

Banack's Bencher News #78

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FINANCES: In an extraordinary move, consideration of the Law Society 2009 budget was delayed one month. The budget relies on assumptions in respect of projected investment income to reduce members' annual dues as needed to fund programmes. In view of current global financial market conditions, all assumptions must be revisited. The Chair of the Audit Committee reported to Convocation that 2009 investment income will be far less than previously anticipated. The Finance Committee is hard at work to present a budget in November to fund all core activities. Clearly some programmes and initiatives may be curtailed. Stay tuned.

KNOW YOUR CLIENT: Since April 2008, the Profession has been alerted to forthcoming obligations relating to client identification and verification requirements introduced in concert with other Law Societies in Canada. Extensive information can be accessed at <http://www.lsuc.on.ca/latest-news/a/hottopics/new-client-identification-and-verification-requirements/>. As well, there has been ongoing feedback through questions raised by various lawyers and consultations with representatives of numerous large firms. As a result, further explanatory information is necessary and amendments were required before the Part III provisions of the By-law come into force. Originally, the By-law was to be operative October 31, 2008, however, that deadline in respect of Client Identification and Verification has been extended to December 31, 2008. The final form of By-law will be circulated in the ordinary course and can be reviewed on the Law Society website.

PARALEGAL REGULATION: Convocation continued to spend significant time in examining the applicable expectations and rules governing licensed paralegal practitioners. The general theme is that similar principles must apply to the ethical and professional obligations of both lawyers and paralegals. Convocation has approved paralegal professional conduct guidelines which are not unlike the Commentary in the Lawyers' Rules of Professional Conduct. Additionally, paralegals, like lawyers, are subject to practice reviews and the obligation to provide an Annual Report about their practice. The approved Guidelines can be read on the Law Society website.

PARALEGAL REVIEW: Paralegal regulation was implemented through legislation effective October 19, 2006. The process is subject to a two-year "review period". Accordingly, the Law Society is preparing a report to be submitted in January 2009.

PARALEGAL EXEMPTIONS: Exemptions from the requirements to be licensed as a paralegal were granted to:

- members of the Canadian Society of Professionals in Disability Management who are Certified Disability Management Professionals for Certified Return to Work Coordinators; and
- Trade Union Representatives appearing in Small Claims Court to enforce benefits payable under a collective agreement.

ADVERTISING: Convocation is in the process of simplifying its rules governing firm names, advertising and marketing for both lawyers and paralegals. However, ongoing concepts will include assurance that advertising and marketing is neither false nor misleading or deceptive. Anticipated rule amendments must ensure that the marketing of legal services is in the best interests of the public and consistent with lawyers' and paralegals' duties of professionalism.

INVITATION TO ATTEND: In appropriate cases, a licensee, subject to a discipline proceeding may be invited to attend before a hearing panel for the purpose of receiving advice from the panel concerning his or her conduct. Previously, the very fact that a lawyer had been invited to attend had been treated as confidential, as being part of the Law Society's investigation, rather than being part of the disciplinary process. Convocation has now changed that practice. Hereafter, a hearing panel endorsement, including reasons, shall reference the fact that an invitation to attend has been issued and occurred, however, the content of the advice provided shall not be recorded. This change reflects Convocation's commitment to transparency in the Tribunal's process and procedure.

2009 PROGRAM DATES: You may wish to diarize and attend the following programs in the Law Society's ongoing equity public education series commencing with panel discussions on each day from 4:00 – 6:00 p.m.:

Black History Month – February 5, 2009	International Women's Day – March 5, 2009
International Day for the Elimination of Racial Discrimination – March 12, 2009	National Holocaust Memorial Day – April 21, 2009
Asian Heritage Month – May 5, 2009	National Access Awareness – May 25, 2009
National Aboriginal Day – June 16, 2009	Pride Week – June 25, 2009

CONVOCATION REPORTS: All reports to Convocation can be viewed at <http://www.lsuc.on.ca/news/>. In order to more fully understand the issues facing Convocation, you may wish to review previous editions of Banack's Bencher News at http://www.kmlaw.ca/publications/banacks_bencher_news_home.aspx.

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