

Attendance: E. Bhattacharya, M. Fahmy, , K. Ferreira, V. Houvardas, W. Jaskiewicz, J. Lagoudis, P. Maylsheuski, G. Michaud, J. Silvester (Phone: P. Bateman and V. Richards-Thompson), EO, Scribe (J. Dobson)

Regrets: None

Absent: S. Aujla, B. Gilmour, S. Price

Special Guest: Vijay Hemanchal, Goldenberg & Hemanchal Chartered Accountants

Call to Order (PLA President / Chair)

1.0 Call to Order by E. Bhattacharya at 1:10 p.m.

1.1 Approval of Agenda: Motion moved by E. Bhattacharya / Seconded by V. Richards-Thompson. No discussion, all in favour. Motion passed.

1.2 Declaration of Conflicts: None declared.

1.3 Circulation of Correspondence: E. Bhattacharya noted the binder circulating.

PLA Committees

CORE

2.0 Finance - Scott Price – The meeting moved in-camera.

2.1 Governance - Gerard Michaud

(G. Michaud) Board Initiatives Report & Attendance Report

Motion by G. Michaud – Student Members (by-law) - Motion replaced.

G. Michaud referred to the written motion and explained the person has to be an articling student who has a regular member as their principal, or an articling student with an office in Peel. E. Bhattacharya asked what if they are out-of-county and commented he did not think it should be restricted geographically. He added the principal doesn't need an office in Peel and questioned why it matter if the principal is a member of PLA. E. He added, if an articling student wants to be a member, he would encourage that and maybe the student later becomes a full member.

G. Michaud asked should "who is working for regular member" be removed from paragraph one. He began to read: "Any person who is a candidate for licensing as a lawyer and who"... W. Jaskiewicz suggested removing redundancies and said he was concerned it could create ambiguity. He stated it should read as: Any person who is, then list A, B, C.... G. Michaud asked if anyone has concerns. V. Houvardas said he disagrees, respectfully and read aloud part C. V. Houvardas said you need to have a preamble stating lawyers, so it saves us from any issues, and makes it clear it is a lawyer candidate.

G. Michaud referred to PLA By-law 3 and said as the secretary, he will make a motion at the AGM to change the by-laws according to schedule. He read aloud: "Any person who is a candidate for licensing as a lawyer and who is a articling, or an LPP candidate as defined by the LSO, or another candidate who is participating in an experimental program of the LSO." W. Jaskiewicz asked if the changes could to be circulated by email. G. Michaud responded the phrase in paragraph one, was crossed out. He summarized the error in 3b and the other grammatical errors.

MOTION # 19 - 01

Moved/resolved that:

Whereas the definition of “Student Member” needs updating to:

- *recognize the new licensing processes for lawyers of the Law Society of Ontario,*
- *recognize students are often compelled to temporarily relocate for an articling position or to attend a Law Practice Program, and*
- *to encourage soon-to-be lawyers to join the Association, by removing the requirement to have a principal who is a member of the Association and to remove the geographical restriction.*

And whereas it is appropriate to clarify that the Board of Directors can set out the documentation required to qualify to meet the criteria for classifications of members (for example, that someone is a member of another association or is an Articling Student),

And whereas it is appropriate to clarify who may attend Meetings of the Membership,

It is resolved that:

By-Law 1B of the *Peel Law Association* hereby is amended as follows:

1. *by deleting paragraph 3.01(d):*

~~**Student Members:** Any articling student working under articles of clerkship for a regular member or any law student working for a regular member.~~

and replacing it with:

Student Members: Any person who is a candidate for licensing as a lawyer and who is participating in an experiential training program of the *Law Society of Ontario*, including but not limited to:

- a) articles of clerkship, or
- b) a Law Practice Program (as defined by the Law Society of Ontario).

2. *by adding as paragraph 3.01.1 of By-Law 1B (after the list of membership types):*

The Board of Directors may establish requirements for applicants for membership to demonstrate that they meet the relevant criteria.

3. *by adding as paragraph 6.21 of By-Law 1B (at the end of the section about “Conduct of Meetings of the Membership”).*

Subject to a motion passed by the members attending the Meeting, Meetings of the Membership shall only be open, to:

- a) members of the Association,
- b) the chief administrative employee of the Association and the *Auditor* of the Association, and
- c) others by invitation of the chairperson of the meeting.

Moved by: Gerard Michaud

Seconded by: Wojtek Jaskiewicz

Motion Passed unanimously.

E. Bhattacharya asked when to send notice to the membership that this will be voted on. The EO said it will be sent out on Friday. G. Michaud suggested the Board meet for ten minutes before the AGM as a special meeting of Board, just in case there are any issues. V. Houvardas said it would be a good time to prepare.

Motion by P. Bateman / J. Lagoudis regarding the use of proxies at Board meetings - P. Bateman explained the general premise is about times people can't legitimately make a meeting, but have a position and she feels they should be able to vote by proxy. She stated she knows there's a lot of push back on this. E. Bhattacharya said he thinks this is an issue that needs more time. G. Michaud said we need a legal opinion. E. Bhattacharya suggested we should get a little more (time for) discussion and information and he questions the legality. He said there may be circumstances where proxies might be important, but does not know the merits across the Board. He said subject to what might happen, he would prefer this not be dealt with at this board meeting. P. Bateman responded she will table it for now and bring it up in the spring. E. Bhattacharya asked this issue be put it on the agenda for the March meeting.

Announcements & Other Business

New Business & updates:

Bencher Election – PLA platform for candidates

G. Michaud reminded the Board we promised to have some sort of program to support candidates for the bencher election. He said we will be asked about it at the AGM and that he does have a proposal. He explained we need to pass a motion to do something and he can go over an option. J. Lagoudis asked, if by supporting the bencher are we giving them access to our list. G. Michaud responded no, and suggested we put something up on the website. V. Richards-Thompson asked G. Michaud to clarify. G. Michaud responded we passed a motion to do it, but never planned it. He explained one choice was to pay for an *Ontario Reports* advertisement, but we decided against that. He suggested something could be put into *Peel Briefs*.

The EO reminded the Board the OR advertisement was a suggestion from Haig DeRusha for \$20,000.00 from the PLA toward supporting the candidates. There was discussion the PLA would provide a platform on the PLA website and *Peel Briefs*, but the person would have to be a PLA Member. G. Michaud said he thought it was too late for *Peel Briefs*. The EO said the election is in April, and *Peel Briefs* could go out in March, the website could be up in a matter of days.

G. Michaud suggested on the website we will post information on the public section. He raised the question about the Board rejecting submissions that have inappropriate content which does not respect the values of our membership. E. Bhattacharya said any material would be subject to review by the PLA. G. Michaud said that was my next issue - not taking responsibility for anything that appears on the website. E. Bhattacharya stated the editorial content is not the responsibility of PLA and can be edited if needed.

V. Houvardas said he had a contrary view. He said the problem was, the moment you start circumventing the content, you're editing the election. They will have their own platform. My point is it enough to say we are not responsible for the content and I think we need to put it up. V. Houvardas said

our membership has the right to know their platforms. He said he thought it was enough to endorse the candidate, and let the membership decide what they want. V. Houvardas stated what we are saying is for a Peel candidate, the interest of Peel will be represented. I don't think we can pick and choose which we prefer, we are giving the Peel candidate a voice.

J. Lagoudis questioned, if Mr. DeRusha asked for \$20,000 and all we are doing is putting it on the website and sending an email. V. Houvardas said they can take an advertisement from *Peel Briefs* and said he thinks we are doing our obligation by giving them a platform.

The EO suggested the PLA could have an open house by inviting the candidates and the members. The PLA could allow five to ten minutes for them to speak, and have a question period. G. Michaud questioned if there was time for that. The EO responded the election is in April, so we have time. G. Michaud asked if we can still do something in *Peel Briefs*, and have an open house at the lunch hour with light refreshments. The EO said we could do one at the lunch hour and also at 5:00 p.m.

E. Bhattacharya asked if we have been contacted by anyone. The EO explained we have had one person contact us but they are not a member. The EO referred to the correspondence.

G. Michaud asked if we have decided we are not going to edit. W. Jaskiewicz explained if we start to restrict, then are we going to be blamed. G. Michaud said we are editing the content, not the person. He asked, do we want to take responsibility, or put it on the candidate. W. Jaskiewicz asked what happens if we decided it was okay, but someone takes offence. G. Michaud suggested we do not edit, and make it solely the responsibility of the candidate.

E. Bhattacharya asked to have an unofficial vote.

Question 1) Do we allow benchers to have a platform?

Question 2) Should the PLA maintain overriding discretion to edit a platform if it goes against the principles of the PLA?

Before the vote, W. Jaskiewicz questioned if someone who has platform and is a white supremacist, or what about someone who has a reasonable platform, but we know they hold those views. If we miss something we are blamed. The EO suggested a neutral option by listing the PLA members who are running for bencher, and offer a link to their website. G. Michaud clarified you are suggesting names and links. The EO responded yes, those interested leave our site. E. Bhattacharya said we are providing them with a method to communicate. W. Jaskiewicz said we are providing for fear of something that might not happen and said we are not advertising someone as well as we could. E. Bhattacharya said it is always open to a candidate to seek support from the PLA. G. Michaud said he would abstain from the vote if he didn't know the candidate well enough.

G. Michaud said to put it simply, are we going to give them a means to provide a message, or give a listing of names with links. Are we limiting this to a list and links? Are we limiting our support? V. Richards-Thompson said we should allow them time to speak for five minutes. G. Michaud said by giving someone the ability to talk whether it's in writing or verbal, we are taking a risk they say things that could embarrass us. V. Houvardas questioned how. He said they can't have disreputable conduct as a lawyer and all members are entitled to hear. G. Michaud asked the Board do we take a position we are

not going to edit or restrict. V. Houvardas said we put a disclaimer. G. Michaud asked do we try to edit what they say on their platform. V. Houvardas responded no.

Through a vote, E. Bhattacharya, J. Silvester and V. Richards-Thompson said they were in support of editing, J Silvester to an extent. All others do not want to edit, M. Fahmy left prior to vote.

E. Bhattacharya said let's bring this to a conclusion. He said this discussion was about complete speculation. He said it sounds like there is no difficulty with providing names of candidates who are members, and providing links. He said to put a notice on the website and refer people to that. G. Michaud said he would oppose this being restricted to being asked. E. Bhattacharya clarified he was not saying only if asked. The EO said we can send a notice to the members. G. Michaud asked if we need to have a special meeting. E. Bhattacharya stated there was no decision at this time and we will differ it for later.

E. Bhattacharya referred to a response received by the Ford government regarding the PLA letter concerning the Child's Advocate.

PJEN – Mock Trials 2019 (proposed Motion)

E. Bhattacharya explained the Mock Trials have been held for thirteen years at the courthouse. Local high school students participate in this from the Peel region. Previously, the PLA has donated \$1,000.00 for the lunches and PJEN has made a request for the donation again this year. V. Houvardas stated whoever is on the committee for this needs to make it clear the donation is from the PLA. He said, in the past there has been confusion on who it was from and we should be credited. W. Jaskiewicz asked if it fits into the budget. The EO responded yes, under Public Relations.

MOTION # 19 - 02

Moved/resolved that:

The Peel Law Association continue to support the Peel Justice Education Network by donating approximately \$1,000.00 toward the 2019 Mock Trials luncheon.

Moved by E. Bhattacharya

Seconded by M. Fahmy

Motion Passed unanimously.

Notice of meeting – installation of new MAG telephone system and effect on tenants. The EO explained the PLA was notified the PLA will no longer be part of the MAG telephone system. We will have to come up with a plan, to expand on a separate set of phone lines.

GoodLife Fitness – update - M. Fahmy referred to the circulation of his email response relaying concerns about the clause. GoodLife legal department changed the indemnity clause, outlined in in 6.2 of the agreement. He asked to go with his motion as the way the contract is now worded, that we accept and offer it to the members. In this contract, M. Fahmy said he is listed as the signature/attention to and

that it will be changed to whomever the board designates, and the PLA phone number will be listed. W. Jaskiewicz commented he thought we were going to get an opinion. P. Maylsheuski said he passed it on to Todd Hein and that he would follow-up. E. Bhattacharya asked if there is a timeline for this. M. Fahmy responded it was not about time but about getting a perk for our members and suggested it was a good time to do it. E. Bhattacharya suggested we not vote now. He said we could vote on it at the meeting before the AGM subject to concerns on why you would not be in favour of this motion. He asked for explicit concerns only. He said, if the only prerequisite is that it is satisfactory in protecting the PLA, is that enough to get this passed. V. Houvardas and W. Jaskiewicz said they agreed subject to a legal opinion. J. Silvester asked if we need it. P. Malysheuski said he would speak to Todd. V. Houvardas said the other thing that came up is whether we need to alert our insurance. E. Bhattacharya said to get a motion ready to go at the AGM board meeting. He said if it's a positive vote, we can announce it at the AGM. W. Jaskiewicz commented let's not overthink it.

The meeting adjourned at 2:20 pm. Moved by E. Bhattacharya | Seconded by K. Ferreira | All in favour.