
BANACK'S BENCHER NEWS #10

February 28, 1997

BENCHER COMPENSATION: In 1995, the Women in the Legal Profession Committee recommended to Convocation that Benchers be paid for their work on behalf of the Law Society. Convocation reconsidered the issue on February 28th, examining the alternatives and the practices of governing bodies of other professions (dentists, doctors, psychologists, chiropractors, pharmacists, physiotherapists and veterinarians) which, in fact, pay their governors on the basis of either an honorarium or per diem amount. Convocation attempted to focus on whether the payment to Benchers would broaden the range of potential candidates willing to seek election and ultimately improve access for a broader range of representation in our governing body. The current composition of Convocation, acquired without the lure of payment, includes male and female lawyers from across the province, sole practitioners and lawyers in various sized associations. In addition, there was a large slate of candidates with similar characteristics who were not elected in May, 1995.

I do not believe that any payment that the Law Society could budget without imposing hardship on members would have any significant impact on members determining whether they wished to seek election as a Bencher. Further, in these unsettling economic times when our profession is facing profound change from all directions, I could not agree that adding another tax to our dues for the purpose of compensating Benchers was appropriate.

I reached this conclusion, notwithstanding the enormous number of hours and personal sacrifice made by my Bencher colleagues, particularly those residing outside of Metropolitan Toronto facing significant travel delays to volunteer their time for the profession. I am confident that you recognize that that effort is not expended for the odd free meal or glass of wine in return for the 47.5 hours per month, median time spent, by each Bencher, on Law Society business. Following a disciplined debate, which addressed the many predictable issues, Convocation voted 22 to 21 to approve the payment of an honorarium for Benchers.

REFERENDUM: In a further vote, Convocation decided that the issue of Bencher compensation be considered by a referendum of the profession, the particulars of which will be decided by a committee.

CONTINUING LEGAL EDUCATION: On January 24, 1997, Convocation debated the long-deferred report on mandatory continuing education. Following a lengthy debate, the views of major professional organizations, including CBAO, CDLPA and the Advocate's Society were adopted. The Law Society will, in the next two years, pursue, map out and implement a process of delivery for continuing legal education which, if affordable, accessible and local, may provide the vehicle for introducing mandatory continuing legal education at that time. If administratively possible, we will then be able to initiate minimum on-going educational requirements for our profession which are already in existence for other professions.

CONTINGENCY FEES: If you can find the back burner, you might be able to locate this issue on the government's agenda. The indications that we would see legislative changes in 1996 proved to be incorrect.

ARTICLING: Approximately 1,150 students began articling in September, 1996. 97% secured a permanent, paying position. 2% could not find any position and 1% volunteered or articulated for little pay while continuing to search for a permanent, paying position.

COMPLAINTS: A total of 4,510 complaint files were opened in 1996 which is a continuing decrease of 7% over the previous year. There is an ongoing shift in the handling of complaints toward remedial initiatives.

DISCIPLINE: Discipline committees heard and dealt with complaints affecting 296 solicitors. 116 were subsequently dealt with in Convocation where the most frequently imposed penalty was that of suspension. Convocation ordered 59 solicitors suspended, 18 disbarred and granted 11 solicitors permission to resign.

PRACTICE REVIEW PROGRAM: 164 lawyers are now authorized to participate in the Practice Review Program.

PROGRAM REVIEW: In the coming months, Convocation intends to review every current Law Society program in order to consider the alternatives available in the ongoing attempt to improve cost-effectiveness, efficiency and service. You may wish to inform the Bencher of your choice of your views in relation to any existing programs.

TREASURER'S ELECTION: The second year of Susan Elliott's mandate will be expiring in the Spring, necessitating an election for Treasurer from the existing Benchers sitting in Convocation.

FAX FEEDBACK: AS A TORONTO AREA LITIGATION LAWYER AND MEDIATOR, I WOULD APPRECIATE YOUR HELP TO ASSIST IN MY EFFORTS AS A BENCHER BY COMPLETING THIS BOX AND RETURNING IT BY FAX TO: (416) 977-3316.

- 1) Please eliminate the multiple faxes sent to: () _____ Name: _____
- 2) Please remove the following from your distribution list:
Name(s)/Fax #(s): _____
- 3) Please add the following to your distribution list:
Name(s)/Fax #(s): _____
- 4) The 3 most pressing problems facing me today as a lawyer are:
- 5) I would feel better served by the Law Society if:
- 6) I feel that the Law Society is doing a good job with respect to: