



Volume 7 | Issue 127

April 17, 2019

#148



CALL TO VOTE:

Your vote must be cast by April 30, 2019 at 5 p.m EDT. The [Voting Guides](#) for the 2019 Bencher Election are online, to enable you to learn more about the candidates' views. Make sure you vote for those you believe have the breadth of interest, ability to think independently, board experience and ability to lead Convocation for the next four years. This is an important regulatory job, not an advocacy one.

Study the candidates' positions on important issues like discipline, post-call legal education, alternate business structures, mentorship, limited licensing, governance, accountability, modernization of the profession, legal aid funding, access to justice, professional regulation, supporting sole practitioners and small firms, ability to speak French (important for discipline matters). This is definitely not a job for candidates interested in only a single issue.

Ask your preferred candidates how many have even a basic understanding of the function of the Law Society found in our legislation:

Function of the Society

4.1

It is a function of the Society to ensure that,

(a) all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide;

Principles to be applied by the Society

4.2

In carrying out its functions, duties and powers under this Act, the Society shall have regard to the following principles:

1. The Society has a duty to maintain and advance the cause of justice and the rule of law.
2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario.
3. The Society has a duty to protect the public interest.

4. The Society has a duty to act in a timely, open and efficient manner.
5. Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized. 2006, c. 21, Sched. C, s. 7.

VOTING: You should now have received voting instructions from Computershare with individual control numbers to access the voting website and the telephone voting system. This information will also appear in your Law Society Portal account.

To receive your voting instructions by email, the Law Society must have your unique email address on record. More information about the election is available at www.lso.ca/bencher-election-2019.

LEGAL AID CUTBACKS

The Ontario Government is cutting funding to Legal Aid Ontario by over 30 per cent, "to generate savings of over \$164M annually, starting in 2021". Not surprisingly the legal profession has uniformly decried the dramatic effect the reductions will have on vulnerable Ontarians requiring legal assistance including increased court delays and disruption in the administration of justice. But how to deal with the fall out is sharply divisive among groups within the profession. Some call on the Law Society through its "taxing authority" to increase annual levies to make a contribution toward the funding shortfall. Others want mandated participation and growth of Pro Bono Law Ontario ("PBLO"), but many will recall it faced its own programme cutback last fall because it had not secured stable long-term funding. Before Convocation was to vote on whether to step in financially, PBLO secured an alternate short-term solution.

It is fundamentally important that we recognize that the Law Society mandate as noted above is to "facilitate access to justice for the people of Ontario", not pay for it. Doctors are not expected to directly finance Ontario health care, so why should lawyers directly finance Legal Aid. Lawyers invaluablely contribute voluntarily in numerous ways in the daily work of our communities, so why should an additional financial contribution be required to redress a flawed government policy decision; and where will it stop should the next provincial budget impose even further cutbacks? The Treasurer has written that "the Law Society has a significant and abiding interest in helping to ensure robust, transparent and sustainable legal aid services for low-income Ontarians". But that cannot be interpreted to mean lawyers become a financial patron for a societal need. Since at least 2012 the Law Society has been transparent and clear in expressing its policy that "...it is not a funding agency....and is a funder of last resort." Stay tuned for the firestorm of indignant calls and misguided editorials encouraging the Law Society to step in (where it should not tread). This will certainly be the first crisis of "mission creep" to confront newly elected Benchers.

CONGRATULATE OUR COLLEAGUES:

The annual Law Society Awards ceremony will be held on May 22, 2019 to recognize exceptional career achievements and contributions by the following recipients:

Law Society Medal:

Aldo Braidà

Guy Pratte

Tom Curry

Professor Carol Rogerson

Professor Jeffery Hewitt

Susan Ursel

Cheryl Milne

Frank Walwyn

Lincoln Alexander Award:

Yasir Naqvi

Laura Legge Award:

Pamela Cross

J. Shirley Denison Award:

Amanda Ross

William J. Simpson Distinguished Paralegal Award:

Jennifer Gravel Vanasse

ONTARIO BAR ASSOCIATION AWARDS

President's Award:

James Douglas

The Honourable Patricia C. Hennessy

David Scott, Q.C., Award for Pro Bono Law:

Erin H. Durant

Award for Distinguished Service:

Eva E. Marszewski

Albert -H. Oosterhoff

Martin M. Scisizzi

Linda Adlam Manning Award for Volunteerism:

Robert M.G. Shawyer

Heather McArthur Memorial Young Lawyers Award:

H. Michael Rosenberg

OBA Foundation Award:

Luke's Place

Joel Kuchar Award for Professionalism and Civility:

John R. Cockburn, Q.C.

B. Robin Moodie

Mundell Medal for Legal Writing:

Professor Martha Jackman

ANNUAL GENERAL MEETING

It will be held at Osgoode Hall, 130 Queen Street West on Wednesday, May 8, 2019 beginning at 5:15 p.m. You are invited to attend but it will be webcast if you want to view the meeting online. A motion has been tabled arising from the hotly contested and frequently misunderstood Statement of Principles which has featured prominently in the current Bencher election campaign. Among other matters the meeting will be asked to vote on the following interpretation:

- The Statement of Principles is intended to promote reflection, and not impose any belief;
- Any requirements from the Statement of Principles are only intended to refer to existing legal and professional obligations;
- There is no prescribed form for the Statement of Principles;
- Licensees will not be suspended or penalized for failing to have a Statement of Principles; and,
- No licensee will ever have the content of their Statement of Principles subject to scrutiny by the Law Society, through an audit or other means.

[CALL FOR NOMINATIONS-CATZMAN AWARD](#)

Justice Marvin Catzman had an exemplary reputation for his knowledge of the law, his integrity, his fairness, his civility and his dedication to the highest ideals of the legal profession. He inspired younger lawyers by example and contributed to legal education with great insight and humour. He was unfailingly generous with his time and had a wonderfully warm and enchanting smile.

This Award is in Justice Catzman's memory to recognize individuals who have demonstrated a high degree of professionalism and civility in the practice of law. The Award will be presented by the Chief Justice at the Opening of the Courts in September 2019 and acknowledged at The Advocates' Society End of Term Dinner in June 2020. The deadline for filing nomination forms is **May 31, 2019**.

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