
BANACK'S BENCHER NEWS #9

November 29, 1996

For Benchers, November is now thankfully the month that WAS. In addition to regularly scheduled discipline, practice review, admissions hearings and Committee Day (November 21), Convocation sat on November 15, 28 and 29, and discussed some of the following issues:

Law Society Ownership: In a misguided attempt to apply inappropriate terminology, Convocation entertained a debate arising from our current governance model relating to "customers and ownership" of the Law Society. The debate became heated and unfortunately very personal. The Profession must recognize that, although Benchers are elected by lawyers throughout the Province, once sitting, Convocation has a statutory mandate that must be fulfilled. That mandate is evidenced by the Law Society Role Statement, which some of my Bencher colleagues find offensive. The Law Society was created to effect our self-regulation as a profession. In establishing admission criteria and standards to ensure honesty and ethical behaviour set out in the Rules of Professional Conduct, we are obliged to have regard for the public interest. There are, however, many times when the interests of the Profession are concurrent with those of the public and there is no difficulty. It is then incorrect to think that Convocation is able to effect change or improve the lot of lawyers unless the changes are consistent with or in advancement of the public interest.

To be clear, I now understand that Convocation does not exist to act as a representative voice of lawyers in dealings with the regulatory authority which govern our professional lives, because that constitutes self-evident conflict. Lawyers are represented in a "trade union sense", not by the Law Society but by various organizations, such as the C.B.A.O./C.D.L.P.A./O.R.E.L.A./C.L.A./F.L.A., etc. A coordinated voice by our various "trade" associations in advancing the interests of lawyers is required in dealings with the regulator (Law Society). It would be a far more effective approach than that presently taken by my Bencher colleagues who believe that our community interests can be advanced at Convocation, regardless of the public interest.

Forms: The six separate forms we are currently required to file annually are planned to be merged into two main documents with an additional schedule. One of the new forms, the membership information form, is to be sent to you in December, that can be "read" by electronic scanning and, when refined in the future, can lead to electronic filing. The forms (which will undoubtedly have some bugs to be worked out) should ease our reporting to the Law Society, improve monitoring, enhance statistical data collection and with further advances, potentially save administrative costs. If you have any difficulties, a 1996 Annual Filings Hotline has been set up to assist and answer questions, call 416-947-3932 or 1-800-668-7380. Commonly answered questions will also be available on the Law Society Website <http://www.lsuc.on.ca/>.

Partnership with University of Western Ontario: London area lawyers will benefit from a partnership giving local law association members access to the University law library, which will also provide private office space from which to fax and make telephone calls with priority for lawyers at four computer work stations. It is expected that the University will eventually house the Bar Admission Course, once its current office space lease expires. This logical sharing of facilities and resources should benefit both students and lawyers.

Scotiabank Initiative: In conjunction with the Law Society Department of Education, the Bank of Nova Scotia is now delivering seminars to bar admission students and lawyers in relation to setting up and operating a practice. Those participating will be able to take advantage of Scotiabank's Professional Plan that provides advice, access to credit and capital financing for lawyers establishing their own practices.

1997 Budget: The rationalization of Law Society activities is evidenced by the budget presented to Convocation. Through re-organization, rationalization and enhanced internal operations, the preliminary budget provides for a 5% reduction in the general fund portion of our annual fees. A motion to reduce the Legal Aid levy was defeated. In the absence of any further changes, our 1997 annual membership fee will be \$1,749.00.

C.L.E. Bursaries: Please remember that the Law Society bursary policy will allow lawyers with gross incomes of \$35,000.00 or less to attend up to four continuing legal education programs annually at half price. As well, the CBAO also assists lawyers facing financial hardship to attend educational programs.

TitlePlus: Since Convocation approved LPIC's TitlePlus initiative, a number of lawyers throughout the Province have expressed concerns. While the program is in its developmental stage, I urge you to provide LPIC (Attention: Mr. Heins Fax #416-599-8341) with comments and suggestions before the policy is "written in stone". Now is the time to participate and make a difference. Please do not sit back and complain at a later date that you had no opportunity to make your views known or participate in a very important development.

Corporate Counsel: Efforts by the Provincial and Federal levels of the Canadian Corporate Council Association in meeting with representatives of LPIC and the Law Society throughout 1996 were effective. As a result, LPIC's Board of Directors recommended and Convocation approved an amendment to the exemption from LPIC premiums and levies applicable to certain in-house and other employed counsel effective January 1, 1996. The revised provision which may be obtained for review from LPIC clarifies the exemption as previously worded.

Contingency Fees/Legislative Amendments: The legislation anticipated to implement contingency fees and effect the Law Society legislative package, which Benchers worked on for an enormous number of hours, is not in sight at the present time.

There is a Convocation scheduled on December 14, 1996 to deal with M.C.L.E. As this newsletter will be the last for 1996, may I wish you, your family and colleagues a healthy, safe and prosperous New Year.

IF YOU HAVE ANY TRANSMISSION DIFFICULTIES WITH RESPECT TO THIS NEWSLETTER OR WISH NAMES ADDED OR DELETED, PLEASE RETURN THIS PAGE BY TELECOPIER AND YOUR REQUEST WILL BE IMPLEMENTED. FAX# (416) 977-3316

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