
BANACK'S BENCHER NEWS #16

April 24, 1998

LPIC ANNUAL REPORT: At long last, the 1994 deficit of \$153 Million has now been retired. We can then expect LPIC premiums will decrease next year. However, the transaction levy and volume surcharge will be considered by Convocation in September. Claims paid in 1997 were reduced by about 5% and adjuster fees were significantly reduced. More than 90% of files reported and closed in 1997 were closed without payment. The distribution of claims among practice areas remains the same with real estate, civil litigation and corporate leading the list. The distribution of claims by firm size and territory remains constant. The statistics show that lawyers who work in small firms represent a disproportionately higher risk than do lawyers in large firms. For a complete set of financial results or a copy of the 1997 LPIC Annual Report, you may call 1-800-410-1013.

CONVOCATION PRIORITIES: There are at least 65 outstanding, important issues which deserve attention. A group of Benchers and Law Society staff recently met to develop criteria to help Convocation set its priorities. An agenda will now be developed to prioritize the issues to be dealt with in the coming year and create a process that will be effective in the future.

CONTINUING LEGAL EDUCATION: A Committee made up of lawyers from across the Province has met on one occasion and is committed to meeting on two additional Saturdays before the end of June. This group is analysing existing systems and will make recommendations to assist in the creation of cost-effective, timely local access to continuing legal education. This work will be of enormous importance should Convocation review possible initiatives relating to enhanced continuing legal education.

SPOT AUDITS: Convocation has approved a recommendation that 150 initial spot audits be performed in areas determined at the discretion of the Director of Audit and Investigations. The results of the initial round of spot audits will be reported back to the Finance and Audit Committee by June 30. The audits will be performed by public accounting firms to assess the financial regulatory records keeping practices of lawyers. The results of the initial audits will be studied for the purpose of preparing a report which would serve as the basis for an additional group of audits to be performed through the balance of 1998. The range of rates charged by the auditors, throughout the Province, varies from approximately \$60.00 to \$80.00 per hour.

REGULATORY PROCEDURES AND PROCESS: The Professional Regulation Committee hosted a meeting attended by approximately 40 individuals representing regulatory Law Society staff, Benchers and counsel appearing for the Law Society and those appearing for lawyers in disciplinary or regulatory matters. Discussion focused on policies, procedures and process related to regulatory audits, complaints, investigations and prosecutions. It is expected that the issues arising from the meeting will be reviewed and an effort made to deal with them to improve the process for all participants.

UNNECESSARY REGULATION/RED TAPE COMMISSION: As a profession, we can have an input and make a valuable contribution to reduce unnecessary regulation. There is an ongoing effort coordinated through the Law Society to identify unwieldy, costly or ineffective regulation to be brought to the attention of the Red Tape Commission. Please participate either directly or through the CBAO.

PUBLIC DECISIONS OF CONVOCATION: A document has been prepared from June, 1995 that will be updated quarterly containing all of the public decisions of Convocation. That document can be requested from the Law Society.

ADR CERTIFICATES: Convocation approved a policy that will permit the Law Society to issue certificates of attendance at ADR programs similar to those certificates now offered by other educational providers.

CBAO/CDALPA MERGER: CBAO withdrew its March request that Convocation pass a motion authorizing the Law Society to seek rule-making power to mandate lawyers' membership in CBAO or a County Law Association. It is expected that the two organizations will continue to work internally and may even seek input from the profession before bringing the issue to Convocation. I want to thank the 172 of you who responded to my last fax inquiry. For your information, of those responding, 50 were in favour of the Law Society seeking mandatory membership rule-making power, while 122 were opposed.

LAWYERS' ADDICTIONS: Ontario Bar Assistance Program (OBAP) assists lawyers, judges and law students with drug and alcohol addictions or other problems. Convocation has amended the commentary to Rule 13 so that those receiving help will have an assurance that in most circumstances the information provided in the counselling process will be confidential in relation to any previous misconduct. Lawyers acting in the capacity of counsellors will not be compellable in Law Society proceedings. OBAP provides an important function, recognized by Convocation which wished to minimize any impediment to those requiring assistance. If you or anyone you know can be helped with such confidential counselling you may call the 24 hour helpline: 1-800-667-5722.

BENCHER ELECTIONS: As I have previously noted, the next Bencher election is in May, 1999. As a participant in the Treasurer's Equity Advisory Group, I am trying to implement an outreach strategy to encourage diversity in the forthcoming Bencher elections. If you have any suggestions or ideas as to how we can promote necessary change so that Convocation will best reflect our profession, please fax your ideas to me at (416) 977-3316.

APOLOGIES:

- I am told that sometimes the size of print in this newsletter might be reduced in transmission to you. However, the goal is to provide as much information as possible on a single page. I will try to maintain the print size to the greatest extent possible. Any other comments you may have in relation to this newsletter or the Law Society generally will be greatly appreciated.
- If this newsletter reaches your fax number at an inconvenient time, please return it with a request to have your number deleted. If you know others who wish to be added, please advise. (Fax # 416-977-3316)