



FEBRUARY IS HEART MONTH

IT WILL ALSO BE A BIG MONTH AT CONVOCATION AS IT REVEALS IF IT HAS A HEART IN ADDRESSING IMPORTANT ISSUES OR IS IT MORE LIKE THE WIZARD OF OZ TIN MAN.

Become engaged in February by watching your Bencher representatives discuss matters of importance on the Law Society webcast which can be sourced at www.lso.ca. Coming soon:

- 1) **PAY ARTICLING STUDENTS:** Last November, Convocation punted the question whether to “re-approve” a 2018 plan that had already been approved by the prior elected Bench, to apply a minimum wage as proposed by a majority of its Professional Development and Competence Committee. See Report <https://lawsocietyontario.azureedge.net/media/lso/media/about/convocation/2021/convocation-november-2021-professional-development-and-competence-report.pdf>. In 2017 it had been learned that 10 – 15% placements were unpaid or paid below the minimum wage. That has likely become more extreme in Covid times. Yet last fall some speaking against the motion, felt it appropriate in this century for anyone to work for 8 – 10 months and not be paid. If the LSO requires post law school experiential training it can not shelter employers from a “fee for service” which is the financial core of the profession. We take better care of migrant workers.
- 2) **A NEW PROFESSION –FAMILY LEGAL SERVICE PROVIDER:** Following a crisis in family law matters including self-represented litigants the Law Society bought into a consultation process that resulted in the 2016 [Family Legal Services Review Report](#) (the Bonkalo Report). That has resulted in a policy initiative now advanced by the Access to Justice Committee. A new LSO licence is proposed to allow specially trained paralegals to provide a limited scope of services in family law matters. All of this is contained in the Family Legal Services Provider Report which is

on line and should hit the desk of Convocation for debate next month.
See: <https://lso.ca/about-lso/initiatives/family-law-action-plan/flsp-report>.

ALSO COMING SOON

- 1) **SILLY SEASON:** A Treasurer election is coming this Spring. Watch carefully for how potential “undeclared” candidates, in all but name only, attempt to distinguish themselves in Convocation debate to curry the favour of the Bencher electorate.
- 2) **BLACK HISTORY MONTH PROGRAMME:** February 10, 2022, 6:00 PM to 7:30 PM. [Register now](#)
- 3) **MORE COVID CALLS TO THE BAR:** Public health concerns have again cancelled Call to the Bar ceremonies scheduled in February. Licensees will be electronically permitted to practice. A very sad situation for those of us familiar with the excitement of in-person celebrations with friends and family marking the milestone accomplishment of years of hard work.

REAL ESTATE

In 2021 Dye & Durham acquired TELUS Financial Solutions in a \$500 million deal. It seeks to provide a national real estate closing platform now said to be used in about 85 per cent of residential real estate transactions in Canada. Our real estate solicitor friends know all of the moving parts required to effect a problem-free closing including the secure exchange of funds. As a tip of the hat to lawyers, it is recognized that lawyers are the “quarterback” of the transactions but they no longer call the plays and the historic application of their legal training has been reduced in most cases to keyboard “click and choose”. And guess what D&D has done this week to its fees, when lawyer fees just stagnate at under \$800.00 to \$1000? So much for the value brought to the field by the quarterback.

D&D denies that there has been an increase or an adjustment to the current transaction fees that went from \$25.00 to \$129.00 per transaction over the last 2 years. They now want clients and lawyers to simply accept they have merely changed the way fees are structured and bundling them while providing an additional “loyalty” discount for lawyers who commit to a 3-year package. (Sounds like our telecom companies). A real estate colleague has pointed out that clients are either going to be charged \$249.00 per deal or the lawyer can secure the lowest loyalty package of 50 transactions per month to achieve a reduced price of \$229.00 per transaction. In order to save the client \$20.00 the lawyer, over 3 years is contracting to pay D&D \$412,200.00. On what planet does that make sense except, in the for-profit world, where the presumption is that only large businesses are in the transactional business and the profession won’t care because after all it is only a disbursement to be paid by the client: often more than 25% of the lawyers’ fee. This continual, unregulated and uncontrolled price escalation will certainly hurt consumers, particularly first-time homeowners. A co-ordinated effective response is required.

IN MEMORIAM – PATRICK FURLONG

Pat passed away last November at age 96. He graduated in 1952 from Osgoode Hall and had a spectacular legal career for over 60 years. Following 4 successful campaigns to be an elected Bencher he earned the right to be recognized as a Life Bencher of the Law Society of Upper Canada, as it was then known. His contributions to the profession were recognized by the award of the Law Society Medal in 1992. He was a gentleman always with a smile on his face and a word of good cheer. He will be missed by all those privileged to have known him.

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