
BANACK'S BENCHER NEWS #3

TO: 1~
FAX: 2~

October 2, 1995

It has been a busy time since Newsletter #2. Convocation has met three times and Benchers participating in Committee Day met during a ten hour period in a number of the eighteen standing Committees. As well, various Benchers, whose efforts were coordinated by Stephen Goudge and Treasurer, Susan Elliott, met frequently to deal with the many aspects of the Legal Aid crisis.

Legal Aid: By letter dated September 28, 1995, the Attorney General has sought to assure the Profession that Legal Aid accounts will be paid for past and future services within the context of the Memorandum of Understanding. But this critically important, time-consuming issue has not been finally resolved. The Plan can only be continued if managed within strict financial constraints. It is now essentially funded by service providers whose payments will become delayed for up to 150 days which, to me, is an unacceptable result. However, Convocation tabled a work plan for consultation with the Bar in the next month to manage the Plan within the resources available and to review the Plan's operations to ensure it is operating efficiently. We remain a long way from achieving a suitable resolution for either the public or profession, although, on a positive note, the Bar has become unified in its determination to maintain and maximize access to justice for the broadest possible range of Ontarians in need of legal services.

L.P.I.C.: Progress has been made through the hard work of Malcolm Heins and Harvey Strosberg. The 1994 deficit of \$153M has been reduced to \$125M and may be reduced to \$110M by year end and eliminated in three years. 1996 insurance proposals have been tabled for consideration. The base premiums (which will no longer be subject to GST) could be reduced from 8% to 40%, depending on your length of time at the Bar. As well, lawyers may vary the cost of insurance by electing different options that will benefit all lawyers, including those practising Criminal and Refugee law. Run-off coverage for retired lawyers will be continued but with restricted limits and corporate counsel may now be required to purchase third party coverage. For complete details, please secure the Report to Convocation dated September 26, 1995 from L.P.I.C.

M.C.L.E.: The successful province-wide Legal Aid consultation has been copied to discuss continuing legal education with you. The Committee made up of a wide range of representative parties beyond the Law Society, and interested Benchers is in the process of attending 20 consultations to determine the Profession's view with respect to the desirability of pursuing lifelong learning, for personal benefit and to enhance the image of our professionalism in the eyes of the public and for other reasons being expressed at the meetings. Convocation has absolutely no preconceived notion or resolution of this matter. The consultation process is intended to determine if there is interest in a broad range of alternate forms of continuing legal education that may meet our needs. It will be necessary to allow lawyers to choose which educational opportunities are to be attended or provide for alternatives, possibly including local area study groups, writing or self-study to be as unobtrusive as possible. Any system will require careful attention to local area delivery and cost-effectiveness. Your input is invaluable. I urge you to attend a consultation meeting or provide your thoughts in writing to the Committee staff person, Ms. Sophia Sperdakos at Osgoode Hall.

Rule 5: The proposal to eliminate the possibility of a lawyer acting on both sides of a transaction is being considered. The rule change would dramatically affect lawyers throughout the Province. Any views you may hold on this matter should be sent to Mr. Stephen Traviss, the staff person involved in this issue at Osgoode Hall.

Law Society Governance: The process of change began with the election of the Benchers presently constituting Convocation. The Law Society can no longer be managed merely by an elected Treasurer holding office for a short fixed term. The appointment of an experienced full time C.E.O. will provide a level of continuous senior management responsible for the overall operations of the Society which has previously been missing. Benchers are dedicating an entire day in October, to a seminar designed to consider an alternate management structure to redirect the efforts of Convocation from minutiae and detail-overload to focus on policy questions. No greater benefit can be made by this Convocation than to re-evaluate and restructure the entire Law Society from top to bottom so that it can be operated at no greater cost than is necessary, providing only those services the Profession really wants and needs. Convocation is open to the public and perhaps you should attend one time to view how the system presently operates.

If you do not wish to continue to receive this newsletter or if the addressee information is incorrect in any way, I apologize and would ask that you return this newsletter by fax with the changes noted and my records will be corrected for future distribution. Thank you for your assistance.

Larry Banack