



The Law Society of
Upper Canada

Barreau
du Haut-Canada

benchers Bulletin

January 1995, Vol 3, No 4

Law Society bid for regional election turned down by court

The May 1995 bencher elections will not take place according to the regional scheme adopted by the Law Society two years ago. An application to the Ontario Court (General Division) seeking an interpretation of *The Law Society Act* that would have allowed regional elections to be implemented according to the Society's rule-making powers was turned down on January 6th by Mr. Justice Stephen Borins.

In his written decision, Mr. Justice Borins indicated that only the Ontario legislature has the power to determine how benchers are elected. Although the Attorney General supported the Society's application, the court held that it did not have the power to make the necessary rules and that while the business of the Society was to govern the legal profession that did not include the determination that benchers be elected on a regional basis.

"Convocation remains under the control of, and accountable to, the legislature," Mr. Justice Borins wrote.

"The governance of members of the Society is a fundamental matter of policy which must be regulated by primary or subordinate legislation... Any fundamental or substantive change in how the benchers are

elected is a matter of policy for the legislature."

The Society had brought the application before the court after it learned that the Attorney General

would be unable to pass the necessary legislative amendments in time for the upcoming bencher election in May. As a result of the court ruling, *continues...*

Proposal to pay benchers defeated

A proposal brought forward by the Women in the Legal Profession Committee recommending that benchers be paid at legal aid tariff rates for the work they do on behalf of the Law Society was defeated by benchers by a vote of 16 to 10.

While recognizing that the recent crises in legal aid and insurance would make it difficult to generate support for the proposal, the committee's report argued that in order to improve accessibility to bencher office and encourage greater participation by women and others who may be unable to bear the financial burden of bencher duties, the Society should offer elected benchers the choice of compensation at about \$67 per hour.

According to a 1992 survey, benchers spend approximately 50 hours per month on Law Society business. Not all the time spent on Society matters would qualify for

compensation according to the committee's report but it was suggested, for example, that benchers may choose to be compensated for attendance at Convocation, committees and subcommittees.

Per diem rates for members of some governing bodies range from a high of \$725 per day for members of the Royal College of Dental Surgeons to \$150 per day for members of the College of Nurses. Presently, Law Society benchers receive no remuneration for their work but are reimbursed for travel, accommodation and meal expenses when they attend in Toronto on Society business. The Treasurer receives a yearly honorarium of \$75,000.

The Society's four lay benchers who are appointed by the provincial government may elect to receive a per diem of up to \$175 which is paid by the Ministry of the Attorney General.

that election will now take place pursuant to the existing legislation which provides that 40 members be elected at large—20 from outside Metropolitan Toronto and 20 from within.

Under the proposed scheme, nine of the 40 benchers would have been elected on a regional basis—one from each of the seven judicial regions outside Metro Toronto and two from the Metro Toronto judicial region.

Briefly...

• Law award nominations sought

The Canadian Bar Association is seeking nominations for the 1995 Ramon John Hnatyshyn Award for Law which recognizes outstanding contributions to the law and legal scholarship in Canada. The deadline for nominations is March 1, 1995. Further information is available by contacting the CBA at (613) 237-2925.

• Upcoming NAWL conference

The National Association of Women and the Law will hold their 11th biennial nation conference on "Redefining Family Law: The Challenge of Diversity" in St. John's, Newfoundland on May 12-14, 1995. Further information is available by contacting NAWL's Newfoundland branch at (709) 579-2595.

• Requalification reminder

Members are reminded to return their requalification status forms to the Law Society as soon as possible. The form was mailed with the 1994 annual filing forms 1, 2 and 3 and was

E&O update

• Insurance break for new grads

Bar admission course graduates called in 1994 and 1995 have been offered a substantial financial break in their insurance levies. Instead of the \$5,600 payable by their more senior colleagues with no claims history in the past five years, recent graduates will only pay \$3,500 this year.

• Policy information

Copies of the 1995 professional liability insurance policy will be mailed to all members within the next few weeks. Included in the policy package will be information concerning the real estate, civil litigation and volume levy surcharges.

to be returned by December 31, 1994. Some members may have inadvertently filed it with their annual filing information to be processed at a later date.

Roll call votes

1. That the base insurance levy for the 1994 and 1995 bar admission course graduates be reduced from \$5,600 to \$3,500. Carried 31 to 2.

2. That the base insurance levy be reduced on a graduated scale for all members called between 1992 and 1995. Lost 29 to 4.

3. That the Law Society retain a consultant to be recommended by the County & District Law Presidents' Association to advise on the availability and cost of mandatory professional liability insurance on the private market. Lost 17 to 13.

4. That elected benchers be eligible for remuneration according to legal aid hourly rates for the work they do on behalf of the Law Society. Lost 16 to 10.

Convocation attendance and roll-call votes

Jan. 27, 1995	Attend		Motions*			
	a.m.	p.m.	1	2	3	4
Arnup, John						
Bastedo, Thomas	✓	✓	F	A	F	F
Bellamy, Denise	✓	✓	F	A	A	A
Blue, Ian	✓	✓	F	A	F	A
Bragagnolo, Rino	✓	✓	F	A		
Brennan, Lloyd	✓	✓	F	F	F	F
Campbell, Colin	✓					
Carey, Tom						
Carter, Robert						
Copeland, Paul	✓	✓	F	A	F	F
Cullity, Maurice	✓	✓	F	A		A
Curtis, Carole	✓	✓	F	A	A	F
Elliott, Susan		✓	F	A	A	F
Epstein, Philip	✓					
Feinstein, Abraham	✓	✓	F	A	A	F
Finkelstein, Neil	✓	✓	F	A	A	A
Goudge, Stephen	✓	✓				
Graham, Netty	✓	✓	F	A	A	Ab
Hickey, Michael	✓	✓				
Howie, Kenneth	✓	✓				
Kiteley, Frances		✓	F	A	A	F
Krishna, Virender		✓	F	A	F	
Lamont, Donald	✓	✓	F	A	F	A
Lax, Joan	✓	✓	F	A	A	
Legge, Laura	✓	✓	F	A	F	A
Lerner, Samuel						
Lever, Earl						
McKinnon, Colin	✓	✓	F	A	F	A
Manes, Ronald	✓	✓				
Martin, Arthur						
Moliner, Marie	✓					
Murphy, Daniel	✓					
Murray, Ross	✓	✓	F	A	A	A
O'Brien, Brendan	✓	✓	F	A	A	A
O'Connor, Dennis	✓	✓	F	A		A
O'Connor, Shirley						
Palmer, Julaine	✓	✓	F	A	A	F
Peters, Patricia	✓	✓	F	A	F	F
Richardson, Nora	✓	✓	F	A	A	F
Rock, Allan						
Ruby, Clayton	✓	✓				
Scace, Arthur	✓					
Scott, David		✓	F	F	A	A
Sealy, Hope	✓	✓	F	A	A	Ab
Somerville, Marc	✓	✓	F	A	F	A
Strosberg, Harvey	✓	✓	F	A	A	A
Thom, Stuart	✓	✓	A	A	A	
Topp, Robert	✓	✓	F	F	F	A
Wardlaw, James		✓	F	A	A	A
Weaver, Mary	✓	✓	F	A	F	
Yachetti, Roger	✓	✓	A	A	F	A
Lamek, Paul (Treas.)	✓	✓				

Non-voting Benchers in attendance

R. Cass, G.H. Farquharson, K. Jarvis, A. Lawrence, P.B. Pepper

*Motions A=against F=for Ab=abstain

Text of motions that required a role-call vote are outlined in an article on this page.

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Membership Suspensions and Reinstatements

January 1995

Members whose names appear below have been suspended for administrative reasons (non-payment of annual fees, errors and omissions levies or late filing fees) or have been reinstated after previously being suspended. The year after each member's name is the year of call to the Ontario bar. Enquiries regarding members listed should be directed to the Membership Records Department, (416) 947-3318.

REINSTATEMENTS

E&O Levy Reinstatements

Bedard Anita Marie	1994	Keewatin ON
Benner John Robert	1980	Lucan ON
Champagne Paul Michael	1973	Ottawa ON
Clarke Kenneth Leo	1978	Toronto ON
Daniels Lucienne	1992	Kingston ON
DeFranco Lorenzo Antonio	1975	Nepean ON
DeLorimier Kawennison Trisha Marie	1994	Kahnawke PQ
Di Martino Peter Gabriel	1980	Brampton ON
Dunbar Robert Douglas	1990	London U.K.
Erikson Glen Henryk	1979	Toronto ON
Falzone Luigi Michael	1985	Toronto ON
Fur Nicholas Nelson	1978	Burlington ON
Gardner Jerome Craigs	1994	Sudbury ON
Goldstein Howard Hugh	1992	Willowdale ON
Grimson Sheldon Lee	1975	Toronto ON
Guarino Michelino-Lino	1994	Concord ON
Hanley Michael James	1991	Toronto ON
Kanji Nasrulla	1988	Downsview ON
Kaplan Sidney	1947	Downsview ON
Kimura Donald Isamu	1971	Stouffville ON
Kotecha Surbhi	1993	Kitchener ON
Kurtz Alan Douglas	1993	Toronto ON
Lee Theresa Kyong-Ok	1989	Seoul KOREA
Mackie Lora Lynn	1994	Little Current ON
McAviney Christopher Ross	1987	Ottawa ON
Meneguzzi Pamela Luigia	1992	North Vancouver BC
Montgomery Joseph Randal	1989	Toronto ON
Mucha Steven Michael	1979	Toronto ON
Mussani Marina	1984	Mississauga ON
Newman David Herbert	1969	Toronto ON
Nicolakakos Spiros	1992	Toronto ON
Powell Clay Murison	1963	Hyde Park ON

Apology

Ascroft Catherine Louise; Birk Edrea Edith Heather; Burton Eric Lloyd; Hamilton Donald James; Jedlinski John; Minnan-Wong Denzil Girard; Peters Mark James Kevin; Stanislawski Sheila Joy; Strasler Pandora Dolores; should not have appeared on the list of suspended members published with the November 1994 Benchers Bulletin. Their names were included in error and the Society regrets any embarrassment caused to the members.

Price Grenville Carson	1955	Toronto ON
Rosenberg Lewis Harvey	1959	Toronto ON
Ryan Timothy Paul	1992	Toronto ON
Samulovitch Gerry	1975	Toronto ON
Sherman Brian Allen	1977	Richmond Hill ON
Siegel Robert Lawrence	1967	Markham ON
Silverberg Barbara Ann	1987	Toronto ON
St Michael Joseph James John	1976	Toronto ON
Sullivan Robert Patrick	1983	Oakville ON
Tesla Maria Roma	1980	Willowdale ON
Tillson Edwin Van Norman	1959	Tillsonburg ON
Valentine Thomas Murray	1978	Trenton ON
Weinfeld Miriam	1984	Toronto ON
Wilson Frederick Stanley	1971	Kincardine ON
Woo Frances	1993	Richmond Hill ON

Annual Fees Reinstatements

Brown Jerry Warren	1991	Vancouver BC
Bernstein Johanna Ruth	1989	Belgium
Briscoe Mary Jennifer Elizabeth	1985	Montreal West PQ
Burse David Wayne	1984	Vancouver BC
Casey John Steven	1980	Kitchener ON
Da Rosa Maria Manuela Bastos - Da Silva Vieira	1987	Portugal
Duggan Stephen Gregory	1976	Gloucester ON
Graham Murray William	1975	Toronto ON
Hitzig Susan Amy	1990	New York NY USA
Iatzko Donald Kenneth	1989	Windsor ON
Janjua Moeen Mahmood Ahmad	1976	Mississuga ON
Jeness Craig Andrew	1988	Osgoode ON
Johnston Janice Diane	1981	Toronto ON
Kling Allan James Joel	1982	Toronto ON
Koller Marie Gabrielle Helene	1980	Austria
Kormos Peter Eric	1980	Toronto ON
Kanter Michael Leslie	1985	Toronto ON
Kew Robert Wesley	1973	Warkworth ON
Lanigan Colm Christopher	1992	Oakville ON
Orenstein Ronald Isaac	1985	Mississauga ON
Ounapuu Toomas	1973	Woodbridge ON
Shaul Jeffrey Charles	1983	Toronto ON
Waterhouse Mark Peter	1989	Hong Kong

Annual Filing Reinstatements

The following members were reinstated in November 1994.

Bruce Kenneth Ross	1972	Kingston, ON
Palamar William	1953	Toronto, ON

SUSPENSIONS

NSF Suspensions

The following Members were suspended on Jan. 27, 1995 for NSF payment of dues/levies.

Barry Leroy Patrick	1990	Toronto ON
Bracewell John Calvin	1989	Point Edward ON
Bruce Kenneth Ross	1972	Kingston ON
Findley Cheryl Anne Tilander	1990	Hamilton ON
Levasseur Joseph Leo Gilles	1994	Ottawa ON
Struk George	1974	Brampton ON