

 **Banack's Bencher News**

Larry Banack, Certified by the Law Society as a Specialist in Civil Litigation Member of the Arbitration and Mediation Institute of Ontario and Roster Mediator, Ontario Mandatory Mediation Program - Ottawa/Toronto

Telephone  
416-977-8353

TeleFax  
416-977-3316

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**CONTINGENCY FEES:** The Ontario Court of Appeal released a decision on September 10, 2002 in respect of contingency fees. The Attorney General has announced that no appeal is to be taken from that decision which concludes that contingency fee agreements should no longer be considered per se champertous. Whether a particular agreement is champertous will depend upon the circumstances of each case, the conduct of the parties involved and the propriety of the motive of the lawyer entering into the agreement. A private member's Bill is before the Legislature to amend the Solicitor's Act to permit and regulate contingency fee agreements. Convocation approved a report authorizing discussions with the Attorney General in respect of proposals for a regulatory scheme for contingent fees. More will undoubtedly be forthcoming in the coming months.

**LAWPRO (LPIC) PREMIUMS - 2003:** Convocation approved the reduction of the base premium by \$200.00 to \$2,500.00 per lawyer for the 2003 insurance program. As well, premium reductions were approved for various practitioner categories. However, it must be noted that a portion of the premium reduction was achieved because the Profession will be entirely self-insured through LawPro as reinsurance coverage will not be purchased next year. Discounts are available for early lump-sum payments and early email filing of applications. Changes have been made in respect of exemptions for occasional practice, investigation and defence cost protection, when successful, against certain statutory assessments and penalties and coverage regarding lawyers' estates. Particulars of these changes are contained in the LawPro September, 2002 Report to Convocation.

**LAWYERS' ESTATE LIABILITY:** In 2003, the estate of a lawyer will only be provided with base coverage for the first 90 days immediately following the death of a lawyer. Thereafter, previous practice coverage will be replaced by run-off policy coverage with a reduced limit of \$250,000.00 per claim and in aggregate. Practitioners should make provision to instruct and allow their estates or partners to apply for increased run-off limit protection where it is felt that is warranted.

**COMPETENCE MODEL-PRACTICE ENHANCEMENT:** Convocation approved a self-assessment tool for the practice enhancement component of the competence model. Approximately \$200,000.00 is to be budgeted for the development of a voluntary practice enhancement system that uses self-learning, self-assessment, personal plans, support tools and consultation techniques to confirm

and/or achieve quality measures in a lawyer's practice. It is hoped that the completed product will have been tested and available by September, 2003.

**BAR ADMISSION ON-LINE COURSE:** An internet on-line site gives bar admission students access to course lectures, video presentations, text materials online anytime and anywhere. This initiative allows students to view lectures either live or at a subsequent convenient time. Practice examinations, marking guides and an interactive on-line bulletin board are available to facilitate teaching and communications. As a result of the success experienced by students, the technology should allow enormous flexibility in future continuing legal education opportunities for the entire profession.

**INVESTIGATION/DISCIPLINE PROCESS:** In recent months, statistics have remained relatively constant with approximately 200 members under investigation and 550 open complaints remaining unresolved for an average period of 310 days. In the discipline process, approximately 130 matters are pending either hearing or appeal and 91 conduct applications have been issued and are in the discipline process pending resolution.

**DISCRIMINATION AND HARASSMENT COUNSEL'S REPORT:** The Discrimination and Harassment Counsel receives approximately 40 calls per month, the majority of which are generated by women. Approximately 25% of the calls deal with sexual and personal harassment. The other areas dealt with include discrimination on the basis of disability, religion, race and sexual orientation. As of June, approximately \$40,000.00 has been spent on the program out of its annual budget of \$100,000.00.

**DISCOUNTED IBM PRODUCTS:** A new Law Society affinity program allows lawyers, staff and students to be eligible for discounts on selected IBM programs. To participate, go to the Bar-Ex website at [www.bar-ex.com](http://www.bar-ex.com), or you may access the information regularly through the icon located on the right-hand side of the Law Society home web page at [www.lsuc.on.ca](http://www.lsuc.on.ca).