

 **Banack's Bencher News**

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INTERACTIVE DISTANCE LEARNING: Beginning in January, 2003, lawyers will be able to participate in CLE programs without having to spend money and waste valuable time travelling to Toronto. The new Law Society Interactive Distance Learning Network will broadcast live video feeds from Toronto to approximately 10-20 sites. Participating members will be able to view the programs and interact with speakers and attendees. Additional locations may be added depending on advanced notice and a minimum of number of registrants. The ongoing goal is to implement innovative and affordable methods to allow lawyers to access programs through a variety of means. Watch for further details at the Law Society website http://www.lsuc.on.ca/services_en.jsp. However, remember that outstanding and timely programming by the OBA, County Law Association and The Advocates Society, to name a few, must be supported and fostered to ensure that the Law Society does not acquire a monopoly.

LSUC BUDGET: The 2003 overall membership levy has been fixed in the amount of \$1,454.00 reduced from \$1,618.00. That total levy provides for capital requirements such as renovating the Bar Admission Course lecture area into offices and maintaining funding for library services and the lawyer's fund for client compensation. The Finance Committee and CEO proudly assert that 2002 was a successful financial year for the Law Society, considering the increase in the surplus of the general fund while maintaining a Working Capital Reserve. It certainly appears that the surplus and reserves exist because lawyers are paying a higher levy than would otherwise be necessary. The Law Society must be governed in a fiscally conservative fashion. However, budgets that continue to result in an annual growing surplus should not be tolerated.

CONTINGENCY FEES: To reflect the current view of the Ontario Court of Appeal and the historic view of a majority of Convocation, the Law Society has approved a new rule and commentary relating to contingent fees and contingency agreements which are not applicable to Class Proceedings. For details of the new rule which is immediately applicable, review the text that may be located on the Law Society website <http://www.lsuc.on.ca>. We are awaiting the Government's next step in respect of the outstanding private members' bill dealing with the same issue.

FOREIGN LEGAL CONSULTANTS: The Law Society policy on foreign legal consultants dated from 1988. Convocation received a report of

the Interjurisdictional Mobility Committee that has interpreted changes within the Profession as reflecting clients' needs and the growth in recent years of policies facilitating interjurisdictional mobility. Convocation adopted the report which impacts Ontario lawyers who are also members of a foreign jurisdiction and those wishing to employ or associate with foreign lawyers which was not previously possible under the pre-existing Law Society policy. A by-law incorporating the new provisions will now be prepared for Convocation's approval.

PRACTICE MANAGEMENT GUIDELINES: In pursuit of the Law Society's competence mandate, Convocation approved guidelines prepared following an extensive consultation process with the profession. The guidelines are available electronically at the Law Society Website or in hard copy which may be obtained by contacting the client service centre at 1-800-668-7380. The approved guidelines are not static and will be reviewed and revised when required from time to time. They include topics such as client service and communication, financial management, personal management, time management and closing a law practice. The guidelines include references to the Law Society Act, Rules of Professional Conduct, electronic links to other information and helpful articles for review. The guidelines provide a wonderful, single source for authoritative information.

BENCHER ELECTION: The next election will be held in May, 2003. At present, Convocation does not reflect the gender or cultural make up of our legal community. New elected Benchers, including a higher proportion of women and lawyers from diverse backgrounds will enhance and stimulate the work of Convocation. Why not consider running? If you wish to discuss the prospects, please call, email or fax and I will respond as quickly as possible. A recent report estimates that Toronto Benchers spend approximately 42 days per year and out of town Benchers 54 days per year (because of travel time) on Law Society business.

BENCHER COMPENSATION: In 1995, a referendum of the profession with respect to Bencher compensation was defeated by a vote of 48% against, 34% in favour and 18% not responding. In part because of the composition of Convocation and the enormous time commitment required, Convocation will again receive a report recommending that some form of compensation be implemented effective June, 2003. Make your views known to existing Benchers and keep watch for the outcome of this issue if it would affect your decision to run for election.

DISCRIMINATION AND HARASSMENT COUNSEL: With the appointment to the Bench of the Law Society Discrimination and Harassment Counsel, Convocation has appointed Ms. Cynthia Petersen as interim Counsel until a comprehensive search can be completed.

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