

Banack's Bencher News #79

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2009 LEVY: Lawyers will pay a fee of \$1,703.00 (an increase of \$50.00) and paralegals \$900.00 (an increase of \$55.00). Next year, there will be approximately 33,000 full fee-paying lawyers and 2,400 paralegals. The self-funding regulation of the legal profession costs almost \$68 Million. The Law Society now has 466 full-time equivalent employees. Fees have been increased because of the higher costs of professional regulation in part due to the ongoing influx of mortgage fraud complaints, the expansion of spot audit and practice review programs, a decline in projected investment income and implementation of the recommendations of the Retention of Women in Private Practice Working Group. By way of comparison, our fees will still be lower than Nova Scotia (\$2,219.00), Alberta (\$1,885.00) and British Columbia (\$1,784.00).

CLIENT ID/VERIFICATION: The new requirements come into force December 31, 2008 and are intended to assist lawyers and paralegals in identifying potential fraudulent client activities. For more information, visit the Law Society website or participate in a CLE tele-seminar on January 13, 2009.

PARENTAL LEAVE: Convocation previously approved a three year parental leave benefit pilot program which was to be effective in 2009. In order for the program to be tax effective for lawyers and the Law Society, a tax ruling has been sought from The Canada Revenue Agency. Implementation will be delayed until a final response is received and to permit this initiative to be coordinated with the Practice Locum Program.

PARALEGALS AT FSCO: Convocation approved a further by-law amendment expanding the work of licensed paralegals employed by a law firm. In the interests of reducing costs and conveniencing clients, it was decided that lawyers handling claims that involve catastrophic impairment at the Financial Services Commission of Ontario be permitted to delegate the mediation of subsidiary issues to licensed paralegals employed by their firm.

PRACTICE MANAGEMENT REVIEW: The review process has been in place since 2007 to prevent practice management competence deficiencies as a means of maintaining high standards. Those lawyers whose practices have been reviewed and have responded to a requested evaluation found the program to be useful and constructive. It has been decided that the random selection of participating lawyers should be in proportion to the percentage of law firms represented in Law Society discipline matters and LawPRO negligence claims. The target group will continue to be lawyers in private practice, one to eight years from the call to the Bar.

CHIEF JUSTICE PORTRAIT: Convocation has approved the payment of a \$25,000.00 contribution per portrait for the painting of portraits of Chief Justices of Ontario. This is consistent with expenditures made on behalf of the profession since the 1880's. The next two portraits to be done are those of Chief Justice of the Superior Court, Heather Smith and Chief Justice of Ontario, Warren Winkler. The collection of portraits displayed through Osgoode Hall belongs to the Law Society.

LICENSEE/MEMBER: In the legal press and at the Society's last AGM in May 2008, an issue was debated because of the perception that "the Law Society no longer has members, but instead licensees". That is not correct because the Law Society Act provides that lawyers remain barristers and solicitors and members of the Law Society. Whenever possible, the Law Society will continue to use the words "lawyer" and "paralegal" in place of the word "licensee".

OMAR KHADER: Convocation authorized the Treasurer to write to the Prime Minister, the Minister of Foreign Affairs and the Minister of Justice requesting that the Government of Canada take all appropriate steps to have Omar Khader released from Guantanamo and brought back to Canada to be dealt with as a young person under the protection of due process in Canadian law. Perhaps time will reveal whether the Law Society's involvement in such matters has any effect.

IMITATION AKA FLATTERY: I am pleased to report after producing this newsletter for 14 years, the Treasurer and CEO have decided to try to improve communications and send out a newsletter electronically after each meeting of Convocation to those members for whom the Law Society has email addresses. In the new year, I will be seeking your input as to whether you think I should continue publishing Banack's Bencher News.

HAVE A HAPPY AND SAFE HOLIDAY SEASON!

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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