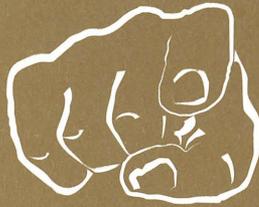


THE LAW SOCIETY OF UPPER CANADA

# *Bencher Election*

Élection des  
membres du Conseil



## Voters' Guide



## Guide de l'électeur

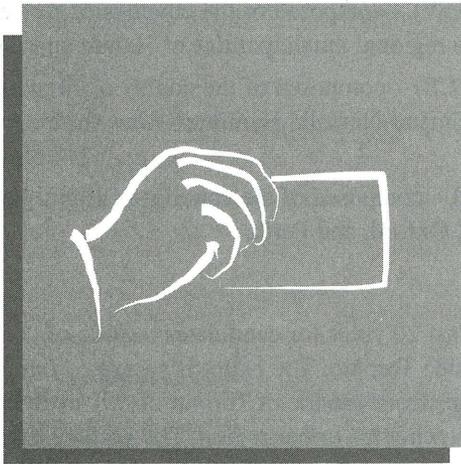
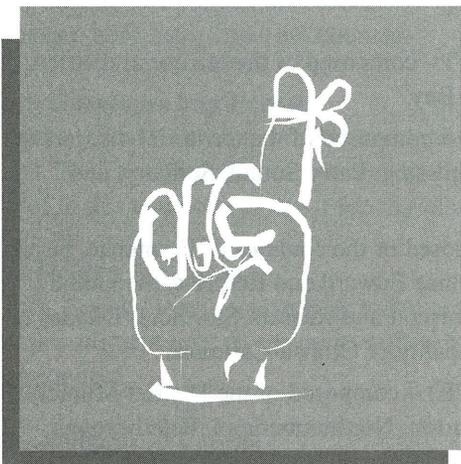
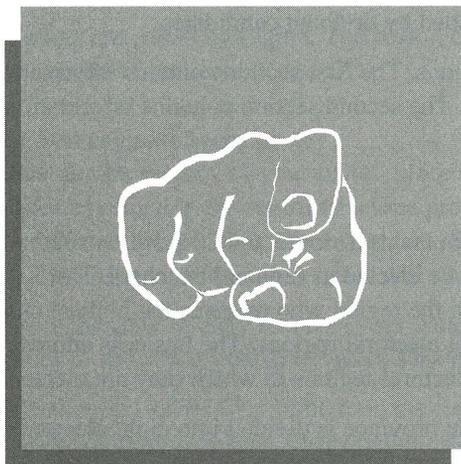


The Law Society of  
Upper Canada | Barreau  
du Haut-Canada

THE LAW SOCIETY OF UPPER CANADA

# Bencher Election

Élection des  
membres du Conseil



## Voters' Guide Guide de l'électeur

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# Voting Information

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## Conduct of Election

The 2003 Bencher Election will be conducted in accordance with the *Law Society Act* and By-Law 5 made pursuant to the *Law Society Act*.

## Candidate Information

The Voters' Guide is published by The Law Society of Upper Canada to provide voters with information about the candidates in the bencher election. Candidates provide their biographies and election statements. The Law Society does not accept responsibility for the information provided by or about candidates.

The Guide is divided into two sections. The first section contains information about candidates from outside Toronto. The second section contains information about candidates from inside Toronto.

## Regional Election Scheme

Forty benchers will be elected – 20 from inside Toronto and 20 from outside Toronto. Of the 40 benchers, eight will be elected as regional benchers. The regional bencher is the candidate within the region who receives the highest number of votes from voters in each of the eight electoral regions. The business address of regional benchers must be within the electoral regions in which they are elected.

For the purposes of the election, the province is divided into eight electoral regions. The eight electoral regions and their codes are as follows:

- **City of Toronto (TO)**
- **Northwest Electoral Region (NW)** – composed of the territorial districts of Kenora, Rainy River, and Thunder Bay.
- **Northeast Electoral Region (NE)** – composed of the territorial districts of Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury, and Timiskaming.
- **East Electoral Region (E)** – composed of the counties of Frontenac, Hastings, Lanark, Lennox and Addington, Prince Edward and Renfrew, the united counties of Leeds and Grenville, Prescott and Russell, Stormont, Dundas and Glengarry, and the regional municipality of Ottawa-Carleton.
- **Central East Electoral Region (CE)** – composed of the District Municipality of Muskoka, the counties of Haliburton, Northumberland, Peterborough, Simcoe, Victoria, and the regional municipalities of Durham, and York.
- **Central West Electoral Region (CW)** – composed of the counties of Bruce, Dufferin, Grey, Wellington, and the regional municipalities of Halton and Peel.
- **Central South Electoral Region (CS)** – composed of the county of Brant, and the regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth, Niagara, and Waterloo.
- **Southwest Electoral Region (SW)** – composed of the counties of Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford, and Perth.

## Casting and Counting Votes

You have a total of 40 votes. You can cast 20 votes for candidates outside of Toronto and 20 votes for candidates inside Toronto. The ballot is separated into two sections. The first section lists candidates from outside of Toronto. Each candidate's name is followed by an abbreviation showing his or her region. The second section

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lists candidates from inside Toronto. A list of the candidates from each region can be found on the last page of the Voters' Guide.

You are not required to cast all your votes, but you cannot exceed 20 votes in each section. Voting for more than 20 candidates in either section will invalidate that section of your ballot. You may only vote for a candidate once.

The candidate from each region who receives the greatest number of votes from voters in that region will be declared the regional benchner. The remaining 32 benchners will be the 13 candidates from outside Toronto who receive the most votes from all voters and the 19 candidates from inside Toronto who receive the most votes from all voters.

Ballots are coded by region. The region code is printed in the bottom right hand corner of the ballot. Ballots for voters outside Ontario are coded OO.

### **Ballot Secrecy and Security**

To maintain the secrecy of your ballot, place your completed ballot in the ballot envelope provided and seal it. Place the ballot envelope in the return envelope provided by the Law Society. Your member number is printed on the back of the return envelope. This allows the Law Society to identify you as an eligible voter. If your ballot is returned without the proper return envelope, **it will not be counted**.

Once the Law Society receives your ballot, your member number on the return envelope will be entered into the computer to show that you have voted. This ensures that only one ballot for each voter is counted.

Number 2519270747 is printed on the top left corner of the ballot. This number identifies the form for the computer scanning software. Every ballot has the identical number.

At the close of ballots, the ballot envelope will be separated from the return envelope in the presence of scrutineers, before the votes are counted.

### **Return Envelopes and Postage**

Your ballot must be returned in the envelope provided. The return envelopes have prepaid postage if mailed in Canada. The postage costs are assumed by the Law Society to facilitate the voting process. Do not enclose any other material in this envelope or use it for any other purpose.

### **Ballot Return Deadlines**

The Law Society must receive your ballot at Osgoode Hall by 5:00 p.m. on Friday, April 30, 2003. Please mail your ballot in sufficient time to ensure its arrival by the due date. Ballots received after 5:00 p.m. on April 30, 2003 will not be counted.

### **Announcement of Results**

Tabulation of votes will begin on Thursday, May 1, 2003. The process should be completed by Tuesday, May 6, 2003. The election results will be announced by press release and on the Law Society's web site at [www.lsuc.on.ca](http://www.lsuc.on.ca).

### **Contact Us**

For more information, please contact Mary Shena at (416) 947-3946, 1-800-668-7380 ext. 3946 or by email at [mshena@lsuc.on.ca](mailto:mshena@lsuc.on.ca).

# Au sujet du vote

## Tenue de l'élection

L'élection du Conseil de 2003 se déroule conformément à la *Loi sur le Barreau* et au règlement administratif 5 pris en application de la *Loi sur le Barreau*.

## Renseignements sur les candidats et candidates

Le Guide de l'électeur, publié par le Barreau du Haut-Canada, informe les membres sur les candidats et candidates qui se présentent à l'élection du Conseil. Les biographies et les déclarations électorales ont été rédigées par les personnes concernées. Le Barreau décline toute responsabilité quant au contenu des renseignements fournis à leur égard.

Le Guide se présente en deux sections : l'une sur les candidates et candidats de l'extérieur de Toronto et l'autre sur ceux et celles de Toronto.

## Déroulement des élections régionales

Quarante conseillers et conseillères seront élus – 20 de Toronto et 20 de l'extérieur de Toronto. Sur les 40, huit seront élus comme conseillères et conseillers régionaux. Un conseiller régional est le candidat qui a reçu le plus de votes dans chacune des huit régions électorales. L'adresse professionnelle des conseillères et conseillers régionaux doit se trouver dans les régions électorales où elles et ils sont élus.

Aux fins de l'élection, la province est divisée en huit régions électorales. Les huit régions électorales et leurs codes sont :

- **Toronto (TO)**
- **Région électorale du Nord-Ouest (NW)** – formée des districts territoriaux de Kenora, Rainy River et Thunder Bay.
- **Région électorale du Nord-Est (NE)** – formée des districts territoriaux d'Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury et Timiskaming.
- **Région électorale de l'Est (E)** – formée des comtés de Frontenac, Hastings, Lanark, Lennox et Addington, Prince Edward et Renfrew, les comtés unis de Leeds et Grenville, Prescott-Russell, Stormont, Dundas et Glengarry et la municipalité régionale d'Ottawa-Carleton.
- **Région électorale du Centre-Est (CE)** – formée de la municipalité de district de Muskoka, des comtés de Haliburton, Northumberland, Peterborough, Simcoe, Victoria et des municipalités régionales de Durham et de York.
- **Région électorale du Centre-Ouest (CW)** – formée des comtés de Bruce, Dufferin, Grey, Wellington et des municipalités régionales de Halton et Peel.
- **Région électorale du Centre-Sud (CS)** – formée du comté de Brant et des municipalités régionales de Haldimand-Norfolk, Hamilton-Wentworth, Niagara et Waterloo.
- **Région électorale du Sud-Ouest (SW)** – formée des comtés de Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford et Perth.

## Vote et dépouillement du scrutin

Vous disposez d'un total de 40 voix, soit 20 voix pour les candidates et candidats à l'extérieur de Toronto et 20 voix pour ceux et celles de Toronto. Le bulletin de vote contient deux sections : la liste des candidats et candidates de l'extérieur de Toronto dans la première et ceux et celles de Toronto dans la seconde. Dans la première

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section, les bulletins de vote portent un code par région. La région est mentionnée après le nom de chaque candidat ou candidate. La liste des candidats et candidates de chaque région figure sur la dernière page du Guide de l'électeur.

Vous n'êtes pas dans l'obligation de voter pour 40 candidats et candidates, mais vous ne pouvez en aucun cas voter pour plus de 20 membres par section : cela annulerait les voix exprimées pour cette section. Vous ne pouvez pas voter pour la même personne plusieurs fois.

Dans chaque région, le candidat ou la candidate ayant recueilli le plus grand nombre de voix de l'électorat de sa région sera déclaré conseiller régional. Les 32 conseillères et conseillers restants - 13 à l'extérieur de Toronto et 19 à Toronto - seront choisis parmi les candidates et candidats qui auront recueilli le nombre le plus élevé de voix de l'ensemble de la profession.

Les bulletins portent un code par région, imprimé dans le coin inférieur droit du bulletin. Les bulletins des électeurs résidant à l'extérieur de l'Ontario portent le code OO.

### **Scrutin secret et sécurité**

Pour garder le caractère secret du vote, placez votre bulletin rempli dans l'enveloppe de scrutin et cachez-la. Mettez l'enveloppe de scrutin dans l'enveloppe réponse fournie par le Barreau. Votre matricule est imprimé au dos de l'enveloppe réponse. Cela permet au Barreau de vous reconnaître comme un électeur légitime. Si votre bulletin n'est pas retourné dans la bonne enveloppe, **il sera nul**.

Sur réception de votre bulletin de vote, le Barreau inscrira le matricule figurant sur l'enveloppe réponse dans ses fichiers informatisés comme preuve que vous avez voté. Cette procédure garantit que chaque membre ne vote qu'une fois.

Le numéro 2519270747 apparaît sur le coin supérieur gauche du bulletin de vote. Ce numéro permettra au logiciel de balayage de reconnaître le formulaire. Chaque bulletin porte le même numéro.

À la fermeture du scrutin, l'enveloppe de scrutin sera séparée de l'enveloppe réponse devant des agents électoraux, avant le décompte des voix.

### **Frais d'affranchissement et enveloppes**

Votre bulletin de vote doit être retourné dans l'enveloppe fournie. Les enveloppes réponses sont déjà affranchies, aux frais du Barreau (si postées au Canada), afin de faciliter la tenue du scrutin. Ne mettez pas d'autres documents dans cette enveloppe et ne l'utilisez pas à d'autres fins.

### **Remise des bulletins**

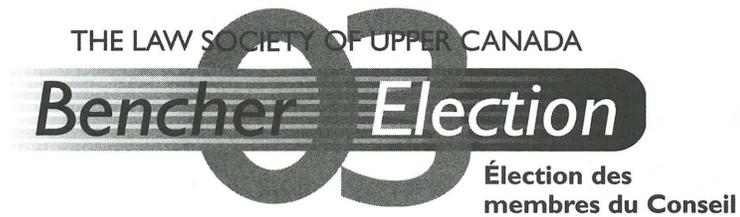
Le Barreau doit recevoir votre bulletin à Osgoode Hall d'ici le vendredi 30 avril 2003 à 17 heures. Veuillez mettre votre bulletin à la poste suffisamment à l'avance pour qu'il nous parvienne à temps. Les bulletins reçus après 17 heures le 30 avril 2003 seront nuls.

### **Annonce des résultats**

Le dépouillement du scrutin commencera le jeudi 1<sup>er</sup> mai 2003. Ce processus devrait être terminé le mardi 6 mai 2003. Les résultats seront communiqués aux médias et sur le site Internet du Barreau à [www.lsuc.on.ca](http://www.lsuc.on.ca).

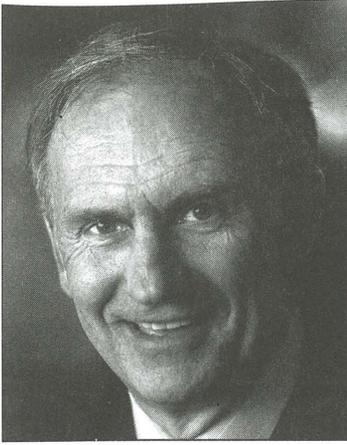
### **Pour communiquer avec nous**

Pour plus de renseignements, veuillez appeler Mary Shena au (416) 947-3946, 1-800-668-7380, poste 3946 ou par courriel à [mshena@lsuc.on.ca](mailto:mshena@lsuc.on.ca).



Candidates from  
Outside Toronto

Candidat(e)s de  
l'extérieur de Toronto



## Peter Annis

East • Est

Ottawa

LL.B. (Queens); Doctorat (Aix-Marseille, France); called to bar 1974; partner Vincent Dagenais Gibson; Civil Litigation Specialist; Roster Mediator; bilingual civil litigation practice with recent emphasis on ADR.

Former President of AJEFO; past part-time member of the Ontario Human Rights Tribunal; past member of the CBA Federal Court Bench and Bar Committee; board member of the Royal Ottawa Hospital; member Advocates' Society; County of Carleton Law Association.

Author of text on the bilingual administration of justice in Ontario; lecturer Faculty of Law, University of Ottawa; seminar leader and guest lecturer Bar Admission course (additional biographical information may be obtained at [www.peterannis.ca](http://www.peterannis.ca)).

I recently completed two years as President of the AJEFO which provided me with the opportunity of working with the Law Society on a number of issues such as legal education and lawyer competency, equity and diversity, bilingualism, legal aid and relations with governments and other legal organizations. My time with the AJEFO has brought home the challenges that the Law Society faces in fulfilling its mandate and has encouraged me to seek a position as a Benchers.

In seeking to be a Benchers, I do so as someone who has had the experience of working in a wide range of different legal environments that in many respects reflect the diverse makeup of our membership. I have practised law in the public sector (a decade with the Department of Justice, including a 3 year executive interchange with the Faculty of Law at the University of Ottawa); as a partner in a medium size firm that merged to become a national firm; and recently as a partner in an eight lawyer firm. My legal career has evolved to include an extensive bilingual practice with a significant ADR component.

As a first time candidate for Benchers, in addition to the current ongoing activities of the Law Society, I would direct my efforts and energies in two areas: (1) making assistance available to law firms to improve the quality of their legal services; and (2) securing additional funding for Legal Aid. I propose pursuing the following concrete measures to support these priorities.

**Firm Based Quality Management Programs:** To improve the quality of legal services offered the public, I will advocate that the Law Society, perhaps in conjunction with LawPRO, undertake an initiative to investigate and implement a profession-wide strategy designed to assist law firms establish some variant of Total Quality Management programs. The larger firms are implementing these programs, I believe with considerable success. The Law Society is in a position to take up this initiative and encourage its spread throughout the profession. We all win, including our profession's image, if our traditional goals of individual competency and professionalism are reinforced by systematic programs that operate at the firm level to ensure that the client's reasonable expectations in regard to professionalism are met.

**Strengthening Society's Commitment to the Administration of Justice:** The solution to the Legal Aid funding shortage lies in part in strategically managed government relations which I know the Law Society is already engaged in. However, to alter public lethargy on this issue, the importance of adequate funding to our criminal justice system should be included as part of a campaign to create public understanding of the importance of our legal institutions to a well ordered society. The Law Society, in conjunction with other legal associations, is well positioned to lead a campaign to increase funding to Legal Aid as a convincing example of where the government must spend more to support the administration of justice.

In a similar vein, concerns about government over-reaction to the events of September 11, 2001 provide the Law Society with an excellent opportunity to become publically engaged in the national security debate with the view to improving society's respect for our fundamental legal precepts which must balance rights and freedoms, including supporting diversity in our society, with overall public safety.

As well as these areas of interest, I am committed to working constructively with our members and my fellow Benchers in search of all manner of solutions needed to overcome the challenges that face our profession. I will strive to improve our governance based on open and accountable self-regulation, to support efforts to instill competency and professionalism in our membership and to represent the interests of our profession to the best of my abilities.

I set as my overall goal that of being able to report to you four years hence the good news that our profession is in better shape than when I and my fellow Benchers began our new mandate, and secondly, that I contributed positively and meaningfully to these results.

I would be honoured to serve you and ask for your support by voting for me in the 2003 Benchers Election.

(Une version française de ce document est disponible à l'adresse Internet [www.peterannis.ca](http://www.peterannis.ca))

# Constance Backhouse

East • Est

Ottawa



- Professor of Law, University of Ottawa, 2000-2003
- Faculty of Law, University of Western Ontario, 1979-2000
- LL.B., Osgoode Hall Law School, 1975
- LL.M., Harvard Law School, 1979
- LL.D., (Hon.), LSUC, 2002
- Called to the Bar, 1978
- Law Society Medal, 1998
- Women's Law Association of Ontario President's Award, 2001
- Director, Human Rights Centre
- Adjudicator, Ontario Human Rights Boards of Inquiry Tribunal, 1987-98
- teaches criminal law, human rights, legal history, women & the law, labour law
- author of *Petticoats & Prejudice: Women & Law in 19th-Century Canada* and *Colour-Coded: A Legal History of Racism in Canada, 1900-1950*
- Faculty representative on the Ontario Bar Association Council

One of the extraordinary benefits of being a law professor in London, Ontario and Ottawa is the hundreds upon hundreds of law students I have met during the course of my long teaching career. The generational turnover allows for recognition of the changing perspectives of young people, and the diversity of issues that confront new entrants to our profession. Another wonderful privilege is the continuing contact with alumni, permitting glimpses into the ongoing lives of the lawyers who have gone on to explore a wide range of different careers.

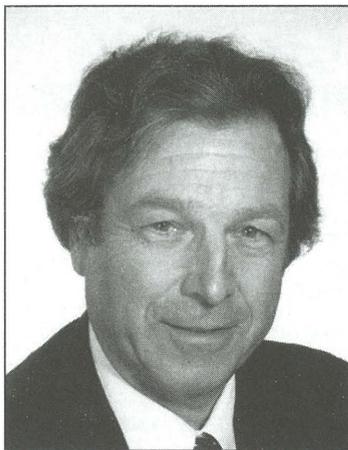
These contacts, along with opportunities to research and write about the past and future of law practice in Canada, have caused me to become concerned about a number of issues. If elected, I would work towards the following:

- Ensuring that the LSUC can respond to the fact that the profession is no longer (perhaps has never been) one monolithic whole. Recognizing that the **interests of sole practitioners, clinic lawyers, government lawyers, general practitioners, specialized corporate practitioners and so on can be dramatically different**, and that all members of the bar require recognition and support for their efforts to operate successful practices in diverse settings.
- Recognizing that **public accessibility to legal services** is an objective our profession is increasingly unable to meet. Finding ways to maximize access, and to **revitalize and expand the legal aid system** in Ontario.
- Continuing to **reassess legal education** in the universities, bar admission course, articling experience, and continuing professional development programs to ensure there is coherence between these different components as well as demonstrable effectiveness of outcomes.
- Consulting with the County and District Law Presidents' Association, local, regional and provincial law associations to ensure that the **LSUC is more inclusive** of the full range of the bar, and that its **practices are fully transparent** to the profession and the public.
- Protecting the **heritage of the legal profession** through careful attention to the LSUC's archival records, and expansion of the historical collection of material documenting the lives and careers of Ontario's lawyers.
- Developing new initiatives to achieve greater **equity within the legal profession**.

En tant que professeure de droit travaillant depuis plusieurs années dans le Sud-Ouest de l'Ontario je connais bien les problèmes auxquels sont confrontés les nouveaux juristes qui entrent dans la profession : la recherche d'emploi, l'établissement d'une clientèle et le fardeau de composer avec des dettes toujours plus oppressantes. La pratique du droit, par contre, est une lutte même pour les juristes qui ont plusieurs années de service dans la profession.

Si je suis élue, je consacrerai mon énergie à :

- Veiller à ce que le Barreau puisse répondre à la réalité que la profession n'est plus (n'a peut-être jamais été) une entité. Reconnaître que les **intérêts des juristes, qu'ils pratiquent seuls, qu'ils exercent dans le milieu clinique ou à la fonction publique, qu'ils aient une pratique générale ou qu'ils œuvrent dans le secteur de l'entreprise ou ailleurs, ont changé de façon sensible**; tous les membres ont besoin de la reconnaissance et de l'appui du Barreau sur le plan des efforts fournis pour assurer la saine gestion de pratiques dans des milieux divers.
- Reconnaître que l'**accès public aux services juridiques** est un objectif que notre profession est de moins en moins capable d'atteindre. Trouver des moyens d'augmenter l'accès, de **raviver et d'élargir le système de l'aide juridique** en Ontario.
- Continuer à **évaluer la formation en droit** offerte dans les universités, les cours de formation professionnelle, les expériences de stage et les programmes de formation permanente pour les professionnels afin d'assurer une cohérence entre les différentes composantes et des preuves concrètes d'efficacité.
- Consulter les présidents ou présidentes des associations juridiques de comté et de district, des associations professionnelles locales, régionales et provinciales afin de veiller à ce que le Barreau **soit plus représentatif** de l'ensemble de ses membres et que ses **pratiques soient vraiment transparentes** tant pour les membres que pour le public en général.
- Protéger l'**héritage de la profession juridique** en accordant une attention minutieuse aux archives du Barreau et au développement de la collection des documents historiques relatant la vie et la carrière des juristes de l'Ontario.
- Mettre en œuvre de nouvelles initiatives afin d'assurer une plus grande **équité au sein de la profession juridique**.



Peter Beach was called to the Bar in England in 1970. After completing a Masters Degree in Criminology at the University of Ottawa he returned to England and practised at the Bar doing primarily criminal and some family work.

He was called to the Bar in Ontario in 1984 and since then he has practised law in Ottawa. For many years he was a partner and then an associate with family lawyer, Adriana Doyle. Since 2001, he has been with the criminal law firm of Beach, May & Konyer and his practice is almost exclusively restricted to criminal law.

After years of concentrating my energies on my practice, the recent crisis in Legal Aid has finally galvanized me into action with respect to issues that I see as crucial to the future of the profession.

In my view, the four main issues are revitalizing Legal Aid, enhancing the profile of the County and District Law Presidents' Association, continuing legal education, and confronting the threat paralegals pose to the profession of law.

It is obvious that there has been a sustained attack on the Ontario Legal Aid Plan which has impacted upon both the poor and their counsel for a number of years. It is crucial that lawyers practising in areas extensively covered by Legal Aid be properly remunerated for their work. Our justice system depends on a strong independent Bar, and the Bar can neither be strong nor independent if it is chronically underfunded. The immediate result of the underfunding of Legal Aid is that far fewer senior lawyers are accepting legal aid certificates and junior lawyers avoid these areas of practice.

There has been a decade-long crisis for the many lawyers throughout the province who practise in the three main areas of legal aid work: criminal, family and immigration law. Obviously the public suffer when they are unable to obtain top quality representation from the private bar or are forced to be self-represented or represented by public defenders. This is an issue that must be addressed and the Law Society should be taking a leading role in rectifying this situation as it certainly failed to do over the last year.

Our profession also needs to be represented by a strong unified voice outside the confines of the Law Society. The County and District Law Presidents' Association fulfills that role to a certain extent at the present time and CDLPA should be actively encouraged to promote the interests of the profession. It should also receive significantly higher funding from the Law Society to continue this role and hopefully in the future to transform into a well-recognized body that represents the interests of the lawyers of Ontario.

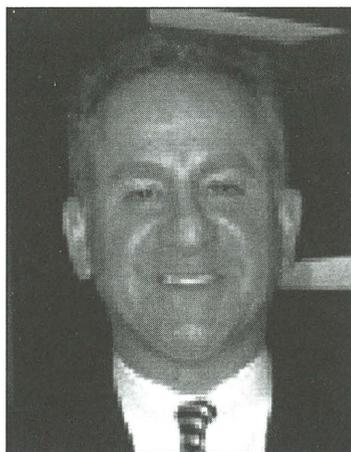
The encroachment upon our profession by paralegals is of serious concern. This issue has been allowed to drift on for a number of years. Unregulated paralegals pose a threat both to the public and the profession. It is a matter of urgency that Convocation should come up with proposals to deal with this problem and to ensure that the government acts promptly to bring our proposals into effect.

While continuing education should be encouraged by the Law Society, it is also important to foster continuing legal education programs carried out at the local level. Local associations should be encouraged and funded to continue these programs. Moreover the use of local presenters would encourage the development of greater expertise in the Bar throughout Ontario.

As a lawyer who has always practised in small firms, I feel that it is essential that the views of these lawyers who comprise a significant proportion of the lawyers practising across the province be adequately represented by our governing body. Many important issues before Convocation, for example that of paralegals, have a significantly different impact on the small firm and sole practitioner and those views should be given a strong voice.

## Mark L. Berlin

Ottawa



B.A. University of Toronto  
LL. B University of Ottawa  
M. Phil Cambridge University

Mark L. Berlin is currently  
National Executive Director of  
Outreach and Partnerships,  
Department of Justice, Canada.

From 1998 to 2001, he was the  
Departmental Policy Advisor to  
Justice Minister Anne McLellan.

Previously, he was Senior  
Counsel, Criminal Law Policy.  
Since 1987, he has been  
Adjunct Professor, Faculty of  
Law, University of Ottawa.  
From 1990, he has been a Bar  
Admission Course Instructor.

Currently, Mark is President of  
REACH Canada, a non-profit  
charitable organization offering  
legal assistance to the disability  
community.

### Experience:

For more than a decade, I have been involved with the Law Society of Upper Canada. I have been a lecturer, an instructor and examiner in both Public Law and Professional Responsibility. As Justice Minister Anne McLellan's Policy Advisor, one of my duties was to liaise with Canada's law societies, including the LSUC and the Federation of Law Societies. In my present job, I am responsible for forging closer ties between the Federation and the Department of Justice. Through these links to the Law Society, I have become acquainted with the work and challenges of the LSUC. I am greatly impressed with the way Benchers undertake their responsibilities and now feel with the experience I have gained since being admitted to the Bar twenty years ago, it is time for me to present myself as a candidate and accept some of the responsibility as well.

In particular, I am convinced of the need to bring the perspective of a public sector lawyer to bear on the deliberations at Convocation.

J'ai un grand intérêt pour plusieurs questions relevant du secteur public, notamment les droits de la personne, les droits des Autochtones et l'engagement civique. Depuis mon stage comme avocat au Ministère en 1980, j'ai travaillé comme analyste principal des politiques relatives aux droits de la personne (Secrétariat d'État du Canada); directeur intérimaire des relations interraciales (Multiculturalisme Canada); avocat de liaison ministérielle pour le ministre de la Justice Ray Hnatyshyn; avocat principal, Affaires indiennes et du Nord Canada. J'ai aussi travaillé à la Section de la politique en matière de droit pénal et j'ai été conseiller en matière de politiques de la ministre de la Justice Anne McLellan.

In each of these roles, I have gained a thorough understanding of all facets of the Department's work. In my current position as National Executive Director of Outreach and Partnerships, I provide national leadership to strengthen the Department's outreach and citizenship engagement strategy by establishing programs with all partners in the legal community: law schools, law societies, and the private legal sector. Through all of this, I have gained a comprehensive understanding of governance in the public sector, which I would like to bring to the deliberations on the issues confronting the Law Society.

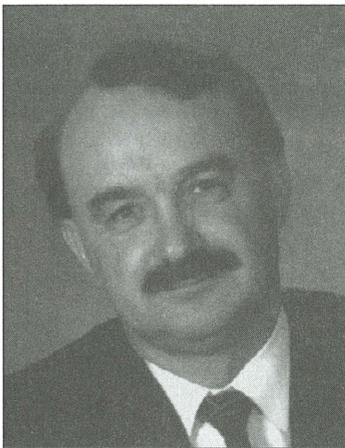
### Community involvement:

As someone who has taught steadily - first at Carleton University, and now at the University of Ottawa for almost twenty years, and as an Instructor for the Bar Admission course - I am also aware of the concerns, aspirations, needs, and challenges facing incoming members of our profession. I will want to work on issues relating to fees and other financial obligations of our new members so that concerns about the debt load of graduating law students and the costs of setting up practice do not unduly inhibit new lawyers from engaging in the practice of law.

As President of the Board of Directors of REACH Canada, a charitable non-profit organization dedicated to providing pro-bono legal assistance to the disability community, I am immersed in the many legal issues facing this community. I am anxious to ensure that our profession works towards the full integration of lawyers from the disability community; moreover, that we carefully monitor retention and promotion possibilities for our colleagues.

### Dedication:

I am interested in listening to the views of all members and willing to take the time to resolve issues in a collegial way. I would like the opportunity to contribute to the meaningful discussions and debates of the major issues facing our profession. In particular, I see as a priority strengthening the Law Society by actively promoting the full integration of all members - including persons with disabilities and those newly called. My experiences as a teacher and community volunteer will assist me in examining issues from many different perspectives. I will take the time to bring people together and understand the interests and views of all. I believe my varied public service career enables me to bring a fresh and different perspective to the deliberations of Convocation. I would be honoured to join my colleagues and work on behalf of all members of our profession.



## Gordon Z. Bobesich

Central West • Centre-Ouest

Mississauga

Married. Two children.

Called 1974.

Practiced in Sudbury for 10 years.

Sole practitioner since 1988

Mississauga.

- Member of the Refugee Lawyers Association.
- Member of the Board of Directors - Canadian Croation Artists Society Inc. (4 years).
- Trustee on the Sudbury Board of Education.
- President of Sudbury Regional Soccer Association.
- Chairman of the Local Roads Board for the Townships of Hendrie and Burwash.
- President of Law '74 Queen's University and Commissioner of the Janis Joplin Law School Hockey League.
- 1989 - 1998 lecturer Bar Admission Course.
- 1991 - 2003 part-time teaching Humber College.
- 1995 - 2003 Bencher
- Peel Criminal Lawyer Association.

1. After 8 years as a bencher I am still not happy with what is happening in our Society and I have decided to run again.
2. After 8 years as a bencher I still believe our Errors and Omissions insurance can be better. It should not cost you \$17,500 for one error or alleged error.
3. After 8 years as a bencher I believe that L.P.I.C. has money for important things such as a change of name to LawPro but not for the trivial issues as your first \$17,500 mistake or alleged mistake.
4. After 8 years as a bencher I still believe there should be a \$150.00 fee required for each complaint filed which would be returned if the complaint is found to be valid. This should eliminate 90% of the nuisance complaints.
5. After 8 years as a bencher I still believe "To serve and protect lawyers in the public interest" should be the motto of the Society.
6. After 8 years as a bencher I still believe there are just too many reports, studies, papers and discussions which no average lawyer is interested in and serves us no useful purpose.
7. After 8 years as a bencher I still believe the Society is just too big and too bureaucratic for the job it should be doing.
8. After 8 years as a bencher I have never voted for a fee increase and never will.
9. After 8 years as a bencher I still believe more spot audits and more vigilant pursuit of minor complaints is not what lawyers want or need as is the present policy of the Society.
10. After 8 years as a bencher I still believe the Society should look into starting up a pension plan for its members. The present Law Society retirement plan "Freedom 99" is not acceptable.
11. After 8 years as a bencher I still believe the Society should set minimum fees for doing real estate work and anyone doing work below these rates would not receive Errors & Omissions coverage for that work.
12. After 8 years as a bencher I still believe the numbers coming into the profession should be controlled by us.
13. After 8 years as a bencher I still do not support mandatory Continuing Legal Education.
14. The \$7.2 million profit that a non-profit organization like the Law Society currently has should be returned directly to the members for it was created by overcharging us. Would you not like to receive a cheque from the Law Society?
15. After 8 years as a bencher from all I have seen as to how and on what the Law Society spends its money your membership fees could easily be \$500 per year.

## Peter N. Bourque

Central West • Centre-Ouest

Orangeville



- Sole practitioner in Orangeville since 1978 practicing criminal law, family law and civil litigation, in Orangeville, Brampton, Barrie, Guelph and Toronto
- Attended York University and graduated Osgoode Hall Law School (1976)
- Articles with Ian Binnie at McTaggart, Potts, Stone & Herridge in Toronto (1976/1977)
- Member Area Committee Legal Aid
- Past president Dufferin Law Association (1992/1994)
- Member Bench & Bar and Case Management Committees Dufferin County
- Member Regional Courts Management Advisory Committee (Central West Region)
- Member Executive, County and District Law President's Association 1995-2001
- Member *Beyond 2000* (Elliott Committee) LSUC
- Member Board of Directors, LibraryCo. Inc.

It would be an honour and a privilege to serve the profession as a Bencher of the Law Society of Upper Canada.

Unfortunately, the Law society has great difficulty in sorting out its own goals and objectives. At once it proclaims to serve primarily the public interest, and then appears to want to provide services to the legal community, above and beyond its mandate.

The Law Society should govern the profession in the narrowest possible terms, that is, perform its primary function of making sure that entrants to the profession are qualified, that they maintain a high level of professional standards and that the miscreants are not allowed to practice.

The Society should leave to other organizations the advocacy role for the profession.

I feel strongly that it is not the role of the Law Society to amass huge reserves of cash for operating expenses. Aside from necessary reserves to cover the Compensation Fund and realistic liability forecasts, the Society should operate on a "break even" basis and reduce the fees to its members.

The intrusion by paralegals into the general practice of law and into the courts of Ontario must not be allowed to continue. There is no means for a successful compromise on this issue. How can you regulate a group of people who choose to be unregulated? The provisions of the Solicitors Act should be enforced, and if the provisions are too vague, then legislative amendments should be sought to better define the role of a Barrister and a Solicitor.

The Law Society should not be co-opted into regulating paralegals. It will confer upon the paralegals a status they do not deserve.

The Law Society must provide the funds to maintain the Law Libraries throughout the Province. As Chair of the CDLPA Library Committee and a member of the Board of LibraryCo, I am committed to the delivery to lawyers of the necessary research tools to adequately serve their clients. As *electronic search* and *on-line* data bases rapidly replace bound volumes, the profession must have access to, and be capable of comfortably moving through the new system. I believe LibraryCo Inc. is the best vehicle to deliver library services and legal research to the lawyers of the Province

The present complaints procedure is much too bureaucratic, especially when dealing with the clearly vexatious complaint from the client who is unhappy with the result (or the fee). Surely, before a lawyer has a duty to respond to a complaint, it should pass some minimal standard and the lawyer should be advised by the Law Society which rule of professional conduct, which is covered by the complaint. In addition these matters should be cleared up swiftly, as the mere existence of a complaint could be a severe restraint on a lawyer's career options.

I am not an advocate of mandatory CLE. Without a strong statistical correlation between CLE and claims history I do not think that CLE should be mandated as mandatory.

I would bring to the position of bencher my 25 years of legal experience, which includes my local Law Association, service on the CDLPA Executive, member of Regional Courts Management Committee, local Legal Area Committee, Chair of the CDLPA Library Committee, and Board member of LibraryCo.

I am married to a French Teacher (just one of her many talents and skills) and have three children. In my spare time, I ski, build and run computers and (in order to preserve my sanity) I play the guitar (quite loudly) in a local rock & roll band.



## Kim A. Carpenter-Gunn

Central South • Centre-Sud

Hamilton

### **Bencher since 1995**

AGE: 47

Married, with one daughter

LL.B.:

University of Windsor, 1981

CALLED: 1983

Partner:

Waxman, Carpenter-Gunn

### **Professional Associations:**

- Past Executive Member and Trustee, Hamilton Law Association;
- Past Member, Joint Committee on Court Reform, OBA;
- Past-President, Hamilton Medical/Legal Society;
- Past Member, Civil Litigation Task Force - The Advocates' Society;
- Founding Director, Ontario Trial Lawyers Association;

### **Member:**

- Women's Law Association of Ontario;
- Hamilton Law Association;
- Hamilton Lawyers Club;
- Ontario Bar Association;
- Advocates' Society;
- Association of Trial Lawyers of America;
- People Against the Insurance Nightmare (P.A.I.N.);
- B'nai Brith Canada;
- National Association of Women and The Law.

### **Endorsed by:**

**Hamilton Law Association.**

I have had the pleasure of serving you as a Bencher since 1995. Presently, I am Co-Chair of the Litigation Committee; a Vice-Chair of the Professional Development, Competence and Admissions Committee; and a Director of LPIC (LawPRO).

There is a steep learning curve at The Law Society and I have gained valuable experience dealing with this challenging, sometimes frustrating, institution.

The Law Society has made many changes over my two terms as Bencher, but we need to be doing much more in the way of changes. With twenty years as a Trial Lawyer, I have gained considerable insight into the issues we are all facing. Being a partner in a two woman law firm, I understand the need to confront the many difficulties facing lawyers today.

It is extremely important that we pay special attention to the needs of young lawyers, small law firms, and sole practitioners.

I believe that I have a lot to offer the profession.

### **LPIC (LawPRO) Insurance Premiums and Law Society Fee**

Since 1995, our LPIC premiums have been significantly reduced. It is my view that further reductions are necessary for both LPIC and LSUC fees.

### **Legal Aid**

Although no longer within our mandate, funding of Legal Aid is woefully inadequate and results in harm to the public and also discourages our members from taking these cases. The Law Society should lobby the government to increase funding for this critical program.

### **Paralegals**

Every year, more of our business is eroded. The Law Society should continue pushing for the regulation of paralegals. Thus far, there has been a major effort on the part of The Law Society to work with other legal organizations and the Attorney General to rectify this problem. Unfortunately, a satisfactory resolution has not been found. We must continue our efforts in this regard.

### **Equity Issues**

There has been some progress with this issue, but much more needs to be done. An interim discrimination and harassment counsel is in place. We have an Equity Advisory Group and an acting Equity Advisor. These are but first steps.

### **Professional Development**

The Law Society has been implementing fundamental changes by providing voluntary tools to assist members in their day-to-day practices. Recently, practice management guidelines have been approved and these will greatly assist members in the daily management of their practices.

As well, The Law Society is revamping the Specialist Certification Program that will open up this program to many more members. We need to aggressively market this program in order to make it meaningful.

Interactive distance learning commenced in January of 2003. This will allow lawyers to participate in C.L.E. programs without having to spend inordinate sums of money and waste their valuable time travelling to Toronto for programs. There is excellent programming already being offered by OBA, County Law Associations, The Advocates' Society, MTLA and OTLA, as well as others. It is imperative that these other programs be supported.

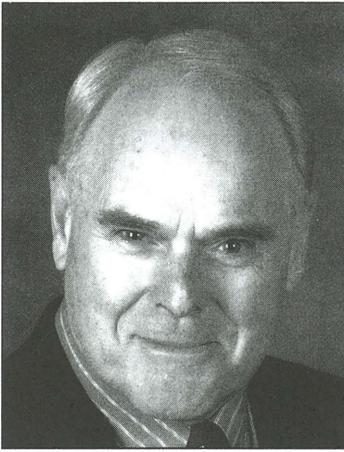
I have been a vocal opponent of mandatory continuing legal education. Fortunately, my voice has been heard and we have been able to stave off M.C.L.E. It is my view that we are much further ahead to offer voluntary programming to our members that will assist them in their entire professional development.

### **Complaints Procedures and Discipline**

There have been improvements to both the complaints procedures and discipline procedures in the last few years. However, it is imperative that we further streamline these procedures so that matters move quickly, and therefore, are not lingering over the heads of our members for inordinate periods of time.

The implementation of A.D.R. mechanisms has assisted with the backlog. It is imperative that we continue to take a long, critical look at our procedures and further refine them for our members.

I am prepared to continue offering approximately 2 days per week of my time to serve as a Bencher. I will continue to work towards making further changes at The Law Society and to put forward your views. I have enjoyed my time serving you as a Bencher, and would like to continue with my efforts. I ask for your support.



- Graduate - University of Toronto B.A.  
Osgoode Hall L.L.B.
- Called to the Bar 1963
- Queen's Counsel (1979)
- Fellow: American College of Trial Lawyers (1999)
- Partner at Siskinds LLP, London  
Civil Litigation Practice
- Member - Canadian Bar Association  
The Advocates' Society  
Middlesex Law Association  
President (1979)
- Commission Counsel -  
Waterloo Judicial Inquiry  
(2002-03)
- Counsel - London Police  
Services Board
- Lecturer: Trial Process -  
U.W.O. Law School  
(1972-82)
- Senior Instructor: Civil  
Procedure - Bar Admission  
Course, L.S.U.C. (1977-87)
- Author: *The Professional  
Liability of Insurance Brokers*
- Victoria Hospital  
Corporation - Chair  
(1992-93)
- Chancellor Emeritus -  
Diocese of Huron
- Order of Huron Medal  
(2002)

I have 40 years of experience serving clients, the profession, and my community, and in each endeavour I approach the challenges before me with focus, commitment, and passion. My background includes a challenging and varied civil litigation practice, a great many years of involvement in legal education as a university lecturer and senior instructor at the Bar Admission Course, and longstanding involvement in professional organizations such as The Advocates' Society, The American College of Trial Lawyers, and as president of my county law association. Significantly, I also have extensive community governance and management experience including serving as Chair and a long-time board member of one of the largest hospitals in southwestern Ontario, as a corporation member of Huron University College, and as Chancellor of the Diocese of Huron.

I am running for Bencher because I believe that I can bring my many years of experience, but also a fresh perspective, to the governing body of the profession at a time when its members face a wide array of pressures and demands, both internally and externally.

### Challenges

With challenges such as an apparently shrinking legal market, inadequate Legal Aid rates, heightened competition from lawyers, paralegals and non-lawyers, and increased inter-jurisdictional mobility, I believe that the profession may be on the cusp of very significant changes. Such changes, of course, have the potential to significantly impact on the way most of us practise. It is imperative that the Law Society responds in a manner that is sensitive to the needs and concerns of all members of the profession, whether they be sole practitioners or members of larger firms. At the same time, we must never lose sight of our obligation to govern in the public interest.

### Access to Justice

We must give our sole practitioners and members of smaller firms the tools with which to compete if they are to serve in both the smaller communities and larger centres. Such practitioners represent the face of the profession and are on the front line in the provision of legal services to so many Ontarians. Affordable CLE programs and fair Legal Aid rates would assist these practitioners in providing quality legal services in response to the wide variety of legal challenges they confront. For a great many years, access to our courts has been beyond the financial capacity of many Ontarians who nonetheless do not qualify for legal assistance. The Law Society has an important role to play in the evolution of contingency fee arrangements to ensure that both members and the public are treated fairly.

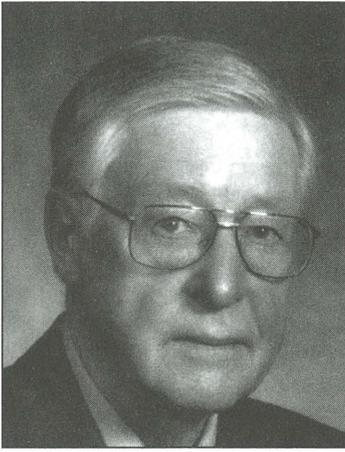
### Professionalism

It is a privilege to be a member of the legal profession. While we must be business-like in the conduct of our practices, we must also maintain our standards of excellence. The public and our colleagues in the profession are entitled to know that legal services are being provided in a competent, professional and ethical manner. Our continued self-governing status depends upon a responsible and measured approach to issues of competence and discipline to ensure that the integrity of the profession is upheld in the eyes of the public and other members. The Law Society must be open, accountable, and responsive.

### Perspective

As the father of three daughters who chose to become members of the legal profession, and as a mentor to a great many young lawyers over the years, I know first-hand the challenges faced by younger members of the profession, especially those who are balancing competing demands of family, practice, and other commitments in life. I do not profess to have all of the solutions, but armed with my broad-ranging experience and perspective, my commitment to listen to members from across the province, and to thoroughly study and understand the nuances of the issues facing us, I believe that I can make a constructive and positive difference.

I bring to this endeavour tremendous enthusiasm and energy, and I am fortunate to have the support of my partners and my firm. I would be honoured to have the opportunity to serve as a Bencher, and seek your support in this respect.



## Marshall A. Crowe

East • Est

Ottawa

- B.A. (Hon) University of Manitoba, 1947 (Economics, History)
- LL.B. University of Ottawa, 1992
- Canadian Army, Canada and overseas, 1942-46
- Department of External Affairs, Foreign Service Officer, 1947-61
- Economic Advisor, CIBC, 1961-67
- Deputy Secretary, Federal Cabinet, 1967-71
- President/Chairman, Canada Development Corporation, 1971-73
- Chairman, National Energy Board, 1973-78
- President, M.A. Crowe Consultants, 1978-94; consultant and/or director of petroleum companies; currently director, Gulf-Mark Offshore (shipping services to offshore drilling)
- Member, Ontario Bar, 1994
- Counsel, Johnston & Buchan, LLP, Ottawa
- Law Associations: Carleton, Lanark, l'Association des jurists d'expression française de l'Ontario
- Benchers, since 1995
- Director, LPIC since 1995
- Convocation Committees: Vice-Chair Finance, Client Compensation Fund
- Advisory Committee to Minister of Justice on Judicial Appointments

Eight years ago I was elected a bencher in my first year of practice after a substantial career in business, government, and five years as Chairman of a major regulatory tribunal, The National Energy Board. In the 1995 election I was harshly critical of the costly mismanagement of the insurance program.

I have now been a director of the Lawyer's Professional Indemnity Company (now styled Law Pro) and a member of its Audit and Governance Committees for the last eight years. I am proud of the progress it has made under competent professional management and an effective Board of Directors many of whom have extensive business, insurance, and investment experience. The result is that a deficit of over \$200 million has been replaced by more than \$70 million in unencumbered capital and surplus. The base premium has declined from \$5,000 in 1995 to \$2,500 in 2003. For each of the last three years Law Pro has received an A rating from A.M. Best, the acknowledged rating authority for insurance companies.

As a director I have always advocated that Law Pro surpluses be used strictly for insurance purposes or to reduce premiums to the lowest prudent level.

Law Pro's independence of the Law Society, controlled by its own Management and Board of Directors, a majority of whom are non-benchers, is a key element of its success.

My work for the insurance company has been a major concern for me as a bencher, but I have been active in other areas. I am Vice-Chair of the Finance Committee of Convocation and for 2 years was Chair of the Audit Committee. I have worked to restrict programs to what is essential under our statutory regulatory authority and to achieve the lowest possible membership fee.

LSUC administration has been immensely improved since our appointment of Malcolm Heins as C.E.O. of the Law Society. Benchers familiar with his performance as head of LPIC took a lead in achieving his transfer to LSUC.

The proposed merger of Ontario bar associations and the county and district associations may again be put to Convocation. The only aspect of the merger which I oppose is the demand that fees for the new entity be compulsorily collected by LSUC on pain of suspension. Even if such compulsion is or could be made valid under our Act I would be against any further charge, like LSUC membership and Law Pro premiums, enforced by the sanction of suspension.

The Law Society Act now provides authority for LSUC surveillance of lawyer competency. This goes far beyond matters that arise in the complaints procedure and I strongly believe that LSUC should be very restrained about contriving new regulations and restrictions except where there is very clear evidence of need. Accessible and relevant continuing legal education is essential and widely supported but mandatory CLE should be limited to these situations spelled out in our Act where it is expressly authorized following a specific investigation.

I have devoted my full attention and a great deal of time to the effort to help make the Law Society and Law Pro as effective and inexpensive as possible. My approach is practical and pragmatic. I have been a lawyer for just under a decade but I have had many years of experience in senior positions in government and business and as head of a major regulatory tribunal.

I respectfully ask your support for re-election as a bencher.

## J. Daniel Dooley

Central East • Centre-Est

Barrie



Dan Dooley is certified as a Specialist in Civil Litigation. He spends a significant part of his professional life working on behalf of lawyers and their insurer.

Dan teaches Canadian Business Law at Georgian College, is a member of the college's Office Administration Advisory Committee and the Downtown Barrie Business Improvement Association Executive and is Secretary-Treasurer of the Simcoe County Law Association, Secretary-Treasurer of the Barrie South Simcoe Minor Lacrosse Association, Past-President of the Barrie and District Rape Crisis Line, Secretary-Treasurer and co-owner of the Barrie Tornado Junior Lacrosse team and a Small Claims Court judge.

Our Region has been well-served by the Benchers who have been its voice at Convocation. I ask for the opportunity to continue to represent the interests of our Region and our profession at the Law Society.

Whether or not the Law Society functions should include advocating on behalf of the profession has been the subject of debate. However, I believe that the Law Society can fulfil its mandate to protect the public interest while also protecting the profession's interests generally and its members' interests individually.

I believe that the interests of our profession and the needs of its members invariably coincide with the public interest. I also believe that any weakening of our profession is against the public interest. The public has always looked to our profession for protection of the public's interest as well as individual rights. To be true to the traditions and responsibilities of our profession, the Law Society must continue to be completely independent, strong and self-governing.

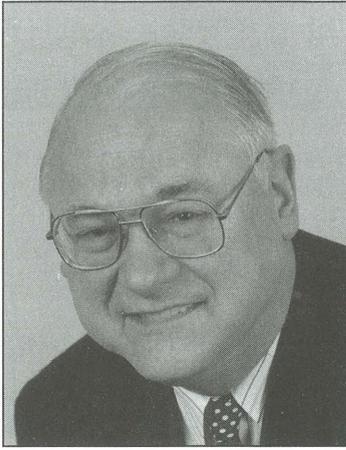
Certain issues are of immediate concern to the public and the profession. The public must be protected from unregulated, uninsured and inadequately-qualified paralegals. Litigants must be assured of practical and efficient access to justice, including satellite courts and adequate legal aid rates. Clients are entitled to expect lawyers to be competent in their professional duties and current in their experience and education. Colleagues are entitled to civility and ethical conduct. The Law Society must continue to serve the profession's and the public's interest in these areas and, when appropriate, work with organizations such as CDLPA to advocate on the public's and the profession's behalf.

Continuing Legal Education and library resources must be accessible at a distance and on an economical basis. Our Regional Bencher's excellent work in these areas must be continued.

The Law Society must continue to respond to the practice, professional and personal needs of its lawyers. Members must truly be able to rely on the Law Society and a ready and reliable source of information and support.

I believe, fundamentally, that one should seek election as a Bencher because of the opportunity for service that it provides. Serving as a Bencher involves significant commitment, but allows for significant contribution.

I believe that serving the profession and its members as a Bencher is a privilege for which no monetary compensation is needed or desirable, and I am asking my colleagues for this opportunity on this basis.



## Colonel Michel W. Drapeau, OMM, CD

East • Est

Ottawa

Michel served 34 years in the Canadian Forces and was appointed to the *Order of Military Merit*. On retirement, he gained a national profile as a analyst on military affairs while completing the National Program at the University of Ottawa earning civil and common law degrees.

Acting as counsel/avocat-conseil for Barrick Poulsen LLP, his practice is restricted to access-to-information and privacy, military and security, and other administrative law cases. He has written a number of articles on intellectual property and on military law. Recently, he co-authored the *Federal Access to Information and Privacy Legislation Annotated 2003*.

Il est membre de l'AJEFO.

My decision to enter the practice of law was fueled and sustained by the several examples of professionalism and idealism which I experienced in the ranks of the legal profession during my career in the military and the public service; later as a litigant; and, then during my law studies and articles of clerkship at the Federal Court of Appeal. Throughout these experiences, I have become convinced that the good work of lawyers and judges in the nation who are serving the high calling of the profession not only goes unnoticed but often is unfairly criticized and is the subject of indignities by the general public and the media. Having a most indissoluble bond with the local community, I want to use my skills and abilities to both promote our institution and take an active part in its governance.

Having served in the military profession at home and abroad for over three decades, I have learned the meaning of the words duty, honor and commitment and the symbiotic relationship between the sword and the pen in the conduct of human enterprise everywhere. Possessing a broad range of experience in senior management and leadership positions, I have also learned a great deal about the management and organization of public bodies as well as the meaning of accountability.

As a Bencher of the Law Society of Canada, however, I would adopt the position that my role and responsibility is, first and foremost, to act as a two-way conduit with other members so as to better represent the views and positions of the majority. To that end, I pledge to consult widely and frequently and to be available in body and spirit to receive input and feedback from fellow practitioners.

Étant impliqué au niveau de la collectivité francophone depuis un bon nombre d'années tant au niveau politique, médiatique que d'affaires et étant membre de l'*Association des juristes d'expression française de l'Ontario*, je me crois aussi particulièrement apte à bien comprendre et à articuler les défis faisant face à mes collègues qui exercent le droit en français en Ontario.

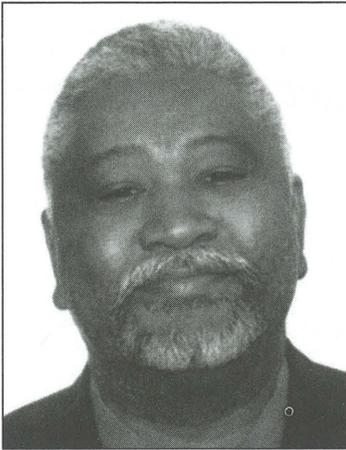
At this juncture in my life, I am ready and willing to serve my colleagues so as to give them voice in the governance of our profession. My professional and family obligations are such that I can now devote the required efforts to ensure a valuable contribution to the profession.

Additionally, being rich of a recent first-hand experience with the challenges facing young law graduates and recent calls in the new millennium, I wish to contribute my talents, energies, experience and seniority so as to bring the special interests and concerns of our talented future leaders to the attention of fellow Benchers.

In return for your vote, I am committed to upholding the standards of the profession with dignity, civility and courtesy while challenging, where required and appropriate, the continuation of the status quo. Should I be honored by your support, I will fulfill your mandate with integrity.

- For further information, please see my election page at:
- Pour plus amples informations, veuillez consulter ma page d'accueil:

[www.barrickpoulsen.com/michelforbencher](http://www.barrickpoulsen.com/michelforbencher)



- Cabinet Privé à Ottawa depuis 1994,
- Exerce le droit criminel, droit de la famille et le litige civil à Ottawa, Ontario.
- B.A. Sciences Politique à l'Université d'Alberta
- L.L.B à l'Université d'Ottawa
- Cléricature à Westend Legal Services
- auteur du livre *the Person's Case*

If you send me to Toronto as your bencher, I promise you that your agenda will be mine. I will represent your interests the same way I would represent mine. The following are the issues which I believe, are of primary importance, to lawyers in the province.

#### 1. THE IMPROVEMENT OF THE IMAGE OF THE PROFESSION

The Law Society of Upper Canada should invest more energy to educate the public of the importance lawyers play in our society. A community without lawyers is a community without light. Contrary to public perception not all lawyers are as fortunate as they think they are. The role of a lawyer is to help people who have problems in our community, such as family problems, unfair treatment at work, criminal charges, etc. At the time of these problems which call for the intervention of the court, the lawyer becomes the big brother and it is also that big brother which formulates these problems into a legal framework to resolve them in the court.

#### 2. A PENSION PLAN OF RETIREMENT FOR LAWYERS

Because of the change in the economy, the large law firms have a tendency to split into small law firms and the smaller law firms have a leaning to be divided into Sole Practitioner. It will become important for the less fortunate lawyers to have a retirement pension plan to help them after their years of hard labour. Today, it may not be quite obvious that the need is present. But in the future, that will especially become more serious for the sole practitioners

#### 3. THE IMPROVEMENT OF A FAIR AND EQUITABLE COMPLAINT SYSTEM.

The Law Society of Upper Canada should encourage only fair and equitable complaints. Complaints without ground should be identified at the beginning and rejected. The Law Society of Upper Canada should have simple forms to fill for the formulation of the complaint. Small administrative fees should be collected from the client for these complaints. If the complaint should be justified thereafter, and would involve disciplinary measurements against the lawyer, this latter should refund to the client the fees of the complaint. That simple procedure would eliminate all the frivolous complaints.

#### 4. THE IMPROVEMENT OF THE LEGAL AID SYSTEM

The majority of my clients receive legal aid. we need more Benchers who represent the interests of those who primary delivers of legal aid.

#### 5. UN PLAN SPÉCIAL POUR L'ENCOURAGEMENT DE LA DIVERSITÉ DANS LA PROFESSION

Le Barreau devrait encourager le bilinguisme et le rendre plus accessible au francophone. Les minorités visibles et les handicapés devraient être plus encouragés à se placer dans la profession.

#### 6. L'AMÉLIORATION DE LA BIBLIOTHÈQUE ELECTRONIQUE A LA PORTÉE DE TOUS LES AVOCATS.

Les avocats qui ne peuvent pas se payer le luxe d'être membre d'un centre de recherche électronique seront d'accord pour ne pas facturer des recherches exorbitantes à leur clients qui ont les moyens modestes. Il serait juste que le Barreau du Haut Canada encourage l'amélioration des recherches électroniques aux bibliothèques ou tous les avocats auraient accès gratuitement.

#### 7. UN PLAN D'URGENCE POUR LE PLACEMENT DES ETUDIANTS QUI ONT PERDU UNE ANNÉE DE CLÉRICATURE.

Tout étudiant devrait être en mesure de faire sa cléricature après ses études en droit. Un étudiant qui, après avoir fait des recherches sérieuses pour sa cléricature, n'a pu trouver un placement, et qui en plus aurait perdu une année après ses études, devrait trouver une aide spéciale du Barreau pour compléter sa cléricature.



## Larry Eustace

Northwest • Nord-Ouest

Fort Frances

- Sole practitioner in the Northwestern Ontario community of Fort Frances with extensive experience in general practice including criminal, civil, and family litigation, real estate, corporate, commercial, municipal, estates and wills
- In private practice 29 years
- Immediate Past Chair of CDLPA
- Member, LAWPRO Board of Directors since April, 1999
- Member, LAWPRO Investment Committee since September, 2000
- President, Rainy River District Law Library Association 15+ years
- Member, OBA and International Bar Association
- Law Society Bi-Centennial Award recipient in 1997
- Legal Aid Area Committee member 20+ years
- Actively involved with youth and senior citizens groups, church activities, business development, and civic activities.

The profession needs Benchers with:

- experience in and an understanding of the profession and of the public we serve,
- leadership skills,
- vision for the future of the profession,
- communication skills,
- an ability to listen, build bridges, and work together with fellow Benchers, other legal organizations and the profession,

and people who share the commitment to meet the challenges of governing the profession in the public interest, with foresight, integrity and wisdom.

I believe I possess these qualities. I was the Chair of the County & District Law Presidents' Association (CDLPA) from November, 2000 - November, 2002 and I have been on the Executive since 1994. During that time period I have traveled to, and attended countless meetings all over the Province, on the profession's affairs with many persons of the practicing profession, the Law Society, LawPRO, the Advocates Society, Metro Toronto Lawyers Association, Ontario Bar Association, and local law associations. I have the ability to build consensus and to move difficult matters forward in a constructive fashion.

I have encouraged initiatives of better communication tools for the profession, more advanced technology and legal education and legal research opportunities, a better understanding of the professions issues by our governing bodies, an enhancement of the image of the legal profession and a recognition of the bread and butter issues facing the profession.

Through my efforts the CDLPA:

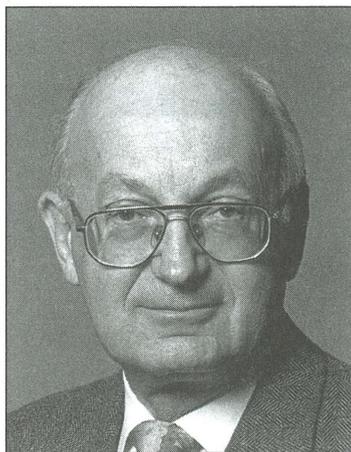
- Is a vibrant and active organization,
- Is a cohesive body with diverse provincially based representation,
- Its Plenary sessions are forums for serious discussion and decision making,
- Has a communication strategy that provides lawyers and associations the ability to communicate, through the website and e-mail access, that I was instrumental in developing with BarEx,
- Has participated in LibraryCo's development - I, and Peter Bourque, negotiated and executed on behalf of the CDLPA the shareholder's agreement with the Law Society that placed LibraryCo in operation,
- Has participated in CLE becoming accessible, relevant and affordable, and is for all intents and purposes following the recommendations of a special CLE committee, of which I was a member,
- Its associations and presidents have congratulated me on "a job well done",

and I have continually stressed consultation with CDLPA in the decision making process on issues affecting the profession, and I will continue to stress consultation with the profession by the Law Society and the Benchers since I am strongly of the opinion that Benchers need to listen to and be sensitive to, the profession.

I have developed a good working relationship with the senior people at the Law Society and with other legal organizations. I believe we need to concentrate on practical issues affecting the profession, assist lawyers in making the practice of law rewarding and profitable, and enhance the image of lawyers with the public. Benchers need to hear from the grass roots of the profession, and the local Law Associations, and I will ensure that that occurs.

My term as Chair of the CDLPA was full of excitement, challenging issues, satisfaction, hard work and accomplishments. If elected, I look forward to building upon what I have achieved to address the challenges, growth and changes, which undoubtedly will occur, in both the Law Society and the profession.

Throughout my involvement on the professions' affairs, I have always been referred to as "Larry" and I have been asked to have my name on the ballot reflect this.



#### LAW SOCIETY OF UPPER CANADA

- Regional Bencher 1999 - 2003
- Bencher - 1991 to 2003
- Member of Insurance Task Force
- Director of LPIC
- Chair, Budget Committee

#### FEDERATION OF LAW SOCIETIES OF CANADA

- President 2000-2001
- Chair - National Summit Real Estate
- Co-Chair, National Title Insurance Committee
- Chair, National Technology Committee
- Chair, Virtual Law Library Committee

#### CITY OF OTTAWA

- Chair, Committee of Adjustment

#### COUNTY OF CARLETON LAW ASSOCIATION

- President
- Recipient of the Carleton Medal

#### COUNTY AND DISTRICT LAW PRESIDENTS' ASSOCIATION OF ONTARIO

- Founding Director

#### OTTAWA YM-YWCA

- Honorary President
- President, Non-Profit Housing Corporation

#### LAW SOCIETY OF ALBERTA

- 2001 Honorary Life Member

#### LAW SOCIETY OF SASKATCHEWAN

- 2001 Honorary Member

#### S.O.S. - Survival of Sole Practitioners and Small Practices

**Issue -Legal Aid** - The unconscionably low legal-aid tariff is putting at risk the survival of the criminal, family and immigration bars. These bars represent the most vulnerable in our society. The true mark of a democratic society is how it treats its most vulnerable. **Solution** - A substantial increase in the legal aid tariff is required. The Law Society should educate and lobby the public and government for an increase in the legal-aid tariff.

**Issue - Paralegals** - Unregulated, unlicensed and untrained paralegals are unfair competition to sole practitioners and small practices. **Solution** - The Law Society should lead an initiative of all legal organizations to educate and lobby the public and government to support and implement a regulatory scheme for paralegals with defined, limited areas of practice.

**Issue -High-Cost of Practice** - Sole practitioners and small practices are challenged by the high cost of maintaining a practice. **Solution** - The Law Society should help sole practitioners and small practices to thrive and survive by assisting them to reduce costs by controlling Law Society and LPIC fees, by providing low cost and local C.L.E. in cooperation with local Bar Associations, by providing free and low cost on-line services, and by developing technological support.

**MY RECORD** - I initiated a motion to study the issue of the survival of sole practitioners and small practices. I was the Chair of the National Summit on Real Estate to explore initiatives to keep lawyers in the residential real estate practice. I was the Chair of the Virtual Law-Library Committee that created CANLII, a virtual law library, freely accessible to all lawyers in Ontario. This Library saves every lawyer in Ontario considerable cost.

#### Accountability

**Issue** - Accountability is essential in a democratic society. The Law Society has many programmes delivered at considerable cost. **Solution** - The Law Society should limit its programmes to regulatory matters and leave representative issues to other organizations.

**Issue** - The Law Society must be accountable to the profession for the outcomes of its programmes and for the financial management of the profession's finances. The Law Society does not evaluate its programmes and costs. **Solution** - The Law Society should initiate programme review to evaluate its programmes and costs, including the mandatory C.L.E. and certification programmes now being developed.

**MY RECORD** - I was Chair of the Law Society Governance Restructuring Committee. The Committee recommended a monitoring process that should be implemented to evaluate programmes. I was a member of the Insurance Task Force. The Task Force ensured that the Law Society made full disclosure of all facts related to the insurance crisis. I was Chair of the Transaction Levy Committee. The Committee created the Transaction Levy which has generated approximately **\$185,000,000** in the insurance reserve fund and **reduced each Member's Insurance Levy by over \$1,200 in 2002.**

#### Independence of the Legal Profession

**Issue** - The independence of the legal profession is important because it is the foundation of democracy, protects individuals against the state, and underlies self-regulation. **Since 9/11 and Enron**, the world has changed, and the independence of the legal profession is threatened by legislation that removes solicitor and client privilege and confidentiality and allows other bodies to regulate lawyers and make lawyers "whistle-blowers". **Big Brother is not coming: Big Brother is here!** **Solution** - The Law Society should initiate an advertising campaign regarding the independence of lawyers and the rule of law, and should actively encourage legal organizations to lead a public education program regarding the importance of lawyers and the rule of law. We need the support of the public to be successful. The Law Society should consult with other bodies to resolve the issue of overlapping jurisdictions in the regulation of lawyers and should challenge in the courts legislation that threatens the independence of the legal profession.

**MY RECORD** - During my term as President of the Federation of the Law Societies of Canada in 2001, I chaired a process that resulted in all of the Law Societies in Canada unanimously agreeing that the Federation commence a legal action challenging the **money-laundering legislation**. The court challenge has been successful in defending the independence of lawyers.



- Carl is married with three children.
- Sole practitioner in Orillia until 2001.
- Presently Supervisor of Criminal Duty Counsel for Legal Aid Ontario in Simcoe County

#### **Education:**

- Graduate of Trent University, 1989, Osgoode (L.L.B 1992) Called to the Bar, 1994.

#### **Professional:**

- Youth Justice Steering Committee for Simcoe County
- Local Courts Management Advisory Committee for the County of Simcoe
- Simcoe County Lawyers Association
- Lawyer Referral from 95-01

#### **Community:**

- Rotarian since 1996 (Charter member of the Orillia Lake County Club)
- Counsel member, St. Paul's United Church, Orillia
- Outreach committee, St. Paul's United Church, Orillia
- Environmental Advisory Committee for the City of Orillia
- Joint Waste Diversion Study for the County of Simcoe

The Law Society of Upper Canada is mandated to govern the legal profession in the public interest. The survival of the sole practitioner and small firm in Ontario is also in the public interest. It is these lawyers plying their trade over this province who provide essential services and the access to justice in a democratic society. Accordingly, it is the obligation of the Law Society to champion these individuals by protecting and preserving their ability to make a living in the practice of law.

I am currently Supervisor of Criminal Duty Counsel for Legal Aid Ontario. Previously, I spent seven years operating a law firm as a sole practitioner. Accordingly, my views are indicative of my past experiences and I would like to bring them to your attention.

#### **Legal Aid Ontario**

The survival of Legal Aid Ontario as an effective provider of legal services through the certificate model is an integral component of our free and democratic society. The work stoppage of 2002 reflected the increasing disenchantment lawyers felt providing legal aid work for a break even income.

It is my position that the Law Society must advocate on behalf of the profession for the protection of LAO as a properly funded service provider. If lawyers are confident they will be paid a reasonable hourly rate (as suggested by the Coalition for Legal Aid Tariff Reform) then they will do certificate work. Evidently, I feel that it is the LSUC that must protect those who protect the public.

#### **Regulation of Paralegals**

It is unfortunate that the issue of paralegals has not been resolved. Those of us in the profession that practise in the areas of real estate and criminal and family law are regularly confronted with the encroachment of the untrained paralegal in areas formerly the purview of the legal profession. The issue is not simply that of lawyers protecting their incomes but it is also one of justice. It is not uncommon to see separation agreements prepared by paralegals representing both sides or paralegals sitting at the counsel table in the Ontario Court of Justice.

I feel that one of the most important issues facing the Law Society today is the specific demarcation of the services only a lawyer should provide.

#### **Continuing Legal Education**

Continuing legal education does not have to be painful or expensive. On a weekly basis I fax bulletins to over 40 lawyers and firms, as produced by LAO, in the area of case law and legislative changes. I have also presented quarterly CLE lectures over the last 18 months to the duty counsel panel of Simcoe County.

In my opinion the sole and small firm practitioners in the province of Ontario must have access to low cost CLE through flexible delivery models. The Internet has obvious advantages as do videos at the local law libraries.

#### **The Essential Law Library**

I support the establishment of core collections in the 48 county and district law libraries that will ensure a minimum standard of collection in each library. Good libraries make good lawyers. The access to essential tools services both lawyers and clients.

#### **The Fees**

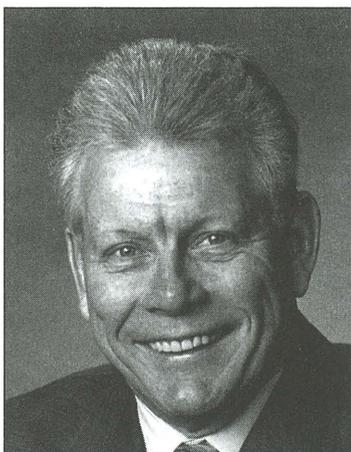
For sole practitioners or individuals in small firms there is no topic that compounds a feeling of alienation from the Law Society than does the topic of fees. It is my observation that most lawyers do not have a lot of contact with the Law Society except when a client makes a complaint, which is generally groundless, during a spot audit or while signing those sizeable cheques for the LPIC and the Law Society. Having said that I would be the first to admit that in my dealings with employees of the Law Society they have always demonstrated a high level of professionalism. Nevertheless, high fees affect lawyers and their ability to make a living.

As a Bencher I would be a vigilant critic of any increase of fees with an overriding belief that the smaller the better.

I am hoping that it is apparent that the issues that are important to me are reflective of my past experiences as a sole practitioner. I would consider it an honour to represent you as a Bencher and I would ask for your support.

## Richard C. Gates, Q.C.

Southwest • Sud-Ouest



Windsor

Born Ottawa, 1940

**Education:**

Glebe Collegiate Institute;  
Carlton University (B.A.), 1963;  
Queen's University (LL.B),  
1966;

Called to the Bar 1968;

Practiced in Windsor at Bartlet  
& Richardes since then;

Partner in 1972;

Awarded Q.C. in 1981;

**Practice:**

Insurance defence litigation;  
Private Mediator;  
Roster Mediator, Ontario  
Mandatory Mediation Program  
-Toronto, Ottawa and Windsor;

Director and Past President  
Essex Law Association;

Director and Past President  
County and District Law  
President's Association  
(1989 - 1999)

**Member:**

Essex Law Association;  
Advocates Society;  
Canadian Bar Association;  
American Bar Association;  
American Trial Lawyers  
Association;  
Defence Research Institute;  
Canadian Defence Lawyers  
Association;  
Trucking Industry Defence  
Association;

**Endorsed by:**

Essex Law Association

I am standing for election as a Bencher because I believe that I have a contribution to make to the governance of our profession. While we must be governed in the public interest, this does not mean that the needs and concerns of Ontario lawyers should be ignored. Benchers have a responsibility to maintain an open and comprehensive dialogue with their constituents. While the public has a right to expect competency from lawyers, so to it has the right to expect open and accountable self-regulation.

I am indebted to the ten years in which I had the privilege of serving on the Board of Directors of the County and District Law Presidents Association (CDLPA) because it permitted me the opportunity to travel to many parts of Ontario to meet and speak with our colleagues. I gained a profound respect for the hard work, dedication and professionalism to their clients and their communities, shown by the men and women who practice law in this province. I came to appreciate how their practices have been battered by the in-roads of Paralegals and the funding crisis in Legal Aid. I learned just how much they wish to remain up to date in their practice areas but that all too often continuing legal education is either not locally available or it is not cost affordable. I support the recent creation of a co-ordinating committee of the Law Society and the CLE stakeholders to ensure these concerns are answered.

Many of our colleagues despair that they are becoming marginalized economically and politically. They ask, "Who can speak for lawyers?" While the Law Society as regulator might be in such a position, they feel, almost universally, that there is an inherent conflict in the regulator advocating on behalf of the regulated. Our profession needs, perhaps more than ever in its history, an advocacy voice for lawyers.

In recent years CDLPA and the Metropolitan Toronto Lawyers Association (MTLA) have worked closely together on a number of initiatives and through this growing collaboration and association I have learned just how much in common lawyers in Metropolitan Toronto have with their colleagues elsewhere in Ontario.

In my years at CDLPA I had the opportunity to work on a variety of projects while serving on Law Society committees and as such I acquired a good working knowledge of how things function there and that this will be very helpful, especially in the beginning, as a Bencher.

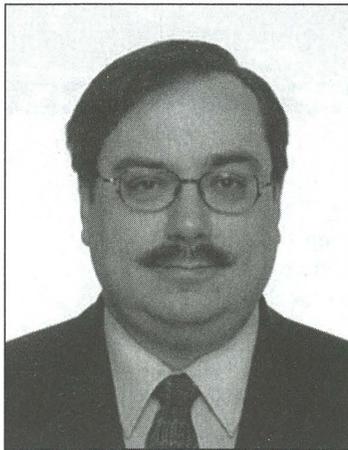
I see the following as but a few of the issues and challenges which will have to be addressed on your behalf:

- a) Paralegals - the existence of a group of unlicensed, untrained, unregulated and uninsured people purporting to deliver legal services is unconscionable. The Law Society must remain committed to bringing these people to heel and it must support, financially and politically those groups who carry the fight to Queen's Park.
- b) Libraries - the Law Society must remain committed to adequate funding for Library Co. our province-wide law library system in order to provide all of our colleagues with access to state of the art resources and equipment, to promote their collective competence.
- c) Fees and Surplus Funds - the Law Society must continue to strive for a cost-effective administration and to reduce the present fee level. Surplus funds should be returned to the Members on an annual basis.
- d) Bencher's Compensation - This is both a vexing and complex issue which should be addressed through consultation with the profession.

I am attuned to and engaged in the issues that currently face our profession. I am dedicated to working hard towards crafting solutions which acknowledge and favour the interests of our members.

I am ready, willing and, I believe, capable of assuming the responsibility of being your Bencher, and would very much appreciate your support in that regard.

If you have any questions or suggestions please fax them to me at (519) 253-4194 or email me at [bencherelection@bartlet.com](mailto:bencherelection@bartlet.com).



## André Guitard

Northeast • Nord-Est

Sudbury

### EDUCATION

- 1994 LSUC
- 1992 Université d'Ottawa: LL.B.
- 1989 Université Laurentienne: B.A.
- 1986 Cambrian College: D.E.C.

### WORK

- 2002-present  
Duty Counsel Supervisor  
Criminal -Legal Aid Ontario
- 1998-2002  
Patient Advocate
  - Psychiatric Patient Advocate Office
  - Ontario Ministry of Health: Penetanguishene
- 1994-1998  
Sole Practitioner General Practice

### Lecturer

- 1992-2000 Laurentian University
- 1995 Collège Boréal
- 1994 Cambrian College

### ASSOCIATIONS

- OBA
- Sudbury and District Law Association

### COMMUNITY

- 2003-present  
Algoma Cochrane Manitoulin  
Sudbury District Health Council  
French Services Committee

### Boards

- 2000-2002  
Mental Health Initiative of Simcoe County
- 1996-1997  
Carrefour Francophone de Sudbury
- 1994-1995  
Groupe d'appuis SIDA de Sudbury
- 1992-1993  
La Nuit Sur l'Étang

Since becoming a lawyer, I have been fortunate enough to use my legal training not only in the practice of law but also in other areas. I have been involved in capacities other than legal counsel in the community, in education and in the civil service. I feel that this gives me a well-rounded background to understand the concerns of both lawyers who are and are not in active practice. Should I have the honor of being elected, my **First Pledge** to you is to put forward and represent the concerns of all members of the LSUC be they in active practice of law or not.

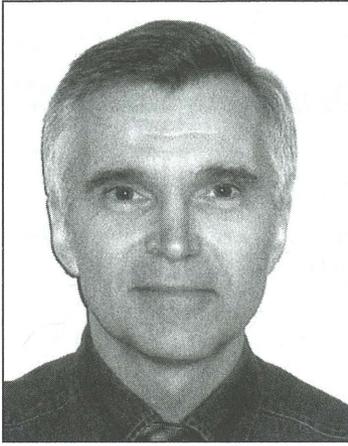
The practice of law today is more difficult than it has ever been. The economics and the business of practicing law are more challenging than ever before. For those who are not in active practice, the challenges are different and it is easy to feel left out in the cold. However, all told, we are united by the fact that we are governed by the LSUC. While the LSUC's primary purpose is to regulate the legal profession in the public interest, my **Second Pledge** to you is to make sure that the LSUC does not forget or neglect the fact that it has an obligation to support and assist lawyers. I believe that upholding the independence, integrity and honor of the legal profession starts with lawyers who are well served and supported by the LSUC.

I have purposely limited my pledges for a very simple reason. Running for Bencher is first and foremost about being ready to serve the profession. I am prepared to accept this duty. As such, I have candidly shared with you my background and the principles that would guide my term as Bencher. Implied in this approach is a willingness and eagerness to learn and a policy that would encourage you to communicate your views to me on an ongoing basis.

## Richard A. Halabisky

Northwest • Nord-Ouest

Thunder Bay



**AGE:** 54

**MARRIED:** for 30 years

**CHILDREN:**

2 adult children - one with special needs

**CALLED TO THE BAR:**

March, 1975 with Honours

**CURRENTLY:**

- A sole practitioner since April, 1999 with previous experience in three and four man partnerships.
- Member in good standing of the Thunder Bay Law Association.
- Small Claims Court Deputy Judge for over 20 years
- Participation in various non-profit organizations and past involvement with various government agencies including the Lakehead Psychiatric Hospital, Old Fort William and Ministry of Community and Social Services, Committee for Developmentally Challenged.
- Children's Lawyer since 2001

Being one of forty Benchers to be elected makes it difficult to provide an election statement setting forth election promises. Such a statement would be similar to a political promise of accomplishing a number of things for the candidates' electorate. I would suggest that most political promises are seldom kept.

The recent edition of the "Gazette" deals with professionalism. Madam Justice Eileen Gillese suggests in her address to the call to the Bar, February 13, 2001, that "the biggest threat to our professional values are stress and burn out." In my view, stress and burn out are often the result of trying to balance the demands of both a busy practice and family commitments. Each of us is trying to provide, to the best of our ability, for ourselves and our families within the confines of our professional practice.

Over the years that I have been practicing law, I have seen and experienced the standard of living once enjoyed by members of the profession gradually eroded to the point where we are no longer a profession keeping pace with other professions. The Society has been slow in supporting its members when needed, whether by tardiness in implementing appropriate interest rates to be charged on accounts rendered when rates were at their highest or in its failure to take a more "aggressive approach" to legal aid rates.

I know numerous colleagues who are at the age where they would like retirement to be their primary focus but are unable to afford that luxury as income bases are being eroded and their pension vehicles are not sufficient to maintain an appropriate standard of living.

My election statement therefore to my peers, would be my promise to pursue, to the best of my ability, a course of action which would again see our profession enjoy the same level of respect and financial gratification that it once had.



Born in Ottawa, Canada  
 Married, two children  
 LL.B., McGill University  
 B.A., Carleton University and  
 Université Laval  
 LL.M., University of California,  
 Berkeley  
 President, County of Carleton  
 Law Association (2000-2001)  
 Member, Board of Directors  
 LibraryCo (2000)  
 President, Association of  
 Independent Federal  
 Institutions Counsel  
 Chair, Ottawa Steering  
 Committee on Joint Continuing  
 Legal Education (1997-1999)  
 Member, ABO Council  
 (elected)  
 Membre, Association des  
 juristes d'expression française  
 de l'Ontario  
 Member, Ontario Bar  
 Assistance program  
 Expert-conseil, Comité de  
 Normalisation (La Preuve).  
 Project de l'administration de la  
 justice dans les deux langues  
 officielles  
 Chairperson,  
 Federal/provincial/territorial  
 Committee on Family Law  
 Federal Commissioner, Uniform  
 Law Conference  
 Editor, *Ecology Law Quarterly*,  
 University of California

### Background

I am seeking re-election. Elected for the first time last June, I have found the work as benchers extremely rewarding and intense. As a member of the Professional Regulation Committee and a former member of staff at the Law Society I consider I have an excellent sense of Law Society strategic operations and would like to continue to represent and work for lawyers and the client public.

My professional experience has been in both the private (small firm and sole practitioner) and public sectors (government and law professor). Currently, my work areas are criminal law and administrative law.

### Image of the profession

We have a wonderful profession marked by a long tradition of service in the public interest and volunteerism in the community. Throughout my legal career, I have noted that the profession is not particularly adept at marketing its own value and bringing its remarkable service record to the attention of the public. If re-elected, I would like to focus my energies on enhancing the public image of lawyers, projecting them as important problem solvers and primary and practical defenders of individual rights (in and out of the courtroom).

### Cost of practice

Members of our profession face exciting and often quite challenging issues, as well as personal demands in serving the needs of others. As a volunteer member of the Bar Assistance Program, I am acutely aware of the increasing importance which lawyers place on achieving a balance (at least of some kind) between their personal and professional lives. I have consistently supported the reduction of fees related to the practice of law and the creation and maintenance of programs for the profession that enhance earnings and increase portability and diversity in competencies. I believe that it is in recognizing the priorities and needs of lawyers that the Law Society can best meet its public interest mandate.

### Legal Aid

As an older lawyer newly returned to the criminal law practice area, I am quite concerned about the difficulties and challenges facing the legal aid system in Ontario. The criminal, immigration and family law bars, appear to be dwindling in numbers. In speaking with a newly called member of the Bar recently, I was made aware that younger and women lawyers in particular are abandoning this field. To my mind, as this sector of the bar has significant responsibility for protecting the rule of law and maintaining the crucial balance between state and individual interests, a system which promotes fairness and viability is absolutely essential. If elected, I would actively pursue this objective.

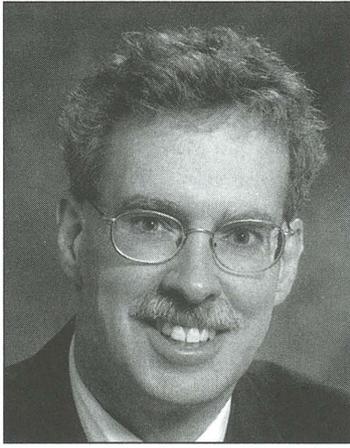
### Partnerships

Time seems to be about the scarcest asset of a lawyer. I therefore view any initiative that promotes time management and savings as worthy of energetic pursuit. Collaborative partnerships among the law societies, bar and local law associations are proven vehicles to serve the interests of the profession. This is particularly so in the area of continuing legal education. Partnerships between the private and public bar which underline the common denominators of these two groups will also, I believe, result in an overall higher contribution to members and the public. A new avenue for exploration is partnering with private industry with a view to enhancing the availability and cost savings of technology for lawyers. These kinds of innovative approaches will promote new business opportunities for lawyers and create additional markets and practice areas for newer members (and for older members seeking a career change).

### Representing members' interests

I believe strongly that the Law Society in its governance role must remain aware of the increasing diversity of the Bar. If, as our Equity and Aboriginal Committee has recommended, allowing some kind of remuneration will broaden participation on the bench, then I support this initiative. My current employment does not permit me to accept an honorarium; however, I did cast my vote in favour of the amendment on this issue.

Je tiens à vous faire profiter de mon expérience, mon enthousiasme et de ma capacité de travailler avec diligence au service du public et des membres du barreau.



After graduating from Queen's University, I articulated at Harries, Houser, Toronto. Since my Call in 1983, I have practised in Oakville both as a partner in a small firm and as a sole practitioner. My practice is confined to family law and civil litigation. I am a Legal Agent for the Office of the Children's Lawyer. Professionally, I hold membership in the CBA/OBA, Family Mediation Canada and the Peel/Halton Collaborative Law Association. I am currently Treasurer of the Halton County Law Association. In the community, I have been a Rotarian since 1984, active in St. Dominic's Church and presently sit on the Board of Directors of the Oakville Symphony Orchestra.

I am running for Bencher because after 20 years as a lawyer I feel that I can, and should, give back to the profession. It would be a privilege to serve on the governing body of one of the oldest and most prestigious associations in this Province.

The Law Society is mandated a dual role of protecting the public interest and regulating the profession. Within that duality there are competing interests: paralegals v. lawyers, large firms v. small, urban v. rural, Toronto v. the rest of the province. It is important in addressing these varied interests that the Law Society bring fairness and balance to a process that is transparent and accountable both to the public and its members.

Professionally, my perspective is influenced by my experience as a partner in a small firm and recently as a sole practitioner. Sitting on the executive of the Halton County Law Association over the years has involved me in the issues close to its members.

There are several important issues currently before the Law Society:

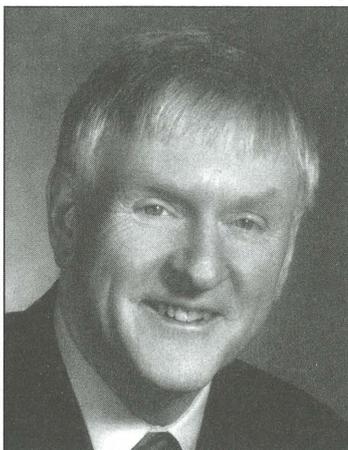
1. **Legal Aid** - A viable and sustainable legal aid system must be maintained to ensure that all sectors of society have access to the profession.
2. **Law School Tuitions** - Deregulated law school tuitions will restrict accessibility to justice. The seeds of the demise of legal aid are sewn in \$22,000.00 per year tuitions. Elevated tuitions will also affect the distribution of available legal services across the province. Small centres will have difficulty attracting lawyers as they compete with Toronto and the GTA. Government and government agencies such as the Children's Aid Societies will be unable to provide competitive salaries to offset enormous student debt. It is not an answer to say that this is only a university issue. The Law Society must address the impact of deregulated tuitions as part of its responsibility to provide legal services to the entire province.
3. **Paralegals** - To the extent that paralegals appear to be here to stay, they should be governed by the Law Society.
4. **CLE** - The Law Society has taken considerable strides towards providing CLE to its members. The use of technology including the internet is an effective way of providing courses conveniently and economically to its members. These efforts should continue to be expanded.
5. **Libraries** - Another important measure of ensuring high standards in the profession is the maintenance of a well serviced library system. Technology alone cannot replace fixed collections or the important services of a librarian, especially in these times of rapid change in law and procedure.

In addressing these issues and the others that will come before the Law Society during the next term, I bring dedication and commitment. I am honoured to have my candidacy endorsed by the Halton County Law Association. I look forward to the opportunity of serving the profession as Bencher in the upcoming term.

## George Hunter

East • Est

Ottawa



Litigation Partner, Borden  
Ladner Gervais LLP, Ottawa  
Carleton University (1969),  
Osgoode Hall (1972)

Called in 1974.

Extensive experience at all  
levels of courts, royal  
commissions and tribunals

Past alternate Chair, Mental  
Health Review Board of  
Ontario. Former head  
instructor, Bar Admission  
Course (Ottawa), Civil  
Litigation and Advocacy. Former  
adjunct professor, University of  
Ottawa Law School. Elected  
Bencher, 1999. Co-Chair  
Emerging Issues. Vice-Chair,  
PDC&A. Chair, Courthouse  
Facilities Task Force. Past Chair,  
Admissions Commission.  
Member, Attorney General's  
Task Force on Contingency  
Fees. Member, Strategic  
Planning Committee. Chair, Task  
Force Continuum of Education.  
Director, Federation of Law  
Societies of Canada. Vice-Chair,  
Mobility Task Force.

An independent, self-governing Bar is the bulwark of democracy and the achievement of justice. Our Society and this principle are incessantly being tested, be it in the context of a proposed expansion of jurisdiction for paralegal practice, or the international effect of proposed Securities and Exchange Commission regulations on Ontario practitioners. Governance of our profession requires a continuing and energetic dedication to this concept in the public interest. I pledge a mindset both resolved to defend the principle of independence and open to innovative, commonsensical and accountable ideas and actions.

Last September, I was proud to move a resolution in support of a significantly increased basic rate for Legal Aid services, which received the unanimous support of Convocation. I believe that as a profession, we must resolutely defend a longstanding system which has enabled our fellow citizens of limited means to obtain legal assistance through a free choice of counsel. The integrity of our justice system often lies in the hands of those dedicated lawyers who perform their duty under certificates. They, and the public they serve, require a significant infusion of resources.

We live in an ever evolving world of client needs and expectations. To remain relevant, useful and competitive in the provisioning of legal services requires innovative thinking and action. As Vice-Chair of the Federation of Law Societies Task Force on Mobility, I was instrumentally involved in a process which resulted in eight provinces signing a protocol last December which will provide for significantly enhanced and simplified temporary and permanent mobility by lawyers within our country. We should build on these accomplishments and seek reciprocal, bilateral equivalents, where appropriate, with other jurisdictions.

While enhanced mobility will be of more immediate advantage to larger firms and those serving specialized areas of the law or clientele, at the same time, there is a demonstrable need to preserve, encourage and enhance the legal professional configurations of smaller firms in both large and small centres. The interests of the public they serve require attentiveness to the practical needs of lawyers practising in these locales. I undertake to act in accordance with the needs of those constituencies.

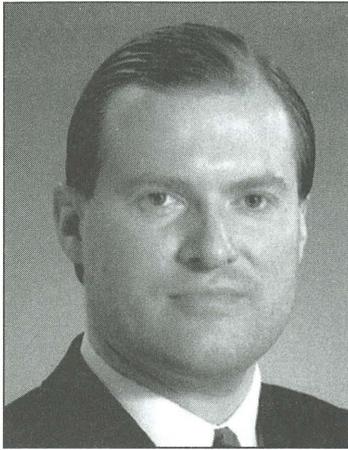
The Law Society cannot, and should not, be everything to everybody. In the interests of accountability and efficiency, the Society should restrict itself to those core functions required to govern lawyers in the public interest. From a strategic perspective, I am resolved to see this achieved. Failure to meet this objective will result in confusion and unnecessary and increased costs - the latter of which will fall to the responsibility of the membership. Convocation has made significant progress, but there is much to do.

Within the core areas, the Law Society has an obligation to contribute to the continuing competence of members. The Society must bring its significant resources to bear in this project. In particular, in a professional world where specialization is increasingly the norm, we should be placing greater emphasis on immediate post-Call competence programs. Beyond that period, all not-for-profit CLE providers should be cooperatively organized and engaged in the provisioning and dissemination of programs required by the membership. The efficiencies and other advantages of technology should be fully addressed and exploited.

While other Benchers and candidates may hold opposite views, which I respect, if re-elected I seek no remuneration.

The Society should be able to call upon Benchers to show leadership and dedication, most notably to the values inherent in maintaining an independent Bar and providing the highest possible level of service to the public. Serving the Law Society, its membership and the public as a Bencher has been an honour and privilege for me.

I respectfully seek your support and vote for my re-election.



- Senior Partner - Kania Lawyers - a firm of seven lawyers
- Married, one child
- Involved in numerous community and charitable organizations

#### EDUCATION

- LL.B. (Toronto)
- LL.M. (Leicester, England)
- Called to the Bar of Ontario in 1991

#### PROFESSIONAL INVOLVEMENT

- Elected member of the OBA Council for the Central West Region
- OBA Audit Committee, member
- OBA Paralegals Task Force, member
- Instructor at Bar Admission Course
- Peel Law Association, member
- Advocates' Society, member
- Family Lawyers Association, member

### **A FREE AND DEMOCRATIC SOCIETY REQUIRES AN INDEPENDENT AND STRONG BAR. THIS IS WHAT I WILL WORK FOR, IF ELECTED.**

The mandate of the Law Society is to govern the profession in the public interest. In my view, this must include a strong commitment to the strengthening of the Ontario Bar wherever possible, especially when it is abundantly clear that this will undoubtedly benefit the members of the public. If elected, the strengthening of the Ontario Bar, in the public interest, will be my focus. This means:

#### 1. PENSION PLAN:

It is time that lawyers had an appropriate pension plan. I will work towards a plan that guarantees the financial security of our members in their senior years.

#### 2. BENCHER REMUNERATION:

Convocation recently approved bencher remuneration, by a narrow vote of 22-21. I am strongly opposed to this new policy, as the obvious effect of it will be to increase membership fees. I believe that it is a privilege to serve as a bencher, and that it is not proper to impose this added burden on the members of the profession, especially when many members of the profession are already struggling financially.

### **AS SUCH, IF I AM ELECTED, I WILL NOT ACCEPT ANY REMUNERATION, AND I WILL WORK TOWARDS THE REVERSAL OF THIS POLICY.**

#### 3. LEGAL AID:

I will also work extremely hard to overhaul the current Legal Aid system. Both the amount of hours provided, and the hourly rates allowed, must be corrected to accurately reflect the proper amount of time required to complete tasks, and to reflect the true value of the services being provided. As well, the threshold for qualifying for Legal Aid must be revised so that everyone has access to justice. There are far too many persons appearing in court without legal representation.

#### 4. PARALEGALS:

I will work extremely hard to finally deal with the issue of paralegals. This is a problem that has been present for years without resolution and, simply put, the current situation cannot be allowed to continue. In short, lawyers should practice law, paralegals should not. If paralegals wish to practice law, they should become members of the Ontario Bar. Otherwise, they should be prosecuted.

#### 5. COMPLAINTS AND FAIRNESS:

In my discussions with members of the profession, I frequently hear that they are subjected to frivolous complaints to the Law Society, or threats to make a complaint, often as a method of coercing a reduction of an account. As such, I believe that it is in the interests of both the Bar and the public to require a fee, such as \$100, in order to file a complaint. The fee would be refundable if the complaint was upheld. This should eliminate the vast majority of unwarranted complaints. This will also save considerable expense to the members of the Bar, and allow the Law Society to focus its discipline efforts on lawyers who are truly harming the public.

#### 6. CONTROLLING THE QUALITY OF NEW CALLS TO THE BAR:

A strong bar also means properly controlling the quality and number of persons who are allowed to become members of the Ontario Bar. Other professions properly control the quality and number of their members, so why do we not have any such policy in place? Is it really in the public interest to admit over 1,000 new lawyers each year? Does this not weaken the existing Bar, and thus negatively affect the public? If elected, I will work to implement a system that properly controls both the quality and number of the new lawyers admitted to the Ontario Bar.

#### 7. ACCESSIBILITY:

If elected, I promise that I will always be accessible to the members of the profession, so as to assist them with any matters involving the Law Society, and to make their views known before Convocation. I will obtain and publish a separate e-mail address and telephone number for immediate assistance. I will return *all* e-mail and *all* telephone calls. I promise.

**I VERY RESPECTFULLY ASK FOR YOUR SUPPORT. IF ELECTED, I WILL WORK EXTREMELY HARD ON BEHALF OF THE MEMBERS OF THE PROFESSION, SO AS TO STRENGTHEN THE BAR OF ONTARIO, IN THE PUBLIC INTEREST.**



Since her call to the Bar in 1979, Teresa has been employed as in-house municipal lawyer (Toronto and since 1991, as Town Solicitor of Richmond Hill). She is married to a sole practitioner who has carried on a general practice in downtown Toronto since 1979. Teresa is a former part-time member of the Workers' Compensation Appeals Tribunal. In 2001, she was the first Canadian designated a Local Government Fellow by the International Municipal Lawyers' Association, Washington, D.C. Teresa is in her final year of Osgoode's part-time LL.M. Programme (Civil Litigation and Dispute Resolution).

## Teresa Kowalishin

Central East • Centre-Est

Richmond Hill

I am writing to ask for your support as I seek a position as Bencher of the Law Society of Upper Canada. I believe that I would bring a unique perspective and fresh energy to this position.

Here are some of the issues I see as priorities, and some of my ideas on how Convocation and Committees can be made more effective and relevant.

### **MAKING CONVOCATION MORE EFFICIENT:**

One of my priorities would be to seek creative new ways to conduct our business, saving time and money. Convocation and Committees must be modernized, the way businesses have modernized. Apart from the inescapable time commitments of Discipline Committee members is the LSUC's tradition of all-day meetings each month, respectively of Convocation and Committees. Is this tradition affordable in an era of teleconferencing and videoconferencing?

Administrative efficiency and economy of scale of operation should be our goals. Convocation and Committees should strive to become versatile in terms of the duration, settings and formats of meetings.

### **BENCHER REMUNERATION:**

The bencher remuneration issue is complex. Certainly, devoting "forty hours on average per month" to being a bencher is not feasible for many lawyers. Yet, if members are dissuaded from running for bencher due to unrealistic time expectations, dynamic and representative self-governance of the legal profession will suffer. Time is money, and I am of the view that a commitment on the part of Convocation and Committees to careful and realistic time management is as important to the ongoing vitality of these bodies as payment of honoraria.

### **PROFESSIONAL DEVELOPMENT:**

As a Bencher, I would foster a user-friendly approach to voluntary, professional development. As members of a self-governing profession, we regard competence and ethics as fundamental, but often we lack personal research time and ready access to pertinent commentary.

One solution would be having links on the LSUC web site to articles such as those listed below. Convocation should seek the cooperation of legal scholars and publishers in contributing to an academic outreach by the LSUC to its members. For example, scholarly annotation of the Rules of Professional Conduct could be made available to you on-line and could be interactive, providing a venue for members' comments and critiques.

Appreciation of practice and ethical standards underlies civility, a precious value of the profession. A hallmark of the LSUC could be providing members instant access to pertinent commentary. An avenue of self-study for our professional development purposes could be at our fingertips.

See, for instance:

- Paul Perell, "Effects of Professional Conduct Rules that Impose Restrictions on Interviewing Witnesses," (2002) 26 Adv. Q. 203;
- Michael Trebilcock, "Regulating Legal Competence," (2001) 34 C.B.L.J. 444;
- Margaret Ann Wilkinson, Christa Walker, Peter Mercer, "Do Codes of Ethics Actually Shape Legal Practice?" (2000) 45 McGill L.J. 645;
- Adam M. Dodek, "Canadian Legal Ethics: A Subject in Search of Scholarship," (2000) 50 U. of T.L.J. 115;
- Lawrence W. Kessler, "Alternative Liability in Litigation Malpractice Actions: Eradicating the Last Resort of Scoundrels," (2000) 37 San Diego L. Rev. 401.

The foregoing are some of the issues I would bring forward as a Bencher. I hope you will consider offering me your support, and I invite you to contact me to discuss the issues further (tkowalishin@richmondhill.ca).



## Kay Vanstone Marshall

Ottawa

You need a Benchers who is responsive and will listen to you before voting on issues at Convocation. I propose to solicit your opinions before issues are debated, thus keeping in touch with the profession and giving newcomers a chance to be heard. I have been a sole practitioner for over two decades and know the difficulties facing sole practitioners and small firms. This knowledge is vital to issues facing you today.

Called 1980

LL.B. University of Ottawa

B.A. Carleton University

B.Comm. University of Manitoba  
(Carey Prize)

Sole practitioner 1980-1989; since  
1991

Federal Department of Justice  
1989-1991

### Current Volunteer

- National Association of Women and the Law - Trustee
- Rideau Tennis Club - By-laws/ Fundraising

### Past Volunteer

- Canadian Red Cross (Ottawa) - Secretary
- Canadian Federation of Business and Professional Women's Clubs - Legal Counsel
- Community Newspapers - Legal Columnist
- Family Law Committee - Violence Against Women
- Interval House - Bylaws/ Restructuring
- National Action Committee Status of Women - Treasurer
- Ottawa Tennis Club - Board
- Ottawa Women's Network - President

### Teaching

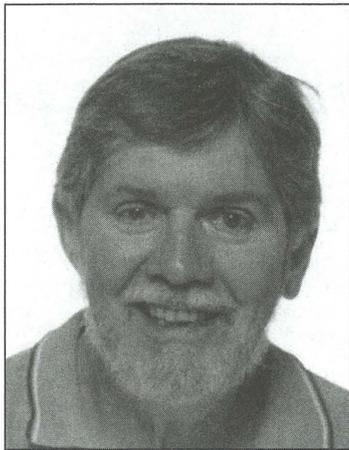
- Algonquin College
- Carleton University - Guest Lecturer

### Publications

- Canadian Woman's Legal Guide - Violence in the Family

- LSUC fees have been reduced but they remain higher than in other provinces. Proposals to increase the fees should be put to the membership in the form of a referendum, including pay for Benchers and any fee increase that would result from the proposed merger of the Ontario Bar Association with the County and District Law President's Associations. I support the merger but membership should not be mandatory.
- The public image of our profession is poor. LSUC's mandate is to protect the public by governing the profession. Improving the public image of lawyers is part of governance. The general public is unaware of the solid contribution lawyers make to the community not only in their participation on local and not-for-profit boards but also in promoting equality by providing pro bono legal services. I support a committee devoted solely to responding to negative comments and articles by recording the contributions and achievements of the legal community.
- Mandating pro bono work is not necessary because most lawyers provide it as a matter of course.
- Continuing legal education(CLE) should not be mandatory. Lawyers want CLE because it keeps them current, and facilitates exchange of knowledge with colleagues. I am committed to making CLE affordable and accessible to lawyers wherever they practice in Ontario.
- County and district libraries are relied on heavily by practitioners and small firms. I support adequate funding so that these libraries can continue to provide the best possible resources for lawyers.
- Paralegals erode the value of a lawyer's work while providing no protection for the public. They should not be allowed to practice law.
- Equality issues include not only the advancement of women in the legal profession but equality of women before the courts. More women than men are entering law school and being called to the Bar of Ontario. However, there are many barriers to women entering private practice. Currently, of the forty elected benchers only eight are women. I would like to bring my perspective to these issues.

I have always worked very hard for my clients and I promise that, if you elect me as a Benchers, I will do the same for you. I am committed to your interests and to soliciting your opinions. I respectfully ask for your support.



## Rob Martin

Southwest • Sud-Ouest

London

The strongest arguments in favour of my re-election can be found in the details of my life and work. I have always possessed the capacity for independent thought, along with sufficient integrity to be willing to publicly express that thought. This has caused me difficulty. An example occurred at the end of my contract with the University of Nairobi.

I taught Constitutional Law. The government of Kenya, headed by President Kenyatta, was oppressive and corrupt. I did not shrink from pointing out the ways the Kenyatta government flouted the constitution. One of my students was giving his lecture notes to the Special Branch of the police. Student riots were a feature of life at the University of Nairobi. A serious riot occurred in May 1975 and, as far as I can tell, a decision was made to blame it on me. I spent a couple of weeks in a Kenyan prison, not a pleasurable experience.

In 1975 I decided to return to Canada and, consequently, accepted a joint appointment in the School of Journalism and Faculty of Law at the University of Western Ontario. In London, I became active in community and trade union groups. For several years in the 1980s I was a member of the Board of the London and District Labour Council's Unemployment Help Centre and in 1985 part of a group which started a legal aid clinic, (Neighbourhood Legal Services (London and Middlesex)). I served on the clinic's board for several years and was Chair from 1986 to 1988.

Speaking my mind haunted me. During 1985 I wrote a weekly column in the London Free Press. Brian Mulroney was pressing ahead with his desire for free trade with the United States. I thought this was a bad idea and wrote two columns to express my opposition.

The paper refused to print the second column and the editor informed me that there would thenceforth be "guidelines" for my column. Shortly thereafter, I began writing a column for *The Lawyers' Weekly*. This went fine until 1995 when I commented on the activities of student leaders at Carleton University, describing them as a "gaggle of pompous little Nazis". They were not impressed and issued a libel notice. The paper's editor told me he intended to apologise. Again I decided it was time to move on and offered my literary skills to the *Law Times*, where I have remained.

In the 1980s I became interested in the Commonwealth, an admirable international organisation. I took part in forming an organisation, The Commonwealth Association for Education in Journalism and Communication (C.A.E.J.C.), of which I was Secretary-Treasurer from 1985 to 2000. The C.A.E.J.C. had 700 members in 35 different countries. It published a newsletter and a journal and organised conferences in Arusha, Hyderabad, Singapore and Kuala Lumpur. During the 1990s, the C.A.E.J.C. conducted a major study of freedom of expression. This was published in 1999 with the title *Speaking Freely*.

A good feature of university teaching is sabbatical leave. A sensible social step forward would be sabbaticals for everyone. Since joining Western, I have had four: 1979-80 at the University of Dar es Salaam; 1988-89 at the University of Mauritius and the National University of Lesotho; 1996-97 at Trinity College, Dublin; and 2003 at Western, writing a book on legal education in Canada.

2003 will be a significant publishing year, as I have two books coming out: a book about the Supreme Court of Canada, *The Most Dangerous Branch*, and the second edition of *Media Law*, 1977.

I was called to the Bar in 1978. In 1997 I became a Bencher. A year later, in September, 1998, I suffered a severe stroke. This left me with a substantial physical disability, which made it impossible to attend Convocation for nine months. I have since been determined that my disability should not interfere with the performance of my duties as a Bencher.

The only political idea I have ever had developed when I was seven and has remained with me - I hate bullies and liars. I speak English, French and Swahili.

### 1. Born

Toronto, 30 July 1939

### 2. Education

Royal Military College of Canada, B.A., 1961

University of Toronto, LL.B. 1967

School of Oriental and African Studies, London, LL.M. (with distinction), 1971

### 3. Employment

1961-1964, Lieutenant, Canadian Army, Regular

1967-1970, University College, Dar es Salaam

1971-1973, Department of Law, University of Botswana, Lesotho and Swaziland

1973-1975, Faculty of Law, University of Nairobi

1975 to present, Faculty of Law, University of Western Ontario

### 4. Publications

Ten books

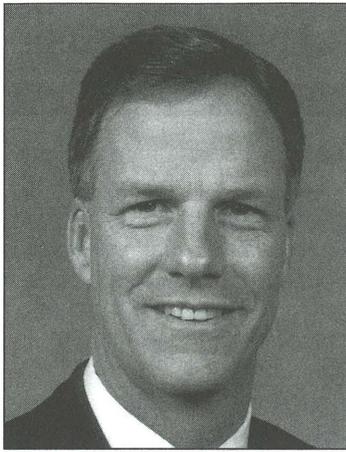
Articles in Canadian and International Periodicals

### 5. Called to the Bar of Ontario, 1978

## J. Carman McClelland

Central West • Centre-Ouest

Brampton



Carman McClelland, born in Angola, Africa, attended York University and the University of Windsor, Faculty of Law and articulated with a Bay Street firm.

After practicing law for a short period, he was elected as the Member of Provincial Parliament for the Riding of Brampton North from 1987 to 1995.

Since 1995, Carman has been practicing law in Brampton and, as part of his general practice, provides government relations services.

An active volunteer in charities and minor sports, currently a Director of the Peel Law Association, Director of Brampton Youth Hockey Association, Carman resides with his family in Brampton, Ontario.

It has often been said, “the only thing constant is change” while at the same time it is equally often stated that “the more things change, the more they stay the same.”

Within those two polarities I believe lie many of the challenges facing the legal profession as a collective and as individuals. There is little doubt that in the immediate future we will continue to see increasing complexities in many areas of law rightly requiring the highest standards and quality of service in the best traditions of the legal profession. At the same time, rising economic pressures will continue to increase the challenge of providing accessibility to vitally necessary, critically important legal services to all members of society. The understandable pressures to narrow the scope of services provided by specializing will be of particular growing concern to small practices.

Let us remind ourselves that Legal Aid was an initiative of our profession to assist the indigent. Over time our good work and laudable motives have been slowly, consistently eroded to a point where it is not, in my opinion, overly dramatic or unduly critical to suggest that we have allowed the government to pervert our proud tradition. We need to assist those who are poor; none of our colleagues should bear an onerous burden in so doing, nor should we be once again required to do it alone. The fight to increase the legal aid tariff must be sustained. The education of opinion leaders outside the profession and, in particular, within the media, to assist them in understanding that the economic reality of maintaining a law office capable of providing quality, accessible service is more complex than the prevailing hourly rate needs to be addressed with a consistent, ongoing strategy.

While an elected member at Queen’s Park, I served in numerous capacities as a member of various committees and task forces, as vice-chair and chair on numerous government committees, as Parliamentary Assistant to the Minister of Environment and as vice-chair of the Standing Committee on Justice. My background in the legislative milieu will, I believe, be of benefit as we continue to address the issues surrounding legal aid funding and the encroachment into the area of legal services by unlicensed and unregulated individuals and enterprises.

As a practitioner in a small general practice and director of a local law association, I believe I can help in providing direction to the role of the Law Society in continuing to assist members of the profession to successfully meet these challenges through the provision of relevant helpful continuing education and practice management resources.

The emphasis role of Convocation in the context of regulating the profession ought to be balanced more with the equally important role of assisting practitioners across the range of issues facing lawyers daily, some of which I’ve merely touched on above. We must foster an increased perception of and participation in that helping role. Many laudatory initiatives have been undertaken and I will commit to doing whatever I can to encourage the continuation and enhancement of those and the establishment of similar programs to meet identified current and emerging needs.

Finally, my wife is also a practicing lawyer and mother of our infant daughter, so I am acutely aware of the difficulties that continue to affect women within the profession.

I thank you for your careful consideration of my request for your support.



## Murray H. Miskin

Central East • Centre-Est

Whitby

Graduated Osgoode Hall Law School in 1979 and was called to the Ontario Bar in 1981. He was President of Osgoode Hall's Student Council and the first student representative on the Law Society's Bar Admission Course Advisory Committee. Practised civil litigation in Toronto before relocating to Whitby in 1985. Currently, Vice Chair of CBA's National Insurance Law Section and Past Chair of OBA's Insurance Law Section. He has been active in ADR since 1985 as arbitration instructor, director of ADR Institute, arbitrator and mediator. Toronto Roster Mediator. Member: Advocates Society, Ontario Trial Lawyers Association, Durham Region's Public Legal Education Committee.

I, Murray Miskin, am seeking election as a Law Society Benchers because I am prepared to commit the time required to a voluntary position where I will have an opportunity to take part in making important decisions affecting the practice of law in Ontario. I have always been active in the profession and in community service while avoiding partisan politics. My law practice (mainly civil litigation) is near, but outside of Toronto, in the Durham Region and I am a mediator with the Toronto Roster. I work with the litigation process inside Toronto where there are Masters and Case Management, and outside Toronto where litigation is practised with a different attitude. As a litigator, I see the positive elements in each system. I believe we can use the best features of case management and innovative mandatory mediation more effectively when it is extended across Ontario. I advocate ADR, but also do trial work and support the civil jury system.

My practice includes real estate, which has changed greatly with title insurance and e-registration. I no longer practise family law (leaving it to specialists) but do some criminal law, corporate and estate work. Being a small firm lawyer I need to be aware of all areas of practice. That awareness will help me fulfill the duties of Benchers. I intend to be responsive to the concerns of all lawyers.

I am very familiar with the discipline process and the important role every benchers plays in individual cases. Benchers have a judicial duty to carefully review individual cases of alleged misconduct and determine what is the best thing to do for the interests of the profession, the individual and the public. The Law Society has a large staff to review and prosecute lawyers accused of misconduct. The benchers make disciplinary decisions in committee and in Convocation. The discipline process must be carefully guided to ensure that it is dishonesty that is punished. We must be wary of overzealous enforcement. How many good honest lawyers have been punished when all they really needed was help with practice management? While punishment is a necessary part of the process, the focus of discipline should be to assist lawyers in learning how to do better. This is especially so with first offenders and those who are guilty of making mistakes rather than pure dishonesty. The unethical and dishonest among us must be quickly and judiciously expelled from the profession to protect the public. Inside and outside of discipline the Law Society should have a primary goal of helping lawyers succeed. Compassion and understanding is needed in every case where we examine what lawyers have done while trying to cope under high pressure with difficult stressful situations.

I am impressed by the hard work and excellent service provided by many current Benchers. Benchers sacrifice considerable time and energy to benefit all of us and should receive some compensation for their time. A modest honorarium system would be fair. Benchers should not be seen as financially motivated or public distrust of the profession could grow. This issue should be resolved soon by compromise. There are many more important issues requiring the time of Convocation.

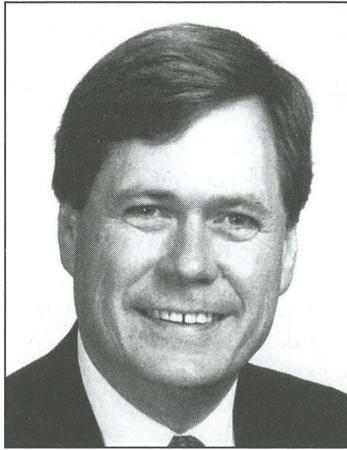
The public image of our profession is that we are an elite powerful group who greedily manipulate all aspects of society. Lawyers ought to be seen as service providers who are advocates of equality and justice. The Law Society as representative of lawyers should encourage the government and the courts to bring in positive changes for the sake of justice and accessibility. Paralegal regulation to protect the public is a priority. Paralegals should play a complementary role to our profession by working in areas where it is not economical to engage lawyers. We cannot simply try to stop paralegals or we will be seen as motivated by a desire to preserve a monopoly on legal services at the public's expense.

I am ready and willing to serve. It is my goal to assist in bringing a change in the Law Society's focus to one of helping lawyers succeed in achieving high standards of practice. The Law Society must remember its individual members and their common need for pride and satisfaction in being lawyers.

## Ross W. Murray, Q.C.

Northwest • Nord-Ouest

Thunder Bay



- Endorsed by Thunder Bay Law Association
- Sole general practitioner, Thunder Bay.
- Elected a Bencher in 1991, 1995 and 1999.
- Chair of Finance 1995 - 1997.
- Chair of LPIC (now LAWPRO) 1997-2002.
- Education: B. Comm., Queen's, 1967; MBA, York, 1968.
- LL.B. University of Toronto, 1975. Winner of Davies, Ward and Beck prize in Contracts.
- Articled at Osler, Hoskin, and Harcourt.
- Former part time assistant Crown Attorney and Standing Agent, Department of Justice.
- Member, Ontario Trial Lawyers Association (director), Canadian Bar Association, Thunder Bay Law Association (past president and director), County and District Law Presidents' Association (past member), Advocates' Society, Criminal Lawyers Association, ORELA.
- Married with three children

I was first elected as a Bencher in 1991, and I was reelected in 1995 and 1999. I believe that my legal, business, and community experience, and my active Law Society participation have enabled me to be an effective Bencher representing the interests of lawyers in all parts of Ontario.

After graduating from Queen's with a B.Comm. and York University with an MBA, I spent four years in the money market and venture capital areas before starting at U of T Law School.

I practise as a general practitioner in Thunder Bay primarily in civil litigation, corporate and commercial law, and real estate. In the past I also set up two regional offices in Marathon and Terrace Bay where I perceived there was a growing need for legal services.

As a Bencher, I have been dedicated and actively involved. For two years after the 1995 Bencher election I was Chair of the Finance Committee and Vice Chair of LPIC (now LAWPRO). I served as Chair of LPIC from 1997 to 2002. I have also sat on the Regional Election of Benchers Committee, Role of the Treasurer Committee, Advisory Committee on Judicial Appointments, and various standing committees. I have spent approximately three to five days a month in Toronto on Law Society matters over the past 12 years.

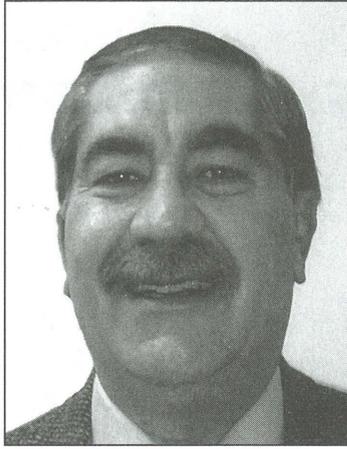
As Chair of the Finance Committee I was committed to making the management and organization structures of the Law Society simpler, more modern, and less costly to operate. During my term as Chair of the Finance Committee, from the Spring of 1995 to the Summer of 1997, Convocation had to deal with the insurance crisis, the legal aid crisis, the hiring of a new CEO, and a new CFO. Financial controls were put into place and the General Fund Annual Fee was actually reduced in 1996 and 1997.

While I was Chair of LPIC, the LPIC deficit, which had reached \$154 million, was eliminated and LPIC received an "A" rating from A.M. Best Company, a premier rating organization in the insurance industry. Outstanding claims at LPIC were reduced from 6800 in 1995 to 3000 in 2002. Insurance premiums were reduced from \$5600 in 1995 to \$2500 in 2003, a reduction of 62%. LAWPRO now has over \$400 million in assets and approximately \$80 million in capital. Also, a new, first class management structure is in place, and LAWPRO has moved to a risk rated premium structure. LAWPRO is now commercially viable, a goal that was set in 1994 by the Insurance Committee Task Force of which I was a member.

My commitment to our profession has not been confined to Bencher activities. I have also served as President of the Thunder Bay Law Association and have been an active director for the past twenty-one years. I was also a member of the Joint Committee on Court Reform, and helped establish a separate region for Northwestern Ontario. In 1990 I was appointed to the Northwest Region Court's Management Advisory Committee.

In the community I have actively served in a number of organizations. I was director and treasurer of both the Thunder Bay Historical Museum Society and the National Exhibition Center when our new building to house the National Center for Indian Art was first planned. I did most of the corporate fundraising for the project. Later I served as chairman of McKellar General Hospital, Northwestern Ontario's regional trauma center. I also chaired the Executive, Personnel, Finance, and Joint Conference committees of the hospital over a ten year period.

During my tenure as a Bencher I have tried to represent the best interests of all members of the Law Society regardless of geographical location or size of firm. I remain dedicated to advancing the cause of the legal profession in Ontario as a whole.



## Richard A. Nabi

Central South • Centre-Sud

Fort Erie

Graduated Osgoode Hall 1984

Called to the Bar 1986

Current President Fort Erie  
Bar Association

Past President Fort Erie Bar  
Association

Current Member Welland  
County Law Association  
Executive

Past President Welland County  
Law Association

Executive Member of Fort Erie  
Ratepayer's Association

Supporter of CDLPA

Charter Member OPSEU

Master Mason

If you are a sole practitioner or a partner in a small firm you NEED to vote for me. You have NO pension plan, NO health benefits, NO vacation with pay, you are afraid to get sick and you work harder and longer now than you did five or even ten years ago. You are FORCED to buy insurance from only one company and they demand a \$5,000 deductible for each claim. You can miss a mortgage payment or leave the car payment for a month or two but if you are *one day late* with your LSUC fees or LPIC premiums YOU ARE SUSPENDED and prevented from earning a livelihood in your chosen profession. Reinstatement is only an additional \$150. You have to compete with paralegals that have no overhead and are completely unregulated. You are forced to wait in court while judges who have never read the Barrister's Act bend over backwards to help unrepresented litigants who claim they can't afford a lawyer but they can afford a newer car than you. It has suddenly become YOUR moral obligation to represent the innocent who can't get a legal aid certificate because even though they are impecunious, the Crown hasn't screened them for a custodial disposition. Accident victims expect you to finance their lawsuit for two or three years then complain you "gouged" them with your fees. Your clients gladly pay medical doctors \$500 for a one page medical report but want your account assessed if you charge them \$25 for writing a letter. Your clients pay \$5,000 to \$15,000 in commissions to their real estate agent without protest but complain at your \$500 fee to transfer their property. Police Officers, Immigration Officers, Customs Officers, Crowns, Justices of the Peace, Judges, and factory workers make more money than you and are answerable to virtually no one. Government departments ignore you and correspond directly with your clients. You get less respect than your town's dog catcher and nothing is going to change until you start voting for people like me.

But being a member of LSUC has its benefits! You get a glossy magazine 5 times a year filled with the names of your friends and colleagues who have been suspended or disbarred. The Treasurers keep telling you that YOU have to do more work *for free* and that it's YOUR FAULT that people are denied access to justice. Part of your LSUC fees is devoted to feeding the homeless *in Toronto*. The homeless in your town or your favourite charity don't matter. You have to submit to spot audits at the most inconvenient times. The Discipline Department doggedly investigates frivolous complaints from clients that owe you hundreds or even thousands of dollars and you are expected to drop everything and reply immediately. You are prevented from voting on a merger of the CBAO and CDLPA in case you accidentally vote the wrong way and vote for a group that actually wants to support and protect your interests like I do.

I want to return this profession to the standing and respect we rightfully deserve so that we can take our place in the community beside other professionals like doctors, dentists and pharmacists. When did any of those professionals ever get told by their governing bodies that they were denying people access to health care because they don't do enough (or any) pro bono work? I want to see all lawyers earning a decent income with a reasonable prospect of retiring before death. We could have a health benefit plan instead of a stack of useless Ontario Reports. We could get decent legal aid rates if we demanded to be paid at the same rate as lawyers employed by Legal Aid Ontario. I need your vote to become a Bencher and to start working for change. Whether you practice inside or outside of Toronto please give me just 1 of your 40 votes. It's our Law Society so let's take it back from those who have made it an exclusive little club that just wants your money and not your opinion. Please vote. Please vote for candidates that support CDLPA. Please vote for me.

# Wayne S. Novak

Central East • Centre-Est

Thornhill



## EXPERIENCE

### Litigator - Corporate

Corporate  
Manufacturing Commercial  
Brewing  
Personal Injury  
Transportation  
Labor Arbitration  
Advertising  
Partnership Disputes  
Manufacturer's Liability  
Entertainment Law

### Negotiator

Mergers, Acquisitions

## APPOINTMENTS

CBA Government Liaison  
Appellate Advocacy, Court of  
Appeal, Supreme Court of  
Canada  
Lead Counsel, Ontario Liquid  
Waste Carriers: Smithville  
Environment Hearings  
Chairperson, Markham,  
Environment Committee

## EMPLOYMENT

Wayne S. Novak, Barrister &  
Solicitor - 1981-Present  
Vickers & Novak - 1979-1981  
Gerald Vickers - 1978-1979

## ACHIEVEMENTS

Adjudicator, ARB - 1997-Present  
Counsel, Michael Jordan, Ontario  
- 3 1/2 years  
Instructor, Seneca College, Torts,  
Contracts, Constitution  
1994-1996

## EDUCATION

LL.B., Ottawa - 1976  
B.A., York - 1972  
Called - 1978

## FAMILY STATUS

Married 30 years, three children

It is my observation that lawyer's rights have been progressively dissolving over the years by the increase of public rights. I do believe that it is crucial to protect the public from dishonest and unprofessional lawyers. However, as lawyers we are also in need of protection from the public. There are flaws within our internal governance that can be corrected. It is my objective to correct these flaws which will result in greater efficiency of the legal practice and ensure that true justice actually prevails.

Continuing legal education is not accessible to all of our colleagues. Cost and time are prime factors as to why many lawyers do not update or refresh their knowledge. The absence of current or continued education can lead to administrative problems, ill-practice, and slow solutions. Our profession is reflected through each individual therefore the lack of this education adversely affects the reputation and practice of us all. We need to make continuing legal education far more accessible to the individual lawyer than it is now. This could be achieved by lowering the costs of seminars or making certain basic update courses open to all those who wish to attend, much like the evenings that were held on professional conduct at no cost. Education courses could also be mandatory after a defined period of time. It is common for the law society to demand updated education in discipline matters; however, if this scheme were precipitately in place we could prevent potential problems and ultimately save costs on hearings which would be reflected as benefit to us all.

Flawed administration due to changes in technology is a common error for many counsel, especially those who are senior. There must be some basic right for those counsel whose flawed administration has resulted in a discipline process. More thought needs to be given to diversion and educating the helpless counsel rather than systematically destroying them. More tools need to be provided to the willing counsel so that they may be rehabilitated and once again take his or her place with honor amongst their colleagues as a proper and competent lawyer.

Since reputation is the livelihood of this profession, information on a counsel must be accurate. The law revolves around facts, yet all letters of complaint are attached to our files for the public to view. If a letter of complaint is established to be unfounded it should be discarded from our files, otherwise it gives disgruntled clients an opportunity to tarnish a competent lawyer's reputation. The current process undermines the inherent tenant of truth within our profession and subjects us to the possibility of many adverse effects including a negative impact on our earning potential and more importantly it leaves us vulnerable to unwarranted attacks to our integrity. There must be a process in place to remedy this issue. It can be solved by incorporating time limits on these complaint letters, editing, or by an immediate dismissal of the letter upon an unsubstantiated investigation. A non valid complaint letter should not be on your record for 25 years with no way to remove it. All of you should check your files.

As a Bencher, I will ensure that your rights take the highest priority. I will work diligently to ensure that programs are in place which will achieve my objective of enhancing our profession's image, increasing the public's trust and ensuring that truth and justice is met in every action of our society. We are unified as lawyers and I look forward to your support so that I can bring about changes to benefit us all.



## Tracey O'Donnell

Northeast • Nord-Est

North Bay

After careful consideration of the commitment required of Benchers, I submit my name for your consideration in this election. In this statement I provide you with some additional information about my experience and my views on the following issues.

- **Diversity of Representation** - The diversity of the legal profession and the public it serves should, I believe, be reflected in the composition of Convocation. As an Aboriginal woman, whose legal career and personal commitments have focused almost exclusively on advancing Aboriginal legal issues, I will provide valuable contributions if elected as a Bencher.
  - **Previous Experience** - In the last seven years, I have volunteered as: a lecturer on Aboriginal Day at the Bar Admission Course; a marker for student B.A.C. exams; a speaker at various L.S.U.C. sponsored events on women's and Aboriginal issues; and, a participant on committees reporting to Convocation on B.A.C. exam performance and the B.A.C. restructuring. I have drafted and updated the B.A.C. chapter on Aboriginal issues in family law. I have also been actively involved in Rotiio Taties, a group of Aboriginal professionals and students that provides input and advice to the Law Society and others on issues relevant to Aboriginal peoples and the law. At this time, I wish to increase my level of commitment and involvement by becoming a Bencher.
  - **Tuition Fee Increases** - I support the position that access to justice begins with access to legal education. Proposed increases in law school tuition currently being considered will likely result in the further exclusion of the diverse equity-seeking groups - including those currently disadvantaged on the basis of gender, race, disabilities, sexual orientation, or socio-economic standing - from the legal profession. I believe the Law Society has an obligation to promote equality in the legal profession. This means acting against any initiatives aimed at increasing tuition to the extent that the fees negatively impact accessibility to legal education. Further, the Law Society must identify and promote initiatives to enhance opportunities for individuals from equity-seeking groups. This is most appropriately done in direct consultation with such groups to determine the most effective means to ensure financial hardship is not the basis for excluding a qualified individual from law school.
  - **Professional Development** - Convocation has approved minimum expectations for professional development, together with a requirement for members to report their self-study and continuing legal education. Access to continuing legal education or training is limited by the impact of: distance from learning centres; accessibility through technology; the relevance of the education/training topics; and, the cost, in both time and money, for sole practitioners and those practicing in non-traditional settings. As a lawyer who works exclusively with Aboriginal clients and who lives in North Bay, I believe that solutions are required to address the ability of those in distant or non-traditional work-place settings to access relevant education to meet or exceed the minimum expectations for professional development.
  - **Rules of Professional Conduct** - With respect to the regulation of the profession, I believe that it is a priority for Convocation to amend the Rules of Professional Conduct or to have specific guidelines included to address the manner in which legal services are provided to residential school survivors. This must be taken further to include a requirement for legal professionals to become aware of and to ensure that referrals are made to the necessary support services for those that participate in any legal process to right the past wrongs of the residential school system.
  - **Regulation of Paralegals** - Finally, the regulation of paralegals will impact on the family and criminal court workers at various community-based organizations. Careful thought and consideration must be given to minimize any negative impact of such regulation on Aboriginal and other community-based workers in light of the nature of the relationship and position of these workers in their communities and, perhaps more importantly, in light of access to justice issues for Aboriginal and other equity seeking groups.
- Member of Lake Helen First Nation, southeast of Thunder Bay
  - Hons. B.A., Laurentian University, Sudbury, 1990
  - L.L.B., Osgoode Hall Law School, 1993
  - Call to the Bar, 1995
  - Articled, then Associate at Weir & Foulds, 1994 - 1999
  - Currently, In-House Legal Counsel for the Union of Ontario Indians, a political advocate and secretariat to 43 Anishinabek First Nations in Ontario
  - Throughout my career my practice has focused on providing legal services to First Nations, Aboriginal community-based organizations, corporations and individuals
  - Member of the Indigenous Bar Association
  - Member of the Nipissing Law Association

Miigwetch/thank you for taking the time to read my statement. The Indigenous Bar Association has endorsed my campaign. At this time, I ask for your vote.

No  
Photo  
Submitted

### Degrees Conferred and Academic Activities

Hon. B.Sc., (1982), U.W.O.

Ph.D., (1985), U.W.O. - Applied Mathematics/  
Theoretical Physics

LL.B., (1991), U. of T.

Gold Medalist, (1982), U.W.O. -  
Scholars Electives

N.S.E.R.C. Industrial Research  
Fellow, (1985 - 1986)

N.S.E.R.C. Post Doctoral  
Fellow, (1986 - 1988)

Theoretical Physics research  
published, (1999)

Theoretical Physics research  
published, (1999)

Theoretical Physics research  
published, (1999)

### Law Related Activities

Member in good standing of  
the Law Society of Upper  
Canada, (1993 - present)

Deputy Justice, Small Claims  
Court, (1994 - present)

Chair, Library Committee,  
Welland County Law  
Association, (1998 - 2000)

Director, Community Legal  
Services of Niagara South,  
(1996 - present)

Have you ever wondered why, out of the principal professions, only the legal profession has leaders who routinely lecture to us, their constituent members, that we should do more *pro bono* work? When was the last time that anyone in Ontario suggested to the members of the medical profession that the answer to the crisis of 'access to Medicare' could and should be solved by medical doctors doing more for free? Are these people really fit to be our leaders?

Shouldn't our 'leaders' at least make an effort to appreciate and focus upon the fiscal and practical realities which are faced by the vast majority of the members of this profession? We must address the reality of the excessive numbers called to the Bar. This is an issue that our 'leaders' have simply refused to address by imposing appropriate limits on the numbers called.

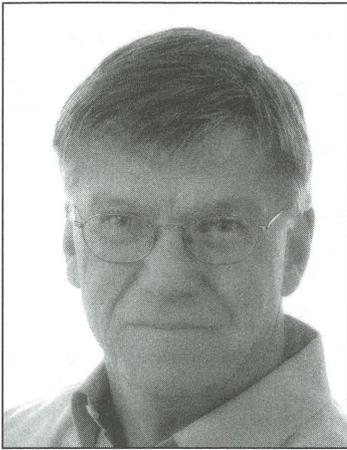
Have you ever wondered why a group of some 36,000 professionals hasn't been able to obtain access to some reasonable group benefits. Why have the 'leaders' of this profession been permitted to simply refuse to negotiate such a benefits plan for us. Not even this group of 'leaders' could suggest that it would be contrary to the public interest to obtain coverage for all members who might wish to buy into such a plan.

Have you ever been asked, beforehand, about any regulatory change to the governance of our profession? Have you ever wondered why, when the L.S.U.C. required that its members at the time of the LawPro transition each pay about \$2100.00 to capitalize LawPro, for a total of \$50 million, we weren't granted shares or equity in LawPro? What other organization could be capitalized by its members and not have to return the investment by providing such equity? Why have almost all of the present benchers continued to think that they can collect a surplus of funds, yearly, without accounting for this excess?

My name is Stephen Phillips and I have reached the conclusion that the notion of self-governance of the legal profession is broken. I also believe that most of the persons who profess to speak for this profession are out of touch with reality. If it was a four legged creature we would have to euthanize it, if we had any decency. Unless we have the meaningful ability and opportunity to really influence the making of the rules which govern our profession we would be, I believe, better off completely out of the business of governing ourselves.

If I receive the honour of being elected a bencher one of my first motions would be to turn over the financial responsibility for the operation of the L.S.U.C. to the people who receive the benefit. I would suggest that, instead of levying some \$55 million out of our pockets, we require the citizens of Ontario to pay for the operation of the L.S.U.C. For about \$5.00 from every individual citizen the L.S.U.C. could do what it does today except now it would have direct fiscal accountability to the public. We in the legal profession would then be unfettered to organize as a profession along the lines of the C.D.L.P.A. model, or otherwise. Clearly, our individual and collective rights would immediately be better protected if we stopped labouring under the fundamental conflict of interest which we have permitted be created with the present incarnation of the L.S.U.C., whose stated purpose is to protect the public. We have been in an untenable position and must wonder about the integrity of having even attempted to make such a situation work in the first place.

While I certainly understand that there will be considerable resistance and inertia to the implementation of some or all of these ideas by the 'establishment' within this profession, I believe that they desperately need to be raised and openly considered. We must make some reasonable effort to have an open debate with the exchange of ideas. As lawyers it is time that we used our calling as advocates towards the serious consideration of issues which affect us and in so doing can only serve to foster a profession that is better able to serve the public. I look forward to your support in the upcoming election. Thanks.



## Tom Pinckard

Central East • Centre Est

Huntsville

### Personal

- Age - 59
- Married with 4 children

### Education

- Ridley College '62
- BA (UNB) '66
- LLB (UNB) '69
- Called to the Ontario Bar '71

### Professional

- Sole practitioner - two associates
- Real estate, estates, corporate, commercial
- Offices in Huntsville, Bracebridge, Minden, Parry Sound, Burks Falls
- Pro Bono counsel to 40+ not-for-profits and charities (national, provincial and local)
- Consultant - Strategic Planning, Governance and Organizational Design

### Community

- Mayor - Township of Lake of Bays, 1994 - current
- Councilor - District Municipality of Muskoka, 1994 - current
- Chair - Huntsville Hospital
- Chair - Huntsville Hospital Foundation
- President - Swimming Canada
- President - Aquatic Federation of Canada
- Vice-President - Commonwealth Games - Canada
- Chair - Commonwealth Games Foundation
- Member - Canadian Olympic Association
- Director - Aquatic Hall of Fame

### LAW SOCIETY NEARING IRRELEVANCE

The single most pressing issue facing the profession today is the near total irrelevance of the LSUC to the sole practitioners and small firm lawyers in Smalltown Ontario. Not incidentally, they comprise the majority of our membership.

### BENCHERS NOT REPRESENTATIVE

Irrelevance for any not-for-profit organization or governing body is generally a by-product of a dysfunctional governance model which establishes a board of directors (Benchers) which is not representative of its membership. In our case, thirty-five (35) of the forty (40) elected Benchers hail from Toronto, Mississauga, Hamilton, London and Ottawa. There are only five (5) Benchers representing the rest of the province, and only three (3) representing Smalltown, Ontario. The distortion grows when you add lay Benchers (8) and ex-officio Benchers. Clearly, Smalltown is not represented.

### BENCHERS NOT ACCOUNTABLE

Where there is no direct representation, there can be no accountability; and accountability is the foundation of trust. The Regional Bencher and the inside/outside Toronto concepts are notional, at best. Everyone votes for everyone, and each sitting Regional Bencher received more "inside" Toronto votes than "outsider" votes, let alone votes from their own regions. So, whom do they represent? To whom are they accountable?

### APATHY IN SMALLTOWN, ONTARIO

With little or no representation, and even less accountability, comes apathy. Make no mistake about it, apathy is widespread in the province. In Smalltown, Ontario it is palpable. Members there have little or no interest in matters Osgoode. Worse, the disinterest has given way to indifference, distaste, and even mistrust. This malaise is endemic in Smalltown. The patient is very, very sick.

### BIASED GOVERNANCE

The decisions of a representative board of directors generally reflect the thinking of the majority of the members. However, a board with a distorted representation inevitably makes distorted decisions. In the extreme, if allowed to persist, and persist it will when the majority of the membership is resigned to apathy, an insipid bias creeps into the decisions. The decisions thus skewed cannot and do not reflect the interests of the majority, thereby exacerbating their feelings of mistrust and further entrenching their apathy. No matter the topic (Bar-ad reforms, mandatory CLE, Competence, Capacity, Libraries, Complaints, Discipline, Honoraria, Compensation, et al) the board of directors is capable only of decisions that reflect its interests.

### IF IT AIN'T BROKE - FIX IT!

The structure of the LSUC is effective in most respects, but we desperately need to take immediate steps to regain our lost relevance. We must look at ourselves through the eyes of all members, and be seen to be representative, responsive, accountable, sensitive and open. To that end, might I suggest:

1. A vision for the future
2. A revised Mission Statement that supports the interests of lawyers and the public, equally
3. Direct proportional elected representation

### MY CANDIDACY

I will bring to convocation relevant experience, a strong work ethic, commitment and integrity. I believe I can make a meaningful and objective contribution to the governance of our profession.



### Professional Activities

Family Law Sole Practitioner since 1993 • Previous Associate, Margaret Buist Law Offices • Past President, Southwest Region Women's Law Association • OCL - Children's Lawyer • Middlesex Law Association • Canadian Bar Association & OBA • Middlesex Family Lawyers Association

### Education

University of Western Ontario BA • University of Windsor LLB • Igor Kaplan Award for Scholarship, Commitment and Integrity • Year of call 1991

### Community Involvement

London Children's Aid Society Board • Merrymount Children's Centre Board • Professional Women of London • Board of Governors, University of Western Ontario (8 yrs) • London Abused Women's Centre Board • Appeal Board, UI Commission • London Memorial Boys & Girls Club • Capital Campaign Committee

### ELECTED BENCHER, 1999

During my term, I have served as follows:

*Chair*, Ongoing Survival of Small Firms and Sole Practitioners Working Group; *Chair*, Residential Schools Guidelines for Lawyers Working Group; *Vice-Chair*, Professional Regulation Committee; *Vice-Chair*, Equity and Aboriginal Affairs Issues Committee; *Member*, Professional Development & Competence Committee; *Member*, Contingency Fees Working Group; *Member*, Protocol Guidelines for member subject to complaints; *Member*, Continuing Legal Education Working Group; *Member*, Specialist Certification Working Group; *Member*, Court House Study Task Force; Board of Directors LibraryCo; Discipline Hearings Panel Member; Law Society Appointee, Ontario Bar Association Council; Bencher Representative Calls to the Bar.

When I last ran for Bencher I stated the following:

#### *"I am committed to a more Contemporary Law Society"*

- I am committed to examining the ongoing survival of small firms and sole practitioners
- I will continue efforts to rebuild members' trust and confidence through addressing their professional needs and concerns
- I am committed to greater transparency through ongoing improved communication
- I am committed to a review of our governing body, including terms of office, role of life Benchers and other ex-officio Benchers

#### *"I am Committed to Equity and Diversity"*

- We have established an excellent equity department within the Law Society, but we need to do more to get Bencher representation that reflects the diversity within the profession. I continue to be committed to initiatives that will achieve that goal
- I am committed to examining and challenging Law Society fees, policies, practices and procedures in order to better serve both the public interest and the profession.

#### *"I am Committed to Continuing Education/Competence"*

- We continue to make advances in this area through the increasing use of technology to deliver CLE programs, the Law Society web site to deliver current information and aids
- An increased number of CLE programs are no longer Toronto centred
- I am committed to reducing the cost of Law Society programs which are still onerous for many small firms and sole practitioners
- I am committed to ongoing support for LibraryCo in its efforts to move law library systems toward state-of-the-art resources that can be accessed by all members

#### *"I am committed to improved public image to restore confidence in the legal system"*

- We must be responsive in a timely fashion to complaints while continuing our efforts to improve the support system and timelines for members with practice problems or facing discipline
- I am committed to advocating for initiatives that increase access to justice for individuals including Legal Aid and Pro Bono services
- I am committed to solutions that help lawyers take pride in their work and their chosen profession and better understanding of why self-governance is important to the profession. A self-confident profession will be reflected in public perception.

**I AM COMMITTED TO FINDING SOLUTIONS AND  
ALTERNATIVES TO MAKE  
THE LAW SOCIETY WORK BETTER FOR ALL MEMBERS**



- called to the bar in 1981
- elected a bencher in 1995 and 1999
- sole practitioner
- lectured in law at Carleton University
- instructed in family law at the bar admission course

#### **Law Society Committees:**

- Equity and Aboriginal Issues (Co-Chair, Vice-Chair)
- Finance
- Professional Development, Competence and Admissions
- Lawyers Fund for Client Compensation
- Specialist Certification Board
- Heritage Committee

#### **Associations:**

- Canadian Bar Association
- Women's Law Association of Ontario
- National Association of Women and the Law
- Carleton County Law Association

I am running for re-election. I am grateful for your past support and I would ask for your continued support in this election. Over the last four years, I have worked hard to support initiatives that promote and protect a strong and independent bar. I have supported the creation of multidisciplinary practices and interjurisdictional mobility so that our lawyers can better compete on a national and international level. As a sole practitioner, I understand how important it is for lawyers from small firms to have strong representation in Convocation. I promise to continue to speak on behalf of and to support initiatives that benefit small firm practitioners. As a law society, we need to do more to see that the government properly funds legal aid, in the interests of both the public and the profession.

**Reduction of costs:** I have consistently supported reducing law society fees and insurance premiums and I will continue to do so. I am pleased that these have been reduced significantly since I was first elected in 1995. I have also asked that the size of our large surplus be reduced so that our fees could be reduced even further.

**Libraries and Continuing Legal Education:** In order to enhance our competence, I have proposed and supported initiatives that provide creative, affordable and accessible continuing legal education programs and library services for all lawyers in all parts of this province. I do not support mandatory CLE.

**Regulation of Paralegals:** Paralegals need to be regulated, restricted, licenced and insured. The question is who should be regulating them. We need to preserve our traditional areas of practice as well as diligently prosecute unauthorized practice.

**Equity and Diversity:** We are now calling to the bar equal numbers of men and women and more lawyers from diverse backgrounds and equity-seeking groups. We are moving in the right direction but much still needs to be done by the law society to help ensure that equity and diversity in the legal profession actually will be achieved.

**Why I support Bencher Remuneration:** On average benchers devote one week per month to Bencher work. This involves attending at Convocation, Committees, working groups, calls to the bar, and discipline hearings. The cost in lost income is significant and means that many lawyers cannot afford to be benchers. It also means that those benchers who are not employed or otherwise supported by a firm suffer financially. These are usually sole practitioners or those in small firms. I believe that there should be some modest remuneration to help lessen the financial impact of serving as a bencher. I think this would help to make the position of bencher more accessible to all lawyers and make Convocation a more representative body.

I am very proud of this profession. I think Ontario produces the best lawyers in the world. I have been pleased to serve the profession as a bencher. If re-elected, I promise to continue to work hard to represent you at Convocation and to ensure that we remain a strong, vibrant and independent bar.



Called to the Bar in 1986  
Partner, Ross & Ross, Goderich  
Bencher, elected 1995,  
re-elected 1999

**Bencher Activities:**

Vice-Chair, Professional  
Regulation Committee  
Member, Proceedings  
Authorization Committee  
Co-Chair Equity and Aboriginal  
Issues Committee

**Member:**

Professional Development and  
Competence Committee  
Task Force on the Rules of  
Professional Conduct  
Special Committee Respecting  
Incriminating Physical Evidence  
Treasurer's Task Force on Legal  
Aid

**Professional Activities:**

Member, OBA  
Founder and Past President,  
Southwest Region Womens'  
Law Association  
President Huron Law  
Association  
Adjunct Professor, Faculty of  
Law, University of Western  
Ontario  
Head of Section, Professional  
Responsibility, Bar Admission  
Course

Endorsed by Huron Law  
Association and Canadian  
Association of Black Lawyers

I seek re-election as a Bencher in order to continue to contribute to the profession through the work of the Law Society.

Our profession needs strong, fair and effective governance. The public has a right to expect service from competent lawyers, and open and accountable self-regulation. Benchers must be guided by the interests of the entire profession, while ensuring that the public interest is protected.

**EXPERIENCE:**

Over the past eight years as a Bencher I have been involved primarily in professional standards, professional regulation, discipline matters and equity in the legal profession. I serve as Vice-Chair of the Professional Regulation Committee and am a member of the Proceedings Authorization Committee, (Professional Responsibility, Ethics and Discipline), and have served as a member of a number of Task Forces including the Task Force that redrafted the Rules of Professional Conduct and the Task Force on Legal Aid.

**THE FUTURE AND CHALLENGES AHEAD:**

The principle challenge of the Law Society is to preserve our profession's privilege of self-government. For this to be accomplished, Convocation must become more representative of the profession. Lawyers must be sensitive to the needs of the public and the processes of the Law Society must be fair, efficient and open. We must develop meaningful ways to assist lawyers in achieving and maintaining professional satisfaction and competency in their practices. We have made progress most recently with interjurisdictional mobility, contingency fees, and accessible CLE via the interactive learning network. Much however, remains to be done. Over the next four years the Law Society must address a number of important issues:

- enhancing the Law Society's commitment to equity and diversity in the profession and in its own workplace and organizational activities.
- the Law society should take a leadership role in developing a blueprint for greater efficiencies in practice and broader support for practitioners, particularly those in sole or smaller practice settings.
- exploring with the profession, other partners and stakeholders, the means by which lawyers can maintain a competitive position in the professional services marketplace.
- continue the modernization of the regulatory function of the Law Society. In the past, our discipline process was inflexible and entirely punitive in nature. The discipline system was inefficient, time consuming with delays that affected both the public and the lawyer. The reforms that have started focus on remedial and supportive measures, including ADR. The formal discipline process is maintained as a necessary but last resort for responding to public complaints and lawyer difficulties. The new system is an important first step in updating the Law Society's regulatory role, but more improvement is needed.
- complete the reassessment of the Law Society's role in and systems for legal education including the bar admission course and continuing legal education. The profession deserves and the time has come to develop a comprehensive legal education plan.
- the licensing and regulation of paralegals to prevent the unregulated and unauthorized practice of law.

To advance the interest of our profession and to protect the public we must conduct ourselves in an open, responsible and responsive way. I believe that I have gained the experience in my 18 years of practice, teaching law school, as Head of Section for Professional Responsibility, Bar Admission Course and in my eight years serving as a Bencher of the Law Society to contribute to the enhancement of the profession in the community and to its governance. I would be grateful for the opportunity to serve my profession in the public interest for another term.



Executive-Director, Clinique juridique Stormont Dundas & Glengarry Legal Clinic since 1987.

#### FORMERLY

- Counsel, Ministry of the Attorney General, Toronto, (1979-1987), first Co-Ordinator of French Language Services
- Assistant Crown Attorney, Districts of Sudbury & Manitoulin (1976-1979)

#### EDUCATION

- B.A. Laurentian University
- L.L.B. Ottawa
- Called 1976
- Articles, Desmarais, Keenan, Beaudry, Mahaffy, Cull, and Mastin, Sudbury

#### HIGHLIGHTS

- Designed French Language Services Act, and implemented use of French in the courts of Ontario
- Membre fondateur AJEFO
- Recipient of **Order of Ontario** and **CBAO Award for Distinguished Service**
- Lecturer Laurentian University, Cambrian College
- Published textbooks on Consumer, and Criminal Law, for secondary schools
- School Board Trustee, 1991-1997

#### Diverse paths, but a shared pride

We take diverse paths, but as lawyers we all come together in the same place—a place called *pride in our profession*. This shared pride in the majesty of our institutions and in the traditions of service and skill with which we are entrusted is at the heart of our work.

#### A governance that matters—that matters a lot

But majesty and traditions are just not enough. The challenges facing our self-governing profession require a governance of wisdom, vision and efficiency. They require that benchers have a thorough understanding of the diversity of our profession and of Ontario. They require that they never lose sight of the fact that the burden of high fees and costs falls heavily upon the shoulders of the private practitioner who in the end is a primary funder. Yes, this is a governance which matters to us. It matters to us a lot.

#### Equity and compassion

As women and men of laws, the work of our Law Society has helped to crystallize attitudes of respect between peoples, and I support endeavours which promote equity and compassion among us.

#### Reflecting the diversity of the practice of law

It is my hope that my candidacy may provide encouragement to my colleagues in legal clinics throughout Ontario who have chosen to put their talents to the service of the least privileged in our society, and to Crown counsel in all regions whose steadfast devotion in often difficult circumstances must be recognized.

My experience in working in these fields of endeavour in the North, Toronto, and Eastern Ontario has helped to shape my understanding of the diversity of the practice of law in our province.

#### A strengthening voice

As Convocation is increasingly called upon to deal with national and international jurisdictional issues, it is my profound belief that the moral authority of our common voice would be enhanced in any forum by the inclusion of one whose first language is the other of the two official languages of the courts of our province.

#### A commitment of respect

The space allotted here does not allow for a thorough discussion of all the issues which will undoubtedly continue to compel attention—issues such as our continuing concern about paralegals. I make the commitment to approach each issue and acquit myself of each of my responsibilities with care and respect for the trust placed in me.

#### No honorarium

I make the further commitment that if elected, I will not seek and I will not accept an honorarium.

#### Voix francophone

Je suis conscient qu'aucun francophone n'a siégé au Conseil de notre Barreau depuis l'illustre participation du regretté Pierre Genest, un personnage si grand parmi les nôtres. Ma candidature s'inscrit dans la mémoire respectueuse de tels gens de coeur qui nous ont précédé et dans l'espoir courageux d'un avenir qui fera honneur à leur travail. Je m'engage à ce que la confiance dont je serais le fiduciaire anime et illumine toujours mon action dévouée.



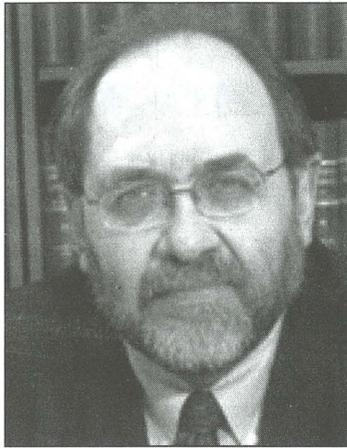
Joanne St. Lewis is an Assistant Law Professor at the University of Ottawa. She was the co-chair of the Canadian Bar Association Working Group on Racial Equality and authored the report *Virtual Justice: Systemic Racism and the Canadian Legal Profession*. A bilingual lawyer, she has extensive experience in the equality rights. She has held positions with the Ontario Human Rights Commission, the Ontario Race Relations Directorate and was Executive Director of the Women's Legal Education and Action Fund (LEAF). She was also Special Assistant Government Affairs to the Grand Chief of the Crees of Quebec.

My time as a Bencher has challenged me to respond to the sometimes competing mandates of the Law Society - acting in the public interest, serving the legal profession and advancing the cause of justice. The tensions are not always reconcilable. On one hand, advancing the cause of equality for traditionally-excluded communities within the legal profession is inextricably connected to service of the broader community. It is clearly in the public interest. Yet not all aspects of advancing the interests of lawyers necessarily respond to the complexity of needs of the broader community. Too often the words "public interest" are invoked with limited consideration of whether or which public is being served. A critical equality analysis reveals that the views of the majority can easily fail to serve the interests of the vulnerable.

The Law Society has recently been challenged by a number of changes to the Equity Initiatives Department. These changes have lessened its capacity to respond to a number of important concerns. Yet change is also opportunity. Establishing a transparent, community accountable, service-oriented department is within our grasp. A precondition to obtaining the full support of the profession and the diverse communities (within and without the profession) is building a department which can drive the engines of change within our organization. One change which I would like to advance is having the role of the Equity Initiatives Department inextricably connected to the work of Convocation. It would be of great service to our decision-making processes to have an equity analysis accompany all recommendations. This analysis could stimulate discussion, deepen our deliberations and increase our confidence that all necessary concerns have been addressed. While not all decisions are necessarily explicitly matters of equity, there is no credible basis for not incorporating an equality analysis in all of our decision-making. This would be in the public interest.

It has been my privilege to serve as a Bencher for the past two years. I can honestly say that I still believe that I am learning the ropes. My position on the Professional Regulation Committee and on discipline matters has greatly enhanced my understanding of the central mandate of the LSUC. That being said, I believe that I will be in an even better position to serve and advance issues in light of the knowledge I have gained. I have found that I have been most effective when I have spoken directly to those issues which reflect my commitment and experience with equality. When I joined Convocation, I was uncertain about their receptivity to issues of equality. I had some trepidation about how best to advance my voice in the interests of equality-seeking communities while furthering the mandate of the Law Society to always act in service of the profession and the broader community. I have found an unexpected collegiality and willingness to support issues of equality, sometimes with minimal conflict. My colleagues readily supported my motion asking for a distinct research study of the current experiences of Aboriginal and racialized lawyers in the profession. Within a short space of time a monetary commitment was made and I anticipate that the results will be of great assistance in demonstrating our accountability and responsibility to members of the profession from racialized communities.

My time as Bencher has also challenged me to address the seduction of having been granted access to such a privileged decision-making body. It is all too easy to conclude that my membership is solely a matter of my individual merit and that my decisions are purely individual. That is not the case. I believe that my participation as a Bencher is a gift I must honour by endeavoring at all times to speak from a position of integrity shaped by a commitment to equality. It is not my own individual experience which is determinative. My ultimate goal is to respond to some sense of the greater good. I believe that an approach which recognizes complexity, incorporates a pragmatic politics and never loses sight of the emancipatory goal of full equality will best serve our profession. It is my hope to serve as a conduit for your ideas tempered by my years of experience and commitment to equality rights.



Alan G. Silverstein is one of Ontario's best-known real estate lawyers. Called to the bar in 1977, Alan writes and lectures extensively - in books and newspaper columns, on radio and television, and at continuing education programs. Alan also has extensive governance experience, including 6 years serving as a Director of the Real Estate Council of Ontario (RECO replaced the Ontario government in 1997 as the governing body for real estate agents and brokers). As Chairman of RECO's Consumer Protection Task Force, Alan spearheaded the implementation of the E&O/Deposit Protection/Commission Protection Insurance Program in September 2000.

## Alan G. Silverstein

Central East • Centre-Est

Vaughan

What is the mandate of our Law Society? To govern the legal profession in the public interest. Every initiative it undertakes must satisfy that standard, and no other. Every dollar spent of your hard-earned fees must adhere to that criteria, and no other.

Do you believe our Law Society has strayed from its stated role in recent years, extending its reach into areas well beyond its jurisdiction? Do you believe our Law Society should return to its core function of governing the legal profession in the public interest? Do you believe a "back to the basics" approach to running our Law Society is not only needed, but also long overdue? If so, then you will support my quest for election as a Benchers of our Law Society.

What key issues would I advocate, as your representative?

### Corporate Governance

Benchers of our Law Society effectively constitute the Board of Directors of a multi-million dollar corporation. No corporation can efficiently operate with 40 elected directors, plus a large number of honorary members. I believe a governance review is essential, reducing the number of elected directors to between 12 and 15, the optimum number in today's corporate world.

### Strategic Planning

A definitive set of long-term goals is needed. Issues must be prioritized; strategic choices must be made. Our Law Society must be vigilant where and how future dollars are spent. I believe no proposed initiative should be undertaken, regardless of its socially redeeming nature, unless it fulfils that stated mandate.

### Professional Recognition

The legal profession is one of the few that does not take pride in honouring the accomplishments of its own members. I believe the QC or a comparable designation should be revived, as a mark of distinction by the profession for the profession, in recognition of commitment and achievement.

### Increased Areas of Specialization

It's one of the most significant areas of the law to consumers. Yet it remains one of the few segments of the law in Ontario that lacks a specialization program - real estate. To help consumers with the most important and expensive transaction of their lifetime, I believe the Specialist Certification Program should be extended to encompass the real estate bar.

### Professional Development

The current approach to continuing legal education in Ontario is embarrassing. While minimum "expectations" for professional development have been established, there is no mandatory requirement to participate. Members, though, are required to report their participation to our Law Society. Do we or don't we, as lawyers, have a professional development program? The current attempt to be "all things to all people" is an abject failure. I believe lawyers should be obligated to spend a minimum number of hours participating in professional development programs annually, as a condition of maintaining their license. To me, 2 hours a month, the equivalent of 24 hours per year, is reasonable. Educational providers and courses must also be pre-approved. The current system allows virtually anyone to run a seminar for lawyers, without any proper accreditation.

### Fees and Insurance

The fixed costs of practicing law in Ontario are excessive. I believe members should not pay any more than \$7 a day for fees and insurance. That would require our Law Society and LAWPRO to roll back its annual charges to just over \$2,500. How could that be accomplished? By a careful and thorough review of every Law Society activity, operation and department. No sacred cows, no exceptions. Any program that failed to fulfill our Law Society mandate, or which is not cost-efficient, should be discontinued. Let's make the cost of practicing law in Ontario affordable again for every member of the bar in good standing, be they a sole practitioner or an associate in a large firm. Speaking of LAWPRO, it must fully disclose forthwith its overall cost of operations to its shareholders, we, the members of the Law Society. The more LAWPRO refuses to open its books, the more the profession must question the economic viability of its activities.

Do you believe in a Law Society that's trim, tenable and transparent? Do you believe \$7 a day is all you should pay for Law Society fees and insurance? Then I welcome your support.



- BA, St. Patrick's College
- LL.B., University of Ottawa
- 1967, Called to the Ontario Bar
- 1980, Queen's Counsel
- 1994, Law Society Medal
- 1999, County of Carleton Law Association (CCLA) Medal
- Former Partner, Binks, Chilcott & Simpson
- Counsel to Tierney Stauffer since 1996
- Civil Litigation Practice emphasizing personal injury/medical malpractice
- Founding President, Medical Legal Society of Ottawa-Carleton
- 1980, President of CCLA
- 1981 to Present, Chair of Annual CCLA Civil Litigation Conference at Montebello
- 1997/1998, President, Ontario Bar Association (OBA)
- Past Chair, Ottawa Joint CLE
- 1999 Elected Bencher, Vice-Chair, Professional Development, Competence and Admissions Committee Member, Government Relations Committee Chair, Paralegal Regulation Working Group Member, Specialist Certification Board

For the last four years, I have been privileged to serve the profession as a bencher. Hopefully, I have made a positive contribution.

During my career as a lawyer, I have been committed to serving our profession, whether in various activities within the Bar in Ottawa (e.g. the Annual CCLA Montebello Civil Litigation Conference), or in the Provincial sphere with the Ontario Bar Association (e.g. President 1997-1998), or now as a Bencher of the Law Society of Upper Canada.

As a Bencher, I have been for the full term, a member, and now Vice-Chair of the Professional Development Competence and Admissions Committee, a member of the Government Relations Committee and sat on the Specialist Certification Board.

In addition, I have been involved with a number of working groups including, the development of LibraryCO, CLE., the development of a Complainant's Protocol, the legitimizing of Contingency Fees, and especially, the regulation of paralegals.

While many of these undertakings have been successfully completed, two main ones remain; the completion of the competence initiative, required by the Law Society Act Amendments of 1998, and the regulation of paralegals.

I would like to play a part in the resolution of both of these.

**COMPETENCE:** Objective competence standards are obviously required before suggesting that any member is not competent. Positively put, members should have assistance in keeping up to date, whether by publicizing best practices, or by setting minimum expectations for self study and participation in or attendance at CLE programs. This project is on track and will be completed in the near future.

**PARALEGALS:** Since the mid-1980's, judges and lawyers have been asking successive governments to pass legislation regulating paralegals. Professor Ianni and Justice Cory have both issued reports calling for such regulations. Notwithstanding, there is still no resolution.

As chair of the Law Society's working group on paralegal regulation, I have participated with the Advocates' Society, the Ontario Bar Association, CDLPA and MTLA to advance a united position; have met with law associations throughout the province; and have discussed solutions with judges, arbitrators, adjudicators, politicians and responsible paralegals.

After devoting countless hours on this issue, I remain positive that regulation is in sight and that we should continue our efforts until successful.

**SELF-GOVERNANCE:** Most lawyers cherish our self-governance status. We believe passionately in the necessity of a strong independent bar which is best fostered by self-governance.

Last December, the Ontario government removed self-governance from the Chartered Accountants of Ontario. The government will now appoint all representatives to the Board which will govern not only the CA's, but also CGA's and CMA's.

In the last few years, the Law Societies of England and New South Wales have both lost this privilege.

Is it coincidental that neither jurisdiction had strong professional organizations, such as the OBA and CDLPA, representing the interests of their members?

The Law Society's role is to govern the profession in the public interest. The Law Society should be cognizant of staying within its role as regulator and allow legal organizations their role of speaking for the interests of the members.

**LEGAL EDUCATION:** Until the late 1950's the Law Society believed only it could teach law. It then finally recognized that universities could teach law and it got out of the business of running a law school.

The Law Society has however continued to teach the Bar Admission Course. It is likely that its role as educator at the BAC will shortly come to an end. The Law Society is recognizing that it must set standards and set licencing examinations, but does not have to be the educator.

Hopefully, in the next term, the Law Society will re-examine its role in post-call legal education.

The Law Society must set standards of competence. Provided that it can ensure itself that quality, accessible and affordable CLE is available to all practitioners, its role need not be that of an educator.

**COMMITMENT:** If I am fortunate to be re-elected, I will continue to use my experience as a practitioner, educator and active volunteer to assist the Law Society govern effectively in the public interest while working cooperatively with the profession.



## Phillip W. Sutherland

Central East • Centre-Est

Vaughan

Graduate of the University of Ottawa Law School. Called to the Bar in 1989. Previous partner of Drudi, Alexiou, Sutherland and a present partner of Bianchi Presta, LLP, a twelve person firm in Vaughan. Practice solely in Civil Litigation: Construction Lien, Family Law and Commercial. Past President of the Canadian Association of Black Lawyers, was President for approximately three years. Past Executive member and Legal Director of African Canadian Legal Clinic. Past Board Member of Northwestern Hospital and chaired two committees. Given various lectures for the CLE for the Law Society and OBA in the areas of Construction Lien Law.

Is the Law Society truly meeting the needs of the legal profession and the public? Does the lack of transparency in the role of the Law Society cause you concern? These are among the issues that greatly influenced my decision to run for Bencher this year.

The Law Society has evolved into a body with more than just regulatory objectives. In addition to its positive obligation to protect the public, the Law Society is charged with the critical task of promoting the representation of the profession. I am strongly focused on ensuring that greater representation of the profession is fully and transparently achieved.

To that end, I believe that the interests of practitioners in small firms and sole practice, which comprise the vast majority of our membership, should be given more attention and consideration since, they are often disproportionately affected by the decisions and policies of the Law Society. Similarly, lawyers in Ontario represent the face of today's Canadian society - multi-ethnic, multi-racial, of different sexual orientations, religions and ages, bringing with them the challenging equity issues that must be addressed. I believe that the Law Society must make a firm commitment to addressing equity initiatives. Furthermore, in order to represent the membership in its entirety, the Law Society must also direct its attention to identifying and meeting the needs of counsel who are not in private practice, namely those employed in-house, in government and who work in non-traditional legal positions.

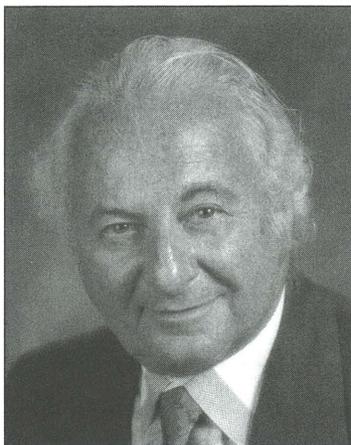
Having practiced in both small and medium sized firm settings as a partner and as an associate, and, having dedicated much of my time outside the practice to serve on boards and work with nonprofit organizations, I believe I am well positioned to appreciate the issues that face lawyers in Ontario and to press for their resolution.

1. The Law Society should take all necessary and reasonable steps to ensure that the financial effect of its decisions, regulations and structure does not become an excessive burden on its members, particularly those in small firms and sole practice. The cost of being a member of the Law Society and meeting its regulatory requirements should not be prohibitive or defeat the financial viability of a practice.
2. I believe it is incumbent upon the Law Society to encourage inclusion rather than exclusion in the profession as a whole. The Law Society should aggressively take steps to ensure that the profession continues to represent the face of today's society. High priority must be given to promoting access to law schools to ensure that the tuition fees themselves, do not become an insurmountable barrier for individuals contemplating entering the profession.
3. The right to practice law in the Province of Ontario should be limited to lawyers and the Law Society has an obligation to the public to ensure the legal services it receives are from those trained and licensed to provide it. I believe that the Law Society should take every practical and reasonable step to limit the scope of non-lawyers, in practicing law.
4. Even though in order to practice law effectively and competently, the public must be protected, the discipline procedure at the Law Society should not be used as a complaint bureau for clients who are not happy with a lawyer despite the fact that the lawyer has not breached any rules of professional conduct. Initial screening processes should be better utilized to ensure that the reputations of honest, competent and honourable lawyers are not tarnished simply because a client has a personal grievance.
5. Access to the judicial system should not exhaust one's financial resources. The Law Society should strongly influence the provincial government to make Legal Aid certificates more readily available with a better rate of remuneration for counsel. Additionally, pro bono legal services should be strengthened and encouraged.

There are further goals that the Law Society can achieve. These goals should not only be short term but long term in order to encourage a profession which is representative of the face of our society and cognizant of the changing wishes and goals of that membership. With your help, we can improve the effectiveness and transparency of the Law Society.

# Gerald Abraham Swaye, Q.C. *Central South • Centre-Sud*

**Hamilton**



Married with four children.

Called to the Ontario Bar in 1964; sole practitioner with two Associates; Certified as a Specialist in Civil Litigation.

Served as a Bencher of the L.S.U.C. since 1995.

Elected Regional Bencher for Central South Region in 1999.

Member of the Canadian Bar Association.

Past Director of the Advocates Society.

Past Trustee of the Hamilton Law Association. Past President of the Hamilton Lawyers Club.

Past President of the Hamilton S.P.C.A.; Beth Jacob Congregation; United Jewish Welfare Fund; and Hamilton Jewish Federation.

Past Director of Robert Land Academy; and Hamilton Y.M.C.A.

Jewish National Fund of Canada's 1993 Negev Dinner Honouree in Hamilton.

**ENDORSED BY THE  
HAMILTON LAW  
ASSOCIATION**

I have enjoyed the privilege of representing the members of the profession since 1995 as your Bencher.

**ATTENDANCE:** Since 1995 I have attended 92% of Convocations held, including attendances in London, Ottawa, and Toronto for calls to the Bar.

**DUES:** I am committed to reducing our dues. I am opposed to Bencher compensation and I have voted against it.

**INSURANCE PROGRAM - LAW PRO:** In 1995 there was a deficit of approximately \$153 million. Today Law Pro works with a surplus and premiums have been reduced significantly, for our members.

**PROGRAMS:** Since 1995 we have seen some varied programs to help in the practice of law, as example:

1. Limited liability practice;
2. Multidisciplinary practice;
3. Mobility of lawyers across the country;
4. Creation of Library Co.

**LIBRARY CO.:** My goal is to achieve greater access to library resources for all lawyers of Ontario.

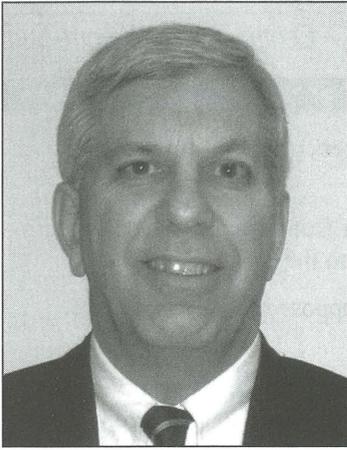
**ACTIVITIES INVOLVED IN:**

1. Delegate - Federation of Law Societies. I have traveled extensively across Canada on your behalf attending meetings of significance to all Law Societies in Canada;
2. Finance Committee;
3. Lawyer's Fund for Clients Compensation;
4. Discipline Panels;
5. Litigation Committee;
6. Certification Committee - Chair;
7. Committee Member on Contingency Fees;
8. Feed the Hungry Program.

**MENTOR:** I believe every new lawyer should have a mentor.

**LEGAL AID:** I am in favour of doing whatever is necessary to make sure our members are adequately compensated for their skills and services.

**CONTINGENCY FEES:** I support contingency fees.



Married with 3 children

Called to the Bar 1979

Principal with Murray & Thomson, a 2 person general practice with an emphasis on litigation.

**Education:**

B.A. - Waterloo Lutheran University, 1973.

Graduate Diploma in Business Administration - Lakehead University, 1974.

LL.B. - University of Windsor, 1977.

**Activities:**

Chair (former), Owen Sound & Grey County Housing Authority.

Founding President (former), Owen Sound and Area Community Foundation.

President (former), Grey County Law Association.

Chair, Library Committee Grey County Law Association.

Secretary (former), Owen Sound & Area Chamber of Commerce.

Board Member Owen Sound Alliance Church.

**Endorsement:**

Grey County Law Association

I perceive that this is a pivotal time for lawyers and the Law Society. Lawyers are under pressure to stay current with the tremendous volume of jurisprudence, legislation and technical change affecting our practices. The Law Society is under pressure to ensure that lawyers in Ontario are properly qualified upon their call and years after their call. Measuring and ensuring that lawyers are competent is a major challenge and responsibility which the Law Society will have to deal with in the next four years.

As a Past President of the Grey County Law Association and as the principal of a small law firm I know many of the struggles lawyers in Ontario are experiencing.

The Law Society is under pressure to ensure that it is and is seen to be a relevant, responsive, efficient and cost effective organization. Many lawyers in Ontario view the Law Society as an adversary; a discipline body which has no concern for lawyers in the trenches, particularly those of us who practice outside of major metropolitan areas. My hope is that I may be able to assist in making the Law Society respected, responsive and sensitive as it fulfills its mandate of governing the legal profession.

I sense that changes need to be made to ensure that complaints are dealt with competently and expeditiously so that legitimate issues can be dealt with before major problems arise and that frivolous complaints are disposed of quickly.

An area of ongoing concern is that of the County and District Libraries. Some steps have been taken with the establishment of Library Co. to address inequities and to ensure that all lawyers in Ontario have access to current resources, however, I feel that further work needs to be done in this area. The progress of Library Co. as it works to address these issues needs to be monitored by Convocation.

I believe that my experience as Legal Counsel with Domtar Inc. and as General Counsel with McCain Foods Limited together with my private practice experience will serve me well in dealing with the issues faced by Convocation.

I would consider it a privilege to represent you as a Bencher in the governance of our profession. I ask for your support.

# Robert C. Topp

Northeast • Nord-Est

Sudbury



Sole Practitioner

B.A. (Laurentian) 1972

LL.B. (Toronto) 1975,

Elected a Bencher 1988, 1991,  
1995 and 1999.

Bencher Committee Duties:  
2001 - 2003

- Compensation Fund (Chair)
- Gazette Advisory Board (v-c)
- Finance & Audit

Bencher Committee Duties:  
1999 - 2001

- Compensation Fund (v-c)
- Professional Regulation

Bencher Committee Duties:  
1995 - 1999

- Professional Regulation (v-c)
- Discipline Authorization (v-c)
- Lawyers Fund for compensation and Review Committee
- Discipline Pre-Hearing Bencher
- Libraries & Reporting
- Discipline Policy
- Professional Conduct
- Admissions and Equity

Bencher Committee Duties  
1994-1995

- County & District Law Presidents Liaison Committee (Chair)
- Discipline (v-c)
- Libraries and Reporting (v-c)
- Library Review Committee (funding of County & District Libraries) (Chair)

I have been an active, involved Bencher since 1988. I have consulted widely among the profession during these years and if re-elected shall continue to do so. My position on some of the issues facing the profession are as follows:

**Payment of fees or Honorariums to Benchers:** I was opposed to this initiative in 1995 and again in 1999 and I urged members of the profession to vote against this proposal. In 1999, the profession soundly defeated this proposal. Recently, Convocation in a 22 to 21 vote, established in principle, a system of payment to Benchers which potentially could result in payments to Benchers of over a \$1,000,000.00 of your money a year! On February 13th, 2003, Convocation defeated each proposal to pay Benchers. I proudly voted no on every proposal. I shall never support paying benchers an annual honorarium based on the following statement of principle:

“The issue is the voluntary nature of service that benchers render. The service benchers give to the Law society is community service freely given. To be a bencher is not merely to assume a paying job, it is to voluntarily contribute to the benefit of the community, and serve both the public and the profession. A question of sacrifice is implicit. The profession, through its fees, should not have to subsidize an individual’s public service.”

**Legal Aid:** Convocation must continue its quest for a viable legal aid system which serves the public and is fair to the profession.

**Libraries:** In 1998 I moved the increase of the Library levy to \$200.00 per member to adequately fund the libraries across Ontario. I am opposed to the recent slashing of County Law Library budgets and I have moved a motion in Convocation to reverse those reductions and re-instate the budgets in place in 2002. The County Law Libraries are not only a source of legal material but also exist as the focal point for continuing education and fulfilling the competence mandate. As a result, the budgets for County Libraries must not be reduced.

**Compensation Fund:** I am privileged to Chair the committee responsible for the management of the Lawyers’ Fund for Client Compensation, which as you know is a fund created by lawyers and managed by lawyers to repay victims of the few dishonest lawyers, as it is important to relieve hardship for those who have been cheated. That is truly in the public interest and the interest of the profession. It is your money and we manage it carefully, in so doing, the annual levy has been reduced from \$379.00 in 2001 to \$280.00 in 2003.

**Paralegals:** I agree that paralegals activity should be restricted. It is my firm belief that under no circumstances should the Law Society become the governing body for paralegals.

**Ontario Lawyers’ Gazette:** In 2003, each of you received a copy of the Ontario Lawyers’ Gazette which supplements the monthly Gazette. The re-introduction of the Gazette in this form, has given us an opportunity to celebrate our profession and it is my hope that we will be able to continue to publish such a volume on an annual basis. As vice-chair of this Advisory committee, I shall continue to support the Gazette in this form.

**County & District Law Associations:** I support the activity of the County & District Law Presidents’ Association and the local Associations. I believe the LSUC & CDLPA can and should work together as partners in a co-operative relationship which shall benefit every member of our profession.

**My Record:** I have voted on the issues based on my own convictions and the input of many members of the profession. I believe in advancement of the profession’s interest on an equal footing with the public interest. I support recorded roll call voting at Convocation.

**My Promise:** If re-elected, I shall continue to consult with you and listen to your concerns and advice.



- Partner - Willoughby MacLeod Warkentin LLP

- Called 1991

- LL.B. - Queen's U, 1989

- B.A. (Hons) - U Winnipeg, 1983

#### Professional:

- Past President, Frontenac Law Association (FLA)
- Elected Member, CBA/OBA Council, 1996-2002

#### Committees:

- LSUC, Task Force on Courthouse Facilities
- FLA: Awards; Law Week; CLE; Ad Hoc Committee, re: Preservation of the Courthouse, Court User Committee
- OBA: Advocacy and Government Relations; Membership Enhancement, 2000 - 2002

#### Speaker:

- Various LSUC and OBA CLE,
- Queen's Law - Ethics and Professional Responsibility - 1997
- Client Counselling Competition Judge, ABA, 1998

#### Miscellaneous:

- Local Coordinator, OBA Fall Council Meeting and CLE, October 2001
- Chair, Board of Managers, St. Andrew's Presbyterian Church, Kingston

Endorsed by the FLA

The practice of law can be exciting, challenging and rewarding. In equal measure it can be frustrating and disappointing. If you are like me, you have felt all of these emotions at different times. Just as we serve our clients and our communities, we require the elected members of our governing body, when serving the interests of the public not to do a disservice to the interests of lawyers. We need a Law Society that is able to assist us to compete in an environment increasingly encroached upon by paralegals and compromised by inadequate government responses to our needs.

#### Public Education and Paralegals

A major area of interest to me is the public's perception of lawyers. I believe that the Law Society needs to do more to educate the public about the role of lawyers and protect the public from (mis)representation by unskilled, uninsured and unlicensed paralegals. The areas of permitted practice for paralegals must be intensely scrutinized and recommendations to government must come from the Law Society working together with the OBA, CDLPA and MTLA.

#### Continuing Legal Education

Mandatory continuing education is a requirement of many other professions. No one can practice law effectively without continually staying on top of changes to the law. Effective CLE can assist in maintaining competence. However, before imposing mandatory CLE with artificial or easily circumvented obligations and a system of regulation, penalty and heavy handed annual requirements, the Law Society would be well served by working with individual county and district law associations, no matter their size or location, to craft local solutions. Working to provide available and affordable technology, alternate means of providing programming from major centres including a distance discount for attendance from outside Toronto and credit for locally organized events are just a few options which should be reviewed.

In Kingston we are 2+ hours from both Toronto and Ottawa and it is difficult and expensive for our members to attend many CLE courses in a given year. The Frontenac Law Association has developed a system of CLE to accommodate its members that has been the subject of interest by other law associations.

Many years ago - before I began practicing law - the Frontenac Law Association set up "sub-sections" in various areas of practice, modeled after similar sections of the Ontario Bar Association, in order to ensure our members were kept up to date on current developments in the practice of law and had a forum to discuss issues relevant to them. This also served as a means of providing mentoring to junior lawyers.

The Frontenac Law Association also pioneered the use of remote access to members to access most of our county library's electronic resources from one's desktop. This is a concept that has been recently adopted and implemented by LibraryCo for all local libraries. As part of the Law Society's competence mandate this initiative should be implemented province wide.

#### Legal Aid

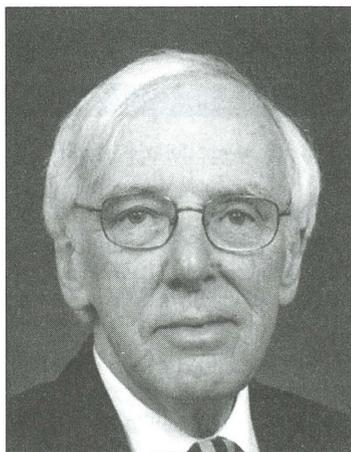
It is increasingly difficult to find lawyers, experienced or otherwise, who will accept legal aid certificates unconditionally. There are many unrepresented litigants who qualify for a certificate, but cannot find a lawyer willing or able to accept the retainer. They go unrepresented. The Law Society must take a leading role in resolving this fundamental access to justice issue.

#### Bencher Remuneration

The Benchers cannot decide this issue without further input from the profession. Perhaps some compensation is reasonable. However, it is essential for members of the profession to be included in the debate. There must be full disclosure of the costs of providing remuneration and the net benefit to the profession.

#### Summary

I have been practicing law for 12 years. I am still young enough to be open to new ideas and to welcome change, but I also understand the practicalities of running a practice and managing a firm. I look forward to the opportunity to serve all lawyers if elected as a Bencher.



- Graduate, Victoria College (University of Toronto) and Osgoode Hall School
- Called to the Bar in 1970
- Partner of Howell, Fleming Law Firm in Peterborough, Ontario since 1972
- Elected Bencher 1999
- Past President of the Peterborough Law Association
- Practice areas include civil liability claims, labour and employment law
- Member of the Canadian Bar Association, the Advocates' Society and the International Law Association
- Director of Camp Kawartha, a Not-For-Profit Camp for Children
- Member and Past President of the Rotary Club of Peterborough

### Experience and Qualifications

- Thirty-three years in practice
- Endorsed as candidate for Bencher by the Peterborough Law Association
- Past President of the Peterborough Law Association
- Elected Bencher in 1999 and served on the Finance & Audit Committee, Audit Subcommittee, Litigation Committee, Equity & Aboriginal Issues Committee, the Lawyers' Fund for Client Compensation Committee, the Hearing and Appeal Panels for conduct matters and the Board of Directors of LawPro

### Commitment

- A Bencher must be prepared to make a commitment of service to the profession and the public which means the sacrifice of many hours of time that would otherwise be dedicated to one's practice, family and personal endeavours. I believe that I have demonstrated that level of commitment over the past four years.

### Focus

- I maintain that while the mandate of the Law Society is to regulate the profession in the public interest, there is a corresponding duty to ensure that every decision made by Convocation is in the best interests of the Members of the profession. That is my mind-set in considering every issue whether it be fees and finances, equity and diversity or professional regulation.

### Issues

- *Paralegals:* Paralegal regulation is in the best interests of the profession and the public. However, we have not as yet found a satisfactory regulatory model and that will be a challenge for Convocation over the next four years. In the meantime, paralegals involved in the unauthorized practice of law must be prosecuted.
- *Equity & Diversity:* We must continue to ensure that everyone has an equal opportunity to enter the profession and to rise to its top echelons.
- *Bencher Remuneration:* It is my perception which has been gleaned from discussions with Members of the profession that many of our Members favour some form of Bencher remuneration at a reasonable cost as it would enhance the ability of many lawyers, particularly those from small firms, to become Benchers and therefore enlarge the pool of Bencher candidates. However, I do not believe that Convocation should move forward on this issue until there has been widespread consultation with the profession.
- *Bar Admission Course:* I believe that the Bar Admission Course should be retained in its present form or some other manifestation thereof.
- *Continuing Legal Education:* I am committed to the current model of voluntary CLE and we must continue to find new ways of delivering it in an affordable and cost effective manner.



## Bradley H. Wright

East • Est

Ottawa

It has been a privilege to serve you since 1995. I hope that you will afford me the opportunity to serve for another term. Some of the current issues are:

### LAW SOCIETY FINANCES

In July 2001, I was appointed Chair of the Audit Subcommittee. It is a pleasure to report to you that, since then and thanks to the contributions of many people, the finances of the Law Society have never been healthier and better monitored. Indeed, they may be too healthy - the reserve could be lowered and still be very sound.

Since 1995, the annual LSUC fee and LawPro levy have been cut by a combined 44.6% including by \$429 for 2003. We have continued to streamline the processes, and have instituted the electronic interface. The 33 major operating weaknesses identified in the 1995 auditor's letter that were eliminated by 1997 remain eliminated.

While these are good achievements, we are not resting. More improvements are underway. I will continue to work assiduously to keep the fees and levies as low as possible while maintaining the integrity of the Society's statutory functions.

### BENCHER REMUNERATION

Convocation should not lightly delegate responsibility, but benchers are conflicted on this issue and should not implement remuneration unless it is recommended by an independent committee following due consultation with the members. Further, I would not support any recommendation that did not contain a significant unpaid public service component.

### CONTINUING LEGAL EDUCATION

I favour enhancing on-line learning, affordable CLE, and the Interactive Learning Network as a partnership among the Law Society and the other CLE providers. I am opposed to mandatory CLE (except where required for some members under the Law Society Act) because every study I have seen on the subject shows no correlation between the mandatory element and a lower negligence rate.

### LIBRARIES, LEGAL RESOURCES, AND TECHNOLOGY

I am a trustee of the Law Foundation of Ontario. In concert with the Law Society, the Law Foundation is a strong financial supporter of law libraries and of initiatives to deliver legal resources on-line. The goal is to provide all lawyers, regardless of their office location, with the same timely access to the full range of legal research resources.

### PARALEGALS AND OTHER INCURSIONS

We must fight to ensure that paralegals do not practise law where the stakes are significant including, inter alia, family law, real estate, wills, estates, powers of attorney, corporate matters, most criminal matters, and civil litigation above Small Claims Court. Last year, the Law Society dealt with 72 persons practising law illegally, including taking 12 of them to court.

We must also address the incursions into real estate and estates practice by a few giant corporations. The public has been poorly served by this already, but if lawyers are ever pushed out of these areas, the public will suffer badly. Replacing thousands of competitors in private practice with a handful of banks and title insurance companies is not in the public interest.

### OTHER MATTERS

We have also improved our outreach and practice review programs, crafted new Rules of Professional Conduct, helped to break down mobility barriers, and dealt with attacks on our independence.

We have also noted with great satisfaction that the calls to the bar for the last several years have closely reflected Ontario's rich demography.

### IN CLOSING

One of the challenges to benchers that I take to heart is to help foster a profession that is strong, well-governed, and a joy to belong to regardless of background, year of call, firm size, and area of practice. I will continue to represent the profession as a whole by offering Convocation my perspectives as a solicitor, and by being informed by the perspectives of the civil, family, commercial, criminal, clinic, government, academic, and lay benchers who serve with me.

Je continuerai à collaborer aux dossiers qui intéressent les avocats et avocates francophones. Je soutiens l'engagement du Barreau du Haut-Canada à faire avancer l'usage du français au Cours de formation professionnelle, dans les rapports et les échanges avec le Barreau, ainsi que dans la pratique du droit en général.

A HEALTHY SOLICITORS' BAR GUARANTEES A HEALTHY BARRISTERS' BAR.  
A HEALTHY LEGAL PROFESSION IS IN THE PUBLIC INTEREST.

I respectfully seek your support for re-election. Thank you.

Elected bencher in 1995.

Re-elected in 1999.

Finance Committee all eight years.

Chair of the Audit Subcommittee.

Trustee of the Law Foundation of Ontario.

Equity and Aboriginal Affairs Committee.

Paralegal Task Force.

LL.B. University of Ottawa.  
Small firm solicitor. Called in 1983.

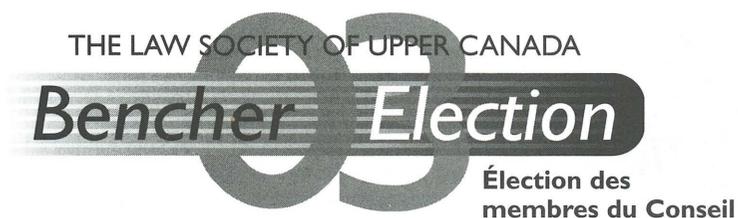
Membre de l'Association des juristes d'expression française de l'Ontario.

Member of the County of Carleton Law Association.

Member of the CCLA Real Estate Committee. Helped draft the E-Reg and Title Search Practice Tips.

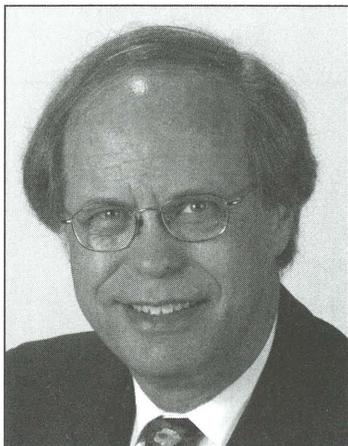
Panelist at the 2001 CLE program on Professionalism, Civility and the New Rules of Professional Conduct, and at the 1999 Solicitors Conference.

Co-author of *Canadian Hospitality Law* 1998 and 2002.



Candidates from  
Inside Toronto

Candidat(e)s de Toronto



## Bob Aaron

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If I have learned anything in the eight years I have served as a Bencher, it is this:  
**the Law Society is not your friend.**

During the last four years, Convocation has chalked up an abysmal record of "accomplishments."

Consider these:

- Convocation overcharged Society members between \$7 and \$13 million (depending on how you calculate it) and refused to return the surplus.
- The Law Society blew \$5 million of your money on a computer conversion.
- The Law Society spent more than \$50,000 on a holiday party last December and tabled my motion to donate the money to charity instead.
- In a massive overhaul of the rules of professional conduct, Convocation tried to introduce permission for lawyers to advertise price comparisons with each other. Fortunately I was able to marshal enough support to kill the proposal.
- Convocation failed in an attempt to introduce mandatory continuing legal education. Instead it brought it in by way of an invented "competence mandate" and inaugurated, at Osgoode Hall, what I call the "competence police."
- Convocation has significantly increased the number of *in camera* proceedings, without justification.
- Convocation has abandoned the Carver model of governance which it so carefully adopted in the mid-1990s. Our consensus-building process is dead. We no longer debate issues, we rubber stamp committee reports. We have effectively replaced Carver with what I call "back-door governance."
- Two committee reports were censored last year so the Benchers couldn't discuss them.
- Convocation has failed to take any meaningful steps to prosecute paralegals who engage in the unauthorized practice of law.
- The size of the bureaucracy at Osgoode Hall has increased by 23% since 1998.
- Convocation has no process in place to set priorities. It effectively buried the Priorities and Planning Committee, allowing our agenda to be hijacked by those with special interests.
- The ongoing survival of sole practitioners and small firms was not even on Convocation's radar screen until two Benchers individually brought a successful motion last September to establish a working group to study the issue.
- By contrast, a huge fanfare accompanied the signing of the interprovincial lawyer mobility protocol, an issue which is not discussed much at courthouses and registry offices across the province.
- Debate has been stifled and new ideas wither on the agenda. The evil device of tabling motions prevents far too many good ideas from ever seeing the light of day.

These issues are just the tip of the iceberg at Osgoode Hall. As I have for the past eight years, I will continue to be your eyes and ears at Osgoode Hall, urging the Law Society simultaneously to promote and protect the interests of lawyers as well as the public. It's in the public interest to have a healthy, vibrant bar.

The Law Society can and should be an advocate for the legal profession. A Convocation which refuses or neglects to promote the interests of the profession, is out of touch with the Bar. Right now it only promotes the interests of some segments of the bar, ignoring the others.

Convocation has become dysfunctional. We are not consensus-builders. We must refocus our direction at Osgoode Hall.

Despite its shortcomings, Convocation has chalked up some significant accomplishments in the past four years. Fees and insurance premiums are down (although not far enough). BAR-eX, Libraryco and TitlePLUS have made significant strides forward.

But so much more needs to be done. Among changes I advocate are:

- Open and transparent committee meetings.
- An auditor-general to oversee the Law Society's financial spending
- Non-benchers on all Convocation committees
- A well-funded, continuing public relations campaign to encourage the public to obtain legal advice when needed, and to raise the public image of lawyers.
- Web-broadcasting of monthly convocations
- Spending limits on Bencher elections
- Spending limits on Bencher parties
- Introduction of a "freedom of information" process at the Law Society
- Reduction in the cost of CLE
- Zero tolerance of the unauthorized practice of law by paralegals
- Repealing the "competence mandate"
- Opening up virtually all Convocation proceedings to the public and the press.

Please visit the Bencher Election page at [www.aaron.ca](http://www.aaron.ca). Thank you for your continuing encouragement and support.

Called 1972. Elected Bencher, 1995, 1999

Sole practitioner, Aaron & Aaron. Practice areas: real estate, corporate/commercial, wills/estates.

Real estate columnist ("Title Page") - Toronto Star, BAR-eX Web site.

B.A., Toronto; LL.B. Osgoode; Editor, *Obiter Dicta*.

Founder - Ontario Real Estate Lawyers Association.

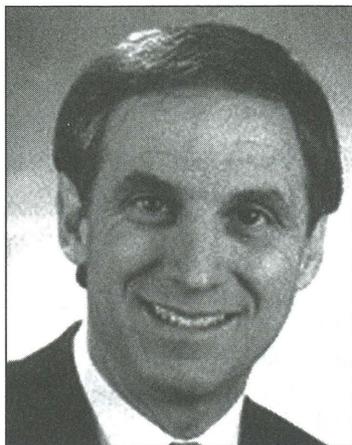
CLE program speaker: Law Society, Ontario Bar Association, C.L.E. Society Nova Scotia, Toronto Police Service Conference.

Past chair, Real Estate Issues Committee. Trustee, Law Society Foundation.

Committees: Lawyers' Fund for Client Compensation, Professional Development and Competence, Government Relations

Speaker, county law associations: Brant, Carleton, Hamilton-Wentworth, Lincoln/Welland, Renfrew, Shades Mill, Thunder Bay, Victoria-Haliburton, CDLPA panel.

President: Multiple Dwelling Standards Association.



## Larry Banack

*I feel it is a privilege to be a lawyer.*

*I would be proud if my children chose to be lawyers.*

**URGENCY:** I am running for Bencher again because I want all Ontario lawyers to be able to agree with these sentiments. But before that happens, there are many critical and urgent issues now facing our profession.

If elected, I will continue to bring to the position of Bencher the energy, interest and directness that I have brought to my practice and my work as Chair of the OBA Annual Institute. I am proud of my contributions as a Bencher in respect of continuing legal education, Chair of the Law Society Hearing Panel, Vice-Chair of the Lawyers' Fund for Client Compensation and Trustee of the Law Foundation of Ontario.

We are facing a turning point in our profession. We must successfully address the issues of confidence of the profession and the public in our self-governance and fiscal responsibility.

**SELF-GOVERNANCE:** We have the privilege of self-governance. With privilege comes responsibility. We must do more to cultivate and maintain the faith of the public and the profession if we are to fulfil our mandate.

Benchers must be more creative in handling critical issues, such as: the escalating cost of operating a law practice and reduced earning power; the impact of technological changes in every practice area; the effect of competition from paralegals, banks, trust companies, real estate agents and others. I am also concerned with the unique problems facing real estate lawyers and out-of-Toronto lawyers. In addition, special consideration must be given to the circumstances affecting women lawyers and lawyers who are of a visible minority.

Historically, Benchers served on numerous committees ensuring that as governors of the Law Society, most Benchers were thoroughly informed of the critical issues facing the profession. The current, inappropriate and misunderstood governance process is flawed. Benchers are not properly assisted in fulfilling their duties and responsibilities to the profession. Change is required.

**PARALEGALS:** Enough is enough. Paralegals must be strictly regulated and policed.

**STRATEGIC PLANNING:** It has not been achieved. An alternate strategy was the Treasurer's Emerging Issues Committee. It provides a revolving menu of broad categories for future consideration. However, issues are principally dealt with on an ad hoc, crisis-only basis without responsible strategic planning. That must be corrected in the future.

**NUMBERS IN THE PROFESSION:** Neither the profession nor the public are well-served by open-ended, unlimited entry to the profession. Practising lawyers and the profession suffer when universities and law schools permit ever increasing enrolment without consideration of the needs of the public we serve.

**REDUCING FEES:** We need to continue the reduction of Law Society and insurance levies to reduce the overhead costs of practising law in every way possible.

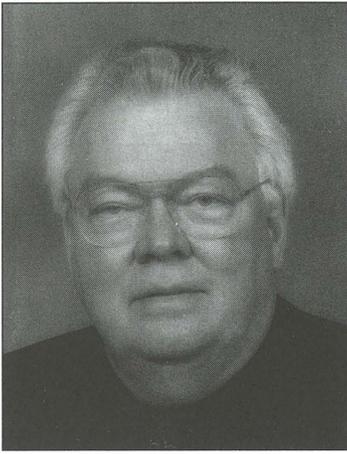
**FISCAL RESPONSIBILITY:** A cost benefit analysis of all Law Society activities must be considered from a first principles perspective. When responsible administrative and financial management have been demonstrated, Convocation will regain the respect and confidence of our profession and the public.

The Law Society maintains a financial surplus at levels made possible only because lawyers are paying higher levies than would otherwise be necessary. Lawyers should not be required to pay more than is required for the prudent operation of a cost-effective, efficiently-managed regulator.

**COMMUNICATIONS:** The Treasurer, CEO and elected Benchers should visit all law associations to hear the profession's concerns and be accountable for the actions of Convocation more regularly than at election time. Although the current Law Society website is a vast improvement, the profession must be better informed of issues under consideration. Lawyers' organizations must be consulted before Convocation creates new policies. On a personal note, my Bencher Newsletter is intended to keep the profession informed of current events as quickly as they unfold at Convocation. Hopefully, you find that communication informative and of assistance. If you do not presently receive my newsletter, please send me an email message to the address noted below and I will be pleased to add you to the circulation list.

*Please fax questions or suggestions to 416-204-2824  
or email at [lbmack@koskieminsky.com](mailto:lbmack@koskieminsky.com)*

- Married with 3 children
- B.Comm., McGill University
- LL.B., University of Toronto
- Mediation Dispute Resolution Instructor, Glencree, Dublin
- Roster mediator, Mandatory Mediation Program - Toronto/Ottawa/Windsor
- Past Chair, OBA Civil Litigation Section and Annual Institute
- OBA Award for Distinguished Service
- Certified Civil Litigation Specialist and mediator with Koskie Minsky and Public Perspectives Inc.
- Elected Bencher, Chair Hearing Panel, Vice-Chair Lawyers' Fund for Client Compensation, Member, Specialist Certification Board, Trustee - Law Foundation, Author of Banack's Bencher News
- Member, OBA Council, Ontario Trial Lawyers Association, MTLA, Advocates Society, ABA and Canadian National Exhibition Association Board.



## Harold R. Berry, Q.C.

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My legal skills are grounded by a longevity of experience and enhanced by my family, friends and my rural farm background. Let us bring some fresh new ideas to the benchers. I stand for the maintenance of a pro bono system and for equal opportunity for everyone in the profession. I believe there is much to be done in our legal system and I would be honoured to represent you as a bencher.

### **Continuing Legal Education and Discipline**

The main functions of the Law Society include disciplining its members and continuing to develop an ongoing legal education system. I recently acquired my LL.M. from Osgoode Hall and I understand the issue of continuing legal education.

### **Legal Aid Plan of Ontario**

The Law Society should encourage greater access to the plan for all Ontario residents who remain in danger of not having legal representation. The Law Society should encourage legal aid funding availability for divorces, all family law and mobility cases as well as criminal and immigration law. My experience with legal aid has been valuable. It has enabled me to be an exponent for both the legally aided person and also those who represent them. There can be no real justice if the disadvantaged cannot have legal advice.

### **Civility**

This is one of the pressing problems of our present litigation system. There ought to be more courses given on courtesy and civility, not only in the workplace, but also in the courtroom. The instances of lack of civility in litigation are numerous and seem to go unpunished. There is also prime importance to link the civility issue, not only to the courtroom, but to the process of discoveries. There is far too much emphasis placed on lengthy discoveries and the abundance of hostile and irrelevant questions in this process which needs to be controlled.

### **Pro Bono Work**

I have acted for many handicapped people on a pro bono basis. Although I encourage pro bono work, this does not mean that this is the answer to the legal aid problem. I would like to see that the members of the public that need pro bono legal advice receive same in a timely manner.

### **Litigants Representing Themselves in Court**

The number of litigants representing themselves has exploded. A revitalized or revised Duty Counsel procedure should be considered immediately. Litigants who act in person require help both inside and outside the courtroom.

### **Mentor System**

There must be some system of encouraging the mentoring of young lawyers. In the past it was easy to take juniors to court to allow them to gain trial experience. At present, it is costly and even prohibitive for clients to have two lawyers at trial at the same time under the present hourly rate system. The Law Society should encourage senior partners to allow their juniors to go to court with them on a pro bono basis in order to permit the junior to garner experience without being excessively expensive to the client.

I seek your support and I can be reached by telephone at 416-865-7705, by email to [hberry@airdberlis.com](mailto:hberry@airdberlis.com) and by fax at 416-863-1515.

### **History**

Harold R. Berry, Q.C. was raised on a farm near Exeter and is married to Susan and has one adult daughter.

### **Education**

- B.A., Economics and Political Science, Trinity College, University of Toronto, 1959
- LL.B., Osgoode Hall Law School, 1962
- called to Ontario Bar, 1964
- appointed as Queen's Counsel, 1976
- certified as Specialist in Family Law
- LL.M., Civil Litigation and Dispute Resolution, Osgoode Hall, 2002

### **Current Professional Experience**

Harold has been a partner of Aird & Berlis LLP since 1974.

### **Reported Decisions**

- two in the last six weeks in the Reports of Family Law



## H.J. (Jim) Blake, Q.C., LL.M.

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The Law Society faces a number of compelling issues which still must be addressed such as multi-disciplinary practices, regulation of paralegals and professional competence.

If elected as Bencher I would use my experience to deal in a positive way with the various challenges which confront the Law Society as a self-governing profession in its duties to both the public and the profession itself.

- *Governance of the Profession.* The Law Society has the mandate and obligation to establish and maintain suitable standards to ensure a free, independent and competent Bar which serves the interests of justice and governs in the best interests of the public and the profession. Each Bencher must draw on his experience to consider and balance these interests.
- *Professional Competence and Continuing Legal Education.* The Law Society has the mandate and obligation to establish and maintain standards of professional competence. This entails issues of continuing legal education and standards for practice area specialization and requires extensive consultation with the profession as a whole.
- *Paralegals.* I recommend that the Law Society become responsible for licensing and regulating all paralegal activities.
- *Multi-Disciplinary Practice.* I recommend that the Law Society continue to support the principle that lawyers and other professionals cannot be partners in the same firm unless the firm is established for the purpose of the practice of law and is controlled by lawyers.

I have the interest and commitment to advance these principles. I will listen to the concerns of practitioners on all issues arising from their practices and look forward to the opportunity to meet these challenges to be an advocate for the legal profession.

### Education

- Master of Laws, York University, 1970
- Bachelor of Laws, Osgoode Hall, 1965

### Partner of McLean & Kerr LLP

### Practice Areas

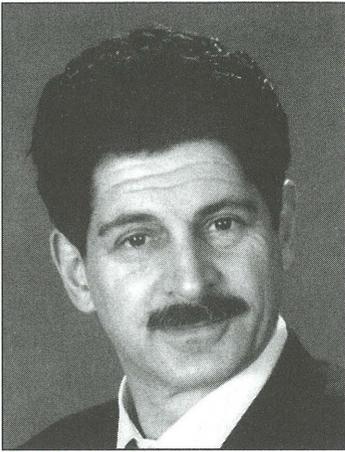
- Securities & Corporate Finance
- Corporate & Commercial (including Mergers and Acquisitions)
- E-Commerce
- Secured Lending

### Membership Affiliations

- The Law Society of Upper Canada - member since 1967
- The Canadian and Ontario Bar Associations
- Past Chair, Business Law Section, Ontario Bar Association

### Continuing Legal Education

- Has regularly delivered lectures for the Canadian and Ontario Bar Associations on business law topics.



## Daniel J. Brodsky

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There are important issues facing our profession right now. We need an effective and active voice in convocation to deal with these issues and to present our views to government and the public. If you elect me, I will be that voice.

### Background:

Since 1989 I have argued cases in many jurisdictions before all levels of court in Ontario, the Federal Court and the Supreme Court of Canada. As well I have appeared countless times before review boards, inquests and public inquiries. I have been especially active in fighting for the constitutional protection of aboriginal rights and the rights of the mentally ill; defending against the erosion of a woman's right to chose (abortion) and establishing the Battered Spouse Defence in Canada.

I am proud to be one of the founding directors of the Association in Defence of the Wrongly Convicted (AIDWYC), an organization that has done so much to help innocent people who have been falsely convicted. Closely connected to that work, I also represented the Ontario Bar Association at the Kaufman Commission on Proceedings Involving Guy Paul Morin. As well, I devote a great deal of time to volunteer activities that advance civil rights and have chaired, organized and spoken on issues of civil rights at conferences, schools and community events. I believe that all of this activity has given me a broad perspective on the practice of law in this province.

As a mandatory membership organization, we are comprised of diverse members. Each category of members has distinct needs - some distinctions are obvious, such as the differing needs of those in private practice and those in government service. Less obvious are the distinctions between the needs of seasoned practitioners and the newly admitted. I have learned a great deal about the importance of good support for lawyers in small firms engaged in social justice work and the need for an adequately funded legal aid plan. The fact that the Law Society must be more responsive to these differences cannot be understated.

I believe that as a benchler I can bring fresh perspectives to the important challenges facing the Law Society and the legal profession in the next four years.

### Issues:

In the next four years the Law Society must work much harder to:

- reduce LPIC/LAWPRO premiums and Law Society fees
- generate diversity and promote racial and gender equity within convocation and the legal profession generally so that the Law Society and the Bar truly represent the people of Ontario
- promote the interests of female lawyers
- meet the needs of young lawyers, small law firms and sole practitioners
- support the needs of those who practice in non-traditional areas of practice and those who work in the public sector
- address the special difficulties faced by those in our profession who suffer from disabilities
- reduce the cost of continuing education programs
- encourage non-mandatory professional development
- improve access to the justice system
- promote mechanisms that will expedite and reduce the costs of dispute resolution
- have the government commit to providing reasonable funding for Legal Aid
- require the government to regulate paralegals and mandate that they be insured
- make the complaints process more transparent, remove barriers to access and see that all claims are processed with dispatch
- foster the public's perception of and confidence in lawyers and the work that we do

The Law Society of Upper Canada has endorsed a scheme of regulated contingency fees which has clear advantages to the administration of justice in the form of increased access to justice. Recently our position has been endorsed by the Court of Appeal for Ontario. The Law Society now clearly has a role to play in ensuring that lawyers who enter into contingency fee agreements follow the ethical and professional standards set out in the Rules of Professional Conduct, so that the abuses feared in the past do not become a reality in the future.

### Pledge:

I care deeply about our profession and the people of Ontario. My training, experience, good judgment and dedication to you are what I have to offer.

If you place your trust in me, I will not let you down.

### Personal:

Date of Birth: May 4, 1958

### Education:

1983 - B.A. (Hon.) University of Winnipeg

1988 - LL.B. University of Alberta

1989 - Called to the Ontario Bar

### Employment:

1988 - Student-at-Law:  
Greenspan, Rosenberg

1989 to 1993 - Associate: Ruby & Edwardh

1989 to present - Private practice in criminal, constitutional and administrative law

### Memberships:

Director, Association in Defence of the Wrongly Convicted

Executive, Mental Health Legal Committee

Executive, Ontario Bar Association, Criminal Justice Section

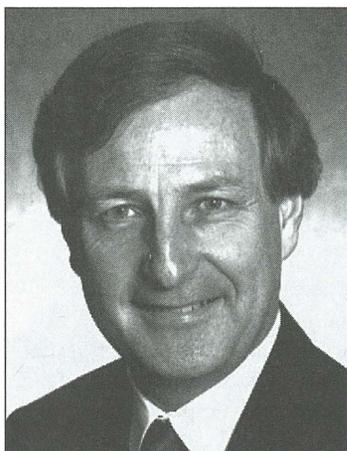
Criminal Lawyers' Association

Kenora Law Association

Metropolitan Toronto Lawyers Association

National Association of Criminal Defence Lawyers (U.S.A.)

Endorsed by the Women's Law Association of Ontario

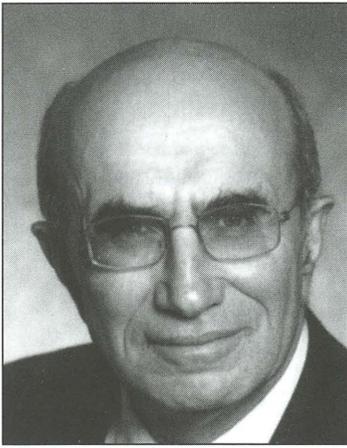


## John A. Campion

Over my term as a Bencher, I have been privileged to participate in a number of initiatives and roles in the governance of the profession. Plainly, the concerns and the issues facing the profession are constantly changing. In addition to the discipline role of the Law Society, there are issues which continue to require debate and a decision by Convocation and its committees. I would like to turn to certain of these issues in which I have taken particular interest as a Bencher and give you my views.

- **Partner**, Fasken Martineau DuMoulin LLP
- **Past Firm Chair and Chair, Litigation**
- Elected **Bencher**, 2000
- **Senior Litigator**  
Bars: Ontario (1974); Northwest Territories; New Brunswick; Nova Scotia; British Columbia; Quebec; Alberta
- National and international **arbitrations**
- **Administrative Law**
- **Adjunct Professor of Law**  
- Toronto, Osgoode
- **Co-Author**, Professional Liability in Canada
- **Lecturer, Instructor**, Bar Admission, OCAT, Law Society, Cornell, Cambridge; presentations In United States, Canada, England, Austria
- **Director**, CBC
- **Trustee and Vice-President**  
County of York Law Association
- **Vice-President (Past)** of the Toronto Law Alumni
- **Dickson Circle** member doing *pro bono* litigation
- **Law Society Fees** - The Law Society should make it a priority to reduce fees to the lowest possible level. The Law Society operates on a surplus of \$7 million. Its budget is \$50 million. In the last year I have voted twice to reduce the \$7 million surplus which would have led to a corresponding reduction in members fees. While my vote did not carry that day, I pledge to continue to reduce fees, wherever reasonably possible.
- **Legal Aid** - Legal Aid continues to be a vital concern; it is an issue of access to justice. The Law Society has expressed its concerns about funding for Legal Aid Ontario. We must continue to fight for a significant increase in the hourly rates paid to Legal Aid lawyers.
- **Paralegals** - There is constant pressure for legal services to be provided by non-lawyers. Indeed there is a suggestion that paralegals should be regulated by the Law Society. It is my strongly held view that the public interest is best served by the practice of law done by lawyers who are trained and qualified. While paralegals have a significant role to play, that role must mainly be an adjunct to the role of the practising lawyer.
- **Bencher Remuneration** - On January 23, 2003, Convocation voted 22 to 21 to pay Bencher compensation. I believe that Benchers assume their duties as a matter of public service. Most lawyers give some of their time to public service, in a variety of areas. The Bencher complement includes more lawyers who are sole practitioners or from small firms rather than Benchers from large firms. It would appear that a sufficient number of lawyers are moved to be Benchers in spite of the financial demands that such service imposes. I will continue to oppose Bencher remuneration.
- **The Governance of the Profession** - Discipline is an important component of self-regulation. The new system of Bencher appeals is now firmly in place. I have served as a member of the appeal tribunal in bringing 29 years of practice experience to deal fairly with complaints made against members of the profession. If elected, I hope to continue in this significant task.
- **Professional Competence and Civility** - The Law Society has embarked upon two important initiatives during my term as a Bencher; the first is fulfilling the Law Society's obligation to establish and maintain standards of competence which has been accomplished by adopting a competence programme, operating in a sensitive and unintrusive fashion. This initiative should be continued and enhanced, as experience dictates. Second, The Law Society and The Advocates' Society have taken steps to encourage civility in the execution of our professional duties. This proposition should be encouraged and enhanced.
- **Bencher Experience** - During my years as a Bencher I have served as vice-chairman of the Government Relations and Public Affairs Committee which committee mandate includes legal aid funding and paralegals. I have served on the Inter-jurisdictional Mobility Committee and in that regard have been a strong supporter of the important initiatives allowing Ontario lawyers to practice throughout Canada. I have served as a member of the Professional Regulation Committee and the Admissions Committee. In these capacities, I have proposed initiatives and made decisions consistent with the principles set out above. I remain prepared to address issues, listen to our members, being particularly mindful of lawyers practising throughout the province, and find fair and reasonable answers to the changing needs of the profession.

With your support and my experience as a Bencher, I look forward to continuing to serve the profession and to meet the challenges that lie ahead.



## Earl A. Cherniak, Q.C.

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I ran for Bencher in 1999 because I believed that my experience as a litigator throughout Southwestern Ontario, Toronto, and much of the rest of the province, and my experience as a sessional professor at Western Law School, gave me the perspective necessary to make a contribution to the Law Society.

My four years as a Bencher have been extremely busy. I was Chair of the Multi-Disciplinary Practice Task Force, which recommended that multi-disciplinary arrangements could only exist if controlled by lawyers. Convocation's approval of this report has been vindicated by events such as Enron, both internationally and at home. I have been Vice-Chair and Chair of the Professional Development Competence & Admissions Committee, which developed and implemented the legal competence mandate which the public demands. This mandate sets minimum expectations for Continuing Legal Education, Practice Guidelines, provides for Voluntary Self-Assessment, and revamps Specialist Certification. I was recently appointed Chair of the Task Force looking at ways to improve communication of legal material to the profession. I am Chair of the Proceedings Authorization Committee and have served on several other committees.

I seek a further term as a Bencher because there remain a number of important issues facing the profession. They include Legal Aid, the ever present problem of paralegal incursion into areas of law practice, the issues that will arise from the new enlargement of mobility rights of lawyers within Canada, and the advisability of expanding this initiative to other jurisdictions in North America and abroad. The development of a continuum of legal education, in law school and throughout one's practice, has implications for the revamping of the bar admission course and licensing of lawyers, and is an urgent task. We must address the changing demographics of the profession, the barriers that still exist for women and men who need to combine a manageable lifestyle with the practice of law, and the problems facing minority groups entering the profession. There is a need to ensure that the sole and small firm practitioner, the single largest component of the profession, can continue to thrive in a world of dramatic technological and social change. There is an ongoing need to maintain the independence and professionalism of the Bar in the face of the reality that the practice of law must be a business as well as a profession. Our right to self government depends upon it.

I voted against compensation for elected benchers because I believe that being a bencher is an important form of public service and should remain voluntary, notwithstanding the time commitment involved. There is no shortage of diverse, experienced, and able members of the profession willing to serve on a voluntary basis. I do support compensation for those benchers who undertake the important and time consuming task of disciplinary hearings.

I have practised in the same firm for my entire career. The firm has grown from five lawyers when I started in London, to almost 100 today in London and Toronto. I practised for more than 30 years in London and Southwestern Ontario, and was a founder of our firm's Toronto Litigation Group. I therefore understand intimately the problems that face lawyers in large firms and small, and inside and outside of Toronto.

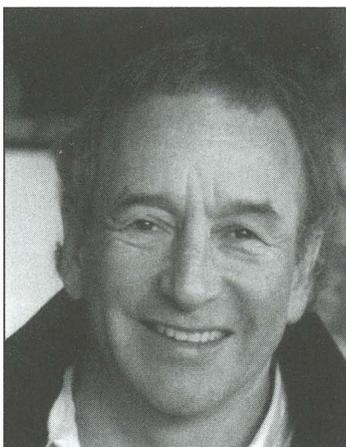
If elected, I will continue to bring to the work of Convocation an open mind and a dedication that will allow me to make decisions consistent with the best interests of the public and the profession, and consistent with the principles by which I live and practise. These principles include the delivery of legal services to the public at a reasonable cost by ethical and committed professionals, the maintenance of an appropriate system of legal aid and the independence of the bar, absolute non-discrimination and equal opportunity for everyone in the profession.

Change is a constant in the practice of law, but that change must be managed in a way that upholds the principles of independence and professionalism that have been the hallmark of lawyers throughout the ages. I was honoured to have been given the confidence of the profession by my election in 1999. I ask your support for another term, to continue the important work of Convocation.

- Born - Windsor, Ontario; BA - UWO; LL. B. - Osgoode; Clerk to McRuer, CJHC, 1960-61
- Senior Partner - Lerner's LLP
- President - The Advocates' Society - 1979-80; Eleventh Recipient of The Advocates' Society Medal - 1996
- Elected - Fellow American College of Trial Lawyers; International Association of Trial Lawyers
- Member - Federal Judicial Compensation & Benefits Commission (Appointee of the Federal Judiciary)
- Commissioner - Ontario Law Reform Commission - 1986-92
- Sessional Professor UWO Law School - 1961-79
- Director and Vice-Chair - Victoria Hospital London - 1982-89
- Honorary Chair - London Health Sciences Centre and UWO Faculty of Law Fundraising Campaigns
- Presenter - class actions, damages, trial and appellate practice, and ethical issues

## Paul D. Copeland

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Partner, Copeland, Duncan -  
practising criminal law, civil  
litigation, immigration and  
national security matters

University of Waterloo - B.Sc.  
Physics 1962

Osgoode Hall Law School -  
LL.B. 1965

Called to Ontario Bar - 1967  
Founding member, Law Union  
of Ontario

Vice-President, Criminal  
Lawyers' Association  
1985-1991

Bencher, Law Society of Upper  
Canada for two months in  
1987, and since December  
1990; Chaired Clinic Funding  
Committee, Women in the  
Legal Profession Committee,  
Equity Committee; Vice-Chair,  
Legal Aid Committee for six  
years. Presently Chair, Equity  
and Aboriginal Issues  
Committee.

Director, Association in  
Defence of the Wrongly  
Convicted (AIDWYC)

Canadian Friends of Burma -  
Member

Regular columnist since 1979,  
Criminal Lawyers' Association  
Newsletter

Ridemaster - Illegals  
Motorcycle Club.

When I ran for Bencher in 1999, in the candidate guide I wrote about Legal Aid, LPIC, regional election of Benchers, reform of the discipline process and pay for Benchers. I also wrote about the dissatisfaction and anger among the Bar concerning the performance of the Law Society.

Maybe I am becoming complaisant but it appears to me that the dissatisfaction and anger at the Law Society have significantly dissipated. Law Society fees and LAWPRO fees are now at more reasonable rates.

### Legal Aid Tariff

I have been one of the two Law Society representatives on the Legal Aid Tariff Coalition. The Coalition is made up of the Criminal Lawyers' Association, the Family Lawyers' Association, the Refugee Lawyers' Association, CDLPA, OBA, and the Law Society. We have spent almost two years working with Legal Aid Ontario attempting to persuade the Tory government to increase the hourly tariff rate and to change the tariff to allow lawyers to be paid for sufficient hours to properly prepare for their cases.

The work has not gone well. An inadequate increase of 5% was given effective August 1st, 2002. A second increase in the same range is expected in April 2003.

A 10% increase on a tariff that has not changed for 15 years is pathetic.

Unfortunately the tariff increase has not been accompanied by an increase in money from the government to Legal Aid Ontario. Unless more money is put into the plan, the people at Legal Aid Ontario are going to be forced to tighten the eligibility for the issuance of certificates and to refer more cases to staff lawyers (read public defenders). Even more people are going to be unrepresented in the courts. While the Attorney General, David Young, deserves some credit for being the first Attorney General in 15 years to raise the tariff, I would think that a change of government in Ontario and more Federal money for Legal Aid are the things which might re-establish the Legal Aid scheme in Ontario as one to be held up as a model of how a legal aid plan should function.

### Equity Issues

The last two years at the Law Society have been very frustrating for me as Chair of the Equity and Aboriginal Issues Committee. The sudden departure of the Law Society Equity Advisor, coupled with a very slow process in hiring his permanent replacement, made it difficult to demonstrate the Law Society's commitment to equity issues. The Equity and Aboriginal Issues Committee has found it very difficult to bring the issues of Bencher remuneration and law school tuition increases to be debated at Convocation. I hope that changes that occur at the Law Society after this Bencher election will make Convocation more receptive to many important equity issues.

### Voting

Governance of our self-regulating profession is important. Whether you chose to vote for me or not, I urge you to cast your ballot in this election.

In the 1999 Bencher election only 42% of the eligible lawyers cast a ballot which reached the Law Society in time to be counted.



## Carole Curtis

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1. **Relevance**
2. **The Future of the Legal Profession**
3. **Leadership**
4. **Diversity in the Legal Profession**
5. **Governance and Accountability**

**Relevance:** A significant segment of the bar considers the Law Society irrelevant, and questions its purpose. There is a lack of confidence, and little interest in the regulator. Less than half the bar even votes in the bench election. The Law Society must demonstrate its relevance to each lawyer and must address these serious concerns.

**The Future of the legal profession:** The survival of the small firm and solo lawyer is at risk, which threatens the public's access to justice. The Law Society must lead in promoting access to justice and ensuring that small firms and solo lawyers survive and thrive. The monopoly lawyers had in the marketplace is eroding. The dramatic increase in unrepresented litigants is a clear expression of changing public expectations about the need for legal services. The status quo is not an option, since clients do not see it as an option. Lawyers are increasingly dealing with a changing workplace, a changing business culture, changing economic conditions, a changing society and a changing profession. Lawyers must adapt to the changing environment and the Law Society must help lawyers to understand the new marketplace. Governors with a willingness to adapt, a connection to the business of running a law practice, and the ability to be forward thinking are needed. New solutions are needed to address new problems arising. The Law Society must support the transition. This is the competence mandate of the Law Society.

**Leadership:** The central issue for lawyers in this election continues to be **VOICE:** whose voice is heard in Convocation? As the demographics of the profession change, Convocation becomes less representative of the profession and more remote from the public. To govern the profession in the public interest, Benchers must reflect the demographic composition of the public lawyers serve. The Law Society governs the profession in the public interest, but how is the public interest defined? Lawyers from diverse practices and backgrounds bring widely different perspectives of the public to the governing body. The small firm lawyer in a small community deals with a different "public" than the corporate lawyer in a large Bay St. firm. Convocation continues, in many ways, to operate as an elite private men's club, and still has not evolved into the governing body needed for today's profession. If there is no meaningful work for benchers, the profession sees Convocation as a country club, operated at their expense, with no purpose. The leadership in Convocation must ensure real debate on the issues that affect the public and concern the profession. External events mean changes to the way the profession must operate. The public is no longer confident in corporate leadership. Accountability and transparency are essential to public trust.

**Diversity in the Legal Profession:** There continues to be a large gulf between the governors and the governed. The welcoming of diversity in the profession continues, but not without tension, conflict and questions about fairness, equity, competence and access. The profession cannot look backwards, to the days when only white men entered law school, became partners in large firms, or occupied positions of power and influence in the profession. Changes to this pattern are slow. Protecting and promoting diversity requires commitment, understanding and action.

**Governance and Accountability:** Self-regulation is a privilege, a gift, and a responsibility. It should never be taken for granted. The independence of the legal profession is central to democracy, fundamental to self-regulation and at the core of the existence of the law society. Self-governance, the independence of the legal profession and accountability to the public are inter-connected. Accountability, the essence of an elected official, is the essence of democracy. The Law Society must convince the public and lawyers that the independence of the legal professions matters. The challenge is to ensure the Law Society continues to be self-governing, and able to maintain the independence of the legal profession in a deregulating environment, in an evolving business world, in a changing practice environment. Vote for change.

Bencher from 1991.

Called 1978.

Windsor 1976.

3 lawyer feminist Family Law firm.

LSUC: Legal Aid, Professional Regulation (past Chair), Professional Development and Competence, among others.

Lecturer, panellist, instructor at BAC (Family Law, Profession of Law, Legal Aid, Law Office Management, Practise Skills) and at continuing education programs (Family Law, Child Protection, Legal Aid, feminist issues, the Legal Profession, Equality Issues).

Previously Family Law Rules Committee & Secretariat.

Law Union. National Association of Women and the Law. Advocate's Society. Ontario Bar Association. Toronto Law Association. Family Lawyer's Association. Lawyer's Club. Women's Law Association.

carolecurtis@carolecurtis.com

Endorsed by Family Lawyers Association



## Sean Dewart

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As a civil litigation practitioner, I have been an advocate for reform and accountability. I was senior counsel for the plaintiff in *Jane Doe v. Toronto Police*, and in the challenge to the government's attempt to privatize Hydro One. I acted to challenge the constitutionality of the lifetime welfare ban and frequently act to obtain damages for the wrongfully convicted. Much of my time is devoted to defending claims against lawyers for LawPRO, which provides me with insight into the challenges facing lawyers in many areas of practice.

The Law Society must be the guardian of a strong and independent Bar and must do a better job advocating on the issues that affect our work as lawyers in the justice system:

Sean Dewart obtained an LL.B from Osgoode Hall Law School in 1983, and an LL.M. from the London School of Economics in 1985. Since 1986, he has practised civil litigation in Toronto, and since 1998, has been a partner at Sack Goldblatt Mitchell. He acts for diverse clients in a wide variety of civil and commercial disputes.

He is a regular instructor at the Bar Admission course, is a member of the Advocates Society and was certified as a Specialist in Civil Litigation in 1999.

- Civil case management must be made to deliver on the promise of more timely justice, without driving up costs.
- Legal Aid must be adequately funded. Members of the criminal and family Bars, and clinic lawyers, have subsidized the administration of justice for too long.
- To ensure access to justice, substantive law reform must be on-going and must draw on the wide-ranging expertise of our members in every field of law. Contingency fees were studied for decades and we are still waiting for Bill 213 to be proclaimed in force. The public is still at the mercy of unregulated and uninsured paralegals.

The Law Society must also be effective in discharging its other core responsibilities:

- We need better early warning systems and more effective intervention and support for practitioners in difficulty. That way, we can better protect the public and further reduce LawPRO premiums.
- We need to build on LSUC's recent successes in making continuing legal education more relevant and accessible.
- We need thoughtful and effective policies to ensure that membership in the profession reflects the diversity of Ontario's population, and that the diversity of the profession is represented at Convocation. Salaried benchers are not the answer.

Please give me your support. If you have any questions about my position on the numerous issues that affect us as LSUC members, and the way I will approach them if elected, please send them to [seandewart@sgmlaw.com](mailto:seandewart@sgmlaw.com). I will answer you directly, and post the questions and my answers at [sgmlaw.com](http://sgmlaw.com).



## Mary Louise Dickson, Q.C.

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I am running for Bencher because I wish to contribute my experience to Convocation.

I have practiced law for over 35 years from many perspectives in large firms and an all-women small firm. The focus of my practice has been in the areas of will and trust planning, powers of attorney for property and personal care, mental incompetency applications, estate administration, pensions, personal income tax planning and charities. I have acted for large corporate clients and individuals. I was a member of the Canadian Human Rights Commission for six years. The Commission dealt with complaints by ordinary individuals against large government departments, issues of systemic discrimination, pay equity and employment equity and administrative problems resulting from backlogs and resulting delays.

I have also been interested in my many communities and have worked to serve them. I have served on many sections and committees of the Ontario Bar Association (formerly the Canadian Bar Association Ontario) and the Canadian Bar Association. Currently I am on the Investment Committee of the Office of the Public Guardian and Trustee and am the president and director of Centre for Independent Living in Toronto. I incorporated and was a director and vice-president and secretary of Camp Awakening, a program that provides trip camping experience to disabled children in regular camps, was a member of the Ontario Advisory Council on the Physically Handicapped, a director of Lyndhurst Hospital, the Canadian Paraplegic Association and a director and secretary of Northhill District Home Owner's Association.

I have participated in many legal education seminars and programs and co-authored Ontario Estate Practice and The Wills Book - Benefits, Wills, Trusts and Personal Decisions Involving People with Disabilities in Ontario published by the Ontario Association for Community Living.

Through my experiences I have gained an understanding about the problems faced by diverse groups - the disabled, the marginalized as well as the more prosperous members of society. I am aware of problems faced by practitioners who act for individuals as a result of the erosion of their business base through the streamlining of real estate practice, do-it-yourself will kits and legal work assumed by unregulated paralegals. I bring this experience and understanding to identifying the needs of the profession to enable us to continue to provide a high level of competent service to our clients.

If elected I will work to maintain the relevance of the Law Society of Upper Canada to the profession at large and sole practitioners in particular in both rural and urban centers. I will work towards creating diversity in the legal profession through eliminating barriers and promote professional development.

MARY LOUISE DICKSON, Q.C. graduated from Trinity College, University of Toronto and Osgoode Hall Law School and was called to the Bar in 1966. She is a partner of Dickson, MacGregor, Appell LLP practising in the areas of trusts and estate planning, tax and charities. She is a member of the Law Society of Upper Canada, Canadian Bar Association, Canadian Tax Foundation, Estate Planning Council of Toronto, American College of Trust and Estate Counsel, and International Academy of Estate and Trust Law, a Director of Unity Life of Canada and a former member of the Canadian Human Rights Commission.



## Carmen Diges

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My decision to submit my candidacy for your consideration in this year's bench election is a direct result of the perspectives and experiences that many of you have seen fit to share with me. From these experiences, it is clear to me that there are a number of areas that cry out for change in our profession, particularly those which affect the more junior members, women and those whose unique perspective is a valuable but not always valued contribution to the profession.

I have decided to try to make a difference and consider this nomination an essential step to raise consciousness of the issues that many of us seem to be experiencing.

If any of the following statements resonate with you, I urge you to support me in these elections:

- critical to the integrity of our profession is a working environment in which each member feels that they have the possibility of fulfilling their potential as a lawyer and a person
- as acknowledged by Governor-General Clarkson in her remarks at Osgoode Hall Law School recently, systemic obstacles remain in the profession which hinder women from achieving their potential, and in many cases, drive them from the practice of law
- a number of these obstacles also affect men, particularly at junior levels, with the result that many qualities desirable to be represented in the profession are under-represented, suppressed or extinguished, leading to a less vibrant and diverse profession and a "brain drain" of certain qualities and perspectives
- public confidence in our profession cannot be expected if we do not uphold the values of diversity, equality and accessibility even amongst ourselves

If you read these four points and shook your head at the naïve utopianism of the writer, consider your reaction: these sound like motherhood statements - I would like to think that few would argue the validity or desirability of the principles that they represent. They are not new ideas - they stem from Bertha Wilson's report and long before. And yet they still appear so distant, so unachievable.

How does this become less remote, more real? With a small step, with someone like me deciding to stand for election, with someone like you deciding to vote. It takes a long time, many people, many initiatives. This is mine.

If you would like to discuss these issues in greater detail, I hope that you will contact me. I can be reached at 416-941-5410 or by email at [cdiges@davis.ca](mailto:cdiges@davis.ca).

Called to the Ontario bar in 1995, I received my LL.B. from Dalhousie University and LL.M (Tax) from Osgoode Hall Law School. In my ninth year of practice in corporate finance and securities law, I recently joined the Toronto law office of Davis & Company. Selected pro bono involvement: executive position - OBA, Natural Resource Group, mentoring articling students and associates, formally and informally, mentoring professional women for Women in Capital Markets' mentoring program, directorships with The Canadian Environmental Defence Fund, the Rider Training Institute and Three Trilliums, which provides attendant care to disabled persons as part of the independent living movement.



## Mike Doi

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The Law Society must represent all of us. Our profession consists of lawyers in all areas of practice, who are at various stages of their careers. Members of our profession have different experiences, share diverse perspectives, and live and work across the community. Many continue to be under-represented in Convocation. This needs to change.

Benchers need to reflect our diversity. Lawyers need benchers whom they can easily approach in order to properly bring their issues and concerns forward. Benchers must strive to speak with lawyers, hear their views, and responsibly advocate on their behalf. To ensure effective and credible governance within the profession, the Law Society needs a range of benchers in Convocation who will reflect our diversity, encourage more meaningful participation, and promote better dialogue on issues.

I conscientiously will make every effort to ensure that:

- lawyers are properly qualified and competent to practice;
- the Bar Admissions Course provides useful training and practical resources for new lawyers;
- Continuing Legal Education is accessible and available to lawyers across Ontario on a voluntary basis;
- library and research facilities are maintained for all members of the profession;
- entrusted funds are managed by the Law Society in a fiscally responsible manner, with good stewardship, transparency and accountability;
- standards of practice and professionalism remain at a high level, and are fairly enforced;
- responsible legal aid is maintained in Ontario, government is held accountable for funding commitments to the profession and the public, and a regular review of the funding formula is established to ensure access to justice;
- paralegals do not engage in the practice of law;
- lawyers facing difficulties get access to meaningful assistance, guidance and support from the Law Society; and
- lawyers and the public are afforded fair, equitable and timely treatment in their dealings with the Law Society.

Convocation should be more transparent. Debates and decisions by benchers need to be better communicated to members of the profession and the public. Convocation needs to do the right thing, and also must be seen to do so. This will build awareness and confidence in the Law Society.

I am running as a bencher to serve you. As someone in private practice who has served in government, who has volunteered and advocated within the multicultural community, who is married to another lawyer who is in-house legal counsel, and who is raising a young child, I appreciate the daily challenges and real issues that face many of us. I promise to bring an energetic, dedicated, professional, and common-sense approach to the work of a bencher so that we can accomplish more. Please vote. Thank you.

Direct dial: 416.864-7282

E-mail: [mtd@hicksmorley.com](mailto:mtd@hicksmorley.com)

### Partner

Hicks Morley Hamilton Stewart  
Storie LLP

labour and employment law

### Education

LL.M. London School of  
Economics

J.D. University of Detroit

LL.B. University of Windsor

B.A.(Hons.) Royal Military  
College of Canada

### Called

Ontario Bar 1995

### Former Military Lawyer

Office of the Judge Advocate  
General, Canadian Forces

### National Vice-President

National Association of  
Japanese Canadians, national  
multicultural civil liberties  
group, actively advocating for  
human rights and legislative  
reform

### Founding Member

Japanese Canadian Lawyers  
Society of Toronto

### Member

OBA Limitations Act  
Committee, CBA, Royal  
Canadian Military Institute,  
RMC Ex-Cadet Club

### Married

to Julia Shin Doi, and raising a  
child



## Linda Silver Dranoff

I have had the privilege for the past 29 years of practising law within a self-governing profession. I believe that we have a responsibility as lawyers to ensure that we are, and are seen to be, managing our independent profession in an open and accountable way that earns public respect. I am willing to meet my share of the responsibility for this task.

I started my own practise when I was called to the Bar and I have always worked in a setting of five lawyers or less. I know what it means to build and sustain a practise, and I understand the challenges for practitioners in small firms. I know the unique challenges faced by women in the practise of law.

I understand what service to clients means, and the professional responsibilities that imposes on lawyers. I am a guide through the legal system for individual clients with their own cases, and for the general public through my writings on law. I enable individuals to access justice, and educate people generally so that they have sufficient knowledge of the law to permit them to be empowered members of society.

I serve the public interest by providing information and advice about the law and legal rights. I also serve the interests of our profession by demystifying the law, and helping people understand what it is that we do. It is my hope that in explaining the rule of law, I have helped to encourage respect in the public mind for rule by law.

I believe that lawyers are not just workers in law, but have a role to play in keeping that law up to date and responsive to the needs of society. We do it when we take cases forward which set precedents. I have had a number of opportunities to do that within family law. We also have a role to play in law reform, and I am gratified that I was able to successfully spearhead legislative reform in family law.

I would bring this background and perspective to the role of Benchers, and to the policy discussions that are held to meet the challenges of the present and future.

What follows are my general views on some of the important issues facing the profession.

**Access to Justice.** A democratic society cannot survive without accessible justice and the confidence of its citizens in the legal process to give them a judicious and expeditious result, which is not based on their ability to pay. This means there must be a well-funded legal aid system that respects the role of lawyers; it also means the court process must be streamlined. While the Law Society is only one of a number of institutions involved, the Law Society should play an important role.

**Professionalism.** Lawyers are "officers of the court" as well as barristers and solicitors who need to serve the interests of clients. The profession needs to discuss how to accommodate conflicts between these roles. When the lawyer becomes solely an advocate for the client, this reduces respect for the legal profession, and often brings with it a reduction in collegiality and civility among lawyers.

**Regulatory Role.** The extension of the Law Society's regulatory function into the area of competence is welcome, and will need development. The current focus in discipline matters to include remedial and supportive measures, and not be limited to punishment, is a benefit to members of the profession.

**Equity issues.** The profession must be open to the needs of all its members. The Law Society's commitment to equity and diversity in the profession is a foundation on which to build.

**Benchers remuneration.** In a 1999 referendum, the profession voted against benchers remuneration. While there are arguments to be made both ways on this matter, I believe that Convocation must be guided by that referendum, which represented a clear consensus of the profession. If convocation wishes to alter that decision, there should be a further referendum, this time with a detailed plan, to ascertain the current views of the profession.

It would be an honour to serve the legal profession and the public interest.

- Partner in the family law firm of Dranoff and Huddart, Toronto
- Speaker at continuing education programs and public events
- Activist in the drive for the Family Law Act 1986
- Founding Chair of Ontario Bar Association's Feminist Legal Analysis Section
- Author of 3 books on law for the public
- Legal columnist for *Chatelaine Magazine*
- Distinguished Service Award of the CBAO
- Woman of Distinction Award, Toronto Y.W.C.A.
- Governor-General's Award in Commemoration of the Persons Case
- President's Award of Women's Law Association of Ontario
- Family Law Award for Excellence, Ontario Bar Association



## Todd Ducharme

### AN EXPERIENCED BENCHER

I was first elected a Bencher in 1999. I have chaired the Professional Regulation Committee since last June, having served on the Committee since 1999. I have also served on the Proceedings Authorization Committee, the Admissions Committee, the Finance Committee, the Access to Justice Committee, the Legal Aid Services Committee, and the Equity and Aboriginal Issues Committee. I now have a much better idea of how the Law Society works (and does not work) than I did four years ago and, as a result, I can represent your interests that much more effectively.

Here is where I stand on a few of the important issues Benchers must deal with:

#### LEGAL AID — Unite and Fight

I am one of the only Benchers with a legal aid practice. I know first-hand how inadequate the current legal aid scheme is both in terms of the tariff rate and the scope of coverage. I have worked with the Coalition for Legal Aid Tariff Reform for the past year and a half. While we have made some progress, we have a long way to go. I will continue to make legal aid a priority for the Law Society. However, we need to involve all members of the bar, both Bay Street and Main Street, in this struggle. Legal aid should be a priority for all of us, because it directly impacts access to justice for many Ontarians. I will continue to oppose the threat of a public defender system. Such a system undermines the independence of the bar and choice of counsel. We must also support clinic lawyers whose valuable work is under-resourced as the demand for their services increases.

#### PARALEGALS — Educate, Regulate, Prosecute

I served on the Paralegal Task Force and contributed to the comprehensive report that was, unfortunately, largely ignored in the Cory Report. The Law Society must continue to be vigilant in this area. Paralegals are not going away, so they must be regulated in a scheme that requires them to be educated, licensed and insured. The Law Society must also educate the public as to what paralegals cannot offer them, for example, solicitor/client privilege. Once the regulatory scheme is implemented anyone not complying with it should be vigorously prosecuted. This is the only way that the public can be properly protected.

#### DISCIPLINE PROCESS — More Transparency, More Accessibility

We all dread being the subject of a complaint to the Law Society. It can be a harrowing, arduous experience that still takes too long and is still largely misunderstood. We have made progress in reducing delay, but much remains to be done in terms of increasing the transparency and accessibility of the system. We have started a process of organizing and rationalizing all the policies used by the Law Society in this core area. While this should be a simple task, unfortunately it is not. Our previous decisions are still not easily accessible to our membership. I will work to ensure that all our case law can be made available to the membership in electronic format so that anyone involved in a complaint can quickly become familiar with the applicable precedents. We also need to develop a Members' Protocol that explains the discipline process and clearly sets out the minimum rights of any member subject to a complaint.

#### NO TO BENCHER REMUNERATION

As a Métis and the first elected Aboriginal Bencher in Ontario, I strongly support diversity within our profession and within Convocation. However, this past January, I opposed the proposal to pay each Bencher \$100,000 per term because it would not increase diversity at Convocation, because it was far too expensive, and, most importantly, because in the 1999 election the membership resoundingly voted against paying Benchers. **I WILL CONTINUE TO OPPOSE BENCHER REMUNERATION UNLESS APPROVED BY YOU, THE MEMBERS, IN ANOTHER REFERENDUM.**

I ask for your support. I do not claim to have all the answers, but I commit to continue listening to members, to asking tough questions and to working hard to find fair and reasonable answers to the issues facing the profession. If you need any more information on where I stand on particular issues e-mail me at [td@15bedford.com](mailto:td@15bedford.com).

**RE-ELECT TODD DUCHARME**

**HARD-WORKING, COMMITTED, THOUGHTFUL REPRESENTATION**

#### Endorsed by

- Canadian Association of Black Lawyers
- Criminal Lawyers' Association
- Family Lawyers' Association
- Indigenous Bar Association
- Ontario Crown Attorneys' Association
- Refugee Lawyers' Association

#### Professional Experience

- called to the bar of Ontario (1988) and B.C. (1997)
- Since 1993, **sole practitioner**, appearing throughout Ontario in all levels of court, including the Supreme Court of Canada
- Former Director, Aboriginal Legal Services of Toronto
- Part-time Review Counsel, Downtown Legal Services, University of Toronto

#### Education

- LL.M. - Yale Law School
- LL.B. - University of Toronto
- M.A. - Yale University
- B.A. (Hon.) - McGill University

#### Professional Service

- Bencher (1999 to present)
- Director, Criminal Lawyers' Association

#### Community Service

- Director, Native Child & Family Services
- Former Director, Anishnawbe Health Toronto

## Igor Ellyn, Q.C.

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Igor is a certified specialist in civil litigation and practices commercial litigation and family law at Ellyn-Barristers, a 3-lawyer litigation and ADR firm. He is also a chartered arbitrator and mediator. He speaks six languages including French.

He was President of CBAO, a member of Council and many committees. A frequent CLE speaker and chair, Igor taught extensively in the BAC, coached advocacy workshops and has written many legal articles. He is active in international associations and local community groups. His "legal" public service dates back to 1982. In 1997, he received the Law Society's Bicentennial Award of Merit.

Recently, a senior partner of a large firm wrote a letter of reference in support of my application for membership on an arbitration roster. He wrote, in part: "I believe that Igor Ellyn's integrity is beyond reproach and he has the calm professionalism that comes from years of experience and knowing what he is doing." I was touched by these words and they sum up why I hope you will consider me worthy of your vote in this election.

***I am running for Bencher because:***

***I care deeply about the well-being of our profession.*** As a Bencher, I will support policies which promote and further develop the independence, professionalism and stature of Ontario lawyers. I believe that the Law Society's mandate, "governing the legal profession in the public interest," is best achieved when lawyers are competent, successful and are encouraged to lead balanced lives.

***I have a reasonable approach and some good ideas.*** I served as CBAO President during a year of crisis for the Bar. E & O premiums and Law Society fees were sky-rocketing. Legal Aid was in shambles. The image of lawyers was at a very low ebb. As spokesperson for CBAO members, I helped propose ways to resolve these difficult problems. Many of my ideas were implemented long after my term ended. At the time, a lawyer from Peel Region wrote: "I have been at Council meetings and have witnessed [Igor's] common sense and courage in dealing with important issues facing the Association and the Bar. He would not hesitate to make the tough decisions and his approach is practical not technical." Much has improved but many challenges still confront us. I am ready to help resolve them.

***I believe there are access to justice needs and opportunities for the public and Ontario lawyers.*** Although our profession has grown considerably, many people in Ontario are not receiving the legal services they urgently need. Far too many litigants and accused go to court unrepresented. I find this unacceptable. I know we can find much better ways to meet the public's growing legal needs. Money is only one factor. Making legal services more readily available is just as important. Competence is the hallmark of effective legal services. Lawyers, not unregulated paralegals, are best able to protect legal rights.

***I believe there are unexplored global horizons for Ontario lawyers and for the Law Society.*** In our internet-focused global village, Ontario lawyers are already using their skills outside our provincial borders. The Law Society's mobility agreement for most of Canada is an important first step but it's just a start. The public interest will be well-served by expanding the reach and profile of Ontario lawyers to the United States and internationally. This is a fertile area for development of our profession which I believe should be actively explored.

***A vote for Igor Ellyn is a vote for insightful, reasonable governance by an experienced and committed leader of the Bar.***

You can read more about my candidacy at [www.ellynlaw.com/bencher](http://www.ellynlaw.com/bencher).

Thank you for your support. Je vous remercie pour votre appui.



## Susan Eng

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### What I Care About.

#### **Independence of the Profession and Public Confidence**

Lawyers have a special role in a democracy. Our profession reaches into every dimension of our society to ensure that the law applies equally and equitably and makes accountability possible. An independent Bar is crucial to safeguarding these fundamental democratic values.

The privilege of self-regulation depends on public confidence and that rests on our public reputation for competence, integrity and accountability, our inclusiveness and our commitment to serving the broader public interest.

#### **Equal Access to Justice**

Access to justice depends on whose needs are articulated and who is representing them. The Law Society has improved the accessibility and diversity of the Bench and the profession but more can be done. There should be more women Benchers and better representation from minority communities, smaller firms, clinics, government and academe. We must enter into and lead the public discourse on social justice.

#### **Good Governance**

The Law Society serves the public interest and the interests of its members. We earn public confidence by upholding the highest possible standards of our profession. We build members' trust by facilitating greater input and representation from the broad spectrum of our profession, large and small, urban and rural. We must reduce the gap between governors and the governed.

#### **What I Offer**

#### **Governance Experience in Complex Professional Environments**

Upholding our standards and fundamental values requires more than commitment; it requires a disciplined professional approach to managing the issues, building a consensus and enhancing public awareness. I have grappled with these complex governance challenges in professional institutions such as the University of Toronto and the Toronto Police Service, often while under intense media scrutiny.

#### **Demonstrated Commitment to Democratic Values**

My public and community service has focussed on the accountability of public institutions, equality of access and effective governance. I have advocated for change in education, the media and the police. I have put my own career on the line for the cause, resigning as a partner in a downtown firm to head the civilian agency that governs Canada's largest police force. I believe that enduring change is possible.

I would be honoured to share in the commitment demonstrated by the Benchers to maintaining the excellence of our profession and their continued contribution to a just society.

#### **Professional Activities:**

- Called 1977 - tax specialist for 14 years with an international and domestic practice
- lectured at Osgoode Hall Law School, Social Context Education for Federal Court Judges, Bar Admission Course

- Now sole practitioner

#### **Public Service:**

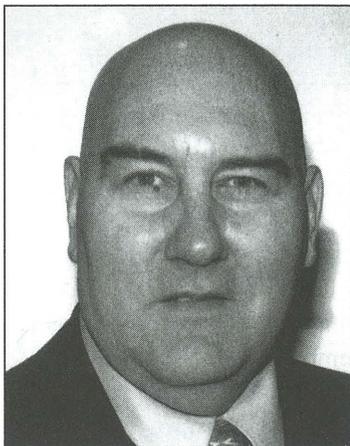
- Chair of the Toronto Police Services Board 1991-95
- Ontario Premier's Council
- Ontario International Corporation

#### **Community Service:**

- Alumni Governor, the University of Toronto
- YWCA of Greater Toronto
- Canadian Civil Liberties Association
- Yee Hong Community Wellness Centre

#### **Awards:**

- Women of Distinction Award for Public Service 1997
- Urban Alliance on Race Relations Award 1992

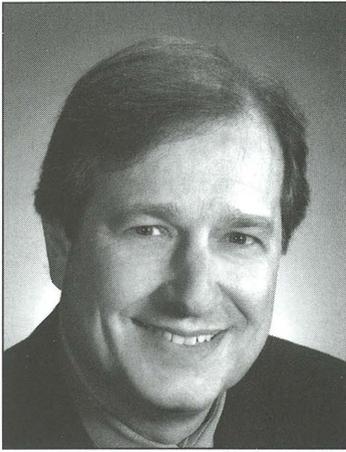


## Ben Fedunchak

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The practice of law in the 21st century is an increasingly difficult and costly endeavour. I am committed to the following issues with the intent that they will benefit the profession individually and as a whole:

- REDUCTION OF LPIC FEES
  - REDUCTION OF ANNUAL MEMBERSHIP FEES
  - INCREASE IN LEGAL AID TARRIFFS
  - EXPANSION OF AREAS COVERED BY LEGAL AID
  - FLEXIBLE CONTINUING EDUCATION PROGRAMMES THAT WILL ACCOMMODATE A PRACTITIONER'S SCHEDULE AND THAT WILL INCORPORATE A VARIETY OF CHOICES SUCH AS:
    - (a) lectures
    - (b) seminars
    - (c) internet access
    - (d) audio cassettes
    - (e) video cassettes
    - (f) written materials
  - OPTIONAL AND VOLUNTARY CONTRIBUTIONS TO PROFESSIONALLY MANAGED INVESTMENT, EDUCATION AND RETIREMENT FUNDS FOR THE MEMBERSHIP
- SOLE PRACTITIONER
  - PRACTICE RESTRICTED TO CRIMINAL LAW
  - GRADUATE OF THE UNIVERSITY OF TORONTO
  - GRADUATE OF McMASTER UNIVERSITY
  - GRADUATE OF QUEEN'S LAW SCHOOL
  - MEMBER OF THE BOARD OF DIRECTORS OF COUNCIL ON DRUG ABUSE (C.O.D.A.)
  - MEMBER OF THE SCARBOROUGH LEGAL AID AREA COMMITTEE



## Neil Finkelstein

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In the 12 years I have been a Bencher, since 1991, we have dealt with a number of major issues. For example, the insurance program was in serious difficulty in the mid-1990's, insurance rates were sky high, and there was a \$150 million deficit. The program is now on a sound financial footing thanks, in part, to the Insurance Task Force of which I was a member, and, while more needs to be done, members' insurance premiums have been in steady decline. Similarly, law practice in Canada has been balkanized for many years. I worked as a member of the Canadian NAFTA (foreign legal consultants) delegation, and others worked through the Federation of Law Societies, to the point that today significant interprovincial mobility is a reality. Legal aid remains a critical issue, but the Law Society is well positioned to work to improve the system.

Major challenges remain. In the next four years, the Benchers must focus on practice and fiscal issues.

As to practice issues, the Supreme Court of Canada's decision in *R. v. Neil* has exacerbated the problem of lawyers' conflicts. The Law Society must respond with a realistic set of guidelines. Parliament has passed money-laundering legislation which forces lawyers to disclose confidential client communications to federal authorities. I am involved in the constitutional challenges to that legislation. The Ontario Government is seeking to cut legal aid costs at the price of independence of the Bar. I have fought for legal aid for years, as Vice-Chair of the Legal Aid Committee before it was independently administered, and since in various efforts related to the independence and health of the Bar.

As to fiscal issues, in my opinion, the Law Society's demands on members for Law Society fees are too onerous. The Law Society operates to a surplus of \$7 million, on a budget of \$50 million. That surplus is excessive. I have voted twice in the last year to reduce it, and correspondingly reduce members' fees substantially. I have lost both times, but will continue to fight for a more balanced budget, rather than one which targets a large surplus.

I also strongly oppose members' fees being used to pay Bencher compensation. On January 23, 2003, a deeply divided Convocation voted 22:21 to pay Bencher compensation despite a 1999 referendum in which the profession voted 58% against such compensation. I, and 20 other Benchers, voted against the motion. On February 13, 2003, at a Special Convocation, Convocation decisively defeated each of three separate, specific compensation proposals.

In my view, Benchers perform their responsibilities as a public service. In my 12 years, there has always been a substantial number of Benchers who are sole practitioners or lawyers from small firms. These Benchers outnumber those from large firms. They, along with all other Benchers, have run for Bencher, been elected, made enormous contributions and served for multiple terms, all for no compensation. Members should not now be burdened with Bencher compensation in addition to the other financial demands made of them in their practices. If necessary, I shall move in the next Convocation to reverse the January 23, 2003 compensation decision.

The Law Society needs experienced Benchers to confront these and other challenges. I seek, as I have these past 12 years, your mandate to continue in this work.

- **Partner;** Blake, Cassels & Graydon
- **19 appeals in Supreme Court of Canada**
- **34 appeals in Courts of Appeal**
- **65 major trials and hearings before courts and tribunals**
- **Bencher,** since 1991
- **Advocates' Society,** Director
- Fellow, **American College of Trial Lawyers**
- **Lecturer:** University of Toronto and Osgoode Hall Law Schools
- **Pro bono litigation:** Canadian Civil Liberties Association, Canadian Jewish Congress, Advocates' Society
- **Constitutional advisor** to Newfoundland, Meech Lake and Charlottetown Accords
- **Senior Policy Advisor** to Ian Scott, Attorney General of Ontario
- **Law Clerk** to Chief Justice Bora Laskin
- **Harvard Law School (LL.M.), McGill University (LL.B., B.A.)**



## Eva Frank

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I regard the role of Bencher to be one of great responsibility. I hope you will consider my qualifications and interests as fitting someone who can represent your interests, take them to heart and express them effectively in Convocation.

These are challenging times for us and for our profession. Lawyers are stressed and suffering from economic uncertainties. We are concerned about our ability to adapt to changes in expectations, practice conditions, technology and public needs. We are receiving a continuing battering in the public's mind. Benchers have critical roles to play in helping lawyers adapt and thrive and to promote the wellbeing of our chosen profession.

We need to be governed in a fair, effective and efficient way that recognizes the various, and sometimes differing, requirements of all its members, whether those members practise in downtown Toronto or the furthest reaches of the province. We are all members of one profession.

I bring to my Bencher candidacy the perspective of someone who, though now in a firm of 10 lawyers, practised for nearly 10 years in a two-person firm, followed by 10 years in a firm that reached 40 members. As a result, I am aware of the special needs and concerns of practitioners in different sized firms. One thing I have learned is that communication is vital and if elected Bencher I will make more effective dialogue a priority.

### Current Issues:

**Equity and Diversity:** Although a start has been made, efforts must continue to eliminate discrimination and systemic inequities. We must ensure that all members have equal access to the practice of their choice and that barriers to their success are eliminated.

**Professional Development and Competence:** Lawyers must be encouraged and given support and assistance to meet the changing demands and expectations of clients. That means ensuring that all lawyers, regardless of location or firm size, have accessible and relevant Continuing Legal Education, not only with respect to substantive law, but practice management and process skills. The technology to facilitate the achievement of this goal is already available.

**Affordable Fees:** Efforts have been made to control Law Society fees. It is important to the health of the profession that fees be kept as affordable as possible. The other side of the coin is that members must see value for their fee contributions.

**Legal Aid:** Benchers must press for tariff reform and the rejection of a public defenders system. The 5% increase granted by the Attorney General is inadequate, well below the base rate proposed by the Coalition for Legal Tariff Reform. We need to advocate effectively and ensure that those who need legal aid have access to competent legal services.

**Discipline:** Benchers must take steps to ensure that discipline complaints are dealt with in a timely and fair way. The recent initiatives, including the complaints resolution process, are a good beginning; but, until complaints are handled more expeditiously, the public and the profession will continue to suffer under the process.

**Civility:** The absence of respect for each other and the judicial system diminishes the profession and the regard in which it is held in the community. There must be improvement in the level of civility in language and behaviour in the practice of law throughout Ontario. Notwithstanding the practice and economic pressures we face, we cannot compromise integrity and professionalism.

**Accountability:** The Law Society has a new CEO who brings with him the promise of greater functional efficiency. Benchers must be in a position to monitor the progress being made. The administration of the Law Society must be responsive to the directives of the Benchers and there must be accountability for the implementation of Bencher priorities and policies.

It would be a privilege to serve the profession as a Bencher. I ask for your support and your vote as your representative.

I invite you to contact me and share your views. You can reach me at Genest Murray by phone at 416 360-2857, by fax at 416 360-2625, or by visiting my website, [www.evafrankforbencher.com](http://www.evafrankforbencher.com).

- Born Brantford, Ontario, 1949
- Married, 2 university-age children
- Called to the Bar 1976
- Partner, Genest Murray, 10-person litigation firm
- Contributor to continuing legal education programs as lecturer, writer and journal editor
- President, Metropolitan Toronto Lawyers' Association, 1996-1997
- Held executive positions in Medical Legal Society, Advocates' Society, OBA Insurance Section
- Represented Bar on Court of Appeal Bench and Bar Council, Civil Bench and Bar Committee, Case Management Advisory Committee and Treasurer's Committee re Case Management
- Practice Areas: professional and directors' liability, professional discipline, education law, real estate and commercial disputes, personal injury and products liability



## Avvy Yao-Yao Go

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*Our nettlesome task is to discover how to organize  
our strength into compelling power.*

*Martin Luther King Jr.*

Having served as a benchers for the past two years, I wish I could say that I have achieved what I had committed myself to during the last election, and that was, to help transform the Law Society of Upper Canada into an institution which truly respects and promotes equity and equality. If that had been successfully achieved, there would in fact be little need for me to seek a second term.

In this day and age, it is cliché to say that the legal profession is becoming increasingly diverse. Women now make up the majority of recent law school graduates and newly called lawyers. People of colour are also steadily gaining in number within the profession.

But representation without power brews frustration, and power without representation lacks legitimacy. Sadly, that is the present situation facing the increasingly diverse membership of our profession and the governing body which regulates them.

As one of the few persons of colour as well as the only legal clinic system lawyer currently sitting at Convocation, I believe it is both my role and my responsibility to serve the interests of the profession as well as those of the public in a manner consistent with the principles that I hold dear - such as that of equality and justice for all.

I believe that I bring to the convocation a perspective that is otherwise missing, as I attempt to also speak for those who would otherwise be silenced. In carrying out my duties as a regulator, I believe I am guided by an over-riding consideration for those who are most marginalized and who are therefore often left out of the decision making process. I believe that it is this constituency of the so-called "public" that we as benchers need be most vigilant in ensuring that their interests are in fact protected.

If my peers deemed me worthy of serving a second term, I plan to continue to focus as I have done so to date - to work with like-minded benchers and members to make the Law Society more accountable, more equitable, and above all, more just.

The support I received from the members in the last election convinces me that there are many conscientious lawyers out there who, like myself, are dedicated to such goals and objectives. It is only with your continuing support and shared strength that the desired change can be brought about, both within the Law Society and in the profession at large.

Benchers of the Law Society of Upper Canada (from Sept., 2001)

Member of Professional Regulations Committee, LSUC (from Sept., 2001)

Recipient of 2002 President's Award (Women's Law Association of Ontario)

Member, Treasurer's Equity Advisory Group, LSUC (1998-2001)

Called to the Bar (1991)

Clinic Director, Metro Toronto Chinese & Southeast Asian Legal Clinic (1992-present)

LL.M. Osgoode Hall Law School (1997)

LL.B. University of Toronto (1989)

B.A. (Honours) University of Waterloo (1986)

Articling student, Weir & Foulds (1989-1990)

Board member, Community Social Planning Council (1996-1997, 2002-present)

President, Chinese Canadian National Council (Toronto Chapter) (1989-1995)

Vice-Chair, Court Challenges Program of Canada (1994-1997)

Board Member, Urban Alliance on Race Relations (1991-1995)



## Alan D. Gold

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It would be a great honour and responsibility, not to mention challenge to participate in the governance of the profession.

I would do my best.

I have always practiced criminal litigation in a small firm. I understand life in a small firm as well as the problems faced by those who have chosen to dedicate themselves to a criminal law practice.

Being president of the Criminal Lawyers' Association certainly provided a rigorous education in governance and many of the contemporary problems facing the Bar of this province.

Legal Aid, paralegals, legal education and professional competence issues continue to be of primary concern.

On the topic of legal aid, the opinions I have published make my position clear. As President of the CLA I wrote:

“How is it possible to justify an Ontario Legal Aid plan that has had no increase in its hourly rate in 14 years? How is it possible for there to be any question about an increase in the hourly rate when, if the tariff had done nothing else but keep pace with inflation the hourly rate would now be \$135 per hour instead of half of that? How can it be justifiable and fair that if a politician or civil servant needs to hire a lawyer on the public expense the hourly rates range up to three times the legal aid rate! If a conservative is a liberal who has been mugged, perhaps a tariff increase supporter [requires] a politician who has to use legal aid to try to stay out of jail.

Over half the lawyers bill legal aid less than \$10,000 year. The unfairness and exploitation is that they are doing about \$30 to \$40,000 worth of legal work for that modest payment.

Legal aid work is becoming increasingly uneconomical for most lawyers. Only the bar's generosity has kept the system from collapse. The number of lawyers accepting legal aid certificates is falling. And, of course, it is false economy. An unrepresented or underrepresented accused will cost the state substantially, in longer court proceedings, more appeals, multiple court proceedings, unfair guilty pleas, and undeserved incarceration. ...”

As for paralegals, the criminal context especially has highlighted the issues and problems and made clear that the paralegal role must be a limited one, demonstrably subject to lawyer control. Anybody who thinks that paralegals are simply an economical version of lawyers should become aware of the ineptitude many paralegals have demonstrated in the criminal courts and the resulting documented horror stories.

Legal education and legal competence are related. I have always appreciated the importance to the Bar of continuing legal education, and have planned and taken part in dozens, if not hundreds, of such programs. I wish to continue that involvement as a Benchler.

I look forward to serving the Profession if elected.

Called 1973

Gold Medalist, Queen's University Faculty of Law, 1970

Practice restricted to criminal law. Defended many major trial matters. Argued several hundred appeals.

Frequent lecturer at legal education programs. Authored numerous articles and several books on criminal law.

Inductee, American College of Trial Lawyers. Member, Advocates' Society and other organizations.

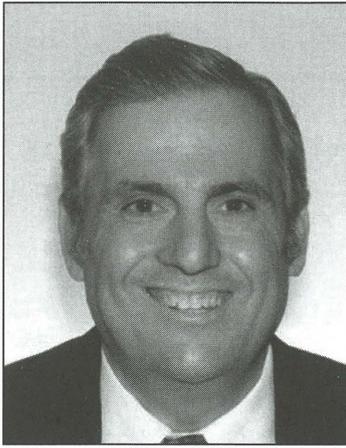
Certified Specialist in Criminal Litigation by Law Society.

First Chair of the Law Society's Criminal Litigation Specialty Committee for five years.

Member, Legal Aid Test Case Committee since 1993.

Honoured in 1997 with the G. Arthur Martin Award for Contribution to Criminal Justice.

Past President, Criminal Lawyers Association for two terms from November 1997 to November 2001.



## Gary Lloyd Gottlieb

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I have represented you at Osgoode Hall for eight years. I am supposed to tell you that wonderful things have been accomplished. Your fees have been modestly reduced and CLE programs are becoming more relevant and accessible. The truth is, however, the Law Society motto should be changed from "Let Right Prevail" to "We Can Do Better." A lot better!

I know firsthand how the Law Society operates, what it does and what it should not do, and I know that your fees are still too high. They should be reduced.

We do not need and cannot afford the large bureaucracy we have at Osgoode Hall. We are over-regulated even though most of us practise honestly and conscientiously. The Law Society should focus its costly regulatory and audit programs on lawyers who need them, not on the overwhelming majority of us who practise with integrity.

I believe and participate in CLE but I do not believe that minimum expectations of professional development should be made mandatory. Today's expectations can become tomorrow's requirements, but I will not be seduced.

The cost of CLE programs and materials must be more affordable. To many of us, even when the programs and materials are worthwhile, their cost is a burden.

The Law Society should not be tolerating the existence of paralegals who are engaged in the unauthorized practice of law, nor should it regulate them. They ought to be vigorously prosecuted. If paralegals want to practise law let them go to law school and become lawyers.

The Law Society must put an end to in camera proceedings. It should not be governing behind closed doors. You are intelligent. You pay your annual dues. You are entitled to know in detail how your money is spent and what is happening at Osgoode Hall. The Law Society should not be remote from the profession, it should be accountable to it. How can it be accountable to you if you do not know what is going on?

It is not a scandal what I tell you in the Law Times. It is a scandal how by virtue of in camera proceedings I am bound and gagged. I want to tell you more but I can't.

As a bencher I endeavour to do what's right. The profession must be regulated in the public interest but it must be regulated in the profession's interest too. The small minority of lawyers who are disciplined are almost invariably sole practitioners or small firm lawyers. They are entitled to be disciplined by a lawyer who practises in the same milieu. They should not be held to unrealistic standards of perfection by big firm benchers.

I believe in Law Society policies that are fair, whether they benefit large firms or small firms. I voted for amending the rules of law student recruitment so that our large firms would be on a level playing field with American firms. And I supported the new mobility protocol.

But I have a special place in my heart for sole practitioners and small firm lawyers, and I shall continue to fight the systemic bias that exists against us at Osgoode Hall. I know what it's like to practise in the trenches because that is where I practise myself.

Lawyers in the trenches provide legal service and access to justice for the ordinary people of this province. We do so at great sacrifice, often unapplauded, and whether we are retained privately or on legal aid we are invariably underpaid. Instead of suggesting expectations for our professional development, the Society ought to be suggesting proper fees for the legal work we do.

The Law Society should be helping lawyers, not hampering them. Instead of eroding confidence in the profession, the Society should engage in positive public relations. Instead of distributing pamphlets province-wide telling people how to complain about us, the Society ought to be telling people why they should appreciate us.

I will continue to advocate on your behalf at Osgoode Hall, and I am grateful for your encouragement and support.

Please visit [www.interlog.com/~glgqc/electiondiary2003.html](http://www.interlog.com/~glgqc/electiondiary2003.html)

Sole practitioner since 1970

Graduated from U of T Law School, 1968

Appointed Queen's Counsel, 1982

Elected bencher, 1995 and 1999

Member Professional Regulation and Equity Committees

Columnist, *The Law Times*, *A Bencher's Diary*

Author, *A Lawyer's Guide to Coping with Stress*

Freelance writer, articles and stories published throughout North America

Past Chair, General Practice Section, Ontario Bar Association

Chair and Speaker at CLE programs

Peer Volunteer, Ontario Lawyers Assistance Program

Mentor, Law Society Articling Placement Program

Director, St. Paul's Liberal Association

Member, Board of Directors, Newsletter Editor, Beth Lida Synagogue

Volunteer, Baycrest Center for Geriatric Care

## Wendy Griesdorf

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I earned an undergraduate degree in English and Semiotics from U of T in 1990 and a law degree from Osgoode in 1993. I articulated at Goodman & Goodman (now Goodmans) and was called to the Bar in 1995. From 1995 to 2001, I practised estate litigation at the boutique firm Brian A. Schnurr & Associates. I have published and lectured in my practice area and am an instructor at the Bar Admissions course. In 2001, I was appointed Director of Career Services at Osgoode Hall Law School where I concurrently teach estate litigation as adjunct faculty.

Over my past eight years as a lawyer, I have been mentored by remarkable members of our profession who have taught me to care extraordinarily about the service we provide to our clients, who are committed to education, and who have demonstrated to me the significance of respecting our colleagues. I seek to serve as Benchers in a manner that fosters these values and develops our profession to the same high standards to which we all privately hold ourselves.

**New Professionals** - Lawyers under 40 have innovative ideas about how we can develop our profession and improve our service to the public. Many of our new lawyers have come from other careers or were lawyers and judges in other countries. I believe that we should actively engage our newer members in a robust dialogue on the future of our profession.

**Senior Counsel** - I want to ensure that we are analysing our profession's demographics and properly preparing ourselves for the upcoming retirement of our senior counsel (our "baby boomer" lawyers) over the next two decades. At the same time, we should understand whether the net and gross increase in our profession's numbers are keeping pace with Ontario's anticipated growth spurt over the same number of years. I believe that we should be building programs so that we can continue to draw on the wisdom and experience of our senior counsel post-retirement.

**Culture** - I want to ensure that we are attracting and retaining lawyers from all Canadian ethnicities. We must analyse the pressures in our profession to homogenize and develop practice models that welcome cultural integration. Concurrently, we should continue with all policies that enable our lawyers to engage professionally in other jurisdictions and countries.

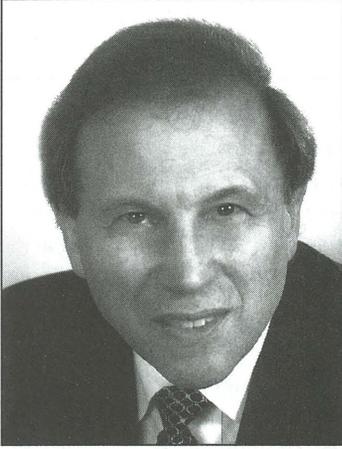
**Sole and Small Practices** - I want to ensure that we are meeting the needs of our sole and small practitioners and that we actively support those who seek to establish new practices. Small practices are frequently the early adopters of new technology and are therefore essential to the discussion about the profession's IT growth.

**Specialization** - As the practice of law becomes increasingly specialized, we become even more webbed together in a matrix of professional services. As members, we should have access to a comprehensive Law Society directory of our colleagues' names, practice areas, boutique services, and other information such as languages spoken so that we can consult with each other on complex client files and promote a stronger inter-profession dialogue.

**Education** - I encourage the building of programs that would oversee a seamless transition from being a law student to becoming a lawyer. We should continue to foster an environment where the law schools and the practising Bar are participating in each other's mutual development in order to improve our profession as a whole entity.

**Discipline** - The integrity of our profession is preserved through our discipline mechanisms. It is in the best interest of our clients, the profession, and the public to hold our members to the highest standards available. We must ensure that we are enforcing our rules and that our rules are worth enforcing. Misconduct by one lawyer affects the entire system.

**Access to Justice** - Access to justice is now a conversation on two fronts: who can afford our justice system and who can afford to study law. I would like to focus on how we are mobilizing the wealth that is produced within our profession so that we can guarantee to the public that we are operating a legal system which everyone can access.



## Harvey M. Haber, Q.C., LSM

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Having built my substantial law career and community involvement - which includes providing information on corporate & consumer ethics; drafting a code of conduct; serving in executive roles with public corporations, and answering many calls from Ontario lawyers each week on commercial leasing issues - I am now ready to fully embrace the role of a Bencher.

First, the image and voice of lawyers from all cross-sections practising in busy centers such as Toronto is of paramount importance. Despite rhetoric in recent times, it remains unclear to me whether the image of the profession has in fact improved. The public and the media have to be made aware on a regular basis of lawyers' positive contributions to the many aspects of our society, be they in social justice, commerce, or governance. In addition, the many issues facing the Law Society, and how we deal with them, should also be conveyed to the public, so that our governance and decision making process is also perceived as just and fair.

Second, the practical skills (or lack thereof) that those just entering our profession bring with them, is important. Law school curricula should provide our future lawyers with a good ground of practical skills in office management, client communications, and file management. These are crucial to the success of any lawyer in any practice area.

Third, I question whether lawyers in the trenches (i.e., most of us) really understand how the Law Society budget works, what major expenses and costs are included in it, and what can be done to reduce those. This is not a promise to "cut membership fees", but rather an undertaking to seriously examine the budget and costs, in order to determine what expenses or organizational impediments can be minimized or eliminated.

Whenever I lecture throughout Canada, I always extend an invitation to any member of our profession to call me on a complementary basis on any matter pertaining to commercial leasing. Indeed, I receive many calls each and every week and enjoy advising people on my field of expertise - partly because I learn new things every time! I would, as a Bencher, like to receive just as many calls from the Bar with respect to the business of the Law Society.

I respectfully ask for your support.

- Senior Partner, Goldman Sloan Nash & Haber LLP
- LL.B., Osgoode Hall Law School, 1960
- Ontario Bar, 1962
- Director, World Council of Synagogues, 1977-79
- Queen's Counsel, 1978
- President, Sir John A. Macdonald Foundation, 1980 - present
- Director, Metropolitan Toronto Lawyers Association, 1983
- Director, ADR Institute of Canada, 1994-97
- OBA Award for Distinguished Service, 2000
- Law Society Medal, 2002
- Member, International Advisory Board of Ethics Canada
- Author/lecturer - numerous programs/publications on commercial leasing, and recognized by L'EXPERT
- Co-author, "Giving Thanks - Graces for Every Occasion"



## Kenneth John Hale

With the passing of control of legal aid from the Society to Legal Aid Ontario, things have changed for clinic lawyers and other Members who provide legally-aided services. Our concerns, and the interests of the clients that we serve, seem to have fallen in the priorities of our profession's governing body. I am standing for election because I think that these concerns need to be heard at Convocation. Here are the issues that I am concerned about:

### Professionalism

Although often tarnished by its association with elitism, professionalism embodies ideals of integrity, independence, collegiality and service. We expect these values to be shared by all Members and supported by our governing body. But the diversity of Ontario's lawyers poses challenges to building a common understanding of what these values mean in everyday practice. I will work toward ensuring that all Members of the Society - including those who work for disadvantaged people and those who employed in places other than traditional law firms - get the support of the Society and the respect they deserve.

Our professionalism is threatened by the activities of unregulated paralegals who would take over our work without assuming our responsibilities. In my practice, I have seen the best and the worst of non-lawyers delivering legal services. I strongly support Convocation's recent efforts to bring paralegal regulation off the back burner. There are no easy answers to this issue, but I believe that I have valuable experience to contribute to this debate.

### Access and Diversity

The decision by Ontario's law schools to set tuition fees at unheard-of levels will have a serious impact on the composition of the profession and its continuing relevance in a changing province. Convocation can and should make it clear to the universities that intellectual ability and commitment to professional service are what qualifies a student for admission to the Bar and that high tuition fees are a barrier to many who possess these qualifications.

I support the efforts of the Society to promote equity and diversity within the profession, including in its governing body, and I will work to improve and expand these initiatives. This includes fee exemptions for Members temporarily out of the practice of law and reasonable re-qualification processes. It also includes financial support for Benchers doing the work of the Society. I do not believe that any of the proposals for Bencher remuneration would impose an excessive burden on the membership. I support a fair system of compensation as one of the tools to create a Convocation that is more representative of the membership.

Any remuneration I might receive as a Bencher would be passed on to the legal clinic I work for to ensure that service to our clients is maintained while I am working on the Society's business.

### Support for Legal Aid

I believe that the evolution of the Ontario Legal Aid Plan into Legal Aid Ontario was a necessary and progressive step. But we should not lose sight of the importance of this program by giving the politicians and the bureaucrats a free rein. Recent efforts by the Provincial Government to dictate how legal aid services will be provided show that vigilance is needed to preserve professional values in legal aid delivery. But the success of the profession and its allies in beating back this challenge shows that we can be effective in protecting these values.

### Governance in the Public Interest

Convocation has a difficult job in balancing the demands of the profession and its obligation to act in the public interest. But it is important that Convocation be composed of lawyers who represent the diversity of our profession and who are familiar with the legal needs of the diverse population of Ontario. I have been fortunate to work with a clientele of people from outside the mainstream of Toronto's economic life. Many of these people have suffered greatly from social injustices and many live rich lives in spite of hardship. They have helped to shape my values and the priorities that I would bring to Convocation.

I ask for your support in helping to ensure that the disadvantaged are a part of the public in whose interest the legal profession is governed.

Called to the Bar - 1977

Lawyer-Director, South  
Etobicoke Community Legal  
Services since 1985

Practice in Residential Tenancy  
and Social Welfare Law

Graduate of Osgoode Hall Law  
School

Alumnus of Parkdale  
Community Legal Services  
Clinical Education Program

Current or former Board  
Member of:

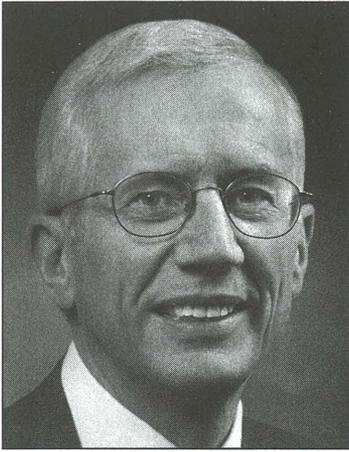
- Advocacy Centre for Tenants  
- Ontario
- Toronto Association of Legal  
Clinics
- Federation of Metro Tenants'  
Associations

Member of:

- Metro Toronto Lawyers'  
Association
- Law Union of Ontario
- Tenant Advocacy Group
- Legal Clinic Housing Issues  
Committee

Lecturer in Residential Tenancy  
Law:

- LSUC Continuing Education  
Programs
- Clinic Training Programs



## Thomas Giles Heintzman, Q.C.

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I am seeking election as a Bencher because of my commitment to an independent legal profession.

In my view, the Law Society has a fundamental role to play in maintaining and enhancing the independence of the lawyers through effective self-regulation. Without an independent Law Society acting in the public interest, there can be no truly independent legal profession. These values - independence and effective self-regulation - will guide my decisions as a Bencher.

An independent bar is, in my view, an essential pillar of a functioning democracy. However, the independence of lawyers is important for another basic reason. Lawyers provide practical advice to citizens as they deal with their every day personal, family and commercial relations. That advice must be independent, and this necessity has been underlined by recent events in the business community. The essence of self-regulation is the preservation of lawyers' ability to provide the best, and the most independent, advice to their clients.

An independent Law Society plays a crucial role in enabling lawyers to provide independent and competent advice. To fulfil that role, the Law Society should have three objectives: to enable lawyers to provide modern and cost-effective service; to ensure that lawyers provide excellent service to ALL members of the public; and to be seen to be acting in the public interest and as a cost-efficient organization.

The provision of efficient legal services isn't only about legal education. Lawyers need a full range of practical skills - legal, business and technical. In this area, the Law Society has a particular duty to smaller firms and single practitioners. I strongly believe that the Law Society must ensure the strength and role of small firms and sole practitioners in communities across Ontario.

The Law Society does not have to deliver CLE itself. Its primary responsibility should be to act as the agency that identifies the skills that reflect the changing realities of the practice of law, and that promotes the ways in which lawyers can learn those skills. Those skills may be taught through a variety of providers, such as local law associations, OBA, Criminal Lawyers' Association, the Advocates' Society and, indeed, by organizations outside the legal profession.

I have been involved in legal education since I was called to the bar. Besides teaching in the Bar Admission course and at numerous trial advocacy and CLE courses, I helped start three separate law school courses. Education, in the broadest sense, is an area in which I hope to make a contribution if elected.

Helping lawyers to deliver cost-effective service is about access to justice, a subject with which I have been pre-occupied for many years. While active in the Canadian Bar Association-Ontario, I participated in the efforts leading to court reform in Ontario. While President of the Canadian Bar Association, I initiated the Systems of Justice Task Force chaired by Eleanore Cronk. That task force identified ways to make the justice system more accessible. In my view, the Law Society should be a leader in helping lawyers deliver access to justice through cost-effective legal services.

Finally, the Law Society must set an example of responsible independence by managing its affairs prudently. Recently, the Law Society has taken strides to become more efficient and to reduce membership and insurance fees. The Law Society has a continuing duty to justify every expenditure it makes. Benchers must continually scrutinize the Law Society's structure and delivery of services to ensure that they are focussed on what is really essential.

In this regard, my view is that Benchers should not be paid, at least not on a blanket basis and before further consultation with the profession. While Benchers face time and financial dis-incentives, those should be addressed, if necessary, through compensating onerous commitments on an individual basis. This approach should be tried to see if it can deal with the issue.

The Law Society should continue to address the public's perception of the legal profession and legal institutions. Public respect is the foundation upon which our independent and privileged relationship with our clients is based. Provided that it does so responsibly, the Law Society's independent role as regulator is consistent with its role as spokesperson for the independence of lawyers.

Partner: McCarthy Tétrault.  
Trial and Appellate Counsel.

Educated: Harvard University;  
London School of Economics;  
Osgoode Hall Law School.

Past President: Canadian Bar  
Association (1994-1995); and  
Canadian Bar Association-  
Ontario (1989-1999).

President: Sopinka Cup Trial  
Competition.

Past Instructor: Bar Admission  
Course; Osgoode Hall Law  
School (Trial Advocacy); U of T  
Law School (Computer Law;  
Contested Corporate  
Transactions). Frequent CLE  
lecturer: trial advocacy,  
securities litigation.

Member: CBA, MTLA,  
Advocates' Society, AJEFO.  
Fellow: American College of  
Trial Lawyers and International  
Academy of Trial Lawyers.

Summer counsellor for 10  
years: Camp Oochigeas  
Childrens Oncology Camp.

Queen's Counsel; Officer of the  
Order of Canada.



## Pheroze J.K. Jeejeebhoy

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### FOCUSING ON THE SMALL PRACTICE

A well trained lawyer who has the freedom to change with the times is the only way to keep our profession useful to modern society.

As a Bencher I will bring to the position my perceptions and experiences as a sole practitioner. The new opportunities created by technology, and the restrictions created by the economy, weigh against the development of any new large firms. It is within this framework that I consider my main objective to promote optimal legal training for all lawyers.

I perceive a gap between the training we receive as students and the skills we need to be good lawyers. And, I am concerned that this gap is growing.

As a sole practitioner, or in small groups, a lot of new lawyers are deprived of the mentoring and training that will mould them into great advocates. At the same time, attempts are being made to reduce the cost of litigation by introducing changes to the Rules. Paradoxically, most of the changes are increasing the burden on the practitioner. To some, every extra procedure is a cost, and the litigation timetable can create one crisis after another. The problem, as I see it, is two fold: A law student faces the very real possibility that they will not be able to find a proper mentoring experience. And, when they get into an articling position, the process does not give the new lawyer sufficient practical experience. Unfortunately, our new lawyers just do not get enough opportunity to be exposed to the vast array of experiences they need to be good counsel.

The training our new lawyers receive also has a very real impact on us all financially. I am concerned that without a good early training we expose ourselves to increased insurance costs. Presently, there are very good continuing legal education courses available. However, the price of continuing education can be prohibitive to any lawyer who operates a small practice. And, the problem compounds itself: if a lawyer cannot deal with their practice effectively, they will not take the time away from it to take the CLE.

I ask, is it acceptable for a person to enter law school not knowing whether they will be mentored into their early years as a lawyer? This is not a good situation for the profession or society. When I speak to my mentors I see how different it was. I also realize how deficient our training is when I compare our system to the rigorous mentoring a young doctor receives. An advocate with good practical experience has the skills to close a file in a cost effective and timely manner.

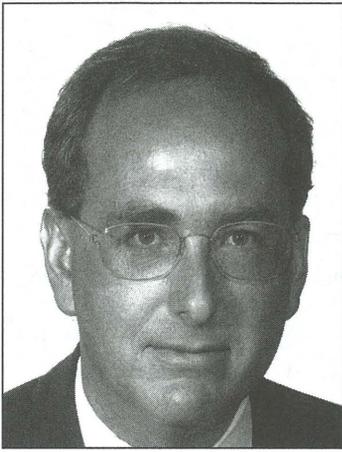
The Law Society must respond proactively to the challenges facing the profession. We must make sure our new lawyers receive the training they need by developing a better mentoring system as part of the training in this province. Efforts must be made to coordinate law schools and law firms to ensure an enriching training experience for all graduates. As a Bencher I would also like to see coordination between the various professional organizations to ensure opportunities are available to all lawyers, regardless of the area of practice or geographical location.

And, what about the established practitioner facing the new realities of law today? The Law Society needs to be able to facilitate and support the change that is required to keep our profession viable. New styles of law firms, strategic alliances with non-lawyers and technology pose very interesting possibilities. As a Bencher I will promote a system that equips all of our lawyers with the skills and tools they need to succeed.

Pheroze graduated from the University of Manitoba, Faculty of Law. He received his call in Ontario in 1996. After articling with the Ontario Ministry of Health he set up his own practice in Toronto.

Pheroze has worked primarily as a sole practitioner, restricting his practice to litigation. He has taught at Seneca College, has been a guest speaker at the annual Travel Health Insurers Association conference, and has spoken to the Ontario Trial Lawyers Association Medical Malpractice subsection.

Pheroze was a past member of the Integrated Justice Project. Presently, Pheroze is a member of the Advocates' Society Technology Task Force.



William Kaplan is an arbitrator and mediator based in Toronto. He was called to the bar in 1985. Between 1986 and 2000 he was a member of the Faculty of Law at the University of Ottawa. He is the author of several books, including *Bad Judgment: The Case of Mr. Justice Leo A. Landreville* and *One More Border: The true story of one family's escape from war-torn Europe*. In 1999 he was awarded the Law Society Medal, and in 2002 he was given an honorary LL.D. A member of the OBA, Metropolitan Lawyers Association and AJEFO, William Kaplan is married with three young children.

## William Kaplan

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What challenges do Ontario's lawyers face today? And what is our Law Society doing to help overcome them?

The lawyers I meet in my practice tell me that the Law Society must be much more active in dealing with the issues that affect all of us. It is essential that the Benchers we elect to Convocation be not only able to lead, but able to listen and respond to the concerns of members of the profession.

This means, among other things, making sure that the provincial government reverses the decline in the availability of legal aid certificates, and, with leadership from Convocation, begins solving the particular problems faced by lawyers who accept them. I am not convinced that the government's plan for a public defender option is in the public interest.

Responsiveness means building on the good work the Law Society has done in bringing timely and appropriate continuing legal education programs to communities across the province.

Responsiveness means following through on the significant progress that Convocation has made in enhancing the interprovincial mobility of members. In an era when the world is getting smaller and smaller, professional mobility is not just an option - it is a necessity.

Responsiveness means further reforming the bar admission process to allow new Ontario lawyers comparable access to our profession as new lawyers in nearby jurisdictions. Elimination of what is, in effect, a non-tariff barrier to trade, one that significantly delays the entry of lawyers into the profession at great personal and professional cost, is not only necessary but overdue. It is simply wrong that it still takes more time to be called to the bar in Ontario than in any other Canadian jurisdiction, and much more time than in the United States.

Responsiveness means respecting the clear will of members and revisiting the decision to pay fees to all elected benchers. I am strongly in favour of the widest possible representation at Convocation and would support, if approved by the members, a confidential and respectful way to determine that no one is prevented by true financial hardship from serving our profession. In the meantime, I believe Convocation should respect the view of the membership - a view that was sought and should not be overturned without returning to the membership.

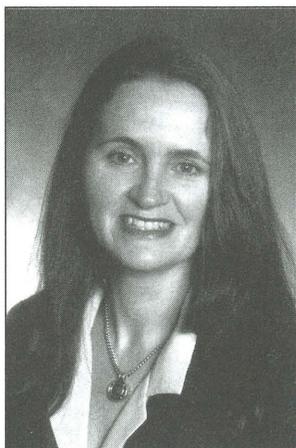
Je profite également de l'occasion pour lancer une invitation toute particulière aux juristes d'expression française de l'Ontario à appuyer ma candidature. À mon avis, le système juridique ontarien, et plus particulièrement les services juridiques disponibles en français, sont le reflet fidèle des efforts de plusieurs niveaux d'intervenants depuis déjà quelques décennies. À titre de conseiller auprès du Barreau du Haut-Canada, je m'engagerai à continuer à veiller à vos meilleurs intérêts ainsi qu'à l'épanouissement des services juridiques de langue française.

No one has all the answers to the issues we face, but I believe that I am well situated to address some of these challenges. I truly understand that the practice of law varies widely around Ontario: my practice brings me frequently into contact with lawyers in the four corners of the province. As a sole practitioner, I understand the difficulties facing lawyers who are first and foremost operators of a small business: in an uncertain economy, with ever more complicated work, hours are increasing, and profits are decreasing.

As a mediator and arbitrator, I appreciate that Convocation must begin giving careful consideration to the aspirations of those working in non-traditional areas of practice. To be sure, many of us work on Main Street and Bay Street, but there are large numbers of lawyers working in clinics, at tribunals, for the government and on behalf of the greater good. The number of these lawyers is growing, and more attention must be paid to their legitimate needs and interests. As a former professor of law, I know first-hand that our profession is changing. Today's lawyers have roots that reach around the globe. They are bringing a fresh dynamism to our profession, but also fresh demands of their leaders: catch up, or be left behind.

I welcome your comments or questions on the issues that matter to you. Call me any time at 416.865.5341.

# Jacqueline L. King



*Committed to betterment of the profession.  
Knowledgeable about the issues.  
Representing your views.*

It would be my privilege and honour to support your views before Convocation. With experience in both small and large firms as well as in the public and private sectors, I will bring a broad perspective to the role of Benchers and a practical appreciation of the issues relating to lawyers across the province.

**I have been and remain committed to dealing with issues that concern and threaten the profession.** As Chair of the Advocacy Government Relations Committee of the Ontario Bar Association, I have met regularly with the Attorney General on several issues including Contingency Fees, Legal Aid, Paralegals and the Limitations Act. I have devoted a great deal of time to understanding and advancing these issues. As a Benchers, **I will actively seek out members from various constituencies to ensure their views are considered by Convocation before the issues are debated.** It is crucial that all members feel they are represented at Convocation on issues that may affect their practice.

## Personal

Born: Moncton, New Brunswick

## Education

B.Comm. - Dalhousie

LL.B. - Queens

## Employment

Partner, Miller Thomson LLP

Commercial Litigation,  
Government Relations,  
Entertainment, Criminal

In-House Secondment (Y2K),  
Ministry of Health and Long  
Term Care (Ontario)

Private practice (small firm)  
Litigation - Criminal/Family

## Professional Memberships

### Ontario Bar Association:

Member of Council

Member of Executive

Chair - Advocacy, Government  
Relations & Communications

Advocates' Society

Metropolitan Toronto Lawyers  
Association

Association of Trial Lawyers of  
America

## Community Memberships

Advisor, Hope Worldwide of  
Canada

University Club of Toronto

Blackbelt - Tae Kwon Do,  
Hapkido, Judo

## Publications

*Annotated Child & Family Services  
Act, 1996, Carswell*

*Y2K The Millennium Problem, 1999,  
Butterworths*

Editor, *Entertainment Law in  
Canada, 2000, Butterworths*

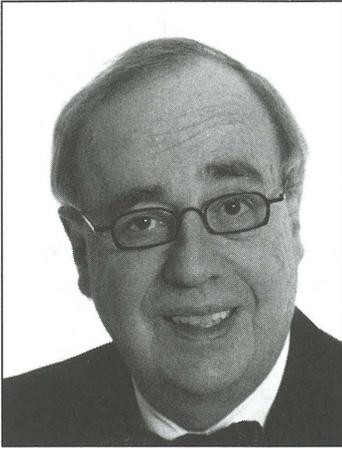
- **Overabundance of lawyers entering the practice of law** - We must continue to address issues that affect the professionalism of lawyers and the economics of the practice. We do not serve the current or future members by allowing this problem to continue.
- **Paralegals** - We must stop the unauthorized practice of law by those who are not regulated to practice law in Ontario.
- **Mandatory CLE** - It is essential that all lawyers continue to upgrade their skills by attending seminars and having memberships in professional organizations which are designed to bring lawyers together, to discuss and debate issues and provide educational opportunities. However, mandatory CLE is not the solution to inadequacies requiring discipline.
- **Legal Aid** - Although in this past year we have seen some successes with the Attorney General moving toward increased funding for Legal Aid, there is still much to do. The public must have access to justice.
- **Benchers compensation** - It is important to have representation from a wide variety of members. In order to have the representation of certain members, remuneration of some sort may be the only practical solution.

In my role as Benchers, I will continue to build on my proven track record of hard work and effective action. With your support, we can make a difference.

## **I am grateful for the endorsement of a number of distinguished lawyers throughout the province:**

**Steve Cameron** (Past President OBA-Kitchener/Waterloo), **Fred Campling** (Hamilton), **Wayne Chorney** (Sault Ste. Marie), **Nola Crewe** (Toronto), **Barb Eccles** (Thunder Bay), **Sean F. Foley** (Counsel-Niagara North Community Legal Assistance), **Gregory Goulin** (Windsor), **Holly A. Harris** (Benchers-Ottawa), **Barb Hendrickson** (Toronto), **Louise Hurteau** (Corporate Counsel), **Andrew Kerr** (Barrie), **Blake Kurisko** (Guelph/Wellington), **Shelley Lechlitner** (North Bay), **Joan MacDonald** (Hamilton), **Heather McGee** (Newmarket), **Eugene Meehan** (Past President CBA-Ottawa), **Jim O'Brien** (Immediate Past President OBA-Bellefonte), **Jack Roks** (Corporate Counsel), **Steven Rosenhek** (Past President OBA-Toronto), **The Rt. Hon. John N. Turner, P.C., C.C., Q.C.** (Toronto), **Bonnie Warkentin** (Kingston).

*"She'll take the job seriously, not herself. Take it on and just get on with it. Jacquie King is the Queen of handymen - except she's a woman, not a man, and for our Law Society that's a good thing."* Eugene Meehan



Keith Lee-Whiting was called to the bar in 1970. He graduated from Queen's with an LL.B., and from Memorial University of Newfoundland with an Honours B.A. He practiced family, commercial and estate litigation in Toronto at the firms of Kronby Chercover and Birenbaum Koffman Steinberg before founding Stortini Lee-Whiting in 1991. He is a member of the Advocates' Society, the Canadian Bar Association and a sustaining member of the Association of Trial Lawyers of America. He was elected for a second term as Chair of the Board of Directors of the Advocacy Centre for the Elderly in 2002/2003. His hobbies are skeet shooting, chess, and modern history.

## Keith Lee-Whiting

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### PERSONAL COMMITMENT

- I will serve the profession in a conscientious and diligent manner.

### MY GOALS AS A BENCHER

- Initiate a study to decide if the Law Society should move from Osgoode Hall to less intimidating and more economical quarters.
- Introduce the use of referenda on issues affecting the profession.
- Enhance media relations.
- Develop and promote educational programs to better inform the public about the services provided by lawyers.
- Increase access to Benchers' meetings through on-line webcasting.

### *Accessibility and Accountability*

## Daniel J. Lokun

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I graduated from University of Toronto (1991) with a bachelor's degree in History. I subsequently attended Osgoode Hall at York University (1994). I was admitted to the Ontario bar in February 1996 and entered into private practice. I am presently working as a sole practitioner in the Etobicoke area.

In an endeavour to serve the community I have acted as a director/vice president of charitable institutions like the St. Vladimir Institute and have served for many years on the board of directors of the South Etobicoke Legal Clinic.

### *Commentary:*

I decided to run as a bencher to address the issues of importance to me, my immediate colleagues and all members of the bar.

### **LAO**

Like most of my colleagues who serve the LAO clients there is a prevalent view that the LAO rates are wholly inadequate. I do not think that lawyers should be financially penalized for attempting to deliver services to those who need them most. I think the failure to provide adequate LAO rates is an obvious impediment to access to justice. It is in the public interest for the Law Society to advocate and support appropriate LAO rate increases immediately. The current governments' view that a "public defender" system will suffice is over simplistic and inadequate.

### **CLE**

CLE courses are often well thought out and presented. However, I think that CLE courses should be, frankly, cheaper. I also think that each lawyer should be entitled to a yearly allotment of CLE materials at nominal charge as a perk of membership. On-line educational courses are also something, which should be explored as a method of keeping the membership knowledgeable on current developments.

### **PARALEGALS**

The unregulated practice of law by paralegals requires immediate attention. Paralegals should not be authorized to act in regard to any aspect of family law, estate law, criminal law or personal injury law. Unregulated paralegals continue to be a source of concern to the Law Society.

### **MANDATORY TESTING**

I do not support mandatory testing for lawyers. It is an unnecessary expense.

### **MOBILITY RIGHTS**

The Law Society should make earnest efforts to ensure that there is tangible progress in regard to full mobility rights of lawyers. The globalization of our economy has made this an increasing demand, which the Law Society does not seem fully equipped to address. This issue goes hand in hand with the interdisciplinary practice, which is yet another adjunct of practicing today.



## Gavin MacKenzie

- Partner, Heenan Blaikie LLP
- Elected benchler 1995 - present
- Born Woodstock, Ontario 1952
- B.A., University of Western Ontario 1972
- LL.B., Osgoode Hall 1975
- Called to the Bar 1977
- Called for Occasional Appearances to Bars of Alberta (1994), Saskatchewan (1995), and Nova Scotia (1997)
- Harvard Mediation Workshop (1997)
- Certified by Law Society as Specialist in Civil Litigation since 1989
- Honoured by Induction as Fellow of American College of Trial Lawyers, 2000
- Senior Counsel - Discipline, Law Society 1990-1993
- Commission Counsel to three Commissions of Inquiry
- Counsel before tribunals and courts at all levels throughout Ontario

### Qualifications

- Author of *Lawyers and Ethics: Professional Responsibility and Discipline* (Carswell, 1993, with annual supplements; third student edition, 2002)
- Consulting Editor (with Justice Mary Newbury of the B.C. Court of Appeal), *Barristers and Solicitors in Practice* (Canadian version of *Cordery on Solicitors*, Butterworth's, 1998)
- Author, Netletter on Professional Responsibility, Discipline and Liability, Quicklaw (MPRO), 1998-present
- Counsel on many occasions to law firms, other professionals, the Law Society, and other regulatory bodies
- Expert witness on issues of professional responsibility in litigation in Ontario, Quebec, and the United States
- Bar Admission Course Teaching: Advocacy, Civil Litigation, Professional Responsibility, Administrative Law and the Charter of Rights
- Director, Advocates' Society, 1994-97
- Advocates' Society Award of Justice Selection Committee, 1997-2000
- Director, LINK - The Lawyers' Assistance Programme, 1994-97
- Council Member, OBA, 1997-2000 (bencher representative)
- Director, Canadian Institute for the Administration of Justice, 2001 to present
- Columnist, *The Profession* column, *Law Times*, 1995-present

### Benchler Experience

- Participant in every Regular Convocation since 1995 election
- Chair, Professional Regulation Committee (responsible for professional conduct and discipline), 1999-2002
- Co-chair, Task Force on Reform of Rules of Professional Conduct, 1998-2001
- Co-chair, Strategic Planning Committee, 1999-2001
- Chair, Proceedings Authorization Committee, 2000-2002
- Chair, Working Group on Contingency Fees
- Vice-chair, Multi-jurisdictional Practice Task Force
- Former Vice-chair, Legal Education Committee
- Member, Finance Committee
- Chair of discipline, incapacity and re-admission hearing panels, and frequent author of reasons for decision
- Author of comprehensive report adopted by Convocation proposing reforms to process for accrediting lawyers trained outside Canada

### Objectives

**Values:** The business of the Law Society is to maintain high standards of ethics, competence, and professionalism in the public interest. We must ensure that the values we promote ensure that all segments of the profession have an equal opportunity to flourish. In particular, though women now comprise over half of graduating classes, many leave the profession or are under-compensated relative to men by mid-career, while members of other equity-seeking groups are under-compensated at all levels. Our culture must change so that we do not regard this as acceptable. "Be bold and mighty forces will come to your aid" (Goethe).

**Paralegals:** Independent paralegals continue to provide legal services to the public without supervision or regulation. Few have formal education in law. Much of their work is complex. They are uninsured. No standards of conduct govern their behaviour. This must end. We must press the government to pass legislation ensuring that, subject to strict regulation in narrowly confined areas (e.g. traffic tickets), paralegals not be allowed to provide legal services to the public for a fee except under the supervision of lawyers.

**Cost Control:** Over the last eight years we have made considerable progress in reducing fees and levies, which in 1995 were at levels that jeopardized the viability of many lawyers' practices. I will continue to advocate cost control.

**Benchler Remuneration:** I voted against motions that benchers be paid in 1999 and 2003. Benchers are not alone among lawyers in giving generously of their time as a service to the profession and the public. The expenditure of \$4,000,000 on benchler remuneration over the term of this bench (as recommended by a Law Society committee) would not alter the composition of Convocation appreciably.

**Communications:** I have sought out the views of lawyers on policy issues and have welcomed the views of lawyers who have sought me out. I will continue this consultation, but Convocation must work systematically to seek out members' views before issues are debated.

**Standing Up for our Profession:** I believe that not only my work with the Law Society and other professional organizations but also my counsel practice, writing, and teaching enable me to continue to respond to unfair criticism of our profession and to protect and enhance its reputation. I will continue to do all I can to ensure that members will regard the Law Society not as an enemy, but as an ally.



## M. Virginia MacLean, Q.C.

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Benchers are legislated to govern the legal profession in the public interest. A Lawyer Bencher with strong legal professional association roots can make a very positive contribution to professional governance.

In 1999, in my first attempt to be elected a Bencher I themed my election statement as follows:

*“Communication and ingenuity in addressing the challenges facing our profession - the keys to the future”*

After more than four years on the executive of the Ontario Bar Association, I have become less convinced about the role of ingenuity, but more fully convinced on the significance of communication. By communication I mean both the giving and the receiving of information, and ideas. An effective regulator of the legal profession cannot and must not be isolated from the legal profession. I believe that effective communication in addition to hard work, dedication and cooperation are the keys to effective professional regulation in the future. These would be my goals if elected Bencher.

To meet the professional challenges of this century, the Law Society’s governing body must listen to and seek the opinions of the majority of our legal profession who practice as sole proprietors or in small partnerships. I now practice in such a category although I have the experience in other practice types.

Benchers elected in 2003 must be dedicated to their profession. A Bencher must take the time from his or her legal practice necessary to address all the issues facing the legal profession, and must have the energy and good management necessary to effectively balance a legal practice with Bencher duties. I am prepared to do this, and I am particularly indebted to my partners who aware of the time spent on my OBA presidency are staunchly endorsing my candidacy.

Some issues facing the legal profession in which Benchers elected in 2003 must demonstrate leadership are:

- The image of lawyers
- Paralegal regulation
- Legal Aid Tariff
- Various Continuing Legal Education (CLE) issues including CLE service delivery with professional legal associations, CLE inside and outside the GTA, and the role of the Law Society in CLE, including the Bar Admission Course and the fulfillment of the competency mandate.

My OBA experience has enabled me to appreciate first hand the duties and responsibilities of our current Benchers. I fully appreciate their dedication and commitment. I also have first hand exposure to some of the outstanding issues from a professional association viewpoint such as paralegals. I believe my experience would be a benefit to the regulator.

I strongly believe that the time is now right for the Law Society and the other Professional Legal Associations to forge a permanent working partnership in many areas including CLE and government relations. The benefits of such an equal partnership would be financial as well as attitudinal. Widespread distrust of the regulator could be diminished under such a working partnership, and this would be a very significant benefit to the entire legal profession.

This is the first Bencher election of this century. There have been a myriad of changes since the first Bencher meeting in Niagara on the Lake. Now is the time for Benchers to be more representative of our changing legal profession. I believe my experience, as a senior woman practitioner, will bring balance to the representation within the governing body. I believe my varied legal practice background and professional association involvement will equip me to work effectively with other Benchers in meeting the challenges facing our profession, not the least is the potential of a loss of self-governance.

I would appreciate your consideration of my candidacy and would be grateful for your support and the opportunity to represent you as an elected Bencher.

### Education

1969 Call; BA (U of T); LL.B. (Osgoode); Q.C. 1982

### Practice

Senior Counsel Willms & Shier Environmental Lawyers; practice Administrative Law, Civil Litigation with Municipal Law emphasis.

### Practice Background

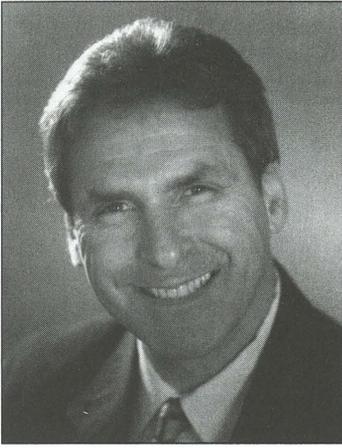
Cassels Brock & Blackwell; Corporation of the City of Mississauga; Province of Ontario; Stratton, Stratton & Byers, Stratford.

### Professional Activity

Current President OBA, Past Chair OBA’s Municipal Law Section and Advocacy and Government Relations Committee, Vice-Chair OBA’s Paralegal Committee; member Institute Committee, former Vice-Chair Legislation and Law Reform Committee (CBA); Director Osgoode Society for Canadian Legal History, Ontario Expropriation Association; Author of municipal law texts, lectured and published for OBA and LSUC.

### Memberships

OBA, Advocates’ Society, Metropolitan Toronto Lawyers Association, Women’s Law Association.



## Ronald D. Manes

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I will continue my commitment to the legal profession.

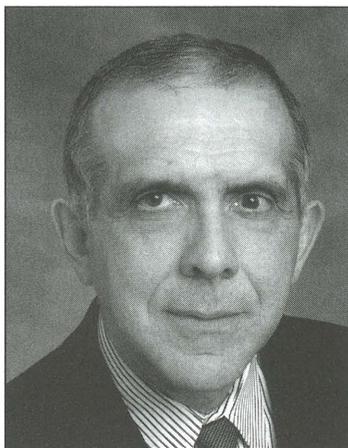
The Law Society governs in the public interest. The legislature created a self-regulating body of lawyers with confidence that they would be public spirited. But what of the interest of our members? The legislature also appreciated that a self-regulated body would be sensitive to its members. Benchers must consider the impact upon their members in their decisions. Rather than a conflict of interest, the failure to do so would be a derogation of their statutory duty.

Our members, individually and collectively, make extraordinary contributions to the communities they serve. These contributions are hardly recognized by the public in the din of media coverage regarding the relatively few disciplined and disbarred lawyers. Benchers must prioritize our goodwill and take it public.

Benchers must come to grips with the economics of the practice of law and facilitate the economic climate in which members practice. While it is not the role of the Law Society to ensure their members make a living, nor is it the right of members to make a living, the regulation of the legal profession must be sensitive to the economic imperatives of lawyers and law firms. We are well past issues such as advertising and pre-paid legal services. The Law Society ultimately adapted its regulatory regime to accommodate the changing consumer and legal climate. Experience with these issues demonstrates that the consumers' need to access legal services, and the business case for the legal profession providing such access, are not incompatible.

I particularly intend to continue my commitment to Access to Justice. I see this as central to the role of lawyers and a goal to which our regulatory body must aspire. Without access, there is no justice.

- Osgoode Hall Law School (LLB). Laidlaw Fellow, Harvard Law School (LLM)
- Trial and Appellate advocacy.
- Co-author of three textbooks, regular lecturer and demonstrator. Counsel to several public or quasi-public bodies.
- Four term elected Bencher, presently Chair of the Access to Justice Committee.
- Chair of the Law Foundation of Ontario.
- President of Pro Bono Law Ontario (PBLO).
- Founder and past President of Lawyers' Assistance Program (LINK) and Volunteer Lawyers Service.
- Awards: Ontario Bar Association for Distinguished Service, Osgoode Hall Alumni Golden Key, Lawyer of the Year, Advocacy Resource Centre for the Handicapped.



## Frank N. Marrocco, Q.C.

### Partner

- Gowling Lafleur Henderson

### Education

- University of Toronto Law School
- Admitted to Bar 1972

### Bench Activities: (First Elected 1995)

#### Currently:

- Chair, Government Relations and Public Affairs Committee
- Chair, LAWPRO (LPIC)
- Chair, WTO/Mobility Group

#### Previously:

- Director, LPIC
- Chair, Special Committee Title Insurance
- Vice-Chair, Discipline Committee
- Member, Legal Aid Committee
- Member, Women in the Legal Profession Committee
- Member, Legal Education Committee

### Professional

- Fellow, American College of Trial Lawyers
- Vice-chair, University of Toronto Academic Disciplinary Tribunal
- Co-author, Annotated Immigration Act
- Member, Advocates' Society
- Member, Criminal Lawyers' Association

### Areas of Practice

- Litigation - criminal and quasi-criminal
- Immigration

### Communication and Accountability

I have had the privilege of serving as a bench member for two terms, since 1995. I have witnessed some dramatic changes, many positive, at the Law Society and in our profession. I have also had the opportunity to discuss the effectiveness of our responses to these changes with a diverse group of lawyers from the province. It is essential that the Law Society and its elected bench members expand our commitment to open the lines of communication with all members, take seriously their concerns and act on those concerns with sensitivity and efficiency.

### Experience

I bring to my role as bench member experience gained as a practitioner in a small firm and as a partner in a large one. From 1972 to 1989, I was part of McFadden, Marrocco and Parker, originally a two person partnership. In 1989, I joined Smith Lyons as a partner and, in 2001, participated in its merger with Gowlings. By assuming leadership roles in these different contexts, as well as within the Law Society, I gained valuable insights to apply to current questions of our profession's self governance.

### Building on Success

The past eight years have been productive ones for the Law Society. Today, it is in a position of unprecedented financial strength. It carries a reserve fund of \$13 million.

Since 1995 I have had the opportunity, first as a director and later as chair of the board, to experience the renaissance of LAWPRO (LPIC). This year LAWPRO held the highest rating from A.M. Best Company for the 3rd year in a row. Premiums have been reduced from \$3,650 in 1999 to \$2,500 in 2003 (\$1,113 for those in a restricted practice). There is no deficit.

### Independence

Looking ahead, I offer this observation: an independent legal profession is fundamental to the maintenance of a free society. The current method of governing our profession through statutory self-regulation is the most effective way of maintaining our profession's independence.

We are faced with a subtle threat to that independence. Administrative tribunals, both Canadian and international, are asserting the right to regulate lawyers appearing before them. Most recently, the SEC in the United States wanted to impose disclosure obligations upon Canadian lawyers who cease to act for corporate clients. The Law Society (among others) made representations which resulted in the SEC eventually changing its position. Local examples of attempted regulation include an attempt this year to undermine the exemption which real estate lawyers traditionally enjoyed from the Real Estate and Business Brokers Act. The effect of the proposed (later abandoned) change to the exemption would have forced many real estate lawyers to be registered under that Act. The OSC and the Immigration and Refugee Board represent other examples of attempted regulation. It is not in the public interest to place lawyers under the jurisdiction of tribunals before whom they are going to appear on behalf of clients.

### Moving Forward

As Chair of the Government Relations Committee since 1997, I have had the opportunity to witness this trend and to reflect upon the challenges posed to our independence. The Law Society must take all necessary steps to make public servants and politicians at the federal and provincial levels aware of the potential for a significant erosion of our independence and the consequences to civil liberties.

The presence of unregulated paralegals represents an erosion of the profession's ability to regulate legal services in Ontario. In a perfect world, the Province would give us the authority to permanently enjoin those who engage in the unauthorized practice of law. If that is not to be the case, I believe that the Law Society ought to take a very active interest in the development of any regulatory regime.

Finally, we must be vigilant in protecting the independence of the legal aid bar. Adequate funding of the tariff is imperative.

We have the resources that we need to face the future. We need to be clear and determined about our mission for the next four years - to listen to the concerns of our members, to uphold our independence, and to preserve for the public the integrity of our advice.

You have my commitment. I am asking for your support.



## Marilou McPhedran

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Please make the time to vote. What takes place at the Law Society makes a difference to lawyers and to members of the public. As lawyers, we have the honour and the right to govern our own profession because public trust has been invested in the effectiveness and integrity of our governing body. While it is true that Benchers are entrusted by the profession with the authority to make crucial decisions affecting each lawyer in Ontario, it is also true that many of these decisions influence the nature of justice experienced by several million Ontarians year after year. We need a representative, efficient and effective Law Society of Upper Canada. I wish to contribute considerable skills in organizational management gleaned from decades of experience in counsel, staff and board positions. You have my commitment to be a reliable, attentive and tenacious Bencher who will seek to make effective and equitable decisions in the best interests of the profession.

When I received the President's Medal from the Ontario Women's Law Association, the presenter spoke of my organizational leadership in co-founding several non-profit corporations in response to unmet needs. I believe that many lawyers in Ontario have such needs, including:

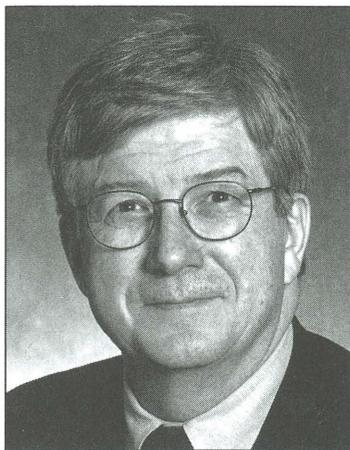
- to be represented by Benchers who are connected to community and who bring practical concerns to any debate;
- to know that the governing body has a credible decision-making process enriched by the capacity of Benchers to consider many different perspectives held by varied constituencies within the profession.

I can help to meet these needs. Please give me your vote and support to do so.

A Member of the Order of Canada since 1985 for contributions to developing constitutional equality rights in the Charter, and a graduate of Osgoode Hall Law School in 1976, I was born and raised in the small rural town of Neepawa, Manitoba. While still a law student, I promised myself that I would maintain a high level of activism and volunteerism to balance my life as a lawyer. As a single mother of two teenage sons, my interests lie primarily in equality, health and organizational effectiveness, grounded by 30 years of management experience in varied non-profit organizations.

## Derry Millar

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*In 1995 I promised to serve the profession and the public without sacrificing either.  
I have worked hard to keep my promise. I renew it,  
and I ask again for your support as I seek re-election as a Benchers.*

### *How I Kept and am Keeping My Promise*

**RULES OF PROFESSIONAL CONDUCT:** I was Co-Chair of the Rules of Professional Conduct Task Force which rewrote the Rules of Professional Conduct. The new Rules express the values of an honourable profession, they remove barriers to practice, and they respond to contemporary problems.

**LEGAL AID:** I was a member of the transition board, and I am a member of the board of directors of Legal Aid Ontario (LAO). I have served on the Executive Committee, Audit/Finance Committee, and I am Chair of the Clinic Committee. LAO achieved the first meaningful increase in the tariff in decades. I am committed to achieving further increases and to ongoing review so that lawyers receive fair remuneration. Each day LAO serves more than 4,000 citizens. LAO has strengthened the clinic system and improved the delivery of legal services to vulnerable members of our society.

**MOBILITY:** I am Chair of the Inter-Jurisdictional Mobility Committee which worked with the Federation of Law Societies to produce a "Mobility Protocol" allowing lawyers to practise law across the country under reciprocal arrangements.

**EQUITY:** I serve as Vice-Chair of the Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochones. I have supported the Society's equity initiatives, including initiatives in education. I am committed to developing programs so that the profession is open to all members of society.

**EDUCATION:** I served as Chair and Vice-Chair of the Admissions Committee, and as Vice-Chair of the Legal Education Committee. My goal was to achieve accessible and affordable continuing legal education. As Co-Chair of the Mandatory Continuing Legal Education Task Force, I consulted widely with members - their ideas now enhance continuing legal education without a mandatory regime.

**COMPETENCE AND DISCIPLINE:** I serve as Chair of the Appeal Panel in discipline matters. I was Co-Chair of the first Competence Task Force, which produced a definition of the competent lawyer, and this definition is used in the Society's competency initiatives. I support actively assisting our members to be competent. Discipline proceedings should be the last resort. I support mediation to resolve complaints and discipline proceedings.

**COST OF MEMBERSHIP:** During my term, the Society's fees have been reduced, while financial and administrative performance has improved. I am committed to ensuring that the cost of fees and insurance is not a barrier to the practise of law.

**INSURANCE:** I am a member of the Board of Directors of LawPro. During my term, the cost of insurance decreased while service and coverage improved.

**LIBRARIES:** I worked for the creation of Library Co. to better deliver library services to all libraries. I championed the purchase of technology and centralized funding so that all members have access to the resources they need.

**BENCHER REMUNERATION:** I support remuneration for discipline, committee, and task force work after five days of service because this work seriously disrupts the practice of Benchers, particularly Benchers who come from small firms. Limited remuneration should reduce the obstacles to participate in the governance of the profession. I also support polling the membership about this proposal.

**CDLPA - CBAO - MTLA MERGER:** I supported the efforts of the County & District Law Presidents' Association, the Canadian Bar Association - Ontario and the Metropolitan Toronto Lawyers Association to merge. I voted in favour of the motion to poll the members about the creation of the Ontario Bar Association based on universal contribution, which motion, unfortunately, was defeated.

**GOVERNANCE:** There has been progress in governance with Convocation to improve communications, introduce equity programs, and achieve the passage of the Law Society Amendment Act, all of which should make the Society more efficient. I am committed to doing more, including informing the public about the contributions of lawyers to our society and to the administration of justice.

If you have questions with respect to my work as a Benchers and my views on the affairs of the Law Society and the profession, please contact me at: [dmillar@weirfoulds.com](mailto:dmillar@weirfoulds.com).

Called 1974.

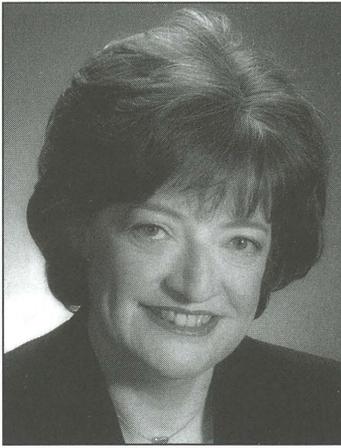
Partner; WeirFoulds, LLP.

LL.B. (Dalhousie); B.A.,  
(Saskatchewan); Law Clerk,  
SCC.

Benchers, 1995, Served as Chair  
or Vice-Chair of committees  
and task forces including:  
Inter-Jurisdictional Mobility,  
Appeal, Rules of Professional  
Conduct; Admissions, Equity  
and Aboriginal Issues, Legal  
Education; Professional  
Regulation; Director: Legal Aid  
Ontario, LawPro, Library Co.

Co-editor Ontario Annual  
Practice; Member, Civil Rules  
Committee; Officer, Ontario  
Centre for Advocacy Training;  
Chair, Boards of Inquiry, (Police  
Services Act).

Member: OBA; MTLA;  
Advocates' Society; Fellow,  
American College of Trial  
Lawyers; Past  
President/Director, Ontario  
Cystic Fibrosis Camp; Past  
Director, Low Vision  
Association of Ontario; Teacher,  
1966/68, Colombia - CUSO  
Volunteer.



## Janet E. Minor

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It has been a privilege to serve the profession as a Bencher. That experience has reinforced my conviction in the importance of Convocation reflecting both the diversity of people in our profession and the diversity of practices: private, public, corporate, large and small. This diversity better serves the profession and the public interest.

Public confidence in a self-governing profession is vital. Self-government is fundamental to the independence of the legal profession.

Public confidence depends on demonstrating that we have high standards of competence through admissions, that we maintain those competence levels and that we have a fair and efficient discipline process.

Bencher experience has also reinforced for me the importance of making decisions only after an open minded consideration of all interests.

The sometimes painful process of public interest analysis has been central in my professional experience as a public servant litigating complex cases on behalf of six different governments.

I have learned that very few issues are simple; quick fixes are often not the best long-term solutions.

### Some Current Issues

- The Law Society will continue to address important issues in the implementation of its competence mandate to enhance the high standards of the legal profession. I am strongly committed to this. The development of practice management guidelines was an important practical tool to assist us in assessing and enhancing our quality of service.
- The Law Society will be addressing the report on reforming admission procedures including the recommendation to end the Bar Admission Course. I support reform but we must be mindful of the need to integrate the changes in the whole educational process. This requires cooperation with the law schools, measures to ensure that articling is accessible, high quality and flexible and, continued support for the needs of all students.
- We must provide CLE that is responsive to our profession's needs.
- Library services are being reviewed. Resources should be directed at contemporary needs.
- Our complaint and discipline process must be more transparent, efficient and effective.
- I am committed to increasing equity in the legal profession. The Equity Committee has done much important work including the development of harassment and discrimination policies for law firms, CLE, and other programs, but much work remains. Equity considerations should be integrated into the work of all Law Society Committees.
- At Calls to the Bar, it was heartening to see the increased participation of women, minorities and people with disabilities. However, the culture of our profession has been slow to change. We must work to make sure that these groups have sustained advancement in our profession and are not marginalized. There are still barriers and difficulties experienced in working conditions, earnings, and attitudes.

I am committed to bringing the effort, enthusiasm and time needed to meet these challenges. I seek your support for re-election.

Called 1975

LL.B. (University of Toronto),  
LL.M. (Osgoode)

Elected Bencher 2001

Committee memberships:

- Professional Development & Competence
- Equity and Aboriginal Issues

General Counsel

Ministry of the Attorney  
General

Constitutional Law Branch  
since 1989

Crown Law Office Civil  
1977-89

Manning Bruce 1975-1977  
(general litigation)

- member, past Director, Advocates' Society
- past Chair, Sir William Campbell Foundation
- founding member, Association of Law Officers of the Crown
- member, OBA past executive Constitutional Section
- past seminar leader - Bar Admission Course
- member:
  - Lawyers' Club,
  - Women's Law Association,
  - University Tribunal & Discipline Appeals Board - University of Toronto

## James C. Morton

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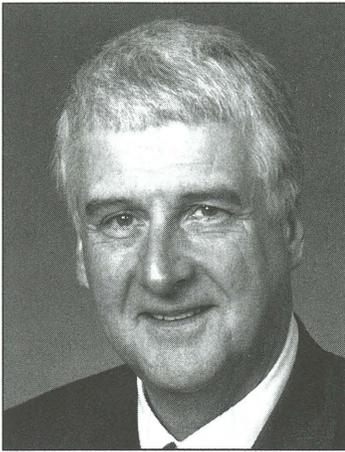
James Morton is a graduate of the University of Western Ontario and Osgoode Hall Law School. He is a partner at Steinberg Morton Frymer, a medium sized firm in North York where he carries on a practice of general litigation. He is on the Executive of the Ontario Bar Association and is also the Chair of the OBA Civil Litigation Section. James has taught for many years at the Bar Admission Course and Osgoode Hall Law School. He is a founder of the Golden Bears Foundation, a charity assisting people in shelters and is on the Board of Artists Against Racism, a charity opposing ethnic bias.

I am running for Bencher to ensure that the interests of lawyers, both as professionals and businesspeople, are recognized and supported by the Law Society. The Law Society is composed of the members of the Bar in Ontario and what happens at the Law Society must be transparent to and understood by members of the profession.

I believe:

1. The right to practice law should be limited to lawyers and the Law Society should take every possible and practical step to limit the scope of paralegals and non lawyers carrying on the practice of law. This would benefit the profession and help protect the public.
2. The forms and filings required by the Law Society, together with any audits that the Law Society may conduct, should be kept to the bare minimum needed to ensure the protection of the public. As lawyers we are subject to a vast amount of paperwork and many members of the Law Society do not have the luxury of staff available to complete the paperwork for them.
3. The Law Society should continue its efforts to support a strong and viable legal aid certificate system.
4. Discipline should be limited to lawyers who have truly breached the Rules of Professional Conduct. While the public must be protected, and this is essential in order to make sure that the reputation of honest and honourable lawyers is not tarnished, trivial or malicious complaints by disgruntled former clients, or others, ought to be dealt with for what they are and disposed of at the outset.
5. The Law Society must be vigilant in protecting the rights of lawyers in all areas of practice, including family and criminal. The Law Society's rules must ensure that privilege is maintained and the duties of lawyers with regard to evidence and other materials obtained in litigation are crystal clear. Lawyers should be able to contact the Law Society to get clear and authoritative guidance as to their ethical obligations in specific cases.
6. The Law Society should work to discourage frivolous claims against lawyers. Frivolous, tactical claims (often arising in failed real estate transactions) against lawyers ought to be discouraged. Physicians protect themselves and the Law Society should foster the same spirit of community among the legal profession.
7. The Law Society must remain sure that its services are fully available at reasonable cost throughout the province and in all regions. I applaud the Law Society's use of the internet and other media – this should be expanded.
8. The Law Society must be economically accountable and recognize that minimizing costs to lawyers is important. Substantial costs and fees act as a special barrier to small firms, sole practitioners, women and minority members of the profession; cost efficiency is important. In this regard, there should be consideration of the appointment of an independent Auditor General for the Law Society to report to members on how effective and efficient the Law Society's activities are.
9. The Law Society ought not to distinguish between areas and sectors of practice – specifically, neither Crown lawyers nor in-house counsel ought to be required to take any special training upon entering private practice.

All of these goals are achievable and there is no reason why the Law Society cannot be made more open and transparent to the legal profession generally. I have practiced at small, medium and very large firms and know the issues each type of practice brings; as Bencher I will recognize these issues. I would appreciate your support and am happy to speak by phone or communicate by e-mail.



## Laurie Pattillo

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The Law Society has made a number of positive changes in recent years, both in how it regulates and how it interacts with the profession. However, much remains to be done. The practice of law continues to change and fresh thoughts and new ideas are required by our governing body to respond to these changes. I have been actively involved in serving the profession through continuing legal education and my involvement with the Canadian Bar Association. I would very much like to continue to serve the profession as a Benchers.

If elected, I will focus on the following issues over the next four years:

- **Consultation** - Decisions cannot and should not be made in a vacuum. The diverse interests of lawyers throughout our province, from the sole practitioner to the lawyer practicing in a large firm, have to be taken into account in the decision-making process. It is particularly important that The Law Society listen to and address the needs of lawyers outside Toronto. I can and will consult with members of the Bar throughout the province on issues facing the profession.
- **Professionalism** - I am concerned that the increase in competition in the legal profession and the resulting focus on commercialism is eroding the standards of professionalism in this province. The Law Society must ensure that the highest ethical and professional standards are maintained. If elected, I will take a lead in this area.
- **Legal Aid** - Legal Aid is an important access-to-justice issue. Although The Law Society has relinquished administration of the legal aid plan, it must continue to play a significant role on behalf of both the profession and the public by ensuring that legal aid is available to all who need it, and that lawyers doing legal aid work receive a fair fee for services rendered. The present scale of fees for legal aid work is unacceptably low, and The Law Society must continue to bring this issue to Legal Aid Ontario and the government of Ontario.
- **Lawyer Support Programs** - As President of LINK, the Lawyers' Assistance Program, I have been involved in the multi-association structuring of a support program designed for lawyers. The Law Society should not only maintain, but expand, the ways in which it can assist lawyers in coping with the many challenges arising from the demands of practicing law in today's world.
- **Communication** - In this information age, The Law Society must improve communication to and among its members to keep lawyers, especially younger members of the profession, more informed about the governance of the legal profession in general and the issues being dealt with by the Benchers.
- **Paralegals** - While paralegals play a significant role in providing legal services, their role is to assist practicing lawyers. The Law Society must remain vigilant in protecting the public interest by ensuring that legal services are provided by lawyers who are properly trained and qualified.
- **Legal Education and Resources** - The Law Society must continue to ensure that legal education meets the needs of both the profession and the public. This is a competency issue which encompasses the broad spectrum of legal education from that provided by the law schools, through the Bar Admission Course to continuing legal education. The Law Society must also ensure that lawyers across the province, regardless of where they reside, have equal access to the resources and research tools they need to practice law.
- **Benchers Compensation** - The issue of Benchers compensation has not been finalized. Compensation should only be provided in the form of an honorarium for lengthy disciplinary proceedings. Convocation and committee work are, and should remain, a contribution to the profession.
- **Complaints** - The Law Society must streamline the complaints process so that complaints are dealt with in a fair and efficient manner for both the public and the lawyers involved.

If elected, I will work hard on behalf of lawyers throughout the province. I will listen and bring a reasoned and informed approach to the issues that will confront the profession in the next four years.

I ask for your support.

For more information, please go to [www.PattilloforBenchers.ca](http://www.PattilloforBenchers.ca)

B.A., Dalhousie University; LL.B., Osgoode Hall Law School at York University; called to the Bar 1974; Law Clerk to the Court of Appeal 1974-75; partner, Torys LLP; practices general civil and commercial litigation; lecturer and panellist in a variety of continuing legal education programs; Chair, Canadian Bar Association's Law for the Future Fund; President of LINK, The Lawyers' Assistance Program for Ontario lawyers; past member of the Canadian Bar Association, Ontario Executive; CBA and CBAO Councils; member of CBA and The Advocates' Society; Fellow, American College of Trial Lawyers.



## Laurie H. Pawlitzka

You likely don't think of the Law Society often, except when it's time to pay your fees. If you do, it's probably because the Law Society did something that you didn't like.

### Why LSUC Matters

No lawyer should take the Law Society for granted. LSUC is where we meet, discuss, make the rules that govern us, judge - and are judged - by our peers. It's also our public face. LSUC represents our profession to the communities in which we work and live.

It's important to take an active part in the affairs of LSUC. That's why I'm standing for election as a Bencher.

I'll bring my professional expertise, skills, perspective, and commitment. I'll also bring extensive experience as a volunteer with professional and charitable organizations in my community.

### LSUC Represents Solicitors And Barristers

Solicitors often report feeling disconnected from LSUC. They feel the Rules of Professional Conduct apply primarily to barristers. In fact, current debates about such matters as mandatory reporting of changes to spousal wills and changes in reporting obligations by corporate lawyers, will affect more solicitors than barristers.

I will do my best to ensure that, in our increasingly complex legal world, the Rules balance the new economic and social realities with our professional obligations. I will also undertake to consider all of the issues from the perspective of both solicitors and barristers.

### No Pay for Benchers

Should Benchers be paid? I say "no" with one exception. I believe that lawyers have an obligation to contribute to their community through volunteerism. People choose volunteer opportunities based on their interests and available time. Being a Bencher is but one of a nearly infinite number of volunteer choices available to each of us.

As with any organization, some Benchers are work horses. Some are not. In 2002, some Benchers attended fewer than 50% of Convocations. Others contributed 500 hours of work or more.

Benchers are expected to attend Convocation, Committee Days and Calls to the Bar. They also sit on disciplinary hearings. Some of these hearings last well over 30 days. I believe that any Bencher who has done more than 10 days of discipline hearings in a year, should thereafter receive a per diem at the Legal Aid tariff rate.

I do not support any other form of Bencher remuneration.

### Fight for Legal Aid

In some courts, up to 75% of litigants are unrepresented. The result? A crushing burden - on the courts, the Crowns in criminal matters, and the CAS in child protection matters.

Last year, LSUC, working with a coalition of lawyers' groups, persuaded the government to increase the Legal Aid tariff for the first time since 1987. The 5% increase helped, but it hasn't solved the problem. In real dollars, Legal Aid lawyers make about 30% less than they did in 1987.

I will help LSUC find creative ways of keeping this issue at the top of the government's agenda.

### Equity for Women in the Profession

LSUC has done much to encourage equity in the profession. Students may now article part-time. Lawyers practising part-time and members on parental leave may pay reduced, pro-rated fees.

But women continue to leave the profession in greater numbers than men. They continue to be paid less than their male counterparts. They make partner less frequently.

Some say that the situation is simply a reflection of the larger professional world. Even if that's true, it's cold comfort—and manifestly unfair—to the many bright and capable women whose heads remain firmly affixed to their firm's glass ceiling.

We need more women Benchers to ensure the Law Society takes a leadership role in this area.

### What I Will Bring as a Bencher

LSUC needs Benchers with a strong voice and good judgment. I have both. I also have energy and a real interest in resolving the issues confronting our profession. I have served my community and the profession with countless volunteer hours. I have been a leader in many capacities, from being the top Canadian in the Stockholm marathon to the Chair of an HIV/AIDS Foundation. I will bring my time and commitment to Convocation.

### For More Information

Visit <http://www.goodmancarr.com/pages/VoteLaurieForBencher.html>

### ENDORSEMENTS

- Family Lawyers' Association
- Women's Law Association
- Lawyers Club

### BACKGROUND

- "Leading Family Law Practitioner" named by Lexpert in a survey of Canadian family lawyers
- Partner, Goodman and Carr LLP
- B.A. 1980, LL.B. 1983, University of Saskatchewan
- Called 1986
- Married
- Born and raised on a Saskatchewan farm

### PROFESSIONAL SERVICE

- Executive member, OBA, (Family), (1999 - present)
- Family Law Rules Committee (2001 - present)
- Trustee, The Lawyers Club (2000 - present)
- Instructor, Bar Admissions (Family), (1993 - present)
- Successfully challenged legislation precluding same sex couples from adopting, (1995)
- Former Dispute Resolution Officer, Superior Court of Justice

### COMMUNITY SERVICE

- Chair, Casey House Foundation (supports HIV/AIDS Hospice) (2000-2002) Director, (1998 - present)
- Volunteer, YMCA (1988 - present)



## Steven Ira Pearlstein

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I am running for Bencher because there are many critical issues facing the legal profession and I believe that I have a contribution to make to the profession at this important time.

I fervently believe that a strong and vibrant legal profession is in the public's best interest and in order to properly support the legal profession, the Law Society has a duty to create a comfortable working environment in which practicing lawyers can, not only survive, but maintain a reasonable standard of practice.

In order to achieve this goal I believe that the Law Society should:

### EDUCATION

- Bachelor of Commerce Program, University of Toronto
- Bachelor of Laws Degree, Osgoode Hall Law School
- Called to the Bar - 1979.

### PROFESSIONAL QUALIFICATIONS

- Past Chairman - Ontario Bar Association - Real Property Section
- Real Estate Faculty - Bar Admission Course
- Member - Editorial Board, *Falconbridge on Mortgages*, 5th Edition

### PROFESSIONAL EXPERIENCE

- Partner - BLUSTEIN & PEARLSTEIN LLP
- Qualified as an expert in real estate law and practise in the courts of the Province of Ontario
- Chaired and lectured at various educational programs for the Canadian Institute, Insight Seminars, Ontario Bar Association and The Law Society of Upper Canada

- **Vigorously prosecute paralegals who engage in the unauthorized practice of law.**

The Law Society should take a hard line and actively pursue the provincial government to ensure proper regulation of paralegals and ensure that they are subjected to educational requirements, adequate insurance coverage and a proper disciplinary process. I would also have the Law Society pursue the Chief Judges of each of the Courts in the Province in order to convince the government to significantly control and restrict the appearance of paid non-lawyers before such Courts in order to protect the traditional franchise of the legal profession.

- **Re-address the issue of controlling the numbers in the profession.**

It is impossible for the Law Society to create a proper working environment for practicing lawyers without some ability to control the numbers entering the profession. The current buoyant economy should not make us lose sight of the fact that the economy is cyclical and proper planning takes time.

- **Strive to keep membership dues and LPIC premiums to a minimum.**

Any activity by the Law Society outside of its core functions of regulation and discipline must be undertaken within the context of how affordable these activities are to members of the Law Society.

- **Continue to support equity and diversity within the profession.**

All members of the profession deserve to practise in an environment which is supportive and representative of the diverse society we live in today.

- **Ensure that its members are not held to an impossibly high standard of perfection.**

The Law Society should diligently work towards fair treatment of lawyers in public opinion, in decisions of the Courts, and in its own discipline procedures.

As a result of the more than twenty years in which I have been directly involved in the management of a medium and a small law firm, I have gained an appreciation for the trials and tribulations faced by many members of the profession on a daily basis. As well, during my tenure as Chair of the Real Property Section of the Ontario Bar Association, I have had the opportunity to meet or speak to many members of the profession and have been advised as to some of their concerns in practicing law.

I have enjoyed my past efforts to address these concerns and I hope I have demonstrated a willingness to work hard and bring a pro-active approach to furthering the position of lawyers and alleviating some of the concerns experienced by each of us in the practice of law.

With your assistance I hope to continue and expand this work and I respectfully ask that you consider voting for me as your Bencher at Convocation.

If elected, I pledge to you that **I will work hard** and **I will listen** to you.

I can be contacted at:

Phone: 416-363-8844; Fax: 416-363-8807; Email: [stevenp@bluepearl-law.com](mailto:stevenp@bluepearl-law.com)

# Nirmala Persaud

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## *AS A BENCHER NIRMALA WILL*

- Effectively communicate the issues raised by sole practitioners.
- Continue the support in providing Legal Aid to society's most disadvantage people.
- Work with the government for an increase in the Ontario Legal Aid Tariff.
- Ensure that the Law Society consults with lawyers regarding pending changes in our judicial system.
- Encourage recently called lawyers to actively participate in the work of the Law Society.

## **PROFESSIONAL EXPERIENCE**

- Nirmala is a sole practitioner in Family, Estate and Criminal Law.
- Nirmala is part of the Legal Aid Advice Panel.
- Nirmala is an instructor in Family Law in the Bar Admission Course.

## **PROFESSIONAL AND COMMUNITY ACTIVITIES**

- Legal Advisor Guild Renaissance Group
- Board Member West Scarborough Neighbourhood Community Centre
- Member Scarborough Lion's Club

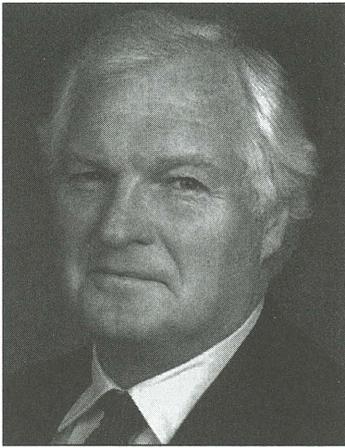
## **AWARD**

- The Queen's Golden Jubilee Medal
- Ontario Remarkable Women's Award, Rubena Willis Counselling
- Honourable Mention Barbara Paul Prize, Queen's University
- Law Student Society Spirit Award, Queen's University

**Direct: 416 269-2169**

E-mail:

nirmalapersaud@hotmail.com



## Julian H. Porter, Q.C.

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*Endorsed by the Criminal  
Lawyers' Association*

**Sole practitioner since  
2000.**

Called to the Bar in 1964, after 8 years at Fasken's, he ran his own small firm until 1997 when he joined Gowlings. He has given numerous lectures on cross-examination and co-authored *Canadian Libel Practice*. He has been TTC Chairman, CNE President and on the Boards of the Cancer Research Foundation and Stratford Festival.

He is a fellow of the American College of Trial Lawyers and the recipient of an honorary LL.D. from Queen's University. He is married to Anna Porter.

I was first elected in 1999 as a Bencher. It has been an exhilarating experience. When you, as a lawyer vote for a candidate, you vote for only one of 40 elected Benchers and hence, this represents a parliament of talent. In addition to the 40 elected Benchers there are 8 lay Benchers, all the past Treasurers who are not sitting on a Court, life Benchers and former Attorneys General.

I would like to tell you about my experience in this group. I have served under two Treasurers. The first, Bob Armstrong, exhibited a remarkable tenacity in resisting the move to multi-disciplinary practices and he fought with a grim determination any possible erosion of solicitor/client privilege. He proved to be right. The current Treasurer, Vern Krishna, is a sparkling speaker known for his humour and, in the long run, for his unique contribution to breaking down the barriers between law societies throughout the country. He has created not only mobility for lawyers among provinces, but a sense of harmony.

When I talk about the other Benchers in this parliament of talent, let me describe a few in order to illustrate the vast variety: Marshall Crowe - somewhat more than 80 years of age with experience in the civil service and business. He can speak Russian fluently and was once Lester Pearson's assistant. Kim Carpenter-Gunn - part of a two-woman firm in Hamilton and a tireless worker on numerous committees. I had the pleasure of being Co-Chair of the Litigation Committee with her. Every time she speaks she brings a different aspect to the debate and when she speaks she persuades. Todd Ducharme - a sole practitioner criminal lawyer, a graduate of Yale and the first Métis to be a Bencher. He is articulate, courageous and very funny. Marion Boyd - she was Attorney General under the Bob Rae government. Since knowing her as a Bencher I view her as a remarkably wise advisor who can perceive future problems with startling accuracy. I am proud to work with her. Ab Chahbar - a lay Bencher who holds a political office in the City of London. His comments on the Finance Committee are laced with sense and shrewdness. Bob Topp - from Sudbury and he eloquently represents the viewpoint of the north. His remarks are pithy, irreverent and quite apt. Laura Legge - the first woman Treasurer sits as a past Treasurer. She serves up wisdom with a no nonsense style. When you are talking to Laura you had best not waffle.

I would never have met any of these people if I hadn't been a Bencher. My life has been enriched by them and the list above is merely representative of the rest of my colleagues.

I suppose that I bring to this mix a sense of humour and an ability to communicate with people from utterly different backgrounds.

As a sole practitioner I have a special sensitivity concerning the isolation and loneliness of that breed. Yet I have practised with large law firms and I have learned from their collective wisdom.

I have served, like all of my fellow Benchers, on a number of Committees including the Advisory Committee on Judicial Appointments, and of course discipline cases, which is an exercise in agony.

I am the Chair of the Committee and associate editor which produces the Gazette. The Committee and I are very proud of the special edition of the Gazette that honoured Arthur Martin and others, in our history.

The issues of paralegals, legal aid, continuing education and the Bar Admission Course, the economic crunch on real estate lawyers, are large problems which will play out over the next four years. There isn't any simple answer for any of it.

Vote for a variety of Benchers. Vote for a variety of talents and, if it's in your heart, vote for me!

**I strongly oppose any movement to pay the Benchers. We had a referendum four years ago and the Law Society should listen to the results. I will certainly take the position that the Law Society should have a referendum on compensation.**



## Ian J. Roland

Founding partner- Paliare  
Roland Rosenberg Rothstein  
LLP

BA - University of Western  
Ontario, 1969

LLB - University of Toronto,  
1972

Practice focused on  
employment, labour,  
administrative law, professional  
discipline, commercial litigation

Member - Advocates' Society,  
the Metropolitan Toronto  
Lawyers Association, Ontario  
Bar Association, Lawyer's Club

Extensive experience at all  
levels of court, tribunals,  
arbitrations, mediations, and  
Royal Commissions - Berger  
Inquiry, Lysyk Inquiry, Hospital  
for Sick Children Inquiry, Guy  
Paul Morin Inquiry, Walkerton  
Inquiry

Special lecturer/demonstrator -  
Osgoode Hall Law School,  
LSUC, Advocates' Society,  
Canadian Bar Association,  
CLEAR

Queen's 2002 Golden Jubilee  
Medal for community service

I have practiced as a litigator for almost 30 years. I've been lucky. The practice of law has been good to me. I've had opportunities that too many others haven't. I want to make sure that the Law Society does everything it can to help lawyers respond to the incredible challenges of practice today. That's why I am running for Bencher.

I started practice in a small litigation firm, Cameron, Brewin & Scott, under the mentorship of Ian Scott. I learned first hand how extraordinarily valuable it is for lawyers starting out to have a chance to learn from experienced senior members of the profession. That kind of mentoring is no longer available to many lawyers.

That firm merged with a large and ever expanding national practice, now Gowling Lafleur Henderson LLP. I had the chance to work with many talented lawyers with diverse practices. I was also fortunate because I ran the firm's articling program for a number of years, and I was able to help lawyers at the very beginning of their careers. I know the challenges of starting and then building a practice in a large firm, and the difficulties involved in balancing the needs of personal and family life, the practice of law, firm obligations, and professional responsibilities.

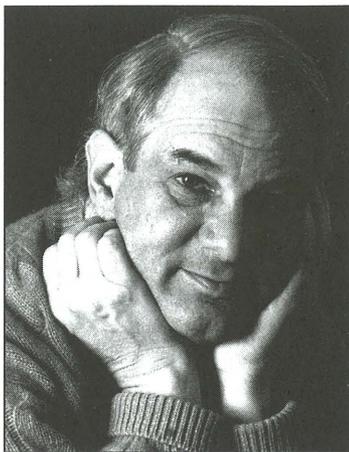
Almost two years ago, 17 of my colleagues from Gowlings and I launched our own litigation firm, Paliare Roland Rosenberg Rothstein LLP. In many ways, it has been like starting all over again. I have had to re-evaluate my own practice and help my younger partners develop their careers.

I have always been involved in governance and discipline issues across a wide range of professions. I've seen, first hand, how good governance can serve the public and at the same time, make a professional's life better.

These are a few of the issues that I think are important.

- The profession has a duty to protect the interests of the public and to ensure access to justice. We should all be proud of our profession's pro bono initiatives, but that will never replace an adequately funded legal aid system independent of government control. People who need legal representation and cannot afford legal counsel should be able to get a legal aid certificate. Lawyers who accept legal aid work should be fairly paid for their work.
- We cannot ignore the harm caused by untrained, unregulated and unqualified paralegals.
- The Law Society needs to focus on its core work: admission to the profession, developing, maintaining and enhancing standards of practice, and the complaints and discipline processes. It needs to actively work towards enhancing professional standards for lawyers. The complaints and discipline processes have to be fair. All matters must be dealt with promptly. Our goal should be remediation. Discipline penalties should only be used as a last resort.
- The Law Society needs to continue and expand its work with others, including those who provide effective, accessible continuing education programs. It should also work co-operatively with the County and District Law Association, local associations and the County and District Law Presidents' Association.

The Law Society is important. I am fortunate to be in a position where I can devote time and energy to improving our profession. I am asking for your support so that I can work with you to help make sure the Law Society works for the profession in the public interest.



## Clayton Ruby

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Since July 26, 2001, I have chaired the Finance and Audit Committee of the Law Society Upper Canada. The Committee is responsible for a \$61 million dollar budget and the overall financial implications of Law Society programmes and activities. In the last two years we have seen overall fees reduced by \$164 the first year I became Chair and a further reduction of \$129 in the second year. The Committee has been careful and prudent.

For the first time, we have instituted zero based budgeting. This involves more work, and it is tougher on Law Society staff, but it means that each component of the budget gets looked at from the standpoint that nothing is justified and a full and thorough assessment is made of each expenditure. We assume nothing. Everything must be justified. It will give us better control over Law Society finances.

Roscoe Pound, a former Dean of Harvard Law School, described a profession as "a group...pursuing a learned art...in the spirit of public service — no less a public service because it may incidentally be a means of livelihood." These comments accurately reflect what we are really doing in the practice of law and we can do more to make that clear to the public we serve. We must fight for decent access to justice for poor people, especially now that public legal aid has been so degraded.

We need to improve our efforts to create diversity in the legal profession, so that the Bar truly reflects the people of Ontario. We have had some real success in our efforts to elect Benchers of the Law Society of Upper Canada from minority communities. We need to ensure that there are more women elected as Benchers because women bring a perspective that is both unique and essential. The present Convocation ended with 10 elected women Benchers out of 40. We can do better. Vote for women. Vote for minorities.

### Education

1963 - B.A. York University

1967 - LL.B. University of Toronto

1969 - Called to the Bar

1973 - LL.M. University of California (Berkeley)

### Professional Memberships and Affiliations

Bencher, The Law Society of Upper Canada

### Community Memberships and Affiliations

Director, Earthroots

Co-Chair, Human Rights Watch (Canada)

Director, PEN Canada

Honourary Director, Sierra Legal Defence Fund

Honourary Patron, Native Men's Residence

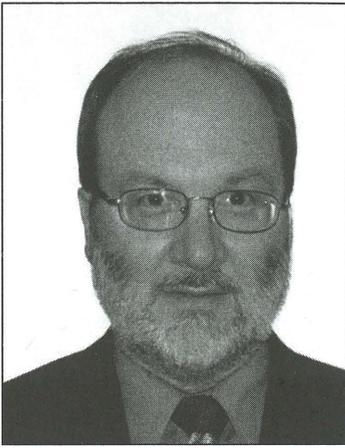
### Publications

*LawLawLaw*, House of Anansi Press, 1973

*Sentencing*, 5th edition, 1999, textbook for lawyers, Butterworths

*Criminal Sentencing Digest*, co-author, 1st edition, 1993, Butterworths

*Canadian Rights Reporter*, editor since 1983, comprehensive case reports on the Canadian Charter of Rights and Freedoms, Butterworths



## Mark J. Sandler

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I wish to serve the legal profession and believe that I can draw upon my experience on issues relating to the Law Society's mandate in order to do so.

*Legal Aid Ontario* - I regard an independent, vital and properly financed Ontario Legal Aid Plan to be of critical importance to the profession and the community it serves. As an appellate and trial litigator, I have watched the erosion of what was once the finest legal aid plan in existence, and am deeply concerned about its potential demise.

*Continuing Legal Education* - I regard continuing legal education for practitioners throughout Ontario of great importance. Over 23 years, I have participated as a lecturer, panelist and author in over 75 educational programmes offered by the LSUC, its Bar Ad programme, the Criminal Lawyers' Association (co-chairing its Annual Education Programme and Convention for three years), the Advocates' Society, Ontario Bar Association, the National Judicial Institute etc. Recently, the Law Society has promoted interactive (ILN) programming that permits members from across the province to participate in educational programmes initiated in Toronto. Continuing legal education must be accessible (that is, both available and affordable) to all members of the profession.

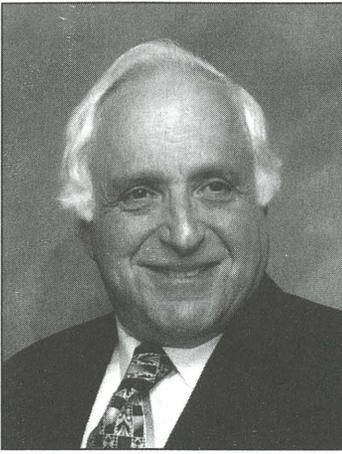
*Specialization* - I support the Law Society's recent specialization initiatives. I serve as a member of the Criminal Law Speciality Committee, and am currently involved in the drafting of guidelines for that speciality. The Law Society must meaningfully inform members of the public about the existence of specialists. Otherwise, there is little incentive to apply for certification. I also recognize, particularly in smaller communities, that an important role remains for general practitioners and practitioners with more than one speciality.

*Diversity* - I am deeply committed to diversity within, and accessibility to, the legal profession. I believe, as a part-time member of the Human Rights Tribunal of Ontario, as a former National Chair and Senior Counsel to the League for Human Rights of B'nai Brith Canada, I can contribute greatly to this issue.

*Pro Bono Services* - I believe that the Law Society must take even greater initiatives in promoting the provision of pro bono legal services by the profession. Pro bono work represents an important way not only for lawyers to be fulfilled in their lives, but it enhances respect for the legal profession in the community, which is sometimes sorely lacking. I was proud to be a recipient of the Outstanding Pro Bono Legal Services Award (Canadian Bar Association), and have served in many volunteer positions in the community.

*Discipline and Professional Conduct Issues* - Based on my experience as counsel in disciplinary matters before the Law Society, I strongly believe that greater prominence must be given to diversion and other alternatives to disciplinary prosecution. As for professional conduct issues, many lawyers in the profession do not have ready access to a mentor, and are reluctant to contact the Law Society to facilitate access to such a mentor. We have to do a better job to ensure that lawyers faced with difficult professional issues, particularly ethical issues, have timely access to reliable advice.

Partner, Cooper, Sandler & West; Appellate and trial criminal litigator for 23 years; Counsel to six inquiries or reviews, including Guy Paul Morin Inquiry; Currently, counsel to Minister of Justice (assisting Justice Kaufman) respecting Steven Truscott application; Member, Criminal Law Speciality Committee, LSUC; Adjunct Professor, Osgoode Hall since 1994; Recipient, Outstanding Pro Bono Legal Services Award (Can. Bar Assoc.); Author/ Lecturer/Faculty, LSUC, Bar Ad Programme, Advocates' Society, Criminal Lawyers' Assoc., Ontario Bar Assoc., National Judicial Institute; Member, Human Rights Tribunal of Ontario; Co-author, *Criminal Procedure: Cases, Notes and Materials*, Butterworths; Member, Advocates' Society, York Region Law Association, Criminal Lawyers' Association, Ontario Bar Association.



## Irvin H. Sherman, Q.C.

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The demands placed upon benchers are significant and challenging. I stand committed to meet this challenge ever mindful of our public interest responsibilities and that we practice in differing work environments throughout Ontario.

### Paralegals

As an immigration law practitioner I have assisted many clients who have been victimized by the unethical practices of certain paralegals who are not accountable to anyone but themselves. There is an acknowledged role in our society for paralegals. However that role does not include the practice of law. We must continue in our quest to assure that the role and jurisdiction of paralegals is clearly defined, that paralegals become accountable and that measures are taken to assure their competence.

### Unauthorized Practice

I am concerned about the numbers of untrained and unauthorized persons who are providing legal services to the public detriment. The Law Society should take a strong stance on this issue and see that such persons are prosecuted.

### Bencher Remuneration

My desire to become a bencher arises from a sense of commitment and a desire to serve rather than the desire for profit or gain. I do not think that benchers should be paid unless the time spent in the service of the profession demands a time commitment in excess of the time spent by benchers in the normal course of their duties.

### Solo Practitioners and Small Law Offices

Having practiced alone and with small law firms for three decades, I would encourage Law Society policies and rules that are responsive to the concerns of small firm practitioners who may not possess the fiscal, material and human resources typically found in larger firms.

### Legal Education

Efforts should be made to assure, where practicable, that Law Society publications, including the Bar Admission course material, be accessible by Internet access. The Interactive Learning Network has proven successful and its operation should be continued so as to permit lawyers throughout Ontario to participate in legal education programs close to their office.

### Library Co

I support Library Co and the preservation of the County Law Libraries. It is important that lawyers have complete access to law libraries wherever they practice in Ontario.

### Legal Aid

The Legal Aid Plan has been underfunded for years. The Law Society should take the lead in discussions with the Province to increase funding for Legal Aid and thereby assure better access to justice through Legal Aid. I support a reasonable increase in the tariff paid to lawyers working under the Legal Aid Plan.

### Governance

While the business of the Law Society is not "business" in the normal sense, the Law Society should operate in a business-like manner. The Law Society should generally not engage in any new initiative that can best be performed by the public sector.

For the past two years the Law Society has accumulated a significant surplus. I stand committed to assuring that The Law Society operates efficiently, effectively and within budget. I support the return of part of the surplus to the members in the form of reduced fees.

Controls should be put in place to assure that financially significant initiatives (such as computerization) are regularly reviewed. Significant cost over-runs are not acceptable.

### Lawyer's Concerns

The Law Society must be responsive to lawyer's concerns. The relationship between the Law Society and its members should not be one of perceived indifference. It need not and should not be adversarial. As your bencher I will listen to your concerns and strive to address them in a timely manner. I am prepared to ask the tough questions and to insist upon reasonable answers. I will not accept the status quo.

I am concerned about the declining standards of the profession. The Law Society must enact policies to ensure the preservation of the high standard of professionalism that has been traditionally exhibited by Ontario lawyers.

I have extensive experience in dealing with issues arising within self-governing professions whose mandate is to act in the public interest. I am committed to the values of my profession. I ask that you give me the opportunity to serving your interest. I dedicate myself to this task.

Certified specialist in  
Immigration Law

Called to the Bar - 1968

### EDUCATION

LLM - York University - 1975

LLB - Osgoode Hall Law  
School - 1966

BA - Dalhousie University -  
1963

### PROFESSIONAL EXPERIENCE

General practitioner - 19 years

Member - Immigration Appeal  
Board; Immigration Appeal  
Division

Member - Health Professions  
Appeal & Review Board

Immigration Counsel to  
Martinello & Associates

Chairperson- Superintendent  
of Insurance Advisory  
Committee

Instructor Bar Admission  
Course

### COMMUNITY SERVICE

Volunteer Service Award  
winner - Province of Ontario

Chairperson - Metropolitan  
Toronto Library Board

Vice Chairman - North York  
Library Board

Board Member - Ontario  
Science Centre

Board Member - Scarborough  
General Hospital



## Eric Sigurdson

- Managing Attorney. Practice in civil litigation and administrative law.
- LL.B., University of Ottawa (magna cum laude); B.A., Carleton University (with distinction).
- Trial and Appellate advocacy. Counsel before courts (and tribunals) at all levels throughout Ontario.
- National Institute of Trial Advocacy: Intensive Trial Advocacy Teacher Training Program, Trial Advocacy Skills (conducted at Harvard Law School); faculty instructor in Intensive Trial Advocacy Training Program (U.S.A.); lecturer and demonstrator.
- Member: Advocates' Society, Canadian Bar Association, Metropolitan Toronto Lawyers' Association, York Region Law Association (past).
- Former: Board of Directors, Richmond Hill Chamber of Commerce; Vice-President, Bayview Fairways Ratepayers Association; Assistant Editor, Ottawa Law Review.

It is an honour and privilege to serve one's profession. The legal profession's relative autonomy carries with it special responsibilities of self-government. Through the election of our benchers, each lawyer in Ontario has a direct say in the regulation of the profession, and ultimately helps to improve the perception of lawyers by our clients and the public. The main challenge to the Law Society is the preservation of the privilege of self-government, which is vital to the independence of the bar - a cornerstone to the administration of justice.

My daughter recently advised me she would not be interested in the law as a profession. Why? Perhaps she sees the long hours, or the pressures of operating a business which is also a profession, or the growing disillusionment and rising discourtesy among some lawyers, or possibly the diminished reputation of lawyers in the eyes of the public? I was disappointed, as I see the practice of law as a "noble profession", where honour and integrity have meaning and substance. It is clear to me that the legal profession is changing rapidly, and we must determine how to redefine ourselves and our role in society - to advance the interests of our profession and to protect the public. To do this we must continue to capture the respect and imagination of our community, and move forward in an open, responsible and responsive manner.

While the Law Society is mandated to govern in the public interest, we also have a responsibility to assist our colleagues in maintaining competency and a competitive position in the legal environment. As a self-governing profession, we must facilitate the pursuit of excellence through education and training. This must be done at cost, with easy access to the internet, books, articles, audio and video tapes, and lecture series formats. Cost, time and accessibility are important factors for busy practitioners, with lives which extend beyond just the practice of law.

I have been told by several colleagues that they see the Law Society as an organization to avoid - to stay under its radar. We must make the Law Society's administration of the profession transparent and relevant not only to the public, but also to its lawyers. Regulatory proceedings must be efficient, responsive and communicative. We can take a leadership role in assisting smaller practices and sole practitioners in the area of information technologies, with their positive impact on efficiencies and the economies of practice. The modernization of the regulatory functions of the Law Society must be continued.

The Legal Aid Plan must be protected to ensure access to justice for all members of the public. The Law Society must maintain vigilance to ensure legal aid is available to those in greatest need, and to ensure that the Legal Aid Plan is fairly and appropriately funded.

A continuing issue is the regulation of paralegals. The protection of the public is mandated on this important issue as it relates to the unregulated and unauthorized practice of law. The Law Society must take a leadership role in this debate.

Equity and diversity must continue to be supported and promoted throughout all the departments of the Law Society. As we serve the public, it is important that our members reflect our society. It is only through a diverse bar that the integrity and relevance of our profession in the community can be maintained and enhanced.

While the public interest is paramount, Benchers must be aware of the economic environment, and the impact their decisions will have on the day to day practice of lawyers. Cost effective agendas must be pursued. Expenses and costs must continue to be reduced over the coming years because of good financial management, rather than the increasing size of the profession.

With your support, I would be honoured by the opportunity to pursue these values and ideals before the Law Society as a Bencher.



## Beth Symes

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I have practiced, as a sole practitioner, in a small firm, a large firm, as Chair of a tribunal, and now as a proud partner in a litigation boutique, working on some of the most challenging and important public law cases in our community.

I am dedicated to equity within the profession, affordable high quality legal services for the public. Equity, excellence and affordability can be achieved while ensuring that our members are financially vibrant.

It is in both the public interest, and the interest of our profession that lawyers be self-governed with excellence and vision. As society grows more complex, the bar becomes specialized, divisions grow within the profession - between specialists and general practitioners; between specialties; between huge and small firms; between young and established lawyers; between those who practice in downtown Toronto and those in smaller centres in both southern and northern Ontario. These divisions exist at the foundation of the profession - even before we consider matters of social equity, affecting women, persons with disabilities, racial, religious and cultural minorities, and lesbians and gay men.

But we are all united in this one thing: the goal of an excellent, strong and inclusive bar.

If elected as a Bencher, I will work hard on behalf of the entire profession. I will contribute my experience, my vision of equity, and my goal of vibrance and excellence to a bar that is united in the critical common interests.

Eberts Symes Street & Corbett

Called to the Bar in 1978

LL.B. Queen's University

Practices administrative law,  
civil litigation and equality  
rights

First Chair,

Pay Equity Hearings Tribunal

Law Society Medal 1996

Gordon F. Henderson

Lecturer 2003

Lectured, Trial Advocacy and  
Economic Regulation, Osgoode  
Hall Law School

Visiting Professor,  
Constitutional Litigation,  
University of Western Ontario

*Women and Legal Action*  
*Juggling: Women, Work and*  
*Parenting*

Papers and speeches in  
administrative law, civil  
litigation, and equality rights

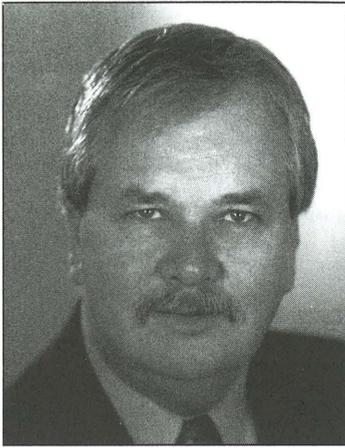
Women's Legal Education  
and Action Fund (LEAF)

Conference of Ontario Boards  
and Agencies

Society of Adjudicators and  
Regulators

Chair, Bloor Street United  
Church

Director, Foundation for  
Choice



## Paul Vesa

LL.B., Windsor

Called 1983

Sole Practitioner (1983-87)

Assistant Crown Attorney  
(1987-present)

Caseload includes homicides,  
robberies, sexual assaults, etc.

Former Air Traffic Controller

Chair, Strategic Planning,  
Ontario Bar Association

Council, Ontario Bar  
Association (1995-present)

Past President, Ontario Crown  
Attorneys' Association

Past President, Canadian  
Association of Crown Counsel

Past Chair, Advocacy and  
Government Relations, Ontario  
Bar Association

Past Chair, Communications,  
Ontario Bar Association

Past Executive, Ontario Bar  
Association

Member, International  
Association of Prosecutors

Speaker (and sometime  
organizer) at Conferences of  
Ontario Crown Attorneys'  
Association, Ontario Bar  
Association, Criminal Lawyers  
Association, International  
Association of Prosecutors

### DRIVING THE ISSUES

The candidate for Bencher who knows how to take the issues of importance to lawyers and make them happen:

**Long experience** in taking an issue and bringing it to fruition:

- as President of the Ontario Crown Attorneys' Association (many lengthy **successful** battles with the Government of the day)
- as President of the Canadian Association of Crown Counsel (**successful** moving of issues on the national stage)
- as Chair of Communications for the Ontario Bar Association (**bringing the message home** to lawyers)
- as Chair of Advocacy and Government Relations for the Ontario Bar Association (**successfully** advocating on behalf of lawyers, issues vis a vis the Government, Law Society and other lawyers' associations)
- as Chair of Strategic Planning for the Ontario Bar Association (thinking **strategically** and **cooperatively** in working out **long-term** planning strategies)

Through my experience in **doing**, working with other groups and thinking and acting **proactively**, my skill set lets me **make things happen** for you. I don't just sit and debate issues, I can make the **results** real, because I have done it before **successfully**.

### COMMUNICATION

The candidate for Bencher who has specialized in communicating the results of success to lawyers:

- **experience** in dealing with the press
- **experience** communicating results of successful efforts to lawyers
- **cooperating** with other legal associations to get them on side, while **leading** the issues
- **negotiating** with individuals and associations so that they **accept** our leadership

Through my experience in **communication**, I can get others to **buy in** to our issues, and when successfully brought to reality, **let our members know**, so they feel **positive** about being lawyers and have a sense of **accomplishment**.

### ADVOCACY

The candidate for Bencher who knows the ins and outs of **advocating** on behalf of lawyers:

- **taking charge** of an issue
- taking a **flexible** and **open-minded** approach to **driving an issue**, so that if one approach doesn't work, another method may
- **knowing** that you don't shoot all the arrows in your quiver at once
- **realizing** that to solve a problem you must know what your target is
- **believing** that the **threat** of action is often a more valuable tool than the action itself

I have advocated **successfully** on behalf of lawyers' associations **for over 10 years**, from my experience as head of both Ontario's and Canada's Crown Attorneys, to my role as head of major committees within the Ontario Bar Association. I know that to argue successfully, you must get people to **buy in** to what you are doing, and utilize **judiciously** all tools at your disposal, from the press, to other lawyers' groups, to other interested parties, to the elected legislators and to the bureaucracy. **I can do this** because **I have done this**, over and over again, **successfully**.

### LEADERSHIP

The candidate for Bencher who has been head of both a provincial and a national body of lawyers:

- Ontario Crown Attorneys' Association President during a time of severe government cutbacks to funding (**successfully** fought off **all** cuts to Crown resources)
- Canadian Association of Crown Counsel President (**successfully** made this once moribund organization a national voice for Canadian prosecutors)
- Ontario Bar Association, Chair (respectively) of Communications, Advocacy and Government Relations and Strategic Planning.

Bringing my skill set to the Ontario Bar Association to drive their issues, just as I will to the Law Society.

### DECISION MAKING

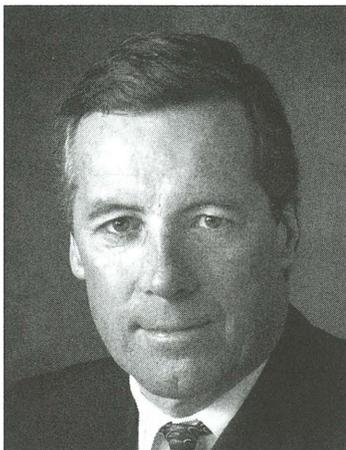
The candidate for Bencher who can act quickly and decisively:

- former Air Traffic Controller, who had to act quickly to make life and death decisions
- flexibility in approach as head of lawyers' associations and committees, so that the appropriate decision is made at the right time
- showing no fear in standing by decisions to see them through

We are paid as lawyers to make the hard call in practice. I apply this to advocating for our profession.

### THE ISSUES

All Bencher candidates don't want paralegals doing lawyers' work, want more legal aid funding, want more civility in the courts and more certainty as to the role of counsel and the role of the Law Society. I can **make these and other issues happen** because I have **successfully** brought these sorts of issues forward before. **I will do it for you.**



## David I. Wakely

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Founding member of the firm Winkler, Filion & Wakely. Practices in the area of labour relations on behalf of management.

Born in Toronto, Ontario. Attended University of Montreal and the University of Western Ontario. Called to the Bar in 1975.

- Council Member of CBAO - 1990-1998
- Executive Member of CBAO - 1988-1991
- Chair of Labour Section - 1991-1992
- President - University of Western Ontario Law Association
- Deputy Judge, Provincial Court, Civil Division, Small Claims Court
- Certified Specialist: Civil Litigation and Labour Law
- Co-author: *Pension Benefits Legislation in Canada*, Butterworths
- Part-time Instructor, Labour Relations and Employment Law, Graduate Program, Osgoode Hall Law School.

I am entering the election as a candidate for benchers for a number of reasons. As a founding member of the firm of Filion Wakely Thorup Angeletti LLP, a 25 lawyer firm specializing in Labour and Employment law in Toronto, I believe that I have an appreciation of the challenges faced by the profession and, in particular, by practitioners in small and medium sized firms.

The challenges take a number of forms. The obvious pressure of escalating costs of carrying on the business of a law practice are not counterbalanced by commensurate increases in fee revenue. On the contrary, there is relentless downward pressure on fees being experienced by sole practitioners and those in small to medium sized firms. This is, at least in part, due to the ever increasing numbers in our profession.

A second pressure experienced by lawyers in many small practices is the continuing problem of inadequate funding of legal aid. A great number of litigants remain unrepresented and lawyers who continue to handle legal aid matters are forced to present their clients' cases under unreasonable constraints. The clients are denied realistic access to justice and the lawyer is denied the opportunity to effectively ply his or her trade. The legal aid issue obviously has broader implications for the profession in terms of the public's perception of our profession, the quality of decisions that courts are able to render under these difficult circumstances and the ability of practising lawyers to represent those in need. The Law Society still has to do more to address this important issue.

Even for relatively wealthy parties, our legal system remains too expensive. We must streamline the system, encourage greater and more effective use of mediation and arbitration, and remove abuse from the litigation process. This will not be rectified by yet another study, or simply re-writing some of the Rules; it will be accomplished only by gradual and consistent steps towards an efficient, substance over form approach to the practice of law as a whole, whether involving real estate, family, employment law or litigation. All aspects of the justice system must become more relevant and accessible to the average member of the public.

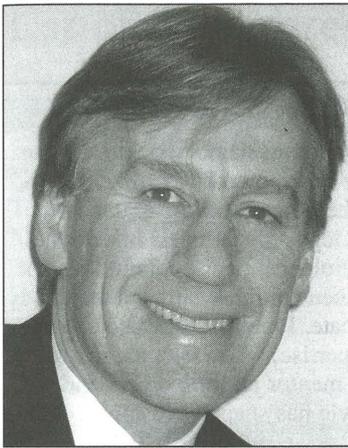
As a practitioner in the labour field where arbitration and mediation have been the foundation of quick and affordable dispute resolution for decades, I believe I can bring that perspective to the governing body and thereby promote the interests of all lawyers in Ontario, but in particular, those who are members of smaller firms.

I also believe greater efforts have to be made to introduce newer members of the Bar to the best traditions of the Ontario Bar and to ensure that lawyers who choose to practice in less traditional roles continue to feel an integral part of the profession. Greater mentoring opportunities for newer members of the Bar are necessary and the traditional collegiality and professionalism of the Ontario Bar emphasized among all its members. The excellent work done to date by the Law Society and the Advocates Society in these respects must be continued and expanded.

Finally, I believe the issue of benchers compensation must be revisited. The recent vote of Convocation of 22 to 21 in favour of benchers compensation runs contrary to the wishes of the membership clearly expressed in a vote four years ago. I would not presume to run for a volunteer position and then vote myself remuneration in the face of a membership vote to the contrary.

I am happy to have been involved in representing the profession over the years as an elected member of council of the Canadian Bar Association Ontario (now Ontario Bar Association) for a number of terms and as an executive and chair of the labour section of the CBAO.

I am prepared to work on your behalf and would humbly ask for your support.



## Reg Watson

“My thesis is that there are three basic values which merge in a good lawyer: a commitment to competence, which is about skills; a commitment to ethics, which is about decency; and a commitment to professionalism, which transfuses the public interest with the two other values.”

Justice Rosalie Abella, Ontario Court of Appeal

These words from Justice Abella resonate with me, as I have always believed in the importance of **integrity, professionalism** and **competence**. If elected, these qualities will assist me in actively addressing the duties of a Bencher, including advocating for the positions listed below.

### Positions:

- Make it easier to practise law and earn a living
  - Facilitate/streamline member interaction with LSUC
  - No new Fees or Levies
  - Use existing Fees and Levies responsibly
- Encourage impeccable LSUC Governance
  - More open, accountable processes and decisions
  - Appoint an independent LSUC “Auditor General”
  - Facilitate member - bencher communication
  - No Bencher Remuneration
- Increase LSUC value to members
  - Pursue a better Legal Aid deal
  - Improve member mobility
  - Promote mentoring
- Improve public trust in LSUC
  - Foster a credible and respected discipline process
  - Stick to the mandate: Regulate the legal profession in the public interest

### Philosophy:

- Integrity above all
- Open communication
- Practical solutions
- Participate, don't complain
- Ask “Why?”
- I don't have all the answers; I will work to get them

### Promises:

- Available
- Responsive
- Approachable
- Open Minded
- Attentive
- Catalyst for change
- We may not agree, but you will receive an honest opinion

### People in Support Include:

John Andrew, Larry Banach, Brian Bellmore, Blair Bowen, John Brown, Ralph Caswell, Hugh Christie, Robert Doumani, William Grimmatt, John Gibson, James Grout, Michael Hines, Robin Hunter, Laura Legge, John Lloyd, Gavin MacKenzie, Councillor David Miller, Frank Marrocco, Dennis O'Leary, Mark Rodger, Clay Ruby, Stephen Sherriff, Georgia Sievwright, Robert Storey, Kent Thomson, Robert Topp, James Vigmond, Richard Wagner, Mark Wheeler, John Woon

Please contact/visit me:

- (416) 483-4883
- [rwatson@barexpress.net](mailto:rwatson@barexpress.net)
- [www.watsonforbencher.com](http://www.watsonforbencher.com)

### Professional History:

#### Caswell & Watson:

Barrister, Solicitor, Mediator,  
Mentor

- Called 1983
- BScEE, UNB
- MSc (Course Req'ts), UNB
- LLB, Queens

#### LSUC Participation:

Counsel:

- Discipline Counsel (1983-1990)
- Defence Counsel

Bar Admissions Course:

- Seminar Leader
- Lecturer (1984-1989)
- Exam Marker

Computer Education Facility  
(1993-1997):

- Course Planner
- Instructor

Committees (1988-1990):

- Special Committee on Discipline Procedures
- NOBC Long Range Planning
- NOBC Counsel Manual

#### Financial Services

##### Commission:

- Chair, Advisory Board

#### Reid's Administrative Law:

- Editor (1997-2000)

#### Integrated Justice Project:

- E-Filing Pilot Project

#### OBA-O:

- Volunteer, Fee Mediation Project (1995-1996)

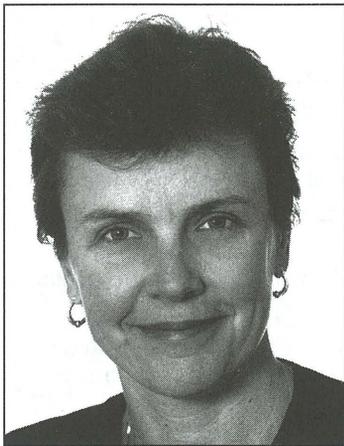
#### Personal:

##### Family:

- Spouse, one child

##### Volunteer:

- Track3 Disabled Ski Assoc'n (1989-2003)
- St. Stephens Community House (1989-1995);
- Dream Factory (2002)
- CPS (1989-2002)
- CBS-100 Donations



## Loreta Zubas

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- Called 1985
- Sole practitioner, Counsel, since 1994
- Practice areas: Employment law, Civil Litigation
- Certified Specialist in Civil Litigation
- LL.M. Osgoode, Civil Litigation
- Bicentennial Award of Merit, Law Society of Upper Canada, for outstanding public service
- Speaker at numerous conferences on Employment law issues
- Speaker Continuing Legal Education
- Seminar Leader, Bar Admission Course
- Canadian Bar Association of Ontario, Lawyer's Club
- Paul Harris Award for Community Service, Rotary Club
- Community Service Award, City of Toronto
- Director and lobbyist for a number of organizations advocating for social justice and human rights

I run a small practice in Toronto. I worked my way through law school driving a crane in a steel factory in Hamilton. My career began at a large downtown law firm and continued through smaller firms, which did not survive the 80's. Since my call to the Bar I have been a participant, then teacher, in continuing legal education. I have done extensive pro bono work on behalf of victims of family violence, poor communities and other disenfranchised groups, for which I received the Bicentennial Award of Merit. My biography reflects my experience as a lobbyist and advocate. I maintain a vast support network made up of colleagues with a broad scope of expertise, who assist me in servicing my clients and growing my practice. In turn, I mentor junior lawyers and assist them in their demanding practices. My busy lifestyle has shaped my approach to challenges and problems: pragmatic and creative.

I feel my background and experiences have prepared me for the privilege of serving my profession as a Bencher.

### Anticipate

The changing economic and political climate continues to challenge our work environment. Our governing body must anticipate what is necessary to support its members.

- The practice of law will become more complicated.
- The cost of practice will continue to increase.
- The practice of law will become more stressful. Lawyers will continue to struggle to balance their professional and family lives.
- Lawyers will continue to be the subject of media "bashing".
- Access to legal services will be impeded by competing social costs.
- Decreases in education spending coupled with increasing tuition fees will make law school a barrier to individuals, which will affect the diversity of the profession.
- The standard of legal services will continue to be eroded by "consultants", "paralegals" and "advocates", and will influence the public's perception.

### Respond

Our governing body must continue to be proactive in addressing the challenges on behalf of its members, while discharging its duty to the public.

- We must control professional fees and levies: the annual levy and LPIC premiums must be kept reasonable so that lawyers are not driven out of practice.
- Access to justice is fundamental to our democracy. We must continue to support pro bono work and encourage and recognize the contributions made by the profession to the community. In this regard, we must continue to fight for an increase in Legal Aid rates.
- We must continue to bring the practice of law into the modern age by means of new technology and assist the profession in "retooling" their practice.
- We must work to prevent the unauthorized practice of law.
- Our members continue to make extraordinary contributions, which are not recognized by the public. We need to get the word out.
- Mentoring programs, support networks, especially for sole practitioners, are important.
- A fair, open, unbiased, efficient, discipline system must be maintained.
- We must continue the Law Society's commitment to ensure that any person with the ability can become a lawyer.

I believe that a Bencher should be competent, creative and compassionate. I believe I have these skills and I ask you for your support.

Finally, I would like to take this opportunity to thank my colleagues for their support and endorsement of my nomination.

Think about it, stir up the candidates, and most importantly: **VOTE!**

For more details about my credentials please review my website at:  
[www.employment-lawyers.ca](http://www.employment-lawyers.ca)

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LET RIGHT PREVAIL

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Upper Canada

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