

Banack's Bencher News #81

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DEADLINE: March 31st is the due date to file your Member's Annual Report. You can access the form online at <https://eforms.lsuc.on.ca> by clicking on "Application for Access". For answers to your questions, you can call 1-800-668-7380 ext 3315.

NEW RULES OF PRACTICE AND PROCEDURE FOR HEARING PANELS: Since it was created by Convocation in 2005, the Tribunals Committee worked extensively to bring forward new rules for consideration by Convocation. The process involved an internal staff working group, extensive committee review, consultation with members of the defence bar who frequently appear as counsel and requests for input from the profession and legal organizations. Convocation approved the proposed rules for implementation commencing July 1, 2009. The new rules will be widely distributed. The current rules will continue to apply to any proceeding commenced before July 1, 2009 and the new rules will apply to proceedings commenced on or after July 1, 2009.

GOOD NEWS STORY: Since 2005, the Law Society has recognized the importance to the profession and the public of sole practitioners and small firms throughout the province. Enormous effort was devoted to the establishment of a working group involving representatives of Convocation and the profession. Various groups have taken collective responsibility for allocating resources and implementing actions to support sole practitioners and small firm lawyers. Opportunities now available through the Law Society, Ontario Bar Association and County and District Law Presidents' Association are summarized in the Report to Convocation by the Professional Development and Competence Committee. You may review the range of services available by examining the attachment to the Convocation Report which may be found at www.lsuc.on.ca.

GOVERNANCE CONSULTATION: Convocation has decided to immediately proceed with a consultation with lawyers, paralegals and others to consider improvements to corporate governance at the Law Society. This decision was reached despite opposition by some Benchers resulting in a tie vote that was ultimately determined by a tie-breaking vote cast by the Treasurer. This debate again reflected that in this and other areas, many Benchers appear to be unwilling to recognize their own self-interest and obvious personal conflict of interest in resisting open, frank scrutiny by the profession and the public of the self-governance of our profession. Following consultation in the Spring, there will likely be a private dialogue among Benchers and a public debate in Convocation.

FOREIGN LEGAL CONSULTANT: Since 1988, lawyers from outside Canada have been able to provide advice on the law of their jurisdiction while residing in Ontario. Changes made in 2002 clarified the eligibility requirements and steps to be taken in order for a Foreign Lawyer to become a recognized Foreign Legal Consultant. In view of changes in other jurisdictions and issues related to trade and legal services and international negotiations, the Law Society was asked to consider our requirements. Such Consultants are not allowed to hold trust funds. Convocation has now approved changes in residency requirements and removed the necessity for defalcation bond requirements.

REQUEST FOR INFORMATION: The Law Society is undertaking a project to elicit the names of early lawyers from many diverse communities in Ontario. The goal of the project is to develop a "Roll" of lawyers who may be the first from their community to enter the practice of law; also to identify lawyers from those communities who are distinguished by their achievements within the legal field and still others who have served their community of origin beyond their professional capacity. As well research is ongoing in respect of the 1948 Lord Reading Club which was of importance to Jewish lawyers then excluded, with other groups, from the Lawyers' Club. If you have any names to suggest or have questions about the project please contact the project coordinator Allison Kirk-Montgomery at Allison@historymatters.ca or at 416-921-1348.

JS DENISON TRUST FUND: This fund was established by the Will of a former Treasurer for relief of indigent Barristers and Solicitors and their families. In 2008, \$63,000.00 was disbursed to fourteen applicants who found themselves in extraordinarily difficult circumstances. The balance in the fund is approximately \$163,000.00. In the ordinary course, applications are considered by Law Society staff who make recommendations to the Finance Committee that are then considered by Convocation. In February, Convocation approved three further applications.

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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