

Banack's Bencher News #66

Volume 3
Issue 21

Larry Banack, Certified by the Law Society as a Specialist in Civil Litigation
Member of the Arbitration and Mediation Institute of Ontario

December 8, 2006

HIS HONOUR JUDGE LAURENCE PATTILLO: The bench strength of Convocation was significantly depleted by the appointment of our colleague, Laurie Pattillo to the Ontario Superior Court of Justice. His departure creates a number of vacancies on critical Law Society Committees. We congratulate the Minister of Justice for an excellent appointment.

AVVY GO: As a result of the vacancy created in Convocation by the appointment of Laurie Pattillo to the Superior Court, Avvy Go was elected by Convocation to fill the vacancy, on the basis of the votes cast in the last Bencher election. Avvy previously served in Convocation from 2001 to 2003. We welcome her back.

RULE OF LAW TASK FORCE: On time and on budget, the Task Force on the Rule of Law and the Independence of the Bar delivered its report to Convocation. It will be published for distribution and may be reviewed on the Law Society website at: www.lsuc.on.ca/media/convnov2306_taskforce.pdf. The principal message of the blue ribbon task force can be summarized by its working title – “The Rights guaranteed to All Canadians are dependent upon an independent Bar”. That independence is discussed in the context of both barrister and solicitor issues. It is an outstanding report resulting from the work of six background reports prepared by eminent academic scholars.

COMPLAINTS RESOLUTION COMMISSIONER: Clare Lewis became the Law Society Complaints Resolution Commissioner in April 2005. His term expires in 2007. He has reviewed 58 complaints to September 2006. Of that total number, 50 were closed because the Commissioner found that the Law Society's disposition of the cases was reasonable. 8 were referred back to the Society for further investigation.

LAW COMMISSION OF ONTARIO: The Law Foundation of Ontario, as principal funder, succeeded in securing the partnership of the Attorney General, The Law Society of Upper Canada and each Ontario law school in the creation of a new Law Commission of Ontario. The governance structure provides for participation on its Governing and Advisory Boards from a wide variety of sources. It is anticipated that the new Commission will be engaged to pursue important legal research not presently being undertaken. As well, the participation and funding of the Commission should make it an enduring institution beyond the reach of political action, as recently seen invoked in respect of the Federal Law Commission.

JANUARY 1, 2007: This is the date from which the Private Practice Refresher Program will begin to apply. It is a self study module-based program created for lawyers who have not been in private practice for at least 12 months of the previous five years and wish to pursue private practice. It is anticipated that the program is flexible and practical to ensure that lawyers do not face unreasonable barriers when re-entering private practice. The modules requiring completion will be determined based on the lawyer's work history to date. More information is available from the Member Resource Centre at <http://mrc.lsuc.on.ca>. This program could affect 8,000 Ontario lawyers.

PARALEGAL REGULATION: Convocation approved the necessary by-law to create the paralegal standing committee that will be responsible for developing, for approval, Law Society policy options in respect of the matters necessary to license paralegals. As a further step, Mr. Paul Dray and Mr. Brian Lawrie were appointed new paralegal Benchers. Mr. Dray was previously a lay Bencher whose appointment creates a vacancy to be filled by the Attorney General.

BENCHER ELECTION: Nomination forms must be delivered to the Law Society by 5:00 pm on February 9, 2007 at Osgoode Hall. A nomination form and details concerning the election can be obtained from the Elections Officer at 416-947-3404, 1-877-947-3404 or by email at bencherelection2007@lsuc.on.ca. Because lawyers have not given the Law Society permission to distribute email addresses, the Law Society will not do so in the coming election. Please consider whether you should stand for election. Now is the time.

FUTURE PLANNING: In the New Year, Convocation will be considering establishing a Priority Planning Committee to assist in planning and prioritizing matters for Convocation. The existing informal process does not maximize the effectiveness of the contribution made by Benchers or senior staff.

PRACTICE TIPS: An outstanding addition has been made to the weekly Ontario Reports. The Law Society publishes practice management information in articles, questions and answers, tips on a variety of topics, including records, technology, file management. To review them electronically, visit the Member Resource Centre at <http://mrc.lsuc.on.ca>.

HAVE A HEALTHY, SAFE AND HAPPY HOLIDAY SEASON

CONVOCATION REPORTS: This month's Convocation Report can be found at www.lsuc.on.ca/news/b/conv/

For back issues of this Newsletter, please visit www.koskieminsky.com

IF YOU WOULD LIKE TO RECEIVE THIS NEWSLETTER VIA E-MAIL, SEND A MESSAGE TO: 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.