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TREASURER MALCOLM MERCER

Welcome Malcolm Mercer, our new treasurer. Malcolm has since 2011, been an active and effective contributor to almost every major issue considered by Convocation in recent years. He is a serious, thoughtful individual, well respected among the Benchers and other legal professional groups. Malcolm holds strong views and will be a proponent of continued change in respect of legal competence, technology, access to justice, equity and law society governance. There is much to be done. The Treasurer can't do this alone and Benchers need to effectively co-operate to secure real progress on the matters which mean the most to the profession.

ADIEU TREASURER SCHABAS

Paul was elected as Treasurer in 2016 with a clear vision of the direction he wanted to see the Law Society take. Although his term was marked by significant staffing changes that now seem to have stabilized, the Law Society is presently a much more transparent, modernized and inclusive organization than two years ago. His legacy includes implementation of the Working Group on Challenges Faced by Racialized Licensees to enhance equality, diversity and inclusion within the profession. The new name of the Law Society of Ontario will be remembered as an initiative of Treasurer Schabas, which was borne out of the recognition that the historic name was perceived as a barrier to effective communications with the public. As well, there has been significant advancement in respect of indigenous issues and access to justice. Time will tell whether the hard fought changes are sufficiently entrenched to be fully implemented in the context of other new challenges to be faced by Convocation.

Paul, like recent past Treasurers, has advised Convocation that his Law Society work is done and he will not return to participate in future deliberations, although as he said, he will be only a phone call away. Paul continues to lead by example, demonstrating the importance of renewal of leadership and the value of fresh vision. The profession is greatly indebted to Paul Schabas and his family for his many years of selfless service. We wish him well.

LAWYER LICENSING

There must be change because times have changed. In 10 years the number of licensing candidates has increased by 70% of which 30% have been internationally trained. There is a permanent shortage of articling positions and many do not provide proper compensation, training or instruction. Greatly increased law school debt levels have forced students to confront unfortunate career choices when choices are even available. A committee of Convocation has identified 4 options and has initiated a broad based province-wide consultation process. The choices include the status quo, the current model with enhancements to improve the training environment, elimination of articling or LPP or the LPP for all candidates.

There are many subtleties to the alternatives. Reviewing, considering and debating the choices is our professional obligation. While Benchers have been encouraged to keep an open mind pending the consultation, make no mistake that the current two hundred year old model is on its way out. Face lifts and resuscitation efforts have failed to keep pace with the need for an effective, modern licensing process. Change is coming. Almost a decade ago and before she became Treasurer, Laurie Pawlitza viewed articling as a runaway train barreling down on us. She was right then and efforts to avoid the most severe consequences and relay the tracks have failed, if not making matters worse. Now it is the time to rebuild. The goal is to create a sustainable licensing process in which the public, profession and government can have confidence as being an effective measure to continue to protect the public interest.

Be part of the solution. Read the report at www.lso.on.ca. Then make your views known at www.lsodialogue.ca by October 26, 2018.

GOVERNANCE

This is the second most important issue after Licensing, but don't hold your breath for reform. The problems include the size of Convocation, the current 1 year term of the Treasurer, the lack of a succession ladder or executive committee, the 4 year term of elected Benchers and the 12 year term limit lawyers can serve at the Law Society. There does not appear to be sufficient will amongst the current Benchers to quickly tackle the problems and in any event there is insufficient time to implement change before the next Bencher election in 2019. As change will require legislative approval, the earliest implementation date may be well into 2023. Accordingly, it is incumbent on the new Treasurer and Benchers to be held accountable to find efficiencies that can be immediately achieved within the current model. The profession is entitled to improvement now and should not have to wait 5 years to benefit from change.

DUTY COUNSEL

Unrepresented licensees in discipline proceedings is an embarrassment for the profession that tarnishes the image of a self regulating legal profession. A thoughtful and impassioned letter was delivered to Convocation today seeking a pilot project of a permanent Duty Counsel program for all Licensees who require and wish it. The volunteer lawyers who consistently provide service to those being disciplined, advocate strongly for the creation of a permanent program which will save money by creating efficiencies while providing tangible emotional support and mental health guidance. Early resolution and shortened focused hearings will be measurable outcomes. The profession is entitled to an efficient and just discipline process which includes fair "access to justice" for our members. It is time to speak out and care for ourselves.

CIVILITY

Joe Groia, a fearless advocate for his clients, was incorrectly found by the Law Society Hearing and Appeal panels to be guilty of professional misconduct in proceedings that spanned 17 years. It took the Supreme Court of Canada to correct the injustice and clarify that in the heat of a trial it is not professional misconduct to challenge opposing counsel's integrity on a sincerely held but incorrect legal position so long as the challenge has a sufficient factual foundation. Although the fact situation is very unique, this is an important determination for both criminal and civil lawyers who remain accountable within our justice system. Following a settlement in respect of the costs paid by the Law Society to Mr. Groia, the matter is finally concluded.

TRINITY WESTERN UNIVERSITY

Since 1797 the Law Society has exercised exclusive control over those who could join the profession. The Supreme Court of Canada has affirmed the Law Society's important role in promoting equal access to and diversity within the bar. In 2014, Convocation denied accreditation to a proposed Law School at Trinity Western based on the control the school sought to exert over its students through a mandatory covenant forbidding sexual relations outside of heterosexual marriage. That principle clearly discriminated against LGBTQ students who were to be excluded from admission to the school. A firestorm of opposing views arose across the country with different law society's taking inconsistent positions. Ontario and British Columbia stood their ground all the way to Ottawa. We now acknowledge that access to justice is enhanced when the legal profession reflects our diverse population. There must not be inequitable barriers to those seeking access to legal education.

IN MEMORIAM:

Neil Finkelstein:

With the recent death of Neil Finklestein the public, profession and our society have lost a giant contributor to our legal landscape. Neil was both a Chartered Accountant and a lawyer. He was a trusted advisor of government leaders, clients and friends. Neil wrote

eloquently, received awards and appeared in innumerable landmark cases including 30 appeals to the Supreme of Canada. He was a teacher, mentor and outstanding advocate. But above all else Neil identified himself as a family man devoted to his wife Marie, whom he met and married in law school 40 years ago and was a cherished father and grandfather. Neil will be sorely missed and remembered by all who were fortunate enough to have known him.

William J. Simpson:

The death of Bill is a sad loss. He was an outstanding lawyer. He served the profession in many ways including as an elected Benchler. He spearheaded the process by which paralegals became accredited and brought within the jurisdiction of the Law Society. In recognition of that contribution an annual prize for a distinguished paralegal has been named the William J. Simpson Distinguished Paralegal Award.

HAVE A HAPPY AND SAFE SUMMER SEASON!

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