

# Banack's Bencher News #94

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**TREASURER ELECTION:** By a substantial majority, Convocation has elected Laurie Pawlitza as the next Treasurer of the Law Society; this being only our third woman Treasurer since 1797.

**FAREWELL TO TREASURER MILLAR:** With the election of the new Treasurer, Derry Millar's two year tenure came to an end. During that period, under the leadership of Mr. Millar, the Law Society made significant advancements for which the Treasurer can justifiably be proud:

- the seamless implementation of paralegal regulation;
- consultation with the profession resulting in governance change implemented by Provincial legislation and Law Society By-laws;
- approval of mandatory continuing professional development; Province-wide consultations relating to civility within the Profession; and
- discussions with the OBA to assess establishment of a dynamic, independent legal education organization to serve the needs of legal professionals throughout Ontario.

**LAW COMMISSION OF ONTARIO:** Convocation approved a request of the Law Commission of Ontario for renewal of the Law Society's support of the mandate of the Law Commission for a further five years subject to budgetary considerations. Further discussions will be undertaken with other founding partners and a formal request for funding will be submitted in the future.

**LEGAL EDUCATION ONTARIO:** An initiative has been undertaken by the Ontario Bar Association and the Law Society to explore ways in which the organizations may assess an option of establishing an independent organization combining educational programs and products to meet the learning needs of the profession. Discussions will proceed in the Fall to examine the appropriateness of establishing an independent, robust and integrated entity with its own Board of Directors and with specific reporting requirements to the Law Society and the OBA as partners. The current proposal is an excellent example of work undertaken by Treasurer Millar in a proactive, progressive and positive manner reflecting the best interests of our members and protection of the public. Other legal education providers will be able to continue programming and will be consulted.

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**COMPLAINTS RESOLUTION COMMISSIONER REPORT:** Since the inception of the program in 2005 there has been a dramatic increase in the number of complainant requests for review of Law Society decisions to close complaint files. Two hundred and forty-five requests for review were received in 2009. The predominant issues raised in the reviewed complaints related to service issues, integrity and conflicts. It is heartening to note that consistent with previous years, 89% of the files reviewed were closed while only 11% were referred back to the Law Society for further investigation. The referrals were considered by the Director of Professional Regulations. Further action was taken in respect of nineteen of the twenty-two files sent back for review. In other words, although the vast majority of complaint reviews were determined to be unfounded, those reconsidered resulted in further action at the rate of almost 90%. It certainly appears that the complaint resolution process is working well. Osgoode Hall no longer had sufficient space to accommodate the office of the Complaints Resolution Commissioner. As a result, offsite premises were leased at 155 University Avenue, Toronto, which is accessible to the public and ensures independence of the Commissioner.

**PRO BONO CONFLICTS OF INTEREST:** Convocation has approved changes to the Rules of Professional Conduct in order to enable lawyers to deliver limited legal services to pro bono clients within Pro Bono Law Ontario's Law Help Ontario program. The new provision will facilitate the delivery of legal services when it is difficult to comprehensively search for conflicts of interest. The new rule only disqualifies a lawyer from acting in such a circumstance, if there is actual knowledge of a conflict of interest based on the lawyer's reasonable recollection and information provided by the client in the ordinary course of the consultation.

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.