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GOVERNANCE OF YOUR LAW SOCIETY

In pursuit of "effectiveness", Convocation has decided to limit those participating in the future work of the Law Society. After the coming spring election former life Benchers who had served 16 years or more as an elected Bencher (like me) and former Ontario Attorneys-General will no longer be able to speak in Convocation or contribute historic perspective or experience in order to inform debate. Easy targets. This move was said to "shift the balance of power among the top decision makers". What bunk. Those turfed did not even have a vote in Convocation. The Benchers could really have done something meaningful if they had reduced their own term limits for election to 8 years from the current 12 years. They refused. They like the job. In 2009, Convocation introduced, for the first time, a term limit of 12 years for elected Benchers (after 8 years was rejected) to ensure the composition of Convocation, would change over time. It worked spectacularly in 2011 and 2015. Reducing Benchers terms to 8 years was right in 2009 and is now. The Benchers also refused to consider a reduction in the number of elected Benchers from 40 province-wide and could not even agree upon their own Bencher Code of Conduct. Self interest prevails. It is time for you to step up and decide to run for election. Remember: nominations close in February.

PRO BONO LAW ONTARIO-THE SQUEAKY WHEEL ("PBLO")

PBLO has for years successfully maintained effective court-annexed law help centres in Ottawa and Toronto. It subsequently decided to introduce a call centre to broaden access to many Ontarians who do not live near the two city court houses. However, it did so without stable funding in place. In the past the provincial government and the Law Foundation of Ontario funded the PBLO initiatives. The provincial government chose to not continue to fund PBLO, leaving it with a hard choice to make, namely to preserve

either the more recent call centre or the effective court house facilities. In September the PBLO board circulated a letter indicating that on an emergency basis \$420,000 was required for 2019. When the additional funding was not received the PBLO board made an informed, mature decision and publicly announced the closure of the court-annexed help centres. Since then, social and other media aggressively lobbied Benchers (many seeking re-election) so that the Law Society would step into the breach and make up the funding shortfall. However, before a vote was required, PBLO secured one-time federal funding and a range of contributions from law firms to maintain the status quo for one year. Stable long-term funding is still not in place. Convocation had correctly declared in 2012 that "the Law Society is not a funding agency ... and is a funder of last resort." While it is impossible to speak against access to justice issues, the profession must be asked whether it is willing to bear the cost of social programmes that should be funded by government. How much are you prepared to pay annually as part of your annual dues or as an excess charge for the good of the province? Ontario lawyers already "give" daily to the public, in countless invaluable ways and this should not be another tax on the profession to pick up the slack of others. In 2019 there will certainly be a PBLO "ask" and expectation that long term funding will be provided by the Law Society. The ground work has been laid. Ask your Benchers election candidates for their views and compare the answers received, to your comfort level.

LAW SOCIETY HOME PAGE

As part of its re-branding and public awareness communications strategy, the Law Society has rolled out a new and fresh looking home page: (www.lso.on.ca). You will be forgiven if you did not note that the historic logo with a coat of arms and symbolic origins has been replaced by three concentric circles that do not leap out as being significant or meaningful. (If you couldn't guess, some believe they represent the Law Society, the professions and the public.) But on another note, why on earth does the first page include a link to "Make a Complaint"? What a negative start to what should be a welcome page.

As well, under the heading "LICENSEES" the public is offered a range of information intended for the professions, respecting licenses, practice support, CPD including the availability of the "Coach and Advisor Network."

<https://lso.ca/lawyers/practice-supports-and-resources/coach-and-advisor-network>

This important information should not be part of the public home page and should be transferred to the profession's private portal area. As well, try the search function to look for any specific Convocation Report. It's not there. So much for transparency.

FEDERATION OF LAW ASSOCIATIONS OF ONTARIO (FOLA)

Are you a member of your local law association? Nearly 12,000 lawyers throughout Ontario are members and are thus represented by FOLA.

Each of Ontario's 47 Law Associations manages a local courthouse resource centre (or library) with ties into the broader library network made possible by an allocation from our annual dues. Membership grants 24/7 access to any resource centre or courthouse library throughout Ontario, funded in large part, by a portion of your annual dues.

Law Associations also provide social and professional networking opportunities including CPD, discounts to products and services, business supports and meeting space. In addition, FOLA routinely drafts and submits papers to the Law Society when calls for comments are issued. Support for Law Associations is critical to ensuring ongoing local facilities that will help the profession face ever growing challenges. If you are not a member, contact Katie W. Robinette, FOLA's Executive Director, at katie.robinette@fola.ca about joining your local association.

LAW SOCIETY AWARD NOMINATIONS

The Law Society annually recognizes outstanding career contributions by lawyers in a variety of areas through the Law Society Medal, Lincoln Alexander Award, Laura Legge Award and the J. Shirley Denison Award. Look around and identify those whom you think merit such distinction. Details on the awards and how to file a nomination are available on the Law Society website at <https://lso.ca/about-lso/medals-awards-and-honours/nominations-and-selection-process>. The deadline is January 25, 2019.

POLAND

As Convocation (which meets up to 9 times a year, usually for only 3-4 hours a day) does not have enough to keep itself busy with matters of concern locally, it attempts to influence affairs of other nations. In the fall, the Law Society expressed "grave concern over the forced retirement of Chief Justice Malgorzata Gersdorf and 26 Supreme Court Justices", in Poland. In July 2018, a legislative amendment had reduced the mandatory retirement age of Supreme Court judges in Poland from 70 to 65. The amendment effectively "dismissed" 27 of 72 members of the judiciary including Chief Justice Gersdorf which he described as a "purge" of his Supreme Court conducted under the guise of retirement reform.

Some may think this is like the recent decision of Convocation to silence the voice of emeritus and ex-officio, life Benchers who did not even have a vote to influence outcomes

The Law Society previously expressed concerns about the rule of law and independence of the judiciary in Poland in a public statement dated November 2017. Not much good came of that.

What do you think of this type of initiative? Should elected Benchers seek to impose our notions of judicial independence or express support for similar principles around the world? Or should Convocation limit its activities to its statutory mandate of "governing the profession in the public interest"? Ask your Benchers election candidates.

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