

 **Banack's Bencher News**

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**TREASURER ELECTION:** A new Treasurer is to be elected in June. The candidates (in alphabetical order) are: Vern Krishna, Gavin Mackenzie and Ross Murray. Each has contributed enormously to the Law Society in recent years. Vern has most recently been Chair of Finance; Gavin, Chair of the Professional Regulation Committee and Ross, Chair of LPIC. Benchers will vote in Convocation on June 22nd. I would be pleased to have your view of whom you think might be the most appropriate candidate.

**MONEY LAUNDERING:** The Federal Proceeds of Crime Act may be proclaimed into force at any time. The Act contains draconian provisions that directly impact on solicitor/client relationships. A lawyer must inform government authorities of certain defined transactions without even advising the client that the report has been made. Convocation has joined with all other Canadian Law Societies in a submission to the Federal Government to defer proclamation of the impugned sections of the Act. Litigation may follow. Be alert in the event the Act is proclaimed as significant punishments are provided for a breach of the legislation.

**CANADA CUSTOMS:** In response to a letter delivered by an Ontario lawyer, Convocation directed the Treasurer to write to the Minister of National Revenue and advise the Minister of Justice of our grave concern about news reports that Canada Customs officials have been routinely opening letters sent from outside Canada, including letters sent by foreign clients to their Canadian lawyers. Such a practice represents a serious invasion of privacy and a breach of the fundamental right of solicitor/client privilege.

**LPIC PRACTICE PRO:** Take advantage of the on-line coaching centre to become eligible for a \$50.00 premium discount on the 2002 liability insurance premium. Register online at [www.practicepro.ca](http://www.practicepro.ca). In addition to the premium discount, there is a wealth of information to help with our practices.

**DISCIPLINE PROCEEDINGS:** The goal remains to have complaints and hearings conducted expeditiously and in a timely manner. The number of outstanding cases older than one year continues to decline but 47 remain outstanding. Hopefully, that number can be significantly reduced by the year end. In 2000, the Law Society received the lowest number of complaints (2400) than had been filed in the past decade. The largest percentage of complaints related to a lawyer's failure to communicate (14%), complaints by third parties

(12%), and a breach of financial obligations (10%). The principal areas of practice attracting the greatest number of complaints continues to be civil litigation, real estate and matrimonial/family law.

**RULES OF PROFESSIONAL CONDUCT:** The Rules, effective November 1, 2000 continue to be scrutinized by a working group. A number of amendments were made by Convocation as the Rules are treated as a "living" document to guide the profession. Notice of the changes will be forthcoming or can be viewed on the Law Society website.

**LAW SOCIETY MEMBERSHIP:** Approximately 72% of Ontario lawyers are sole practitioners and 25% practise in firms of two to ten lawyers. Less than 2% of Ontario lawyers practise in firms larger than 11 lawyers. Female lawyers constitute the largest percentage of the bar for lawyers aged under 30. However, by percentage, male lawyers far exceed the number of female lawyers in every age category above 30. Approximately 49% of Ontario lawyers practice in Toronto, 43% practice elsewhere in Ontario and the balance practise in other Provinces or outside of Canada.

[www.canlii.org](http://www.canlii.org) This website accesses the National Virtual Law Library which already has more than 27,000 online Court decisions available for review. When the project enters its permanent phase in 2002, it is expected that the site will access all Federal and Provincial Court decisions and legislation at an annual operational cost of approximately \$10.00 per Canadian lawyer. Try it out and see the value of the cooperation achieved by 13 Canadian Law Societies.

**EMPLOYMENT STANDARDS ACT:** The Ontario Ministry of Labour is considering changes to the current exemption from a number of legislative provisions including hours of work, minimum wage, overtime, public holidays and vacation pay. Those exemptions apply to lawyers, articling students and a wide range of other professional groups. The Government's re-evaluation may result in some or all of those current regulatory exemptions being withdrawn. That will dramatically impact on relationships within the profession affecting hiring, training, monitoring, evaluation and compensation. If the exemptions do not continue, law firms could be obliged to conform to the new legislation as early as July, 2001.