

 **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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BENCHER HONORARIUM: This contentious issue is unresolved and Convocation remains divided. In January, Convocation approved, by the narrowest of margins (22-21), a proposal to allow for Bencher compensation commencing in June, 2003, after the forthcoming election. The issue sparked real debate within the profession. Strongly held views have been expressed in respect of the principle of payment and what, if any, benefit the profession will realize in return for an additional \$1.0 million spent on regulation. As well, Benchers did not forget that in 1999, the profession was asked and rejected the notion of paying Benchers. There is no empirical data available to determine whether payment of an honorarium will change the composition of Convocation, even if it may encourage more lawyers to seek election. No other Canadian Law Society pays an honorarium as proposed and such a payment may create a problem for the many lawyers' associations whose activities are managed by the enormous effort and dedication of volunteer lawyers. At a special Convocation held to discuss the issue, four separate compensation alternatives were debated and rejected. Undoubtedly, Bencher proponents for a compensation plan will not consider alternatives and the Treasurer has undertaken that upon consideration, it may be appropriate to strike an independent commission to consider and report to Convocation in respect of the implementation of the January policy.

PARALEGALS: The Attorney General does not appear to be inclined to resolve this problem by way of legislation. The issue of unregulated paralegals remains an unresolved matter. The public is at risk in dealing with unqualified, uninsured and unregulated paralegals. In order to be proactive, Convocation has approved the creation of a committee which will review developments since the last Law Society report delivered to Justice Cory. It will make recommendations to Convocation, if appropriate, as to the next steps that might be required in order to finally conclude the matter for the benefit of the public and the profession.

UNCLAIMED TRUST FUNDS: Since 2001 lawyers have been able to forward to the Law Society, on application, unclaimed money held in our trust accounts. All money collected is held, in perpetuity, and paid out to clients rightfully entitled to the funds. Interest accruing on the money is used to pay the cost of collection and disbursement and any subsequent balance will be paid to the Law Foundation of Ontario. To date, approximately \$450,000 has been paid to the Law Society and no disbursements have been made to any claimants of

the funds. For the New Year, why not clean up your trust account and remit any appropriate amounts to the Law Society to eliminate the annual accounting chore related to those amounts? For an Application or additional information, telephone 416-947-3312, or electronically at www.lsuc.on.ca.

INTERJURISDICTIONAL MOBILITY: In December representatives of eight Law Societies across Canada signed a landmark agreement allowing a lawyer from one province to provide legal services in another with very little difficulty. Particulars of the agreement can be reviewed at the Law Society website www.lsuc.on.ca.

RETIRED LAWYERS AS ESTATE TRUSTEES: Convocation considered the status of lawyers who wish to retire but retain their appointment as an Estate Trustee. To date, such retirement is not possible and those lawyers are required to continue the payment of an annual fee to the Law Society. Convocation was asked to consider a change in the Rules to allow lawyers who wish to retire and remain Estate Trustees to not pay the annual fees, but disclose to clients the implications of retirement and satisfy the Law Society that necessary disclosure has been made. The matter was adjourned for further consultation with the profession. If you are interested in this matter, you may wish to communicate with Howard Black, the Chair of the OBA Trusts and Estates Section by contacting the OBA at 416-869-0513.

MEMBERS' ANNUAL REPORTS: They are due by March 31, 2003. You may e-file at <https://eforms.lsuc.on.ca> by clicking on "Application for Access". If you have questions, call 416-947-3315 or 1-800-668-7380.

ACCESS TO JUSTICE SYMPOSIUM: May 28, 2003 is the date fixed for an outstanding symposium sponsored by the Law Society and the Law Foundation to address important issues relating to Access to Justice in the years ahead. Outstanding speakers will address important issues. Try to attend.

LAWYERS' ASSISTANCE PROGRAM: Lawyers' Link is available as a confidential service, respecting our privacy, to deal with any personal issues affecting our health, well being and professional lives. Whether for yourself or a colleague, information is available by contacting 1-866-261-6704 or visiting the website at www.lawyerslink.org. Lawyers' Link does not subscribe to "caller ID" or use "cookies" on its website.

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