



The
Law Society of
Upper Canada
Osgoode Hall, Toronto

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Number 4

23rd and 24th May 1985

Suggested Fee Schedules and the Combines Investigation Act

Recently, the Treasurer had occasion to write to the Presidents of the County and District Law Associations respecting the suggested fee schedules, which many associations have passed, and the requirements of the Combines Investigation Act of Canada. Because of the importance of this matter to the profession as a whole the Treasurer's letter is set out here in full:

"TO: All Presidents of the County and District Law Associations 1st May 1985

Re: The Combines Investigation Act of Canada

It has been the practice for many years for some County and District Law Associations to establish a suggested schedule of fees for the benefit of both the members of the Association and the public. This is proper and has long been and is now supported and encouraged by the Law Society. Recently, however, one Association promulgated a minimum tariff of fees and it appeared that members not adhering to the tariff would be subject to sanctions imposed by the Association. I understand that the Association's by-law was subsequently amended to delete those portions which would have required its members to follow and apply the fee schedule.

As you are all aware, the laws of Canada prohibit agreement whether express or implied in restraint of trade or conspiracies to lessen competition and fix prices for services and goods, including legal services.

I draw this to your attention to ensure that no action of your Association will attract an investigation and prosecution under The Combines Investigation Act.

Laura L. Legge, Q.C.,
Treasurer."

Motions to be made at the Annual Meeting of Members of the Society

Proper notice has been received that the following motions will be made at the Annual Meeting of members of the Society, which will take place in Osgoode Hall beginning at 2:30 on Friday, June 14th:

WHEREAS, due to intense competition for legal employment in the Province of Ontario and due to the availability of opportunities in business, education, government and politics to persons with legal credentials, a very large (and increasing) number of members of the Law Society of Upper Canada (the "Society") have obtained legal or other employment opportunities outside of Ontario or have obtained employment opportunities in Ontario in non-legal careers (collectively "alternative career members");

WHEREAS, the Society has in the past encouraged and assisted, and, in the future ought to continue to encourage and assist, its members in pursuing such alternative career avenues;

WHEREAS, two hundred forty-two (242) members of the Society were suspended on February 24, 1984 for nonpayment of dues and it can be expected that increasing numbers will be suspended each year for nonpayment of dues resulting from their having obtained alternative career opportunities;

WHEREAS, alternative career members should be encouraged to retain a professional and personal association with the Society;

NOW, THEREFORE, be it resolved that:

1. An additional class of membership in the Society be established for persons who have successfully completed all the requirements for admission to the Society other than the payment of fees (the "inactive status membership");

2. Members having inactive status membership be required to pay a modest fee for such privilege but that, otherwise, inactive status members be exempt from the Annual Fees, the Compensation Levy and other charges applicable to full status members;

3. Inactive status members shall not be authorized to practice law in Ontario while they are inactive status members;

4. An inactive status member may reinstate his or her full membership privileges in any year and may commence or resume practice of law in Ontario in any year, provided that such inactive status member pays the Annual Fee and Compensation Levy for such year as is payable by full status members.

WHEREAS members of the Law Society of Upper Canada have repeatedly moved at the Annual meeting of Convocation for the abolition of the title "Queen's Counsel".

AND WHEREAS neither the Law Society of Upper Canada nor the Attorney General have taken any action towards such abolition.

NOW THEREFORE be it moved and seconded that the title of Queen's Counsel be granted to all members of the Law Society of Upper Canada upon completion of one year at the Bar.

Land Registry Reform Act - Registration of Forms in French

Regulations 133/85 under the Land Titles Act, 134/85 under the Land Registration Reform Act, 1984 and 135/85 under the Registry Act, all filed on March 29, 1985 now authorize the registration of French language versions of the new forms under the Land Registration Reform Act, 1984 in the land registry offices for the Registry Divisions of Glengarry, Prescott, Russell, Sudbury and Temiskaming and the Land Titles Divisions of Prescott, Russell, Sudbury and Temiskaming.

The Law Society Mediation Committee

From time to time disputes arise between lawyers or between lawyers and their clients which do not involve misconduct and so are not appropriately regarded as disciplinary matters but which if left unresolved could lead to unseemly or perhaps unprofessional conduct on the part of those involved. They are brought to the Society's attention by one or other of the parties in the hope that they can be resolved in some way that avoids publicity and expense and leads to amicable understanding.

Recognizing that the Society might perform a useful role, but lacking a recognized procedure for dealing with such disagreements, Convocation in 1973 established a new standing committee known as the Mediation Committee composed of senior Benchers of wide and deep practical experience in the practice of law and an understanding of the tensions that can develop in the adversarial and sometimes combative atmosphere that are occupational hazards of those who serve in the legal profession.

In the twelve years since it was formed the Committee has quietly and effectively fulfilled its function in a wide variety of matters and has been instrumental in resolving disputes generated by the dissolution of law firms, disagreements between counsel in contentious proceedings and in reconciling differences flowing from the performance of sundry undertakings. Depending upon the circumstances and initial discussions with those involved, the Committee may convene in a group of three or a member of it may sit alone where that arrangement seems most appropriate.

Members wishing more information about the Committee should communicate with Stephen Traviss, Senior Counsel, Professional Conduct, by letter or by telephoning him at 947-3349.

Kenneth Jarvis,
Secretary.