



**CELEBRATE OUR COLLEAGUES' ACCOMPLISHMENTS IN A CEREMONY ON MAY 25, 2022**

**Law Society Medal**

**Beth Beattie** Has helped thousands by sharing her lived mental health experience and has made an immeasurable impact by promoting awareness, compassion and inclusion in the legal community and beyond.

**Christopher Brecht** Has made exceptional contributions through his work with the Law Society, government, legal education, as well as pro bono and charitable work. He is a skilled and fearless advocate, exemplifying the profession's values of integrity, collegiality and civility.

**Brian Gover** Is widely recognized as one of Canada's top advocates committed to education and mentorship.

**Lorin MacDonald** Is a renowned human rights lawyer, disability expert and accessibility inclusion changemaker, lending her expertise to the Ontario Courts Accessibility Committee for People with Disabilities and the Law Society's Equity Advisory Group, among many others.

**Deepa Mattoo** Is a leader in women's issues and is currently the Executive Director of the Barbra Schlifer Commemorative Clinic.

**Professor Albert** Is a leading legal scholar and author in the area of trusts and estates in Canada. His work is regularly cited by the courts, academics, lawyers, students and policy-makers both nationally and internationally.

**Stuart Wuttke** Is a leader in Indigenous rights and policy reform. His work has promoted significant progress for First Nations and the advancement of reconciliation in Canada.

**William J. Simpson Distinguished Paralegal Award**

**Paula Callghan** Has demonstrated professionalism and outstanding achievement

in her private practice and is the 2021 recipient of the CCLA Paralegal Award. She has helped to make paralegals valued members of the association.

### [Lincoln Alexander Award](#)

**Lawrence Greenspon** Has been described as “a champion of the underdog” tirelessly advocating for his clients. He is involved in countless charities and community programs.

### [Laura Legge Award](#)

**Marian Jacko** Is a trailblazer and the first Indigenous person appointed as the Children’s Lawyer for Ontario.

### [J. Shirley Denison Award](#)

**Professor Francois Larocque** Is a lawyer and professor at the University of Ottawa Faculty of Law engaging directly with community organizations to develop and improve Canadian jurisprudence and legislation that protect language rights.

## [MENTAL HEALTH WEEK:](#)

Starts this year on May 2. This national campaign aims to celebrate, protect and promote mental health.

The LSO Treasurer, in her latest blog, teams up with Mental Health Summit co-chair Beth Beattie to encourage licensees to continue the conversation and take action on their mental health. See the Gazette:

<https://lso.ca/gazette/blog/continuing-the-conversation-and-action-on-the-ment?lang=en-ca>.

If you are struggling with mental health or want to better understand how to support clients, colleagues and family who are, visit the new LSO’s Well-being Resource Centre. Statistics clearly demonstrate that as a profession we suffer from stress/burnout, abuse and work life balance issues. You can find a variety of wellness-related content including articles, research, reports, practice supports, information about the independent Homewood Health, strictly confidential Member Assistance Program and more. See: [MyAssistPlan.com](https://myassistplan.com)  
Visit: <https://lso.ca/lawyers/well-being-resource-centre>

## [PAY ARTICLING AND EXPERIENTIAL TRAINING STUDENTS - A HOUSE DIVIDED](#)

Here we go again.

In November, 2021 (see: [the PDCC report on Experiential Training Enhancements](#) -

<https://lawsocietyontario.azureedge.net/media/lso/media/about/convocation/2021/convocation-november-2021-professional-development-and-competence-report.pdf>) it was recommended that Benchers rescind from a 2018 Benchers approved plan to pay articling students minimum compensation. Since 2018, students and employers have been anticipating and planning for that to have been implemented in May 2021. Delayed by COVID it is now years later and articling students remain exempt from and unprotected by the *Employment Standards Act, 2000* (“ESA”).

There is no similar exemption in 5 other Canadian jurisdictions. It has been reported that some law schools annual tuition exceeds \$25,000 and on average, indebted third year Ontario law students carry \$84,000 in loans. When confronted

with the unanticipated but likely uproar, Benchers called for even more consultation and consideration punting the issue to today's Convocation.

From the newest consultation, the vast majority of responses from over 20 associations and over 150 individuals, including lawyers, professional associations and students over-whelmingly supported the 2018 mandatory payment regime for articling and work placements. Current supporting submissions are similar to the view also clearly expressed by the Profession in 2018.

A small number of submissions were concerned that a mandatory minimum payment might unacceptably reduce the available placements particularly impacting vulnerable students in underserved areas of law attending to the needs of marginalized communities.

A significant number of Benchers agreed with that concern and supported the Ryerson LLP program impassioned submission which suggested that resulting job losses will be far in excess of the LSO projected job loss estimate of 130 – 150 placements. Ryerson LLP noted that over 30% of its 4 month work placements are unpaid or underpaid. However based on available information only a small percentage of articling placements are similarly unpaid or underpaid.

A small number of responses supported the Committee's best practice approach of minimum expectations but not minimum compensation in order to avoid a projected dramatic loss of available positions.

Current information is that available articling positions now exceed pre-pandemic levels although there are an ever increasing number of candidates seeking the limited number of available positions.

Based on Ontario's ESA, minimum wage of \$15.50 by October, if adopted as the LSO minimum compensation, a 10 month articling placement might be paid about \$26,000. However many other provisions of that legislation are not readily applicable to lawyers and articling students. Convocation has effectively been asked to repeal the applicable provisions of the Employment Standards Act.

### The Vote:

24 in favour of the proposition that the LSO adopt a best practice approach with no minimum compensation.

25 in favour of the 2018 determination that minimum compensation apply to work placements.

### **That means by one vote Convocation has approved the 2018 decision to mandate minimum compensation.**

What now? The PD & C committee must determine the amount of the minimum compensation, whether there are to be any exemptions, enforcement and possible implementation on May 1, 2023 being the next articling cycle. There are a myriad of technicalities to be determined. How will hours be calculated? Will overtime be paid? Who will adjudicate student/law firm disputes? What are the unintended consequences? What happens if the Ryerson LLP projection of very large job losses proves to be correct? Stay tuned.....

As urged by Bencher Troister, those who have voted with the majority, in favour of minimum compensation, may have taken the next step to provoke the end of articling as we now know it. Bencher Horvat has correctly forecast the reprise of the articling debate is on the horizon to again address the vast number of jobs required in excess of the available positions. Legitimate concerns around the availability of articling positions must immediately be addressed as we continue to observe former Treasurer Pawlitza's predicted "train wreck" arising from the status quo of an outdated ineffective, mandatory training process.

## [LAW SOCIETY LICENSING EXAMINATIONS:](#)

In March the Law Society discovered a breach involving advance knowledge by some licensing candidates of leaked online licensing examination questions or answers. As a result the scheduled licensing examinations for that month were summarily cancelled to assure the integrity of the examinations to protect the public interest. Details of the public announcement can be found at <https://lso.ca/news-events/news/latest-news-2022/licensing-examinations-cancelled-to-protect-public>

The Law Society was unable to continue with online examinations that were believed to be compromised. It moved quickly to secure venues in Toronto and is proceeding to reschedule and mount examinations for those candidates registered for the barrister and solicitor examinations, originally scheduled to be written in March. Registered candidates were able to proceed in-person with the barrister examination from April 5 to 8 and the solicitor examination from April 26 to 29. This represented an effective contingency plan balancing the need for confidence in the examination process with the needs of candidates to continue their licensing journey as promptly as possible. Unfortunately the rescheduled dates fell during Ramadan when observants do not eat or drink anything during the day. The delay in sitting for the examinations was minimized but this entire circumstance created unexpected stress, logistics and real inconvenience for the affected candidates. Scheduled June examinations have been delayed until July. All examinations for 2022 – 2023 will take place in-person to ensure a defensible licensing examination process. Study materials and the competencies to be examined will remain unchanged. Details of a scheduled Webinar can be found on the Students' portal.

The original concerns resulted in a complex and rapidly evolving investigation. The external investigation team hired by the Law Society issued letters to individuals who may be involved in the cheating scenario. Those impacted have been advised that they will be subject to investigation through the regulatory process as a result of conduct related to the licensing examinations. The letters also request that all documentation and information relevant to the investigation be provided to investigators. The investigation must be quickly concluded to ensure that the vast majority of innocent licensing candidates not be kept under a cloud of suspicion of misconduct.

## [Annual General Meeting](#)

The Law Society's Annual General Meeting will take place online at 5:15 p.m. on May 11, 2022. Licensees may participate in the meeting by logging in to the [Licensee Portal](#) and clicking on the link to the 2022 Law Society Virtual Annual General Meeting. A link to the meeting website and unique password will then appear. This information will be available in the Portal on May 4, 2022. Those who wish only to observe the meeting may do so by using the login information on the [Law Society's website](#).

## [2023 BENCHER ELECTION:](#)

You may be interested to read Bencher Joe Groia's latest opinion as featured in Canadian Lawyer Magazine; The dangers of voter apathy at the Law Society of Ontario | Canadian Lawyer.  
<https://www.canadianlawyermag.com/news/opinion/the-dangers-of-voter-apaty-at-the-law-society-of-ontario/365798>

**Become engaged in the regulation of our Profession by watching your Bencher representatives on May 26, 2022 discuss matters of importance on the Law Society webcast which can be sourced by following the link at the bottom of the Law Society home page.**

I am sending this public service newsletter to you at the email address you provided or published, as permitted by Canada's Anti-Spam Legislation. If you no longer wish to receive it please "Unsubscribe" below.

Larry Banack  
Banack Resolutions, Inc.  
Bay Adelaide Centre  
333 Bay Street, Suite 900  
Toronto, ON M5H 2R2  
email: [larry@banackresolutions.com](mailto:larry@banackresolutions.com)  
Phone: (416) 477-6880