

# Banack's Bencher News #58

Volume 3  
Issue 12

April 28, 2005

*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*

**MORTGAGE FRAUD:** It is here now and involves huge amounts. Lawyers play a role in the mortgage process but are only part of the transaction. Substantial cooperation of others is required to reduce or eliminate the opportunities for fraud in Ontario. The most common types of mortgage fraud include identity fraud and value fraud. Currently, the Law Society is investigating mortgage fraud allegations made against 72 of the nearly 36,000 lawyers in Ontario. Information can be obtained at [www.lsuc.on.ca/services\\_en.jsp](http://www.lsuc.on.ca/services_en.jsp) or by contacting the Law Society's Practice Management Staff who are available to assist lawyers who may have ethical questions about this problem. They may be reached at (416) 947-3315 or toll free at 1-800-668-7380 (Extension 3315).

**HATRED AND DISCRIMINATION:** In March, Convocation approved a report entitled Respect for Religious and Spiritual Beliefs - A Statement of Principles of the Law Society of Upper Canada that may be reviewed on the Law Society website. The unanimously approved report sets out the role the Law Society should play and the positive steps it should take to discourage anti-Semitism and all forms of hatred or discrimination in our profession, our society and the world and to promote religious tolerance and respect.

**DISCRIMINATION AND HARASSMENT COUNSEL:** During the last six months of 2004, counsel received an average of 20 new contacts per month. During that period, approximately 40 individuals lodged discrimination or harassment complaints against a lawyer, law firm or legal clinic. Of the complainants, approximately half were from members of the legal profession and half were from members of the public.

**HERITAGE:** A "virtual museum" has been created to allow the profession and the public an opportunity, without attending Osgoode Hall, to view the recently completed exhibit on the World War I Memorial in the Great Library. The museum displays photographs and historical documents that preserve the Profession's history. To find out more about this museum, visit [http://library.lsuc.on.ca/GL/arch\\_museum.htm#museum](http://library.lsuc.on.ca/GL/arch_museum.htm#museum).

**BENCHER REMUNERATION:** About 8,800 (25%) members of the profession voted in the recent Referendum. 58% voted yes, while 41% voted no. Interestingly, more than 1/2 of voters voted over the internet. It is now up to the Law Society Finance Department to develop an implementation plan to be considered by Convocation in the future.

**LAWYERS' FUND FOR CLIENT COMPENSATION:** The Fund continues to be well managed with a year-end balance of \$19.5 million with possible unpaid claims liability estimated at \$9 million. Since 2002, the largest payment made to clients, on behalf of a single lawyer, was \$515,000.00 in circumstances where insurance was not otherwise available to the claimant.

**LAW SOCIETY PURCHASING POLICY:** Guidelines have been adopted to ensure that suppliers of services to the Law Society promote equality and diversity in accordance with Law Society policies. This approach is balanced with operational requirements, best value, prudence and sound contracting management. The guidelines apply to Ontario law firms with more than 50 lawyers or suppliers with a work force of more than 50 employees for contracts above \$100,000.00.

**TRIBUNALS TASK FORCE:** Convocation received the report of this Task Force established in September 2004. It will be considered at May Convocation. The Tribunals Task Force Final Report can be viewed at the Law Society website [www.lsuc.on.ca](http://www.lsuc.on.ca).

**SOLE PRACTITIONER AND SMALL FIRM TASK FORCE:** Convocation spent considerable time examining the final report of this Task Force. Its research into the composition of Ontario Law Firms and attitudes of lawyers was very enlightening. Consideration of the extensive report has been deferred until October Convocation in order to permit consultation with professional organizations. Have your say and review the report which can be viewed at the Law Society website [www.lsuc.on.ca](http://www.lsuc.on.ca).

**PUBLIC EDUCATION EVENTS:** The following will be held at the Law Society:

- May 5 – Immigration and Refugee Law: The Aftermath of the Tsunami
- May 31 – Rights of Persons with Disabilities: Addressing Situations of Abuse
- June 8 – National Aboriginal Day
- June 23 – Pride Week Reception

For more information, access the Law Society website at <http://www.lsuc.on.ca/equity/calendar.jsp>

For back issues of this Newsletter, please visit [www.koskieminsky.com](http://www.koskieminsky.com)

IF YOU WOULD LIKE TO RECEIVE THIS NEWSLETTER VIA E-MAIL, SEND A MESSAGE TO: [subscribe@koskieminsky.com](mailto:subscribe@koskieminsky.com). PLEASE INCLUDE THE NAME OF THIS NEWSLETTER AND YOUR E-MAIL ADDRESS.

IF YOU HAVE ANY TRANSMISSION DIFFICULTIES WITH RESPECT TO THIS NEWSLETTER OR WISH NAMES ADDED OR DELETED, PLEASE RETURN THIS PAGE BY FAX TO (416) 204-2824.