

ATTENDANCE: S. Aujla, P. Bateman, B. Gilmour, J. Lagoudis, G. Michaud, J. Silvester, V. Richards-Thompson, M. Norka Zagazeta Garcia, EO, Scribe (J. Dobson).

BY CONFERENCE CALL: E. Bhattacharya, M. Fahmy, K. Ferreira, W. Jaskiewicz, P. Malysheuski, S. Price.

E. Bhattacharya and P. Malysheuski left at 4:40 | M. Fahmy left at 5:04 | W. Jaskiewicz left at 5:48 pm

ABSENT: V. Houvardas

Call to Order (PLA President / Chair)

1.0 Call to Order: The meeting called to order at 4:05 pm.

1.1 Approval of Agenda: Quorum established (12 directors attending including those by phone). Agenda amended to add a “Special Matter” after the consideration of the Agenda. Moved to in-camera discussion of Incident 2019-10-10.

MOTION # 19 - 01

Moved/resolved that:

The Board delegates the decisions on complaints to Executive Committee that the Executive Committee:

- 1) *Proposes to resolve the complaint on a consent*
- 2) *Does not require the Board to impose the consequences*
- 3) *The Executive Committee moves that it not be brought to the Board*

The Executive Committee advise the Board generally of the complaint and outcome.

Moved by G. Michaud

Seconded by P. Bateman

Motion Passed. All in favour except for J. Silvester who opposed.

1.2 Approval of Minutes of the last meeting: September 18, 2019 - Moved by V. Richards-Thompson | Seconded by G. Michaud | W. Jaskiewicz abstained as he was not present. All others in favour.

1.3 Declaration of Conflicts: None.

1.4 Circulation of Correspondence: The EO report there is a ton of materials from FOLA (included in binder from plenary). One important announcement raised at the meeting was lobby day and they are inviting associations to send representatives to look at issues affecting the practice of law. There has also been a lot of announcements from the courthouse for changes with court operations. The EO confirmed attending a meeting earlier in the with respect to the renovation (second phase) along with V. Richards-Thompson. Things are moving forward with a submission to the Treasury Board for furnishing the upper floors, renovations for the wickets, Sheriff’s office, and Small Claims at 7765. The PLA will remain as is. V. Richards-Thompson explained the projected end date for both buildings is April 2020. The EO reminded everyone the Winter Social is December 4th and confirmed invitations were delivered to the entire building. M. Fahmy said he would have to sends his regrets now. The EO

explained Peel and Hamilton remain the last of the associations have not partnered with CPD Online and continue to do our own programs. There continues to be a lot of GoodLife announcements. The EO referred to the fabulous response for the committee reports which were emailed to everyone prior to the board meeting with the hope everyone has the chance to look at the items not reached before the December meeting. P. Bateman outlined a duty council program emerging at the 393 Toronto court and the bench and bar came together and formed their own private duty council program. She said they will report back in January to everyone but they want to get it started first. P. Bateman said they are offering private duty council service, charging \$200 dollars to assist people on that date. Lorna Yates is running it and people will have to apply. They are taking a lot of initiative to get this running. G. Michaud commented he thought the family law limited scope project is where it comes from and they have a similar one in Barrie.

PLA Committees

CORE

2.0 Finance - Scott Price

The EO report we are coming up to the midpoint of the final quarter. The PLA has received all of the financial grants. Although most things are moving along well the activities are down from what was projected. A big part of this is fewer CPDs were run this year. The EO compared line items 1 and 17 which included the Benchers' open house, and there is no money made at Judges' Night or the AGM which is supplemented through member fees. The PLA tried some new things like the Blue Jays games and the open houses which is reflected in the numbers. Line 4 reflects the money collected through the silent auction proceeds, other revenues have been steady. The FOLA meeting expenses still need to be reflected. There is still a large expense for office supplies to be included, for example, a new counter has been ordered to block people from entering the staff area. The salaries are online with what we projected but the Bell Canada capital expenses is not yet shown and there are still a few outstanding pieces and some billing issues. We go live with the new cabling soon which will be the internet services. The Professional fees are up, which includes the training sessions, legal counsel, anti-harassment and code of conduct. There remains some additional purchasing before year end so the expense lines will increase.

2.1 Governance - Gerard Michaud **

a. Motion re: Board attendance (Tabled from September 18, 2019 meeting)

G. Michaud – This is the motion to require the EO to report when the number of absences exceed the number set out in the by-laws. The motion then sets out the procedure to take, but not the Board response. He explained he has made it clear that we should look at it when it is raised on a case by case basis. He asked if there were any concerns or discussion. The EO reminded the directors the motion was circulated in September.

MOTION # 19 - 02

Moved/resolved that:

Whereas section 8.08 of By-Law 1B provides:

Cease to Act. *A Director shall stop being a Director of the Association if any of the following occurs:*

...
(c) *the Director misses three consecutive meetings or fifty per cent of the regularly scheduled meetings of the Board, and the Board decides by resolution to remove the Director;*
...

and whereas the Executive Officer normally tracks the attendance of Directors at the Board Meeting;

and whereas the Board should be aware when a Director has sufficient absences to trigger the provisions of section 8.08;

and whereas there has been a history of issues with attendance of Directors in the past that the Board has not dealt with efficiency;

REPORT AND BOARD DELIBORATIONS UNDER SECTION 8.08

Moved that:

1. Upon a Director failing to attend “three consecutive meetings or fifty per cent of the regularly scheduled meetings of the Board”, the Executive Officer shall prepare a report (hereinafter a “Report of Absences” to the Board stating the dates in the last 12 months) that the Director (hereinafter the “Director concerned”) has missed a Board Meeting (and whether regrets were sent in advance and when).
2. In interpreting “fifty per cent of the regularly scheduled meeting”, at least the last six meetings must be included in the calculation.
3. A copy of the Report of Absences shall be:
 - (a) emailed to the Director concerned, by the Executive Officer, at least two days prior to the next Board meeting, with the following text:
 - (i) “I am required to give you notice that is hereby given to you, pursuant to the Motion of 18 January 2019 and section 8.08 of the By-Laws, regarding cumulative absences as a Director of the PLA and deliberations that shall occur at the next Board Meeting. By-Law 1B, Section 8.08 (c) provides:
Cease to Act. A Director shall stop being a Director of the Association if any of the following occurs:
(c) *the Director misses three consecutive meetings or fifty per cent of the regularly scheduled meetings of the Board, and the Board decides by resolution to remove the Director*”
 - (ii) “Comments in writing before or verbally at the next Board Meeting are requested.”
 - (b) the email to the Director concerned shall be copied to the President;
 - (c) emailed to all Directors at least the day before the next Board Meeting; and
 - (d) a printed copy submitted to the Board at the next Board Meeting.
4. Any written response by the Director concerned received before the Board Meeting shall be shared at the Board Meeting.
5. If the Director concerned resigns as a Director of the Association, no further action on the Report of Absences shall be taken.
6. At the next Board Meeting, the Board shall consider what action to take regarding the Director concerned, as a result of the absences, including:
 - (a) adjourning deliberations to the following Board Meeting, in order to obtain further information or afford the Director concerned an opportunity to provide a response;
 - (b) no further action;
 - (c) issue a warning to the Director concerned;
 - (d) reprimand the Director on the record;

- (e) remove the Director concerned as a Director of the Association; or
 - (f) any other consequences within the authority of the Board, including conditions imposed on the Director concerned (with the consent of that Director)
7. A vote on the response to the absences shall be taken by secret ballot.
 8. The discussion and the Report of Absences shall be held in camera, unless the Board directs otherwise.
 9. If the Director concerned is reprimanded or removed, or if the Board directs, the following shall be on the record;
 - (a) the Report of Absences;
 - (b) the consequences imposed; and
 - (c) a brief explanation of the reasons for the consequences imposed.
 10. If the Director concerned is not present at the Board Meeting, then that Directors shall be sent:
 - (a) the Report of Absences;
 - (b) the consequences imposed; and
 - (c) a brief explanation of the reasons for the consequences imposed.
 11. If the Director concerned is removed as a Director of the Association, notice shall be sent to the Membership of the removal with the reason the Directors for their decision.
 12. The Director concerned may make verbal submissions at the Board Meeting, but shall leave the meeting during the Board's deliberations. The Director concerned is in a conflict of interest on this issue and may not vote on any motion related to it.

Moved by G. Michaud

Seconded by B. Gilmour

Motion Passed. All in favour.

b. DRAFT: *Respect in the Workplace – Harassment and Discrimination Policy and Procedure* **

G. Michaud said he thinks the PLA needs a disruptive behaviour policy for people in the library whose behaviour doesn't amount to harassment or discrimination, such as people who are rude to staff, or are on their phones in the library. For that to happen there needs to be a formal procedure and it will need to be passed by the Board. S. Aujla questioned if we need a policy or a guideline. G. Michaud responded he thinks there needs to be a policy. S. Aujla asked how it will be enforced. He said, if you have a policy, someone is tasked to enforce it where guidelines give you flexibility. He added, a guideline can be escalated if needed. G. Michaud said this is about behaviour the staff are dealing with and said we need a systematic approach for the Board to handle it. The EO stated during the work with J. Silvester and G. Michaud there needs to be guidelines to follow for the staff and then Board can deal with it at another level. The EO added they could provide a positing with the policy and then guidelines. We can't do anything in the moment, in an escalated moment we can hit the panic button. G. Michaud said we have some internal procedures and best practices stuff that is on our to-do list because there are two matters we have to deal with. He said we need to have something drafted by January and the executive or personnel committee should handle it. P. Bateman and G. Michaud are taking lead and will put together a list of people who can help.

Mentorship Proposal Motion

G. Michaud asked if everyone has seen the report. The EO confirmed it was circulated with the package. G. Michaud explained the motion is to approve the proposal and proceed with it. He asked if there was any discussion. He asked if anyone was not ready to vote.

MOTION # 19 - 03

Moved/resolved that:

Where as the Mentoring Task Force has proposed a plan for providing mentorship services,

Moved that:

1. The Board approves the attached Mentoring Program Proposal and authorizes the Mentoring Task Force to proceed with the Proposal.

Moved by G. Michaud

Seconded by J. Lagoudis

Motion Passed.

In Favour: S. Aujla, P. Bateman, J. Lagoudis, G. Michaud, J. Silvester, V. Richards-Thompson, and M. Zagazeta Garcia

By Telephone: K. Ferreira, W. Jaskiewicz, S. Price

Abstained: B. Gilmour

2.3 Membership – Vanessa Richards-Thompson **

V. Richards-Thompson announced at the end of October the count was at 510, which is up from last year. She reported there are 124 new members. The EO said prorating the membership is what kick-started the membership numbers. We got 16 new members from it. Revenue for membership is around \$85,000. It was not reflected in the financial report, but it will be. V. Richards-Thompson – Plans for the membership to include a tour of the Great Library. We are not increasing membership fees this year.

a. Motion re: Pro-rated membership fees (December 2019)

V. Richards-Thompson described the motion for the PLA to prorate membership fees starting on December 1 of each year for new members to get all the benefits of membership beginning then and lasting to the end of the next year. M. Fahmy said he thinks we should start it on the second or third Monday of November so if you're a new member you get the rest of the year free. V. Richards-Thompson said she thinks it will encourage people looking for membership services to join. The EO suggested November 1. V. Richards-Thompson said she will amend the motion to November 1.

MOTION # 19 - 04

Moved/resolved that:

the Peel Law Association pro-rate Membership fees beginning November 1 (each year) to qualified individuals joining as NEW members. The pro-rated Membership fee will include all benefits of membership for the remainder of the current calendar year and lasting throughout the next calendar year expiring on December 31 (approximately 14 months).

Moved by V. Richards-Thompson

Seconded by S. Price

Motion Passed – All in Favour. (On Phone. M. Fahmy, K. Ferreira, W. Jaskiewicz, S. Price)

M. Fahmy left at 5:04 pm.

2.4 Personnel – Joanne Lagoudis – Nothing to report.

ACTIVITIES

2.5 Event Planning – Joanne Lagoudis

a. Judges' Night follow up

J. Lagoudis announced people were impressed with the change of venue, the cookies, and food. She said it was a success and she also had several people ask why we hadn't changed it before. The EO outlined that next year they would look at having everything inside one space. There were great comments from the people running the silent auction. J. Lagoudis asked what everyone thought about the silent auction. S. Aujla said he would like more variety. The EO added a few members expressed they'd like to donate items. J. Lagoudis said it will be in the same place next year and September 24 is the tentative day. She said one idea for the speaker is Maria Shepherd, director and founder of the Innocence Project and money raised from the auction would be donated to them.

a. Winter Social (December 4, 2019 _ PLA Lawyers' Lounge)

J. Lagoudis announced the Winter Social is on December 4 and it's open to everyone in the building. She said she discussed putting a donation box out ahead of time with the EO. The EO confirmed there will be cookies by the same company from Judges' Night.

Legal Education – M. Norka Zagazeta Garcia **

a. Committee mandate / law section review

N. Zagazeta Garcia reported she met with the EO and also P. Bateman. She said she wanted to offer a review of the legal education mandate. She reported she has tried to set up telephone conferences with each of the sub-sections but has only met with the Civil Law Section. She said she is trying to establish policies for the sub-committees and their members on how to reach out to potential speakers, collaborate and create programs. She said they discussed having an EDI program early in the year. She explained actions are needed to set up meetings and phone calls with the other sub-committees and she is having difficulty getting people on board for the initial telephone call. N. Zagazeta Garcia said she wants to set up, move forward and have an update for CPDs for 2020. The EO explained one of the things we talked was the mandate for the legal education committee which was sent to everyone and the committee members were listed as well. The EO explained there are two levels under legal education which includes the main committee (Norka (chair), Surinder and Bill) and the secondary committees – law sections. The idea is that main committee will oversee the education programs and to see that there is at least one program for each section and one meeting for each law section. The EO explained the meetings are a chance for networking and they can be hosted in the lounge with the staff taking care of everything. The law sections include the members and will help generate programs for them which is why we broke up the sections. N. Zagazeta Garcia said she would like to have some feedback and the EO will also participate with the calls. The EO said we are trying to mimic what the Family Law Section has been doing for years. G. Michaud asked if they would be assigning leads and the EO responded N. Zagazeta Garcia will be doing that. G. Michaud suggested if we canvas the membership for members, they assign a lead instead of the committees coming up with one. Some concerns were voiced if a person appointed and not offering as a volunteer may mean the work may not get done. G. Michaud asked if they were looking for feedback and it was confirmed by the EO and N. Zagazeta Garcia.

J. Lagoudis announced we have a five part program for family law next year. The EO reported there was a conveyancing CPD last night and the LexisNexis training session is scheduled for next week which includes one hour of professionalism and a half hour of substantive credits and it is for members' only. About a dozen attended the conveyancing CPD and the speaker offered to do a real estate CPD in 2020. The EO confirmed Michael Moon and Nic Rozier are working on another five part criminal series for next year and would also be speaking with S. Aujla about a lunch series. J. Lagoudis commented the key is getting started well in advance and said that is why we need to have the strategic planning meeting early in the year. The EO said it is also important to have one in November to also set things up for the next year and the members want to know what's happening when they're renewing.

SERVICES

2.6 Library – John Silvester **

J. Silvester reported the committee members are working on some policies and should have something concrete for December or January. He said we've had discussions about signs on courtesy and respect toward staff and policies on signing out items. He said there are issues with members signing out books and not returning them which is a reoccurring issue. The EO reported there has been ongoing issues with publisher Thomson Reuters and it is a blanket problem for all of the law libraries. The company updated their software with a new system without telling anyone and collection records were wiped out. For example, there are delivery problems, triple billing, etc. The EO reported looking at cutting a large amount of items until it's sorted out and they remain unsure what's coming during the last two months of the year.

2.7 Public Relations – Gerard Michaud (Website) / John Silvester (*Peel Briefs*), Co-Chairs **

J. Silvester reported *Peel Briefs* went out a few weeks ago and said we will have one more issue for December. He asked the directors to let us know if you want to submit an article. The EO said they received a follow-up submission to G. Michaud's article published in the previous issue and a couple other submissions. G. Michaud reported most of the library and *Peel Briefs* policies are finished but the library facilities need some work. He explained the policies will go to the governance committee and then the board. J. Lagoudis raised in the past the board spoke about other associations advertising their CPDs through us. The EO responded we are looking at how much staff labour would be involved with posting, etc., and whether it's wise from the view point of our own programs. G. Michaud said the proposal was for other law associations to post their programs and we need to make a decision about how we market them. J. Lagoudis said if we opened it up for the family one, we'd be getting people outside the jurisdiction. G. Michaud said if we create a hub where everyone can look, it might get more people looking at our CPDs. S. Aujla commented family law is more about the local jurisdiction and criminal is what it is so it may not make a big difference. He added community issues are also reflected in the family jurisdictions.

Announcements & Other Business

New Business & updates:

- Bell Canada – Telephone and Internet projects update
- Courthouse Construction project update – Stakeholder Meeting (November 20, 2019)
- FOLA – Fall Plenary update (November 13-15, 2019)

V. Richards-Thompson reported she went to the dinner on Wednesday where Justice Strathy was the main speaker and he did an amazing job. She said he highlighted an initiative working with senior and retiring lawyers and he wants to partner them with new lawyers. There is concerns with advocacy skills and he has a lot of colleagues who want to provide this service or have seen new calls who need it. He wants us, as members and associations to send him those who are interested in doing that kind of work and he said he will run it. He also spoke about being part of the Lawyers' Feed the Hungry program and encouraged respective jurisdictions to join the program, he does it in Toronto every Wednesday. There is a program in Peel that started last year and we should reach out to see what we can do. She suggested it's something we can talk to the membership about. V. Richards-Thompson explained Thursday was the vote for the shareholders, and LIRN passed overwhelmingly in favour. The EO reported K. Ferreira attended the Thursday dinner and Benchers attended the lunch and dinner as well. There were concerns voiced about Benchers sitting together, and although the Central West Bencher attended there was no exchange with her (Claire Wilkinson). J. Lagoudis said she was invited to Judges' Night, but never responded and she has not responded to other messages either. The EO reported on the Thursday breakout sessions which was supposed to be about membership engagement, and our specific one was about fundraising components and did not go really well. The EO attended the Friday meetings were LSO CEO Diana Mills spoke and she congratulated FOLA on passing LIRN. The two percent increase is going to be granted next year and that the new board will look at how the levy is used, and not all associations will continue to get that percentage increases in coming years. There are concerns on how some funds are actually applied and there will still be input from associations through FOLA and library staff.

W. Jaskiewicz left at 5:48 pm.

G. Michaud stated we have added a meeting in January and the EO explained it will be used toward governance and prepping for the AGM.

P. Bateman announced we have a quote for the installation of cameras in the library and it will cost approximately \$12,000.00. The quote includes the tie into the server, cameras, post switch and installation. It also replaces the two existing cameras, we do need to upgrade the current system. The new cameras will have higher resolution and there is no audio recording. With the concerns on interactions with staff, what was discussed on the personnel committee, and not to mention issues on just getting a quote in the building, it is hard to get other quotes. In addition, there will be a \$1,000.00 yearly maintenance fee.

The EO explained one camera will be above the emergency exit door in the library, one above the corner desk at the front counter, and one above the EO's office capturing the photocopier area. There is room to add additional cameras to the system should the PLA decide to reconfigure the back half of the library. G. Michaud asked if the cameras are wired or wireless and the EO responded they would be wired - the path is already there, so it's not a matter of having to redo that again. The EO reported there will be one additional camera in the quote which will be located in the Lawyers' Lounge in the corner outside the library doors. It will be opposite the camera from Peel Regional Police which faces the emergency exit and it is a live feed. The camera in the quote would be in the corner above the exit facing outward. There have been issues with thefts, and if there is an incident while during events or

CPDs the PLA will have footage. This also includes incidents with the staff. P. Bateman explained the recordings are maintained for thirty days. J. Lagoudis asked who has access. The EO said at the moment just the staff. The EO reported we have had people ask to view the cameras if something has been taken which has not been allowed. Currently, the staff take the details and review the recordings. It takes a lot of time to review, but in the past we have been successful in recovering items which have been mistakenly removed. Also, there not be a need for a conduit as mentioned but it was included in the quote. The equipment itself is comparable to Samsung or Sony for quality.

S. Aujla said we will need signage. He added with respect to recording public events, we will need to look into giving notice, or just a sign saying it's being recorded. S. Aujla suggested we should also think about the likelihood about police access, and there should be a policy beforehand, because it will come up. In terms of installation, the EO reported the TYCO representative said it is their busiest time of year and they will need to order parts. It will likely take two occasions to come in for the installation one of which they will do late in the afternoon or evening for one, and the other part during the day. The EO will be on site no matter what and can work to schedule the days if everyone is comfortable with that. S. Aujla added if we need to go back to the recordings, will they come in and do that. The EO said we will be doing that and the quote includes training for staff. P. Bateman asked if there were any further questions.

MOTION # 19 - 05

Moved/resolved that:

An expenditure of \$12,000.00 plus \$1,000.00 yearly maintenance fee for a camera system for the Law Library and Lounge.

Moved by P. Bateman

Seconded by V. Richards-Thompson

Motion Passed – All in favour (By telephone: K. Ferreira and S. Price)

Outside Committees & Organizations

-
- Meeting Reports – refer to package materials (** written reports and documents submitted)
 - The EO reported there is a draft calendar for 2020. G. Michaud noted the additional meeting date of January 15, 2020.

Upcoming DATES were confirmed:

- Wednesday, December 4, 2019 | PLA WINTER SOCIAL 12:30 to 2:00 pm | PLA Lawyers' Lounge
- Wednesday, December 11, 2019 | BOARD MEETING 4:00 pm | PLA Library
- Wednesday, January 15, 2020 | BOARD MEETING 4:00 pm | PLA Library
- Wednesday, February 19, 2020 | BOARD MEETING 4:00 pm | PLA Library
- Thursday, February 27, 2020 | AGM 5:00 pm | *Terrace on the Green*

Call to adjourn the meeting by P. Bateman at 6:02 pm.