

Banack's Bencher News #90

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DEADLINE: March 31st is the due date to file your Lawyer's Annual Report. You can access the form online at <https://eforms.lsuc.on.ca> by clicking on "Application for Access". For answers to your questions, you can call Administrative Compliance at 1-800-668-7380, ext. 3315 or by e-mail at lsforms@lsuc.on.ca

UNIFORM LAW DEGREES: National lawyer mobility will be facilitated once Canadian Law Schools have common, minimum criteria for lawyers earning LLB/JD law degrees. A 2007 Federation of Law Societies Task Force began a review of the appropriate criteria for approval of a Common Law Degree across the country. The Law Society struck its own Task Force which has been at work on the issue since 2008. After lengthy discussions and extensive consultations, Convocation has approved the Federation Task Force Report on the Canadian Common Law Degree as have ten other Canadian jurisdictions. However, a number of Law Deans, as well as the Council of Canadian Law Deans, requested that the Law Society not approve the Federation's Report at this time. Those Deans requested further clarification and resolution of unresolved issues they felt could effectively be addressed by a joint committee of the law deans and the legal profession. Once national acceptance of the Task Force Report has been achieved, Convocation has recommended that the Federation Committee responsible for implementation include representation from Canadian law schools and return to the Law Societies for approval relating to implementation and compliance policies.

CONTINUING PROFESSIONAL DEVELOPMENT: Convocation has approved the introduction of continuing professional development requirements of twelve hour per year commencing January 1, 2011 for full time practicing lawyers and paralegals. After years of analysis, comparison with programs elsewhere and an extensive consultation with the profession in 2009, the Law Society has now adopted 23 recommendations intended to ensure lawyers and paralegals will be able to meet their requirements in ways that are accessible, affordable and flexible. Lawyers will be able to freely choose from a wide range of eligible activities and program providers offering content most relevant to their continuing learning. In respect of program delivery, the Law Society will have primary responsibility for ethics, professionalism and practice management content without charging participants any program registration or material fees for attendance. It is anticipated that reporting mechanisms will be simple and there will be extensive notice of obligations and opportunities to address any failure to comply with the imposed requirements. For an advance review of the requirements which will be broadly circulated by the Law Society, see http://www.lsuc.on.ca/media/convfeb10_joint_cpd.pdf

CIVILITY QUOTIENT: The numbers are bad. The Treasurer has completed Province-wide consultations with lawyers and paralegals as a result of declining professionalism. In the last five years, discipline cases containing an allegation of unprofessional behaviour have increased from 11% to almost 35%. Civil litigation and matrimonial/family law are the areas of practice in which complaints involving professionalism have risen the most. Paralleling the size of law firms within the profession, 81% of professionalism cases involve lawyers practicing as either sole practitioners or in small firms. During the past five years, 75% of the lawyers facing claims of unprofessional conduct had only one such complaint, however, almost 25% of those lawyers had 2 or more professionalism complaints.

Convocation looks forward to receipt of the Treasurer's Report as a step toward reversing the unacceptable five year trend. For confidential assistance in ethical and practice management issues, call the Law Society at (416) 947-3315 and ask to speak with the Practice Management Helpline.

LAWPRO PREMIUMS: LawPro Premiums will not be going up this July, as they are adjusted only once each year, on January 1, and only with Convocation's approval. However, as reported at last September's Convocation and depending upon year-end financial results, a one time levy might be needed to address the estimated \$10.2 million liability resulting from implementation of the HST on July 1st. However, no decision has yet been made on the timing and implementation of a special levy. Stay tuned. Funding the unexpected HST liability must come from somewhere.

MARCH CONVOCATION: The Treasurer has continued the prudent practice of canceling March Committee meetings and Convocation. Avoiding meetings for one month saves approximately \$100,000.00. We need more creative ways to trim our costs.

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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