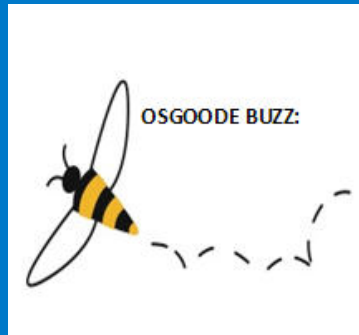




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THE LAW SOCIETY TREADS FURTHER AFIELD – Like INGENUITY – the Mars Robotic Helicopter

- Convocation has approved a five-year regulatory safe zone sandbox pilot project for innovative legal technology services. If you wonder what that means, welcome to the club but feel free to ask any of the 34 Benchers who voted in favour of the motion. We do know that a portion of our fees (estimated at \$863,000 for the start up and first 2 years, plus an unspecified contingency and undisclosed costs for years 3-5) will be used to permit qualified participants to provide consumers with legal services in compliance with Law Society requirements for risk-based monitoring and reporting. Which requirements, by the way, have not been penned. The Law Society, copying formats in Utah and BC, has agreed to be overseer of innovators wishing to offer legal services differently than are on offer now. But lest we forget, those innovators are not likely lawyers or paralegals and might not even be from Ontario let alone North America. If successful, the selected start-ups will certainly be in competition with fee-paying licensees of the Law Society. Talk about biting the hand that feeds you.
- In fairness, the Technology Task Force has since 2019 recognized that technology is playing an ever increasing role in the delivery of legal services which currently operates in an environment of regulatory uncertainty. The Task Force has correctly identified a currently unmet need and successfully argued that its initiative will facilitate access to justice, protect the public and inform future regulatory development. All laudable goals, but where is the government support and funding to protect the public, including from mischief caused on the internet. The Law Society's function is defined in legislation to ensure those who practice law meet standards of learning, competence and professional conduct. Secondary to that purpose, the Law Society is directed in fulfilling its function to have regard for specified, expressed principles

including facilitating access to justice and protecting the public interest. It is a stretch to me but proponents seem to see how funded sandbox play is within the Law Society mandate.

- The Law Society is now broadening its regulatory reach beyond lawyers/paralegals into fields not yet understood or even defined. In recent years, we have all been the beneficiaries of innovation that did not require the support or encouragement of the Law Society. If there is a business case to be made, entrepreneurs will pursue innovative legal technology services. If that case can not be made, the Law Society should not be involved in creating a sandbox for regulated play nor applying its imprimatur of legitimacy. As well of course, there is the real risk that this initiative might just stifle the natural evolution of legal technology services by the yet to be drafted oversight requirements. Many believe the Law Society should simply “get out of the way”.
- The Law Society is creating an uneven playing field with those of us in practice and it will be called upon to referee the obvious tensions that will arise between fee-for-service licensees and outside, competing legal tech services. The Law Society, law schools and colleges should be undertaking the training of lawyers/paralegals to compete with the world in the provision of every aspect of legal services, including technology, rather than empower and legitimize others. Innovation is needed but the Task Force has disappointingly concluded it can't come from within those licensed and regulated in Ontario. Setting the length of the project at 5 years for analysis, is a precursor to failure because the pace of innovation will not await the Law Society's methodical regulatory approach and study, but will be exploding in the next months and years. To persuade yourself, just think back 5 years and consider what was new and innovative in 2016 that has any technological relevance in 2021. We are undoubtedly up to rev. 4 or rev. 5. This new initiative has been couched in access to justice terms or a response to COVID circumstances but is not well suited to the Law Society's capabilities or strengths.
- Legal tech start ups and those fostering technological adoption are all-in supporters of the Law Society's fast tracked initiative which is set to launch in October, 2021. But as a wise colleague said: “there's no place for the Law Society in the sandboxes of the nation”. For more information see:
<https://lawsocietyontario.azureedge.net/media/lso/media/about/convocation/2021/convocation-april-2021-technology-task-force-report.pdf>

2021 LAW SOCIETY ANNUAL GENERAL MEETING

May 12th at 5:15 p.m. is this years meeting. To participate, login to the Law Society Portal and click on the link to the 2021 Meeting. A link to the meeting website and unique password will then be provided.

Those who only wish to observe the meeting may do so. Visit the [AGM webpage](#) for more information.

MENTAL HEALTH

This is the time of year we particularly focus on important mental health and wellness issues so important in these COVID times when we all face isolation and additional stress and pressure. Anyone belonging to the OBA can access its free-to-members

wellness resources accessible at its [Wellness Hub](#). Remember it is ok to ask for help – we all do - and we will benefit from two stellar programmes which you may wish to attend without cost:

May 19th and 20th from 9:00 a.m. to 1:00 p.m.

LSO Mental Health Summit <https://store.lso.ca/mental-health-for-legal-professionals-summit>.

AND

June 15th from 9:30 to 11:00 a.m.

Continuing to Manage - Mental

Health <https://www.tlaonline.ca/viewEvent.html?productId=6729>.

You may also consider: [Managing the Second Wave: Mental Health, Resilience, and Resources](#).

LAW SOCIETY VIRTUAL AWARD CEREMONY

May 26th at 5:30 p.m. is when The Law Society will present the 2021 Law Society Medals, the Lincoln Alexander Award, the Laura Legge Award, the J. Shirley Denison Award and the William J. Simpson Distinguished Paralegal Award as noted in my previous Bencher Newsletter # 162. Login to celebrate the accomplishments of our colleagues: <https://lso.ca/home>

THE ADVOCATES' SOCIETY - CATZMAN AWARD FOR PROFESSIONALISM & CIVILITY

May 28th is the deadline for filing nominations for this prestigious award. Recipients have always exemplified the qualities of Justice Catzman including knowledge of the law; integrity, fairness and civility; mentorship and dedication to the highest ideals of the legal profession. Questions regarding the nomination process, can be sent to rachel@advocates.ca or 416-597-0243 x 114.

DOCTOR OF LAWS, *honoris causa* (LLD)

An honorary LLD has been awarded by the Law Society to **Barbara McIsaac**. She is a distinguished litigator and one of Canada's pre-eminent experts in privacy law and access to information law.

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