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OUR MENTAL HEALTH – WE ARE NOT ALONE

With the strong leadership of the Treasurer, the Law Society has continued its support of all legal professionals through a new [Well-being Resource Centre](#). It creates vital support connections to enhance awareness, understanding and acceptance of mental illness. We all need to work together to reduce the stigma and make tomorrow a better place than today. That can begin with help from [LSO.ca/well-being](https://lso.ca/well-being).

BENCHED

A NEW PROFESSION – FAMILY LEGAL SERVICE PROVIDER

Following serious push back from the Family Law Bench and Bar the Treasurer has delayed debate on the proposed new LSO licence that would allow specially trained paralegals to provide a limited scope of services in family law matters. There is a common view that the initiative will simply not alleviate the problems being encountered. The Family Legal Services Provider Report is on line at: <https://lso.ca/about-lso/initiatives/family-law-action-plan/flsp-report>.

PAY ARTICLING STUDENTS

Last November, (see: [the PDCC report on Experiential Training Enhancements](#)) Convocation punted the question whether to “re-approve” a 2018 plan that had received a nod by the prior elected Bench, to require that articling students be paid a minimum wage.

Former long serving Bencher Peter Wardle recently wrote in the Canadian Lawyer Magazine that “increasing the chance for exploitation of vulnerable candidates is not

in the public interest”. (<https://www.canadianlawyermag.com/news/opinion/the-minimum-articling-salary-debacle-a-sad-day-for-the-law-society-of-ontario/364127>).

The go-to LSO solution to stubborn, difficult issues is more consultation. But no matter how many times consultations are undertaken, if they are not implemented widely and in an empirically sound manner to truly reflect the views of all concerned, they will not pass the smell test of fair-minded observers. Unfortunately for proponents of any particular issue, consultations often reveal inconvenient truths. When ignored, the issues are then ripe for remorse, recall and divisive debate, over and over again. Hence, these matters may again be tabled for debate in April. Stay tuned.

Have your say on whether there should be mandatory minimum compensation for articling students and experiential training by March 15, 2022 after considering [Lawyer experiential training program enhancements | Law Society of Ontario \(lso.ca\)](#).

BY THE NUMBERS

In 2021 28% of articling placements were 8 months long and 58% were 9 or 10 months long. The overall pass rates for the Barrister examination were about 77% and for the Solicitor examination 76%. There were 2,504 newly licensed lawyers. 835 lawyers were matched with a coach or advisor and 98% were satisfied or very satisfied with the service. The Practice Management Helpline received over 8,000 inquiries from lawyers, the majority coming from sole or small firm practitioners. The top area of inquiry related to conflicts of interest. Spot audits were conducted on 671 law firms. 74% had minor or no books or record deficiencies but 6% had serious deficiencies.

GREAT STEPS FORWARD – DISCIPLINE HEARINGS

A significant aspect of the work and cost of the Discipline Tribunal relates to adjudicating cases involving a licensee’s alleged failure to co-operate with a Law Society investigation. That failure often previously led to frustration or delay in the investigation of a serious complaint of inappropriate conduct. Convocation has approved changes to enhance the public expectation that the professions are effectively investigating and disciplining licensees in appropriate cases, in a timely way. The Tribunal Chair, Malcolm Mercer, has explained that there are two key improvements to the current process. First, cases can be streamed to promote written hearings, where appropriate. Also, a break-through innovation is funding for the early appointment of duty counsel (when the Law Society has decided to seek authorization to proceed with discipline for failure to co-operate). This will help licensees to understand their situation, to point to resources and, importantly, to recognize that one size does not fit all. It will create an opportunity to provide needed support and to secure compliance as quickly and cost effectively as possible.

CONTINGENCY FEES YET AGAIN AS OF JANUARY 1, 2022

The new contingency fee regime that came into effect last July 1 was quickly found to be lacking in many ways despite prior consultations, that resulted in yet more hasty consultations to address gaps and amend the requirements to an expanded group of “sophisticated clients”. The regulation was amended as well as the Standard Form Agreement. Ensure you stay up to date and remain in compliance.

[Standard Form Contingency Fee Agreement](#)

<https://canlii.ca/t/b31q>

B.C. SMELLS THE COFFEE: MORNING WAKE UP CALL

A review of the Law Society of British Columbia's governance structure found that it "is not fit for a modern regulatory body," adding that the number of Benchers is "too many for effective and efficient" decision making. The report included findings that:

- The multiple roles which Benchers are required, or have chosen, to fill results in inevitable conflicts of interest.
- There are too many committees and groups whose roles and accountabilities are unclear.
- There is a lack of engagement with regulatory matters.
- The law society is too involved in responding to the interests of the legal profession.

Ontario Benchers should recognize that governance principles, policy and practice have evolved and there must be better ways to fulfill the critical public interest mandate of the LSO by making necessary changes to our existing model.

See the report at

<https://www.lawsociety.bc.ca/Website/media/Shared/docs/about/GovernanceReview-2021.pdf>

UK LAW SCHOOL PUTS ITS MONEY WHERE IT FAILS

The University of Law, a private UK-based legal educator has announced that it will extend a program offering money back to graduates who struggle to find legal work after graduating. LLM legal practice students can claim half their tuition fees back in cash if they have not secured employment nine months after graduation. Now that is accountability for the quality of a very expensive product being sold to students. How about Ontario schools?

METROLINX BITES AT OSGOODE LANDS

Metrolinx plans to have the new main subway entrance on the Osgoode Hall grounds by expropriating land along Queen Street within the existing cast iron historic fence at the expense of the 200 year old natural landscape. Seeing the construction of other new stations, we can only fear the jarring effect of the modern construction adjacent to the grand buildings housing the Courts and Law Society. Hopefully our Law Society leadership will be as successful in their discussions with the Province and Metrolinx as Bencher Clay Ruby was in negotiating the reduced effect of the construction of the Four Seasons Centre for the Performing Arts, completed in 2006.

GET INVOLVED

Become engaged in the regulation of our Profession by watching your Bencher representatives on April 28, 2022 discuss matters of importance on the Law Society webcast which can be sourced at www.lso.ca.

Go to lso.ca under "News & Events" to find the webcast link.

2022 DATES TO NOTE

International Women's Day March 8th

International Francophonie Day March 21st

Holocaust Remembrance Day April 6th

Register on-line for these great events at <https://lso.ca>.

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