

 **Banack's Bencher News**

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APRIL 30, 2002: This is the due date for payment to the Law Society for annual fees and for filing with LPIC, levy surcharge forms and payments or exemption forms for those lawyers who do not practice either civil litigation or real estate. E-filing is possible at <http://www.lpic.ca>.

PARALEGALS: A document for consultation has now been released that proposes a regulatory framework to cover the spectrum of legal services, including those provided by paralegals. You may review the document on the Law Society website (<http://www.lsuc.on.ca>). Legal organizations are reviewing the principles contained in the document and Convocation will debate the matter on June 28, 2002. If approved by all of the legal organizations consulted, the document will be presented to the Attorney General. It is anticipated that the Law Society will be the one body responsible for regulating the provision of all legal services. However, a standing Committee of the Law Society would be created with the mandate to deal with issues respecting governing and regulating paralegals. That committee will deal with issues such as accreditation, grandparenting, licensing and appeal processes. If adopted, this initiative will eliminate the unregulated and uninsured activities of paralegals that threatens the interests of unsuspecting members of the public and avoids the recommendations of the Cory Report.

CONTINUUM OF LEGAL EDUCATION: The Task Force Report recommended fundamental change in the way students prepare for their call to the bar. The current licensing process does not reflect the reality of current legal education, the practice of law or changes in our society. It was recommended that the Law Society will no longer teach substantive law in the Bar Admission Course but will continue to prepare and provide the necessary reference material. Licensing exams will be developed for the Law Society by professional educators. Convocation has directed that the Task Force seek input from lawyers, legal organizations, law schools, bar admission students and faculty. It is anticipated that the Task Force will deliver its final report in September, 2002. You may review the Task Force Report on the Law Society website (<http://www.lsuc.on.ca>) and you are invited to participate in the forthcoming discussion.

E-LEARNING: 2001/2002 Bar Admission Course students had the benefit of accessing, by internet, recorded lecture material. The live lectures are maintained on a Video Archive Server at the Law Society in respect of all of the phase 3 lectures augmenting the blue covered

bar admission notes. In addition, seminars were available by live webcast. One student who wrote to commend the technological advance noted that "... the pièce de résistance is the ability to email questions and receive immediate responses. This works." In time, all Law Society educational opportunities will similarly be available in a cost-effective timely fashion, to lawyers throughout the Province.

**FINANCIAL STATEMENTS:** Convocation received the Law Society financial statements for the last fiscal year. The General Fund operated at a surplus of \$5.4 Million, compared to a deficit of \$1.9 Million the previous year. For the same period, total revenues increased \$57.7 Million and expenses increased to \$52.2 Million. Revenue increased as a result of membership growth and the increased membership levy last year. As well, bar admission course revenues increased because of the transition from one bar admission course model to another resulting in a "double cohort" that brought about overlapping enrollments. In addition, financial statements were provided in respect of the Lawyers Fund for Client Compensation, the Errors and Omissions Insurance Fund and LIBRARYCO Inc. LIBRARYCO receives all of its revenue from the Law Society or the Law Foundation.

**PRACTICE REVIEW CONFIDENTIALITY:** The Law Society has the ability to order a review of a lawyer's practice where there are reasons to believe that there is or has been a failure to meet standards of professional competence. In that situation, lawyers are required to permit the Law Society to enter the office during business hours, produce and permit examination of documents related to the matters in review and provide necessary information. A failure to cooperate could amount to professional misconduct. Most practice reviews are directed against lawyers who have accumulated a large number of complaints over a number of years. For example, between 1999 and 2001, in a small group of only 33 lawyers, each lawyer faced an average of 22 complaints. 21 of those lawyers were or continue to be in practice review. Convocation decided that hereafter, information relating to practice reviews may be shared among Law Society regulatory departments and in subsequent proceedings. The mere fact that a member is in practice review will not be made public, however, an Order that limits a lawyer's rights and privileges shall be made public only upon request. This policy will be reviewed by Convocation in September, 2003.

**MEMBER DIRECTORY:** It is now possible to electronically locate contact information about a lawyer by searching the Law Society website at <http://www.lsuc.on.ca/search.jsp>. However, to access a lawyer's practice status or disciplinary history, it is still necessary to contact the Law Society Client Service Centre at 416-947-3300 or 1-800-668-7380.