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LIVING ABOVE OUR MEANS

The good news in this election year, especially for those wanting to be re-elected as a Bencher is that our Law Society membership levy for 2019 is modestly going up by \$18.00 for a new annual fee of \$2,201 per lawyer. However, that nominal increase has only been managed by a recurring, transparent sleight of hand that allocated \$6.3 million from the Lawyer General Fund Balance and surplus investment income in the Errors and Omissions Insurance Fund "to mitigate the fee increase for lawyers". Without those allocations, each of our 42,600 lawyer colleagues would actually have had to pony up an additional \$148.00 to cover the cost of running our regulator. Nowhere in the Budget debate or analysis was Convocation provided with policy options which would have financed Law Society activities based only on the revenue that is actually received. However, the Law Society Budget is well written and is an excellent presentation. In great depth, it provides detailed explanations evidencing a well run, albeit very large, operation that can be found at <https://lawsocietyontario.azureedge.net/media/lso/media/about/convocation/2018/convocation-audit-and-finance-committee-report-october-2018.pdf>.

To appreciate the order of magnitude, the Law Society regulates about 49,000 legal professionals, with a staff complement of 615 full time equivalent positions and a total annual budget of \$142.5 million with incoming revenue funding only \$133.8 million; hence a deficit. As in past years, the Budget contains lots of material to chew on by aspiring Bencher candidates from which an election platform can be fashioned. (I apologize if your eyes glazed over with that level of detail and zeros, but it is your money.

LICENSING CHANGES

Make sure your elected Benchers and Treasurer know of your views in respect of the ground-breaking changes that affect the profession and public. Following an extensive consultation completed this month, Benchers will meet as a committee in November to discuss the future licensing of lawyers and paralegals. The Report to Convocation by the Professional Development and Competence Committee will be published on the Law Society website (www.lso.ca). Thereafter,

Convocation is scheduled to publicly debate in December which licensing "option" should be followed and wrestle with a decision. If not resolved this may yet become a hotly contested issue in the coming Benchers election.

GOVERNANCE TASK FORCE

Benchers will similarly meet likely in November to debate the extensive work of this Task Force and to address conflicting views of changes needed to make the governance of the Law Society, more effective and relevant. The debate is fuelled by a Task Force Report and an underlying Consultants Report by Hansell LLP. The proposed principal changes reduce the size of Convocation, increase the term a Treasurer serves, implement a succession plan for the Treasurer, reduce the length of time Benchers may be elected and re-organize the work of Committees and the addition of a new Executive Committee.

Many Benchers have already expressed passionately held and diverse, opposing views. I confess that based on my careful review of the material available and the views of others, I am no longer persuaded that it is an appropriate time for Convocation to adopt the governance reform proposed by the Task Force nor seek necessary Government approval to implement the changes. Although it is inherently difficult for me to accept the status quo, I recognize that the current structure as modified with Government support in 1998 has served the public interest well for over 200 years. At this time, no demonstrable case of real benefit has been made out to warrant the sweeping changes proposed. In fact, the process of change may well leave the public and the profession for worse off than can be justified. This is fundamentally important to everyone concerned with regulation of the profession. Following our medical friends, now is the time "to do no harm". Read the material and consider your views:

<https://s3.amazonaws.com/tld-documents.llnassets.com/0007000/7479/convocation-governance-task-force-2016.pdf>. Let the Treasurer and Benchers know how you feel. Another great election issue.

BENCHER ELECTION

Join in and become an elected Benchers to play a critical role in the governance of the Law Society. Take heart that recent elections have resulted in a significant number of new Benchers joining convocation from all areas of the Province. Responsibilities include setting policy and addressing other matters related to the governance of lawyers and serving as adjudicators on the Law Society Tribunal Hearing and Appeal Divisions. Nomination packages including all relevant information is available at www.lso.ca/benchers-election-2019.

Important Dates to Remember:

Nominations opened: October 15, 2018

Nominations Close: February 8, 2019 by 5:00 p.m.

Information webcast: January 14, 2019 (TBC)

Voting opens: mid-April 2019

Voting closes: April 30, 2019

Questions regarding the election can be directed to the Office of the Elections Officer at 416-947-3404 or 1-877-947-3404 or email at: bencherelection@lso.ca.

ARTIFICIAL INTELLIGENCE

Change is coming. No surprise there, but many lawyers will be caught unaware and become increasingly uncompetitive and irrelevant to clients. For a great article read the attached:

<https://www.techemergence.com/ai-in-law-legal-practice-current-applications/>

So what should law firms consider? How about streamlining back office work to make the entire operation more efficient to reduce overhead, including the use of software to automate routine work wherever possible; move from billable hours to value billing and maintain current and effective client contact. There will be profound change caused by the impact of technologies on the profession, the public and access to justice. Good luck.

MEMBER ASSISTANCE PROGRAM:

If you are facing challenging life or professional issues that are impacting on your effectiveness and happiness immediate support is available. Contact the Member Assistance Program for free and confidential counselling, coaching and peer support at 1.855.403.8922 or www.myassistplan.com. It is made available without charge through funding provided by the Law Society and LAWPRO.

COMING EVENTS:

November 14, 2018

Diversity and Inclusion in the Francophone Legal Community

This session is intended to promote an awareness of the issues of diversity and inclusion and consider tools to lower barriers in the Francophone legal workplace. Some strategies aimed at ensuring that professional environments reflect the current reality of the Francophone community in Ontario will also be discussed. **To register go to:** <https://lawsociety.forms-db.com/view.php?id=103482>

November 14, 2018

Recruitment, Retention and Advancement: Countering Unconscious Bias

Participate in a workshop to consider the concept of unconscious bias and the different forms it takes. Learn practical tips about how to counteract its effects on recruitment, retention and advancement. **To register go to:** <https://lawsociety.forms-db.com/view.php?id=103931>

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