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## **BANACK'S BENCHER NEWS #14**

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December 12, 1997

**"NOW YOU SEE IT; NOW YOU DON'T" or is it "HERE TODAY; GONE TOMORROW":** The good news is that the \$600.00 LPIC Capitalization Levy we have each been paying to reduce the historic LPIC problem IS HISTORY. In addition, we have escaped from the additional cost relating to the Legal Aid Levy. However, new initiatives have been undertaken in relation to technology, revamping the Law Society's operations (Project 200) and funding the client compensation fund. The 1998 Budget (available from the Law Society on request) results in an annual levy of \$1,697.00 (plus \$50.00 administrative fee if you do not pay in January, 1998). This represents a year over year reduction of \$591.00.

It could be better, but has to be good enough because we must continue to pull Law Society operations into the 21st Century. Hopefully, improvements will continue to result in savings and reductions in levies next year.

**PROGRAM PRIORITIES:** Unfortunately because of the Law Society planning cycle, it was impossible to complete an analysis and program review before striking the 1998 Budget. The December 12th Convocation resulted in a listing of financial and policy priorities for the coming year, which includes the Law Society Legislative Package, the need for a technology policy, Bar Admission Reform, Legal Aid, Multi-Disciplinary Partnerships, Implementation of Equity Initiatives and Paralegals. I expect that the forthcoming discussions will focus the true debate on what the Law Society should really be doing for us as members.

**SELF-REPORTING BY LAWYERS OF ANNUAL FINANCIAL CIRCUMSTANCES:** We are still awaiting Cabinet approval of the Regulation needed to implement the change. It must be received next week if the process is to be changed in 1998.

**LAW SUIT AGAINST LEGAL PUBLISHERS:** Legal publishers have asserted that the Law Society's "copy service" of legal materials in the library is a copyright violation. A similar argument could be advanced against law firms copying cases from our own law libraries. In order to have the matter expeditiously resolved, the Law Society is seeking a Declaration that copying portions of legal materials for the purpose of research, private study or for use in connection with judicial or government proceedings is "fair dealing" and not a copyright infringement.

**COMPETENCE:** The Law Society Task Force generated a draft definition of "competence" approved by Convocation. That definition will provide the basis for future program planning and will ultimately create the standard against which we will be judged as professionals. We should be very concerned with the final form and application of the definition.

**POST-CALL EDUCATION/ENHANCED CONTINUING LEGAL EDUCATION:** Convocation's Advisory Group has tabled a report to achieve affordable, cost-effective and accessible continuing legal education. A grass roots involvement from each of the counties and not-for-profit providers is being formed into a Liaison Committee to identify and fulfil the needs of the profession without recourse to mandatory continuing legal education. If enhanced CLE is achieved, then presumably it will be effective and responsive to our needs as lawyers so that we will voluntarily participate.

**PRE-PAID LEGAL EDUCATION:** The Treasurer delivered a letter to not-for-profit CLE providers to consider a new educational initiative that could be delivered over the internet. Hopefully, the Liaison Committee will assess the possibilities to broaden the alternatives available to lawyers throughout the Province.

**HATS OFF TO THE ADVOCATE SOCIETY:** The Advocate Society has shown leadership by stepping forward to fill a void for unrepresented lawyers appearing before Law Society Discipline Committees. As its President, also Bencher, Harriet Sachs said it was "an offer that couldn't be refused". Once operational, members of the Advocate Society will serve as duty counsel for lawyers in certain aspects of Discipline Hearings. Lawyers have had similar assistance from counsel when appearing before Convocation, but the Advocate Society recognized the current missing link and its contribution will be most welcome.

**COMPLAINTS PROTOCOL:** Convocation approved a formulation for dealing with client complaints sent to the Law Society. The protocol establishes a standard which complainants may expect to be met in the handling of their complaints and establishes a basis against which Law Society performance can be assessed. During the course of debate, the Chair of the Professional Regulation Committee agreed to consider a comparable protocol for us, as lawyers. After all, we should be entitled to reasonable expectations in relation to the handling of complaints and the standards by which the Law Society should be judged from our perspective.

**CDLPA/CBAO MERGER:** Convocation was asked to pay certain expenditures for travel and other costs concerning the merger discussions and for the preparation of a Business Plan. In the budget process, the Law Society approved a one-time grant of up to \$80,000.00 to step in and assist with such funding. We all hope the money will be productively well spent.

**AUDITOR:** Following a competitive bid process, Convocation appointed the accounting firm of Arthur Andersen & Co. as auditor for the Law Society for the year ending December 31, 1997.

As this newsletter will be the last for 1997, may I wish you, your family and colleagues a healthy, safe and prosperous New Year.

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