

 **Banack's Bencher News**

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COURT INTERVENTIONS: The Law Society sought leave and was granted intervenor status in the recent proceedings against a lawyer by the Ontario Securities Commission and in respect of the execution of a search warrant in a lawyer's office. The decision to seek intervention was made because there are issues of significant importance to the profession and the public that might not otherwise have been fully articulated by the parties to the dispute.

LAWYERS' FUND FOR CLIENT COMPENSATION: The Fund is available to pay a maximum of \$100,000.00 per client for any single claim arising from the dishonest actions of a lawyer. There are currently 73 open claims and the Fund has been given notice of 22 potential claims. The present, uncommitted Fund balance of approximately \$8 million is not low by historical standards, but could be severely reduced by the dishonesty of even a single lawyer. It is anticipated that last year's levy contribution of \$165.00 per lawyer may have to be increased to \$400.00 to restore the Fund balance, depending on the conditions which exist in November, 2000.

COURT HOUSE SURVEY: A Law Society Task Force has been investigating issues related to Ontario Court facilities having special concern for space and security issues. A comprehensive questionnaire has been circulated by the Task Force to each county and district Law Association President. The information obtained will provide the basis for an informed analysis concerning the needs of the profession, the public, the judiciary, crown counsel and the police. Please contact your local President if you wish to have input into the study.

CONTINGENCY FEES: Are we hearing the silence of our Attorney General retreating? Despite his initial hopeful and brave statements, we have not seen any recent progress, although a further report is due next month. How about asking your MPP or the AG himself, as it appears that the Law Society and CBAO have done everything possible, from the Profession's perspective. Has this Government concluded that contingency fees, which may put a lawyer and client in a possible conflict of interest, are not in the public interest, or is there a commercial interest at stake?

RULES OF PROFESSIONAL CONDUCT, CHANGES: Following a year-long, widely-publicized consultation with the Profession, Convocation began debating the changes to the Rules. The matters in issue are critically important to all of us as lawyers, and written

submissions were received from a number of sources. Insufficient time was available on the first day to address all of the issues, so additional Convocation days were scheduled for the sole purpose of completing the Rules' review. The draft is available for examination on the Law Society website.

1999 LPIC REPORT: The independent Board of Directors appears to be managing LPIC in an exemplary way. Base premiums have dropped while LPIC services have increased. Visit its website (www.lpic.ca) to participate in the Coaching Centre, which provides learning modules and self-assessment skills. TitlePlus provides lawyers with a competitive product by focusing on the pivotal role of lawyers in conveyancing. Although 1999 gross claims were comparable to last year, real estate claims still account for the bulk of claims. Civil litigation claims have increased by 50%. A survey of insured lawyers whose claims were closed in the past year indicates a high positive rating for the work of LPIC defense counsel, which is also reflected by the success rate at trial, through summary judgment motions, and before the Court of Appeal.

1999 CEO REPORT: The Client Service Centre is the telephone reception that replaced 30 former departmental intake points. Almost 12,000 inquiries (including 4,400 lawyer referral inquiries) are handled per week. Approximately 36% of inquiries are answered and disposed of on the first contact. Less than 3% of the inquiries are classified as complaints requiring more information and review. Advisory Compliance Services deal with client complaints that do not usually lead to disciplinary action, involving matters such as unexpected results and phone calls not being returned by lawyers. Advisory Services to the Profession act as a mediator between a complainant and a lawyer to facilitate a resolution, and may provide services of a coaching nature for lawyers, if required. Investigations that may lead to disciplinary action are dealt with by six teams. The Ottawa-based team is bilingual. There has been a concerted effort to eliminate old investigations, and the present goal is to conclude all investigations within one year. The Law Society has 339 full time equivalent employees, which is far less than the 1994 high of 408 employees. However, the Profession has increased by 20% since that date but our fees to support Law Society activities have declined.

ANNUAL MEETING: The Law Society Annual Meeting was held on May 9, 2000. The 1999 Annual Report was tabled, including financial summaries and messages from the Treasurer and CEO. Copies are available on request from the Law Society.