

 **Banack's Bencher News**

Larry Banack, Certified by the Law Society as a Specialist in Civil Litigation Member of the Arbitration and Mediation Institute of Ontario and Roster Mediator, Ontario Mandatory Mediation Program - Ottawa/Toronto

Telephone
416-977-8353

TeleFax
416-977-3316

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New Treasurer: Vern Krishna of Ottawa was elected Treasurer by Convocation today. His valuable contribution to the Law Society over the years combined with his broad educational and practical expertise create a hopeful atmosphere at Osgoode Hall. He has indicated an intention to lead the Law Society in a proactive, effective manner.

Erratum – Law Society Membership: My last newsletter described membership statistics within the Profession taken from the Law Society Annual Report. I am indebted to those who queried the information provided and to Ms. Michelle Strom, President of LPIC, who has advised that there are approximately 18,000 lawyers who are active practitioners. Sole practitioners make up approximately 30% of that group. A further 32% practice in firms of two to nine lawyers. Finally, approximately 28% of lawyers practice in firms of 25 or more. I apologize for any confusion arising from Newsletter #34.

Mid Term Report: Have we made a difference? Benchers elected in 1999 have now served two years of our four year term. I want to believe that there has been an improved perception of the Profession and of the role and function of the Law Society among lawyers and in the public eye. Here is how I think we have done:

1. Outreach to the Profession: Former Treasurer Robert Armstrong travelled to every county, at least once, to meet with members of the local bar. That effort coordinated with regional Benchers, provided for a direct exchange of communication between Ontario lawyers and representatives of Convocation. This is an initiative which should be continued by our new Treasurer. Grade: A+

2. Rules of Professional Conduct: At long last, outdated Rules were abolished and Rules more reflective of our current practice realities were implemented. The Rules will continue to be revised as we gain experience in their interpretation and implementation. Grade: A

3. Lawyers' Competence: Underlying principles and a proposed approach have been adopted to support a continuum of professional development and lifelong learning for lawyers. The effectiveness of this initiative in ensuring there is flexibility, accessibility and affordability will only be known once the design components and costs are determined later in the year. Grade: B+

4. Governance: This relates to the internal workings of the Law Society and Convocation. There have been significant changes since 1995, however, the last two years have seen backsliding in the effective functioning of Convocation and intra committee communication and functioning. Convocation sometimes receives committee reports that are not ready for decision-making and/or last minute amendments from the floor of Convocation that may intuitively reflect fairness and equity, but have not been fully examined. Committee work may be performed in isolation without consultation or input from other potentially affected Committees, resulting in ineffective and sometimes disjointed decision-making. Grade: C

5. Strategic Planning: A Fall 1999 Strategic Planning Session was intended to permit Benchers to shape the Law Society agenda to 2003. However, an additional effort should be made to anticipate longer term changes within the Profession in order that we can be governed in a manner permitting pro-active preparation for changes within the Profession and the Province. Grade: B

6. LPIC: Premiums are down. Initiatives such as further fee reductions for electronic filing of LPIC applications, TitlePlus, Practice Pro and aggressive defence of negligence claims support the conclusion that the Profession continues to be excellently served in this respect. You will recall that the Law Society is the sole shareholder of LPIC. Grade: A+

7. Paralegals: The Profession remains a sitting duck following release of the Cory Report. The Government has not yet acted on the Report. However, continued unregulated and uninsured activities of paralegals threatens the interests of unsuspecting members of the public and our Profession. Grade: C

8. Technology: The relationship between the Law Society and Bar-ex was completed. The electronic world continues to change at a rapid pace. The Law Society should give leadership to the Profession and create opportunities for practice improvement and communication within the Law Society and within the Profession. Grade: C

9. Time Commitment: Benchers continue to devote an enormous amount of personal time to Law Society affairs. This includes attendance at meetings of committees, task forces, Convocation and discipline proceedings. Grade: A+

Have a happy and safe summer with family and friends. As in the past, should you have any questions, criticisms or suggestions, please do not hesitate to let me know.