

BANACK'S BENCHER NEWS #5

February 24, 1996

TO: 1~ FAX: 2~

E. & O./Law Society Levies: It is extraordinarily costly to practice law at this time. However, there are presently fewer members suspended for non-payment than in the past. Although practitioners may secure deferrals of premiums/levies, in the end, all amounts must be paid—there are no free rides. The important question is whether or not we are getting value for our dollar or whether there are cheaper alternatives, bearing in mind that as a profession, we are repaying a huge claims debt created in previous years. L.P.I.C. premiums have been reduced over last year and hopefully will again next year, as will Law Society dues. While the cuts are in the right direction, they may be too little too late for many of our colleagues. This must be avoided, if at all possible and once the outstanding debt is eliminated (hopefully in 2 years) a new lower base levy must be implemented.

Continuing Legal Education: The Committee preparing a report as to the appropriateness of mandatory C.L.E. consulted with the Bar, conducted numerous meetings, and is about to release its report for final consultation with you BEFORE it is considered by Convocation. **If an affordable, timely and flexible delivery system can be implemented, how can we, as professionals, say that we remain as qualified to practice law ten or twenty years after our call in the absence of continuing education which is expected of many other professionals.** That is not to say that many lawyers do not already fulfill any perceived minimum requirement but rather that our profession and the public have a right to expect continuing competence and deserve no less from all of us.

Governance: It is hoped that the system is changing fast enough and in the right direction. Law Society operations are currently undergoing restructuring and the newly appointed C.E.O. will be expected to improve overall effectiveness and efficiency of internal operations. As well, requirements of the profession are being reviewed to reduce duplication and minimize costs wherever possible. We still have a long way to go before anyone can be proud of our internal operations, but Convocation directed the Law Society staff to prepare a financial budget to effect a 5% reduction in the general fund portion of members' fees. The Treasurer has appropriately stated, "Our goal is a restructured society which is better equipped to meet the demands of our membership, while at the same time taking less from their pocketbooks".

Contingency Fees: The political will now apparently exists and legislative changes can be expected in 1996.

Legal Aid: Most of our attention in this area in the recent months was focused on the Plan itself. However, community legal aid clinics which provide access to justice to vulnerable individuals on "bread and butter" issues must not be sacrificed. Future attention and effort must be directed at preserving the system.

Bench Morale: Many of us, after 8 months, are still very unclear as to how to accomplish the goals we identified last Spring and implement real and positive change for the profession. Although many inquiries have been made and numerous sacred cows questioned, real systemic improvement has not yet been accomplished. Maybe the new governance structure will help to identify problems, in advance and minimize foreseeable or continuing emergencies such as Legal Aid or L.P.I.C. However, many of us receive your telephone calls and letters and attempt to pursue your concerns and secure answers where possible. Please keep the letters coming.

Role Statement: The previous Bench adopted a Role Statement and commentary in October, 1994. At that time, the Law Society was identified as having a primary responsibility for the protection of the public interest. The current Bench is torn by the appropriateness of that Role Statement which impacts upon the goals and objectives which can be pursued by Convocation. However, it is not the Role Statement which has created our difficulties, but rather previous "weak administration and failure to monitor the performance of the functions assumed by the Society or required by statute" as noted by a colleague. Convocation continues to function under "an impression of incompetence and inefficiency (which) is now widespread in the profession, the government and general public". Those insights must be rectified regardless of the text of the Role Statement and the Law Society must get on with its job, including the pursuit of accountability wherever possible for historic problems.

FAX FEEDBACK: PLEASE HELP ME FINE TUNE THIS NEWSLETTER AND ASSIST IN MY EFFORTS AS A BENCHER BY COMPLETING THIS BOX AND RETURNING IT BY FAX TO: (416) 977-3316.

1) I receive multiple faxes to: () _____

2) Please remove the following from your distribution list:

Name(s): _____ Fax No(s): _____

3) The 3 most pressing problems facing me today as a lawyer are:

4) I would feel better served by the Law Society if: _____

5) Would you agree to an increase in your own annual insurance levy of \$250.00-\$500.00 in order to provide reduced premiums to the large group of lawyers who are now finding it impossible to survive economically and meet their financial obligations in today's economy?

(Please circle one)

YES

NO