
BANACK'S BENCHER NEWS #4

December 1, 1995

TO: 1~
FAX: 2~

Law Society Management: The Law Society is democratically run through the election of Benchers. We are all aware of the historic inequities and geographical imbalance which resulted in a lack of representation for lawyers in various areas of the province and in particular types of practice. As evidenced by the current group of Benchers, following the seriously contested and well organized election of last Spring, we have a more broadly based, representative group at Osgoode Hall.

Greater change is needed. Even if regional elections come to pass, the task of managing a self-governing profession with all of the complications of a 1990s' society mimicking our American counterparts cannot be accomplished merely through hard work and good spirit of even a representational base of volunteer Benchers. The structure of the Law Society has previously meant that 60% of the administrative functions are conducted by Benchers, leaving no time to deal with policy. At least one missing component has been rectified with the appointment of a chief executive officer whose position will be dependent upon the improved and successful management of the Law Society. That centralized supervisory function of a highly qualified, trained manager was not fulfilled by our elected treasurers of the past--nor can it be expected of future part-time treasurers.

In addition, Benchers have already taken part in a one-day workshop, a further one is scheduled for December 7th and a two-day meeting will be held in January, 1996 to consider restructuring the cumbersome, labour-intensive and often ineffective committee system in place for years.

The Law Society has needed change for a long time and it is hoped that a new management approach will succeed in areas the Law Society has previously mishandled. As a profession, we deserve cost-effective management, the provision of services in a timely and economic fashion and no more intervention in our professional lives than is necessary. I believe that we are moving in those directions, despite the verbal attacks on and self-aggrandizement by some Benchers, which you may have read about in the press.

Articling Student Placement Statistics: As at November 23, 1995, almost 96% of the students wishing to article in the 1995/1996 term have been placed. Historically, by December 31st of each year, the percentage increases to 99%, but those unplaced students also include individuals not seeking articles.

Bar Admission Employment Statistics: The current employment situation is comparable to that of the last five years. Approximately 89% of the 1995 Bar Admission Course graduates have reported that they are employed, either as lawyers or in other capacities. It should be noted that the unemployed statistic also includes members not seeking employment, on sabbatical or continuing their education. For those unemployed, the statistics are small comfort but it should be noted that the number of students who have graduated from the Bar Admission Course has increased from 1,033 in 1990 to 1,111 in 1995. More up-to-date information will be available once the filings required in November are analyzed. As well, the "numbers in the profession" are being reviewed at various levels and I will report to you on that important issue on a later date.

Legal Aid: Information is now being quickly distributed through the Law Society, C.B.A.O., Criminal and Family Lawyers' Associations. Unfortunately, I have insufficient space to recount recent events. However, you may be interested to know that the Court had set December 4 and 5 to hear the Law Society's application for an interpretation of the *Legal Aid Act* which will now be adjourned in a further attempt to reach a resolution arising from a pre-trial hearing handled by Justices LeSage and Adams and a motion at Convocation. But we must recognize and accept the strides we have made in preserving the level of Legal Aid funding in the face of the rhetoric of the *Common Sense Revolution* and the cut backs actually imposed in other areas, such as hospitals, education and transportation. Relations with the Attorney General must improve and we must work with what we can get, to the best advantage of the public and profession or agree to turn the Plan over to the Government.

1995 Annual Report: The Report recently received at the Law Society Annual General Meeting contains financial statements and committee reports which you should review. Copies can be obtained on request from the Law Society (947-7600 or, for out of town callers, 1-800-668-7380).

Continuing Legal Education: The recent consultation road show with the profession, throughout the Province, involved an enormous effort by Law Society staff, Benchers and lawyer representatives from various organizations participating in the mandatory continuing legal education committee. A day-long committee meeting was held on December 1, 1995. Its report will be available for review and discussion in the profession. However, in summary, the segment of the Bar which participated in the consultation acknowledged that professional competence is enhanced by participation in C.L.E. programs. Whether there can be mandatory C.L.E. will be dependant upon the availability of cost-effective, timely local delivery systems and the identification of reasonable alternatives to required attendance at any centralized location.

I wish you and yours a safe and happy holiday season.

Larry Banack