the professions;
- 2) develop resources to assist legal workplaces in designing and delivering their own three hour program focused on advancing equality and inclusion in the professions, to be accredited by the Law Society;
- 3) require each licensee to complete, once every three years, three hours of an accredited program focused on equality and inclusion, which will count as the licensee's professionalism hours for that year;

### Recommendation 10 – The Licensing Process

The Law Society will include the topics of cultural competency, equality and inclusion in the professions

as competencies to be acquired in the Licensing Process.

#### Recommendation 11 – Building Communities of Support

The Law Society, in collaboration with legal associations where appropriate, will provide support to racialized licensees in need of direction and assistance through mentoring and networking initiatives.

#### Recommendation 12 – Addressing Complaints of Systemic Discrimination

The Law Society, in light of the findings of this project and emerging issues in the professions, will:

- 1) review the function, processes and structure of the Discrimination and Harassment Counsel Program (DHC), including considering effective ways for the DHC to address complaints of systemic discrimination;
- 2) revise the Rules of Professional Conduct and the Paralegal Rules of Conduct, where appropriate, so that systemic discrimination and reprisal for complaints of discrimination and harassment are clearly identified as breaches of professional conduct requirements;
- 3) create effective ways for the Professional Regulation Division to address complaints of systemic discrimination; and
- 4) create a specialized and trained team to address complaints of discrimination.

#### Recommendation 13 – Leading by Example

- 1) The Law Society will continue to monitor and assess internal policies, practices and programs, to promote diversity, inclusion and equality within the workplace and in the provision of services by:
  - a) as required, adopting, implementing and maintaining a human rights/diversity policy addressing at the very least fair recruitment, retention and advancement;
  - b) measuring quantitative progress through a census of the workforce or other method;
  - c) measuring qualitative progress by conducting inclusion surveys;
  - d) conducting regular equality, diversity and inclusion self-assessments; and
  - e) based on the results from b), c) and d), identifying gaps and barriers and adopting measures to address the gaps and barriers;

- f) publishing relevant findings from b), c), d) and e); and
- g) providing equality and inclusion education programs for staff at the Law Society on a regular basis.

2) The Law Society will:

- a) conduct an internal diversity assessment of the bench composition and publicize the results;
- b) provide equality and inclusion education programs for Convocation on a regular basis.

FOLA generally supports and endorses this report and applauds the committee for the hard work put into addressing this challenge. FOLA's formal response to this report can be found at this [link](#).

### Review of Pathways Pilot Project

Bencher Peter Wardle, Chair of the Professional Development & Competence Committee, joined plenary and engaged in a spirited discussion, chaired by East Region representative, Chris Edwards, on the future of the Pathway Pilot Project and Proposed Enhancements to the Licensing Process.

At the time of Plenary, the Committee had released a report and recommendation in [September](#) recommending that the Law Society end the Law Practice Program component of the Pathways Pilot Project at the completion of three years. The Committee had just received 93 submissions from individuals and 32 from organizations, associations, legal clinics, law schools and others, including FOLA's [submission](#).

As a result of these submissions, the Committee [reversed course](#) and dropped its recommendation to end the LPP and voted to continue the program to the end of its scheduled life at the end of the 2019 licensing year to enable the gathering of more data on the LPP and articling and to conduct the larger analysis of licensing.

The debate and discussion at Plenary, which is worth watching in its entirety for the excellent commentary and questions posed by Plenary delegates, focused on ideas to enhance the articling and licensing process and

encouraged the Law Society to do what it can to address the glut of applicants entering the process every year. FOLA has expressed concern that the largest “provider” of law-school graduates seeking license in Ontario is now coming through the foreign-trained stream. While there are doubtless high-quality candidates coming through this training, it is also true that it is increasingly difficult to see how this growth in licenses will have anything but a negative impact on the legal services market and put continued pressure on pricing. FOLA is sympathetic to the fact the Law Society cannot, on its own, stop these applicants from entering the process, we urged the Law Society to work with all stakeholders across Canada, especially the domestic and foreign-based law schools, to better communicate the market reality to candidates seeking to enter the process.

## Practice Resource Centres

This session was done “in camera” to allow for a candid discussion among Plenary delegates about the current state of the ongoing discussions around LibraryCo and to seek the advice of Plenary delegates on strategy going forward. A video of this section is not provided.

The session started with a briefing from ED Mike Ras on the contents of the “Phase 5” Needs Assessment survey which has been provided to the LibraryCo Board and shareholders. A decision on when to release the full report has not yet been made by the LibraryCo, though FOLA is encouraging that it be released as soon as possible. Because the report is the property of LibraryCo, however, we must abide by their decision to not release it just yet.

Nevertheless, Mike briefed Plenary delegates by saying that the report was largely positive for FOLA’s position that the library spaces are critical assets, valued by the practising bar, and that the report affirmed what the LISS report from 2013 and others have said about the system.

In summary, the report has identified eight themes for evolving library roles:

### 1. Re-tasking Physical space

**What:** Libraries are being transformed from repositories of physical space to multifunctional spaces for learning, access to online resources, work-study

spaces, meeting rooms, and makerspaces (a space where people can share skills, ideas and work together on projects).

**Drivers:** Costs of print materials and space, shift among users from print to online resources, shifting work habits among end users.

### 2. Libraries as Education Centres

**What:** Law libraries are offering continuing legal education credits, training on legal research and resources, and technical training to lawyers, law students, and the public.

**Drivers:** Lack of research skills among new graduates, rapidly evolving office and law firm technology, need for CPD / CLE options, increased self-representation.

### 3. Libraries as Service Centres

**What:** Law libraries are offering specialized research services, often on a fee for service basis.

**Drivers:** Lack of research expertise or capacity (especially in smaller firms), cost pressures from clients on legal services.

### 4. Niche Publishing

**What:** Libraries are retaining, publishing, and making available online niche content (e.g. specialized legal topics, non-legal business information, etc.). This also includes digitizing historical content only available in hardcopy format.

**Drivers:** Costs of specialized print materials, difficulty accessing historical materials.

### 5. Curators of Information

**What:** Some libraries are offering “validated” topic guides / source lists, creating infographic summaries of large data sets, and using visualization techniques to showcase selected information relevant to a particular audience.

**Drivers:** Big data, difficulty for end-users to assess quality of information online, new analytic software.

### 6. E-branches / E-delivery

**What:** Law libraries are offering access to their collections through terminals in other locations, kiosks, or over the Internet.

**Drivers:** Ubiquitous Internet access, changing work practices (e.g. more mobile workforces).

## 7. Facilitating Access to Justice

**What:** Some law libraries are offering services and resources for self-represented litigants including legal information, court rules, forms and standard documents, and even self-representation “kits”.

**Drivers:** Costs of legal services, increasing numbers of pro se litigants.

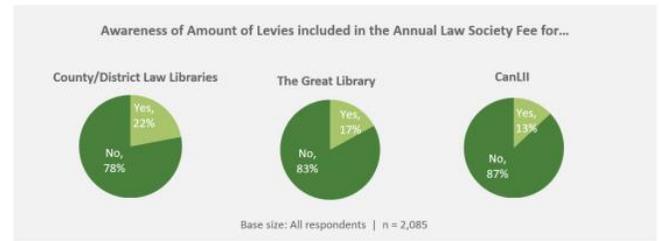
## 8. Leveraging Social Media

**What:** Some libraries are using social media such as Twitter and Facebook, as well as blogs to create awareness of services and events.

**Drivers:** Increasing use of social media among younger audiences.

Mike also highlighted some of the findings from the survey about usage and satisfaction with the library service. He reported that there was a very high satisfaction score (mean score – 4.4 out of 5) for county and district law library services, driven mainly (71%) by an appreciation for the helpful and knowledgeable library staff. The survey also noted, however, that there are many services offered in our practice resource centres that surveyed lawyers don’t know about, and therefore cannot and do not value. For example, only 39% of surveyed lawyers knew about the “Ask a Law Librarian” service; 41% were aware that many libraries offered meeting space; 49% were aware of the CPD programming. This survey shows that most local associations and staff need to do a much better job communicating to their members about the breadth and quality of services offered in their practice resource centres.

Another major take-away from the work of Phase 5 was with respect to the awareness of the amount of levies in the Annual Law Society Fee that is dedicated to county and district law libraries, the Great Library and CanLII. 78% of those surveyed did not know what part of their Law Society dues went to county law libraries and 87% were not aware that part of their dues went to CanLII. (For the record, in 2016, \$340 of your \$1866 Law Society fee, was dedicated to these three services, with \$194 going to the county system.)

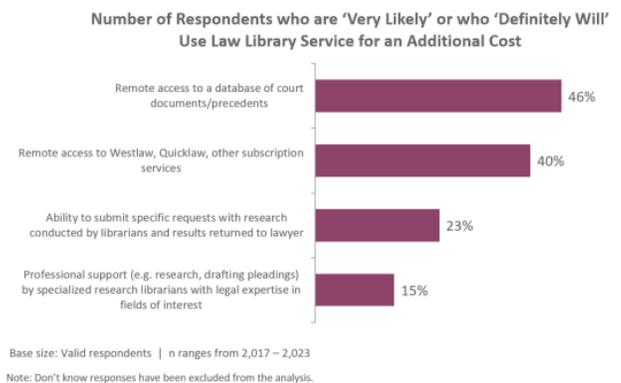


In 2016, the levies included in the annual Law Society fee for legal information and law library services were as follows:

\$194	The county and district law libraries (including the TLA library)
\$111	The Great Library
\$35	CanLII
<b>\$340</b>	<b>Total</b>

The inevitable follow-up question to this one about awareness of the fees is whether lawyers would be willing to pay more if they received more services. On this question, three-quarters of surveyed lawyers indicated that their use of Law Library services would increase if they had access to additional value-added services.

The survey took that one-step further and even floated some ideas as to what those services could be:



Phase 5 concluded by offering some “implications and considerations” for the LibraryCo board to examine. Namely:

- **Are there strategic directions LibraryCo should explore?** Looking at the broader environment, there may be opportunities to consider new fee for service offerings, publishing and information curations, increased e-delivery, and even looking at new user / client groups. Should LibraryCo look at encouraging different use of the physical assets of law libraries?
- **How can law libraries address some of the research pain points lawyers have?** While

some issues such as remote access to resources like Quicklaw / Westlaw would require costly licencing agreements, could libraries do a better job of remote searching, developing federated search services (remote) and increasing the accessibility of specialized resources?

- **Use of free online sources is on the rise - do law libraries need to ensure lawyers make the most of these resources?** Even lawyers with access to specialized subscription services often start their legal research on the “open web”. Most lawyers also use non-legal sources in their research. Should law libraries be addressing these trends through training, guidebooks, curation of “higher quality” free sources, etc.?
- **What usage barriers can law libraries address?** Some lawyers will never be regular users of law library services because they have access to internal resources or have limited need for the services offered. Other barriers such as distance and operating hours could require significant investments to address. However, other barriers such as remote access to online services and materials, awareness of services and resources and librarian skills could be addressed with less investment.
- **What are the implications of different levels of access to in-house resources?** Both the qualitative and quantitative studies showed an imbalance of legal research resources (libraries, subscription services, staff) between larger firms and sole practitioners and small law firms. This imbalance has made small firms and sole practitioners more reliant on law library services.
- **How can law libraries increase awareness of their service offerings?** Ontario lawyers are unaware of many of the services offered by country/district libraries and the Great Library. In some cases, only small minorities are aware of services that might be of use to them. While lawyers say that email is their preferred way to learn about law library services and events, it seems that there is an opportunity to develop a concerted communications initiative to increase awareness.
- **Should law libraries enhance their service offerings?** While some issues such as remote

access to resources like Quicklaw / Westlaw would require costly licencing agreements, could libraries do a better job of remote searching, developing federated search services (remote), and increasing the accessibility of specialized resources?

- **Should law libraries consider value-added services?** Lawyers are interested in new services such as online access to court documents and precedents, online access to new court decisions and annotated resources and practice guides. If these are offered, should they be offered on a fee for service basis?

FOLA’s reaction to the Phase 5 work is summarized as such:

- *This survey confirms many of the things we’ve been saying all along:*
  - *The county law library system is highly valued by those who use it*
  - *Awareness of the services offered can be improved, especially among infrequent users, and increasing awareness will drive higher usage*
  - *The staff and space are both seen as critical assets that need to be preserved and enhanced*
  - *These spaces are critical to promote competence and professionalism*
  - *The asset is especially valued by solo’s and smalls*
  - *There is a need for investment in many critical areas, especially in providing greater on-line access to resources*
  - *Users of the system are willing to make investments to see the improvements*

Next, Past Chair of FOLA and current Board member of LibraryCo, Cheryl Siran, gave an update on the work of the Board of LibraryCo. Cheryl reported on the process that the Board is undertaking to receive and consider the Phase 5 report and noted that a series of meetings are scheduled for December, January, February and March, with more planned if necessary.

She stated that a few items from the survey jumped out at the FOLA and TLA LibraryCo Board members. First, that there were a significant number of lawyers who were still unaware of the services provided in the

library. The survey found that many lawyers “would use certain services if they were available” and actually identified services that were already available. In other words, the surveyed lawyers were calling for services that they were not aware they had access to. This is a failure of communication and marketing that must be addressed by LibraryCo, local associations and FOLA.

The next part of our discussion centered on a [letter](#) that was received from the Treasurer of the Law Society stating his “bottom-line” with respect to how he expected the reforms to LibraryCo to proceed. This letter also affirmed a 2% increase in the operating budget of the corporation for 2017, but stated that future increases like this were not certain unless changes were made. Our response to his letter can be accessed [here](#). In our letter FOLA and the TLA sought to dispel some of the misconceptions Treasurer Schabas’ letter conveyed and reiterated our view that the governance of LibraryCo must, in the future, retain an independent voice for FOLA and the TLA. We also stated our view that the contribution to LibraryCo be reported as a separate line-item on the annual statement to lawyers and pointed out to him that the actual contribution to the system has been declining in an inflation adjusted basis for a decade or more.

Later in our Plenary meeting, our delegates unanimously passed a motion that read as follows:

**RESOLUTION REGARDING PRACTICE RESOURCE CENTRES:**

*WHEREAS the Federation of Ontario Law Associations has long had the view that Practice Resource Centres are essential resources for the practising bar across every community in Ontario as they are the only space within the courthouse that is dedicated to lawyers to allow them to conduct their business;*

*AND WHEREAS the Federation of Ontario Law Associations believes that the physical space and staffing for our Practice Resource Centres should be maintained in order to continue servicing the bar in communities across Ontario;*

*AND WHEREAS the Federation of Ontario Law Associations believes that these practice resource centre spaces and associated staff are ideally situated resources to help facilitate initiatives such as the Law Society’s mental health strategy, mentoring, coaching*

*and generally any initiative that is aimed at improving competence of legal professionals;*

*AND WHEREAS the Federation of Ontario Law Associations considers it critical to the ability of lawyers to provide access to competent legal counsel and access to justice that practitioners have adequate access to updated legal information in accessible formats;*

*AND WHEREAS the Federation of Ontario Law Associations, along with the other shareholders of LibraryCo Inc.– the Law Society of Upper Canada and the Toronto Lawyers’ Association - has welcomed the comprehensive process to examine the governance, operations and funding for LibraryCo Inc. and our Practice Resource Centres with a view to making their operations sustainable and to improve service to practising lawyers in Ontario and to examine other issues related to these spaces;*

*AND WHEREAS this Plenary believes there are other revenue generating opportunities such as the delivery of continuing professional development programming in the Practice Resource Centres that could and should be encouraged by the shareholders.*

**NOW THEREFORE BE IT RESOLVED THAT:**

*This Plenary hereby instructs the executive of the Federation of Ontario Law Associations to make the case to the Board of LibraryCo Inc., and the Transition Committee that they should recommend to Convocation that a stable, separately identified levy as a portion lawyers’ annual fees dedicated to Practice Resource Centres would provide the financial stability that the Practice Resource Centre system needs to be sustainable in the long run;*

*The Federation of Ontario Law Associations encourage all shareholders in LibraryCo Inc. to seek other revenue generating opportunities and that any such revenue be directed to improve the services provided in our local PRC’s, and further that barriers standing in the way of these opportunities be removed, where practical.*

## Advertising and Fee Arrangements

Mike Winward, 2<sup>nd</sup> Vice Chair of FOLA, gave an update on the status of the Law Society's examination of advertising and fee arrangements. He summarized for the Plenary delegates the 2<sup>nd</sup> [submission of FOLA](#) to the Working Group in which we commented on:

- Our consideration of “taste in advertising”
- Advertising and fees in real estate
- Contingent fees
- Personal injury advertising, and in particular our consideration of referral or brokerage services
- The advertising of second opinion services
- Clear identification of the type of law license held by the advertiser
- The appropriate use and promotion of awards received by a lawyer
- Referral fees

Our submission to the Working Group was quoted extensively in an [exposé](#) done on December 3<sup>rd</sup> by the Toronto Star on the Diamond & Diamond personal injury law firm.

Mike's presentation also addressed an emerging issue of concern to FOLA respecting the advertising practices of certain paralegals who are engaged in potentially deceptive practices in how they advertise their service offering. We contend that paralegals who only identify themselves as “Licensed” or “Affiliated” with the Law Society of Upper Canada, but do not identify that license or affiliation as a paralegal are engaging in deceptive or at least confusing advertising practices.

His presentation identified a few examples of paralegal and lawyer advertising that was deceptive and these examples have been shared with both the Law Society and the Ontario Paralegal Association.

Mike also highlighted the practice by some lawyers to utilize “Top Lawyers Awards” which are purchased, rather than earned, in an attempt to distinguish themselves from competitors. FOLA believes the use of these awards is unprofessional and demeans the value of actual awards of merit, such as those offered by the Law Society to distinguished members of the Bar

and we call for the use of these awards to be banned or at least severely restricted.

We anticipate the Working Group will be bringing forward recommendations to be considered by Convocation in the coming few months and new regulations to be in force over the coming year which, we hope, will restore some of the decorum, professionalism and clarity that is required of all lawyer and paralegal advertising.



The screenshot shows a news article from thestar.com. The article is titled "Diamond & Diamond under fire" and is categorized under "News · Investigations". The text of the article, which is highlighted in blue in the original image, reads: "... The Federation of Ontario Law Associations has weighed in, saying that “advertising for the purpose of obtaining work to be referred to others in exchange for a referral fee should be banned.” The only reason the federation sees for referrals in personal injury matters is if the firm is not competent to deal with a matter, there is a pending retirement, a health issue or if the case is outside of its geographical area. “Permitting mass advertising for the sole purpose of obtaining a file to refer out is clearly not in the best interest of the public. It is a classic ‘bait and switch’ tactic,” the federation states.

## Real Estate Committee Report

Merredith MacLennan, FOLA's real estate committee chair, reported to Plenary on the many activities of the committee.

- *Local Real Estate Reps*

Merredith noted that nearly every Association has identified a designated contact for FOLA on real estate matters. These representatives will be contacted from time-to-time as need arises to consult or disseminate information. We thank all associations for their help in identifying these contacts and urge these contacts to go one step further and create their own lists of local practitioners in their area. It will be critical to our ability to influence real estate law matters to have the ability to quickly communicate with and mobilize real estate lawyers in every corner of the province.

- *Condo Deposits*

Merredith reported that the Law Society has accepted the idea put forward by the Real Estate Action Committee of FOLA and the OBA to require lawyers to declare whether they accept condo deposits and how much, so that Law Society auditors can better target those lawyers who accept deposits (which are often very large amounts of money) to ensure they are properly managed and that the lawyer fully understands their obligations.

The new questions are:

- a) Did you, in the past year, receive, hold or disperse any condominium deposits?*
- b) I declare that I complied with my obligations to receive, hold and disperse these deposits.*
- c) The total value of the deposits at December 31 was \$\_\_\_\_\_*
- d) I declare that the total value indicated is recorded in the firm's accounting and trust records.*

- *Electronic Funds Transfer*

On the topic of electronic funds transfer, FOLA has long felt that there should be a reliable, safe and easy-to-use electronic funds transfer system for real estate transactions. Recently, First Canadian Title has made moves to step into this space, but significant concerns remain with the system they have developed and, of course, with the fear that FCT or other third-party money conduits like it could use this as a pretense to further erode the role of lawyers in real estate transactions.

We have been urging the Law Society and other interested parties such as LawPRO to join the effort to urge the Canadian Payments Association (a coalition of the major banks and other players in payments) to develop an electronic funds transfer system for real estate and Merredith was pleased to report some progress on this front. It is too soon to declare victory, but there is some reason to be optimistic that there will be progress on this front in the coming year.

In the meantime, Merredith is encouraging lawyers who do consider using third-party payment processors to ask a series of questions (see page 4 and 5 of the [attached report](#)) to protect themselves.

- *Three Party DRA*

When electronic registration was first introduced in Ontario, an escrow closing procedure was developed to deal with the delivery of purchase funds, keys and off title documents. The Joint Committee on Electronic Registration of Title Documents adopted a form of Document Registration Agreement (DRA) that has been published on the [Law Society website](#) (see page 127 at this [link](#)) and referenced in the Law Society's Practice Guidelines for Electronic Registration of Title Documents .

This DRA has routinely been amended for use when there are three lawyers involved (when there is a private mortgage or when there is a separate lawyer representing the lender), and REAC wanted

the standard form of Three Party DRA endorsed and published by the Law Society in the same way the DRA has been.

At an earlier RELG meeting, the Law Society denied our request to endorse a standard form of Three Party DRA, citing concerns that the Law Society would have to undertake extensive (and costly) consultation before endorsing a specific template. LAWPRO, however, agreed to look at it with a view to endorsing it.

At our last meeting, LAWPRO confirmed that it has reviewed the standard Three Party DRA, but realized that the standard OREA agreement references the DRA endorsed by the Law Society and that we will need to either request an amendment to the OREA agreement or convince the Law Society to re-consider endorsing it.

We are pleased to report that the Law Society has reconsidered its position and as a result, the RELG made a recommendation to the Real Estate Issues Working Group (Benchers) to consider a recommendation to Convocation. We remain hopeful that at the next meeting, the Working Group will do just that.

While this may not seem to be a big deal and while LAWPRO reports that it is not aware of any claims relating to breach of a DRA to date, we think it is an important exercise and will have a positive impact on the real estate bar. We still encounter lawyers who have never seen and never used a Three Party DRA. If it is endorsed by the Law Society, it will be easier for diligent practitioners to get lawyers on the other side of a transaction to use it when necessary.

- *Standard Closing Documents*

We strongly believe that the real estate bar benefits greatly from working with a set of standardized closing documents for residential real estate transactions.

More than a decade ago, the Working Group on Real Estate & Lawyers reviewed the standard closing documents being used successfully by lawyers in Ottawa, Barrie, Cambridge, Hamilton,

Lincoln/Welland and Windsor for residential resale transactions and embarked on a mission to create standard closing documents for all of Ontario. These standard closing documents include the following:

- a) Vendor's Closing Certificate;
- b) Purchaser's Undertaking & Direction re: Title;
- c) Lawyer's Direction re: Funds;
- d) Lawyer's Undertaking; and
- e) Lawyer's Delayed Closing Escrow Agreement.

Copies are available at:

<http://www.lawyersworkinggroup.com/OnStandardsClosingDoc.html>

Notwithstanding their clear utility to the lawyer and the clients, the standard closing documents have not been fully adopted across the province, and FOLA has agreed to promote their use by all counties and districts in the province.

LAWPRO, for its part, has endorsed our efforts to promote a set of standardized closing documents. Kathleen Waters has written us to say:

*... I write to confirm that LAWPRO is pleased that FOLA is continuing with its process to promote adoption of the Ontario-wide standard closing documents prepared by the Working Group on Lawyers and Real Estate for residential transactions.*

*The use of standard forms, when implemented appropriately by the lawyer in the individual transaction, can help to minimize risk by ensuring that important issues are not overlooked and can help to minimize client cost. Overall, they streamline the work of the lawyer to the benefit of the public ...*

LAWPRO's endorsement is critical, because it gives this initiative heft and credibility. If real estate lawyers understand that using these forms will not only simplify their practice, but could also lead to an eventual reduction in premiums and client cost, there should be fewer barriers to adoption in nearly every circumstance.

We will be calling on the local real estate representatives to encourage the use of the standard closing documents within their association and to notify the Working Group once their association has adopted the documents for use.

Presently, effort is being made to translate these documents into French and more will be said on the topic at our next Plenary meeting.

- *Land Registry Office Closures*

As we reported in May, the Ministry has announced the planned closure and consolidation of Four Land Registry Offices this Fall:

Oct 28/16

- Milton moving to Brampton
- Guelph moving to Kitchener

Nov 28/16

- Morrisburg moving to Prescott
- Embrun moving to Ottawa

- *Response to Advertising Rules*

FOLA provided a response to the Advertising and Fee Issues Working Group on September 30, 2016, which included specific responses regarding advertising and fees real estate matters. In particular, comments regarding the advertising of “all inclusive” fees and a call for a definition of disbursements were included in our response. FOLA’s response can be found at this [link](#).

## LAWPRO

Kathleen Waters, CEO of LAWPRO gave her customary update to Plenary on the latest news arising from the Lawyers’ Professional Indemnity Corporation.

She shared her time with Dan Pinnington, VP of Claims Prevention and Stakeholder Relations, who walked through a compelling presentation on the threat of cyber-crime to lawyers and what practitioners can do to guard against these threats. We urge readers of this report to spend the time to click on the link and view these presentations.



We also sincerely thank LAWPRO for their ongoing and generous sponsorship of our Plenary meetings.



## INNOVATING TO THRIVE

Throughout the Plenary program, we repeatedly returned to our theme “Innovating to Thrive”, and we welcomed a wide range of tremendous speakers who helped us look ahead to the future of the practice of law in Ontario.

We started with a provocative presentation by Cian O’Sullivan, Top-Dog & Co-Founder of Beagle AI. Cian founded an artificial intelligence technology company, based in Waterloo, Ontario, that specializes in AI for the legal industry. Their technology reviews and analyzes contracts and helps lawyers get through contract analysis and preparation faster. His presentation was a great, provocative kick-off to our discussion on the use of AI and other technologies in law.

His presentation can be viewed here:



### Innovation in the Courts

Christopher Johns, Executive Director (Acting) of the Modernization Division, Innovation Office at the Ministry of the Attorney General gave a compelling presentation on all the innovations and transformative changes that are being planned by the Ministry. The entire [presentation](#) is too lengthy to be summarized entirely here, but these two slides provide an important snapshot of the plan in the coming years.

We would urge all associations to become more aware of these plans and to consider having Christopher or members of his team out to speak to your association about these important changes.

There is a legal need. I can find information about my next steps. I can give appropriate consent to access support and respond to the need. — OUR PLAN — FOR A PEOPLE-CENTRIC JUSTICE SYSTEM. My need is resolved efficiently. I am confident that I received what I needed. My situation continued to be resolved in the justice system.

Modernize and streamline processes and supporting technology while maintaining core ministry functions.

**THE KEYS FOR SUCCESSFUL TRANSFORMATION**

- 1 Better justice services for the public and our partners; accessible and responsive.
- 2 Faster, smarter relationships with our partners will improve our criminal justice system.
- 3 Key foundational elements will ensure that MAG can sustain and improve its services.

**OUR TOP PRIORITIES**

**Online Service Expansion**  
Information and transactions online, available 24/7.

**Process Modernization**  
Achieve new operational efficiencies and business capabilities to support the work of the courts and ensure an efficient and agile workforce.

**Criminal Justice Modernization**  
Faster, smarter information sharing with criminal justice partners.

**Building Foundations**  
Laying the core framework and infrastructure to enable the next generation of justice services.

## Improvements for Justice System Users

**Small Claims Court eFiling Expansion**  
All 66,000 annual small claims court filings eligible to be filed online

**Child Support Calculator**  
Child support arrangement re-negotiation online system, diverting 11,000 arrangements online annually

**Auto Insurance Dispute eFiling**  
Public can file some of the 15,000 claims related to auto insurance disputes online

**Contact Centre Strategy Implementation** PHASE 1

A single point of contact to help resolve some of the 2 million+ inquiries related to justice matters online without having to attend court

**Civil eFiling** PHASE 1  
Professional filers able to file claims online

**SBT eFiling**

Public can file SBT documents online

**CICB eFiling**

Online intake of the up to 34,000 criminal injury compensation claims

**Online Dispute Resolution for POA** PHASE 1

Some of the 1,500,000+ POA tickets resolvable online (guilt, payment, early resolution) via a streamlined online dispute process

## THE NEXT TWO YEARS (2016-2018)

**Divorce eFiling** PHASE 1

Public can file the 30,000 divorce claims annually filed in Ontario online

**Civil eFiling** PHASE 2  
Professional filers able to submit 80% of their files claims online via a dedicated portal

**Financial Process Modernization** BANKING  
Begin accepting online payment via banks

2016-17

2017-18

High volume matters shifted to alternative resolution models

Data sharing between justice sector partners



Information and transactions online available 24/7

Non-core business reconceived and processes streamlined

## Planning for the Future

**Commitment to AODA**

Ensuring internal tools like SCOPE are accessible

**Process Optimization**

Streamlining and standardizing Provincial Offences Act processes, judicial processes and forms

**Criminal Justice Modernization**

Leading sectoral reform of criminal justice system through implementation of best practices

**SCOPE Rollout**

Rollout of tool that powers electronic transmission of disclosure from police to crown; provides case management for crown.

**Electronic Scheduling**

Rollout of a modern scheduling and analytics system to manage the booking of judicial officials, courtrooms and resources.

**Infrastructure Investments**

Investing in increased bandwidth, and the modernization of legacy case management systems of legacy case management systems (eg. CICB, VISION + CHLD).

**Develop Strategy**

Refine strategies for virtual participation, bail reform, data, and Jury modernization.

**Process Optimization**

Modernize banking and trust management solutions

**Electronic Intake**

Electronic transmission of up to 225,000 criminal information packages from police to Ontario Court of Justice Intake Courts

**Document Management & Storage**

An enterprise-wide strategy to manage the migration to a digital document storage and retrieval solution

**Better Resource Allocation**

Courthouse optimization and identify workforce reinvestment opportunities

**Infrastructure Investments**

Continue rollout of modernized case management solutions

**eDiscovery**

Building tools to allow staff to work more efficiently and knowledgeably

**Further Investments**

Strategic recommendations to trigger further recommendations and projects

2016-17

2017-18

## Innovation in Practice

In our next session, we invited five “outside the box” thinkers who are tackling the challenges of managing legal practices in different and innovative ways.

The panel was moderated by Hersh Perlis, Executive Director of the Ryerson University [Legal Innovation Zone](#), where their goal is to “foster, support and develop innovative solutions and technologies that will help make Canada’s legal system smarter, faster, better and more accessible.”

Hersh was joined by:

- **George Psiharis**, VP of Business Development, **CLIO**
- **Richard Adair**, Vice Chair, **FutureVault**
- **Rajah Lehal**, Founder of **Clausehound Inc.**
- **Paolo Tonelli**, Founder of **Codify**



**Legal Innovation Zone**



**Clio**



Once again, there was too much information to adequately summarize here, but we encourage you to take the time to view this video and embedded presentations for a fascinating discussion!

**Clausehound**



**FutureVault™**  
Pioneering the Digital Collaborative Vault

## Innovation in your Association & Practice Resource Centre

Our final panel on innovation looked at innovation in local law associations and practice resource centres. As the findings of Phase 5 on the LibraryCo needs analysis pointed out, the need to innovate and meet the needs of lawyers into the future is critical to the success of both the practice resource centres and associations.

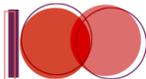
Executive Director, Mike Ras, started the panel by talking about what he found associations and association staff in the U.S. are doing to meet the challenges of an increasingly fickle and demanding membership. A few of the ideas gleaned



from that experience can be accessed in this [presentation](#) and we encourage local associations to consider some of the ideas presented here. To highlight two, Mike urged associations to consider the idea of setting up a chapter of “Shop Local, Professionally” – an initiative started in Mississauga by the Peel Law Association and [Speigel Nichols Fox LLP](#), a boutique law firm in Mississauga.

Another idea that Mike presented was to have local associations consider “amping” up their local profile by leveraging the charitable work that many

associations already do by layering on a public relations and outreach component. Mike presented the idea of copying the “100 Women Who Care” and “100 Guys Who Care” concept by having “100 Lawyers Who Care”. In these organizations, people get together four times a year and invite three or four local charities to “pitch” their charity. The participants vote on which is most worthy and everyone who attends writes a \$100 cheque. If 100 people show up, it’s \$10,000 for the local charity, the participants learn more about local needs.



women who care  
WINDSOR - ESSEX

A picture of the cheque presentation is given to local media and posted to social media, giving great profile. If this same concept were to be taken up by local law associations, we believe a tremendous reservoir of goodwill could be built and it could become a popular regular event for both association members and the community.

## FOLA PRC Innovation Award

Nathan Baker, Central East Region representative and PRC Committee Chair presented the 1<sup>st</sup> FOLA “Practice Resource Centre Innovation Award” which is being awarded as a catalyst to encourage innovative thinking in our PRCs. We received five excellent nominees, but in the end the committee awarded the \$5,000 prize to the County of Carleton Law Association who submitted a proposal to create a database of wills drafted on behalf of clients in Eastern Ontario. The data-base will let lawyers know of the existence of the will and where the will is held. This will helps the CCLA provide a valuable service to solicitors and helps the Association improve its value proposition to solicitors who are not as frequent users of the library. The intent is to initially roll this out in eastern Ontario, but the concept is easily scalable to the entire province. We have asked the CCLA to present an update at the May 2017 Plenary meeting.



Congratulations to the CCLA!

## Other Notable Presentations:

This Plenary also included presentations by other speakers that merit inclusion in this report. For the sake of space, we have not summarized their presentations, but offer links to their speeches for you to view.

David Sterns, President  
Ontario Bar Association



Ranjan Agarwal, South Asian Bar  
Association of Toronto



## Partnership with the Canadian Bar Insurance Association (CBIA)

At this Plenary meeting, FOLA was pleased to introduce a new partnership with the Canadian Bar Insurance Association (CBIA) which they bill as “your one-stop shop for all your protection needs”.

For over a quarter of a century the CBIA have been providing a wide range of insurance products designed for the specific needs of legal professionals, law firm staff, and their families. Unlike a typical association program, the CBIA doesn’t simply endorse an insurance company’s products. They employ insurance experts who, with the assistance of actuaries and the underwriting insurers, design, price, and manage their own products to ensure a superior designed benefit at the lowest possible price.

More than 30,000 Canadian legal professionals and family members trust the CBIA with their insurance protection. If you are in the market for insurance products, we urge you to get in touch with the CBIA and ask for a quote.

Toll free : 1-800-267-2242

Toronto : (416) 221-4119

By email: [customerservice@barinsurance.com](mailto:customerservice@barinsurance.com)



## Thomson Reuters' Exclusive Law Association Membership Offer:

Steven Iseman, Segment Product Manager from Thomson Reuters, introduced three programs that are exclusive to FOLA affiliated Associations, with offers that are available to eligible member lawyers. These offers are designed to be highly beneficial to members, and in particular solos and smalls and to provide a direct benefit to the local association. Thomson Reuters has already signed up the Toronto Lawyers' Association and hopes to partner with more associations across Ontario.

Highlights of the programs:

- a collection of their marquee research and workflow products to new and small law firms;
- pricing of these products and services is designed to fit the economic realities of start-up firms (including free for up to one year); and
- there is no fee to the Association for participating.

Thomson Reuters has provided some details about their programs in the attached briefing. If interested, contact them at the numbers listed on the attached document and sign up for their affinity program. If you have questions, you can contact Steven Iseman at [steven.iseman@tr.com](mailto:steven.iseman@tr.com) or 416-298-5152.

### THOMSON REUTERS EXCLUSIVE LAW ASSOCIATION MEMBERSHIP OFFERS

#### AVAILABLE TO LAW ASSOCIATION MEMBERS IN FIRMS OF 1-3 LAWYERS

Thomson Reuters is pleased to announce four Law Association Member Offers designed to help new firms get up and running, and offer all small law firms a unique pricing opportunity that reinforces the benefit of being a Law Association member.

#### DO YOU HAVE MEMBERS STARTING UP THEIR OWN FIRMS?

Lawyers starting their own practice can take advantage of two new programs specifically designed to address the realities of new firm start-ups. These programs are designed to get new firms started on the right path by ensuring they have the resources and tools for success without cost being a barrier.

Thomson Reuters Practice Starter offer is for new calls starting up new firms of 1-3 Lawyers. Our Practice Accelerator offer is for established lawyers starting up their own firms of 1-3 Lawyers.

#### PRACTICE STARTER AND PRACTICE ACCELERATOR OFFERS INCLUDE:

- **WestlawNext® Canada** – Canada's award-winning online legal research service, including LawSource, FamilySource, CriminalSource, Estates&TrustsSource, Solicitor's Core, and Litigator
- **Firm Central** – Cloud-based legal practice management software for solo and small law firms, including tools for Time and Billing, Matter and Document Organization, Deadline Assistant, and Calendaring
- **FindLaw.ca** – an enhanced law firm listing to help generate business for member firms
- **Law Times and Canadian Lawyer** – Digital editions of renowned legal publications that keep you current on the latest legal issues and news
- **Print Discount** – Thomson Reuters Canada best discount on books (eReference included)

### WHAT ABOUT MEMBERS IN EXISTING SMALL LAW FIRMS? WE ALSO HAVE AN OFFER FOR THEM.

Thomson Reuters Preferred Pricing Offer for existing firms of 1-3 lawyers – this unique offer is only available through affiliated Law Associations and represents the best rate available from Thomson Reuters.



#### How do I make these offers available to our Members?

Your first step is to contact Lyda Berger at the email address below, expressing your interest in providing these offers to your members. She will provide you with details about how to get your Association signed up.

Let's team up to help your members add value to their membership.

#### Contact us



**Lyda Berger**  
Legal Product Developer, Legal Canada  
Thomson Reuters  
[lyda.berger@tr.com](mailto:lyda.berger@tr.com)

If you have additional questions or comments, please contact:

**Steven Iseman, B.A. LL.B.**  
Segment Product Manager - Workflow  
Solutions, Legal Canada  
Thomson Reuters  
[steven.iseman@tr.com](mailto:steven.iseman@tr.com)  
416-298-5152

**Melissa Vieira, B.A., LL.B., CIPP/C**  
Product Development Manager,  
Legal Canada  
Thomson Reuters  
[melissa.vieira@tr.com](mailto:melissa.vieira@tr.com)  
416-649-8868

## CPD Online

Paul Byrne, CEO of CPD Online, once again joined our Plenary meeting as a sponsor and spoke about the innovative partnership they are offering to local associations and your members.



Paul is offering two options to his “Association Partners”:

### **Option One: CPD Online videotapes, posts and hosts your content**

Association Partners allow CPDOnline to videotape their events and post the videos to the CPD site for sale. Association members get a 20% discount for all association content. Associations earn up to \$5,000 per video posted via a royalty schedule.

Posting your video content serves to,

- Promote your content and expertise to a wider audience
- Repurpose your live content to your members and beyond
- Generate an ongoing revenue stream
- The association is responsible for obtaining speaker permissions to videotape and CPD Online does the rest. There is no cost to the association for this service.

Video viewers receive an email confirmation upon the completion of a video for proof of attendance records. This proof of attendance is the reason why posting on public sites such as You Tube is not recommended.

### **Option Two: You videotape and CPDOnline posts and hosts your content**

CPDOnline’s Association Partners videotape their own events and send CPDOnline the content to be posted and hosted on its site. Association members get a 20% discount for all association content. Associations enter into a revenue sharing agreement with cpdonline.ca per video posted.

Once again, FOLA encourages all associations to look closely at CPDOnline to help provide more content and programming for your practice resource centres. It is a great revenue source for your local association, but more importantly, it is an easy way to make your PRC more dynamic and to reach new audiences for membership.

## FutureVault

FutureVault is a new partner of FOLA’s and we were pleased to have their participation as a sponsor and to have Richard Adair, Vice Chair, participate in our “Innovation” panel.



FutureVault is a secure digital safety deposit box that is delivered by partner organizations, such as lawyers and law firms, to their customers allowing them to digitally deposit, store, collaborate and manage important financial, legal and personal documents. FutureVault is a highly-structured filing cabinet in the cloud that allows for document storage and filtering across an unlimited number of entities including family members, corporations, sole proprietorships, trusts, foundations, etc.

FutureVault fosters a completely new type of collaboration between clients and their network of Trusted Advisors, including wealth advisors, accountants, lawyers, insurance agents, and others. FutureVault increases trust and opportunity between parties, helping to simplify document and asset management, grow relationships and capitalize on opportunities.

For more information, check out [www.futurevault.com](http://www.futurevault.com)

## Motions

Once again, this Plenary debated several motions that help FOLA understand the concerns of the membership and to communicate with government and Law Society stakeholders the feelings of the practising bar.

### **Resolution from the York Region Law Association, seconded by Peterborough Law Association:**

#### RESOLUTION REGARDING REFERENCE TO “LAW SOCIETY OF UPPER CANADA” BY PARALEGALS IN ADVERTISING

The Federation of Ontario Law Associations (FOLA) in its submission to the Advertising and Fee Issues Working Group of September 30, 2016, flagged for the Working Group the issue of misleading practices by some licensees in how they identify themselves to the public. Specifically, it was noted that many paralegals have taken to identify themselves only as “Licensed by the Law Society of Upper Canada” and not as “paralegals” in their advertising and that this was being done in an apparent attempt to mislead or confuse the public as to the nature of the limitations on legal services that they can provide.

In support of this assertion, the York Region Law Association moves the following:

**WHEREAS** the Law Society of Upper Canada regulates legal professionals in Ontario holding both Class L1 and P1 licenses; **AND WHEREAS** it is acknowledged that a significant difference exists in the educational and experiential requirements to obtain a Class L1 or P1 license;

**AND WHEREAS** pursuant to s. 4.2 of the Law Society Act the Law Society of Upper Canada has a duty to protect the public interest;

**AND WHEREAS** the York Region Law Association and FOLA has received numerous reports of advertising and other marketing which seems to misleads the average consumer as to the class of license held by licensees;

**AND WHEREAS** members of the public, particularly those who have English as a second language, are likely to have difficulty distinguishing between licenses;

**AND WHEREAS** the York Region Law Association supports FOLAs position that it is critical for both access to justice, and for the protection of the public that reasonable steps be taken to prevent misleading promotion and advertising;

**AND WHEREAS** all lawyers and paralegals have a duty to be both honest and candid with clients including potential clients;

#### **NOW THEREFORE BE IT RESOLVED THAT:**

This Plenary formally requests that Convocation move as soon as reasonably possible to amend the Paralegal Rules of Conduct and the Paralegal Professional Conduct Guidelines to prohibit any use of, or reference to, the “Law Society of Upper Canada” in all advertising, promotion and marketing of any kind including websites, unless such reference specifically confirms that the member is licensed as a paralegal, and that this resolution be forwarded to the Law Society of Upper Canada, though the Working Group on Advertising and Fee Issues, for their consideration.

*This resolution was passed with unanimous approval of the delegates.*

The second motion dealt with LibraryCo and the “Library Fee” (noted above on page 17) and this resolution passed unanimously.

The third resolution was introduced by the Grey County Law Association regarding provisions of the Truth & Reconciliation Commission.

**RESOLUTION REGARDING THE TRUTH AND RECONCILIATION COMMISSION FINAL REPORT, CALLS TO ACTION:**

**WHEREAS** The Federation of Ontario Law Associations (the “Federation”) represents the interest of the practicing bar in Ontario;

**AND WHEREAS** The Federation has reviewed and considered the Final Report produced by the Truth and Reconciliation Commission, including the Calls to Action (Commission Report);

**AND WHEREAS** The Truth and Reconciliation Commission suggests that lawyers require a better understanding of Aboriginal culture and history;

**AND WHEREAS** The Truth and Reconciliation Commission provided Calls to Action to the legal profession to develop cultural competency and understanding, in particular calls to action 27 and 28;

**AND WHEREAS** the Calls to Action 27 and 28 may improve the cultural and education competency of lawyers.

**NOW THEREFORE IT IS RESOLVED THAT:**

The Federation supports and endorses, in principle, the Calls to Action 27 and 28 of the Truth and Reconciliation Commission.

*The debate on this motion mostly focused on the fact that some delegates felt the idea of cultural competency education and other recommendations of the Truth & Reconciliation Commission should be extended to more than just a focus on Aboriginal culture, that the language was antiquated and that the training could squeeze out other, important initiatives. This resolution was overwhelmingly supported, with one in opposition and three abstentions.*

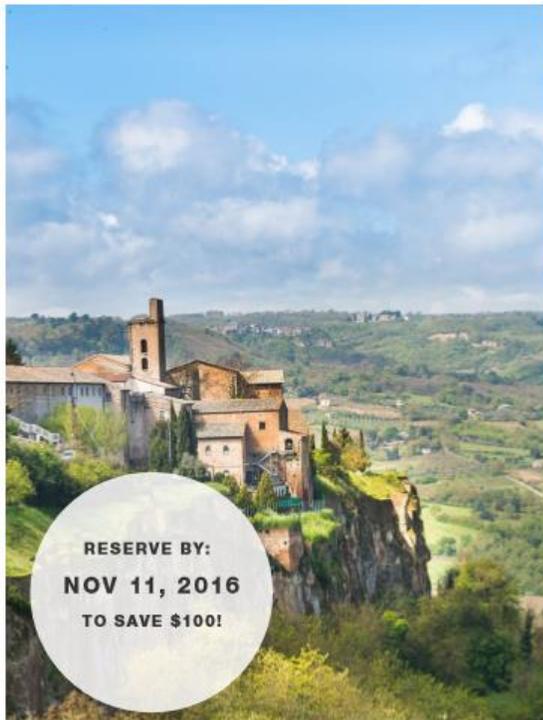
**Go Ahead**



FEDERATION OF ONTARIO  
LAW ASSOCIATIONS  
FÉDÉRATION DES ASSOCIATIONS  
DU BARREAU DE L'ONTARIO

## FOOD & WINE: FLAVORS OF TUSCANY & UMBRIA

*with the Federation of Ontario Law Associations*



**10 DAYS | 12 DAYS WITH ROME EXTENSION**

**JULY 15, 2017**

\$450 deposit

Tucked-away towns and villas make up the core of Tuscany and Umbria, while the cultural capitals of Rome and Florence offer urban elegance and historic remnants of the once-great empire. From handmade pasta in heavy sauces to wood-grilled steaks, discover the simple, honest flavors for which central Italy's medieval villages and sweeping countrysides are known.

*Your tour includes guided sightseeing, handpicked hotels, local cuisine and more.*

**CONTACT:**

Go Ahead Tours

Group #: 70033014

800.742.1731 | [mike.ras@fola.ca](mailto:mike.ras@fola.ca)

[folaitaly.grouptoursite.ca](http://folaitaly.grouptoursite.ca)

An EF Education First Company



## Please distribute this report to your members!

We encourage you to share this newsletter with all of the members of your association. If you wish for us to e-mail this document directly to anyone, please let us know.



FEDERATION OF ONTARIO  
LAW ASSOCIATIONS  
FÉDÉRATION DES ASSOCIATIONS  
DU BARREAU DE L'ONTARIO

Mailing Address:  
731 9<sup>th</sup> Street West  
Owen Sound, ON  
N4K 3P5

### Staff Contacts:

Michael Ras, Executive Director  
647-228-2339  
[mike.ras@fola.ca](mailto:mike.ras@fola.ca)

Kelly Lovell, Executive Assistant  
519-371-9247  
[kelly.lovell@fola.ca](mailto:kelly.lovell@fola.ca)

[www.fola.ca](http://www.fola.ca)

Join us on Twitter at [@ont\\_law\\_assoc](https://twitter.com/ont_law_assoc)

## Your 2016 FOLA Executive:

### ELDON HORNER, Chair

Email: [ehorner@hp-lawyers.com](mailto:ehorner@hp-lawyers.com)

### JAYE HOOPER, 1st Vice Chair

Email: [jaye@hoop-law.ca](mailto:jaye@hoop-law.ca)

### MIKE WINWARD, 2<sup>nd</sup> Vice Chair, Treasurer

Email: [winward@mackesysmye.com](mailto:winward@mackesysmye.com)

### CHERYL SIRAN, Past Chair

Email: [csiran@hslaw.ca](mailto:csiran@hslaw.ca)

### NATHAN BAKER, Central East Regional Representative

Email: [neumanbaker@yahoo.ca](mailto:neumanbaker@yahoo.ca)

### CHRISTOPHER J. EDWARDS, Eastern Regional Representative

Email: [cedwards@tmlegal.ca](mailto:cedwards@tmlegal.ca)

### SONYA JAIN, FOLA Appointment (Family Law)

Email: [sjain@hgrgp.ca](mailto:sjain@hgrgp.ca)

### JOHN KRAWCHENKO, Central South Regional Representative

Email: [jok@krawchenkolaw.ca](mailto:jok@krawchenkolaw.ca)

### RENE LARSON, Northwest Regional Representative

Email: [rene.larson@renelarson.com](mailto:rene.larson@renelarson.com)

### MERREDITH MACLENNAN, FOLA Appointment (Real Estate)

Email: [Merredith.MacLennan@nelligan.ca](mailto:Merredith.MacLennan@nelligan.ca)

### JANE ROBERTSON, Central West Regional Representative

Email: [owensoundlaw@bellnet.ca](mailto:owensoundlaw@bellnet.ca)

### ALFRED SCHORR, FOLA Appointment (Paralegals)

Email: [alfred@schorrlaw.ca](mailto:alfred@schorrlaw.ca)

### CHRISTOPHER WAYLAND, Toronto

Email: [cwaylandlaw@gmail.com](mailto:cwaylandlaw@gmail.com)

### BRIGID WILKINSON, Northeast Regional Representative

Email: [bwilkinson@kempirie.com](mailto:bwilkinson@kempirie.com)

### WILLIAM WOODWARD, Southwest Regional Representative

Email: [WWoodward@dyerbrownlaw.com](mailto:WWoodward@dyerbrownlaw.com)

THANK YOU TO OUR GENEROUS FINANCIAL SPONSORS FOR THEIR SUPPORT  
OF THE NOVEMBER 2016 PLENARY PROGRAM



THANK YOU TO THE LAW SOCIETY OF UPPER CANADA FOR ITS ONGOING FINANCIAL SUPPORT OF FOLA



THANK YOU TO OUR HOST ASSOCIATION, THE PEEL LAW ASSOCIATION

