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#185



FEBRUARY CONVOCATION:

Not having convened since November, Benchers have presumably been busy with committee work. Convocation's agenda was occupied virtually with all in camera matters. Accordingly, the meeting was not webcast. The agenda is on the LSO website. It is easy to understand why some topics relating to personal matters, privacy and like issues should be confidential. But certainly there should be aspects of the Reports dealing with Human Rights Monitoring or Strategic Planning and even portions of the CEO Report which can be shared with us. We should have the opportunity to observe our elected representatives debate or be informed of these matters. There were, however, four reports tabled for our information which are available for review at lso.ca about LIRN (County Libraries) financial statements, activities of the Discrimination and Harassment Counsel, the LSO "cradle to grave" approach to competence of lawyers and paralegals and the Tribunal's approach to assigning panel members to our discipline cases.

Convocation sat for over three hours today, but the subsequent LSO "Licensee Update" did not summarize the important matters discussed by Benchers within any of the four in camera sessions described in the published agenda. We might at least have been told what Benchers were working on, even if none of the state secrets were revealed. In fact, the "Update" is silent about Convocation: as though it did not occur and it certainly did not refer to any of the noteworthy items below.

KLIPPENSTEIN v. LSO—David Beats Goliath—Round 1

Bencher Murray Klippenstein when first elected in 2019 began asking for information based on his concerns about the integrity and validity of 2013 studies and surveys used to justify the package of EDI policies adopted by the Law Society in 2016, including the much reviled Statement of Principles repealed in 2019. In 2020, Bencher Klippenstein distributed a critical review of the EDI policies, claiming that the supporting statistical studies were invalid and did not justify the far-reaching policies adopted by Convocation. When his requests for documentary support were continually stonewalled by Convocation and the Treasurer, Klippenstein commenced an action in 2022 which was aggressively opposed by the LSO. He had to be represented by an Alberta lawyer as he could not find an Ontario lawyer willing

to take on the brief against the LSO. In 2023, Klippenstein brought a motion for summary judgment. On the eve of cross examination of the Law Society's 3300 page affidavit it capitulated in December and agreed to provide a collection of previously undisclosed internal information and documents. I credit the most recently elected Benchers for bringing a fresh perspective to this litigation. He has been offered "partial indemnity" costs but is claiming payment on a "full indemnity" scale, having spent over \$100,000 from his own pocket. Opposing release of such policy related documents to an elected Bencher was a folly from day one. What a waste of our lawyers' dues. Time will tell what if anything substantive comes out of the long-withheld document review.

EXAM CHEATING:

Student candidates had sought judicial review in relation to the COVID-era on-line licensing examinations cheating issue when it came to light that exam materials had been improperly accessed. Over 100 students were implicated in receiving advanced knowledge of the questions. The LSO voided their examinations and terminated their licensing registrations. In-person testing has resumed.

In December 2023, the Divisional Court upheld the LSO's voiding of the examinations but set aside the decisions to also void the candidates' registrations in the licensing process. The Court found that while the LSO "faced an administrative challenge in this case," that "cannot override the Applicants' fundamental right to procedural fairness." The matters have been remitted to the LSO to determine next steps.

Without hearing submissions, the Court awarded costs against the LSO. The LSO is seeking leave to appeal the decision. The LSO's 2022 civil action against the company which provides bar exam test preparation is ongoing. The LSO alleges that the company has "been obtaining and providing to those enrolled in its preparation courses documents containing questions from the licensing examinations." More to come.

Access to Innovation (A2I):

The LSO has announced the additional involvement of:

- eState Planner, an online tool that helps with estate planning and facilitates collaboration between advisors and lawyers
- LegalWills, an online estate planning platform which provides services directly to Ontarians. This is the second approved estate planning service provider.

NEXT CONVOCATION:

April 25, 2024 is the next session of Convocation which will hopefully be available for viewing via webcast with the link to be provided on the LSO home page.

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