

**LAW SOCIETY OF ONTARIO**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 28, 2021

MOVED BY:

SECONDED BY:

THAT Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

DRAFT

MINUTES OF CONVOCATION

Friday, 1<sup>st</sup> October 2021  
9:00 a.m.  
Via Videoconference

PRESENT:

The Treasurer (Teresa Donnelly), Adourian, Alford, Banack, Banning, Braithwaite, Brown, Burd, Charette, Chiummiento, Corbiere, Corsetti, Desgranges, Epstein, Esquega, Fagan, Ferrier, Goldstein, Graham, Groia, Horgan, Horvat, Klippenstein, Krishna, Lalji, Lean, Lesage, Lewis, Lippa, Lockhart, Lomazzo, Lyon, Marshall, Minor, Murchie, Painchaud, Parry, Pawlitzka, Pineda, Pollock, Prill, Rosenthal, Ross, Sellers, Shi, Shin Doi, Shortreed, Spurgeon, Strosberg, Troister, Walker, Wellman, Wilkes, Wilkinson and N. Wright.

.....

Secretary: James Varro

The Reporter was sworn.

IN PUBLIC

TREASURER'S REMARKS

The Treasurer welcomed everyone to Convocation.

The Treasurer recognized that Convocation would normally be meeting in Toronto which is a Mohawk word that means "where there are trees standing in the water".

When Convocation meets in Toronto, the Treasurer acknowledges that Convocation meets on the traditional territory of the Mississaugas of the Credit First Nation. She advised that for this Convocation, benchers are participating across the province and perhaps elsewhere, and across many First Nations territories. She recognized the long history of all the First Nations in Ontario and the Métis and Inuit peoples and thanked the First Nations people who lived and live in these lands for sharing them with us in peace.

The Treasurer acknowledged that yesterday, September 30, was the first National Day for Truth and Reconciliation. The Treasurer affirmed the Law Society's commitment to enhancing cultural competence within the legal professions as key to meaningfully advancing reconciliation.

LL.D. CEREMONY – FRANKLYN HARRIS BENNETT, LSM

The Treasurer introduced Franklyn Harris Bennett, LSM, the candidate for the degree of Doctor of Laws, *honoris causa*.

Mr. Marshall read the citation.

The Treasurer admitted Franklyn Harris Bennett to the degree of Doctor of Laws, *honoris causa*.

Mr. Bennett addressed Convocation.

The Treasurer thanked Mr. Bennett for honouring Convocation with his presence.

### TREASURER'S REMARKS

The Treasurer welcomed those joining Convocation by webcast and addressed the protocol for Convocation via Zoom videoconference.

The Treasurer welcomed the following guests to Convocation:

- Daniel Pinnington, President and Chief Executive Officer of LAWPRO
- Stephen G. Raby, Q.C., President of the Federation of Law Societies of Canada
- Jonathan G. Herman, Chief Executive Officer of the Federation of Law Societies of Canada

The Treasurer welcomed benchers back after the summer break and indicated that she is looking forward to working with benchers and staff on the Law Society's important regulatory initiatives.

The Treasurer reminded benchers of the Strategic Planning Mid-Term Review planned for later this month.

The Treasurer congratulated Robert Burd on his election as chair of the Paralegal Standing Committee for the term commencing September 14, 2021.

The Treasurer noted the tragic death of Julia Ferguson of Hicks Adams LLP and on behalf of Convocation expressed condolences to the firm and her family and friends.

The Treasurer thanked all licensees who participated in the National Well-Being Study.

The Treasurer noted Mental Health and Awareness Week from October 3 to 9, 2021.

The Treasurer reminded benchers that the deadline for submissions on the consultation by the Competence Task Force is November 30, 2021.

The Treasurer updated Convocation on the pilot project of innovative technological legal services called Access to Innovation or A2I, and advised that Will Morrison, Strategic Policy Counsel, has been appointed as Manager of the project, in preparation for its launch this fall.

The Treasurer advised benchers that she was honoured to take part in the Opening of the Courts ceremony on September 14, 2021 where she affirmed the Law Society's commitment to supporting transformational change in the justice system.

The Treasurer noted that The Action Group (TAG) will be hosting the sixth annual Access to Justice Week from October 25 to 29, 2021.

The Treasurer noted upcoming events:

- Hispanic Heritage Month celebration on October 19, 2021
- Law Society Remembrance Day Ceremony on November 10, 2021
- Louis Riel Day on November 16, 2021

The Treasurer reminded benchers of the deadline for nominations for the Law Society Awards on December 17, 2021 and encouraged everyone to consider nominations.

## REPORT FROM THE PRESIDENT OF THE FEDERATION OF LAW SOCIETIES OF CANADA

The Treasurer introduced Stephen G. Raby, Q.C., President of the Federation of Law Societies of Canada.

Mr. Raby addressed Convocation on the work of the Federation.

### MOTION – CONSENT AGENDA – Tab 1

It was moved by Ms. Lockhart, seconded by Mr. Troister, that Convocation approve the consent agenda set out at Tab 1 of the Convocation Materials.

Carried

### Tab 1.1 – DRAFT MINUTES OF CONVOCATION

The draft minutes of Convocation of June 23, 2021 and July 27, 2021 were confirmed.

### Tab 1.2 – APPOINTMENTS

THAT Michael Lesage be removed from the Access to Justice Committee at his own request.

THAT Cathy Corsetti be appointed to the Hearing Division of the Law Society Tribunal for a term ending May 31, 2023.

Carried

### Tab 1.3 – STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT

#### Re: By-Law 12 Amendments Respecting the Compensation Fund Subcommittee

THAT based on the recommendation of the Strategic Planning and Advisory Committee, Convocation make amendments to By-Law 12 as set out in the motion at Tab 1.3.1 to remove transitional provisions relating to establishing the Compensation Fund Subcommittee.

Carried

## LAWPRO REPORT

Mr. Spurgeon presented the Report.

### Re: LAWPRO 2022 Program of Insurance

It was moved by Mr. Spurgeon, seconded by Ms. Sellers, that Convocation approve the Primary Program of Insurance for 2022 as offered and recommended by the Lawyers' Professional Indemnity Company (LAWPRO) Board in the Report at Tab 2.1.

Carried

## PROFESSIONAL REGULATION COMMITTEE REPORT

Ms. Shortreed presented the Report.

### Re: Updates to Form 9D

It was moved by Ms. Shortreed, seconded by Ms. Lomazzo, that Convocation approve the motion at Tab 3.1.1 which amends Form 9D, Investment Authority, to update and correct an error.

Carried

## STRATEGIC PLANNING AND ADVISORY COMMITTEE REPORT

Mr. Burd presented the Report.

### Re: By-Law 3 Amendments Respecting the Paralegal Standing Committee Chair Election

It was moved by Mr. Burd, seconded by Ms. Horvat, that on the recommendation of the Strategic Planning and Advisory Committee, Convocation make amendments to By-Law 3 as set out in the motion at Tab 4.1.1 to simplify the description of the process to elect the chair of the Paralegal Standing Committee.

Carried

## HUMAN RIGHTS MONITORING GROUP REPORT

Ms. Walker presented the Report.

### Re: Letters of Intervention on Behalf of Jonathan Ross, Selma Masood and the Hong Kong Law Society

It was moved by Ms. Walker, seconded by Mr. Ross, that Convocation approve the letters and public statements in the following cases:

Jonathan Ross, Selma Masood, and the Hong Kong Law Society – Hong Kong – letter of intervention and public statement presented at Tab 5.1.

Carried

## ROLL-CALL VOTE

Adourian	For
Alford	For
Banning	For
Braithwaite	For
Brown	For
Burd	For
Charette	Abstain
Chiumminto	For
Corbiere	For
Corsetti	For
Desgranges	For
Epstein	Abstain
Esquega	For
Fagan	Abstain
Goldstein	Abstain
Graham	For
Groia	For
Horgan	For
Horvat	For
Klippenstein	For
Lalji	For
Lean	For
Lesage	For
Lewis	For
Lippa	For
Lockhart	For
Lomazzo	For
Lyon	For
Marshall	For
Murchie	For
Painchaud	For
Pineda	For
Pollock	For
Prill	For
Rosenthal	For
Ross	For
Sellers	For
Shi	Abstain
Shin Doi	For
Shortreed	For
Spurgeon	For
Troister	For
Walker	For
Wellman	For
Wilkinson	For

Vote: 40 For; 5 Abstain

### *For Information:*

- Human Rights Monitoring Group Intervention - Afghanistan

IN PUBLIC

REPORTS FOR INFORMATION ONLY

AUDIT AND FINANCE COMMITTEE REPORT

- Law Society of Ontario Financial Statements for the Six Months ended June 30, 2021
- LIRN Inc. Financial Statements for the Six Months ended June 30, 2021
- LAWPRO Financial Statements for the Six Months ended June 30, 2021
- Investment Compliance Reports
- In camera Item

EQUITY AND INDIGENOUS AFFAIRS COMMITTEE REPORT

- Report of the Activities of the Discrimination and Harassment Counsel from January 1, 2021 to June 30, 2021

TRIBUNAL COMMITTEE REPORT

- Updates to Tribunal Practice Directions

CONVOCATION ROSE AT 11:43 A.M.

**LAW SOCIETY OF ONTARIO**

MOTION TO BE MOVED AT THE MEETING OF CONVOCATION ON OCTOBER 28, 2021

THAT Joseph Chiumminto be removed from the Hearing Division of the Law Society Tribunal at his own request.





Tab 1.3

## 2022-2023 Articling Term Length

---

# Professional Development and Competence Committee

October 28, 2021

### Committee Members:

Barbara Murchie (Chair)  
Robert Adourian (Vice-Chair)  
Alexander Wilkes (Vice-Chair)  
Jared Brown  
Murray Klippenstein  
Michael Lesage  
Atrisha Lewis  
Marian Lippa  
Cecil Lyon  
Isfahan Merali  
Sidney Troister  
Tanya Walker  
Doug Wellman  
Claire Wilkinson

### Authored By:

Jason Pichelli

JPichell@lso.ca

# Table of Contents

Motion .....	2
Recommendation and Rationale.....	2
Tab 1.3.1 .....	4
Tab 1.3.2.....	5

# Motion

That Convocation adopt the recommendation of the Professional Development and Competence Committee to renew the eight-month minimum articling term for the 2022-2023 licensing cycle.

## Recommendation and Rationale

The Professional Development and Competence Committee recommends renewing the eight-month minimum articling term for an additional cycle with a commitment to make a long-term decision on the length of articling in spring 2022.

The main considerations for the Committee in making this recommendation are:

1. The impact of the COVID-19 pandemic is still being felt by the professions, and maintaining the short option continues to appear to be aiding in the retention of articling placements;
2. Current data collected regarding candidate competencies and experiences does not indicate any significant shortcomings in candidates' learnings or competencies when compared to previous cycles; and
3. The Law Society continues to collect data on the situation, and will be in a better position to make a long-term recommendation in the spring of 2022

Unfortunately, pandemic-related restrictions remain in place and there continues to be a high degree of uncertainty regarding the timelines for social and economic recovery. Many of the economic and social conditions that prompted extending the eight-month minimum term length for the 2021-2022 licensing term are continuing. While recruitment for 2022-2023 articling placements in large firms and government has taken place, many small firms will be assessing their ability to hire licensing candidates in the coming months. It is difficult for articling principals and candidates to plan without certainty on the length of the minimum articling term that will be required by the Law Society. Clarity from the Law Society on whether they may continue to offer an 8-month placement for the 2022-2023 cycle will allow the lawyer community to finalize these decisions and avoid uncertainty.

This plan to continue with an 8-month minimum articling term for another licensing year preserves the most flexibility for the LSO in terms of responding to the changing needs of the profession as a result of the impacts of COVID-19. At the same time, providing a clear timeline on a long-term decision signals to the profession that stability and certainty with regards to the articling cycle will be coming in the near future.

Articling positions could be in jeopardy if the minimum term was returned to ten months at this time since pandemic-related public health restrictions have continued to affect law

practices throughout the province. An eight-month minimum also preserves flexibility for employers who are able to offer longer placements— nine-month and ten-month placements are both possible within this option. Data collected by the Law Society indicates that the 8-month term has been successful in protecting placements. In a pandemic that upended the economy and caused massive disruptions for many businesses, only approximately 200 articling placements were lost. More than 50 percent of the articling positions in this past cycle were offered for the eight-month minimum term, which is an indication that many of those positions could have been in jeopardy if the Law Society had not decided to reduce the minimum term.

To date, 52 percent of placements have been for the traditional ten-month period. The number of eight-month placements continues to be significant – over 25 percent overall. Among small firms (1-5 licensees), 51 percent of placements are for eight months, while for medium firms (6-200 licensees) 20 percent of the placements have been for eight months. Charts demonstrating the change in articling placement length, and placement length by firm size for the current cycle, are shown in Tab 1.3.2. Finally, data collected regarding candidate competencies and experiences does not indicate any significant shortcomings in candidates' learnings or competencies when compared to previous cycles.

While a number of jurisdictions maintained their traditional articling terms during the pandemic, some law societies provided options for shorter placements that are continuing for a second year, as has the LSO. The current status of each province's articling term length can be found in Tab 1.3.1.

This option has the unanimous support of the Professional Development and Competence Committee. If this recommendation is adopted, this issue will continue to be monitored so that a report seeking Convocation's approval on a long-term plan for the length of articling terms can be presented at a future meeting in the spring of 2022.

If Convocation supports the decision to maintain the eight-month minimum articling term length for the 2022 -2023 cycle, the decision will be operationalized immediately so candidates and principals can benefit from the needed clarity.

**Articling Term Length  
Environmental Scan as of September 2021**

<b>Jurisdiction</b>	<b>2020-2021 Articling Term</b>	<b>2021-2022 Articling Term</b>
Alberta	Reduced from 12 to a minimum of 8 months and a maximum of 12 months	Reduction from 12 months to a minimum of 8 months was continued.
British Columbia	No change – 9 months	No change – 9 months
Manitoba	Reduced from 12 months to minimum of 9 months	Reduction from 12 months to minimum of 9 months was continued.
New Brunswick	Reduced from 12 months to 9 months	Minimum articling term restored to 12 months
Newfoundland and Labrador	No change – 12 months	No change – 12 months
Nova Scotia	Reduced from 12 month to minimum of 8 months, however it was not automatic. There was an application process.	Reduction from 12 months to minimum of 8 months was continued.
Nunavut	No change – 12 months	No change – 12 months
NWT	No change – 12 months	No change – 12 months
Ontario	Reduced from a maximum of 10 months to a minimum of 8 months	Reduced minimum articling term of 8 months was continued.
PEI	No change – 12 months	No change – 12 months
Quebec	No change – 6 months	No change – 6 months
Saskatchewan	Reduced from 12 months to a minimum of 8 months	Reduction of articling from 12 months to minimum of 8 months permitted on case-by-case basis for articles commencing up to December 31, 2021. Further consultation to take place this fall to assess if articling term will return to 12 months or if reductions will be made permanent.
Yukon	No change – 12 months	No change – 12 months

## Updated Articling Statistics Number and Length of Articling Placements

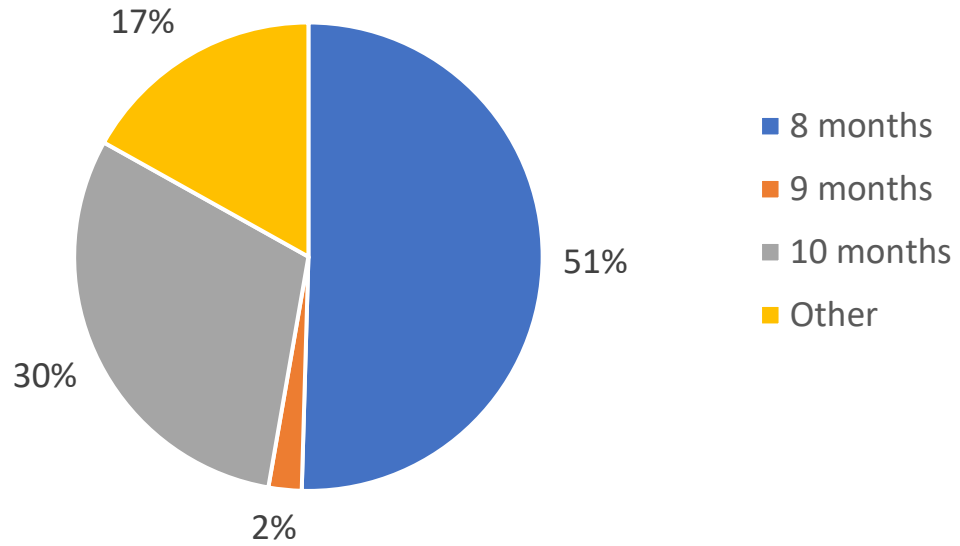
Length of Articling Placements	Number of Articling Placements					
	2019 Placements	% of 2019 Placements	2020 Placements	% of 2020 Placements	2021 Placements to date	% of 2021 Placements to date
8 months	66	3.1%	963	50.3%	403	25.2%
9 months	55	2.6%	178	9.3%	202	12.6%
10 months	1593	75.7%	532	27.8%	833	52.0%
Other**	390	18.5%	240	12.5%	164	10.2%
<b>TOTAL</b>	<b>2104</b>	<b>100%</b>	<b>1913</b>	<b>100%</b>	<b>1,602</b>	<b>100%</b>

\*2021 Articling data is current as of **September 28, 2021**. The Articling placement numbers will change each month as candidates file articles of clerkship with the Law Society. For comparison purposes, there were a total of **1,775** articling placements on file with the LSO for the same time period in 2020.

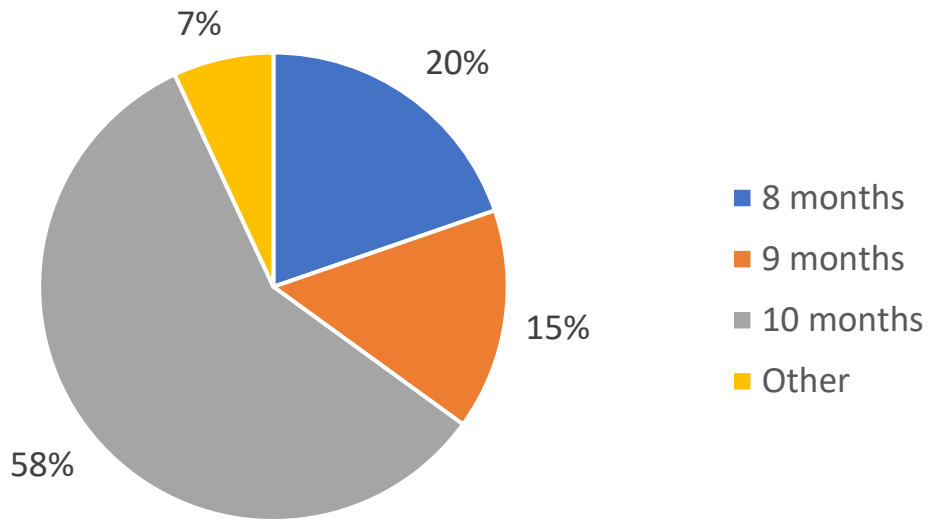
\*\*Candidates may apply to the Law Society for abridgments from the minimum articling term based on compassionate grounds or prior practice experience that aligns with the experiential training competencies. Abridgments are granted on a case-by-case basis.

## Length of 2021-2022 Placements by Firm Size

### Articling Placements in Soles/Small Firms (1-5 Licensees)



### Articling Placements in Medium Firms (6-200 Licensees)



### Articling Placements in Large Law Firms (Over 200 Licensees)

