

Banack's Bencher News #61

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TREASURER GEORGE HUNTER: For family and other related personal matters, Treasurer Hunter submitted a letter of resignation to the Law Society dated December 2, 2005. Convocation considered the letter of resignation and did not accept it. In accordance with By-law 6, Clayton Ruby, the Chair of the Finance and Audit Committee, will perform the duties and exercise the powers of the Treasurer. In the absence of any change of circumstance, Acting Treasurer Ruby will remain in place until June 2006 when the next election for Treasurer is scheduled to occur. Needless to say, the good wishes and thoughts of the profession are with the Treasurer.

PARALEGAL REGULATION: The Attorney General has tabled a bill in the Legislature, The Access to Justice Act, 2005 which will, if passed, amend the Law Society Act. The Legislation proposes to give the Law Society new powers to proceed with the model of paralegal regulation previously adopted by Convocation. To become operational, extensive changes will be required to the Law Society by-laws. Thereafter, the Law Society will regulate lawyers and non-lawyers, providing "legal services". Published material makes no reference to the cost of implementing the regulatory changes.

GOVERNANCE: Another Task Force has examined Governance issues at the Law Society. Although it encouraged efforts to secure potential Bencher candidates from all communities in Ontario, no practical recommendations were forthcoming. With respect to the unwieldy size of Convocation (presently 77 Benchers in total), the Task Force made no recommendation to reduce the size of Convocation. Improved effectiveness and efficiency of decision-making is to be left to remedy by Rules of Procedure. In a constructive move, albeit perhaps in a vain attempt, the Task Force recommended that electronic voting be instituted for the 2007 Bencher Election. Convocation is yet to deal with this Report.

SELF REPORTING: By means of a by-law amendment, lawyers are now obliged to inform the Law Society in writing when charged with certain selected offences as well as the disposition of the charge once the matter has been concluded. A like provision has been implemented for student members. The natural concern, of course, is what will the Law Society do once provided with the mandated information, bearing in mind the important fundamental principle that we are all innocent until proven guilty. Time will tell the effect of this new by-law.

RULE OF LAW AND INDEPENDENCE OF THE BAR: Convocation approved a budget of \$150,000.00 to establish a task force to produce a report on the Rule of Law and the Independence of the Bar. It will be authored by leading members of the Profession and be based upon comprehensive research in order to assist legislators and Courts to resist inappropriate incursions into the Independence of the Bar. The report is due by September 30, 2006.

BENCHER COMPENSATION: Details continue to be ironed out in order to implement the Profession's approval of a form of Bencher compensation. As an outside board to which Benchers are appointed, LawPro decided that elected Benchers will not be eligible to individually receive remuneration for time devoted to that organization. Rather, an arrangement will be reached to permit LawPro's contribution for that Bencher's services to be paid to the Law Society.

MEDIA REPORTS: The Toronto Star has recently published articles concerning lawyer discipline and criminal investigations which contained inaccurate information and confuse the responsibilities of the Law Society and the police. The Treasurer has written the editor of the newspaper in order to clarify inaccuracies and ensure that future articles do not confuse the differences between regulatory and criminal processes.

UNCLAIMED TRUST ACCOUNTS: It remains possible for lawyers to apply to the Law Society to transfer unclaimed trust accounts to the Law Society for supervision. To date, approximately \$1,200,000.00 has been paid into the unclaimed trust fund.

MR. JUSTICE FRANK MARROCCO: The appointment of former Treasurer Frank Marrocco to the Superior Court of Justice has been applauded from all corners. Under his leadership, the Law Society confronted numerous significant problems. As a profession, we had many reasons to be grateful for his years of service that will now more widely benefit the public.

HAVE A HEALTHY, SAFE AND HAPPY HOLIDAY SEASON

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