

 **Banack's Bencher News**

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In the last two months, Convocation met on 5 occasions and Benchers participated in Committee Day as well as various special programming and task force projects.

BAR ADMISSION COURSE (BAC) REFORM: A full day debate canvassed the history, value and future of the BAC. The simple question put to Convocation was whether the Law Society has a place in the final education and training of lawyers OR whether its role is simply as a regulator which should supervise the delivery of a licensing examination taken by students at the time of their choice. The heated discussion addressed the gap which exists between the knowledge provided by law schools and the information and skills needed to actually practice law. The vote was carried 25 to 11 in favour of reforming the BAC which will continue to be supervised by the Law Society fulfilling its obligation to govern the profession in the public interest. The Admission and Equity Committee will return a further report by October, 1998 detailing the alternatives, including the possibility that the Law Society need not be the exclusive educational provider in the future. (Mr. Philip Epstein announced his resignation as Chair of the Committee.)

ARTICLING: Convocation accepted the recommendation of the Admissions and Equity Committee for the continuation of the articling program as an integral part of an effective professional education and training program.

TORONTO LAW STUDENTS SUMMER RECRUITMENT

PROCEDURES: U.S. law firms, non-Ontario Canadian law firms and management firms have been recruiting heavily for Ontario law students. Our Ontario procedures for Summer students restricted hiring by Toronto law firms until February of each year but others had been offering jobs as early as the previous Fall. Many Toronto firms felt that they were not being treated fairly because our schedule prohibited early offers of employment. Convocation agreed to change our current procedure so that second year student recruitment may begin in October. This decision will allow Toronto area firms to compete with others and still protect students from undue pressure.

REPORT OF JOHN SASO, CHIEF EXECUTIVE OFFICER:

Complaints concerning lawyers have been reduced about 10% in the past year. We are still awaiting the effect of the outcome of the new self-reporting "Private Practitioners and Member Information Forms".

In 1998, 1,080 new lawyers were called to the bar, compared with 1,150 last year. However, there are 1,318 students registered in Phase III of the Bar Admission Course. The Law Society web site was accessed over 150,000 times over the last three months, which is 115% higher than the same period last year. The Law Society is presently re-evaluating all internal jobs to create a new performance-management, training, recruitment and compensation system.

ONTARIO BAR ASSISTANCE PROGRAM GRANT: An ad hoc request by OBAP for mid-year funding for \$50,000.00 was approved by Convocation to help support a very worthwhile program for many colleagues suffering from diseases of addiction. The future funding for this and other programs will be discussed in the context of next year's budget planning.

1999 BUDGET PLANNING: A desire to significantly reduce our 1999 fees can only be accomplished by the elimination and/or streamlining of programs to reduce operating costs within the control of Convocation. A 10% reduction in the budget would only result in a saving of \$70.00 per member. During the summer, the Finance Committee will produce a financial model and various alternatives for consideration by Convocation during the Fall budgeting discussions.

A.D.R.-REGULATORY RESTRUCTURING: A joint Bencher/Staff A.D.R. team have been working to develop alternate remedial solutions to the discipline process in appropriate cases. A pilot project may be implemented to gather data to assess financial recommendations while recognizing the fact that only 5% of all matters result in disciplinary action and which will respond effectively to client service and practice management problems.

LAWYER REQUALIFICATION - AFTER 5 YEARS: As a result of a 1994 Convocation decision, commencing July 1, 1999, a lawyer in good standing who has not made substantive use of his/her legal skills for a period of five years will be obliged to requalify in order to re-enter private practice. The content of the requalification program is presently being examined.

LAWYER COMPETENCE: Benchers spent time in April with Professor Michael Trebilcock who focused discussions on the regulatory role of the Law Society and the pursuit of professional competence. The information and debate will be used to assist in future discussions within the profession.

FUTURES TASK FORCE: A Task Force Working Group on Multi Disciplinary Partnerships has been studying how our profession is being affected by alliances with other professions. It will complete its final report in the Summer for consideration by Convocation in the Fall to address ethical and regulatory problems, which will include issues of confidentiality, insurance, conflicts of interest and fee splitting. It is expected that the forthcoming debate will consider whether lawyers' affiliations may include others such as chartered accountants, real estate brokers, mediators, patent and trade mark agents, immigration consultants or private investigators.

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