

Banack's Bencher News #93

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Larry Banack, Certified by the Law Society as a Specialist in Civil Litigation
Member of the ADR Institute of Ontario

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THE RACE IS ON: Nominations have closed and the following three Benchers are seeking June election as Treasurer:

LAURIE PAWLITZA: A Bencher since 2003. Her Law Society experience includes currently Chairing the Professional Development & Competence Committee and Vice-Chair of Government and Public Affairs. She has been a director of LawPro and Co-Chaired the Working Group for the Retention of Women in Private Practice.

BILL SIMPSON: A Bencher since 1999. He chaired the Paralegal Task Force from 2004, resulting in legislation passed in 2006. He is a former Chair of the Professional Development, Competence and Admissions Committee and has served on a number of Committees and Task Forces, including: Access to Justice, Audit, Government and Public Affairs, Priority Planning and Tribunals.

BETH SYMES: A Bencher since 2003. She serves as Chair of the Audit Committee and Vice-Chair of the Proceeding Authorizations Committee and is a member of the Compensation and Equity & Aboriginal Issues Committees. She also participated on the Retention of Women in Private Practice Working Group.

CIVILITY FORUM: Treasurer Millar undertook a personal initiative to participate in eleven meetings for lawyers and paralegals throughout Ontario from November 2009 to February 2010 in order to address civility issues. His report to Convocation at http://www.lsuc.on.ca/media/convmay10_treasurers_report.pdf attracted more than 900 lawyers, paralegals, students and members of the judiciary. Participants were told of a wide range of uncivil conduct and had the opportunity to discuss best practices to respond to such circumstances. Following a review of potential causes and remedial action, the Treasurer has suggested that ongoing support for civil conduct be enhanced through mentoring, education, implementation of a "hotline", a session by the Chief Justice's Advisory Committee on Professionalism and focused communications to improve the public's understanding of the administration of justice and the work of lawyers and paralegals.

COMPENSATION FUND: The Fund is available to make grants to clients who have suffered a loss as a result of the dishonesty of lawyers (to a limit of \$150,000.00) and paralegals (to a maximum of \$10,000.00). For the period November 2009 to April 2010, the Fund paid approximately \$1,400,000.00 in respect of the conduct of 18 lawyers. In respect of 2 paralegals, approximately \$17,000.00 has been paid from the Fund. In each case, the lawyers and paralegals have been suspended, their licences revoked and/or are deceased.

GOVERNANCE: The Ontario government acted quickly in making legislative changes required to implement Convocation's decisions to reform the governance structure of the Law Society. Royal Assent to the legislation was given on May 18, 2010. Convocation has now passed the necessary by-laws, all intended to improve the work of Convocation and enhance the regulation of lawyers and paralegals in the public interest. The decisions implemented include:

- 12 year term limit for an elected Bencher;
- creation of the status of emeritus Bencher;
- phased in termination of the status of Life Bencher;
- end of the ex officio Bencher status for future former Treasurers and former Attorneys-General;
- limitation of rights of grand-parented former Treasurers, Life Benchers and former Attorneys-General.

However, the Chair of the Governance Task Force has undertaken to review a number of situations raised in debate and will report to Convocation. With the benefit of the experience acquired through the implementation of these changes, Convocation may be induced to revisit the issue of governance in order to pursue further reforms not achieved at this time.

E-FILING: Lawyers and paralegals submit an annual report to the Law Society. In 2009, the reports were electronically filed by 91% of paralegals but only 75% of lawyers. The Professional Regulation Committee sought approval from Convocation that in the future e-filing be used as the primary method for submitting reports with paper filing available only in exceptional circumstances. The recommendation for "paperless" filing was based on cost and resource issues arising from the dual filing system presently in place and challenges arising through the Law Society's Administrative Compliance Services. Convocation agreed with the recommendation. By-law amendments will be considered in the future.

MARY MCLEAN: The Treasurer extended to Mary Constance McLean best wishes on the occasion of her 100th birthday on May 30, 2010. Mrs. McLean has been a dedicated member of the Law Society of Upper Canada for 76 years. When she entered the law program at Osgoode Hall, she was one of six women in a class of one hundred students. Only Mrs. McLean and one other woman, Mary Appleby, remained in the program and were called to the Bar of Ontario. Her determination and success serve as an example for young women interested in pursuing a career in law.

CONVOCATION REPORTS: All reports to Convocation can be viewed at <http://www.lsuc.on.ca/news/>
In order to more fully understand the issues facing Convocation, you may wish to review previous editions of Banack's Bencher News at http://www.kmlaw.ca/publications/banacks_bencher_news_home.aspx

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