

Banack's Bencher News #53

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COPYRIGHT AT OSGOODE HALL: An epic battle championed years ago by former Treasurer Susan Elliott has been resolved by the Supreme Court of Canada. The Court determined that it is permissible for the Law Society to allow free photocopying of court judgments for research purposes, thus denying publishers a windfall gain. A single photocopy of a reported decision, case summary, statute, regulation, or limited selection of text does not infringe copyright. Similarly, it is permissible for the Law Society to maintain a photocopier in the Great Library for paid public use with a warning that it is not responsible for any copies made in infringement of copyright. Lawyers have thus been saved from a "publisher's tax" that would have been a law office financial burden in perpetuity. For more information, please consult: www.lsuc.on.ca/news/updates/mar1604.

OSGOODE HALL NORTH WING RENOVATION: The "Education Wing" constructed in 1958 was extensively renovated in 1991. With the forthcoming move of the Bar Admissions Course to the Ryerson University Campus, the Law Society has an opportunity to consolidate its various functions under one roof and avoid the additional cost of leasing space elsewhere. A detailed space analysis exercise was undertaken to assess the renovation of six floors of the building. Convocation approved preliminary construction cost estimates of approximately \$9 million.

SEXUAL RELATIONSHIPS WITH CLIENTS: The Professional Regulation Committee has recommended that there be an absolute prohibition on sexual relationships between lawyers and clients with a limited exception for relationships that pre-date the lawyer and client relationship. The Committee's report is available at www.lsuc.on.ca. The Profession has been invited to comment on the proposal and may do so on or before March 31, 2004 by email to jvarro@lsuc.on.ca or by mail to the Law Society.

DISCRIMINATION AND HARASSMENT: Convocation has expanded the mandate of the Discrimination and Harassment Counsel to include advice to members who believe they have been subjected to discrimination and/or harassment in the workplace by a non-member of the Law Society.

"UP THE LADDER" REPORTING: Convocation approved a new rule (expanding upon a previous commentary) requiring that a lawyer report wrongdoing "up the ladder", if necessary, to the highest authority in a client's organization, and must resign representation of the client in that matter, if the wrongdoing is not stopped.

LAWYER AS DIRECTOR: Convocation approved the addition of a commentary to rule 2.04 dealing with conflicts of interest. While lawyers will still not be prohibited from acting as a director for and counsel to an organization, we must be aware of and discuss with clients the conflicts arising from acting in these dual roles.

PRACTICE REVIEW PROGRAM: The Law Society may conduct a review of a lawyer's practice where there are reasonable grounds for believing that standards of professional competence are not being met. In determining whether there are reasonable grounds, consideration will be given to complaints against the lawyer, any existing Orders, relevant information from various sources and audit results which suggest deficiencies in the lawyer's practice.

THE BOOKKEEPING GUIDE: With sole practitioners and small firms in mind, the Law Society has prepared a comprehensive Guide to help lawyers and their staff cope with the most common bookkeeping issues in a law office and to better understand Law Society requirements. However, recommendations in the Guide can be used in any size law office. You can obtain a copy at http://www.lsuc.on.ca/services/bookkeeping_en.jsp or from the Law Society Member Resource Centre at 416-947-3315 or 1-800-668-7380 (Ext. 3315) which will also deal with questions about the Law Society's bookkeeping bylaws.

In Memoriam: Diane Harris

It was with enormous sadness to learn of the sudden death, this month, of a good friend, spouse, parent and colleague. Diane was an enormously caring, loving and talented lawyer who will be sorely missed by all who knew her.

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