

# Banack's Bencher News #85

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**LAWPRO 2010:** The base premium will increase \$500.00 to \$2,950.00 and the levy on real estate transactions will be increased \$15.00 to \$65.00 per file opened in 2010. However, for real estate practitioners, there will be a decrease for the Real Estate Practice Coverage Option by \$100.00 to \$400.00. It should be noted that premiums would have increased even more except for the fact that approximately \$3.5 Million (approximately \$150.00 per insured lawyer) is expected to be drawn from the Premium Stabilization Fund built up in previous years. An additional "\$450.00 special levy" may be imposed during the year, depending upon when the Harmonized Sales Tax becomes effective. Extra coverage included in the program for 2010 applies to fraud involving counterfeit certified cheques or bank drafts deposited into lawyers' trust accounts in certain circumstances. As well, the Policy now provides protection against misappropriations of lawyers exercising rights of mobility from another Canadian jurisdiction. To understand particular details of the coverage, please refer to the LawPro Report to Convocation, September 2009.

**LAWPRO EXEMPTION:** Convocation granted an exemption from the payment of insurance premium levies to lawyers otherwise exempt from the payment of levies, whose practice is restricted to the provision of approved pro bono legal services.

**POST CALL CLE:** Convocation has extended the period to January 1, 2011 after which a new lawyer must take 24 hours of professional development during their first 24 months of entry into practice. Thereafter, the requirement will begin on January 1<sup>st</sup> of each year immediately following a lawyer's call to the bar.

**J. SHIRLEY DENISON FUND:** This fund was established by a former Treasurer to assist impoverished or indigent lawyers, disbarred lawyers and candidates in the Lawyer Licensing Process (including spouses, widow(er) and children). Convocation approved three grants totaling \$10,000.00. The balance of the fund at the beginning of 2009 was approximately \$180,000.00. In 2008, 13 grants were made totaling \$43,000.00.

**SUMMARY HEARINGS:** Certain types of applications may be heard by a single member of the Hearing Panel in an attempt to facilitate a cost-effective and timely conclusion to discipline cases. Convocation has approved an expansion of the summary hearing process to include breaches relating to the failure to comply with Reporting and Filing Requirements as well as failure to report potential claims to LawPro.

**COMPENSATION FUND:** In particular circumstances, clients may apply to the Fund for compensation in respect of services provided by lawyers and paralegals. The money available for payment is allocated from a levy imposed upon licensees. For the twelve month period from August 2008 to August 2009, approximately \$2.3 Million was paid and for 2010, \$2.45 Million has been reserved for expected claims for lawyers and \$121,000.00 for expected claims for paralegals.

**MENTORING:** Judges and Masters have been concerned in the past with the process to be implemented in the event that misconduct is experienced in the course of judicial proceedings. Accordingly, a protocol has been created, as a result of discussions of representatives of the Law Society, the Superior Court of Justice and the Ontario Court of Justice. In the future, lawyers and paralegals who may have conducted themselves in an improper manner which does not merit some form of disciplinary action will be invited to be mentored by senior counsel. Referrals for mentoring will be considered in the context of the licensee's complaint history. The mentoring process will take place independent of and confidential from the Law Society by a member of a panel assembled by the Criminal Lawyers' Association, the Advocates' Society, the Ministry of the Attorney General or as may otherwise be appropriate.

**PUBLIC EDUCATION EQUALITY DATES:** If interested, please note the following:

National Human Rights Day – December 9, 2009	Black History Month – February 10, 2010
Holocaust Memorial Day – April 12, 2010	Asian heritage month – May 10, 2010
National Aboriginal Day – June 14, 2010	Pride Week – June 21, 2010

**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](http://www.kmlaw.ca/publications/banacks_bencher_news_home.aspx).

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