



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

ONTARIO LAWYERS GAZETTE • LA REVUE DES JURISTES DE L'ONTARIO

## BENCHER ELECTION 2011

### Why you need to vote

#### FOCUS ON

### Human Rights Monitoring Group

UPHOLDING THE RULE  
OF LAW AND PROVIDING  
A WATCHFUL EYE

#### YOUR PRACTICE

Continuing Professional  
Development requirement:  
What you need to know

Fair Practice Guidelines for  
hiring articling students

IN MEMORIAM:  
Andrew Lawson, Q.C.  
1927–2010

Lawyer Referral Service  
seeks more lawyers

#### TOUR D'HORIZON

Journée internationale de la  
francophonie 2011

Programme d'appui aux  
droits linguistiques

AJEFO 2011 –  
justice en français au cœur  
des générations

Gestion des communications  
en français



## ONTARIO LAWYERS GAZETTE

### LA REVUE DES JURISTES DE L'ONTARIO

Spring 2011

Vol. 15, No. 1

Printemps 2011

Vol. 15, n° 1

The Ontario Lawyers Gazette (ISSN 1206-5358) is published by the Law Society of Upper Canada, the licensing and regulatory body governing the legal profession in Ontario. Articles appearing in the Gazette do not necessarily represent

Law Society policy. Direct all editorial enquiries and correspondence to:

Ontario Lawyers Gazette

The Law Society of Upper Canada

Osgoode Hall, 130 Queen Street West

Toronto, ON M5H 2N6

tel: (416) 947-5220 fax: (416) 947-3335

communications@lsuc.on.ca

La Revue des juristes de l'Ontario

(ISSN 1206-5358) est publiée par le

Barreau du Haut-Canada, corps dirigeant

de la profession juridique en Ontario. Les

articles publiés dans la Revue ne représentent pas nécessairement la position officielle du Barreau.

Pour communiquer avec nous, s'adresser à :

La Revue des juristes de l'Ontario

Barreau du Haut-Canada

#### TREASURER

Laurie H. Pawlitz

#### CHIEF EXECUTIVE OFFICER

Malcolm Heins

#### DIRECTOR, COMMUNICATIONS & EDITOR-IN-CHIEF

Roy Thomas

#### MANAGING EDITOR

Lisa Hall

#### DESIGN & ART PRODUCTION

Barbara Bailey

#### ONTARIO LAWYERS GAZETTE ADVISORY BOARD

Heather Ross, Chair  
Constance Backhouse  
Bradley Wright

#### CONTRIBUTORS

Debbie Innes  
Denise McCourtie  
Christopher Moore  
Katie Rook  
Mary Shena  
John Starzynski  
Susan Tonkin  
Stephanie Wei

#### FRENCH LANGUAGE CONTRIBUTOR COLLABORATRICE DE LANGUE FRANÇAISE

Geneviève Proulx

#### PHOTOGRAPHY

Sarah Cardoni  
Nation Wong



Printed on paper containing recycled material.



## THE LAW SOCIETY OF UPPER CANADA

### Benchers Election

**Voting for the 2011 Benchers Election is now open.**

On April 4, all eligible voters were sent an email from Computershare, the third-party company hired by the Law Society to conduct the election. The email contained voting instructions and a personalized control number for access to the voting site. Some voters also received the voting instructions and control number by mail. A paper package with the Voting Guide, ballot and voting instructions was mailed on April 4 to all eligible voters who do not have an email address.

Make sure to vote and have your say. Voting will close at 5:00 p.m. EDT on April 29.

**Voting Now Open at [www.investorvote.com/lsuc](http://www.investorvote.com/lsuc)**

**Have your say in shaping our future**



**Prononcez-vous sur notre avenir**

## BARREAU DU HAUT-CANADA

### Élection des membres du Conseil

**Le scrutin de l'élection des membres du Conseil 2011  
est maintenant ouvert.**

Le 4 avril, tous les électeurs admissibles ont reçu un courriel de Computershare, la partie indépendante retenue par le Barreau pour mener l'élection. Le courriel contenait les instructions de vote et un numéro de contrôle personnalisé pour l'accès au site de vote. Certains électeurs ont aussi reçu les instructions de vote et le numéro de contrôle personnalisé par la poste. Une trousse papier avec le guide électoral, le bulletin de vote et les instructions a été envoyée par la poste le 4 avril à tous les électeurs admissibles qui n'ont pas d'adresse courriel.

Votez et prononcez-vous sur votre avenir. Le scrutin sera fermé à 17 h HAE le 29 avril 2011.

**Le scrutin est maintenant ouvert à  
[www.voteendirect.com/lsuc](http://www.voteendirect.com/lsuc)**



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

## Why you need to vote

The 2011 Benchers Election is an important one.

Changes in the face of our membership are driving changes in many areas of our profession.

We are responding to these changes. Convocation has created task forces and working groups to examine many parts of our organization, from fundamental policies to business practices.

We continue to consult widely with the profession on issues as they arise, including governance reform, civility issues, continuing professional development, practice supports and improvements in our regulatory processes.

Your voice affects the way that we respond to change.

The recent governance reforms present opportunities in the 2011 Benchers Election. The new benchers will be able to build on the hard work of previous benchers and the expertise of those who will be re-elected. We will hear fresh perspectives from those elected for the first time. Together, the new Bench will reflect the changing profession and evolving client needs.

The 106 benchers candidates are diverse. Amongst the nominees, there are lawyers from every size of firm and from nearly every area of law.

In order to properly serve the public, our profession must reflect the makeup of the society in which we live. Providing equal opportunities for men and women enhances our effectiveness and the public's confidence in our work.

But our work does not stop with ensuring a representative profession.

As Treasurer, I have had the opportunity to meet lawyers from all over Canada as well as lawyers from elsewhere in the world.

We have much in common with many of the lawyers outside Ontario – but experiences in some other countries should



Treasurer Laurie H. Pawlitza

## Message de la trésorière

### Le devoir de voter

L'élection 2011 des membres du Conseil est une élection importante.

Les changements que vivent nos membres touchent divers aspects de notre profession.

Nous réagissons à ces changements : le Conseil a créé des groupes d'étude et de travail pour examiner plusieurs parties de notre organisation, depuis nos politiques fondamentales jusqu'à nos pratiques d'affaires.

Nous continuons de consulter la profession sur les enjeux qui émergent, dont la réforme de la gouvernance, les questions de politesse, la formation professionnelle continue, le soutien à la pratique et l'amélioration de nos processus de réglementation.

Votre voix compte dans la direction de notre réaction aux changements.

Les récentes réformes de la gouvernance ouvrent un monde de possibilités dans l'élection 2011 du Conseil. Les nouveaux conseillers et conseillères pourront poursuivre le travail ardu des anciens conseillers et bénéficier de l'expertise des membres qui seront réélus. Nous entendrons

les perspectives neuves des nouveaux élus. Le nouveau Conseil reflétera l'évolution de la profession et des besoins des clients.

La liste des 106 candidates et candidats à l'élection est diversifiée : parmi eux, on compte des avocats et avocates de cabinets de toutes tailles et de presque tous les domaines du droit.

Pour bien servir le public, notre profession doit tenir compte de la composition de la société dans laquelle nous vivons. En offrant des occasions égales aux hommes et aux femmes, nous améliorons notre efficacité ainsi que la confiance du public dans notre travail.

Cependant, notre travail ne s'arrête pas au fait d'assurer que notre profession est représentative.

Comme trésorière, j'ai eu la chance de rencontrer des avocats et des avocates de partout au Canada et d'ailleurs.

Nous avons beaucoup en commun avec les avocats de l'extérieur de l'Ontario – mais l'expérience d'autres pays devraient nous rappeler de ne pas tenir nos privilèges actuels d'autoréglementation pour acquis.

remind us that we ought not take our current privilege of self-regulation for granted.

The importance of independent governance was underscored for me by Mr. Tinoziva Bere, President of the Zimbabwe Law Society, at the recent Commonwealth Law Conference I attended, held in Hyderabad, India. He said that if the U.K.'s *Legal Services Act* had been in force in Zimbabwe during the last decade, there would no longer be an independent legal profession still in existence there. Without control by the Zimbabwe Law Society over licensing, lawyers would have had their licences revoked.

The importance of continued self-regulation is best described by former Treasurer Laura Legge in a speech given 27 years ago at the Royal Canadian Military Institute. Her statements continue to resonate today:

"Our democracy requires an independent legal profession... It is essential that our citizens are able to look to legal representation both in the courts and in day-to-day business that is independent and free from government control."

Indeed, the work of the Law Society's Human Rights Monitoring Group that you will read about in this issue will

## Message de la trésorière

À la toute dernière 17<sup>e</sup> conférence du Commonwealth sur le droit, à laquelle j'assistais à Hyderabad, en Inde, M. Tinoziva Bere, président du barreau du Zimbabwe, m'a démontré l'importance d'avoir un système de gouvernance indépendant. Il a dit que si la récente loi sur les services juridiques au Royaume-Uni avait été en vigueur au Zimbabwe pendant la dernière décennie, il n'y aurait plus aujourd'hui de profession juridique indépendante dans ce pays. Si le barreau du Zimbabwe n'avait pas le contrôle de l'octroi des permis, l'État aurait révoqué le permis des avocats.

Laura Legge, ancienne trésorière, a le mieux décrit l'importance d'une autoréglementation continue, dans un discours donné il y a 27 ans à la Royal Canadian Military Institute. Sa déclaration est toujours aussi éloquent :

« Notre démocratie a besoin d'une profession juridique qui soit indépendante... Il est essentiel que les représentants juridiques de nos citoyens, tant à la Cour que dans les affaires quotidiennes, soient indépendants et libres de tout contrôle gouvernemental. »

En effet, le travail du Groupe de surveillance des droits de la personne du Barreau, qui fait l'objet d'un des articles du présent numéro, vous rappellera l'importance de préserver l'indépendance du barreau.

remind you just how important it is to safeguard the independence of the Bar.

In Ontario, many lawyers assume that our ability to self-regulate and the rule of law are not at risk. Perhaps we believe that somehow, we are different – that the issues that faced the profession in the United Kingdom, Wales and Australia, where the legal profession is now subject to government oversight, will not ever occur in Canada.

In the U.K., Wales and Australia, the profession failed to deal with clients' complaints against lawyers in a meaningful way, and government intervened.

Complaints must be dealt with in a way that strengthens public trust and assures the people of Ontario that we are responsible regulators. Our process must also be fair and balanced.

These are issues that are critical to our profession. That's why it's so important for you to participate in this election.

So, vote to ensure our independence. Vote to shape our profession's future. Vote to promote access to justice.

Please make your voice heard. [otg](#)



En Ontario, de nombreux avocats présument que notre capacité à nous autogouverner n'est pas en danger, pas plus que la primauté du droit. Peut-être croyons-nous, quelque part, que nous sommes différents – que les problèmes de la profession au Royaume-Uni, au pays de Galles et en Australie, où la profession juridique est maintenant assujettie à la surveillance gouvernementale, ne s'appliqueront jamais au Canada.

Au Royaume-Uni, au pays de Galles et en Australie, la profession n'a pas abordé le problème des plaintes contre des avocats de façon efficace, et le gouvernement est intervenu.

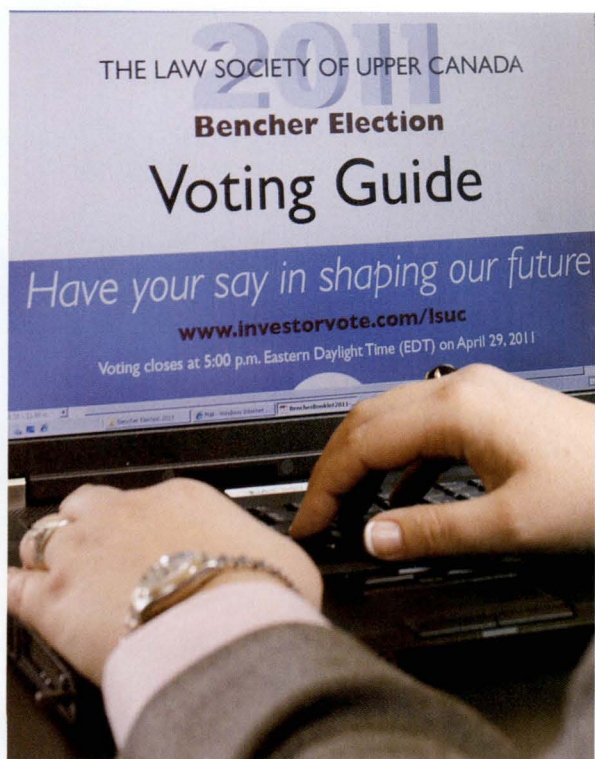
Il faut traiter des plaintes de façon à renforcer la confiance du public, et signaler à la population de l'Ontario que nous sommes un organe de réglementation responsable. Notre processus doit également être juste et équilibré.

Ce sont là des enjeux critiques pour notre profession. C'est pourquoi il importe tant que vous participiez à cette élection. Votez pour promouvoir l'accès à la justice.

De grâce, faites-vous entendre. [otg](#)



# BENCHER ELECTION 2011 **It's time to vote**



**Voting is now open for the 2011 Bencher Election. Lawyers across the province have the opportunity to have a say in shaping how the legal profession in Ontario is governed.**

The 106 bencher candidates bring their own perspectives to the issues facing the profession and how those issues impact on the Law Society's governance mandate. Effective and transparent regulation, ensuring the competence of the profession and promoting access to justice will continue to be among the matters debated at Convocation, as will other critical emerging issues.

This election marks the first election to take place predominantly online. The Voting Guide is accessible on the Law Society website and on the Computershare voting site. Voters can vote anytime, from just about anywhere, between now and 5:00 p.m. on April 29.

Over the next four years, 40 of these individuals, together with the paralegal and lay benchers and other members of Convocation, will make decisions on governing Ontario's lawyers and paralegals in the public interest. Take the time to get to know the candidates, exercise your privilege and vote. Each candidate has provided an election statement, which is available in the Voting Guide.

The policies made by the benchers at Convocation over the next four years will impact you. Make sure to vote and have your say.

## **Casting and Counting Votes**



Voters can cast 40 votes in total – 20 votes for candidates inside Toronto and 20 votes for candidates outside Toronto. The ballot is separated into two sections. One section lists candidates from inside Toronto. The other section lists candidates from outside Toronto. Voters need not cast all 40 votes, but cannot exceed 20 votes in each section. Voting for more than 20 candidates in either section will invalidate that section of the ballot. Voters may only vote for a candidate once.

Voters can vote on the Internet or, if in receipt of a paper package, by mail. A voter who has an email address and requests a paper package can vote either on the Internet or by mail, but may only cast one ballot.

The deadline for voting is April 29, 2011 at 5:00 p.m. EDT. The Internet voting system will shut down at precisely 5:00 p.m. EDT on April 29, 2011. Ballots received after that time will not be counted. Ballots will not be accepted at the Law Society of Upper Canada's office at Osgoode Hall.

Tabulation of votes will begin after 5:00 p.m. EDT on April 29, 2011. The election results will be announced by press release and on the Law Society's website at [www.lsuc.on.ca](http://www.lsuc.on.ca) once votes have been tabulated.

For more information, please contact the Law Society at 416-947-3315, 1-800-668-7380 ext. 3315 or by email at [bencherelection@lsuc.on.ca](mailto:bencherelection@lsuc.on.ca). 

# Law Society resources designed to help you with work/life balance ●

## Parental Leave Assistance Program (PLAP)



Eligible lawyers can receive financial assistance to help them maintain their practice after the birth or adoption of a child. Under PLAP, the Law Society provides \$750/week for up to 12 weeks (a maximum \$9,000 per leave, per family unit).

The PLAP benefit is available to practising lawyers (women and men) in sole practice or firms of up to five lawyers, who do not have access to other maternity, parental, or adoption benefits.

Details about the interplay between PLAP and Employment Insurance benefits are available on the Law Society's website. For these and other details, visit <http://rc.lsuc.on.ca/jsp/equity/PLAP.jsp>.

## Contract Lawyers' Registry

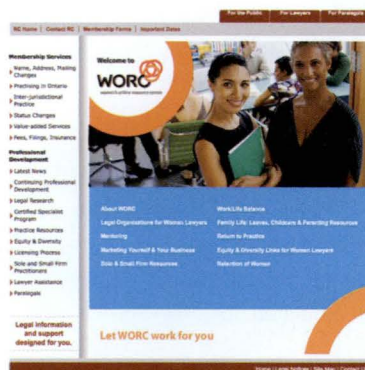


Planning to take a leave from practice, or thinking of taking an extended holiday? Need temporary help with a complex file or long trial?

Hiring a contract lawyer from the Contract Lawyers' Registry provides you with support and flexibility when you need it.

The registry lists lawyers from across the province who are interested in contract work. It also has sample contract clauses and other resources to help you with the hiring process. Find it at: <http://rc.lsuc.on.ca/jsp/contractLawyer/index.jsp>.

## Women's Online Resource Centre (WORC)



Created specifically for women lawyers, WORC provides quick and easy access to practical resources and information that can help you in your practice.

Learn more about marketing yourself and your business, developing a business plan and work/life balance.

Links to information about maternity and parental leaves, childcare and other resources for working parents are also available. Check out WORC at: <http://rc.lsuc.on.ca/jsp/worc/index.jsp>.

These resources have been developed as part of the Law Society of Upper Canada's Retention of Women in Private Practice project. For more information about these and other resources, go to [www.lsuc.on.ca](http://www.lsuc.on.ca), or call our Resource Centre 416.947.3315 or 1.800.668.7380 ext. 3315.

# What you need to know about the Continuing Professional Development requirement

## What is the new Continuing Professional Development (CPD) requirement?

Beginning January 1, 2011, lawyers and paralegals must complete at least **12 hours** of continuing professional development per calendar year in eligible programs and activities.

## What is the definition of CPD?

Continuing professional development is the maintenance and enhancement of a lawyer or paralegal's professional knowledge, skills, attitudes and ethics throughout the individual's career.

## Who is required to complete the CPD requirement?

Lawyers and paralegals who are in the 100 per cent fee-paying category are subject to the requirement. Life members who are practising law or providing legal services are also subject to the CPD requirement.

## What is the difference between Professionalism Hours and Substantive Hours?

**Professionalism Hours** are accredited programs and activities on ethics, professional responsibility and/or practice management ("professionalism") topics. **Only Professionalism Hours must be accredited by the Law Society of Upper Canada.** Experienced lawyers and paralegals must complete a minimum of **3 Professionalism Hours** per calendar year.

**Substantive Hours** are programs and activities that address substantive and procedural law, related skills, or relevant non-legal topics. **Substantive**



Continuing  
Professional  
Development

Beginning January 1, 2011, lawyers

and paralegals must complete at

least **12 hours** of continuing

professional development per

calendar year in eligible educational

activities.

**Hours do not need to be accredited by the Law Society.** Experienced lawyers and paralegals may complete up to **9 Substantive Hours** per calendar year.

## Is there a different requirement for new lawyers and paralegals?

Yes. Lawyers and paralegals in their first two full years of practising law or providing legal services (new members) must complete **12 hours per year in programming or activities accredited by the Law Society.** Programs and activities accredited for new members integrate professionalism topics with substantive and procedural law.

### How do I know if a program is accredited by the Law Society?



Accredited programs may be easily identified by the accreditation logo. A list of accredited programming from all providers is available on the LSUC Portal at <https://portal.lsuc.on.ca/>.

### What is the difference between programs and activities?

**CPD programs** are formalized or instructed sessions designed to facilitate learning for many attendees.

**CPD activities** include a broad range of other learning methods such as teaching, writing, mentoring, acting as an articling principal or paralegal field placement supervisor, and participation in study groups of two or more colleagues.

### What is the accreditation process for programs and activities incorporating professionalism topics?

Programs and activities for Professionalism Hours must be accredited by the Law Society. Education providers and lawyers or paralegals seeking accreditation for professionalism programs and activities must apply to the Law Society for accreditation at least 30 days in advance.

Detailed information on the accreditation process is available on the Law Society website at <http://rc.lsuc.on.ca/jsp/cpd/cpdAccredProcess.jsp>.

### How will lawyers and paralegals report their CPD Hours?

Lawyers and paralegals subject to the CPD requirement must report completion of their CPD Hours using the online LSUC Portal. Lawyers and paralegals should report regularly after completing any CPD programs or activities. On a quarterly basis, the Law Society will notify lawyers and paralegals in writing of the number of outstanding CPD Hours based on the information contained in the portal. All CPD Hours must be recorded in the portal by December 31, 2011.

To register for the LSUC Portal, go to <https://portal.lsuc.on.ca/>.

### What documentation do I require as evidence of compliance with the CPD requirement?

Lawyers and paralegals are required to keep written confirmation of registration at programs as proof of attendance. In addition, materials such as program agendas, topic outlines, papers, and discussion notes should be retained on file until the end of the following calendar year. For a detailed outline of required documentation according to the type of eligible educational activity, please see *Record Keeping Standards – Evidence of Compliance with Section 5 of By-Law 6.1* on the CPD Requirement page under the For Lawyers tab on the Law Society website.

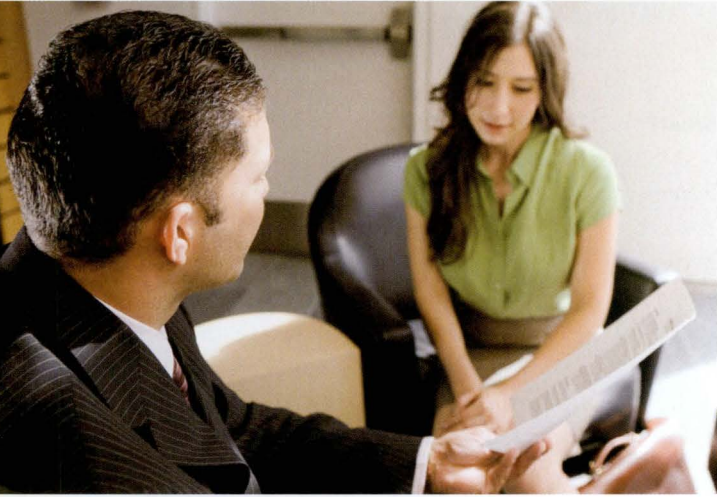
### What resources does the Law Society have to assist lawyers and paralegals in obtaining their Professionalism Hours?

There are several ways for lawyers and paralegals to obtain Professionalism Hours, including attendance at accredited programs or courses, participation in study groups, as well as teaching, mentoring and writing. The Law Society has developed resources to assist members in completing their Professionalism Hours, including:

- Accredited professionalism programming offered free of charge
- Practice area-specific Professionalism Case Studies and Facilitator Guides
- Participant's Guide for Professionalism Case Studies
- Step-by-Step Guide for Organizing a Study Group
- Step-by-Step Guide for Organizing a Roundtable Session
- Suggested Scope of Professionalism Content for Education Providers
- Quick Tips on Teaching Professionalism

Complete information is available on the Continuing Professional Development page of the Law Society's website or by calling the Resource Centre at 416-947-3315 or 1-800-668-7380 ext 3315. [www.lsuc.org](http://www.lsuc.org)

## Fair Hiring Practice Guidelines introduced for articling students



What are appropriate recruitment practices? What questions are off-limits when conducting a job interview?

To promote fair hiring practices within the profession, the Law Society recently revamped its *Fair Hiring Practice Guidelines* for articling students. The guidelines update the articling recruitment guidelines that were developed in 2005 to ensure that law firms and legal organizations adopt recruitment and selection policies, programs and practices that are inclusive.

The guidelines are based on the principles of the *Ontario Human Rights Code*, which establishes the right to be free in the workplace from discrimination based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability. *The Rules of Professional Conduct* and the *Paralegal Rules of Conduct* prohibit discrimination on the same grounds and the principles of the *Code* apply to those *Rules*.

Discrimination and Harassment Counsel (DHC) Cynthia Petersen notes that she has received complaints from law students and lawyers regarding hiring interview questions that may be inappropriate. “Firms are responsible for making sure their hiring processes reflect favourably on the profession. To achieve that, they must be free of bias or the appearance of bias and must adhere to the lawyer and paralegal Rules as well as the *Ontario Human Rights Code*,” she explains.

Areas covered by the guidelines include recommendations on advertising, job descriptions, job requirements, screening applicants, and the interview and selection processes. The guidelines also provide a list of questions and remarks that are inappropriate, and note which grounds of the *Code* they fall under.

For example, the question, “What country do you come from?” is inappropriate, along with comments or questions related to physical characteristics, such as colour of eyes, hair, skin, height or weight. These relate to race, colour, ancestry, place of origin, ethnic origin and citizenship.

The question, “Do you have children?” may seem innocent enough, but it is inappropriate on family status grounds – unless the employer is asking the question in relation to a nepotism or anti-nepotism policy to provide or deny employment or advancement to a person who is a child or parent of the employee or employer.

**Discrimination can be the result of intentional or unintentional action or omission. Intent is not a prerequisite to a finding of discrimination under the *Ontario Human Rights Code*. Discriminatory conduct in any aspect of the hiring process contravenes the *Code* and may constitute professional misconduct.**

Any remarks relating to age are also inappropriate unless age is a reasonable and genuine requirement to qualify for the position.

Full guidelines are available on the Law Society’s website at: <http://rc.lsuc.on.ca/pdf/licensingprocess-lawyer/articling/ar42polHiringPracticeGuidelines.pdf>

To contact the DHC office, call 1-877-790-2200 or send an email to [assistance@dhcounsel.on.ca](mailto:assistance@dhcounsel.on.ca). More information is also available online at: <http://www.dhcounsel.on.ca>. 

## COFFEE CONFIDENTIAL

A lawyer recently noticed a person at a coffee shop across from the courthouse carrying a file folder. Unfortunately, the folder was prominently labelled with a client's name, contact information, and the charges against her.

It's becoming more common for lawyers and paralegals to work and meet with clients and associates over coffee.

The proliferation of technology in today's legal marketplace means that work takes place outside of normal business hours and outside of the office.

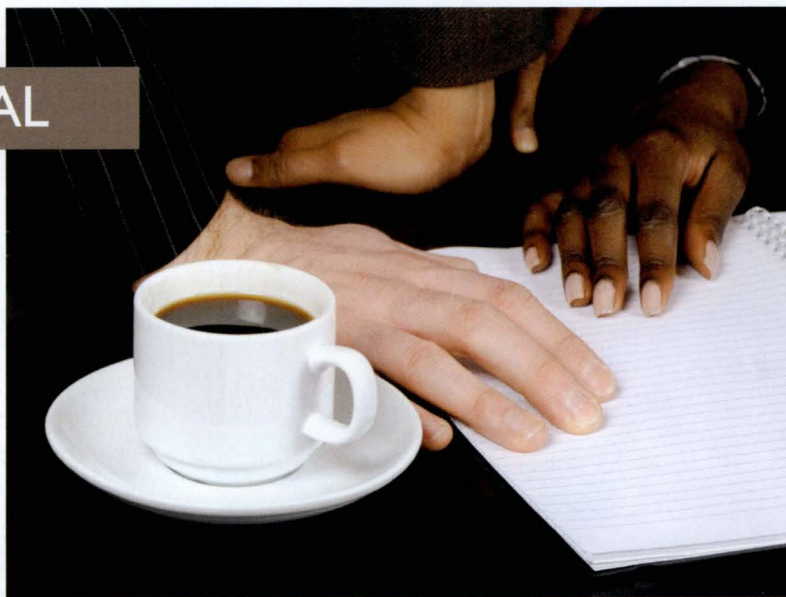
As a result, it is not unusual to overhear people discussing confidential client matters at the gym, at the theatre, on the GO Train, and on Black-Berrys and iPhones everywhere.

It's critically important that we each remember and think about the nature of a client's confidential information and about where we are taking that information when we move outside our offices.

Lawyer and client confidentiality is the foundation of our justice system – without it the integrity of the system is threatened.

Comply with your obligations under the confidentiality rules and when you go to your neighbourhood coffee shop, be alert to protect your client's confidentiality.

*For more information, see Rule 2.03 CONFIDENTIALITY – Confidential Information.*



### Rule 2.03 CONFIDENTIALITY – Confidential Information

**2.03 (1) A lawyer at all times shall hold in strict confidence all information concerning the business and affairs of the client acquired in the course of the professional relationship and shall not divulge any such information unless expressly or impliedly authorized by the client or required by law to do so.**

Paragraph six of the commentary under Rule 2.03(1) is particularly relevant to the 'Coffee Confidential' scenario described here.

A lawyer should avoid indiscreet conversations, even with the lawyer's spouse or family, about a client's affairs and should shun any gossip about such things even though the client is not named or otherwise identified. Similarly, a lawyer should not repeat any gossip or information about the client's business or affairs that is overheard or recounted to the lawyer. Apart altogether from ethical considerations or questions of good taste, indiscreet shop-talk between lawyers, if overheard by third parties able to identify the matter being discussed, could result in prejudice to the client.

Lawyers are reminded to review the complete commentary for guidance in the practical application of the Rules.

# Managing the stress of receiving a complaint

– the Ontario Lawyers' Assistance Program is here to help



On the corner of the desk, sat a white business sized envelope with the Law Society logo and address in the upper left hand corner, marked "Private & Confidential."

This was the latest in a series of never-ending crises. He hadn't a clue what was inside but he was too afraid to open it. On the outside, he appeared calm. Inside, he was frantic with fear and worry. He was too paralyzed to even open the envelope. He imagined the worst case scenario, believing his personal and professional reputations were at stake.

Three weeks later, a second letter arrived marked "Private & Confidential." His fears multiplied.

He had never believed in asking for help. He was sure he could handle the pressure. After all, he solved problems, he did not have them. He still hoped this would just go away.

Our colleague could have called the Ontario Lawyers' Assistance Program (OLAP). OLAP has helped other lawyers with this exact situation. When the stress and worry became too much, those lawyers called for help. They may have been referred by a colleague, seen an advertisement or picked up a brochure at one of the many places where OLAP speaks and has displays, never thinking that they would actually need the services offered. OLAP will even go to a lawyer's office to talk about the runaway gamut of emotions the lawyer may be experiencing and even help him or her open the letter.


Here are a few tips to help you manage the stress of receiving a complaint:

- Do something quickly. Call a friend, a trusted colleague or someone from OLAP to be with you to help you to open the letter and deal with the problem. If you feel that you would be most comfortable with counsel, call to arrange an appointment as soon as possible.

- Accept that you may initially feel angry, betrayed and terrified of the worst case scenario consequences.
- Review the Law Society's online pamphlet *Important information if you are the subject of a complaint*.
- Retrieve the client file and review it carefully.
- Write a draft letter of response knowing that your first attempt will be full of emotion. Give yourself time to work on it – don't wait until the deadline for response.
- The next day, review and revise your draft. Focus on answering only the inquiries in the letter. Do not give more details than those relevant to the issue. Leave emotion out of it.
- Have someone like your lawyer or a trusted colleague review the letter. Attach relevant documents, correspondence or file notes if necessary.
- Send your response and be prepared for the same range of emotions if you receive another letter asking for clarification.
- Call OLAP to be connected to a peer volunteer lawyer who can act as a friendly, non-judgmental, supportive and helping ear. If it would help, OLAP can arrange free, confidential counselling as quickly as possible with a qualified professional in the community in which you live.

The bottom line is you don't have to go it alone. OLAP is here for you.



OLAP is a 24 hour, confidential peer support and counselling service that assists lawyers, law students and their immediate families with issues of stress, burnout, addictions and mental wellness issues. You can contact OLAP at 1-877-576-6227. The OLAP team are: Program Manager, Leota Embleton, MSW, IACAD; Case Managers Doron Gold, BA, LL.B., [doron@olap.ca](mailto:doron@olap.ca), Terri Wilkinson, BA, LL.B., RN, [terri@olap.ca](mailto:terri@olap.ca), Jill Fenaughty, BA, LL.B., LL.M., [jill@olap.ca](mailto:jill@olap.ca); Assistant Manager, Counselling Services, Judy Grout, [judy@olap.ca](mailto:judy@olap.ca). Our Office Manager is Jill Keaney who can be reached at [j.keaney@olap.ca](mailto:j.keaney@olap.ca). The Volunteer Executive Director, John Starzynski, LL.B., can be reached at 1-877-584-6227 or at [john@olap.ca](mailto:john@olap.ca). The website has a wealth of resources at [www.olap.ca](http://www.olap.ca) 



## Human Rights Monitoring Group: upholding the rule of law and providing a watchful eye


*It is hard to imagine a society where lawyers and members of the judiciary are persecuted, imprisoned, tortured – or even murdered – simply for doing their jobs. Yet human rights violations occur continuously in some countries where lawyers and judges are targeted in retribution for carrying out their professional responsibilities.*

Concern over these abuses, along with heightened awareness about the Law Society's role in the global community, led to the formation of the Law Society's Human Rights Monitoring Group (HRMG) in 2006.

"A group of benchers was concerned with what we saw happening around the world to judges and lawyers in conflict-torn states," explains Bencher and HRMG member Heather Ross. When she and former Treasurer W. A. Derry Millar presented a motion to Convocation to form the monitoring group, it met with unanimous approval.

Made up of four benchers, the HRMG's mandate is to monitor human rights violations that target members of the legal profession and the judiciary in carrying out their legitimate professional duties.

"It is fundamental to a justice system that the legal profession is independent and that lawyers and judges are able to perform their duties without undue or illegal interference," adds Ross. "Our work involves collaborating with many external organizations such as Lawyers' Rights Watch Canada, Human Rights Watch, and Amnesty International, to name a few."



# Support the rule of law Appuyez la primauté du droit قانون کی بالادستی کی حمایت کریں •

In November 2007, the Law Society and the Ontario Bar Association responded to Pakistan's suspension of the Constitution of the Islamic Republic of Pakistan; dismissal of the country's chief justice and other judges; quashing of the rule of law; and reported detention of lawyers and civil rights activists.

Over the past five years, the group has prepared and sent 31 letters of intervention to government officials in 19 countries, expressing the Law Society's concerns over the treatment of human rights lawyers and members of the judiciary. It has also issued 14 public statements condemning the mistreatment of lawyers and members of the judiciary. Many of these documents have also called on governments to reinstate the rule of law.

"A significant value of the Law Society's public interventions is in informing particular communities that human rights violations of judges and lawyers do not go unnoticed – and that public scrutiny of the authorities' treatment of lawyers and judges is enhanced as a result," says Ross.

Well-known human rights lawyer Paul Copeland, C.M., who has been a member of the HRMG since its inception and is former chair of the group, agrees that whatever the Law Society and other organizations can do to support the role of lawyers and judges in Canada and abroad is important.

"Showing that support through a group or organization, like the Law Society, is much more effective than trying to do it individually," says Copeland, who is a Life Bencher. "We're always looking at issues and

places where we may be able to make a public statement and hopefully have some impact." He says it's sometimes a frustrating process, because results are not always tangible and it can be difficult to know just how much effect actions may have.

He believes that the legal community's awareness of human rights issues and the work of the HRMG is growing.

Copeland has actively been working with the democracy movement for Burma for over 20 years and just returned from Thailand, where he met with numerous Burma-related activists, after being denied entry into Burma. While there, he met with various representatives of NGOs as well as a number of ex-political prisoners. "Having met many of the people we campaign on behalf of reinforces the importance of our efforts," he says.

## Showing Solidarity

Following the state of emergency declared in Pakistan in November 2007, the Law Society stepped up its intervention efforts by co-hosting a gathering with the Ontario Bar Association.

Held at Osgoode Hall, the event was in response to Pakistan's suspension of the Constitution of the Islamic Republic of Pakistan; the dismissal of the country's chief justice and more than 40 other judges; the quashing of the rule of law; and the reported detention of at least 3,500 lawyers and civil rights activists.

More than 400 judges, lawyers and friends attended the Toronto outdoor gathering, to call for the restoration of the rule of law in Pakistan, sign a petition and demonstrate solidarity with lawyers in Pakistan who had risked their lives to demonstrate against government-imposed sanctions.

*Ex Officio* Benchers Gavin MacKenzie, who has spoken around the world about the rule of law and the independence of the Bar, was Treasurer at the time. He recalls that the event "was a poignant reminder of how fragile the rule of law can be, even in a constitutional democracy within the Commonwealth that shares common law traditions."

The former Treasurer says many Canadian lawyers take for granted the firmly established traditions and institutions that maintain the independence of the judiciary and the Bar. "There is a risk that we might become complacent, but the rule of law always has to be protected in all jurisdictions... What we've seen recently in jurisdictions in the Middle East, such as in Egypt, also underlines that," MacKenzie says.

HRMG acting chair and Benchers Paul Schabas agrees that the monitoring group's work continues to be important. "It demonstrates the Law Society's commitment to uphold the rule of law and advance the cause of justice. We live in a country where we are extremely privileged by the respect we have for the rule of law, but if we ignore the challenges to it outside of Canada, then we're weakening it here too."

He says the monitoring group's work is also consistent with the Law Society's statutory mandate to uphold the independence of the profession, the cause of justice and the rule of law. "This is especially important when we see violations in countries that have similar traditions to ours, or those that purport to be democracies. We need to speak out about it because it could come back to us too."

Schabas reports the Law Society received feedback from the government of Georgia in response to a letter of intervention sent on behalf of a human rights lawyer who was charged after investigating a claim of corruption in the penitentiary system in that country. As

well, letters have had an impact in China and Vietnam. "Lawyers and judges who are being affected are heartened by the support they get from us," he says.

He also points out that the Law Society's intervention letter regarding Venezuelan Judge Maria Lourdes Afiuni became front-page news with the press in Venezuela. Judge Afiuni was arrested in late 2009 after ordering the conditional release of a man who had been in pre-trial detention for almost three years – a violation of the two-year limit prescribed by Venezuelan law. "The effect that letter had is really important," says Schabas.

Heather Ross notes that in 2007, the Law Society received a positive reply from the National President of the Integrated Bar of the Philippines following a Law Society letter of intervention about reports of attacks and murders of lawyers in that country.

## Strong Signals

Fellow Benchers and HRMG member Avvy Go agrees that the monitoring group's activities send a very strong signal to lawyers and others engaged in the legal profession. "It shows that we believe that a system that is based on the principles of the rule of law and equality – rights that are enshrined in the *Charter of Rights and Freedoms* – and are an important part of what being a lawyer is all about."

She says it is also important for the public to know that the legal profession is interested in human rights issues and that the Law Society has a much broader obligation to society.

Benchers Go, who is actively involved in promoting democracy for China, reports that she has heard from Chinese dissidents who appreciate the support shown by the international community. "Even if our efforts don't result in earlier releases for people, just knowing that there are others around the world who support them makes it a bit more bearable." International attention may also help in reducing the hardships dissidents face while imprisoned.

As well, Go says she has received positive feedback from public defenders in Hong Kong, who say letters of intervention are helpful in improving the efficacy of their advocacy work.

## Applauded by Others

Work of the HRMG is applauded outside of the Law Society as well. Jasmine Herlt, Director of Human Rights



**The Law Society's intervention letter (right) regarding Judge Maria Lourdes Afiuni, arrested in late 2009, became front-page news in the Venezuelan press.**

Watch Canada, commends the group's efforts to date. "The Law Society is a well-respected organization, not only in Canada, but internationally as well. I think it makes a huge difference when the Law Society puts its name on a letter and sends it to heads of state or other legal communities... It's great to see the work that has been done... We have many of the same objectives."

Herlt also applauds the Law Society on the annual breakfast it hosts to honour Human Rights Watch award winners. Last year, two of the six recipients of the Alison Des Forges Award for Extraordinary Activism were honoured: Liu Xiaobo (*in absentia*), winner of the 2010 Nobel Peace Prize, who is currently incarcerated as a political prisoner in China for his pro-democracy activities; and Hossam Bahgat, of Egypt, who founded and leads the Egyptian Initiative for Personal Rights.

"It's great to see the legal community taking a stand on a lot of these issues," says Herlt. "Human rights, especially these days, are front and centre of everyone's minds. The more the Law Society and other groups can do to raise awareness and affect change, the better."

Lawyers' Rights Watch Canada Executive Director Gail Davidson says the work of the Law Society's Human Rights Monitoring Group is both welcome and

Basic Principles on the  
human rights are nec

Therefore, the Law

- a. release and Judge Mar
- b. put an enc
- c. publicly contribu
- d. ensure t detenti
- e. ensure accor Venc

Yours since

W. A. De  
Treasurer

judiciary, state that judicial independence and

June 3, 2010

His Excellency, Hugo Chávez  
President of Venezuela  
Final Avenida Urdaneta, Esq Bolero,  
Palacio de Miraflores,  
Caracas, Capital District,  
Venezuela

Excellency:

Re: Judge Maria Lourdes Afiuni

The Law Society of Upper Canada is the governing body for more than 41,000 lawyers in the Province of Ontario, Canada and the Treasurer is the head of the Law Society. Our mandate is to govern the legal profession in the public interest. Fundamental to our system of democracy in Canada is the maintenance of an independent bar and judiciary. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.


In this regard the governing board of the Law Society of Upper Canada, on the recommendation of its Human Rights Monitoring Group, has requested that I write to express our deep concern over the news of the detention and imprisonment of Judge Maria Lourdes Afiuni. Reports indicated that on December 9, 2009 Judge Maria Lourdes Afiuni was arrested by intelligence officers after ordering the conditional release pending trial of Eligio Cedeño. Mr. Cedeño's detention was declared arbitrary working group that cited violations of his right to a fair trial. Judge Afiuni's actions were consistent with the conclusion of the United Nations Working Group and she released Mr. Cedeño because he had been in pre-trial detention for nearly three years; a violation of a two-year limit prescribed by Venezuelan law. As a result, Judge Afiuni was charged with corruption, being an accessory to escape, criminal conspiracy and abuse of power.

The Law Society of Upper Canada is deeply concerned about judges in Venezuela who, in carrying out their judicial duties, can be subjected to detention and imprisonment where their decisions are contrary to the views of public authorities. International human rights instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the UN

necessary. "Widespread suspension of internationally protected rights and departures from the rule of law have become common state practices in the post 9/11 world," she explains.

"Within this climate, the personal and professional safety of judges and lawyers promoting adherence to the law in cases involving allegations of wrongdoing by state actors are at heightened risk."

She notes that the Law Society has a public duty to preserve the rule of law and prevent the use of the law as an instrument of injustice.

"The Human Rights Monitoring Group allows the Law Society to discharge these duties authoritatively when jurists are in danger. Lawyers' Rights Watch Canada is honoured to work with the Law Society's Human Rights Monitoring Group. There are many instances in which the voice of the Law Society has made a substantial contribution to correcting injustices," says Davidson. 



Office of the Treasurer

Orlando Hall  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

tel 416-947-3415  
fax 416-947-7609

# Lawyer Referral Service seeks more lawyers

As the public's demand for the Lawyer Referral Service (LRS) soars, the Law Society is seeking lawyers to join in helping meet the legal needs of Ontarians.

The LRS, which has been matching lawyers with potential clients for more than 30 years, aims to add to its current contingent of almost 1,100 lawyers.

## Increase in Call Volume

Due in large part to the popularity of the LRS, the Law Society's Client Services Centre experienced an increase of 90,000 inquiries in 2010. Improvements to the service have pushed the number of LRS calls each month beyond 13,000. In 2009, the LRS received 1,032 calls during its busiest week. So far in 2011, the busiest week has capped out at 3,863 calls.

## Business Development Tool

Based on information the Law Society has received from its members, the LRS generated more than \$12 million in new business in 2010. The LRS is often an important component of many law firms' marketing and new

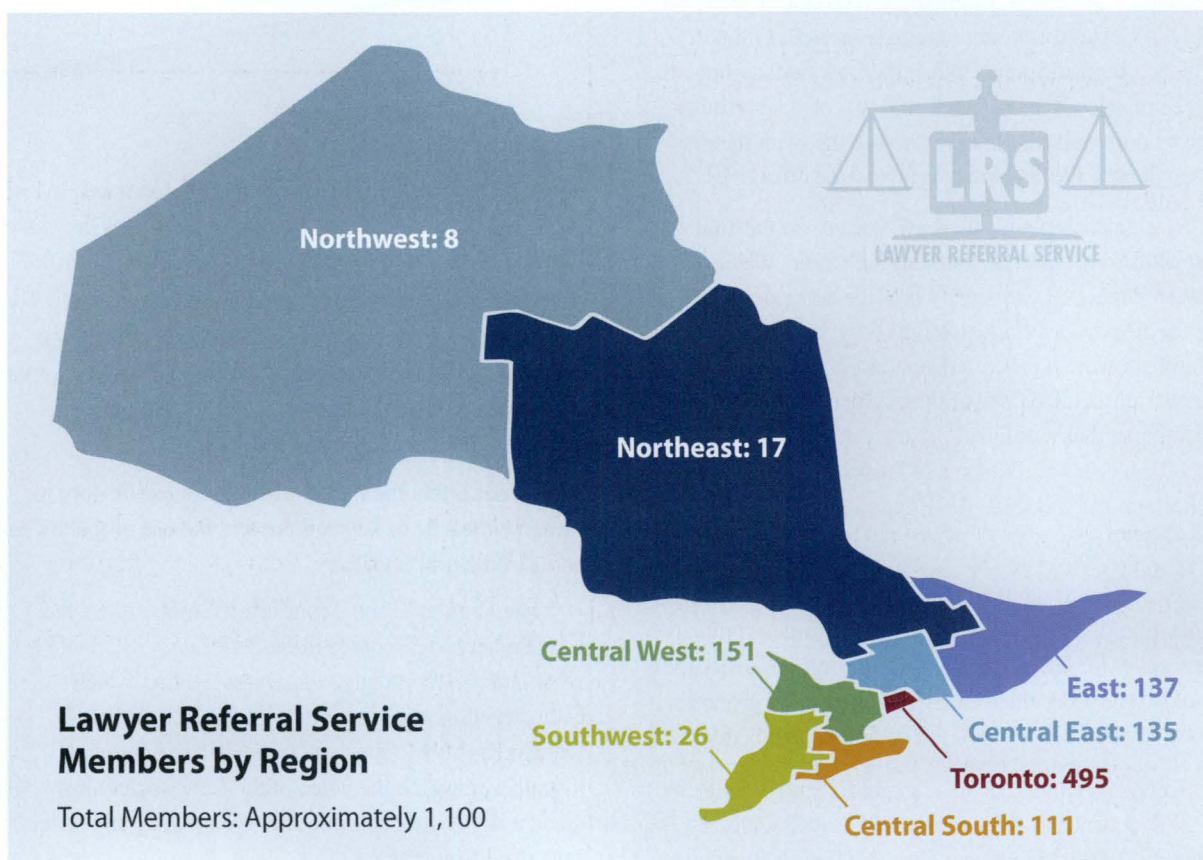
business development plans. The service generates hundreds of calls daily, providing lawyers with access to a large field of potential clients with immediate legal needs. The LRS is heavily promoted through Law Society mail-outs, Yellow Pages print and online listings, as well as the Law Society website and other community websites.

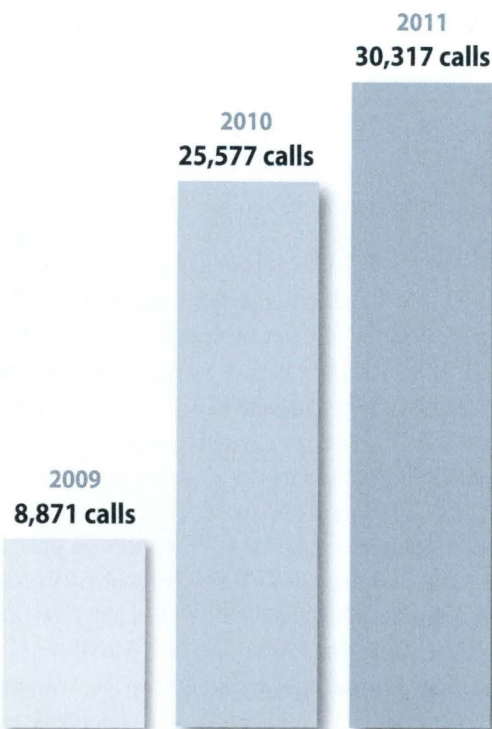
## Valuable Public Resource

The LRS enhances the accessibility of legal services in Ontario communities and testimonials from clients continue to attest to the service's popularity.

A woman from Sault Ste. Marie, Ont., recently wrote to the Law Society to share her positive experience with the service.

The client, who was advised by local sole practitioner Ian D. Hugill, credited him with protecting her rights: "I am grateful that this service exists. I would also like to thank the Society for putting me in touch with an extremely helpful lawyer in Sault Ste. Marie, Mr. Ian Hugill.





Volume of Calls to Lawyer Referral Service  
Within 9-Week Period


"His kind and caring assistance helped me avert near financial disaster... I needed help quickly... Mr. Hugill called me back within a few hours of my contacting the LRS..."

"Thank you for referring me to a lawyer of Mr. Hugill's calibre."

Ian Hugill says the service has helped connect him with a wide-range of clients with interesting legal needs.

"The Lawyer Referral Service has generated a large number of calls to my office over the years. Often, the referred party has never contacted a lawyer before and many referrals have become established clients," he says.

"Some inquiries simply require that the party be directed to the appropriate agency or to a specialist practising in a specific area. I would recommend the benefits of participation to my colleagues."

While callers from the Toronto area as well as those from London, Ottawa and Kingston are well-served, more lawyers specializing in family, civil, labour or criminal law are needed for clients outside of major city centres. 



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

## Notice Annual General Meeting

Notice is hereby given that the Annual General Meeting of The Law Society of Upper Canada will be held at Osgoode Hall, 130 Queen Street West, Toronto, on Wednesday, May 11, 2011 beginning at 5:15 p.m. in the afternoon. All members of the Society are invited to attend.

### Motions

Notice of any motion to be made at the Annual General Meeting must be in writing and signed by at least 10 lawyers or paralegals whose licences are not suspended. Notice must be delivered to the Secretary at Osgoode Hall, 130 Queen Street West, Toronto M5H 2N6 on or before 5:00 p.m. on April 1, 2011.

Osgoode Hall  
February 25, 2011

James Varro  
Secretary

Avis

## Assemblée générale annuelle

La prochaine assemblée générale annuelle se tiendra à Osgoode Hall, 130, rue Queen Ouest, à Toronto le mercredi 11 mai 2011 à 17 h 15. Tous les membres du Barreau sont invités à y participer.

### Avis de motions

Le secrétaire doit recevoir par écrit, au plus tard le 1<sup>er</sup> avril 2011 à 17 h, avis des motions qui seront présentées à l'assemblée générale annuelle. L'avis doit être signé par au moins dix avocats, avocates ou parajuristes en règle et délivré à Osgoode Hall, 130, rue Queen Ouest, Toronto M5H 2N6.

Osgoode Hall  
Le 25 février 2011

James Varro  
Secrétaire

# PBLO facilitates access to justice for Ontario families

The recent Law Society decision to provide temporary funding to the PBLO at SickKids program has put Pro Bono Law Ontario in the spotlight again.

PBLO creates and promotes opportunities for lawyers to provide *pro bono* legal services to persons of limited means by building relationships between public service providers and the private Bar.

The Law Society provides funding to various organizations such as PBLO as part of its mandate to facilitate access to justice. At Convocation in January, the Law Society agreed to provide \$90,000 in funding to support the PBLO at SickKids program to the end of 2011.



Lee Ann Chapman (second from left) of the PBLO at SickKids program has helped the Desbiens family arrange representation for their appeal when they were denied tax credits for their travel expenses when their daughter required heart surgery.

## PBLO at SickKids

The PBLO at SickKids program was created to provide free legal services to low-income families whose children receive treatment at The Hospital for Sick Children. The governing principle is that legal issues affecting families when a child is ill can have a negative impact on the child's health. The model uses a triage lawyer working holistically with medical and social service professionals to identify legal issues, provide brief services on site and make referrals to *pro bono* lawyers – particularly in cases where the families cannot qualify for legal aid. Law firms Torkin Manes Cohen and Arbus LLP and McMillan LLP are the primary providers of *pro bono* services. Without this program, many of these families would not have any other means of legal support.

Initial funding through the Law Foundation of Ontario ended in February, 2011. At its January meeting, Convocation approved a request by the Access to Justice Committee to fund the PBLO at SickKids program for one year so that it can continue to operate while alternative sources of funding are sought.

In announcing the Law Society's funding commitment, Treasurer Laurie Pawlitz expressed the Law Society's support for access to justice programs: "Improving access to justice is a priority for the Law Society and the PBLO at SickKids program helps bring justice to some of Ontario's most vulnerable citizens."

The program has served over 620 families since its launch in January 2009, including:

- A grieving father who lost his job because he refused to work overtime immediately after his son unexpectedly died of cancer. A *pro bono* lawyer successfully represented the family at the Labour Board hearing for wrongful dismissal and the family received appropriate compensation in lieu of notice.
- A father of five who took a leave from work to accompany his chronically ill child to treatment sessions at the hospital. To make ends meet, he took out a loan from a private company. The company put a lien on his vehicle, demanded that he sign a contract inflating the

©Tim Shufelt/Law Times

amount owing and seized the vehicle, which he used to travel to SickKids from outside of Toronto. *Pro bono* lawyers successfully invalidated the man's contract and had it replaced by one that was not predatory.

- An out-of-town family who needed help to bring an emergency application in order to get custody of and provide consent for their niece who had been abandoned by her drug-addicted mother and who required treatment at SickKids.

## The Grandparent Caregivers Project

The Temporary Care Assistance benefit administered through Ontario Works provides supplemental funds to adults providing temporary care for children whose parents are unable to support them. In many cases, recipients have been asked to justify receiving assistance or have had the benefit revoked. Any recipient – generally grandparents or extended family of the child – wishing to appeal the decision could do so at the Social Benefit Tribunal, but with little hope of success.

Since 2005, PBLO has monitored and provided assistance in cases where grandparents have been cut off from the monthly benefit. The Grandparent Caregivers Project has recently provided representation for two grandmothers through program partner Fraser Milner Casgrain LLP. They have successfully appealed the government's decision at the tribunal.

According to Wendy Miller, Director, The Child Advocacy Project, there are hundreds, if not thousands of grandparents providing temporary care for their grandchildren.

"As far as we can find, everyone who has appealed at the tribunal had been denied until they had legal representation through the Grandparent Project," says Miller. These grandparents are in a very vulnerable situation: It's an essential access to justice issue. They are not able to get justice in the forum provided without *pro bono* lawyers."

The Grandparent Project's goal is to advocate for temporary care and to provide representation at the Social Benefits Tribunal. PBLO is currently in the early stages of expanding the project, working with community partners on raising the project's profile.

PBLO's mandate is to organize the legal profession's response to unmet legal needs. Volunteering with PBLO provides an opportunity for lawyers to provide an important service to clients who have no other mechanism for getting assistance.




**The Grandparent Caregivers Project has assisted Wendy O'Riley and her granddaughter Amanda Brasier in having their Temporary Care Assistance benefit reinstated.**

## Investing in Justice campaign

In 2010, Legal Aid Ontario announced that its contributions to PBLO's core funding would drop from \$436,000 in 2009 to \$0 by 2012. At the same time, more Ontarians than ever are seeking assistance for their civil legal problems. The demand for services in 2010 increased by 28 per cent compared to the previous year.

In light of these funding reductions, along with dramatically rising demand for services from across the province, PBLO recently launched a five-year fundraising campaign to ask lawyers to give back to the community. The Investing in Justice campaign asks the legal community to provide funds to:

- sustain and expand programs throughout Ontario,
- expand PBLO's use of technology to service remote areas and address gaps in service,
- increase recruitment and training of volunteer lawyers, and
- provide continued support to volunteer lawyers.

For more information on volunteer activities, training and other resources to become involved in *pro bono* activities, visit the PBLO website at <http://www.pblo.org/>. 

**ANDREW LAWSON, Q.C. 1927–2010**

Andrew Mowry Lawson, Q.C., who died at age 83 in November 2010, helped to create Ontario's legal aid program in the 1960s, and he believed it was the finest in the world. In his last days, however, he feared that he was witnessing its erosion.

Lawson grew up in St. Thomas in a long-established western Ontario family. His male forebears were Anglican divines or prosperous businessmen. He attended Lakefield School and Upper Canada College before going on to the University of Toronto and Osgoode Hall. Called to the Ontario Bar in 1955, he joined the staff of the Law Society in 1962 after several years in private practice.

In the early 1960s, the province of Ontario and the Law Society were about to reinvent legal aid, at that time still a voluntary and unpaid program. Attorney General Fred Cass, Law Society Treasurer John Arnup, Benchers and Crown prosecutor Bill Common, and the distinguished litigator G. Arthur Martin shaped a new legal aid system to be funded by the province but run by the Bar. Their goal was the world's only comprehensive civil and criminal, private practice-based, paid legal aid system.

As secretary to the committees planning for legal aid, Lawson made a crucial contribution in 1966 when he toured the province to "sell" the new plan to lawyers and law associations. The profession's doubts melted before Lawson's advocacy skills and diplomatic talents – not to mention his demonstration that legal aid would not only pay lawyers but would also reinforce their private practices by empowering needy individuals to hire their own lawyers just as other clients did.

In 1967, Lawson became the first provincial director of the Law Society's new legal aid program. Though he soon had a staff of 180 people across the province, administrative funds were limited at first. A colleague recalled Lawson in his new office with a "card table and four chairs, an old typewriter, and his elderly father as devoted secretary."

Lawson remained Ontario Director of Legal Aid until 1988, administering an annual budget that grew from \$6 million to \$120 million. He was a passionate advocate for legal aid as "an integral part of the social service program of Ontario," accessible to all who



Ashley and Crippen

needed it. Well before his retirement, however, "his" program had begun to face crises as the province balked at funding a program whose costs it could neither control nor predict. Rival programs, such as clinic-based legal aid, and proposals to remove legal aid from Law Society control also challenged Lawson's vision.

In retirement, Andrew Lawson was honoured with the bicentennial medal of the Law Society of Upper Canada in 1997. Ten years after his retirement, the legal aid program was transferred to an independent agency, Legal Aid Ontario, but Lawson remained deeply interested in the history and the future of legal aid – and deeply concerned by every sign that access to it was being constrained. Shortly before his death, the closing of a local legal aid office near his home dismayed him, as a harbinger of the collapse of the program to which he devoted his life.

Andrew Lawson died in Cobourg on November 17, 2010, predeceased by his longtime companion F. Muir Flint and remembered by the many legal friends who had enjoyed his hospitality in Toronto and at his spacious Cobourg home. [olg.org](http://www.olg.org)

# Reconstruire Haïti : Le rôle du système judiciaire

JOURNÉE INTERNATIONALE DE LA FRANCOPHONIE 2011

Le 21 mars, le Barreau du Haut-Canada célébrait pour la deuxième année consécutive la Journée internationale de la francophonie, en association avec l'Association du Barreau de l'Ontario et l'Association des juristes d'expression française de l'Ontario. Cette année, le conférencier était le docteur Éric Pierre, consul honoraire d'Haïti. Ce chirurgien-dentiste, établi à Toronto depuis 1981, est venu nous parler du rôle des avocats et de la magistrature pour rebâtir les institutions d'Haïti.

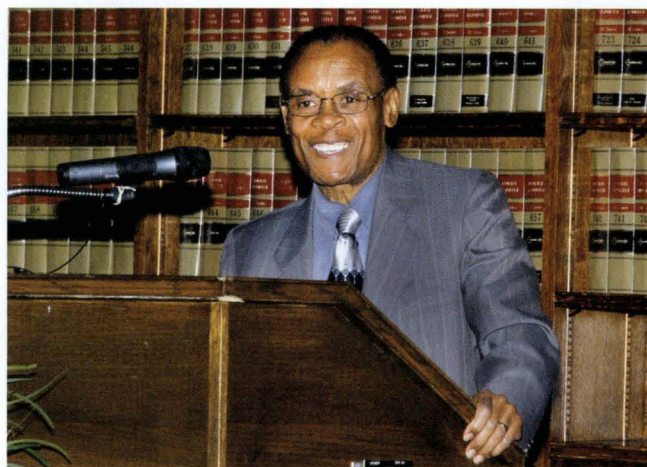
Le séisme de l'an dernier en Haïti a tué environ un dixième des quelque 2,5 millions d'habitants de Port-au-Prince. Puis l'épidémie de choléra a emporté plus de 3 300 personnes. On compte 1,3 million d'habitants sans abri. La situation politique reste tendue. Le système judiciaire est déficient et le taux de criminalité continue de grimper. Dans un pays où plus de 50 % de la population est âgée de moins de 20 ans, les enjeux dépassent l'entendement.

Le Dr. Pierre est un homme très engagé dans le sort de son peuple et a fondé plusieurs organisations communautaires dont *Perspective Entraide Humanitaire*, qu'il a créée en 2002 pour recueillir et envoyer des fonds et de l'équipement médical et dentaire en Haïti.

## Francophonie et justice

Dans son discours, le Dr. Pierre nous a rappelé qu'Haïti a besoin d'aide pour se reconstruire et que l'aide allouée pour la reconstruction doit correspondre à l'état encore catastrophique des infrastructures. « Le palais de justice et les centres des pouvoirs gisent dans les décombres », a souligné notre conférencier.


Le lien juridique et linguistique entre Haïti et le reste de la francophonie est ancré depuis longtemps. La République d'Haïti a adopté, au départ de son colonisateur, le système juridique français basé sur le code Napoléon. La devise d'Haïti, comme de la France, puise ses origines dans les idéaux de la Révolution française : Liberté, Égalité, Fraternité. Cependant, pour arriver à cet idéal, il faut réformer le système judiciaire pour qu'il soit à même de faire face à de graves défis. « Le budget pour la justice en Haïti représente 1 % du produit national brut. La Cour de cassation n'a pas de



Dr. Éric Pierre, consul honoraire d'Haïti

président et les anciens juges ont été mis à la retraite cavalièrement pour être remplacés par des juges qui n'ont pas encore été approuvés par le Parlement. La sécurité est faible et l'on ne compte qu'environ 8 000 policiers "indigènes" pour une population de 10 millions d'habitants. Les juges et les policiers font face aux mêmes problèmes de manque de formation et de faible rémunération d'où le risque de corruption. Et que dire du trafic d'enfants et de la pauvreté bloquant l'accès à la justice pour les justiciables haïtiens! », déplore le Dr. Pierre.

La communauté internationale soutient le gouvernement haïtien pour réformer le système judiciaire et moderniser ses instruments juridiques. Le Canada, avec l'organisation internationale de la francophonie, a travaillé à un projet d'appui à la justice en Haïti afin d'élaborer une loi sur l'indépendance des pouvoirs judiciaires et de garantir le respect des droits de l'Homme. « J'invite les juristes francophones à établir les assises d'un système qui rétablira la dignité humaine où convergent les principes et les valeurs d'une société démocratique. Toute action doit viser les droits à l'alimentation, à l'équité, à la justice, au logement, bref, à une vie décente », nous dit le Dr. Pierre.

Cependant, pour combler l'abîme laissé par le séisme de 2010, les États de la francophonie peuvent certainement continuer de partager leur expertise et leurs finances pour aider Haïti, mais, comme le souligne le Dr. Pierre, il faut miser sur la coopération pour que les Haïtiens puissent un jour prendre eux-mêmes en main les rennes de leur destin. 

## Programme d'appui aux droits linguistiques

Le 22 décembre 2009, le Programme d'appui aux droits linguistiques (PADL) succédait au défunt Programme de contestation judiciaire. Le PADL est le fruit d'un règlement à l'amiable qui a été conclu après que la Fédération des communautés francophones et acadiennes a intenté contre le gouvernement fédéral une poursuite visant l'annulation du programme de contestation judiciaire. Cependant, au contraire de ce programme, le PADL ne comporte qu'une branche de financement, soit les droits linguistiques constitutionnels. De plus, les décisions ne sont pas prises par un conseil d'administration, mais par un comité d'experts, qui étudie les dossiers ayant fait l'objet d'une première analyse par le personnel. Enfin, le ministre du Patrimoine canadien finance le programme, mais c'est l'Université d'Ottawa qui le gère par l'entremise d'un partenariat entre l'Institut des langues officielles et du bilinguisme et la Faculté de droit.

Le PADL offre un appui financier pour des projets qui concernent les droits linguistiques ou les aspects linguistiques de la liberté d'expression garantis par la constitution du Canada. Le PADL gère trois volets : l'information et la promotion; les modes alternatifs de résolution de conflits; et les recours judiciaires. Les modes alternatifs de résolution de conflits doivent être menés de bonne foi et avoir échoué avant qu'un demandeur puisse être admissible au financement du recours judiciaire.

Depuis sa création, le programme a reçu 50 demandes de financement, dont 40 ont été approuvées par le comité d'experts composé de quatre avocats, dont un qui se spécialise en modes alternatifs de résolution de conflits, et de quatre membres du public. La composition de ce comité est représentative des réalités minoritaires linguistiques du pays. Ainsi, on y trouve des anglophones du Québec et des francophones hors Québec. Deux des membres du comité d'experts sont membres du Barreau du Haut-Canada, soit M<sup>e</sup> Michelle Vaillancourt et M<sup>e</sup> J.L. Gilles Levasseur, auteur et professeur et militant pour les droits constitutionnels et linguistiques des francophones en Ontario et dans le reste du Canada.



M<sup>e</sup> Michelle Vaillancourt

M<sup>e</sup> Michelle Vaillancourt pratiquait dans le domaine du droit linguistique avant de travailler à la Commission des valeurs mobilières de l'Ontario. Elle représentait des conseils scolaires dans des causes relatives à l'article 23. « J'aime beaucoup faire partie de ce comité d'experts, car cela me permet de continuer de toucher les droits linguistiques », affirme M<sup>e</sup> Vaillancourt.

Les membres se rencontrent tous les trois mois pour déterminer si les demandes de financement répondent aux critères, dont celui de porter exclusivement sur les droits linguistiques constitutionnels. Comme l'explique la directrice générale du programme, Geneviève Boudreau, « il arrive que les demandes ne soient pas assez liées au droit constitutionnel. Par exemple, certaines demandes portent sur la *Loi sur les langues officielles*, sans toutefois viser directement l'application des dispositions constitutionnelles de la *Charte* ». De plus, les demandes de financement de recours judiciaires doivent constituer une cause type de façon à clarifier les droits linguistiques constitutionnels.

« Grâce à la création du Programme d'appui aux droits linguistiques, il est possible d'aborder de telles causes. Le PADL offre une aide importante pour permettre aux gens d'avoir accès à la justice et pour faire avancer la primauté du droit à l'échelle nationale. »

M<sup>e</sup> Michelle Vaillancourt

Même si les demandes n'ont pas à être déposées par des juristes, il faut avoir de bonnes connaissances des droits constitutionnels pour satisfaire aux critères. Malgré les précautions des avocats et d'autres personnes participant à la préparation des dossiers, ceux-ci n'obtiennent pas tous l'approbation du comité, qui a entière discrétion à ce sujet.


« Notre comité est réellement indépendant et représente des juristes et des non-juristes de tout le pays. De plus, la cohésion de notre équipe assure que toutes les demandes sont traitées avec équité et soin, peu importe l'issue », souligne M<sup>e</sup> Vaillancourt.

Chaque demande est confidentielle, mais il peut arriver que le demandeur autorise le PADL à mentionner sa cause à des fins de promotion. C'est le cas pour la Fédération des communautés francophones et acadiennes (FCFA) qui, en septembre, a comparu, grâce à l'appui financier du PADL, devant la Cour fédérale pour contester l'abolition de l'obligation de remplir le formulaire long du recensement du gouvernement fédéral. La FCFA soutenait que le formulaire court compromettrait la possibilité d'obtenir

des données linguistiques et démographiques puisqu'il ne tenait plus compte de la première langue officielle parlée ni de la connaissance des deux langues officielles.

Le PADL a aussi financé un particulier, Lucien Comeau, en appel devant la Cour suprême du Canada concernant le financement des écoles françaises en Nouvelle-Écosse. Pendant 15 ans, l'argent prélevé d'une surtaxe payée par la population de Halifax n'a été versé qu'aux écoles anglaises. La cause type de M. Comeau vise la discrimination en raison des origines et des droits scolaires.

« Grâce à la création du Programme d'appui aux droits linguistiques, il est possible d'aborder de telles causes. Le PADL offre une aide importante pour permettre aux gens d'avoir accès à la justice et pour faire avancer la primauté du droit à l'échelle nationale », conclut M<sup>e</sup> Vaillancourt.

Pour obtenir de plus amples renseignements sur le Programme d'appui aux droits linguistiques, on peut consulter son site web à [www.padl-lrsp.uottawa.ca](http://www.padl-lrsp.uottawa.ca). 

## AJEFO 2011 – justice en français au cœur des générations

Après Strasbourg, le prochain congrès annuel des juristes d'expression française de l'Ontario se déroulera du 23 au 25 juin au tout nouveau Centre des congrès d'Ottawa qui ouvre ses portes en avril 2011. Les congressistes de l'AJEFO seront donc parmi les premiers à inaugurer ce magnifique lieu de rencontre au cœur de la capitale canadienne.

Pour de plus amples renseignements sur le Congrès de l'AJEFO de juin 2011, allez à [ajefo.ca](http://ajefo.ca).

# Gestion des communications en français

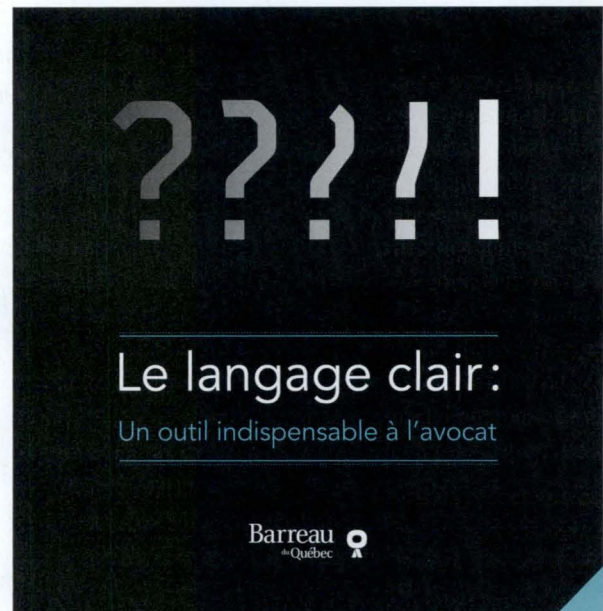
Le juriste qui peut expliquer les notions juridiques en termes clairs et simples démontre sa connaissance du sujet et renforce la confiance du public dans le système juridique.

Vous avez des clients et des clientes francophones, mais il arrive que les mots vous manquent pour leur expliquer en termes simples certains concepts? Vous aimeriez avoir davantage confiance dans vos capacités de communication juridique en français, que ce soit avec les collègues ou les clients? Peu importe la raison, il existe une boîte à outils, sur le site du Barreau du Québec, qui tient également lieu d'instrument de sensibilisation. Le guide intitulé *Le langage clair : un outil indispensable à l'avocat* contient des conseils, des trucs et des exemples pour apprendre à s'exprimer plus clairement. Les avocats et les avocates de common law peuvent certainement y trouver une source d'inspiration pour faciliter leurs communications en français en Ontario.

Les rédacteurs de ce guide partent du principe de justice participative où le client cherche avec son avocat à trouver la solution à son litige. L'avocat ou l'avocate doit aider son client à comprendre les points de droit en cause dans son dossier, le déroulement du processus, les solutions possibles, en expliquant les notions plus complexes dans un langage courant. En utilisant un langage clair, on peut espérer régler des dossiers plus rapidement. De plus, le langage clair devient une question d'accès à la justice dès lors qu'on s'en sert pour améliorer la communication et la compréhension entre le client et l'avocat. Le juriste qui peut expliquer les notions juridiques en termes clairs et simples démontre sa connaissance du sujet et renforce la confiance du public dans le système juridique.

Le guide donne certaines règles précises à suivre pour rendre ses écrits ou ses propos plus accessibles : tenir compte des besoins du lecteur, soit organiser son texte en suivant un ordre logique facile à capter du premier coup d'œil; porter une attention particulière au choix des mots, comme éviter de désigner une même chose par des mots différents, éviter les acronymes et les tournures difficiles à comprendre et restreindre l'usage des latinismes ou les définir dans un glossaire; soigner la structure en utilisant la voix active et éviter les formalités inutiles; enfin, présenter les choses de façon simple et imagée, en utilisant des exemples et des analogies.

Le guide suit ses propres conseils et donne beaucoup d'exemples à l'aide de tableaux de formulations à



Le guide est disponible à  
[www.barreau.qc.ca/pdf/publications/guide-langage-clair.pdf](http://www.barreau.qc.ca/pdf/publications/guide-langage-clair.pdf).

retravailler suivies de leur version simplifiée. Ainsi, « La convention qui vous lie à votre institution financière arrive à son terme » devient « Le contrat entre vous et votre institution financière arrive à sa fin ». On suggère en outre d'expliquer les notions plutôt que d'utiliser des tournures difficiles à comprendre. Par exemple, au lieu de dire *a fortiori causa*, on suggère simplement « à plus forte raison ». Au lieu de parler d'un « codicille », on parlera du « nouveau testament qui modifie un testament antérieur ». Dans ses tableaux, le guide propose des explications à donner à des formules figées, comme « en foi de quoi », ou à des termes comme « habilitation » ou « interlocutoire » et il souligne certains calques à éviter, comme « à l'effet que ».

*Le langage clair : un outil indispensable à l'avocat*, facile à consulter en ligne, est un document dont les avocats et avocates francophones de l'Ontario pourraient aussi profiter pour communiquer plus aisément avec leurs clients francophones. Et tant qu'à y être, pourquoi ne pas se servir de tels outils pour se perfectionner dans sa gestion des communications et dans son français vernaculaire et juridique? **CTG**



## February 2011 highlights

### By-Law 9 and rules of conduct to be amended re: trust account requirements

Convocation approved, in principle, amendments to By-Law 9 and Rule 2.02 of the *Rules of Professional Conduct* to emphasize that a trust account must not be used for purposes outside the provision of legal services. The amendments also introduce a requirement for licensees to record the purpose for which they are receiving or withdrawing funds from a trust account.

Convocation also approved similar amendments to Rule 3.02 of the *Paralegal Rules of Conduct* to maintain the consistency between the lawyer and paralegal rules.

The amendments were approved in principle. The committees will return to Convocation at a later date with final wording for the amendments following review by the Law Society's rules drafter.

### VISIT OUR WEBSITE FOR FULL CONVOCATION REPORTS:

All reports and materials noted in Convocation

Highlights are available through the Law Society website at [www.lsuc.on.ca](http://www.lsuc.on.ca).

### Approach to adjudicator education requirement approved

Following its 2005 decision for mandatory adjudicator education and to further enhance the quality of adjudication and decisions, Convocation approved a further implementation approach to adjudicator education for benchers, lay appointees and members of the profession who sit on Law Society tribunals. All adjudicators, regardless of experience level, will be required to participate in a minimum number of adjudicator education programs at regular intervals.

### Five years adjudicative experience to be considered equivalent to educational requirement for paralegal licensing

Individuals with five or more full-time years of experience on an adjudicative tribunal will now be exempt from the educational requirement when applying for a paralegal licence. Convocation approved the policy, in principle, as recommended by the Paralegal Standing Committee after its review of a request from the Society of Ontario Adjudicators and Regulators for an accelerated route to a paralegal licence for experienced adjudicators. The committee will return to Convocation with amendments to By-Law 4 to implement the policy.

## Committee begins discussions re: expanding civility mentoring process beyond judicial referrals

The Professional Regulation Committee has approved discussions with external organizations on expanding the civility mentoring process to include lawyers against whom a civility complaint is received from any source. Currently, the Civility Complaints Protocols, jointly created with the judiciary, only apply where lawyers are the subject of a civility complaint from the judiciary. Lawyers who are the subject of a complaint, through the Civility Complaints Protocols, can be diverted for mentoring rather than becoming the subject of an investigation.

## Committee considering expanding *pro bono* duty counsel services to lawyers under investigation

The Professional Regulation Committee is considering the merits of the availability of *pro bono* duty counsel services to lawyers under investigation by the Law Society. Exploratory discussions will begin with the Advocates' Society and the Criminal Lawyers' Association, which currently provide *pro bono* duty counsel services to lawyers before the Proceeding Management Conference and the Hearing Panel.

## Appointments

Bencher Mark Sandler was removed from the Equity and Aboriginal Issues Committee at his own request.

Bencher Julian Porter was appointed Chair of the Professional Regulation Committee to replace Glenn Hainey.

Bencher Julian Porter was appointed as the Professional Regulation Committee appointee to the Proceedings Authorization Committee to replace Glenn Hainey.

Gavin MacKenzie was appointed to the Proceedings Authorization Committee to replace Julian Porter.

Bencher Alan Silverstein was appointed to the Paralegal Standing Committee to replace Glenn Hainey.

Bencher William Kaplan was appointed to the Professional Regulation Committee and the Hearing Panel.

## January 2011 highlights

### Law Society Funds Free Legal Services Program at SickKids Hospital

The Law Society is providing funding to Pro Bono Law Ontario's (PBLO's) free legal services program at SickKids Hospital. The Law Society has agreed to provide \$90,000 to support the program for the period of February 28 to December 31, 2011 while PBLO works to secure more permanent financial support.

### Human Rights Monitoring Group

Convocation approved the Human Rights Monitoring Group's proposed interventions in the following cases:

- lawyers in Iran;
- lawyers in Honduras with the Association for a More Just Society;
- lawyer William Cristancho Duarte in Colombia;
- lawyer Radeef Moustafa in Syria.

### Appointment

Former Treasurer W. A. Derry Millar was appointed to preside over the 2011 Bencher Election.

## PARALEGAL UPDATE

### Paralegal scope of practice under review

The Law Society has begun the review of the scope of paralegal practice. The move follows the commitment made at the 2010 annual general meeting to consider the expansion of the scope of paralegal practice to address the evolving needs of Ontarians.

“As clients’ needs change, our mandate requires that we address the growing variety of legal needs in a creative and accessible way,” Treasurer Laurie Pawlitzta told February 24 Convocation.

The legal practice activities identified in the 2000 report, by former Supreme Court Justice, The Honourable Peter de Carteret Cory, *A Framework for*

*Regulating Paralegal Practice in Ontario*, will be reviewed to complete an initial assessment of the need for other practice areas, and to determine the knowledge, skills and abilities that would be required to provide those services competently. “We must carefully consider the issues of training, of entry level competence and accreditation,” the Treasurer said.

Once this review is complete, it will be brought to Convocation’s committees and then to Convocation for consideration, likely in the fall of 2011. Following that, a broader framework for consultation will be established, so that other stakeholders can provide their views.

### Exempted Group Integration Licensing Process

To date, 144 people have applied to the Law Society for the Exempted Group Integration Licensing Process, and 83 have submitted their application materials. Applicants have until September 30, 2011 to apply for a paralegal licence. To qualify, applicants must be collection agents or members of some of the groups that are or previously were exempt from paralegal licensing. These groups include: in-house legal services providers, such as municipal prosecutors; legal clinic employees, such as community legal workers; not-for-profit organizations, such as human rights legal support staff; Members of the Human Resources Professionals Association of Ontario, Board of Canadian Registered Safety Professionals or Appraisal Institute of Canada; Office of the Worker Adviser and Office of the Employer Adviser; Injured workers groups funded by the WSIB; and Trade unions and people designated by the Ontario Federation of Labour.

More information is available on the Law Society’s Resource Centre at:  
<http://rc.lsuc.on.ca/jsp/home/paralegalindex.jsp>.

### Bill C-35 passed

Licensed paralegals will soon be able to appear before immigration boards, with the passage of Bill C-35, *An Act to amend the Immigration and Refugee Protection Act in March*. The legislation is designed to increase consumer protection by improving the regulation of immigration consultants.

The Law Society made a submission to the Standing Committee on Citizenship and Immigration in November 2010, requesting that the bill be amended to permit paralegals licensed by the Law Society to provide immigration consulting services.

The bill received royal assent on March 23. It is anticipated the bill will come into effect in the coming months.

## Bencher news



### The Honourable Glenn A. Hainey appointed a Judge of the Ontario Superior Court of Justice

The Law Society congratulates The Honourable Glenn A. Hainey on his appointment as Judge of the Ontario Superior Court of Justice. Mr. Justice Hainey was a lawyer with Gowling Lafleur Henderson LLP.

Mr. Justice Hainey was elected a bencher in 2008. He served as chair of the Professional Regulation Committee and as a member of the Governance Task Force, and the Audit, Government Relations, Priority Planning, Paralegal Standing and Proceedings Authorization Committees.



### William Kaplan elected bencher

William Edward Kaplan was elected as bencher for the City of Toronto electoral region. Mr. Kaplan is an arbitrator, mediator and independent investigator. He was elected to fill the vacancy resulting from the appointment of Glenn Hainey as a Judge of the Ontario Superior Court of Justice.

## By-Law and Rule amendments

### January Convocation 2011

#### By-Law 3 (Benchers, Convocation and Committees) amended

Convocation approved amendments to By-Law 3 in response to issues raised at May 2010 Convocation when governance reforms approved in December 2009 were implemented. The amendments include the following:

- Allowing former Treasurers who are *emeritus* benchers to participate in Convocation's debate
- Allowing grandparented *ex officio* benchers and *emeritus* benchers who are former Treasurers to request that the Treasurer, for good and sufficient reason, excuse them from attendance requirements for Convocation
- Allowing for remuneration for *emeritus* benchers at the same rate as elected benchers, but with no 26 day deductible period.

#### Paralegal Rules of Conduct amended re: paralegals as witness

Convocation amended Rule 4.04 of the *Paralegal Rules of Conduct* to reflect the wording of the lawyers' *Rules of Professional Conduct* regarding a licensee acting as both advocate and witness.

#### Rules of Practice and Procedure amended

Convocation amended the Rules of Practice and Procedure to implement the Pre-proceeding Consent Resolution Conference. Approved in January 2010, the Pre-proceeding Consent Resolution Conference is an expedited investigations and hearing process for lawyers and paralegals who admit to conduct allegations against them.

## Roll-call votes

January 27, 2011

### Access to Justice Committee Report: Pro Bono Law Ontario (PBLO) Request for Law Society Support for PBLO SickKids Program

Ms. Boyd and Mr. Simpson presented the report.

It was moved by Ms. Boyd, seconded by Mr. Simpson, that Convocation consider and, if appropriate approve, PBLO's request for funding for the PBLO at SickKids program in the amount of \$90,000 for the period of February 28, 2011 to December 31, 2011.

Carried. For – 38; Against – 5; Abstentions – 2.

#### Non-voting Benchers in attendance:

January 27, 2011 – M. Bryant, P. Copeland, A. Feinstein, P. Furlong, R. Manes, R. Murray, J. Wardlaw, R. Yachetti

February 24, 2011 – D. Chilcott, P. Furlong, R. Murray

#### CONVOCATION ATTENDANCE AND ROLL-CALL VOTES

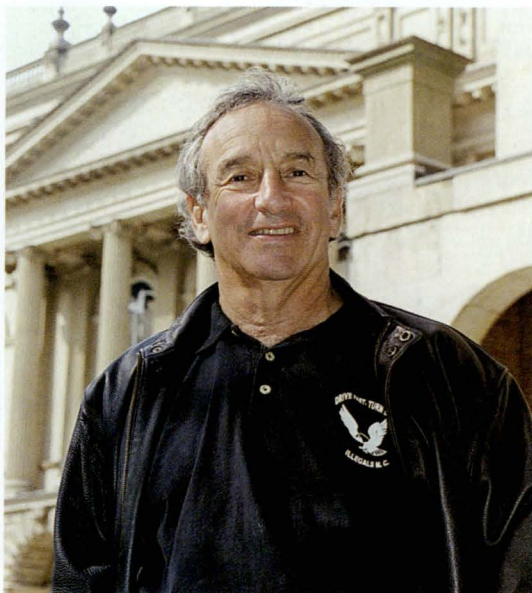
	Attendance		Motions*
	Jan. 27	Feb. 24	
Pawlitza, Laurie H. (Treas.)	✓	✓	1
Aaron, Robert	✓		
Anand, Raj	✓	✓	Ab
Backhouse, Constance	✓	✓	
Banack, Larry	✓		A
Boyd, Marion	✓	✓	F
Braithwaite, Jack	✓		F
Bredt, Christopher	✓	✓	F
Campion, John	✓	✓	F
Caskey, James	✓	✓	F
Chilcott, W. Dan		✓	
Conway, Thomas	✓	✓	F
Crowe, Marshall	✓	✓	A
Daud, Aslam			
Dickson, Mary Louise	✓	✓	F
Dray, Paul	✓	✓	F
Elliott, Susan		✓	
Epstein, Seymour	✓	✓	F
Eustace, Lawrence	✓	✓	F
Falconer, Julian	✓	✓	F
Fleck, Carl	✓	✓	F
Go, Avvy	✓	✓	F
Gold, Alan	✓	✓	F
Gottlieb, Gary L.	✓		F
Haigh, Michelle	✓	✓	F
Hainey, Glenn	✓		F
Halajian, Jennifer	✓	✓	F
Hare, Susan	✓		
Hartman, Carol	✓	✓	F
Heintzman, Thomas G.	✓	✓	F
Hunter, George	✓	✓	F
Kaplan, William E.		✓	
Krishna, Vern	✓	✓	F
Lewis, Doug	✓		A
MacKenzie, Gavin	✓	✓	F
Marmur, Dow	✓	✓	F
McGrath, Susan	✓	✓	F
Millar, W. A. Derry			
Minor, Janet	✓	✓	Ab
Porter, Julian		✓	
Potter, Judith	✓	✓	F
Pustina, Nicholas J.	✓	✓	F
Rabinovitch, Jack	✓	✓	F
Richer, Susan	✓	✓	F
Robins, Sydney	✓		F
Rock, Allan			
Ross, Heather	✓	✓	F
Rothstein, Linda		✓	
Ruby, Clayton	✓		
Sandler, Mark	✓	✓	F
Scace, Arthur			
Schabas, Paul	✓	✓	
Sikand, Baljit	✓		F
Silverstein, Alan	✓	✓	A
Simpson, William	✓	✓	F
Strosberg, Catherine	✓	✓	F
Strosberg, Harvey	✓		F
Swaye, Gerald	✓	✓	F
Symes, Beth	✓	✓	F
Tough, Bonnie	✓	✓	
Wright, Bradley	✓	✓	A

\*Motions A = against F = for Ab = abstain

There were no motions at the February 24 Convocation requiring a roll-call vote.

## In Recognition

This section is devoted to recognizing the achievements of members of the judiciary, current and former members of Convocation, as well as individuals who have made significant contributions to the Law Society and its efforts to advance the cause of justice and promote greater access to legal services.



### Paul Copeland appointed to Order of Canada

*Ex officio* Law Society Bencher Paul Copeland was appointed to the Order of Canada for his tireless contributions as an advocate for human rights and social justice.

A partner at Copeland Duncan Barristers and Solicitors, Copeland has served as Vice-President of the Criminal Lawyers' Association and co-president of the Association in Defence of the Wrongly Convicted. He has been active in human rights issues, both in Canada and internationally.

### Clare Lewis appointed to Order of Ontario

Clare Lewis, the Law Society's first Complaints Commissioner, was appointed to the Order of Ontario for his contribution to the justice system.

A noted former Crown attorney and judge, Lewis was the head of the task force that led to the creation of the Special Investigations Unit. He was Police Complaints Commissioner, first Chair of the Alcohol and Gaming Commission and was appointed Ombudsman for the Province of Ontario. Lewis served as the Law Society's Complaints Commissioner from 2005 to 2010.

### Beth Symes appointed to Order of Canada

Law Society Bencher Beth Symes, LSM, was appointed to the Order of Canada for her contributions as a champion of women's rights in the legal profession. She is a partner at Symes & Street, practising civil litigation and administrative law with a focus on labour law and equality rights. She was the first Chair of the Pay Equity Hearings Tribunal and co-authored *Women and Legal Action* and *Juggling: Women, Work and Parenting*. A bencher since 2003, Symes was awarded the Law Society Medal in 1995.

She has served as Director of the Canadian Institute for the Administration of Justice and Director of L'Heureux-Dubé Fund for Social Justice. She is a founding member of the Society of Ontario Adjudicators and Regulators (SOAR) and the Women's Legal Education and Action Fund (LEAF).





### **W. A. Derry Millar** honoured by the Toronto Lawyers Association

Former Law Society Treasurer W. A. Derry Millar was recognized by the Toronto Lawyers Association with the TLA Award of Distinction for 2011. The award honours outstanding contributions to law and the legal profession.

A partner at Toronto law firm WeirFoulds LLP, Millar was first elected as a bencher of the Law Society in 1995. He served as Treasurer of the Law Society from 2008 to 2010. He has held a number of high-profile positions, including Chair of the Finance Committee and Chair of the Inter-Jurisdictional Mobility Committee. Millar has served as director on a number of boards, including Legal Aid Ontario, LAWPRO, LibraryCo and Pro Bono Law Ontario. He was lead commission counsel for the Ipperwash Inquiry and is a Fellow of the American College of Trial Lawyers.

### **Martin Teplitsky** appointed to Order of Ontario

Martin Teplitsky, Q.C., LSM, was appointed to the Order of Ontario in recognition of his many skills and contributions, including his approaches to community justice, his negotiation skills – and for founding the Law Society's Lawyers Feed the Hungry Program, which now provides 2,000 meals per week to Toronto residents in need. He has also created several law scholarships.

From 1975-1980, he was a Law Professor at Osgoode Hall Law School, and was named Queen's Counsel in 1980. Teplitsky has served as an arbitrator in numerous private and public sector disputes. His full-time practice includes civil and criminal litigation, arbitration, mediation and fact-finding. He was awarded the Law Society Medal in 1998.



### **The Honourable Coulter Osborne** appointed to Order of Ontario

The Honourable Coulter Osborne, former Associate Chief Justice of Ontario and head of the Civil Justice Reform Project, was appointed to the Order of Ontario for his contributions to making Ontario's civil justice system more accessible and affordable, including changes to the way Small Claims Courts operate.

Appointed to the Supreme Court of Ontario in 1978, he was appointed the Commissioner on the Inquiry into Motor Vehicle Accident Compensation in Ontario in 1987. Mr. Osborne subsequently served on the Court of Appeal from 1990 and in June 1999, was appointed the Associate Chief Justice of Ontario. On September 17, 2001, he was appointed Integrity Commissioner of Ontario. He led the Civil Justice Reform Project and proposed recommendations to the Attorney General to make the civil justice system more accessible and affordable for Ontarians.

## Black History Month 2011 celebrations

To celebrate the journey and achievements of Black lawyers in Canada, the Law Society of Upper Canada and the Canadian Association of Black Lawyers (CABL) hosted a roundtable discussion and reception on February 8 for Black History Month.



Shown here are roundtable panellists: (seated) Yola Grant, lawyer, Grant and Bernhardt; (standing left to right) Lance C. Talbot, lawyer and panel moderator; Patricia DeGuire, lawyer, Director of Professional Excellence for Canadian Association of Black Lawyers (CABL) and event Chair; The Honourable Justice Hugh L. Fraser, Ontario Court of Justice.



Keynote speaker and Law Society Bencher Julian Falconer addresses attendees at a reception in Convocation Hall.



Left to right: Law Society Bencher and Chair of the Equity and Aboriginal Issues Committee, Janet E. Minor; Law Society Bencher and keynote speaker, Julian Falconer; Josée Bouchard, Equity Advisor, Law Society of Upper Canada.

## International Women's Day celebrations



Female activists who fought for stronger equality provisions in the *Charter of Rights and Freedoms* were the focus of a film screened at the Law Society of Upper Canada on March 1, in celebration of International Women's Day. Following the screening of *Constitute!*, a group of feminists, including those involved in making the documentary, discussed the vitality of the movement in Canada – both now and in the future.

Speakers and film subjects, from left to right (seated) are: Michele Landsberg, O.C., LL.D., award-winning journalist, author, social activist and feminist; and Constance Backhouse, Law Society Bencher and professor, Faculty of Law, University of Ottawa. Standing, from left to right are: Julie Lassonde, lawyer and consultant; Linda Palmer Nye, feminist activist and *Constitute!* film subject; Clara Ho, staff lawyer, Advocacy Centre for the Elderly; Mehrak Mehrvar, gender and governance specialist, international development; and Marilou McPhedran, Principal, Global College, University of Winnipeg and *Constitute!* film subject.

The round table discussion and reception that followed were presented by the Law Society of Upper Canada, the Barbra Schlifer Commemorative Clinic, the OBA's Feminist Legal Analysis Section, the Women's Law Association of Ontario and the Women's Legal Education and Action Fund.



Left to right: Michelle Kemper, Chair of the Feminist Legal Analysis Section of the Ontario Bar Association; Sharon Davis, President of the Women's Law Association of Ontario; and Laurie H. Pawlitza, Law Society Treasurer, take part in the International Women's Day reception held on March 1 at the Law Society.



## Mark your calendars for Rockin' the Courthouse – May 6!

Be sure to mark your calendars for the evening of May 6, 2011, when five lawyer bands will team up with participating producer League of Rock™ to produce Rockin' the Courthouse – a concert in aid of the Toronto Lawyers Feed the Hungry Program.

The event takes place at a landmark venue – Live@Courthouse – the original York County Courthouse, located at 57 Adelaide Street East, Toronto.

The event is a first for the Toronto Lawyers Feed the Hungry program, which is operated by the Law Society Foundation. Established in 1998, the year-round program now provides 2,000 meals a week to residents in need.

Lawyer bands include Hung Jury, The Loopholes, The Margins, The Soul Practitioner and Tortious Conduct. The League of Rock™ showcase band is Motion Denied.

Songs will include a selection of solid classics, as well as many new favourites.

Event sponsors are: McMillan Law Professional Corporation; Gardiner Roberts LLP; Howie, Sacks & Henry LLP; and Paliare Roland Rosenberg Rothstein LLP.

Doors open at 7 p.m. and performances begin at 8 p.m. Advance tickets are available for \$25 each online at: [www.lawyersfeedthehungry.ca/toronto/events/events.jsp](http://www.lawyersfeedthehungry.ca/toronto/events/events.jsp).

Tickets purchased at the door will cost \$30 each. (The minimum age requirement for attendees is 19.)

For more details about the event, contact John McMillan at 416-364-4771 or [johnmcmillan@bellnet.ca](mailto:johnmcmillan@bellnet.ca).

Information about Lawyers Feed the Hungry programs in Toronto, Ottawa, London and Windsor is available on the Law Society Foundation's website at [www.lawyersfeedthehungry.ca](http://www.lawyersfeedthehungry.ca). Information about the League of Rock™ is available online at: [www.leagueofrock.com](http://www.leagueofrock.com).

## Seventh charity golf tournament coming up – June 15

The seventh annual Bugsy and Ken Charity Golf Tournament is just around the corner.

Held annually in memory of David H. Newman, Q.C. (Bugsy) and Ken Danson, the tournament gives participants a chance to enjoy some golf while raising money for worthy causes – the Toronto Lawyers Feed the Hungry program and Camp Oochigeas, a summer camp for children with cancer.

The tournament is being held June 15 at the DiamondBack Golf

Club in Richmond Hill. The tournament begins at 12 noon. A reception, dinner and live auction will follow in the evening.

Last year, the tournament raised approximately \$60,000. To register, go to [www.lawyersfeedthehungry.ca/toronto/events/jsp](http://www.lawyersfeedthehungry.ca/toronto/events/jsp)

The Lawyers Feed the Hungry program is operated by the Law Society Foundation. Established in 1962, the Law Society Foundation is a registered Canadian charity (11924 1719 RR0001) administered by the Law Society of Upper Canada.

## LIFE MEMBERS

*Life membership is granted to members of the Law Society who have been entitled to practise law in Ontario for a period of 50 years. Following is a list of those members who have been awarded life membership since the last issue of the Ontario Lawyers Gazette.*

John D. Brownlie, Q.C. — Newcastle, ON  
 Bernard L. Eastman, Q.C. — Woodbridge, ON  
 Stanley G. Fisher, Q.C. — Toronto, ON  
 Donald K. Johnson — Welland, ON  
 John A. Meren — London, ON

John W. Morden — Toronto, ON  
 Ronald L. Swartz — Oshawa, ON  
 Leslie R. Waller — Stratford, ON

## JUDICIAL APPOINTMENTS

### Superior Court of Justice

*Effective February 4, 2011*  
 The Honourable Glenn A. Hainey  
 The Honourable Christopher Bondy  
 The Honourable Robert B. Reid  
 The Honourable Victor Mitrow  
 The Honourable Carole J. Brown  
 The Honourable Brian W. Abrams

*Effective March 4, 2011*  
 The Honourable Thomas J. Carey  
 The Honourable Deborah L. Chappel

*Effective March 13, 2011*  
 The Honourable James W. Sloan

### Ontario Court of Justice

*Effective February 2, 2011*  
 The Honourable Justice Lisa Marion Cameron  
  
*Effective March 23, 2011*  
 The Honourable Justice Sandra Marina Bacchus

## Nominations for 2011 Guthrie Award



The Law Foundation of Ontario is pleased to announce that it is now inviting nominations of candidates for its Guthrie Award for 2011. The Guthrie Award is given to individuals or organizations which demonstrate outstanding public service, make significant contributions to access to justice or symbolize excellence in the legal profession. Nominations are invited until April 29, 2011. For more information about the Guthrie Award and to download the Nomination Form and Guidelines, please visit the LFO website at <http://www.lawfoundation.on.ca/guthrie.php>.

# Looking for clients?

**Join the  
Lawyer Referral  
Service today.**



- LRS has been matching lawyers with potential clients for more than 30 years.
- Hundreds of people call the LRS daily.
- LRS generated more than \$12 million in new business for subscribers in 2010

To register and/or find out more about the Lawyer Referral Service, please visit the Law Society's website at <http://rc.lsuc.on.ca/lrs> or call locally in Toronto, 416-947-3300, extension 5000, or toll-free 1-800-668-7380, extension 5000.



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

Osgoode Hall  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6



NOTIFICATION OF CHANGE OF ADDRESS: return mailing label, amended accordingly, to the Client Service Centre, at the above address or contact LSUC at (416) 947-3318 or e-mail to [records@lsuc.on.ca](mailto:records@lsuc.on.ca)