


Banack's Bencher News

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CEO REPORT - 2002: It has taken our "new" CEO, Mr. Heins, since 2001 to diagnose the major problems at the Law Society, implement staff changes and determine that previously accepted standards are no longer tolerable and require major redevelopment. The next two years will be pivotal. Without doubt, the existing service standards relating to complaints resolution and trustee services are insufficient and honoured in the breach. Complaints of the public remain unresolved for far too long and lawyers have been subjected to outstanding complaints or disciplinary proceedings for unjustifiably long periods of time. Hopefully, new guidelines and discipline policies will result in a more effective process. In the areas of professional development and competence, there must be a continuing focus on identifying and meeting the true needs of the profession. An enormous amount of money is devoted to the support of different forms of hard copy and electronic library services. A credible, arm's length inquiry of the needs of the profession must be undertaken to permit a proper allocation of resources to implement the learning and professional support that lawyers require to maintain our levels of competence. The new Bench to be elected in May, 2003 must carefully monitor all of the issues and expectations of the CEO to ensure effective reform and the elimination of historic Law Society difficulties.
(P.S. This is the very reason I have decided to run for re-election as a Bencher; but more on that at a later date.)

AUDIT COMMITTEE: The Law Society Audit Committee is made up of 5 Benchers with a wide variety of educational training, practical and business experience. One of the members is a non-lawyer lay Bencher. The Audit Committee reports to the Finance Committee which has reported to Convocation that the Law Society's Audit Committee meets "best practices" standard in comparison to other organizations. If necessary, the Audit Committee can retain external experts beyond the Law Society auditors. Upon review, the Finance Committee concluded that it is not necessary to change the current practice by appointing an independent Committee consisting of non-Bencher experts who report to Convocation.

BENCHER HONORARIUM: The Equity and Aboriginal Issues Committee recommended that Benchers elected in May, 2003 receive an annual honorarium of \$25,000.00 on request from the elected Bencher. The amount of \$25,000.00 will be pro-rated for partial years. *Ex officio* Benchers are to receive an honorarium of \$250.00 per half day (3 hours or less) and \$400.00 per full day (over 3 hours) for participation in Law Society business, on request from the *ex officio* Bencher. Time spent participating in Law Society business includes time spent at Convocation, at Committee meetings, including task forces, at calls to the bar and attending discipline matters. It was estimated that the total cost for the honorarium program would be approximately \$1.1 million, averaging a cost per lawyer of \$42.00 per year if all Benchers accepted the honorarium. The payment was proposed in recognition of the long hours of service devoted by Benchers and to partially decrease the hardship for those who might not otherwise be able to

afford to dedicate the time required to be a Benchers. As well, it was viewed that Benchers remuneration may promote the participation of various diverse communities in the governance of the profession. In considering this issue now, the Finance Committee concluded that additional factual information was required, including a close scrutiny of whether the complex question of paying Benchers would, in fact, increase diversity in Convocation. After a vigorous debate, it was decided by a vote of 22 to 21 that *ex officio* Benchers that participate in the business of the Law Society and elected Benchers shall be remunerated for duties performed as Benchers, commencing in June, 2003. (Coincidentally, that was the exact outcome of the vote of Convocation in 1999 in respect of the same issue. A subsequent referendum of the profession in 1999 disclosed that out of approximately 9500 lawyers voting, 48% were against Benchers remuneration and 34% were in favour.) However, a Special Convocation has been convened for February 13, 2003 in order to address additional questions, including the amount to be paid, the services to be provided for payment and whether Benchers are to "request" payment. There is still time to make your views known. Please feel free to let me hear your views or contact any Benchers or the Treasurer.

I WOULD APPRECIATE YOUR HELP TO ASSIST IN MY EFFORTS AS A BENCHER BY COMPLETING THIS FAX FEEDBACK FORM AND RETURNING IT BY FAX TO: 416-204-2824.

FAX FEEDBACK: I WOULD APPRECIATE YOUR HELP TO ASSIST IN MY EFFORTS AS A BENCHER BY COMPLETING THIS BOX AND RETURNING IT BY FAX TO: 416-204-2824.

1) A. I agree that Benchers should be compensated at the rate set out above:

Yes _____ No _____ - or -

B. Benchers should be compensated at the rate of \$_____ for

_____.

2) I would feel better served by the Law Society if:

3) I feel that the Law Society is doing a good job with respect to:

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