
BANACK'S BENCHER NEWS #12

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NEW TREASURER - Harvey Strosberg: Convocation today elected Harvey Strosberg as Treasurer. Mr. Strosberg calls Windsor home, however, practises throughout the Province. In relation to Law Society matters, he is likely best known for his 1994/95 efforts to implement the response to the LPIC insurance crisis of the day. He has indicated that he intends to operate on the basis of an "open door" policy and has said that he is in favour of the CBAO/CDLPA merger discussions.

AU REVOIR MS. SUSAN ELLIOTT: For the large number of "first time" Benchers, elected in 1995, Ms. Elliott was the only Treasurer with whom we have worked in this capacity. She exhibited an enormous degree of patience, self-control, wisdom and maturity in dealing with a fractious Convocation. However, in retrospect, it is clear that our now, former Treasurer had a clear vision of what she wished to accomplish and pressed, even the neophyte Benchers in that direction. She presided over Convocation at a time when our entire policy governance process had changed. The Law Society hired a CEO and the staff and Benchers were obliged to understand new working relationships. Ms. Elliott's initiatives included support of a very important report entitled "Women in a Changing Legal Profession". As well, she led the discussion which resulted in a wide range of necessary legislative amendments which were forwarded to the Attorney General for implementation that, unfortunately, have not seen the light of day. The Profession owes Ms. Elliott an enormous debt of gratitude for the two years which she has devoted to us and from which we have all benefited.

ELECTRONIC REGISTRATION OF DOCUMENTS: A joint committee of the Law Society and CBAO made 40 recommendations to Convocation including practice standards so that the public will benefit from efficiencies which may possibly be generated by the new systems. Every lawyer must become familiar with the new process and should consider participating in the educational programmes scheduled for the Fall.

CBAO/CDLPA: These two Associations, representing lawyers throughout the Province, have agreed, in principle, to an arrangement to effect a merger for the creation of a single, effective voice for the Profession in Ontario. The intention is to address those matters of concern to lawyers which are beyond the statutory mandate of the Law Society. Many detailed issues remain outstanding for discussion, the most important of which may well be whether membership in the new organization will be mandatory as in British Columbia or voluntary. It is unclear whether that is a decision that can be unilaterally taken by Convocation or, in fact, requires legislative amendment. In any event, Ontario lawyers should be asked whether they wish to be forced to pay for the privilege of having a single "union" voice.

Special Committee on Relief and Assistance: This Special Committee administers the guidelines applicable to determine eligibility for assistance to justify the waiving of the errors and omissions insurance levy.

CONVOCATION REPORT CARD:

Recommendations on Equity Issues in the Legal Profession: This is an outstanding work which should be read by all lawyers. It demonstrates that despite our self-congratulatory belief that our Profession has "turned the corner" in dealings with each other, we have only scratched the surface. We must debate, as a matter of policy, what further efforts and expenditures we are prepared to underwrite so that we, as a Profession, may boldly and confidently enter the year 2000. Grade: A

Women in a Changing Legal Profession: I believe the critical investigative analysis would be duplicated in virtually every other profession. As lawyers, we should lead the way other professional societies address transparent inappropriate behaviour. Grade: A+

Program Review: Convocation has not yet grappled with the relevancy and cost-effectiveness of our existing programs which should be a high priority in the near future. Grade: C+

Program/Governance: This continues to be an area of innovative and proactive initiatives being advanced by senior Law Society staff. Achieving a less costly and more efficient Law Society will be the litmus test for our new governance policy and CEO effectiveness. Grade: A for effort

Law Society Dues: A more business-like, cost-effective Law Society operation providing only core programming activity must begin to result in reduced membership dues. The financial cost of maintaining Law Society membership must be reduced. Grade: Wait to see.

LPIC: If a more insurance-like program has been the goal, LPIC has been successful. New pricing and new products are intended to make LPIC both viable and profitable as an insurance company and to assist lawyers in responding to other market place attacks on the profession. Title insurers are trying to reduce lawyers' involvement in transactions in an attempt to reduce cost and "insure over" problems. In the coming year, we should see the first of what will hopefully be a number of overall reductions in insurance costs. As at May, 1997, the deficit is \$47.5M and is scheduled to be fully retired by mid-1999. By next Convocation, a report is to be received in relation to continuation of the volume surcharges. Grade: B+

Legal Aid: The debate continues. However, decision-making control may be taken out of our hands by the Attorney General, without the ability of Convocation to even debate whether administration of the Plan should be returned to the Government. Grade: C+

Competence Task Force: The task force is reviewing major studies conducted by others to identify possible working definitions of "competence" so that the Law Society can consider its role in developing, maintaining, improving and enforcing the competence of its members. Its final report on Phase 1 is due in November, 1997 and it will indicate an outline for how the Phase 2 plan should proceed. Grade: B+

Have a happy and safe summer with family and friends. As in the past, if you have any questions, criticisms or suggestions, please do not hesitate to let me know.

IF YOU HAVE ANY TRANSMISSION DIFFICULTIES WITH RESPECT TO THIS NEWSLETTER OR WISH NAMES ADDED OR DELETED, PLEASE RETURN THIS PAGE BY TELECOPIER AND YOUR REQUEST WILL BE IMPLEMENTED. FAX# (416) 977-3316

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