

THE LAW SOCIETY OF UPPER CANADA

# Bencher Election

Élection des  
membres du Conseil

## Voters' Guide

### THREE WAYS TO VOTE

#### Internet

[www.webvotedirect.com/lsuc](http://www.webvotedirect.com/lsuc)



#### Telephone

1-888-985-2059

within Canada and the US

781-575-3140

outside Canada and the US



#### Mail

Use return envelope



Voting closes at 5:00 p.m.  
Eastern Daylight Time (EDT)  
on April 30, 2007



The Law Society of  
Upper Canada

## Guide de l'électeur

### TROIS FAÇONS DE VOTER

#### Internet

[www.webvotedirect.com/lsuc](http://www.webvotedirect.com/lsuc)

#### Téléphone

1-888-985-2059

Du Canada et des États-Unis

781-575-3140

De l'extérieur du Canada et des États-Unis

#### Poste

Utilisez l'enveloppe de retour

Le vote se termine à  
17 h HAE le  
30 avril 2007.

Barreau  
du Haut-Canada

THE LAW SOCIETY OF UPPER CANADA

# Bencher Election

Élection des  
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## Voters' Guide

## Guide de l'électeur

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LET RIGHT PREVAIL

The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

**Voting closes at 5:00 p.m.  
Eastern Daylight Time (EDT) on April 30, 2007**

**Le vote se termine à  
17 h HAE le 30 avril 2007.**

## Tenue de l'élection

L'élection du Conseil de 2007 se déroule conformément à la *Loi sur le Barreau* et au règlement administratif 5 pris en application de la *Loi sur le Barreau*.

Le Barreau a retenu les services de Computershare, une société indépendante, pour tenir l'élection.

## Anonymat des électeurs et électrices

Computershare assignera au hasard des numéros d'identification personnelle à chaque électeur ou électrice admissible. Seul Computershare connaît les numéros assignés aux électeurs et électrices admissibles.

## Électeurs et électrices admissibles

Toute personne qui n'est pas un membre temporaire et dont les droits et privilèges ne sont pas suspendus le 23 mars 2007 a le droit de voter à l'élection du Conseil.

## Renseignements sur les candidats et candidates

Le Barreau du Haut-Canada publie et envoie le Guide de l'électeur aux membres ayant le droit de vote afin de les renseigner sur les candidats et candidates qui se présentent à l'élection du Conseil. Les candidates et candidats fournissent leurs notices biographiques et des déclarations électorales qui n'expriment que leur opinion.

Le Guide se divise en deux sections : une contenant des renseignements sur les candidats et candidates de l'extérieur de Toronto, l'autre contenant des renseignements sur ceux et celles de Toronto.

## Déroulement des élections régionales

Quarante conseillers et conseillères seront élus – 20 de l'extérieur de Toronto et 20 de Toronto. Sur les 40 conseillers et conseillères, huit seront élus comme conseillères et conseillers régionaux. Un conseiller régional ou une conseillère régionale est la personne qui a recueilli le plus grand nombre de voix des électeurs et électrices qui résident dans sa région. L'adresse professionnelle d'une conseillère ou d'un conseiller régional doit se trouver dans la région électorale au moment où elle ou il est élu.

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

- **Région électorale de Toronto**
- **Région électorale du Nord-Ouest (NO)** – constituée des districts territoriaux de Kenora, Rainy River et Thunder Bay.
- **Région électorale du Nord-Est (NE)** – constituée des districts territoriaux d'Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury et Timiskaming.
- **Région électorale de l'Est (E)** – constituée des comtés de Frontenac, Hastings, Lanark, Lennox et Addington,

Prince Edward et Renfrew, les comtés unis de Leeds et Grenville, Prescott et Russell, Stormont, Dundas et Glengarry et la Municipalité régionale d'Ottawa-Carleton.

- **Région électorale du Centre-Est (CE)** – constituée 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 (CO)** – constituée des comtés de Bruce, Dufferin, Grey, Wellington et des municipalités régionales de Halton et Peel.
- **Région électorale du Centre-Sud (CS)** – constituée du comté de Brant et des municipalités régionales de Haldimand-Norfolk, Hamilton-Wentworth, Niagara et Waterloo.
- **Région électorale du Sud-Ouest (SO)** – constituée des comtés de Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford et Perth.

Dans chaque région, le candidat ou la candidate ayant recueilli le plus grand nombre de voix exprimées dans sa région sera déclaré conseiller régional. Les 32 conseillères et conseillers restants – 13 de l'extérieur de Toronto et 19 de Toronto – seront choisis parmi les candidates et candidats qui auront recueilli le nombre le plus élevé de voix exprimées par tous les électeurs et les électrices.

La région est indiquée à côté du nom de chaque candidat ou candidate de l'extérieur de Toronto. La liste des candidats et candidates de chaque région figure sur la dernière page du Guide de l'électeur.

## Vote et dépouillement du scrutin

Les électeurs et électrices ne peuvent voter qu'une seule fois. Advenant le cas contraire, le premier bulletin de vote consigné, qu'il ait été reçu par la poste, par téléphone ou par Internet, servira au dépouillement du scrutin.

Vous disposez d'un total de 40 voix, soit 20 voix pour les candidates et candidats de l'extérieur de Toronto et 20 voix pour ceux et celles de Toronto. Le bulletin de vote est divisé en 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. Vous n'êtes pas obligé de voter pour 40 candidats et candidates, mais vous ne pouvez en aucun cas voter pour plus de 20 candidats ou candidates par section : cela annulerait les voix exprimées pour cette section du bulletin de vote. Vous ne pouvez pas voter pour la même personne plusieurs fois.

La trousse d'élection du Conseil comprend un formulaire de consignes de vote, le bulletin de vote et le Guide de l'électeur. Les électeurs et électrices peuvent voter par Internet, par téléphone ou par la poste. Les systèmes de vote

par Internet et par téléphone seront ouverts le jour où les troupes d'élection du Conseil seront envoyées aux électeurs et électrices.

Le formulaire de consignes de vote contient la liste de tous les candidats et candidates et fournira des consignes détaillées sur la façon de voter par Internet, par téléphone et par la poste.

Le formulaire de consignes de vote contiendra deux numéros d'identification personnalisés pour chaque électeur ou électrice – un numéro de titulaire et un numéro d'accès. Ces numéros d'identification personnelle sont obligatoires pour avoir accès au vote par Internet et par téléphone.



### ***Voter par Internet***

Pour voter par Internet, les électeurs et électrices doivent se rendre sur le site web des élections, où on leur demandera d'inscrire leur numéro de titulaire et leur numéro d'accès. Une fois qu'ils et elles seront dans le système, la liste des candidats et candidates sera affichée. Les électeurs et électrices choisiront les candidats et candidates en cliquant sur les boîtes à côté des noms des candidats et candidates. Le système ne permettra pas aux électeurs et électrices de voter pour plus de 20 candidats et candidates de l'extérieur de Toronto ou plus de 20 candidats et candidates de Toronto. Une fois que les électeurs et électrices auront fini de choisir leurs candidates et candidats de l'extérieur de Toronto et de Toronto, ils et elles cliqueront sur le bouton « Soumettre ». On demandera alors aux électeurs et électrices de vérifier leurs choix et de faire les changements désirés avant l'envoi final de leur vote.

**Le vote par Internet se termine à 17 h, Heure avancée de l'Est (HAE) le 30 avril 2007.**



### ***Voter par téléphone***

#### ***Du Canada et des États-Unis***

Pour voter par téléphone, les électeurs et électrices composeront le numéro de téléphone sans frais. Une fois connectés, on leur demandera d'inscrire leur numéro de titulaire et d'accès. On leur demandera ensuite de choisir les candidats et candidates en entrant le code numérique de deux chiffres qui apparaît à côté de chaque nom sur les consignes de vote. Le système ne permettra pas aux électeurs et électrices de voter pour plus de 20 candidats et candidates de l'extérieur de Toronto ou pour plus de 20 candidates et candidats de Toronto. Une fois que les électeurs et électrices auront fini de choisir les candidats et candidates de l'extérieur de Toronto et de Toronto, le système vérifiera leurs choix et leur demandera de les confirmer avant d'enregistrer les votes.

#### ***De l'extérieur du Canada et des États-Unis***

Les électeurs et électrices qui votent de l'extérieur du Canada et des États-Unis composeront le numéro d'accès

direct international qui figure dans le formulaire de consignes de vote. Une fois connectés, ils suivront les mêmes étapes que s'ils appelaient du Canada et des États-Unis (voir ci-dessus).

**Le vote par téléphone se termine à 17 h HAE le 30 avril 2007.**



### ***Vote par la poste***

Le bulletin de vote est joint au formulaire de consignes de vote. Pour voter par la poste, les électeurs et électrices mettront un X sur le bulletin à côté du nom de la candidate ou du candidat choisi. Les électeurs et électrices détacheront ensuite le bulletin du formulaire le long de la ligne perforée et renverront le bulletin à Computershare dans l'enveloppe fournie à cet effet. Les électeurs et électrices peuvent aussi livrer eux-mêmes le bulletin à Computershare au 100, avenue University, 9<sup>e</sup> étage, Tour Nord, Toronto, Ontario M5J 2Y1

**Computershare doit recevoir le bulletin au plus tard à 17 h HAE le 30 avril 2007. Les bulletins de vote reçus par la suite ne seront pas dépouillés.**

**Les bulletins ne seront pas acceptés au Barreau du Haut-Canada à Osgoode Hall.**

### **Aide**

Au besoin, vous pouvez appeler le service d'aide sans frais de Computershare au 1-888-344-2805. De l'extérieur du Canada et des États-Unis, veuillez composer le 514-982-2391. Ce service est ouvert du lundi au vendredi, de 8 h 30 à 20 h HAE. Il fermera à 17 h le 30 avril 2007.

### **Date limite pour voter**

La date limite pour voter est le 30 avril 2007 à 17 h HAE. Les systèmes de vote par Internet et par téléphone fermeront à exactement 17 h HAE le 30 avril 2007. Computershare doit recevoir les bulletins au plus tard à 17 h HAE le 30 avril 2007. **Les bulletins reçus après 17 h HAE le 30 avril 2007 seront nuls.**

### **Annnonce des résultats**

Le dépouillement du scrutin commencera le 30 avril 2007 dès 17 h HAE. Les résultats seront communiqués par communiqué 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 le Barreau au (416) 947-3315, ou 1-800-668-7380, poste 3315 ou communiquer par courriel à [bencherelection2007@lsuc.on.ca](mailto:bencherelection2007@lsuc.on.ca) ❖

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THE LAW SOCIETY OF UPPER CANADA

**Bencher Election**

Élection des  
membres du Conseil

Candidates from  
Outside Toronto

Candidat(e)s de  
l'extérieur de Toronto



- B.A. (Hon) University of Toronto
- LL.B. University of Toronto
- Dean Cecil A. Wright Key

#### Public Servant

Acting Deputy Commissioner of Competition, Mergers, Competition Bureau, Industry Canada, Ottawa (2005-Present)

#### Professor and Lecturer

- Adjunct Professor at Osgoode and Queen's
- Lecturer at Western and Toronto
- Instructor at LSUC, Advocates' Society and Trial Advocacy Programmes

#### Litigation Counsel

- Partner, Bennett Jones (2003-2005)
- Senior Counsel, Department of Justice, Ottawa (2001-2003)
- Partner, Davies, Ward, Phillips & Vineberg (1996-2001)
- Counsel before tribunals and courts at all levels in Ontario, the Federal Courts and the Supreme Court of Canada

#### Community Service

- Founder, Wilson Moot Court Competition
- Law Alumni Association, Toronto – Arbor Award
- Co-Chair, University of Toronto Academic Appeals Tribunal
- Chair, Government Charitable Campaign, Competition Bureau

The legal profession is undergoing significant and rapid change. Practitioners in all manner of practise organization, from the sole and small firm practitioner, to the lawyer in public service, to the corporate and large firm counsel, are facing new challenges, unimaginable only recently, that drive to the heart of what it means to deliver meaningful access to justice and to uphold the values that first drew us to the profession.

These challenges take many forms, including how to adjust to the inclusion of paralegal professionals within the Law Society, the increased demands on sole and small firm practitioners to compete in light of, among other things, the costs associated with practising in an electronic world, and the not unrelated struggle we all share to balance professional and personal lives in this increasingly complex legal and commercial marketplace. These challenges are particularly acute for some of our members, including women seeking to remain in, or re-enter, private practice.

In my view, there is a real opportunity for the Law Society to positively influence how we as a profession respond to this unfamiliar environment. In particular, the Law Society can promote perceptions through policy development, programming and education that correspond to the best ideals of professionalism and public service. To my mind, several of the more pressing issues are as follows.

#### Access to Justice

As a Senior Counsel at Justice, I saw first hand how difficult it can be for ordinary citizens to find and afford legal representation. I believe that the Law Society should be a leader in promoting genuine access to justice through cost-effective legal services. This includes revitalizing and expanding the legal aid system in Ontario, and supporting our members in ways that allow them the flexibility to offer pro bono representation.

#### Legal Education

As an articling student, I founded the Wilson Moot Court Competition, which has as its mandate education and the promotion of the values protected in section 15 of the *Charter*. In running that event, and as Adjunct Professor at Osgoode and Queen's, I have had the benefit of working closely with law students; their sense of responsibility for promoting justice and diversity rekindles for me that sense of optimism that we can make meaningful progress in our pursuit of equality of opportunity. Education, in its broadest sense, is of course a powerful tool for advancing those goals. Should I be elected, education would be an area to which I would hope to contribute, including in designing accessible, creative and relevant CLE programming.

#### Affordable Membership and Supportive Environment

The Law Society needs to continue to allocate expenditures to ensure it is responsive to the needs of all members, including those for whom fees represent a disproportionate burden. This includes designing practical strategies and best practices to assist sole and small firm practitioners and women staying in practice to ensure that we do not compromise our commitment to a diversified profession.

Further, today's Law Society has to search out ways to alleviate some of the pressures experienced by its members. That will require some re-examination of our culture, and a corresponding realignment of policies and programmes. For example, women and other equity-seeking groups face systemic barriers to practice. I am committed to urging the Law Society to be a voice demanding the shift in perspective necessary to address such inequalities.

Having practised significantly in both the private and public sectors, and being deeply involved in community service including through alumni, teaching and charitable work, I bring a somewhat unique perspective to these issues. My aspiration in running for Benchers is to engage those insights to inform how the Law Society can respond in a fair and balanced way to the broad range of emerging issues, and do so in a way that is sensitive to the cross-section of practise organizations in which our colleagues make their contribution to their communities.

I am committed to devoting the energy, enthusiasm and time needed to advance the Law Society's efforts to meet these challenges. I respectfully seek your support.

Je m'engage à contribuer avec toute mon expérience, mon énergie, et mon enthousiasme afin de promouvoir les efforts du barreau. Je sollicite respectueusement votre appui.



Professor of Law, University of Ottawa, 2000-present, 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

Bora Laskin Fellowship, Human Rights Research, 1999-2000

Women's Law Association of Ontario President's Award, 2001

John Ramon Hnatyshyn Award for Law, from the Canadian Bar Association, 2006

Adjudicator, Ontario Human Rights Boards of Inquiry Tribunal, 1987-98

Teaches criminal law, human rights, legal history, women & the law, labour law

Faculty representative on Ontario Bar Association Council

Author of [The Heiress v. The Establishment and Petticoats & Prejudice: Women & Law in 19th-Century Canada](#) and [Colour-Coded: A Legal History of Racism in Canada, 1900-1950](#)

One of the extraordinary benefits of being a law professor in Ottawa and London is the thousands of law students I have met during the course of my 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.

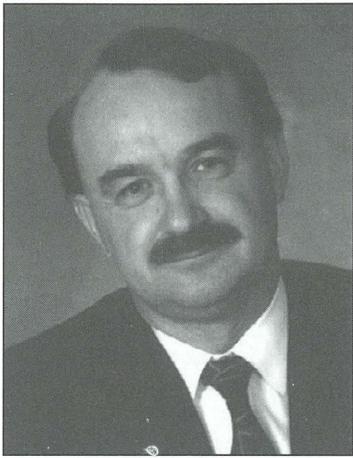
These contacts, along with opportunities to research and write about the past and future of law practice in Canada, have caused me concern about a number of issues. If re-elected, I would work towards the following:

- 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 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**.
- Continuing to **reassess legal education** in the universities, bar admission course, articling, and continuing professional development programs to ensure there is coherence between these 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 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** to ensure equality of sex, race, ethnicity, religion, dis/ability, class and sexual identity.

Un des avantages extraordinaires de l'enseignement du droit à Ottawa et à London, Ontario, c'est d'avoir eu le plaisir de rencontrer des milliers d'étudiantes et d'étudiants en droit au fil de ma carrière de professeure. 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**.
- 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 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** par l'enrichissement de la collection de documents historiques relatant la vie et la carrière de juristes de l'Ontario.
- Mettre en œuvre de nouvelles initiatives afin d'assurer une plus grande **équité au sein de la profession juridique**.



## Gordon Z. Bobesich

Central West • Centre-Ouest

Mississauga

Married. Two children

Called 1976

Practiced in Sudbury  
for 10 years.

Sole practitioner

- Member of the Refugee Lawyers Association.
- Member of the Board of Directors - Canadian Creation Artists Society Inc. (4 years).
- Trustee on the Sudbury Board of Education.
- President of Sudbury Regional Soccer Association.
- President of Law '74 Queen's University and Commissioner of the Janis Joplin Law School Hockey League.
- 1989 - 1998 lecturer at Bar Admission Course, Osgoode Hall.
- 1991 - 2003 part-time teaching position at Humber College.
- 1995 - 2007 Bencher
- Member Peel Criminal Lawyer Association and Peel Law Association
- Small Claims Court judge since 2004 for Halton and Peel

1. After 12 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 12 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 12 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. I'm sure the 7000 or so of you who had complaints filed against you last year will agree.
4. After 12 years as a bencher I still believe "To serve and protect lawyers in the public interest" should be the motto of the Society.
5. After 12 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 serve us no useful purpose.
6. After 12 years as a bencher I still believe the Society is just too encompassing, too involved and too controlling of our lives. In 1960 the Rules of Professional Conduct book was 1/4 of an inch thick, now it is 6 inches thick. For what purpose?
7. After 12 years as a bencher I have never voted for a fee increase and never will.
8. After 12 years as a bencher I still believe more spot audits and more vigilant pursuit of minor complaints is not what lawyers want or the public needs as is the present policy of the Society.
9. After 12 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.
10. After 12 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.
11. After 12 years as a bencher I still believe the numbers coming into the profession should be controlled by us.
12. After 12 years as a bencher I still do not support mandatory Continuing Legal Education. Minnesota has had it since the 1920's and has more claims per lawyer than any other state.
13. 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?
14. After 12 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. These fees should be based on our gross billings.
15. For 12 years I have fought to make the Society user friendly to lawyers but the fight is not over.

## Jo-Anne M. Boulding

Central East • Centre-Est

Bracebridge



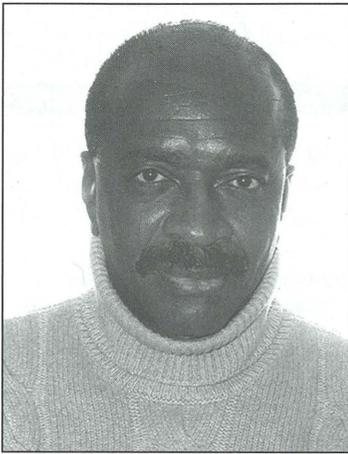
I was born in Kimberley, British Columbia and am an “air-force brat”. I have lived all over this country and have lived in Bracebridge for the past 16 years. I am currently the Executive Director of Lake Country Community Legal Clinic. Our clinic serves the low income residents of the Districts of Muskoka and Parry Sound. My undergraduate degree, an Honours B.A. in Independent Studies, is from Trent University. I graduated from Osgoode Hall Law School and was called to the bar in 1990. I was the past Treasurer of the Muskoka Law Association and am the current President. I have 1 daughter and 2 cats.

There are many critical issues facing our profession and I believe I can contribute to the discussion of these issues. I am intelligent, hard working and have a great sense of humour.

Access to Justice is an issue that is close to my heart and that continually faces our profession. Legal Aid, the Courts, CDLPA and the Law Society must continue to work to ensure that these issues remain in the forefront of any planning by the government.

Another critical issue is the governance of our profession. It is of critical importance to not only practising lawyers but also with the public.

I have much experience and insight and would work hard addressing the concerns of our profession. I work and live in a small rural community. I commit to communicating with other associations in the Central East region and bringing forward to convocation the concerns and interests of the members who practice here.



# Jack Braithwaite

Northeast • Nord-Est

Sudbury

Dear Colleagues:

I am seeking your support to sit as a Bencher. My reasons are simple. I am proud of the profession and the dedication of those who make up the profession.

I believe I bring the necessary ingredients to assist in ensuring the profession continues to strive to achieve its ideals of ultimate service to the community.

On behalf of the profession and the future of its growth and representation before all fora of advocacy, I bring the following:

- 1) Time commitment - I am prepared to put in the time and
- 2) Diversity including:
  - i) Regional representation - practice in the North;
  - ii) Experiential representation
    - practiced in the South and North (Toronto and Sudbury);
  - iii) Practice representation
    - practiced in both a relatively small and medium sized boutique firm
    - practice in a relatively medium/large full service firm;
  - iv) Firm knowledge representation
    - Associate; Partner; Counsel

In consideration of at least the above, I believe I can serve our profession well and most importantly, I want to do it.

**Jack Braithwaite, B.Sc., B.A., M.A., LL.B.** - Counsel, Weaver Simmons LLP

#### Practice:

- Labour/Employment Law; (Management) including WSIB; OHSA prosecutions
- collaborated in writing a leading textbook entitled "Canadian Employment Law"
- past Associate Editor of the Dismissal and Employment Law Digest

#### Memberships:

- member of CBA; National Bar Association (U.S.); Past Board of Directors of the Advocates' Society; Past President of the Sudbury District Law Association; Governing Council of the Ontario Chamber of Commerce: Board of Directors of the Ontario Chamber of Commerce; Past Chair of the Greater Sudbury Chamber of Commerce

#### Other Activities:

- Guest lectures at Laurentian/Western University
- advises National Advocacy Council of CDA on legal matters

# Kim A. Carpenter-Gunn

Central South • Centre-Sud

Hamilton



## Bencher since 1995

Age: 51, Married,  
with one daughter

City: Hamilton

LL.B.: University of Windsor,  
1981

Called: 1983

Practice: Sole Practitioner

## Professional Associations:

Past-Executive Member &  
Trustee: The Hamilton Law  
Association

Past Member: Civil Justice  
Reform Implementation  
Committee, OBA

Past-President: The Hamilton  
Medical/Legal Society

Past Member: Civil Litigation  
Task Force, The Advocates'  
Society

Founding Director of Ontario  
Trial Lawyers Association

## Member:

Ontario Trial Lawyers Association

Women's Law Association of  
Ontario

The Hamilton Law Association

Hamilton Lawyers' Club

Ontario Bar Association

The 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: The Hamilton  
Law Association**

I have had the pleasure of serving you as a Bencher since 1995. I have been a Member of the LawPRO (LPIC) Board since 1995 and have been the Chairman of the Board of that entity since 2003.

LawPRO had a massive deficit of \$154 million in 1995 and is now a financially sound company. We have seen our insurance premiums drop to \$2,600 per year from the high of \$5,600 in 1995.

Many changes have taken place over my three terms as a Bencher, but we need to be doing more. With more than 23 years experience as a trial lawyer, I have gained considerable insight into the issues that lawyers face. I am presently a sole practitioner and accordingly, can relate to the day to day pressures that sole practitioners and small firm members face.

The Law Society must pay special attention to the needs of our young lawyers, small law firms and sole practitioners. Indeed, the Law Society has made some strides in this regard through a Task Force geared to sole practitioners and small law firms. More needs to be done.

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

LPIC (LawPRO) fees have been significantly reduced, whereas the Law Society tariff is increasing. I am concerned about further Law Society increases, given the fact that we will now be regulating paralegals. Lawyers should not be bearing the financial brunt of regulating paralegals.

## 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 continue lobbying the government to increase funding for this critical program.

## Demographics of the Profession:

The age profile of sole practitioners is markedly different from that of small or large firm lawyers. In sole practices there is under-weighting in the under 36 demographic and over-weighting in the over 55 category. In non-urban areas, the number of lawyers has remained roughly stable over the past ten years, but this population is aging. 40% of non-urban lawyers are over age 55 (approximately twice that found in Toronto). Articling students are not flocking to non-urban areas rather they are predominantly found in Toronto and Ottawa.

What is going to happen to our profession in the next ten years in these non-urban areas? My concern is that paralegals will increase their numbers as lawyers retire.

Over half of our current new calls are women, yet only 27% of those women are in private practice. Something has to be done to address this situation.

## Equity Issues:

Some progress has been made with respect to this issue but the Law Society needs to do more.

## Professional Development:

Lawyers are taking continuing legal education on an increasing basis. Part of this may be as a result of the interactive distance learning commenced in January 2003. This initiative has allowed members to participate in CLE programs without having to spend inordinate sums of money and waste their valuable time travelling to Toronto for programs. The Law Society, OBA, County Law Associations, The Advocates' Society, MTLA and OTLA are all offering wonderful programs. Recent experience has shown that there is no need to make continuing legal education mandatory. Our members are responsible enough to partake of professional development on a voluntary basis.

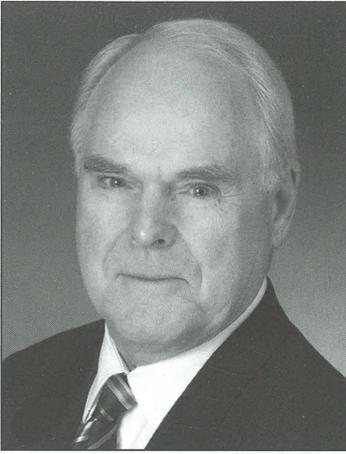
## Complaints Procedures and Discipline:

Improvements have been made with respect to the complaints procedures and the discipline process. However, we are facing increasing numbers of complaints and actual disciplinary hearings. The implementation of ADR mechanisms has assisted somewhat but we need to look for other initiatives to deal with the escalating number of complaints. Many of these complaints are related to mortgage fraud. Unfortunately, these specific cases are complex and time-consuming. Our challenge will be to develop strategies that deal with these difficult cases in a timely manner.

We need to further streamline our procedures so that cases are not lingering over the heads of our members for inordinate periods of time.

I will continue to work toward making further changes at the Law Society and to put forward your views.

I ask for your support.



# James R. Caskey, Q.C.

Southwest • Sud-Ouest

London

- Elected Bencher 2003-2007
- University of Toronto B.A. Osgoode Hall LL.B.
- Called to Ontario Bar, 1963
- Queen's Counsel, 1979
- Partner, Siskinds LLP, London
- Fellow, American College of Trial Lawyers, 1999
- Commission Counsel, Waterloo Judicial Inquiry
- Counsel, London Police Services Board
- President, Middlesex Law Association 1979
- Victoria Hospital Corporation, Board Member 1984-1993; Chair 1992-1993
- Lecturer in Trial Process, University of Western Ontario Law School, 1972-1982
- Senior Instructor in Civil Procedure, Bar Admission Course LSUC 1977-1987
- Contributor, Special Lectures Insurance Law, LSUC
- Author, *The Professional Liability of Insurance Brokers*
- Chancellor Emeritus Diocese of Huron
- Order of Huron Medal 1994
- Huron University College (University of Western Ontario) Corporation Member
- Member, Canadian Bar Association, The Advocates' Society, Middlesex Law Association

During my term as Bencher, I have been an active member of the following Committees and Boards:

- co-chair, Government Relations Committee;
- member of the Paralegal Standing Committee;
- member of the Professional Development, Competence and Admissions Committee;
- member of the Litigation Committee;
- Law Society representative on the Judicial Appointments Committee for the South and West Regions;
- member of the Board of Directors of the Lawyer's Professional Indemnity Company (LawPRO); and
- member of the Committee to award the Law Society of Upper Canada Medal.

In addition, I have participated as a panel member in numerous discipline proceedings and, as Chair, have written numerous decisions. As well, I was a member of the Law Society's Paralegal Task Force that sought input from members of the profession throughout the province.

### Challenges

The only constant in our profession is change. Although the Law Society has made remarkable progress in its use of technology to assist the members, we have more work to do to make continuing legal education an affordable reality for all members. We also need to develop a more effective way to deal with real estate and mortgage fraud, which is a serious problem. The dishonesty of even a few members is costly, particularly in the way it negatively impacts the reputation of our profession.

As a profession we have to recognize the value of every member and accommodate members taking parental leave to ensure that they can return to their positions without detriment.

Our greatest challenge, however, may be to address the fact that by the year 2010, there will be approximately 2000 people annually seeking admission to the profession in Ontario, with only 1200 articling positions presently available.

### Access to Justice

Legal Aid funding continues to be a significant concern as an access to justice issue. The Law Society must be involved to continually monitor the manner in which the needs of the most vulnerable members of the public are met.

### Sole Practitioners and Small Firms

The vast majority of legal services for individual Ontarians are provided by sole practitioners or by firms with five or fewer members. They are critical pillars of the community throughout the province. We must be creative in the way we encourage new members to locate in those areas where there are challenging legal opportunities and lifestyle advantages. Convocation adopted the comprehensive report of the Sole Practitioner and Small Firm Task Force and understands the issues. I believe that implementing these recommendations must be a priority for Convocation in the upcoming term.

### Mid-Size and Larger Firms

At the same time, the Law Society must recognize that mid-size and larger firms play a central role in providing legal services to Ontario businesses, individuals and organizations. Members of large firms make vital contributions to the profession, but the Law Society must recognize the challenges faced by members of these firms, including work/life balance and an appropriate variety of experiences.

### Mentorship/Advocacy/Pro Bono

The cost of litigation has diminished the ability of many young advocates to gain litigation experience. Together with Pro Bono Law Ontario and the Southwest Senior Regional Justice, I have been exploring the possibility of having self-represented litigants assisted by young counsel, with appropriate mentoring. The benefits to self-represented litigants and to the Court, and the experience gained by young counsel, would be invaluable.

### Professionalism

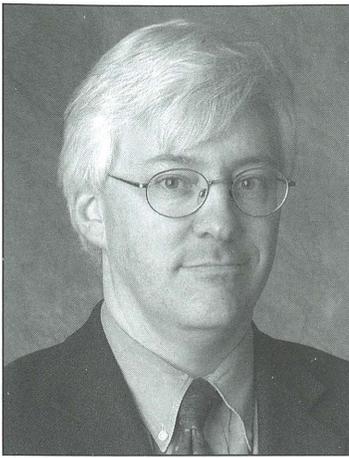
Although there are many important business aspects to the practice of law, we must always remember that we are a profession, with responsibilities to the public, the judicial system and to the other members of the profession. Our self-governing status is a privilege that depends on demonstrating not only competence and integrity towards clients, but civility toward other members.

### Perspective

I have found my term as a Bencher to be a rewarding and insightful experience. There remains much more to be done as the Law Society meets the ever-changing needs of the members of the profession. I believe I am well equipped to continue to serve the profession, and I am again offering my energy, experience and understanding of the issues to my fellow members of the Ontario Bar. I ask for your support.

# Ronald F. Caza

Ottawa



- Partner and member of the National Management Committee of Heenan Blaikie
- Called to the bar in 1989
- LL.B. University of Ottawa, 1987
- B.A.(Hons.) Laurentian University, 1984

President of the boards of directors:

- Regroupement des gens d'affaires
- Écho d'un peuple Inc.
- FrancoBiz Inc.

Member of the boards of directors:

- Christie Lake Kids
- Fondation franco-ontarienne
- Action-Logement

Past president of the boards of directors:

- Centraide/United Way Ottawa
- St. Thomas More Lawyers Guild
- Conseil de planification sociale
- Centre parascolaire des Pionniers

Recognition :

- Prix Grandmaître (2000)
- Ordre de la Pléiade de l'Assemblée parlementaire de la francophonie (2004)
- Médaille du Richelieu International (2006)

I seek your support to elect me as Bencher so that I may be a forceful advocate in promoting the confidence of the public in the legal profession.

To this end I believe that we must establish strong links within each of our communities. However, to deliver on our professional undertaking, we must also attract the best and brightest minds to our profession. To do so, we must ensure that our profession offers a nurturing and positive ambiance which will not only attract such individuals, but allow them to realize great accomplishments.

For centuries, our society's leaders have been members of the legal profession. With our training, we have an essential role to play in maintaining a needed balance within our judicial system. This role has become even more important today with the constant pressures to sacrifice individual freedoms in an attempt to increase the physical security of the members of the collectivity.

Lawyers are essential players in ensuring functioning and healthy communities not only in their professional capacities but, and arguably more importantly, in their personal lives as well. Travel to any city or town in Ontario and visit the volunteer organizations that are making these communities better places to live and, more likely than not, you will find a fellow lawyer. My litigation practice has brought me to the four corners of the Province and in each place I have worked I have met lawyers doing extraordinary things to make their communities a better place to live.

Originaire du village de Chelmsford, près de Sudbury, j'ai eu l'occasion de vivre au sein d'une petite communauté franco-ontarienne où l'esprit communautaire était essentiel pour la survie de notre langue et de notre culture. Cette prise de conscience de l'importance de faire les efforts nécessaires à la préservation de sa langue et de sa culture a continué à m'inspirer et à me motiver dans ma carrière professionnelle et mon implication communautaire.

J'ai toujours été, suis présentement et serai toujours fier d'être un avocat. C'est avec intérêt et ouverture d'esprit que j'apprends chaque jour à mieux connaître et servir, au meilleur de mes habilités, ma profession et ma communauté.

Throughout my career, I have interacted with many present members of the profession through my activities related to the profession. I have had the opportunity of meeting many students as a lecturer in civil procedure at the Faculty of Law of the University of Ottawa (French common law section) for 9 years, as senior instructor for the Civil Litigation module of the Bar Admission Course (Francophone section) in Ottawa and as a result of my involvement with the Laskin National Moot Competition. I also chaired four annual conferences of the Association des juristes d'expression française de l'Ontario (AJEFO).

J'ai eu l'occasion d'interagir avec plusieurs membres de notre communauté en tant que président du conseil d'administration de divers regroupements communautaires tels le Conseil de planification sociale (groupe de défenseurs pour les plus marginalisés de notre communauté) et United Way/Centraide d'Ottawa, et membres du conseil d'administration de l'Hôpital Montfort, Christie Lake Kids, la Fondation franco-ontarienne et Action-Logement. Je suis présentement président du conseil d'administration du Regroupement des gens d'affaire de l'Outaouais représentant plus de 500 membres d'Ottawa et de Gatineau.

Armé de ce bagage d'expérience et de connaissances, je vous demande de me permettre de servir la profession et, de façon plus indirecte, notre société envers qui nous avons les plus grandes responsabilités.

The legal profession has contributed significantly to the great society in which we presently live. But we need to do much more and, to do so successfully, we must work hard at increasing the confidence that our fellow citizens have in our profession. To do so effectively, we only need to let everyone know more about who lawyers are and what they do. We need to institute the necessary measures which will create incentives to encourage all members of our profession to proudly share within their individual communities this good news message. The message needs to be delivered everywhere in the province loud and clear.

Il serait un grand honneur pour moi d'être élu membre du Conseil.

I ask for your support in the upcoming Bencher election.

# Sudha Chandra

Central West • Centre-Ouest

Mississauga



- LL.B. (University of Western Ontario) 1993
- Called: 1997
- Harvard Law School - 2001: Program of Instructions for Lawyers

### Courses Taken:

- Intellectual Property, International Law and Economic Policy, International Economic Relations, Tort Reform
- Harvard Law School: Mediation Workshop - 2002
- Harvard Law School: Negotiations Workshop - 2003

### Professional Experience:

- Sole Practitioner - Since 2005
- 1996-2004 worked in USA for the following:
  - (1) Legal Department (International), Colgate-Palmolive, New York
  - (2) AT&T (Real Estate and Corporate Division), New Jersey
  - (3) Seegar & Weiss, PC, New York, in a class action suit against various insurance companies

I am a sole practitioner based in Mississauga, Ontario and am a first time candidate for Bencher. My education, skills and experience as an international lawyer allow me to analyze issues with a broader perspective.

I am a lawyer, mother of twin daughters, and also a wife. I struggle everyday to achieve a balance between career and home life. This lifestyle has shaped my approach to challenges and problems in a way that allows lawyers to see, especially women lawyers, that they too can have the best of both the worlds. They can be creative, pragmatic in their profession and still carry the roles of mothers and wives with the same excellence.

If elected, this position will allow me to actively address the issues of balance between family and professional life, including advocating for the following:

- Commitment to Trust, Integrity and Professionalism;
- Generous mentoring programs and support networks for sole practitioners;
- Financial assistance to sole practitioners (0-5 years);
- Low interest loans in initial stages of the practice;
- Mandatory Pro Bono work, and also incentives to work and open practices in rural and remote areas not fully represented by the legal profession;
- Free CLE courses for sole practitioners for competency, cost to be borne by the annual levy and LPIC premiums;
- Increase the value of LSUC to its members by using the existing fees and levies responsibly, including free day care services to bar admission students with young children;
- Reform of Bar Admission Program, including the eradication of the Articling Phase of the program;
- Open door policy, including regular communications between benchers and the profession.

I would be honored to serve you and ask for your support by voting for me in the 2007 Bencher Election.



Joe Chapman graduated cum laude from the University of Ottawa Law School with a Bachelor of Laws (LL.B.) degree in 1991 and was called to the Ontario Bar in 1993. He received his Master of Laws (LL.M.) degree in 1995 from the University of Ottawa Law School.

Mr. Chapman articulated with McCarthy Tétrault in Toronto and with the Ministry of the Attorney General – Crown Attorney's Office in Sudbury.

Joe Chapman appears at all levels of court in Ontario. He successfully argued one of the leading cases on survey law in Canada (*Halliday v. Nicholson* (2005) 74 O.R. (3rd) 81 C.A.). He lives on Manitoulin Island where he conducts a general litigation practice.

Joe Chapman is a former Manitoulin Island Mayor.

Benchers of the Law Society of Upper Canada have a duty to protect the public but they must also represent and protect the interests of the lawyers of Ontario. Having noted this I believe that the Law Society of Upper Canada has done a reasonably good job in representing the profession over the past 4 years. The outgoing benchers have improved the delivery of continuing legal education by embracing technology, they have implemented important quality assurance procedures, and they have negotiated the elimination of intra provincial barriers to the practice of law through the Territorial Mobility Agreement.

### Attendance & Participation

I believe that anyone who puts his or her name forward for bencher should regularly attend and actively participate in the proceedings of Convocation. A bencher must also communicate regularly with other lawyers to determine what issues are important to them. If elected, I will ensure that any concerns made known to me by the membership will be brought forward to Convocation in a timely and professional manner with the hope that positive improvements can be made in the manner in which the services of the Law Society are delivered.

### Financial Accountability

I believe benchers must continually remind themselves that they are financially accountable to all of the lawyers of Ontario. Convocation must resist the temptation to spend money on programs and initiatives that are not necessary or that are the responsibility of the provincial government. Accordingly, I oppose the \$500,000.00 financial commitment made to the proposed Law Commission of Ontario by the Law Society of Upper Canada. If a Law Commission of Ontario is necessary it should be funded by the Government of Ontario – not the lawyers of Ontario. If the Law Society of Upper Canada has a \$500,000.00 surplus it is my position that the money should be used to reduce membership fees, or better yet, to supplement the grant given to the County & District Law libraries.

### Continuing Legal Education

The delivery of quality continuing legal education programs is one of the core responsibilities of the Law Society. To their credit, the outgoing group of benchers made continuing legal education more accessible by embracing the use of technology. Web cast and tele-seminar programs allow lawyers, particularly in Northern Ontario, to participate in CLE programs that they otherwise may not be able to attend. My priority will be to continue to increase the number of CLE courses offered by the Law Society of Upper Canada and to promote the use of technology in the delivery of these programs. No member should miss an important continuing legal education program due to a scheduling problem or because they have to travel to attend.

### Simplify Filing Requirements

If elected I will propose that Convocation strike a committee to investigate whether it is possible to streamline fee payment and filing requirements. The existing system where the member's annual report, membership dues, Law Pro insurance levies, and other requirements are all due on different dates should be harmonized into a more user friendly system that reduces the administrative burden on the lawyers of Ontario.



# Thomas G. Conway

East • Est

Ottawa

I am running for Bencher because I believe that the Law Society needs to reduce fees and levies, show greater support for sole and small firm practitioners, and above all focus more on its traditional mandate. My recent experience as President of the County of Carleton Law Association, working consensually with lawyers from varied backgrounds and practices, has taught me that

## **Both our interests as lawyers and the interests of the public are best achieved if the Law Society ...**

### **Actively Supports Sole and Small Firm Practitioners**

- Sole and Small Firm practitioners are the backbone of our profession. They serve the public and the profession by providing ordinary Ontarians with access to justice and to competent, ethical and affordable legal services which would otherwise be denied them.
- The Sole and Small Firm Task Force Report has shown that the vast majority of Ontarians are served, and well served, by sole and small firm practitioners.
- The report also showed that sole and small firm practitioners are now fighting for their very survival. In small towns, remote areas of the province, and even certain areas of practice, sole and small firm practitioners are facing daunting challenges.
- It is vital to the future health of Ontario's legal profession that sole and small firm practitioners not only survive, but prosper in the practice of law so that the public, wherever they live in Ontario, will have access to justice and to competent, ethical and affordable legal services.
- As a Bencher, I will work to ensure that the Law Society makes the survival and prosperity of sole and small firm practitioners one of its major preoccupations and objectives.

### **Sticks to Its Mandate**

- The Law Society's principal mandate has always been to ensure that lawyers are competent and ethical, so that the public is satisfied with their services and so that lawyers themselves can continue to take justifiable pride in their professional calling.
- In recent years, as the Law Society's focus has shifted to other, more politicized issues, there has been a steady erosion in the public's confidence in the profession's ability to regulate itself to the point where people now seriously moot the prospect of our profession losing the right to govern itself.
- The primary focus of our Benchers should be on how to carry out more effectively and efficiently the Law Society's principal mandate. I believe that our Benchers need to refocus the Law Society's limited resources and energies on maintaining and improving the ethical and competency standards of members of the profession. It is my view that until this is achieved, the Law Society should really be concerned with little else.
- As President of one of Ontario's oldest and largest law associations, I have seen first hand that there are other organizations which are far better equipped to carry out many non-core mandate functions, which have preoccupied the Law Society, and its valuable resources. The Law Society should get out of the business of doing things that others do better.

### **Reduces Fees and Levies**

- If the Law Society sticks to its mandate, it will become more cost effective, and will be able to reduce the fees and levies charged to its members.
- Also, if the Law Society sticks to its mandate, it will more easily ensure high standards of competence and ethics in the profession, thereby reducing the numbers of complaints and reducing the associated administrative costs.

President, County of Carleton Law Association, 2006-2007

Trustee and Executive Member, County of Carleton Law Association, 1995-2006

Chair, CCLA Sole and Small Firm Practitioner Task Force Report Committee, 2006

Member, Ottawa Civil Bench and Bar Committee, 1997-2007

Member, Library Committee, County and District Law Presidents' Association, 2006-2007

Member, Advisory Committee, Civil Justice Reform Project, 2007

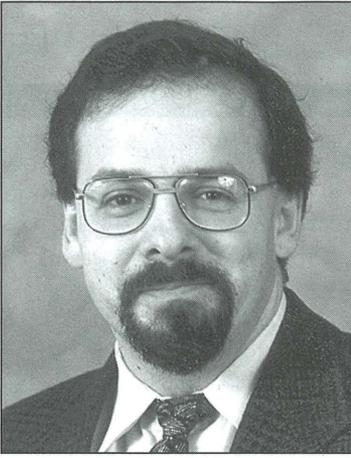
Adjunct Professor (Trial Advocacy), Faculty of Law, University of Ottawa, 2005-2007

Since his call to the bar in 1989, Tom Conway has been active in various legal associations, especially the County of Carleton Law Association. He has chaired many of the Association's committees and has worked to promote the interests of lawyers practicing in Ottawa and the East Region. He practices civil litigation in Ottawa.

# William A. Covello

Northwest • Nord-Ouest

Thunder Bay



Bill Covello is a founding partner of one of Northwestern Ontario's largest firms. Prior to retiring, he practised Corporate Commercial law.

After many years as a Director of the Thunder Bay Law Association, Bill served as President in 1999.

Bill enjoyed 7 years as a Northwest Region representative on the Ontario Bar Association, and he was elected to an Executive at Large position in 2004-2005. Bill continues his involvement with the OBA and is currently a Director on the Boards of ALERT and OLAP.

Bill and Karen have been married 23 years and take great pride watching the growth of their four children. In turn, their kids seem as pleased with their parents as teenagers would ever admit to.

Practising law is a Noble calling. I believe that. It is also a very difficult way to make a living while striving to lead a full and satisfying life. I have spent time in the trenches practising with you. I have also been very active provincially in seeking to address the issues that affect lawyers both day to day and in the long haul. In retirement I have spent time reflecting on the practise of law. What it is. What it could be.

Getting out of my office and listening to the concerns of other lawyers has taught me that the practise of law is really not all that different across the province. Lawyers across Ontario are concerned about the same things we are in the Northwest; affordable and meaningful CLE; allocation of "administration of justice resources" across the province in a fair way; paralegals; analyzing and controlling numbers in the profession; maintaining the highest standards of competence and ethics; reasonable remuneration for our work, commensurate with the training we have and the skills we deliver; enhancing the public image of lawyers; ensuring that the Bar and the Bench reflect in their makeup the diversity of the public we serve; playing a strong advocacy role in Parliament, both in regard to policy as it affects lawyers, and as to the content of the laws we will be the ones working with. These issues, and others, have an impact whether we like it or not, on how we spend our day.

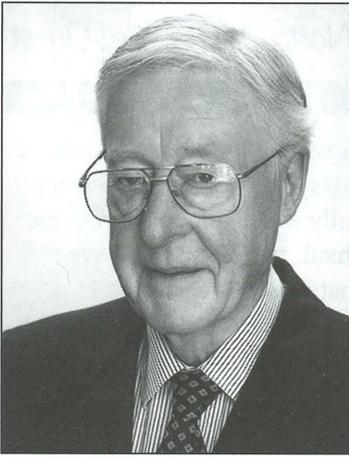
If I am your Bencher I will use my experience as a lawyer, and what I have learned over the last several years about the broader legal industry, to support you in your office. To do what can be done to ensure that the nobility of our calling is preserved, but to also make certain that you can make the kind of living you should be making and lead the kind of balanced life that you must.

Self regulation under the auspices of our Law Society is a privilege. It is also the best model for lawyers and the public to function under. I do not see the role of the Law Society in governing the profession in the interests of the public as mutually exclusive from doing what is best for lawyers. Indeed a strong, independent, thriving and prosperous bar is one of the best ways to ensure a progressive society.

We may share many of the same concerns as our colleagues across the Province but practise in the Northwest is unique. The sheer size of our Region, its distance from Toronto and Ottawa and our small numbers means that it is essential that our Bencher representative be in attendance at Convocation—always. Our Bencher must work with the Committees that are most important to us. Convocation must constantly be reminded of the realities of practising in the North. We are easily overlooked, particularly in times when all the Regions are struggling to keep the scant resources they have. Someone must speak up on our behalf and ensure that decisions don't boil down to a simple numbers game as that's a game we will always lose.

What will I do if elected? I will attend Convocation and Committee meetings, and work hard at them, to ensure that the interests of the Northwest are considered. I will vote my conscience on your behalf each and every time. I will report to the lawyers I serve on a regular basis and be an active conduit of information from and to all lawyers in the entire Northwest Region and beyond.

I have the knowledge necessary to assist our Region. I have the time now that I am retired to put into serving this Region effectively. I have the desire to give something back to a profession and to colleagues that have given so much to me. I ask for your vote in this election and I look forward to being a strong advocate on behalf of lawyers across the Province.



## Marshall A. Crowe, LSM

East • Est

Ottawa

First I must address the fact that as a bencher at the age of 85 I am asking you to re-elect me for a further term. In another sphere I am still an active director and audit committee member of a substantial energy company. A great many lawyers remain active and effective long after a traditional retirement age. Provided this is so, I think many of you will agree that the knowledge and experience of a lifetime may make a valuable contribution to many endeavors, including being a bencher.

I was called to the bar in 1994, and have been an elected bencher for 10 years beginning in my first year of practice. My previous career included senior positions in government, and in business as a corporate director. Since Law Society benchers constitute the regulatory agency for Ontario lawyers it is particularly relevant that for five years I chaired a major regulatory agency, the National Energy Board of Canada.

As a bencher I have been primarily involved in budgetary and financial matters. For most of my ten years I have been a member or vice-chair of the Finance Committee and chair or a member of the Audit Committee of Convocation. I was also a director and Audit Committee member of the board of Law Pro for eight years from 1995 while it progressed from the shambles produced by gross mismanagement to its current sound condition. In my view all Law Pro surplus funds after necessary and prudent reserves must go exclusively to insurance purposes including reduction of premiums and never for other Law Society programs.

My main concern as a bencher has always been to try to restrict program expenditures to those essential to our core functions prescribed by the Law Society Act which is our sole governing authority. Faced with many requests to support worthy programs of all sorts Convocation has become an easy mark with the result that membership fees and numbers of staff are higher than they would otherwise be. It is very rare that Convocation has the discipline to say "No that's not our business."

Once contributions have been promised by the Law Society or programs started, it is nearly impossible to cut them back no matter how tenuous their link to the quite limited and well defined functions assigned to us by statute. These functions mandated by statute are essentially;

- regulation of professional conduct and the discipline process
- ensuring high standards of competence in the profession
- admission of new members.

The only way I can see to curb growing expenditures and numbers of employees is to insist that all proposals for new expenditures pass the test that they are essential to meet obligations set out in the Law Society Act.

Convocation should have a narrow focus on what to do with its power to tax members. If re-elected I shall continue to try to make this case. Convocation is not an all-purpose charitable organization entitled to fund from lawyers' fees any well-meaning project which has even the smallest link to law and lawyers.

I respectfully request your vote on April 30th and urge all lawyers to take advantage of this election to express their concern about the high level of Ontario fees. I can assure you that I have the health, the energy and the deep interest in the legal profession and work of Convocation to continue to make the substantial contribution which I believe I have made since first elected.

- B.A. (Hon) University of Manitoba, 1947 (Economics, History)
- LL.B. Ottawa, 1992
- Canadian Army, Canada and Overseas 1942- 46
- 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; company director; currently director, Gulf-Mark Offshore (offshore drilling services)
- Member, Ontario Bar, 1994
- Counsel, Johnston & Buchan LLP, Ottawa
- Lanark County Law Association
- Bencher, 1995-2003 and 2005-2007, Law Society Medal 2001
- Director, Law Pro 1995-2003
- Convocation Committees: Finance, Compensation Fund, Audit
- Minister of Justice Committee on Judicial Appointments 2001-2003

# Haig DeRusha

Central West • Centre-Ouest

Mississauga



Practises Civil, Family, Criminal, Wills/Estates and Insurance Law (since 1984)

Law Degree: Windsor (1982)

Masters in law (2002)

Civil Litigation and Dispute Resolution

Lectured and instructed at Bar Admission Program - Toronto: Advocacy, Negotiation, Criminal Procedure, Professional Responsibility

Secretary, Peel Criminal Lawyers Association

Studies Karate (black belt candidate), sailing, running (marathon 1995), Canadian Legion, Branch 483  
Vice-president

## I believe I deserve your vote because I am:

### *Determined*

... to see that Legal Aid tariffs and hourly rates reflect our profession's true worth to the justice systems.

### *Disappointed*

... that our members have such limited opportunity for input into the operation of the Law Society. For example the Annual General Meeting should be an exciting event for debate and discussion among our members. Currently it barely reaches a quorum. To reach a quorum we need the lawyers employed at the Law Society to be present, along with some of our Benchers. There are only a few regular members in attendance. I believe it should be a significant event, scheduled in a way that members would travel to attend. We would need to have some exciting debates and speakers. We should engage in discussions about the issues that affect our profession.

### *Enthusiastic*

... about our profession. I have been in private practice for over 20 years and am the sole proprietor at a 3-lawyer law firm. I want to reflect the interests of the multitude of sole practitioners and small firms.

### *Connected*

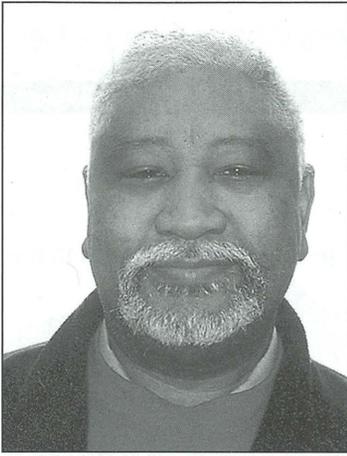
... as I know our current Treasurer and many of the Benchers. I believe those who know me respect me.

### *Respectful*

... of the Benchers and members of our profession who have dedicated their time and energy to make the Law Society an institution of high regard. I wish to make a similar positive difference in the future course of our profession, including looking carefully at how we monitor and support the paralegal practices in Ontario.

### *Grateful*

... for the opportunity to put my name forward as a Bencher. Grateful that you have taken the time to consider me as a candidate.



# Jean Claude Dubuisson

East • Est

Ottawa

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.

- 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
- LL.B. à l'Université d'Ottawa
- Cléricature à Westend Legal Services
- Auteur du livre *the Person's Case*
- Membre des comités diverses églises d'Ottawa

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

The Law Society of Upper Canada should invest more energy to educate the public on the important role of the lawyers 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, criminals 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. The Law Society of Upper Canada owes that improvement of the image of the profession to the public.

## 2. A PENSION PLAN FOR 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. There will be a time when our profession will have more sole practitioners than big firms as it used to be in the good times. Then the necessity for the lawyers, especially the Sole Practitioner, to have a special retirement pension plan will be greater. One will agree that the contribution of a Sole Practitioner in the Canada Pension Plan will not guarantee him enough coverage for his retirement. Therefore, I strongly believe that the Law Society of Upper Canada could implement a pension plan for every lawyer with an emphasis on the Sole Practitioner. This plan could be structured as the Canadian Retirement Plan and there could be an independent body who administers it like Law Pro. This may seem very hard to achieve, but who said that life was easy. We only have to believe that it will work to make it happen.

With all the respect for other professions, it is embarrassing to realize that a lot of those professions who do not require a University degree, some of their members make similar or more than a Sole Practitioner who is in the Legal Aid panel. During their practice, the Sole Practitioner is being penalized with the treatment of the Legal Aid plan. And during his retirement, the Sole Practitioner will be more penalized with his Canadian Pension Plan. The only way to avoid hardship on our retirement, is to have a special Pension Plan created by the Law Society of Upper Canada for every lawyer.

## 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.

## 4. THE IMPROVEMENT OF THE LEGAL AID SYSTEM

Legal Aid has always been a nightmare for lawyers who deliver it. The Law Society of Upper Canada should come to the conclusion that although they might not have a solution for the Legal Aid crisis, however they should not wash their hands and abandon the lawyers who need their support with the Legal Aid crisis.

## 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.

# Larry Eustace

Northwest • Nord-Ouest

Fort Frances



- \* Sole practitioner in the Northwestern Ontario community of Fort Frances with extensive experience in the general practice of law including criminal, civil, and family litigation, real estate, corporate, commercial, municipal, estates and wills
- \* In private practice 33 years
- \* Past Chair of County and District Law Presidents' Association (CDLPA)
- \* Member, LAWPRO Board of Directors since April 1999
- \* Member, LAWPRO Investment Committee and Special Advisory Committee
- \* President, Rainy River District Law Library Association 23 years
- \* Law Society Bi-Centennial Award recipient in 1997
- \* Legal Aid Area Committee member 27 years
- \* Member, Northern Law School Initiative Committee, Lakehead University, Thunder Bay
- \* Actively involved with youth and senior citizens groups, church activities, business development, and civic activities.

The profession needs Benchers with:

- a "grass roots" understanding of the profession and the public it serves;
- leadership skills;
- a vision for the future of the profession;
- communication skills;
- the ability to listen, build bridges, and work together with fellow Benchers, other legal organizations and the profession;
- the commitment to meet the challenges of governing the profession in the public interest with foresight and integrity;
- a keen interest in equity and diversity issues;
- values which include compassion, respect, courage, strength, dignity, honesty, trustworthiness, commitment to service; and
- attitudes which include fairness, discipline, humility and wisdom.

I believe that I possess these qualities together with a great sense of humour.

I was first elected to the County and District Law Presidents' Association (CDLPA) Executive in 1994. I was the Chair of CDLPA from November 2000 to November 2002 and through my efforts a close relationship was fostered with the Toronto Lawyers Association and CDLPA became:

- a vibrant, active organization; and
- a cohesive body with diverse, provincially based representation.

I have continuing involvement on CDLPA matters and its committees.

I have attended countless meetings all over the Province on the profession's affairs with many members of the practicing profession, the Law Society, LAWPRO, the Advocates' Society, Toronto Lawyers Association, Ontario Bar Association and local law associations. I understand the issues and the difficulties facing the profession and the public we serve. I am willing to meet with and listen to all members of the profession – small firms, large firms, legal aid counsel, corporate counsel, government counsel, law professors ..... any member of the profession. I will support initiatives that promote better communication tools for the profession, more advanced technology and legal education and legal research opportunities, an enhancement of the public's image of the legal profession, and a recognition of the bread and butter issues facing the profession.

I have continually encouraged consultation between the Benchers and the lawyers' professional organizations in the decision making process on issues affecting the profession. I will continue to stress consultation with the profession by the Law Society and the Benchers since I am strongly of the opinion that while the Law Society governs the profession in the public interest, Benchers need to listen to and be sensitive to the profession.

The following is a quote from the article – **Larry Eustace: Duty Calls** – contained in the January/February 2004 issue of the Ontario Lawyers Gazette:

"There's not a more conscientious and committed spokesperson for the profession than Larry," says Michelle Strom, President and CEO of LAWPRO. "He brings to the table valuable insight into the issues facing lawyers, and has represented the needs and concerns of the profession in a way that resonates with lawyers today. Larry has been an invaluable addition to our Board, and an asset to CDLPA and the profession."

I have the ability to build consensus and to move difficult matters forward in a constructive fashion. I was congratulated by many members from our profession and many of our professional organizations on a "job well done" during my tenure as Chair of CDLPA and as a member (Chair) of many of our professional committees.

I ask for your support and I undertake to use my best efforts to earn the description of "a job well done" for my work as your Bencher.



## Carl E. Fleck, Q.C.

Southwest • Sud-Ouest

Point Edward/Sarnia

After working nearly 40 years in the profession, practicing family, criminal, and general civil litigation in South Western Ontario (Sarnia), and serving on various legal organizations and boards, I am seeking your vote for election as a Bencher of the Law Society of Upper Canada.

Since 1992, I have been practicing with my wife, Pascale Daigneault under the partnership of Fleck & Daigneault. Practicing full time, we have raised one daughter, who is now studying at the University of Ottawa. This has provided me with insight as to the challenges that parents (and particularly women) face in our profession in juggling the demands of a family and those of the practice of law while keeping a personal balance. With an "empty nest", I am in a position to meet the time commitment required as a bencher. As my wife is French-Canadian, I have also been exposed to the difficulties faced by those clients wanting representation in our other official language.

Having practiced family and criminal law, I am fully aware of the importance of a viable Legal Aid Plan. Although my practice is now restricted to personal injury litigation, I continue to represent Legal Aid assisted clients.

Over the course of my career, I have operated both as a sole practitioner, and in partnership with others. I have been a principal to several articling students. I believe this qualifies me to understand the different challenges that our members have to face in operating a practice.

I am a past Treasurer and President of the Lambton Law Association. I have served on the boards of the Advocates' Society, Ontario Bar Association Executive and presently sit as a Director of the Ontario Trial Lawyers Association. I have participated in numerous committees (Legal Reform, FAIR, Judicial Appointments) and am familiar with working in that format. I believe that my exposure from this involvement provides me with an in depth understanding of the profession's concerns and problems.

Over the course of my career, I have had the opportunity to appear in every court in the Province of Ontario, from Small Claims to the Supreme Court of Canada, including the Federal Court of Appeal, and many administrative boards (CPP, UIC, and WSIB). I believe I understand the trial process and the problems facing young counsel in representing their clients. I have assisted many lawyers through formal and informal mentoring programs. Presently, I am participating as one of the Regional Representatives on the Osborne Commission on Access to Justice. My involvement on this commission has made me acutely aware of the problems we are experiencing across the province in pursuing access to justice.

After serving for 6 years as a Federal Human Rights Judge, I have experience in adjudicating, one of the functions of a Bencher. With paralegals now governed by the Law Society, we will be facing an increased workload in governance and disciplinary hearings. I understand the need for balance and fairness in dealing with disciplinary matters, while protecting the public at large.

I believe that lawyers must continue to be aware of our community image as a profession. In 1982, I was instrumental with some colleagues in starting the tradition of staging plays. Performed by members of our local bar, they resulted in generous contributions to charities and the creation of public goodwill, enhancing the profile of our profession.

My participation with these professional organizations has allowed me to attend and contribute to several CLE programs. I am however very aware of the burden placed on those living in small centers to keep up, and the importance of providing affordable and accessible CLE.

I have been advised that as an elected bencher I can expect to spend at least a month per year on LSUC business. I can assure you that if you afford me your support, I am in a position to devote the time and will make the commitment required to fully discharge the duties of a Bencher.

**EDUCATION:** B.A. (Economics) 1962, LL.B. 1965, University of Western Ontario. Articled with the late Justice H.D. Garrett, Q.C., Bar admission Osgoode Hall, LSUC (1967).

**APPOINTMENT/AWARDS:** Queen's Counsel (1978), Small Claims Judge (1990-2002), Federal Human Rights Judge (1986-1993), LSUC Certified Specialist Criminal and Civil Litigation (1988-1992) Certified Specialist in Civil Litigation (1993-ongoing). Received Bruce T. Hillyer Award for outstanding contribution to civil justice (2006).

**PROFESSIONAL INVOLVEMENT:** Past Treasurer and President of Lambton Law Association, Past Director, Past Member of the Executive of the Ontario Bar Association. Present Director of the Ontario Trial Lawyers Association.

**PRACTICE:** Fleck & Daigneault, a boutique law firm in personal injury and wills & estates litigation.

# Jennifer Halajian

Central East • Centre-Est

Unionville



- Called to Ontario Bar (1999)
- LLB from University of Toronto Law School (1997)
- MBA in Marketing and Small Business from York University (1992)
- BA(Hons) in English Literature and Commerce from University of Toronto (1990)
- Sole Practitioner based in York Region specializing in Criminal Law
- Former Assistant Crown Attorney (Metro North) (2000 – 2005)
- Former Associate at Goodmans LLP (1999 – 2000)
- Summered and Articled at Blake, Cassels & Graydon (1996 – 1998)
- Panel Member for York Region Legal Aid Area Committee
- Legal Coach for 2007 Law Day Secondary School Mock Trial Tournament
- Criminal Law Instructor for Bar Admission Course
- Member of the Criminal Lawyers' Association and York Region Law Association

Growing up, my mother would often tell me stories about my grandfather – a small town criminal lawyer practising in Orillia who helped people no matter what their circumstances. He served the needs of his town well, and was admired and respected for it. His was the image of a lawyer I grew up with, and is the image I still believe in today.

The backbone of the legal profession in Ontario is the sole practitioner and the small firm. These are the lawyers who provide the day-to-day legal representation, assistance and advice to the majority of people in our province. Only a few people turn to the big Bay Street firms when they need a lawyer. The rest rely on their local counsel for help.

The Law Society does not seem to recognize this, though. We are all treated the same, no matter where or what we practise or how much we bill.

As a Bencher, my focus would be on representing the interests of the sole practitioner and the small firm. Some of the ways I would address this are:

1. Annual Membership Fees – Law Society fees are a heavy financial burden to bear, but of course necessary to maintain the level of service we have come to expect from our governing body. But if I only bill \$30,000 in a year, why should I pay the same fees as someone who bills \$300,000? Similarly, if I practise in Kenora and rarely, if ever, utilize the services available to me from the Law Society, why should I pay the same fees as someone who practises across the street from the Great Library and uses it everyday?
2. Lawyer Referral Service – In theory, this should be a great service for the sole practitioner and small firm, providing valuable referrals for potential clients. But the LRS does not provide any information about the number of calls it refers by area of law, geographic location, or any other details. Is it more useful to someone in Toronto? Or just criminal lawyers? As it currently stands, we have no idea. We also have no idea whether it provides any value at all, or whether to subscribe, renew, or not.
3. Articling Students – Law students need to article to be called to the Bar. And many small firms and sole practitioners could offer a valuable articling experience to a potential student. But it is difficult to offer a student a competitive salary, especially for a practice that usually only supports a few people. As a result, students often miss out on the opportunity to article for individuals or small firms. One way to address this would be for the Law Society to provide sole practitioners and small firms with financial assistance that subsidizes articling positions. Another would be to help coordinate sharing an articling student between several lawyers.
4. Legal Aid Ontario – Sole practitioners and small firms are usually the only counsel who accept Legal Aid certificates. But with the low tariffs and limited available billable hours, it is becoming increasingly difficult to do so and remain profitable. Accordingly, fewer lawyers accept certificates, resulting in less choice for the public and, ultimately, the demise of Legal Aid. Although governance of Legal Aid Ontario is outside the sphere of the Law Society, the Law Society can and should use its considerable influence to pressure LAO to address these shortcomings for the benefit of everyone.

I am proud of being a lawyer and the work I do to help people. I know my grandfather would be proud too. But being in practice for oneself is difficult, and I see many lawyers who either will not try to go out on their own or cannot make it work. And if the Law Society will not help the sole practitioner or small firm, the profession as a whole suffers. I believe I can help change this.



Ojibwe and Band Member  
of M'Chigeeng First Nation,  
Manitoulin Island.

- LL.B., Osgoode Hall Law School, 1993
- Established "Lands, Resources and First Nation Governments" Intensive Law Programme, Osgoode Hall, 1993
- "Susan Hare Fund", established by Osgoode Hall 1994 to fund Aboriginal Initiatives at Osgoode Hall Law School.
- Sole Practitioner – 1995 to present – General Practice
- Heikamp Inquest, Counsel for main party
- Indian Residential Schools Adjudication Secretariat, Senior Adjudicator, September 2003 to September 2006
- Ministry of the Attorney General – Adjudicator "Grandview Training School for Girls"
- Co-ordinator – Aboriginal Legal Aid Advice Lawyer to fourteen (14) surrounding First Nations and an Indian Friendship Centre.
- Member Manitoulin Bar Association

### General

I am a band member of M'Chigeeng First Nation on Manitoulin Island in Lake Huron and am Ojibwe. My law practice is located on my First Nation. One of the two court houses on Manitoulin Island is on the Wikwemikong Unceded Indian Reserve. My experience as an Ontario lawyer and being Ojibwe and practising among my people is likely different in a number of ways.

One of my first clients, a female elder for whom I did a Will, paid me with a whitefish pie. My first civil case against a timber company in Northern Ontario had me travelling to see my client, a trapper, on a skidoo over a frozen lake after driving over a logging road for many hours.

I conduct a general practise and do the usual business law, child protection for children, criminal law, land claims, treaty and aboriginal rights and corporate law for First Nations and aboriginal organizations.

I have devoted a good portion of my career to Alternative Dispute Resolution as an Adjudicator in the Grandview School for Girls Settlement and for three (3) years as a Senior Adjudicator with Indian Residential Schools Canada. Matrimonial Real Property on reserves has been an ongoing access to justice issue for many elder aboriginal women on reserve in my area and I have helped to create awareness and to address the issue.

### Access to Justice

I believe access to justice is important for people in poverty situations, aboriginal and non aboriginal, and for those who live in the north. For example, elder aboriginal women on reserve who have lost their interests in their land and who outlive their husbands are often at the whim of a younger relative who can legally have them removed from the only homes they have known. These are poor women who do not qualify for Legal Aid in Ontario. Many aboriginal men in northern Ontario make their living seasonally – their legal needs in the area of child support are often overlooked.

### Vision and Diversity

An element of Ojibwe culture is to "vision" at various stages of life. Time is always taken and every person's input is encouraged and listened to respectfully. The Law Society of Upper Canada encompasses that idea, but it is necessary to have a diverse input which reflects the whole and the spirit.

### Tuition Fee Increases

I believe that access to justice includes access to legal education as a fundamental principle in a democracy. Law school tuition increases result in the further exclusion of 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. The Law Society has a duty to promote equality in the legal profession. This means acting continuously to address increases in tuition that will negatively impact accessibility to legal education. The Law Society must identify and promote initiatives to enhance opportunities for individuals from equity-seeking groups. This would be most effective in direct consultation with such groups to determine the most appropriate means to ensure financial hardship is not the basis for excluding a qualified individual from law school.

# Carol Hartman

Northeast • Nord-Est

Sudbury



I believe the Law Society needs to communicate more effectively with its members in order to enhance its transparency, its accountability to the profession and to effectively respond to our issues. One way to ensure effective communication is by having broad representation.

I have always practiced in Sudbury and I have a clear understanding of the needs and concerns unique to practicing in the North. I have had the privilege of working with Provincial organizations and associations which has also given me an appreciation for the concerns of lawyers throughout Ontario.

Lawyers in Ontario belong to a diverse number of legal organizations and associations. I believe that by working with these organizations, we can better understand the needs and pressures related to specific areas of law.

“The first thing we do, let's kill all the lawyers”, Shakespeare’s words from the 16th century. Unfortunately, these words reflect the sentiment of many people today. This perspective fails to take into consideration the pro bono work, the charitable work and the significant personal and professional contributions made by lawyers to society. In my opinion, it is one of the responsibilities of the Law Society to bolster and trumpet our public image. We can achieve this and also self govern.

I am committed to communicating more effectively with our members, to enhancing the public image of the legal profession, to representing fairly all Ontario lawyers regardless of their area of practice or location and to finding solutions to the challenges which will face us.

With your vote of confidence, I will do my best to speak for you.

- Born, Sudbury
- Called 1987
- Partner, Miller Maki LLP (Sudbury)
- Practice, family law
- LL.B. Cum laude (Ottawa)

#### Professional Activities:

- Member of the Bench & Bar Committee, Northeast Region, Sudbury (2003-present; 1990-1995)
- Member of the Sudbury Law Association (SLA); Ontario Bar Association and Women's Law Association of Ontario
- Executive Member, County and District Law Presidents' Association (CDLPA) (1999-2005)
- President, SLA (1995-1996)
- Editor in Chief SLA Newsletter (1989-1993)

#### Community Activities:

- Vice Chair (2006-present) and Director (1999-present) Sudbury Regional Hospital
- Member, Governance Leadership Council, Ontario Hospital Association (2004-present)
- Director, Family Enrichment Centre (1995-present)
- President CKLU 96.7 FM (Laurentian University Studio and Community Radio Station) (1995-2000)

#### Endorsements:

- County and District Law Presidents' Association
- Sudbury Law Association
- Algoma Law Association
- Parry Sound Law Association



## Paul J. Henderson

Central West • Centre-Ouest

Oakville

### Regional Bencher for Central West Region

LLB: Queen's University, 1981

Articles: Harries, Houser,  
Toronto

Called in 1983

Sole Practitioner - family law,  
civil litigation

Endorsed by the Halton County  
Law Association

### Professional:

- President - Halton County Law Association
- Legal Agent for the Office of the Children's Lawyer
- Deputy Judge Small Claims Court
- CBA/OBA
- Family Mediation Canada
- Ontario Deputy Judges Association
- Peel/Halton Collaborative Law Association
- Law Society: Professional Regulation & Professional Development, Competence and Admissions Committees, Board of LibraryCo

### Community:

- Past Director Oakville Symphony Orchestra
- Past Director of the Halton Trauma Centre
- Rotarian (Past President, Paul Harris Fellow) since 1984
- St. Dominic Parish

I am again running for Bencher because after more than 20 years as a lawyer I feel that I can, and should, give back to the profession. It is 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 as a sole practitioner. Sitting on the executive of the Halton County Law Association over the years I have been involved in 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. While not directly within the Law Society's mandate it still must lobby the government for increased funding. This is an access to justice issue.
2. **Mortgage Fraud** - It is in the interest of all lawyers to eradicate this plague. It extends province wide and while the causes of it are multi-faceted it is invariably the lawyers who catch the headlines. The Law Society must continue to address the systemic bases underlining mortgage fraud and aggressively prosecute those lawyers who become involved in it in order to maintain public confidence in the profession.
3. **Sole Practitioners/Small Firms** - The Report of the Sole Practitioner and Small Firm Task Force released in April 2005 identified the challenges and pressures facing this important segment of the practising profession. In particular, it noted the greying and thinning of this group in the non-GTA regions of the province. It is essential though that the Working Group established in 2006 be sensitive to the needs of sole practitioners and small firms and provide adequate support to them. The vibrancy of the profession depends upon it.
4. **CLE** - One of the Law Society's core functions is to ensure the competence of its members. The increased use of technology will enable the Law Society to deliver CLE conveniently and economically to its members.
5. **Fees** - In the past year the reduction in LawPro premiums was offset by an increase in Law Society fees. As a sole practitioner I am committed to holding the line on unnecessary increases in Law Society fees.
6. **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 again as Bencher in the upcoming term.



- Certified as a Specialist in Family Law by the Law Society of Upper Canada
- Sole Proprietor  
Jason P. Howie Law Firm
- Called to the Bar 1989
- Graduate of the University of Windsor
- Former President Essex Co. Family Law Lawyers' Assoc.
- Taught Bar Admission Course
- Sat on Essex Co. Law Assoc.
- Member of Bench/Bar Committees
- Lifelong resident of Windsor
- 45 years old
- Married with two children
- Member of Basketball Referees Association
- Completed a 26.2 marathon
- Terrible Golfer

**Supported by Leading Family Law Practitioners including:**

Peter Eberlie  
Ian Fisher  
Mary Fox  
Terry Hainsworth  
Alf Mamo

**Before voting, consider the following questions:**

*Has the LSUC effectively protected your professional interests?*

*Has it helped resolve the real issues you face as a lawyer?*

*Has it worked to enhance the legal profession's reputation?*

**If you answered "no" to any of these questions, then it's time to acknowledge that the LSUC has drifted away from one of its mandates: serving its constituency.**

As I listen to the concerns of my colleagues – experienced and newly called alike – a common theme emerges. Many believe the LSUC is "out of touch," that it no longer advocates for our profession. As a result, lawyers feel there is no one who can hear their concerns or protect their integrity.

I practice in a small law firm as a Certified Specialist in Family Law. I have taught the Bar Admission Course, sat on the Essex County Law Association, served as President of the Essex County Family Law Lawyers' Association and worked as a member of our Bench/Bar committees.

I thoroughly enjoy the practice of family law (for the most part!) but I have deep and troubling concerns. Simply stated, the traditional role of a good lawyer is being eroded. Judges are asked to supervise our files through a series of conferences. Legislation has nibbled away at our independence, diminishing our role and stature with the judiciary and the public.

**The time has come to restore a viable civil justice system.**

The LSUC *must* show leadership and take charge. The courtroom doors *must* remain open. But this depends on an independent judiciary and an independent judiciary cannot stand without a viable civil bar.

**These are the key issues as I see them:**

- 1/ The LSUC must aggressively ensure its members maintain the highest standards. We, the members, must take our function as good gatekeepers seriously. We must set a high bar and ensure only those who reach it are permitted to practice.
- 2/ Once admission to the profession has occurred, regulations must exist to assure the public that members have adequate knowledge and experience to undertake the task at hand. This will enhance our credibility with the public, judiciary, and legislators.
- 3/ We must take ownership and responsibility for the purpose we serve. A court system which is not accessible by all citizens is not an open system. We should never shrink from the responsibility this unique function provides.

**Why I'm running.**

A Bencher must be a practical problem solver who blends insight with realism, and is passionate about protecting the interests of his profession. I am running for Bencher because I believe I have these qualities. With your support, I will apply my skills and experience as an independent thinker, team player, good listener and problem solver to the task of getting the LSUC working for the good of our profession again.

As a Bencher, I will help the LSUC get back on course and I will help our profession regain the respect and viability it deserves.

I would be honoured if you granted me the opportunity to begin that process.

*To share your concerns, visit my blog:*  
[jasonhowie.blogspot.com](http://jasonhowie.blogspot.com)



After earning my Ph.D. in Classical Studies at the University of Michigan, I attended the University of Toronto, graduating in 1992 with my LL.B. I articulated with the Crown Law Office in Toronto, and in 1994 joined the Sudbury Crown's Office. Between 1996 and 1999 I taught Classics at Laurentian University.

I returned to the Crown's Office in 1999. I twice served on the Ontario D.N.A. Retroactive Team as its Northern representative. Between 2004 and 2006 I was Director (Northeast Region) of the Ontario Crown Attorneys Association. I have prosecuted cases throughout the Northeast, as well as in Thunder Bay.

I live with my wife and two children in Sudbury. I am principal bassoonist in the Sudbury Symphony Orchestra.

I aim to broaden the range of voices heard in Convocation, to ensure that the Law Society represents all its members in a balanced way.

As a lawyer practicing in northern Ontario, I offer a regional perspective on issues of general interest to the profession. For instance, just as in most areas outside of Toronto, Northern Ontario boasts a legal community of small firms and sole practitioners; its largest firms would be legal boutiques in Toronto. When I was Director of the Ontario Crown Attorneys Association for the Northeast Region, and northern representative on the provincial D.N.A. Retroactive Team, I never hesitated to advance a regional perspective on province-wide issues, and I will do so as Bencher in Convocation.

As an Assistant Crown Attorney, I am aware that there are significant numbers of lawyers in government – at the federal, provincial, or municipal level – whose views on the issues of the day differ, sometimes widely and sometimes only in points of detail, from those of lawyers in private practice. This perspective, though distinct, is not static, as at one time or another a large number of lawyers in government service have been in private practice, are in private practice, or will move to private practice. In addition to representing all members in a balanced manner, I will also advocate the views of this traditionally under-represented group at Convocation.

As Bencher I will address issues of access to justice. Increasing numbers of persons facing Criminal, Family, Civil or administrative proceedings are unrepresented. Two main reasons for this are the declining number of lawyers who are prepared to accept Legal Aid rates, and increasing restrictions on the granting of Legal Aid. I do not see it as a sufficient response to encourage lawyers to conduct matters pro bono. While it is in the best tradition of our profession to assist clients pro bono, access to justice cannot rely on goodwill alone. And we must not forget the legal clinics. These are front-line resources for dealing with life-changing legal issues faced by the most disadvantaged people in Ontario. Clinic funding remains precarious and the ability of clinics to attract any but the most public-spirited lawyers is limited. I will encourage the Law Society to do what it can to ensure that justice does not take a backseat to funding.

I have a strong background in education, and a strong belief that the Law Society can do much more in this area. As a past Director of the O.C.A.A., I am aware of the benefits of the excellent, ongoing legal education of Crown Attorneys. While the Law Society should be applauded for its efforts to ensure that the public can rely on Ontario lawyers to have the legal expertise they require, it can do more to encourage voluntary lawyer participation. The pages of the *Ontario Reports* are full of educational offerings that prove Ontario's commitment to continuing legal education. The problem is that most of these courses are in Toronto. Webcast attendance, which is often the only viable option for regional members, is a poor substitute for being there. The Law Society needs to encourage the development of more diverse educational opportunities.

As Bencher, I also intend to focus on issues of legal professionalism. One by-product of our strongly adversarial court system is an increasing polarization among legal professionals. In my view, the Law Society needs to do more to encourage professional neutrality, civility and balance. One way to accomplish this is to encourage more frequent regional educational gatherings of lawyers, which will allow members to interact outside of the adversarial context of boardroom or court, and to see each other as professionals with a common purpose, and not as the enemy. I will encourage the Law Society to continue to look for creative solutions to this problem.



## David Lakie

Newmarket

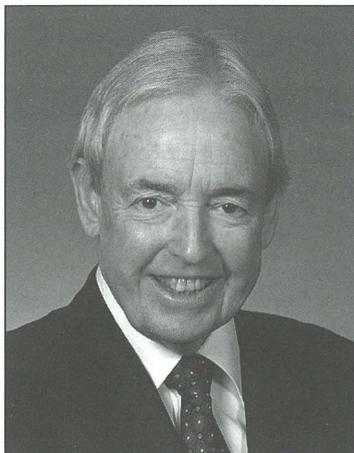
I am interested in paralegal regulation and the issue of unauthorized practice. I believe that the Law Society should do a better job of promoting a positive image of the profession to the public.

I am a Queen's Law graduate and was called in 1989. I have been practicing since then in Newmarket. For the last fifteen years I have restricted my practice to criminal law. I live just outside Newmarket with my son and daughter.

# Hon. Doug Lewis

Central East • Centre-Est

Orillia



Founding partner/solicitor  
Lewis Downey Tornosky &  
Lassaline (2001 to 2007)

Director North Toronto  
Collegiate Foundation

Director State Bank of India  
(Canada)

Orillia Citizen of the Year  
(2003)

Voluntary Chair Orillia SM  
Hospital Capital Campaign

Self-employed consultant in the  
private sector and director of  
public companies

Solicitor General of Canada/  
Minister of Transport

Attorney General and Minister  
of Justice/Government House  
Leader

Opposition House Leader

Elected Member of Parliament  
Simcoe North (1979 to 1993)

Orillia Citizen of the Year  
(1973)

President Ontario and  
Canadian Junior Chamber of  
Commerce

Practiced as solicitor in Orillia  
(1969 to 1979)

Called to the Bar (1969)

President Toronto Junior Board  
of Trade

Graduated Osgoode Hall Law  
School (1967)

Graduated Chartered  
Accountant (1962)

Membership in the legal profession for almost forty years has enabled me to earn a living and participate in building my community as a volunteer, and my country as an elected representative. As a solicitor/partner in a small firm outside of Metropolitan Toronto for the past five years, I understand the challenges faced by sole practitioners and small firms throughout Ontario.

Serving as a Bencher would give me the opportunity to apply my experience on behalf of the entire legal profession. As a former Federal Cabinet Minister I know what has to be done to lobby governments on behalf of the profession.

The Law Society has made significant progress in the past few years with respect to major issues of concern to the members. I would seek to enhance that progress with respect to ongoing and emerging issues and the constant need to address priorities by devoting whatever time is necessary to do the job.

Sole practitioners and small firms, in urban and rural settings, are on the front lines of access to justice for the public. They face competition from large firms and the public service in recruiting associates. I would work to expand the profession's ability to give graduates, and all members seeking a change, meaningful opportunities.

Our responsibility as professionals is to serve in the public interest. Surely we are entitled to look after the members' interests at the same time? If we don't we will not attract the caliber of members we want to the profession and the public interest will suffer in the long run. I would seek to enhance membership in the profession in every way possible. If we don't look after the profession in a principled manner no one else will and governments will seek to do it for us.

My wife and partner, Linda, who went to law school after a career as a mother and public health nurse, has developed a large family law practice. Many of her clients are funded by Legal Aid. A properly funded legal aid system is fundamental to the independence of our profession and service to the public. I will work to obtain proper funding for Legal Aid.

Family law issues are important to our society. Judicial resources, especially with expertise and an interest in family law are fundamental to the resolution of family law disputes. I will place a priority on this issue.

It is evident from my review of the LibraryCo/Integration Task Force Survey that methods of accessing and delivering information to members are in a state of transition. Managing change in delivery for the cost effective benefit of all members is an issue that must be addressed.

There is a legitimate place for paralegals within the legal system. But not at a cost to our profession and a dilution of service to the public.

While I am seeking election as a member of a small firm outside of Metropolitan Toronto I fully understand that large firms in urban centres have their own challenges. I would work to represent the interests of all members.

I respectfully ask for your support.

# Robin MacKnight

Central East • Centre-Est

Markham



Called to the Ontario Bar – 1978

Called to the Alberta Bar – 1979

B.A. (1973) and LL.B. (1976) – Queen's University

LL. M. (1994) – Osgoode Hall Law School

TEP – 1997

Counsel, Wilson Vukelich LLP, Markham, Ontario

Formerly Executive Director, Canadian Tax Foundation

Previously, Partner, Gowling Strathy & Henderson (now Gowlings)

Adjunct Professor, University of Waterloo Master of Tax program and Osgoode Hall Law School Part-time LLM program (since 1997)

Contributor and Speaker, CBA Tax Law for Lawyers course (since inception)

Director, Society of Trust and Estate Practitioners (STEP)

Past Chair, Tax Section OBA

Past lecturer and seminar leader, Bar Admission Course

Frequent writer and speaker on tax and business planning issues

I am a solicitor, practicing tax law in a firm of 14 lawyers in Markham. Over the past 20 years, I have been actively involved in designing and delivering continuing education programs for the LSUC, the OBA, universities and other professional organizations.

In our world of small business clients, the Law Society seems remote and irrelevant. While we can quantify the costs of compliance with Law Society rules and regulations, we cannot similarly quantify any benefits that come with membership. I suspect we are not alone.

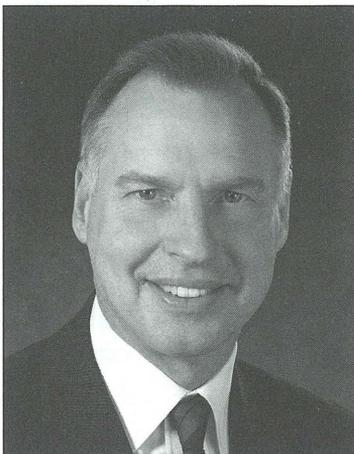
The mandate of the Law Society is to protect the interest of the public. But that does not mean that it cannot at the same time advance the interests of the profession. One of the disturbing points in the Sole Practitioner and Small Firm Survey was that clients don't understand, and consequently do not value, the work, advice and expertise of their lawyers. Other professions have advertising campaigns extolling the competence of their members and the benefits of dealing with them, as opposed to competing professionals. Although lawyers may have no direct competitors, why should we not ask our governing body to celebrate our successes, reinforce the integrity, skills and hard work of our members, and promote to the public the value our members add in solving client problems? By promoting ourselves, we also promote the rationale for independence of our profession, for access to justice, and for enhanced funding for legal aid and constitutional litigation. We might reverse the public perception of lawyers. We might even get back pride in our profession.

Many of the longstanding battles facing the profession have been won. The issues with paralegals appear resolved. Insurance premiums are slowly coming down. Mobility issues have been reconciled. Several critical issues remain – real estate fraud, money laundering and proceeds of crime among them. Major advances have been made on these issues. But we now have the luxury of being able to focus on issues directly affecting our members – including continuing education, practice management, client transition and retirement.

The Law Society has been a leader in innovative continuing education programming and technology. The ILN and teleseminar series take continuing education to the boardrooms of our members at modest cost. Expanding these programs will allow our members to learn new skills and maintain their competence without taking undue time away from their practice. This technology can also be used to develop mentoring programs to help new lawyers start their practices, and more mature lawyers expand theirs.

These programs can also be expanded to deal with practice management issues, including billing and collection policies, client management, business development, and exit and succession planning – another of the critical concerns identified by the Sole Practitioner and Small Firm taskforce.

So why vote for me? I have a history of involvement with the Law Society and professional organizations. I have a passion for improving the competence, expertise and influence of our profession. I have worked in large downtown firms, small regional firms and as in house counsel. I offer a solicitor's perspective to an organization where solicitors have not been frequent contributors. I want to make a difference.



Called 1981  
Macleod Picard Law and  
Mediation Chambers, Ottawa  
B.Soc.Sc., LL.B. (Honours)  
Accredited Family Mediator  
(OAFM),  
Advanced Practitioner (ACR)  
Roster OMMP Mediator  
Crown Counsel (OCL)

#### Notable

- Founding President: Ontario Collaborative Law Federation
- Founding President: Ottawa Collaborative Law Network
- First President: Canadian Celiac Association
- First Harassment Discrimination Officer (Ontario Soccer Association/EODSA)
- President: Ontario Association for Family Mediation (Ottawa)

#### Community Directorships

- Ottawa Community Immigrant Services Organization
- Ottawa Multicultural Centre
- Pinganodin Aboriginal Recovery
- Sobriety House
- Ottawa Pops Orchestra

#### Law/ADR Instructor

- Droit Criminel (Algonquin)
- Family Law (Algonquin)
- Bar Admission Course (LSUC)
- Collaborative Law Faculty (OCLF)

#### Education

- Advanced Multiparty Negotiation (Harvard)
- Addiction Studies (Algonquin)
- Child Protection Mediation (Seneca)

#### A Progressive Candidate

I present a candidacy for meaningful change at the Law Society. Through shoring up fiscal distress and addressing longstanding inequities across a broad spectrum of equality rights, the Law Society has achieved the organizational viability to perform more effectively in greater service to the broader community. Let us now move forward. Proactive goals and a progressive agenda are necessary to forge a better working relationship with the representative organizations in our greater legal community and the general public. Dynamic leadership and consensus building will secure a better future for our profession into the 21st century. My proven skills, capacity and commitment enable a promising opportunity for necessary change and a strong voice on your behalf.

#### Access to Justice

I will be a productive Bencher in charting a new course that stimulates a deeper analysis of access to justice issues and protection of the general public. While maintaining a strong and independent profession, we can confidently outreach to all sectors within the administration of justice to co-partner learning conversations committed to generating new options which are informed by a rich diversity of perspectives and interests. My extensive history in community capacity and consensus building; credible experience and success in complex interjurisdictional funding opportunities; and a fresh approach to problem-solving in multiparty deliberations and negotiation will serve us well. My success in moving organizations to the next level will be essential in forging a new unity of purpose with all stakeholders. We must integrate our legitimate interests with the needs of modern society. We can do better.

#### Alternative Dispute Resolution

Over the past 15 years in ADR leadership, I have acquired a deeper understanding of the institutional *status quo* mindset permeating the administration of justice. On my website, I go into greater detail about the privileged role I have had in a wide array of successful pilot projects and initiatives in civil litigation and criminal justice. We have proven, time and again, that following the established recommendations of civil justice review, and the programs which have worked in other jurisdictions, we can be more successful in Ontario. This is law reform's new vista. When I hear "more judges", as a wholesale remedy or "expansion of legal aid duty offices are endangering our small and sole practitioners"; let us respect the importance of these issues but constructively engage the root causes. We must inquire into the systemic deficiencies within the administration of justice and marshal our own empowerment. Institutional diversion will reconsolidate efficiency, but more significantly, redirect our practice and profession to more effective service delivery as the true measure of our critical role as champions of justice. We must do better.

#### Discipline

ADR developments which are designed to improve communication and promote settlements have been given theoretical assent, but have lacked in practical implementation strategies. Most of the complaints against our members are rooted in communication difficulties within the solicitor-client relationship. Current complaint assessment is enmeshed in discipline administration. As there is no collateral resolution dialogue, these consumer issues are prolonged with an overworked disciplinary scrutiny. Failure to provide positive choices and resources to our respective constituencies causes a consequential service delivery which fails everyone. Increased ADR to discipline disputes will engage as opposed to placate the general public. Real discipline matters would be freed up for appropriate workup and sanction. I will bring about these changes.

#### Paralegal Discipline

At this stage of established regulation, we can dedicate ourselves to meaningful oversight and professional dialogue. For over a decade, I have worked in the area of exploring interdisciplinary expansion while demarcating clear boundaries around core services reserved to a practicing lawyer. This industry experience combined with my solid legal bearings can make a real difference in Convocation promoting quality assurance in this new endeavour. I can positively influence these changes.

#### www.macleodforbencher.ca

I have worked with you for twenty-five years. Let me work for you for the next four years as your Bencher. Find out more about my proposals for CLE and public education, the sustaining commitment to equality and diversity as well as a tight reign on membership fees. Tell me how I can best serve your vision and this noble profession. Your vote will deliver these changes.

# Susan T. McGrath

Northeast • Nord-Est

Iroquois Falls



LLB, Osgoode Hall Law School  
1977

Called 1979

Sole Practitioner 1981-Present

Children's Lawyer Personal  
Rights Panel 1986-2000

Deputy Area Director Legal Aid  
1997-2000

CBA President 2004-2005

CBA 1st Vice-President  
2003-2004, CBA 2nd  
Vice-President 2002-2003

Liaison re CBA Legal Aid Test  
Case Litigation 2005-present

CBA Finance Committee  
1999-2000

CBA Finance & Plenary  
Directorate 1998-1999

CBA Board of Directors  
1999-2006

CBA/OBA Council Member  
1982-1987, 1990-2007

OBA President 1999-2000

OBA Treasurer 1997-1998

OBA Secretary 1996-1997

OBA Committees: Law Society  
Act Amendments, Paralegals,  
Regionalization, Gender Issues,  
Law Society Liaison, CLE  
Advisory Committee,  
Membership, Nominating,  
Institute, Distance CLE, Awards,  
Federal Judicial Appointments,  
CBAO/CDLPA Merger

Cochrane Law Association  
President 1983-1984

Legal Aid Area Committee  
1980-1988, 1992-Present

Deputy Judge, Temiskaming  
Small Claims Court 1986-1987

I have been a sole practitioner in Iroquois Falls, a community of 6,500, in the District of Cochrane, North East Region, since 1981. I have been active in my local law association, serving as a Director from 1980-1983 and again from 1992-1996 and as President in 2004. I also represented my local law association at CDLPA in 1984 and from 1996-2000. My involvement with OBA and CBA is extensive, having served as President of both, as well as on numerous committees and Task Forces. I am committed to working for our profession and in the public interest.

It is in the public interest to have a strong, independent legal profession with high levels of integrity, professional competence and dedication to their clients' interests. The independence of our profession is increasingly under assault and it is imperative that we be vigilant in protecting that independence and, with it, the ability to fearlessly and fairly represent our clients' interests. Recent developments in the United Kingdom, coupled with troubling comments by various provincial Attorney Generals and Canada's Commissioner of Competition, may be warning signs that the independence of the profession in Canada may be subject to challenge by our governments. The independence of the legal profession is one of the pillars of our democracy and must be protected for the benefit of all Canadians.

In order to maintain the confidence of the public, it is imperative that we, as a profession, demonstrate the utmost integrity. The discipline process is a necessary component of ensuring that the highest level of integrity is maintained by those who practice in our province and is one of the hallmarks of a self-regulated and independent profession. I am prepared to devote the time necessary to participate in disciplinary panels and to ensure that dispositions protect the public, the integrity of the profession, and, where possible, the ability of a member to maintain his or her practice and to continue to earn a livelihood.

Maintaining professional competence is necessary to provide appropriate and effective services to the public. However, it is also a pocketbook issue for lawyers as they weigh the benefits of maintaining such competence against the cost of malpractice litigation and errors and omissions claims. It is imperative that the Law Society offer high quality CLE programs at reasonable prices accessible from each member's desktop as well as live CLE programming throughout the province. I am committed to ensuring that both types of CLE are available throughout the province and, in particular, in the more remote regions such as the District of Cochrane, the District of Temiskaming, the District of Kenora and the District of Rainy River.

I am convinced that lawyers are committed and dedicated to furthering their clients' interests. However, we need to take the necessary steps to ensure that personal issues such as stress, substance abuse, financial difficulties and burnout do not impair our members' abilities to provide such services. The Report on Sole and Small Firm Practitioners indicates that a number of these difficulties face lawyers in these firms and may threaten their continued viability. This would have a serious impact on the many members of the public who depend on these lawyers and firms for their legal services. The Law Society must make a significant investment of time, services and money to ensure that this essential segment of our profession receives the support and assistance that it needs to continue providing top quality service to the public in their communities.

I believe that the interests of the public and of the legal profession usually converge and that working for one goal is equivalent to working for the other. I have devoted my efforts, to date, to the OBA and CBA, as the essential advocate and ally of the legal profession. Representing you at the Law Society is one more step on the continuum of advocating for the best interests of the profession by ensuring that the public interest is protected.

I am prepared to devote my time and energy to ensuring that we maintain and strengthen our legal profession in Ontario in order that we achieve our goal to provide the best legal services to our clients. I ask for your support.



**Marina Mussani**  
**B.Sc. LL.B. (Hons)**  
**Barrister, Solicitor &**  
**Notary Public**

Briefly, I was called to the Ontario Bar in 1984. I am a Sole Practitioner in General Practice with advanced training in Mediation/Arbitration. My voluntary service includes among other things - Support for the Lung Association's Will Campaign, Support for the Junior Achievement Program. Currently serving second term as legal member and mediator on community based Conciliation/Arbitration Board, second term as adjudicator on community based Credit Approval and Monitoring Committee and member on the Ontario Bar Association Executive Committee-ADR Section.

### **Overview:**

I am a lawyer who has been in private practice for over twenty years as a Sole Practitioner. I have always been an integral part of the broader community and have served on various organizations in a voluntary capacity. Benchers of the Law Society of Upper Canada must govern the legal profession in the public interest, ensuring that the people of Ontario are served by lawyers who meet high standards of learning, competence and professional conduct. They must also uphold the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law. I believe that this can only be achieved by, among other things, recognizing and addressing the challenges faced by the various sectors of the legal community and ensuring that the concerns of the sectors are addressed in a meaningful way. I believe that the strength of the legal profession, and therefore public interest, lies in the well qualified pluralistic and diverse nature of the legal community. It is therefore necessary to ensure that this strength is not only preserved but advanced.

### **Women in the legal profession:**

Over the years, in my private practice and through the voluntary service that I render, I have come to appreciate more and more the particular needs of the public that are met specifically by women lawyers. I also understand the unique challenges that women lawyers have traditionally faced and continue to face. Some of the challenges have been met and there is a much larger representation of women in the legal profession today and women have come a long way in gaining equity. However, there are still many unique challenges faced by women in the legal profession. In order to ensure that public interest is served well, it is necessary to address these challenges and to ensure that women continue to be encouraged to enter the legal profession.

### **Sole Practitioner:**

The Sole Practitioner provides a very essential service to the public. There are continuing challenges faced by the sole practitioner and I understand these challenges. It is important to identify the difficulties and challenges faced by sole practitioners and to find appropriate solutions to their concerns to ensure that, while protecting the public interest, lawyers continue to enter private practice.

### **Strength in Diversity:**

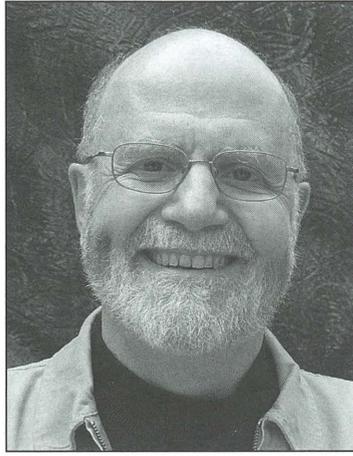
The legal community is made up of a diverse group of individuals and it is important to ensure that this diversity continues and that we encourage respect for pluralism.

Members of the public belonging to minorities often have language and other barriers and their access to justice is often through a lawyer in their own community who understands the language and sometimes the nuances of the specific community. Therefore, it is in the public interest to ensure that the legal community, while well qualified, is representative and pluralistic in nature and rich in diversity. Representation in the legal community is often a source of great pride to ethnic communities and fosters a sense of belonging which in turn translates into respect for the legal institutions in the country and the rule of law.

### **Young Lawyers**

Every year young lawyers enter the legal profession. They require ongoing mentoring and support. It is in the public interest to ensure that these are available to them and their concerns must be addressed.

If I am elected bencher I will work toward ensuring that all of the above areas, among others, receive the necessary and appropriate attention so as to ensure that all aspects of Public Interest are properly served.



## Andrew J. Orkin

Central South • Centre-Sud

HAMILTON

- Andrew J. Orkin  
Barrister and Solicitor  
(2004-present; 1991-96)
- Hodgson Orkin Post  
(2001-04)
- Turkstra Mazza Associates  
(1996-2001)
- McGill Centre for Medicine,  
Ethics and Law (1988-91)
- Call (1991)
- LLB, BCL McGill (1988)
- Grand Council of the  
Crees (Québec) – including  
International Water Tribunal  
(1992), Charlottetown  
Negotiations (1992),  
Cree Referendum on Québec  
Secession (1995); Québec  
Secession Reference SCC  
(1996), World Conference  
Against Racism (2002)
- Assembly of First Nations
- Dudley George Estate/Family  
– including international  
advocacy, Ipperwash Inquiry  
(1996-present)
- OBA Aboriginal Law Section  
Executive (2001-present)
- Canada–South Africa  
Constitutional and Legal  
Development Project  
(1995-2000)
- CBA International  
Development Committee  
(1995-2000)
- CBA/ICJ legal observer  
mission: South African  
democratic elections (1994)
- Medical/human rights/other  
publications/presentations
- Hamilton Law Association
- Amnesty International
- Canadian Coalition for  
Nuclear Responsibility Board  
Member (1985–present)

I have had the privilege as a lawyer and citizen to be deeply involved in law and advocacy concerning human rights and sustainable and equitable development, in my native South Africa, right across Canada, and internationally. I have come to regard Canadian lawyers' status as a self-regulated and independent profession as a privilege – and a profound social responsibility.

My earliest memories as a young South African include demonstrations against escalating enactments providing for detention – first for “only” a few days, then for 90 and 180 days, and then indefinitely – without charge, representation or trial. Sombre marches in the 50's and 60's were led by a number of robed members of the South African Bar and Side-Bar, but in later years no longer.

I became an anti-*apartheid* activist and worker, and like many other opponents of the *apartheid* régime, was arrested and subjected to various forms of ongoing governmental persecution (others' experiences were far worse than mine). A small coterie of South African lawyers were willing to represent us and the victims of *apartheid*, and thereby be marked as openly opposing *apartheid* themselves, as an impressive incident of their professionalism, independence and humanity.

I came to Canada as an émigré in 1977, and, after working for a few years as a carpenter and journalist, studied law at McGill. I continued my human rights work, first in the area of HIV/AIDS research and advocacy at McGill, and then as a solo practitioner and partner in two small firms, in the areas of aboriginal, environmental, constitutional and international human rights law.

My practice has involved strategy, advocacy and litigation – in Canada and internationally (at the UN and other fora) – on behalf of indigenous peoples, their governments, and various marginalized individuals, families and entities, most of whom for various very persistent reasons still endure great difficulty obtaining access to justice.

I conceived and directed the multi-million dollar, multi-year Canada-South Africa Constitutional and Legal Development Project of the Canadian International Development Agency, CBA and Legal Resources Centre of South Africa.<sup>1</sup> I have also led and undertaken international human rights missions in Southern Africa, the Americas and elsewhere.

If elected as a Bencher of the Law Society of Upper Canada, I will bring my pre-law and professional experience to work dedicatedly with my fellow Benchers, my colleagues and the profession at large, to maintain and strengthen the professional standards, integrity, equity, inclusiveness, social responsibility and engagement, and leadership commitment to social justice and democracy of our profession.

The integrity and reputation of our profession – the fragile attributes that permit us the privilege of self-regulation – are centrally dependent on our vigilant maintenance of the highest professional standards in the public interest, through regulation, education and discipline. But they are also dependent on lawyers taking, and being seen to take, meaningful and substantive steps – within the Law Society, our other professional organizations, our firms and practices, and society at large including in its most vulnerable parts – to ensure that the imperatives of access, racial and gender equity, and social justice are progressively and meaningfully realized. In addition, the Bar must never forsake its role as a – if not the key – societal bulwark in the face of insistent anti-democratic forces of whatever origin.

In the time I have been a member of the Law Society, important progress has been made on these and other important goals. *But there is always much more to be done.* I invite your support in permitting me to now serve and contribute to the governance of our profession. I pledge to do so with all the commitment, independence, enthusiasm, tact, openness, respect for diverse views, creativity and humour of which I am capable.

<sup>1</sup> This project was awarded the *SNC Lavalin Award* for Improvement to Social Infrastructure in 2003. An independent final evaluation of the project concluded in 2003 that “[I]t is doubtful that any other CIDA-funded project in a ‘country in transition’ can have made so concrete a difference in helping to mould the institutional landscape, or, more specifically, in this case, to map out the practical implications of putting into effect the human rights provisions of the [new South African] Constitution.”



## Norman Panzica

Central East • Centre-Est

Vaughan

The Law Society and its members in particular face many significant challenges (and battles) as the practice of law evolves. In particular, the cutbacks to and financial issues concerning Legal Aid and the regulation of paralegals are two of the most significant threats to the economics of small firm practice, as well as to the public in general.

These issues require strong leadership and hard work to navigate through and I am committed to giving my best to maximize the benefits to the small practitioner whose livelihood is affected by these two pressing issues.

When I chose to enter this race, with a belief that I wanted to help out, I began to ask my fellow members and friends their thoughts on what the law society was doing and their feelings about the law society in general. I was stunned by the negative perceptions and responses; a mixture of fear, anger and apathy. Responses like "law society does nothing for us except charge us a lot of money" or "they are not on our side anyway" or "whats with all these forms" or "why am I paying the cost for a spot audit, I'm just trying to make a living".

Let's not forget, these are lawyers' responses.

My point is this. The law society has a public relations problem with its members. It needs to achieve more for its members, and get a clearer message across to its members of what it is doing, and why. As lawyers we live or die economically on our client relationships and general public relations. The law society needs help in this area.

What I am offering is to do my best, to apply my knowledge and experience as a sole practitioner and criminal lawyer, and to apply a sense of reasonableness and fairness in exercising all my duties as a bencher of the Law Society of Upper Canada. I am excited by this prospect and hope that you will support me.

B.A. York University

LL.B. University of Ottawa 1989

Articled at Blakes  
(and Imperial Oil)

Called to Bar 1991

Criminal Defense Lawyer  
(Sole Practitioner ) since 1994

Part time Per Diem Assistant  
Crown Attorney past 4 years

Currently Executive Member  
York Region Law Association

Current duties:

- Co-Chair Criminal Law Committee
- Active member Newmarket Courthouse Criminal Law Education Committee
- YRLA Representative to OBA Council
- Chair Golf Committee

Member of CLA, CIAO

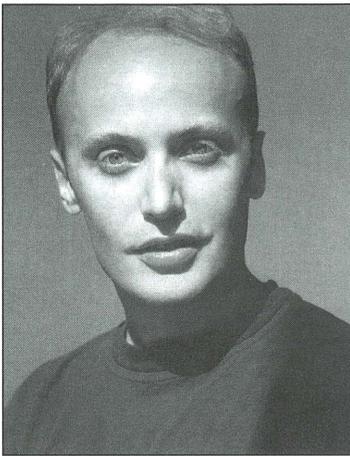
Community involvement:  
coached youth soccer and  
current coach youth baseball

Previous Administrative Tribunal  
Experience as a Chair, Board of  
Referees, El Act Appeals

# Demetry Papasotiriou-Lanteigne

Central East • Centre-Est

Woodbridge



**Born:** February 14, 1980/  
Athens, Greece

**Raised:** Thompson, Manitoba

## Education

2000 – B.A., with merit  
York University

2003 – LL.B.

Osgoode Hall Law School

2004 – Call to the Bar  
Law Society of Upper Canada

2005 – LL.L., magna cum laude  
Droit Civil, University of Ottawa

2006 – LL.M., CIHR Funded  
Fellow University of Toronto,  
Faculty of Law

## Professional Experience

Summer 2001  
Law Intern/ Judge Domitrovich/  
Erie County Court

Summer 2002  
Legal Department/ Ontario  
Ministry of Labour

2003-2004  
Articles of Law/ Associate/  
DelZotto, Zorzi LLP

2005  
Associate, McPhadden Samac  
Merner Barry

2005- Present  
Sole Practitioner

## Professional Memberships/ Affiliations/ Volunteer

- Law Society of Upper  
Canada, OBA, CBA, MTLA,  
Hellenic Canadian Lawyers'  
Association, Golden Key,  
Journalists for Human Rights,  
Past Editor: Ottawa Law  
Review, Toronto Law Review

My name is Demetry Papasotiriou-Lanteigne.

I was born in Athens, Greece but at age 10 the wild winds of fortune carried me to Thompson, Manitoba where I was raised by my aunt Georgina and uncle Bob. The gift of a new enormous country with its unmatched physical beauty, public education and a legal system that is, perhaps, its greatest export to the world, more than made up for all that I lost when I came to Canada.

In the words of a former Governor General: "It is customary to talk about how hard immigrants work and how ambitious they are, but those of us who have lived that process, know that it is mainly the dream that counts."

I am presently 26 years old. When the results of this election are released, I will be 27. **By voting for me, you will be electing the youngest Bencher member and you will also be voting for change.** I, therefore, ask you to open the doors to the Bencher chambers of the Law Society to younger lawyers such as myself who are virtually shut out and whose only access to same is through summer tours of historic Toronto.

In the three years that I have been a member of the Law Society, I have practised with a mid-size firm and a small firm and as a sole practitioner. However, the greatest asset I can offer as a Bencher is not my substantive knowledge of the law but my open mind, strong sense of equity and justice, strong work ethic, humanity and common sense.

I believe that in the legal profession where being "senior" is always better than being "mid-level", and "mid-level" is always better than being "junior", it is easy to forget that it is younger lawyers such as myself and new calls who drive the administration of justice forward. We do everything that is asked of us: from research, drafting of pleadings, authoring draft court decisions and many other day to day small and big tasks. Yet, electing Benchers from members within our ranks has been as elusive as the Holy Grail.

**I am running for a Bencher position because I love being a Canadian and I love being a lawyer and a member of the Law Society. I, therefore, wish to make a meaningful contribution.**

I further believe that there are complex issues before us that must be addressed in a way that will unite and not fragment the Bar.

1. We must address the issue of reforming the current Bencher election system in an effort to obtain more representation from practitioners of all areas of law and of all sizes of firms, from rural sole practitioners to urban national firms. In addition, I believe that Benchers should be fully representative of the entire Bar, including younger lawyers, women, minorities and counsel with disabilities. Also, the implementation of shorter bencher terms and capping the number of times a member may run and be elected should be critically considered as an option to attaining continuity, yet, eliminating inertia.
2. We must address the perception of a lack of uniformity and procedural fairness in disciplinary actions against members.
3. In addition, through the Benchers, the Law Society should be more actively lobbying and making submissions to governments that are currently "politicking" with the role and powers of judges and the administration of justice.
4. We must address the apparent lack of civility and courtesy that is increasingly experienced by members of the Bar towards other members. Whether this is accomplished vis-à-vis education campaigns or the implementation of new rules of professional conduct, this issue must be promptly addressed to avoid bringing the entire administration of justice into disrepute.
5. We must strengthen the mentoring system for younger lawyers and new calls that is now administered by the Law Society. In my experience, the delays in finding a mentor may render the program practically ineffective.

**Time only moves forward. Please vote for change.**

# Edward J. Posliff

Southwest • Sud-Ouest

Windsor



Barrister and Solicitor  
Mousseau DeLuca McPherson  
Prince LLP  
Windsor, Ontario

## Law Society of Upper Canada

1984 Called to the Bar  
2006 Certified Specialist,  
Civil Litigation

## Education

1979 Bachelor of Arts  
University of Windsor  
1982 Bachelor of Laws  
Osgoode Hall Law School  
2005 Master of Laws  
Osgoode Hall Law School

## Teaching Experience

University of Windsor, Special  
Lecturer, Civil Trial Advocacy  
Law Society of Upper Canada  
Instructor, Bar Admission  
Course

## Essex Law Association

1990-1994 Director  
1994-1995 Second Vice  
President  
1995-1996 First Vice President  
1996-1997 President, Member  
County/District  
Law Presidents  
Association  
1997-1998 Past President

## Department of Justice (Canada)

2001 to present  
Standing Agent, Prosecutor

I ask for your support for my candidacy for the position of Bencher with the Law Society of Upper Canada.

For almost 23 years, I have been proud to be a member of this profession. During that time, there have been considerable changes in the practice of law. There is a remarkable diversity in the experiences and composition of the membership of the profession. Nevertheless, I believe that the Law Society continues to play an important role for both the public and the profession in the Province of Ontario.

If elected, I am committed to utilize my experience to enhance the image of the profession with the public and to champion the needs of the membership.

My experience teaching student members of the profession prior to their calls to the bar has taught me that there is much we can do to ensure that younger lawyers are given the same opportunities to succeed that, we, more senior members, have enjoyed.

My experience in practice has confirmed for me the essential nature of an independent and responsive governing body to ensure both public confidence and professional excellence.

My experience as a member of the Board of Directors of my local Law Association has exposed me to the nature and the importance of the issues that confront our profession.

As a profession, we have many challenges in the days ahead: fostering Access to Justice; protecting the Public; providing affordable and effective Legal Education; and maintaining a functioning and accessible library system.

We should always remember that the greatest protection that we can provide the public is to maintain an independent, competent and prosperous legal profession united in the pursuit of justice.

As a Bencher, I would commit myself to applying my full energies and abilities to that office, and the challenges that we face together in the future.

To face those challenges, I ask for your support. And I ask for your vote.



### Professional Activities

Sole Practitioner • Tribunal member Consent & Capacity Board • Deputy Judge Small Claims Court • Past President, Southwest Region Women's Law Association • 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 • London Abused Women's Centre Board • Appeal Board, UI Commission • London Memorial Boys & Girls Club Capital Campaign Committee

**I AM COMMITTED TO ENSURING THAT THE LAW SOCIETY FULFILLS ITS MANDATE TO PROTECT AND SERVE THE PUBLIC INTEREST BY ADDRESSING THE CONCERNS AND ISSUES AFFECTING ALL MEMBERS**

### RE-ELECT

I have served as follows:

*Co-Chair*, Small Firm and Sole Practitioners Task Force and current *Co-Chair* Implementation Working Group; *Co-Chair*, Access To Justice Committee; Board of Directors, LibraryCo; *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; Government Relations; Contingency Fees Working Group; Protocol Guidelines for members subject to complaints; Continuing Legal Education Working Group; Specialist Certification Working Group; Court House Study Task Force; Discipline Hearings Panel Member; Law Society Appointee, Ontario Bar Association Council; Bencher Representative Calls to the Bar.

### In keeping with the Law Society's mandate to protect the public interest:

#### *"I am committed to the ongoing survival of Small Firm and Sole Practitioners"*

- As co-chair of the Small Firm and Sole Practitioners Task Force, our recommendations were passed by Convocation; currently, as co-chair of the Smalls and Soles Working Group, which includes OBA and CDLPA representatives, we are tasked with implementing the recommendations of the Task Force Report;
- Smalls and Soles are the backbone of the profession; they serve individuals and small business in urban and rural areas; without them the public is denied full access to justice;
- to best serve the public interest lawyers must be provided with up to date tools, technologies, education and information;
- providing these services to members in a cost effective way is essential.

#### *"I am committed to strict Law Society regulation of paralegals"*

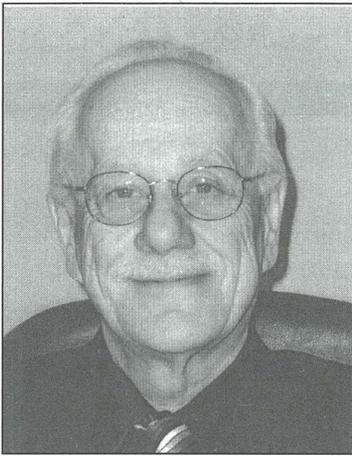
- to monitor carefully this new and expensive government initiative now the responsibility of our governing body;
- to minimizing the cost to lawyers for paralegal regulation;
- to ensure no creeping encroachment of paralegals into areas of law best served, in the public interest, by lawyers, and in particular, by small firm and sole practitioners.

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

- to support initiatives that recognize, utilize and capitalize on the diversity within the profession;
- to ongoing development and implementation of initiatives that will enhance the retention of women in practice and halt the steady erosion of their numbers after being Called to the Bar.

#### *"I am committed to access to justice and improving public confidence in lawyers"*

- support Legal Aid, Pro Bono and other initiatives that increase access to justice;
- provide timely response to complaints while continuing efforts to improve procedures and time lines for members with practice problems or facing discipline;
- create and support initiatives that help lawyers take pride in their work and their profession;
- promote understanding of why self-regulation is important to the public interest and to the Bar.



## Nicholas John Pustina, Q.C. *Northwest • Nord-Ouest*

Thunder Bay

I am fortunate to have lived and practised in the golden ages of television, the NHL and real estate practice, which began in the 1950's. The golden ages of television and the NHL are but fond memories.

The golden age of real estate practice flourished, unabated, for several years, but as the century drew to a close, the practice of real estate law was assailed on all fronts and the practice of real estate law has been in a substantial decline. The result is that it has become increasingly difficult for our Law Society members to practice real estate law and to make a fair living in that area of the practice.

Northern Ontario is further beset by economic factors such as the decline in forest, grain and mining industries.

When I first practised in 1957 and in subsequent years, single practitioners and small firms could practice real estate law, successfully and remuneratively and it was the corner stone of a practice enabling small and single member firms to survive quite adequately.

It has become notably difficult for single practitioners and small firms to exist, let alone thrive.

The impact of title insurance and the willingness of members to reduce fees to unsustainable levels has threatened the very existence of small firms and single practitioners.

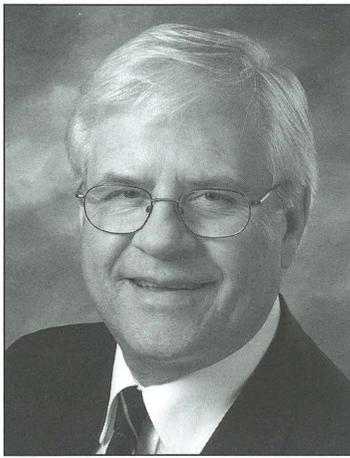
Locally the effect has been to reduce the number of students coming to the North and a substantial drop in the number of new and young practitioners commencing practice.

The small practitioner and small firm face the threat of becoming as extinct as the dodo bird and it is imperative to the health of our community and our profession to ensure that the small firm can survive and even thrive.

I believe that I have had sufficient experience working in a small firm and that I can be effective in ensuring that the small firm can exist and thrive outside big metropolitan areas such as Toronto and Ottawa.

I will strive at all times to keep the interests of the small practitioners and the needs of the North in the forefront.

- McMaster University 1953
- Osgoode Hall 1957
- Called 1957
- Queen's Counsel 1971
- Honourary LLB  
York University 1992
- Past-President, Director  
Thunder Bay Law Association
- Past-President Life Member  
Childrens' Aid Society  
Thunder Bay
- Past Member Thunder Bay  
LACAC
- Past-Chairman Port Arthur  
Separate School Board
- Life-Member William  
Creighton Youth Services
- Past-Member Thunder Bay  
Regional Cancer Centre  
Ethics Committee
- Past-Director Alzheimer's  
Society of Thunder Bay
- Past Director V.O.N.
- Past Director Thunder Bay  
Foundation
- Thunder Bay Annual CLE  
Program Chair – Real Estate
- Deputy Judge Small Claims  
Court
- Recipient Law Society of  
Upper Canada Bicentennial  
(1797–1997) Award of Merit



© Couvrette/Ottawa

# Timothy Ray

The health of our profession is deeply entwined with access to justice issues. Small firms and sole practitioners are central to our profession. If the financial health of the small firm and sole practitioners is not improved, then a huge segment of the population will be without legal services. If these business challenges are not addressed, we will all be affected. It is not only in the public interest to consider these strategies, but also in the interests of the large urban firms.

## COSTS

1. Costs to small firms and sole practitioners need to be reduced through graduating Law Society and insurance fees. Billings or revenues should be used in order to properly reflect the proportionate expenses and revenues between large urban firms and small firms.

## CLE

2. While The Law Society has done a wonderful job over the past few years to make more resources available to lawyers, and while the Law Society should continue to provide CLE in essential areas, it should be provided at cost thereby improving accessibility and enhancing the level of professionalism. Using CLE presenters from outside Toronto would broaden the look of the profession, and make the CLE more practical and relevant to the out-of-Toronto practitioner. Unfortunately, if CLE is seen as a profit centre for Law Society budgetary purposes, the costing becomes a disincentive to the small firm and sole practitioner. Many large firms run their own in-house CLE at a very high level and at low cost. That is not an option for the small practitioner.

## RETURN TO CORE

3. A return to core responsibilities for governance would assist in building the confidence of the profession in the Law Society. While donations to worthy causes are commendable, lawyers in Ontario lead all professions in their support for community and charitable causes. That fact needs to be publicly acknowledged. The very successful County of Carleton Law Association's Gordon Henderson Lawyer of the Year Award is an example of public recognition of our professional contribution to the community. However, donations by the governing body is outside the governance responsibilities of the Law Society, and should be left to lawyers, firms and associations as they see fit. The recent decision to support a new Law Reform Commission, while admirable should not be funded through lawyers fees. It was originally established by government to assist the legislative process. It performed a necessary and useful role and should never have been cancelled, but its funding should not come from our regulating body.

## GOVERNANCE

4. The Law Society should be congratulated for its communications strategy. There is considerably more information and more practice resources available through the Law Society than ever before. However more transparency and accountability needs to be seen to assure the profession that the core responsibilities of governance are being adequately addressed. Even governance issues themselves are not well understood by the profession.

## ACCESS

5. Self represented litigants are significantly on the rise, and reflect the increasing lack of accessibility by the average Canadian. While the Court processes make those without representation more visible, there is the same lack of accessibility for other legal services because of cost. The average Canadian does not have access to legal aid funding. Non lawyers are trying to fill the gap- sometimes with disastrous consequences for the public. The Law Society's Small Firm and Sole Practitioner Report contains numerous recommendations that need to be considered and acted upon.

## LEGAL AID

6. Legal Aid is grossly under funded. While the public generally has little appetite for seeing more public funds devoted to the criminal justice system, we must, as a governing body, advocate for a serious renewal of funding mechanisms.

I welcome comments or questions about any of these or indeed any other issues.

- Counsel to Beament Green Ottawa, and Ross Clifffen & Morrison of Smiths Falls.
- Called to the Ontario Bar, 1972, Certified Civil Litigation Specialist - Member of the Bar of British Columbia.
- Lectured - CBA, LSUC, various Law Associations and Universities.
- Taught Civil Litigation at the Bar Admissions Course from 1974 and head of the course in Ottawa from 1986 until 1998.
- Advocacy Skills teacher with the Advocates' Society since 1988, and adjunct faculty at Emory University, Atlanta, Georgia.
- Practice - Civil Litigation , Administrative and Criminal Law.
- Membership: Civil Rules Committee, Advocates' Society (former Director), OBA, CCLA, Lanark County Law Association, OTLA, and BC Trial Lawyers.
- Recipient of the Gordon Henderson Lawyer of the Year Award



# Susan Armatage Richer

East • Est

Ottawa

Partner: Richer & Richer  
Called to the Bar in 1979

## Education

- B.Ed. McGill University
- LL.B. Osgoode Hall Law School
- Alumna of Parkdale Community Legal Services
- Published in Osgoode Hall Law Journal: Oct. 75, Vol. 13, No. 2

## Background

- English-Quebecer married to a Franco-Ontarian, have two grown children
- Taught junior high school in the Jane-Finch area of Toronto
- Have been in private practice since my call - starting out in general practice and now doing mainly criminal law

## Professional Associations

- County of Carleton Law Association
- Criminal Lawyers' Association
- Defence Counsel Association of Ottawa (Treasurer)

## Community Service

- Steering Committee: Non-Residential Attendance Centre (Youth Criminal Justice)
- Ontario Soccer Association Volunteer Screening and Harassment Officer for Eastern Ontario

## WHY I AM RUNNING

As lawyers, we know that self-governance of our profession is essential in a free and democratic society. We understand that our continued independence depends on the Law Society of Upper Canada fulfilling its mandate to ensure the delivery of honest and competent legal services to the public.

I believe that honesty and competence are only the beginning. To truly meet the needs of our citizens we need a vigorous and motivated private bar.

After 25 years in private practice, I have never lost my belief in the profession or my pride in being a lawyer. However, I have watched with dismay over the last several years as the role of criminal defence lawyer is denigrated in the public eye and as enthusiastic and capable young lawyers try to establish themselves in the practice of criminal law then turn away discouraged. Other areas of practice are under siege as well. I am prepared to devote my time and energy to advancing the profession for the public good and for lawyers alike.

## MY CONCERNS

### The small general practitioner and sole practitioner

I am interested in the practical issues such as the need to be a good business person as well as a good lawyer, how to save for retirement, how to share costs and how to manage the stress of day to day practice.

### The practice of criminal law

Of importance to me is the erosion of legal aid and the resulting imbalance in the criminal justice system. I am also concerned about the encroachment of paralegals, the weakening of evidentiary protection of the accused and the difficulty faced by young lawyers interested in the practice of criminal law.

### LibraryCo

The continued ability of our libraries to meet the needs of the profession through adequate financing of LibraryCo is an issue. How will the cost of governing paralegals affect this financing?

### Public Relations

Not enough of our fellow citizens know what we do as lawyers. As a profession, we have failed in the public relations department. I am interested in finding ways to help the general public understand how important it is to live in a society governed by the rule of law and the role of the independent private bar in safeguarding this privilege.

## WHAT I HAVE TO OFFER

I have reached the stage of life where I have the time to take on the responsibilities of a Bencher and I am fully aware of what those responsibilities are.

I am enthusiastic, tenacious and practical. I would work diligently to find solutions to the problems I have identified and any others that might arise. I would welcome input from my fellow practitioners about issues of special concern to them.

I am asking for your support. My web site is [www.susanricher.ca](http://www.susanricher.ca).

# Heather Joy Ross

Southwest • Sud-Ouest

Goderich



Heather Ross was born in Terrace, in northern British Columbia, the eldest child of Joy and George Martin. She moved to Toronto in 1971 and, with her husband, Paul Ross, to Huron County in 1976.

As a parent of two children, she attended law school as a mature student at the University of Western Ontario, London where she won two academic prizes for highest standing.

Since her call in 1986, she has been a partner in the five lawyer firm, The Ross Firm.

She has extensive experience in litigation primarily in family and criminal law.

Heather Ross has a son, Quinn, a lawyer with The Ross Firm, a daughter, Tegan, and three grandchildren, Shayna, Rory and Kieran in Whistler, B.C.

In 21 years of litigation practice in a small rural law firm, teaching law school, in professional and community service, and serving my profession as a Bencher since 1995, I believe I have a breadth and diversity of experience to bring to my duties as an elected Bencher.

I have a strong voice and good judgment. I bring energy and a dedicated interest in resolving the issues confronting our profession.

The practice of law is now global and its governance is being dealt with on national and international levels. Our profession needs experienced Benchers who will continue to lead the way in preserving the privilege of self-regulation, increasing mobility and opportunities for lawyers and working with governments at all levels to increase access to justice, in particular ensuring a robust legal aid plan.

In some courts, over 75% of litigants are unrepresented. This continues to cause a terrific burden on the courts, lawyers and the public. In real dollars, the lawyers who do Legal Aid work make about 30% less than they did in 1987. We must keep this issue at the top of government agendas.

Paralegal regulation is now a reality and the challenges will be many. The implementation of paralegal governance must be closely scrutinized and carefully monitored.

Mary Ann Glendon observed in her book, *A Nation Under Lawyers*, that in "all branches of the profession lawyers reported that their levels of satisfaction with their work plummeted by 20 percent between 1984 and 1990. Women now enjoy unprecedented opportunities in the law; yet they are twice as dissatisfied as their male counterparts." These trends continue.

As the first co-chair of the Equity and Aboriginal Issues Committee I have participated in the Law Society's work in advancing equity and diversity in the profession. Matters of social equity affecting women, persons with disabilities, racial, religious and cultural minorities and lesbians and gay men require our vigilance and vigour. Because of glass barriers we are losing bright and capable members of our profession. Continued leadership on these issues is critical so that opportunities within the profession are real and not illusory; so that the Bar truly reflects the people of Ontario.

Sound fiscal management of the \$71 million dollar Law Society budget is the cornerstone of effective governance of our profession. As a partner in a small law firm, I am daily reminded of the costs of this business called the practice of law. I am very sensitive to ensuring that our overall fees and insurance levies not exceed what is needed for the cost-effective, efficiently managed regulator.

It is in the public interest and the interest of our profession that lawyers be governed with excellence and vision.

Karl Llewellyn, when a professor at the University of Chicago Law School required his students to take an "oath" – it is a creed I adopt and have tried to live by:

"In accepting the honour and responsibility of life in the profession of law, I engage as best I can,

- to work always with care and with a whole heart and with good faith;
- to weigh my conflicting loyalties and guide my work with an eye to the good, less of myself than of justice and the people;
- to be at all times, even at personal sacrifice, a champion of fairness and due process, in court or out, and for all, whether the powerful or envied or my neighbour or the helpless or the hated or the oppressed."

\*\*\*\*\*

Endorsed by Huron Law Association

Bencher - Vice-Chair, Professional Regulation Committee (current)

- Member, Human Rights Monitoring Group (current)

Professional – Founder and Past President Southwest Region Women's Law Association

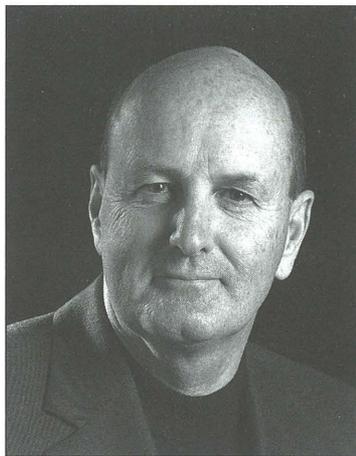
- Past President, Huron Law Association

- Adjunct Professor, Faculty of Law, University of Western Ontario(2000 – 2005)  
and Guest Lecturer (1999 to present)

- Head of Section, Professional Responsibility, Bar Admission Course, L.S.U.C. (2001 – 2005)

- Participant, Chief Justice of Ontario's Advisory Committee  
on Professionalism Colloquia on the Legal Profession

- Part time assistant Crown Attorney (1986 – 1998)



## Donald B. Shanks, LL.M.

Northwest • Nord-Ouest

Thunder Bay

### Practice

- Cheadles LLP, Thunder Bay
- Senior Litigation Partner  
1987 to present
- Articled at Campbell Godfrey  
& Lewtas

### Education

- B.A. (Economics) Western  
1974
- LL.B. Western 1977
- LL.M. Cambridge 1980

### Calls

- Ontario 1979
- Solicitor England & Wales  
1993
- Member Law Society of  
Upper Canada
- Member Law Society of  
England and Wales

### Academic

- Associate Professor:  
Osaka Gakuin University  
1980-1981, Japan  
Faculty of Law & English

### Associations

- Advocates' Society:  
Member 1985 to present  
Director - 2001 - 2004
- Thunder Bay Law Association
- CAPSLE - Founding Member  
Director - 1998 - 2000
- United Oxford &  
Cambridge Club Member

There are many issues that come before Convocation. I would concentrate my term as Benchers on access to justice. Ontario Lawyers are at a crossroads. The Law Society's duty to facilitate access to justice and protect the public interest demands Benchers advocate for serious reform to the civil justice system. Change can increase affordable access to civil litigation by members of the public, make the practice of law more enjoyable and improve the image of lawyers. Litigators prefer to do trials. Clients want their day in Court. It is the job of the Law Society to streamline the system so this works for the client and the lawyer. With the Coulter Osborne Civil Justice System Review reporting in late spring 2007, significant reform should be pursued. After twenty-seven years of practice before the Courts, Boards of Arbitration and Administrative Tribunals, I believe I have the experience and desire to assist the Law Society in removing the inefficient roadblocks in our present system. We should be implementing the best practices from arbitration and administrative tribunals. Convocation has the opportunity and the obligation to make the case for change and ensure it is implemented.

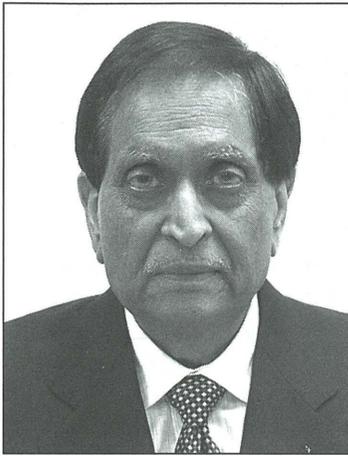
- **Access to Justice** – The Society has a duty to maintain and advance the rule of law in addition to facilitating access to justice for all the people of Ontario. These lofty aims require concrete proposals. At present the civil litigation system and Rules of Court are created to deal with the most complex disputes. The “80/20 rule” should be implemented. Only 20% of the cases require the complex, detailed and expensive court procedures presently used, and only those cases should be put into that process. For the 80% of cases that do not need that level of complexity, the court process should be streamlined. There is no satisfaction in a system that has pre-trial procedures so time consuming and expensive that most citizens are unable to finance a claim beyond discoveries and ultimately settle for financial reasons, dissatisfied.

Much can be learned from the arbitration process, which is where many litigants are heading to avoid courts. By voting with their feet and moving to the arbitration model, the general public is sending a strong message to the justice system. The days of lawyers spending time in Assignment Court just to get an approximate date of trial is an expensive luxury most people can not afford. The phrase “justice delayed is justice denied” is not just applicable to labour relations: it applies to all civil litigation.

- **Appointment of Judges to Northern Parts of the Province** – Access to justice means access to judges in “Northern” Districts. Not filling a judicial vacancy threatens that access. Filling the need for judicial resources by video conferences and traveling judges is a response that is insufficient and unacceptable. The Law Society must fight for the Bar to have access to the same quality of justice, at a similar cost and in a timely fashion in all regions. Creating more work for overworked judges in heavily populated areas of the province is not a solution.
- **Government of the Profession and Paralegals** – In 2007, the Law Society will be regulating paralegals in addition to lawyers.
  - Should disbarred lawyers be licenced as a paralegal?
  - What standard applies? “No” to being a lawyer, but “yes” to a paralegal?
  - What level of competence is acceptable?

These and other questions dictate the need for Benchers with experience, compassion and integrity.

With your support, I would welcome the opportunity to serve the profession and meet the challenges and opportunities created by the 2007 Benchers Election.



### Education & Practice in India

- Bachelor of Laws (LL.B.), Law College, Jullundur, Punjab (1959)
- Admitted as Advocate (1959)
- Law Practice (Civil, Commercial and Criminal Litigation) from 1960-1975
- Member in Good Standing, Bar Association of Amritsar from 1960-1975

### Work Experience and Re-Qualification in Canada

- Law Clerk from 1975-1979
- Co-owner, Sharma Conveyancing Ltd. (Real Estate Conveyancing) from 1979-1989
- Osgoode Hall Law School (York University), LL.B. Accreditation, 1990
- Articles of Clerkship, Capo, Sgro, Dilena, Hemsworth, Mendicino, Vaughan, 1990-1991
- Called to the Bar of Ontario, Barrister & Solicitor, 1994
- Member of the Law Society of Upper Canada

### Law Practice (1994 - Present)

- Devi D. Sharma & Associate, General Practice specializing in commercial & residential real estate law, corporate/commercial, franchising, and wills & estates.

I wish to be a candidate for the 2007 Bencher Election because I am committed to the ideals that underlie our noble profession - fairness, justice and equality. Moreover, as discussed in more detail below, I have extensive experience with the major issues facing our profession today and am confident that I can add value to the profession and the public by being elected as a Bencher.

### Dignity of the Profession

First and foremost, I am proud and privileged to belong to such a noble and dignified profession. However, I do not take this for granted. I firmly believe that we as a profession must tirelessly work at maintaining and continually improving the profession's image through everything that the Law Society and its members do. I have always been committed and remain committed to the promotion of our great profession through, among other things, a steadfast focus on upholding and enforcing the Rules of Professional Conduct in the public interest. I believe that the conduct of our members should be dealt with seriously, professionally and fairly so that our profession is not brought into disrepute and members of the public are protected.

### Foreign Trained Lawyers

As a foreign trained lawyer that practiced as an Advocate in India for 15 years before practicing in Ontario for the past 12 years, I have the experience needed to engage in ongoing dialogue with the members of our profession involving the issues faced by foreign lawyers wishing to qualify in Ontario. I have many colleagues that went through this process and I intend to use my experience for the benefit of the Law Society and its members at large.

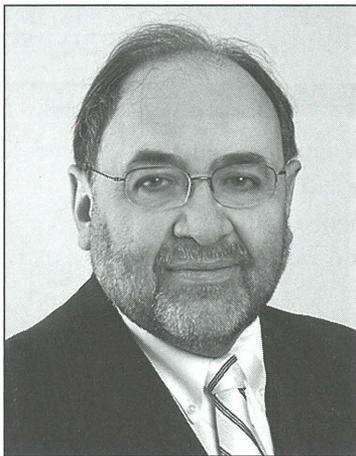
### Access to Justice and Paralegal Regulation

I am committed to the public interest and ensuring equal and affordable access to legal services. Working as a paralegal for several years before qualifying in Ontario, I can offer my experience and input into the ongoing issues facing the regulation of paralegals in Ontario. The issues that are squarely in the hands of the Law Society are issues that I have faced repeatedly both as paralegal and lawyer. I look forward to using my experiences for the benefit of our members.

### Small Firm Practice Issues

Having my own thriving practice in suburban Toronto has provided me with much insight into the issues facing solo and small firm practitioners. While I have been fortunate to have a busy law practice, I have also seen and experienced first hand the issues that are facing smaller firms outside of Toronto. For example, the issues affecting the real estate bar have affected my practice as well. I am confident that I can add value as a Bencher to issues facing small firm lawyers to ensure that they get the attention they deserve.

In summary, I believe that I have much experience and value to add with respect to numerous issues at the forefront of the profession in 2007 and beyond. As discussed above, I am confident that as a Bencher of the Law Society I can be an active participant and contributor to improve the profession for lawyers and the public for years to come.



Alan G. Silverstein has been at the forefront of real estate and mortgage issues for nearly three decades as a writer, lecturer, commentator and media personality. Between 1997 and 2003 Alan served as a Director of the Real Estate Council of Ontario, the governing body for real estate agents. Since his election as a Bencher of the Law Society in 2003, Alan has participated on numerous committees including Finance and Audit; Government Relations; Lawyers' Fund for Client Compensation; Sole Practitioner and Small Firm Task Force; and the CEO's Working Group on Real Estate Issues. After 29 years in private practice Alan joined Emergis Inc. in 2006 to head-up the introduction of its Assyst Real Estate program for lawyers.

Friends and colleagues:

Four years ago you granted me the privilege of serving as a Bencher of the Law Society. Four years later, I am again seeking your support.

I am proud of our many accomplishments over that time—the extensive work addressing sole practitioner and small firm concerns; a proposed scope of practice for paralegals that would complement but not compete with the solicitor bar; limited fee increases; and unprecedented consultation with the profession on proposed rule changes and practice standards. But we can do better. How?

- **CORPORATE GOVERNANCE.** A 60-plus member Board of Directors is inefficient, unwieldy, and costly to maintain. Empowering non-bencher members to sit on discipline panels (a highly controversial but meaningful proposal) would facilitate a drastic reduction in the size of Convocation.
- **LEGAL AID.** The Law Society must ensure the provincial government permanently maintains a sustainable level of legal aid funding. More and more parties unrepresented in court underscore the shortcomings of the current system.
- **LIBRARIES.** Local law libraries must not be abandoned. Convocation must ensure that meaningful library facilities are available in all counties. Also deserving of a promotional push: Advocat, the very successful but underutilized on-line research tool.
- **LAWPRO.** In 2003 I wrote LawPRO “must fully disclose 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.” The same rings true today.
- **EQUITY.** Support for the efforts of the Equity and Aboriginal Issues Committee, that Convocation better reflect the make-up of the profession, must be continued.
- **PARALEGAL SCOPE OF PRACTICE.** The 2004 Task Force on Paralegal Regulation recommended limiting the scope of practice for paralegals to low level litigation, including Small Claims Court; provincial boards, agencies and tribunals; and Provincial Offences Act cases. “The case for expanding the scope of paralegal practice to include solicitors’ work has not been made out”. Convocation must ensure that the Law Society does not sway from this proposal. In addition, it must ensure that anyone participating in the unauthorized practice of law is prosecuted.
- **SOLES AND SMALLS.** Sole practitioners and small firms are the backbone of the legal profession in Ontario, especially in rural Ontario. Convocation must ensure they are not smothered out of existence. Their demise would jeopardize access to legal services in all parts of Ontario.
- **CONSULTATION.** For decades “consult” was a four-letter word at the Law Society. A new standard was set by the CEO’s Working Group on Real Estate Issues in 2006. It traversed the province seeking member feedback and buy-in on proposed rule changes affecting the real estate bar. Convocation must build upon this overwhelming success, and expand the consultation process.
- **FEES AND LEVIES.** Pressures on the Law Society budget are enormous—from more mortgage fraud investigations to increased regulatory obligations. The Law Society has become bloated in size the last few years, while expenses have grown uncontrollably. Existing members dodged a bullet in recent years, the steady increase in new members offsetting potentially painful fee hikes. But now the regulatory cost of practicing law in Ontario has reached the red zone. Convocation must become more vigilant where and how future dollars are spent. Once the fees and levies payable to practice law become a barrier to membership, it’s too late.
- **STICK TO ITS MANDATE.** In recent years the Law Society has strayed from its mandate—governing the legal profession in the public interest. Convocation must ensure that the Law Society returns and adheres to that core function. A definitive set of long-term goals is needed. Issues must be prioritized, and strategic choices must be made. No proposed initiative should be undertaken, regardless of its socially redeeming nature, unless it fulfils our mandate. Any Law Society activity, operation and department—existing or proposed—that fails to satisfy our mandate, or which is not cost-efficient, should be discontinued.

Over the last 4 years I have tried to represent the best interests of all members of the Law Society—barrister and solicitor; big firm/small firm/sole practitioner; rural and urban practice. To continue this work, I need your valued support.



- LL.B. (University of Ottawa)
- Called to the Bar (Honours), 1967
- Practised with Binks, Chilcott and Simpson
- Currently, sole practitioner within the offices of Tierney, Stauffer (counsel), carrying on civil litigation practice (personal injury, professional negligence, and employment)
- Instructor, Bar Admission Course
- Organizer/participant in numerous CLE programs, (including founder and continuing co-chair of the CCLA Annual Civil Litigation Update at Montebello)
- President of CCLA
- Founding president, Medical-Legal Society of Ottawa-Carleton
- Director, Advocates' Society of Ontario
- President, Ontario Bar Association (1997-98)

As a Bencher since 1999, I have contributed to numerous committees and task forces – PDC&A, Government Relations, Specialist Certification Board, Governance Task Force, County Libraries, and especially as Chair of the Paralegal Task Force leading to paralegal regulation.

For the last eight years, I have been privileged to serve the profession as a Bencher. I believe 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, or now as a Bencher of the Law Society of Upper Canada.

As a Bencher, I have been on the Professional Development Competence and Admissions Committee (including being Chair and Vice-Chair), Government Relations Committee, Specialist Certification Board, Inter-jurisdictional Mobility (Chair) and Chair of the Paralegal Task Force.

My chief objective in running for Bencher in 2003 was to work towards a resolution of the lack of regulation of paralegals. As it turned out, I spent a great deal of time and energy on this with the result that the Law Society is now commencing to regulate paralegals.

### **Paralegal Regulation**

As a result of the work done previously, in January 2004, the Attorney General personally requested that the Law Society regulate paralegals. Convocation responded by setting up a Paralegal Task Force to make recommendations as to how this might be done. I was requested to chair the task force and between February and September 2004, we met with more than 60 stakeholders groups, including meeting with law associations and legal organizations across the province. We also received 68 written submissions. Throughout, legal organizations offered constructive suggestions.

At the September 2004 Convocation, Benchers overwhelmingly passed the task force report. In October 2006, legislation was finally passed, essentially adopting that report. The Law Society will now regulate paralegals. Much work needs to be done and I would like to assist.

### **Which Paralegals Qualify?**

At this time, only those non-lawyers who have a statutory right to independently represent persons before, for example, boards and tribunals, small claims court and provincial offences courts, will be regulated.

### **Unauthorized Practice**

In Bill 14, with the paralegal legislation, we were successful in getting a definition of the delivery of legal services and the right to apply at first instance for an injunction.

Paralegals who will be licensed to provide legal services must be of good character, have necessary knowledge, pass an entrance examination and have insurance.

Paralegals and lawyers alike will want to ensure that non-licensees are prosecuted and not allowed to practice without a license.

### **Self-Governance**

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

In the last few years, The Law Societies of New South Wales and England and Wales have both lost this privilege. I believe that if there is more than one body governing the delivery of legal services, as in England, sooner or later, a super governing body is set up by Government.

Another necessity to retain self-governance is for the Law Society to be cognizant of its role as a regulator that governs in the public interest, and to allow legal organizations such as the OBA and CDLPA to speak for the interests of its members. Neither England nor New South Wales had such organizations.

### **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.



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 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.

## Joanne St. Lewis

East • Est

Ottawa

The trite election question – “what have you done for me lately” – does deserve an answer. Before I go there, please consider how strategic placement of your vote can enhance Convocation’s capacity to develop policies that would best serve our increasingly diverse public. I strongly believe that the best policies are created after a full consideration of a multiplicity of views. To achieve those results lawyers with those voices must be in the Convocation room and participating in the day-to-day work of its committees.

Focus on how the candidates of your choice will strengthen our decisions. For example, Benchers who are recent calls will enhance our discussions on Bar Admissions and speak directly to the expectations of the ever-increasing diversity flowing from our law schools. I am not advocating for more people to populate the Equity and Aboriginal Issues Committee (EAIC), which I Chair. In fact, my goal is quite the opposite. More persons committed to these issues will ensure a greater consideration of how specific communities of our members and clients can be better served by our policies and avoid the reinforcement of systemic barriers. The value-added contributions of a Francophone practitioner would go well beyond deepening our discussion of language rights issues. An organization which is over two centuries old, should be concerned that we still celebrate “firsts,” such as the first Aboriginal Bencher, the first Chinese Bencher and on it goes with many “firsts” yet to come. It speaks to a woeful lack of full participation for many communities and perspectives.

I have been privileged to serve as the Chair of EAIC for the past four years. My underlying focus has been to contribute, in every way I can, to the greater integration and acknowledgement of equity in all aspects of the work of Convocation. Much of my initial efforts have been structural. The Equity Advisory Group has been welcomed more directly into our meetings and provides much needed independent advice. We have ongoing working groups specifically tasked with mandates around disability issues, Aboriginal issues, faith and religious tolerance, French Language Services and retention of women in the legal profession. We also have ongoing research looking at the impact of the articling process on equity students and the career choices of the Bar Admissions cadre including the impact of tuition fees.

If I have the opportunity to continue to serve as a Bencher, I will advocate for greater integration of Equity principles in the work of other committees and the various task forces we establish. All too often, matters bounce back to EAIC or recommendations fail to give sufficient consideration to equality principles. The other issue that I will continue to pursue vigorously is the challenge faced by law students from all communities in the articling process. I also believe the Law Society can do more to reduce the vulnerabilities of sustaining a private practice, particularly for our newest members.



## Gerald A. Swaye, Q.C.

Central South • Centre-Sud

HAMILTON

### ENDORSED BY THE HAMILTON LAW ASSOCIATION IN 1995, 1999, 2003 AND 2007

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

**ATTENDANCE:** Since 2003 I have attended almost all Convocations held, including London, Ottawa, and Toronto calls to the Bar.

**DUES:** I am committed to reducing our dues.

**INSURANCE PROGRAM – LAWPRO:** Today LawPro works with a surplus, and premiums have been reduced significantly for our members. I am committed to having further reductions in our insurance premiums.

**PROGRAMS:** Since 1995 we have seen some varied programs to help in the practice of law, such as, limited liability practice; multidisciplinary practice; mobility of lawyers across the country; creation of Library Co.; and professional corporations.

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

**CDLPA:** Closer liaison between the Benchers and County and District Law President's Association.

#### ACTIVITIES INVOLVED IN SINCE BEING A BENCHER:

1. Past Delegate – Federation of Law Societies. I have attended meetings of significance to all Law Societies across Canada;
2. Finance Committee and Audit Subcommittee;
3. Lawyers Fund for Client Compensation;
4. Discipline Panels;
5. Past Litigation Committee;
6. Chair – Specialist Certification Board;
7. Past Committee Member on Contingency Fees;
8. Feed the Hungry Program;
9. Past Director – LawPro;
10. Director – Library Co.

**MENTOR:** I believe every new lawyer should have a mentor. I believe that all sole practitioners, newly called, should have a senior mentor to assist them if they choose.

**LEGAL AID:** I am committed to The Law Society working closer with Legal Aid Ontario and The Ontario Government to enhance the rates allowed for defending legally aided clients.

#### RE-ELECT

**GERALD A. SWAYE, Q.C.**

**HAMILTON, ONTARIO**

Married with four children.

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

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

Elected Regional Benchler for Central South Region in 1999 and 2003.

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.

**PLEASE VOTE**



John has practiced pension insolvency law in the Commercial List Court for 31 years, for the last 5 years as Senior Counsel to Pallett Valo LLP.

John grew up in Barrie, Ontario and graduated in 1969 from the Wilfred Laurier University School of Business & Economics. An M.A. at York University was followed by his LL.B. at Osgoode Hall Law School.

He articulated at the Fasken firm, served as clerk to Chief Justice Willard Estey, and became a partner of Faskens in 1982. John subsequently moved to Miller Thomson, becoming partner in 1996.

John has two daughters, Margaret (26, presently at Harvard University) and Catherine (24, a graduate from Columbia University), and is adopting Nikola, 15, of Ohrid, Macedonia.

I ask for your support for the following reasons:

- (1) My practice history allows me to understand and empathize with both the large national and the smaller regional firms. I have been with the 28 lawyer firm of Pallett Valo for 5 years, after many years of practice with downtown Toronto law firms. My nominators included counsel from two leading Mississauga firms, but also from the downtown Toronto offices of Faskens, Miller Thomson, Gowlings, Torys, Aird & Berlis and Thornton, Grout. Neither practice structure should be left out of a balanced approach to the governance of the LSUC.
- (2) I also have a personal appreciation of the issues facing lawyers who are not in private practice, including those who work for the government or are in-house counsel, and of women in law, through my wife, who in the course of her career has worked for the government and for a major actuarial firm, before joining Pallett Valo two years ago. It may be of note that of the ten partners of Pallett Valo, five are women.
- (3) My history of professional involvement demonstrates a proven commitment to quality practice. I have for years served on the executive of three different OBA sections. I chaired two sets of OBA reviews of PPSA legislation. I am currently a member of the Advocates' Society and of the Osgoode Society. In insolvency matters, 17 years ago, I helped found the Insolvency Institute of Canada. In pension matters, I have been active with the Association of Canadian Pension Management and I serve on the Legal Advisory Committee to the Ontario Financial Services Tribunal. I instructed for many years in the Bar Admission course, was twice a LSUC March Special Lecturer, taught in the Osgoode Practitioner's LL.M. course and have presented and/or published approximately 90 seminars and articles.
- (4) The experience you would have to draw on includes commitment to the community. I have been awarded Community Service Medals in 1992 and for the Queen's 2002 Golden Jubilee. I have served for many years with three University alumni boards. My parish church involvement ranged from 5 years' co-ordination of our Out of the Cold homeless shelter, to double Finance Board terms and monthly chalice service. For 5 years I have chaired the Secretariat for Government Relations of the Anglican Ontario Synod. I have been President, Treasurer and/or Chief Financial Officer for several dozen political associations and/or election campaigns, including for Roy McLaren, Allan Rock, Laurel Broten and Michael Ignatieff.

My professional life has evidenced, as well as adherence to the traditions of client service, and of service to the community, the obligation to mentor the next generation of lawyers.

I would very much welcome the opportunity to apply my broad (and lengthy) professional and community experience for the benefit of the legal profession as a Benchler.



### Partner

Willoughby MacLeod Warkentin LLP (Kingston) practising family law and estate litigation

### Education

- LL.B. – Queen's University
- B.A. (Hon.) – University of Winnipeg
- Called to the Bar 1991

### Bencher Activities/ Committees (since 2003)

- Co-Chair, Emerging Issues
- Co-Chair, Retention of Women in Private Practice
- Former Vice-Chair, Access to Justice
- Paralegal Task Force/Paralegal Standing Committee
- Federal Judicial Advisory Committee
- Tribunals
- Professional Development and Competence

### Professional

- Queen's University Law School, Dean's Council
- Past President, Frontenac Law Association
- Ontario Bar Association Council, 1996-2002
- OBA Advocacy and Government Relations and Membership Enhancement Committees 2000-2002

### Community

- Chair, Board of Trustees, St. Andrew's Presbyterian Church, Kingston

**Endorsed by the  
Frontenac Law Association**

I was first elected a Bencher in 2003. This first term as a Bencher was exciting, challenging and at times taxing. I have learned much about the regulation of our profession. I now appreciate more fully how critical it is to maintain the independence of the bar and ensure that changes in regulation are carefully considered.

### Experience

I bring to my role as Bencher my experience as a partner in a small firm in Kingston, together with my service as the past president of the Frontenac Law Association and six years on Council at the Ontario Bar Association. As a Bencher I was honoured to serve on numerous committees and projects within the Law Society including co-chairing the Emerging Issues Committee and as vice-chair of the Access to Justice Committee.

### Women in the Profession

I am currently a co-chair of a working group in which we are examining the reason why so many women are leaving the profession. This project is more than another study of the issue; we are developing practical options and solutions for women and their firms.

### Paralegal Regulation

One of the major roles I played in my tenure as a Bencher was as a member of the Paralegal Task Force. Our mandate was to determine whether or not the Law Society should become the regulator of paralegals. It quickly became apparent, during province wide consultations, that unless the Law Society regulated the provision of all legal services, paralegals were unlikely to become subject to any form of regulation.

Legislation was passed in the fall of 2006. Now all paralegals will be required to be licensed and to adhere to rules of conduct and to maintain liability insurance. This is a very positive result. As the regulator of all legal services, the Law Society will be able to prevent inconsistencies in regulatory standards and enforcement as between lawyers and paralegals.

I was then appointed to the first Paralegal Standing Committee as we develop the by-laws and regulations that will govern paralegals. Part of the work of this committee will be to provide clarification of the differences in the roles of paralegals and lawyers. This clarification will be beneficial to both groups and will serve the public interest.

### Small Firms and Sole Practitioners

As a practitioner in a small firm and small community, I am aware that small firms and sole practitioners are the most visible members of our profession to the general public. One of the roles of a Bencher is to participate in disciplinary hearings of lawyers accused of professional misconduct. I was saddened to learn that a majority of the lawyers who appear before the disciplinary tribunal at the Law Society do so, not as lawyers who have been dishonest, but instead are sole and small firm lawyers who have become overwhelmed with the demands of needy clients and their obligations to successfully deal with those demands.

I am pleased with a recent initiative in which the Law Society will implement programs designed specifically to assist lawyers in smaller communities and those in small firms or sole practice to develop strategies to address the demands of practice before they become overwhelmed. This initiative will also assist with enhancing public access to legal services in those communities. I will continue to support and promote initiatives that assist small firms and sole practitioners.

### 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 working to resolve this fundamental access to justice issue so that the lawyers who accept Legal Aid Certificates are adequately compensated and those who require them receive them.

It is a privilege to practice law in Ontario. It is important to me that those Benchers you elect show leadership and dedication to governing this profession well. I believe I have demonstrated both. I look forward to the opportunity to serve a second term as a Bencher.



## Bev Wexler

Northwest • Nord-Ouest

Kenora

From big city to far north, the practice of law has taken me many places. I am looking for new challenges and that is why I am running for Benchet.

- We need a strong voice to address important concerns facing the profession:
- governance/accountability to the profession
- paralegal regulation
- fiscal responsibility
- small firm sustainability
- access to justice
- professional leadership and government relations
- properly funded legal aid with tariff review mechanism

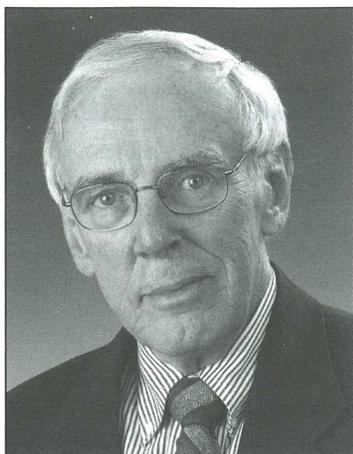
For the last seventeen years I have strived to sustain our Legal Aid system. I have participated in the clinic review process and as a service provider for LAO, I remain acutely aware of the social and economic circumstances of low-income individuals and families. I have been vociferous on issues from the North since I left Toronto in the 1980's. I travel extensively and am still committed to being a voice at the table in Toronto at every committee and Board meeting. In my initial years on the LAO Board I worked tirelessly on the process of tariff review and helped to ensure the challenge remained at the forefront. As a voice from the trenches, I have served on the criminal, prison law, government relations, French services, and quality standards advisory committees, and I chaired the Client Legal Services Committee. During the last two years, the profession has struggled with serious long-term funding issues and I was instrumental in developing a government relations focus and strategy. It was necessary to become an ambassador with members of government, the bureaucracy and the public. Such a painstakingly long process continues to be an investment for the future.

I have worked with million dollar budgets with a view to sound fiscal management. I have handled sensitive issues and developed strategic planning goals. I have focused on the needs of aboriginal and other disadvantaged communities. As Vice Chair of the Consent and Capacity Board I presided at hearings and prepared reasons for judgment, always cognizant of the duty of fairness in making administrative decisions. I continue to try to surmount the challenges of inadequate community resources.

I believe that I can contribute to the solutions needed by the profession. As a member of the "greying bar", I have extensive experience as a barrister before all levels of Courts. In Practice Review, I have assisted many lawyers to improve their management skills. From my point of view as defence practitioner and Crown counsel, I have developed a unique perspective on the delivery of legal services in both remote and metropolitan areas. I believe I have the stamina and interest to pursue the challenges that we face with patience and consideration. I will do my best to exercise good judgment.

Please exercise your right to vote.

- B.C.L. 1976, LL.B. 1977 Honours – McGill University
- Called to the Bar - 1979
- Assistant Crown Attorney North York with Stephen Leggett, 1980–1984
- Managing Partner Gibson & Wexler Kenora since 1984
- Consent & Capacity Board 1988-2000
- LSUC Panel – Professional Reviewers 1993–present
- Legal Aid Ontario Board of Directors 2000–2006
- LOW Business Incentive Corporation Board of Directors 1994-1996
- School Board Parent Advisory Council 1996-1998
- Mt. Evergreen Board of Directors 1997-2002
- Member from N.W. Ontario for LSUC, CBA, LAO Committees on Professional Standards, Tariff Reviews, Criminal Consultation Groups 1989-2006
- Vice-President and President Kenora Law Association 2005-2007
- Criminal Lawyers Association
- CDLPA
- Bilingual



- Graduate, Victoria College (University of Toronto) and Osgoode Hall Law School
- Called to the Bar in 1970
- Elected Bencher 1999 to 2003
- Partner of Howell, Fleming Law Firm in Peterborough, Ontario since 1972
- Past President of the Peterborough Law Association
- Practice areas include civil liability claims, labour and employment law
- Member of the Canadian Bar Association and the Advocates' Society
- Director of Camp Kawartha, a Not-For-Profit Camp for Children
- Member and Past President of the Rotary Club of Peterborough
- Deputy Judge, Small Claims Court

### *Experience and Qualifications*

- Served as Bencher from 1999 to 2003 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
- Endorsed as candidate for Bencher by members of the Peterborough Law Association
- Thirty-seven years in practice
- Past President of the Peterborough Law Association

### *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 demonstrated that level of commitment during my first term as a Bencher.

### *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*

- *Independence of the Bar:* Benchers must remain vigilant to ensure that the independence of the Bar is maintained as it is fundamental to our democracy and the rule of law.
- *Equity and Diversity:* We must continue to ensure that everyone has an equal opportunity to enter the profession and to rise to its top echelons.
- *Survival of Sole Practitioners and Small Law Firms:* This subject has been studied by the Law Society for the last four years and it is time that initiatives are taken such as promoting the value added to their communities by lawyers in small firms.
- *County and District Libraries:* It is essential that adequate funding be maintained for our libraries while at the same time providing desk top delivery of legal resources.
- *Fees and Finances:* Benchers must be diligent in keeping costs under control and ensuring that members' fees are spent wisely.
- *Insurance:* There is room for improvement in our insurance coverages, for example the run off coverages for retired members.

# Bradley H. Wright

East • Est

Ottawa



Elected 1995

Re-elected 1999

Re-elected 2003

Vice-Chair of Finance & Audit

Chair of the Compensation Fund

Two-term Member of the Appeal Panel

Tribunals Composition Task Force

Real Estate Working Group

Trustee of the Law Society Foundation

Ontario Lawyers Gazette Advisory Board

Member of OBA Council

Former Chair of Audit  
Former Member of Equity & Aboriginal Affairs

Former Trustee of the Law Foundation of Ontario

LL.B. University of Ottawa  
Called in 1983

Small firm solicitor

Membre de l'AJEFO

Member of the OBA, ORELA, County of Carleton Law Association, and CCLA Real Estate Committee. Helped draft the E-Reg and Title Search Practice Tips, and standard closing forms.

Panelist at several legal education seminars

Co-author *Canadian Hospitality Law*, 1998, 2002, 2006

bradley@wrightlawfirm.ca

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

## PARALEGALS

I played an active role in the work of the Paralegal and Small Firm Task Forces. It is essential that all stakeholders understand the critical importance of lawyers in so many areas of the law. It is not intended or desirable that the scope of paralegal work be widened beyond the limits of the current law.

## REAL ESTATE

The real estate environment must be shaped by lawyers who practice real estate law. Lawyers act in the public interest; insurers and banks act for their shareholders. As a member of the Real Estate Working Group, I am working to cut fraud and ensure that all stakeholders improve standards where appropriate. For example, if lawyers are to be required to submit final mortgage reports within 60 days, then lenders should be required, as they are in BC, to provide discharges within 30 days. It was a pleasure meeting so many excellent practitioners during the Consultations last Spring.

## TITLE INSURANCE

It is wrong for title insurers to practice mortgage law aided by subsidies from banks. Those subsidies give them an unfair advantage over lawyers to the detriment of the public. The title insurers cannot match lawyers in price or service if the playing field is level. We are making headway in this area.

## LEGAL AID

Legal aid lawyers should be paid at a rate that, pro rated over the files, would provide them the same remuneration, over and above overhead, as prosecutors. Anything less is unfair.

## FINANCES

As Vice-Chair of Finance and Chair of the Compensation Fund, I can advise you that the finances of the Society are in excellent shape. I also served the maximum term as Chair of Audit from 2001 to 2004. We significantly streamlined the financial processes and statements. Where finances are concerned, the simpler the process, the better.

## EQUITY

It is wonderful to attend the calls to the bar and see how well we are reflecting Ontario's demographics. Bravo to all. Je vais continuer à collaborer aux dossiers qui intéressent les avocats et avocates francophones. Je soutiens l'engagement du Barreau à faire avancer l'usage du français.

## EDUCATION

I support collaboration among all respected CLE providers. The Law Society need not be the elephant in the room. I oppose mandatory CLE because there is no correlation between the mandatory element and lower negligence rates.

## THE STATE OF THE LAW SOCIETY

Please be proud of your Law Society. It is very well run. I wish space permitted me to tell you about all the things Convocation, Malcolm Heins and his staff have done for your benefit. That said, we will remain vigilant, continually look for improvements, and will continue to deal appropriately with any problems that may arise. Contrary to some lonely claims:

All benchers care very deeply about small firm issues. We spend far more time on those issues than on any others, and the big firm benchers make excellent, sincere contributions. And small firm benchers like me outnumber big firm benchers 2 to 1.

Although not every expenditure receives unanimous approval, especially from fiscal conservatives like me, we are careful with your money. The fees and levies are about half what they were in 1995. They would be even lower but for mortgage fraud, and they will be lower next year. Bencher remuneration helps lawyers from all backgrounds serve as benchers, but a huge honorarium is clearly not needed.

Our spot audit program has been exceptionally well-received by the membership. 965 out of 966 respondents (99.89%) termed the audit a positive experience.

Our practice review program will benefit every young lawyer lucky enough to be visited by a top-notch lawyer dispensing free and useful advice. Every other profession and law society has such programs, and they are very well received and beneficial to all.

That is just a sample. Rest assured that Convocation is extremely well-motivated to deal with all relevant issues and to govern the profession properly and cost-effectively.

PLEASE BE PROUD OF YOUR LAW SOCIETY. WE ARE PROUD OF YOU.

A HEALTHY LEGAL PROFESSION IS IN THE PUBLIC INTEREST.

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

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THE LAW SOCIETY OF UPPER CANADA

**Bencher Election**

Élection des  
membres du Conseil

**Candidates from  
Inside Toronto**

**Candidat(e)s de Toronto**



## Bob Aaron

This is my fourth campaign for election as a Bencher. As I have for the past 12 years, I will continue to be your eyes and ears at Osgoode Hall, urging the Law Society simultaneously to govern the profession in the public interest, and at the same time to ensure the survival of a healthy, vibrant bar. In the last four years, we have made some significant progress in governing the Law Society, but at the same time have had some miserable failures.

### On the positive side:

- Convocation finally realized that the **survival of sole practitioners and small firms** is of vital importance to the legal profession in Ontario. The 2005 Task Force report was a first step in considering the challenges faced by 94% of Ontario law firms and 52% of lawyers in private practice.
- In the same vein, the Governance Task Force finally began to implement a strategy for the Society's **planning and priorities**.
- Implementation of **paralegal regulation** will hopefully raise the standards of practice by independent paralegals in limited areas, and reduce the instances of the unauthorized practice of law.
- LSUC won a major court case allowing it to continue to maintain public access to photocopiers in the Great Library.

### On the negative side:

- Convocation needlessly committed **\$500,000** of our money to buy a seat at the government's new Law Commission of Ontario. This commission has nothing to do with our core responsibilities and it should be entirely funded by the public without this huge amount of lawyers' money.
- The full extent of the **cost of paralegal regulation** was never disclosed at the time the Society agreed to accept the responsibility. The government has saddled the Law Society with the entire cost of paralegal regulation, which could easily run into **millions of dollars** of lawyers' money annually. The profession was never adequately consulted on the financial implications of regulating paralegals.
- The quiet termination of the teaching portion of the **Bar Admission Course**, without properly consulting the profession, was a horrendous mistake which will have a permanent, negative impact on the profession and the public. Watch for the development of U.S.-style cram schools.
- As the number of calls to the bar approaches 2,000 new lawyers a year, more and more students will fail to obtain **articling positions**. The Society's only response to this crisis was a report which asked for funding from the Law Foundation and recommended further study.
- For years I have objected to the introduction of what I call the "**competence police**." Now, in addition to the regular financial spot audits which we know and love, the Society has introduced practice audits. This year, 250 firms will be visited by the competence police, with the number increasing to 500 by 2009.
- Two past treasurers tinkered with **Convocation's agenda**, causing properly brought motions to disappear permanently.
- For a period of six weeks, Convocation refused to accept the tendered **resignation of a Treasurer**.
- One highly respected litigator has accused the Law Society of using a "**sledgehammer approach**" in prosecution of **mortgage fraud discipline cases**, treating every case as if the lawyers involved were the "kings and queens of crime." More balance may be required in this area.

### Looking forward

- Convocation badly needs a **conflict of interest policy** to prevent benchers from accepting retainers which are in direct opposition to the interests, policies or programs of the Law Society. Several examples of this have occurred this past term, and Convocation simply turned a blind eye to the conflict.
- The push for **mandatory continuing legal education** is on life support, but will again rear its ugly head in the coming term.
- LSUC also needs a "**freedom of information**" process, and an **ombudsman for the profession**.
- It's no secret that the **specialist certification program** has not experienced resounding success. Eventually, the Society will have to consider the future of the program.

I ask for your support in re-electing me to a fourth term as Bencher and in return, I pledge to devote my efforts to representing the interests of the public and the profession at Osgoode Hall.

Called 1972. Elected Bencher, 1995, 1999, 2003

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

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

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, Real Estate Institute of Canada, TitlePLUS, Association of Certified Fraud Examiners, Association of Certified Forensic Investigators, numerous county law associations.

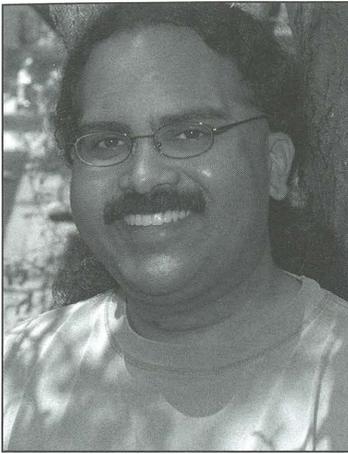
Past chair, Real Estate Issues Committee. Vice-chair, Law Society Foundation.

Committees: Lawyers Fund for Client Compensation, Professional Development Competence and Admissions, Government Relations, Emerging Issues, Heritage. LSUC representative to CNE Association.

President: Multiple Dwelling Standards Association.

Chair, Non-Smokers' Rights Association, Smoking and Health Action Foundation.

# Basil Alexander



## Perspectives I Can Bring

- Competent Organizational Experience
- Small Firm
- Young Lawyer
- Results Oriented
- Principled yet Pragmatic

## Key Legal Experience

- Klippensteins (04-) (incl. Ipperwash Inquiry)
- Woodward & Co. (Victoria) (02-04)
- Nunavut Court of Justice (01)

## Selected Organizational Experience

- University of Victoria
  - Board of Governors (02-04)
  - President and other, Graduate Students' Society (01-04)
- McMaster University
  - University Planning and Budget Committees (97-00)
  - Vice-President and other, Students' Union (97-00)
- Numerous committees

## Awards Recognizing the Highest Levels of Community Service

- UVic Blue and Gold
- McMaster Honour M

## 2005 Call to the Bar

- Top 2.5%

## University Degrees

- Master's of Public Administration (UVic)
- LL.B. (UVic)
- B. Arts Sc. (Hon.) (McMaster)

## OBA Briefly Speaking Magazine, August 2006 Cover Article

## What Others Say About Basil

### **Trudi Brown, Q.C., Past Treasurer, Law Society of British Columbia**

*Basil has all of the key qualities to serve the profession in an outstanding manner as a Bencher. He works effectively to get things done in principled yet pragmatic ways, and he has the highest ethical standards and moral character.*

### **Jamie Cassels, Q.C., Former Dean of Law and Current Vice-President, University of Victoria**

*Admired by his peers and by all levels of university administration, Basil is an exceptional person who has made a substantial and practical difference in the lives of his colleagues by understanding how to make the system work better.*

### **John Kilcoyne, Professor, Faculty of Law, University of Victoria**

*Basil exemplifies the highest ideals of "public service" and "citizenship."*

## Reasons to Elect Basil For Bencher

**Elect Competent Organizational Experience** – I have spent about a decade being elected and re-elected as part of various structures analogous to the Law Society. I understand the serious responsibilities involved as an elected official because I worked and advocated on many issues for years while remaining accountable to and in touch with my electorate. As a result, I know how such organizations and their many committees work, and I believe that my portable expertise, knowledge, and skills will also help me to get things done effectively.

**Elect a Fresh Perspective** – The fact that I am an associate and young lawyer at a small Toronto firm is of considerable usefulness, particularly given the prevalence of small firms and since there are now over 1000 new lawyers called *every year*. The profession's demographics are currently undergoing a huge change, and I believe I can contribute to achieving the goal of having perspectives present at Convocation that reflect the profession as a whole.

**Elect a Pragmatic Approach for Tangible Results** – I understand from experience how to consider, analyze, and influence policy discussions and decisions at various levels. I also understand how to balance different policy perspectives and factors in order to come up with pragmatic solutions. Whether considering the impacts of university policy changes or finding substantial additional bursary funding for those who need it most, I have a history of coming up with constructive criticism and pragmatic solutions. If elected, I am again prepared to dedicate the substantial time and effort to realize tangible results over time.

**Elect Caring Leadership** – I have an ongoing passion to give back to the community and to try to make things better, so I have a history of becoming thoroughly immersed in issues and organizations for substantial periods of time. Whether it be my previous years of advocacy on educational issues and the impact of potential government decisions or my current job where I was able to be substantively involved in advocacy for the Estate of Dudley George at the Ipperwash Inquiry for over 2 years, I have always tried to work for the greater good and bigger picture.

## Basil's Intended Focuses

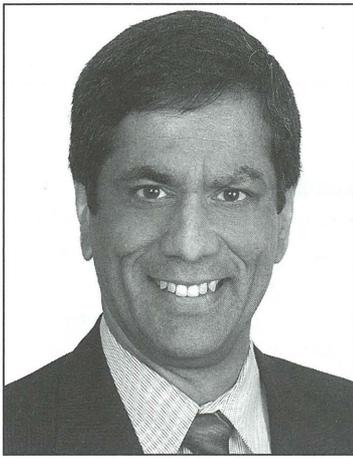
**The New Licensing Process** – It is important to help the system work better on an ongoing basis, especially since some "growing pains" occurred. I believe that my extensive experience as part of the education system can help on an ongoing basis with the Licensing Process as well as Professional Development.

**Impact of Changes in Society and the Profession** – With the double-cohort and echo-boom moving through the university system, both will be shortly at the profession's door, and we need to be prepared. We also need to be ready for the implications of the aging baby-boom.

**Young Lawyer Issues** – I am worried about the long-term concerns I regularly hear from young lawyers, including career satisfaction, work expectations and balance, retention, effects of high levels of law school debt, and questions about how reflective the profession is of society as a whole. There are no simple answers, but we have to at least try to analyze and address some of these issues.

**Willing to Work on Issues as Needed** – Unexpected issues always arise, and some issues will be ongoing (e.g. Legal Aid, paralegals). Either way, I promise to be flexible, work where needed, and always do my best.

Please feel free to visit me online via [www.BasilForBencher.ca](http://www.BasilForBencher.ca), Facebook, or email at [elect@BasilForBencher.ca](mailto:elect@BasilForBencher.ca).



## Raj Anand, LSM

I would be honoured to serve the legal profession and the public as a bencher of the Law Society. I seek election because I believe I can make a significant contribution by applying the experience and insight I have gained over my 27 years of practice.

### Small and large firms

I have practised as a partner in firms ranging from five to 80 lawyers, and have participated in the hiring, supervision and mentorship of a generation of articling students and associates. Issues of professional development, advancement, and firm economics cut unevenly across different sizes of law firms, other legal organizations and indeed practice areas. As a bencher I would promote the balancing of interests rather than providing or even imposing uniform prescriptions.

### Professional development and competence

This year, the Law Society is beginning its first practice management reviews, designed to help new lawyers, and venturing beyond the spot audit program of books and records that began in 1999. For many years I was responsible for student and associate issues in my firm, and I have acted as a mentor to associates and other lawyers, on career choices and standards issues. As a bencher I would apply my practice experience, almost half of which involves representation of LawPRO and other professional services insurers. I contribute the chapter called Professional Liability to *Barristers and Solicitors in Practice*, and I have co-chaired *The New Lawyer Experience* for the Law Society.

### Professional regulation, including paralegals

In its investigations and hearings, the Law Society needs to balance fairness to its members with protection of the public interest. I have worked with these administrative law issues in practice, in my teaching at the masters level, and as a statutory and university adjudicator. As a bencher I would be eager to apply this work to the disciplinary function of the Law Society, and to the urgent task of implementing a regulatory framework to govern the paralegal profession. More generally, I would apply my experience in working with government, most recently on human rights reform in Ontario, to assist in the Law Society's vital government relations role.

### Access to justice

Much of my practice and my community work has been in this area: as member of the board of two legal clinics and the Equality Rights Panel of the federal Court Challenges Program; as Chair of Pro Bono Law Ontario and the Minority Advocacy and Rights Council; and now as board member of Legal Aid Ontario. I have provided pro bono services to many legal clinics, the Advocates' Society and organizations representing low income people and many other disadvantaged groups in constitutional litigation. I would propose as a bencher to enhance access to justice through a multi-faceted campaign, including civil justice review, costs reforms, increased funding for our legal aid program on both the certificate and clinic sides, and support and encouragement of the pro bono culture which underlies much of what we do as lawyers in the community.

### Droits linguistiques

Je m'engagerai aux juristes d'expression française à encourager le bilinguisme et l'épanouissement des services juridiques de langue française en Ontario.

### Equity in the legal profession

My view is that the Law Society must play a major role in assisting the profession and its members to cope with and benefit from the changing demographics of our society. For seven years I have served as the Advocates' Society's representative on the Law Society's Equity Advisory Group, and I am currently co-teaching "Diversity and the Law" at the University of Toronto. I am very familiar with the current challenges of tuition fees, and the hiring, advancement and retention of women, racialized communities and other equity-seeking groups, as well as foreign-trained lawyers, in all walks of our profession. The Equity Initiatives Department of the Law Society has provided valuable model policies and training to the profession. A major question to be debated and resolved by Convocation is the appropriate mix of incentives, precedents and obligations to be applied by the Law Society, which will have huge ramifications for members of our profession and under-served communities.

I would welcome any inquiries about these issues. I can be reached at WeirFoulds LLP at 416-947-5091 or [ranand@weirfoulds.com](mailto:ranand@weirfoulds.com).

LL.B. (1978; Dean's Key, University of Toronto)

### Practice areas:

civil litigation, professional negligence, employment, human rights, public law

### Member, Boards of Directors

Court Challenges Program (1996-98; Equality Rights Panel, 2004-present), Income Security Advocacy Centre (2000-06), Pro Bono Law Ontario (2002-06; Chair, 2003-05), Law Alumni Council, University of Toronto (1994-present; President, 2006-present), Centre for Addiction and Mental Health (2005-present), Advocates' Society (2004-present), LAO (2006-present), Equity Advisory Group, LSUC (2000-present)

- Chief Commissioner, Ontario Human Rights Commission (1988-89)
- Board of Inquiry, *Human Rights Code* (1989-94) and *Police Services Act* (1991-93)
- University of Toronto Tribunal (1995-present)
- Award of Justice, Advocates' Society (1997)
- CBA representative, Civil Society Mission to Zimbabwe (2004)
- Law Society Medal (2003)

# Larry Banack



- Married with 3 children
- B.Comm., McGill University
- LL.B., University of Toronto
- Mediation Dispute Resolution Instructor, Glencree Dublin
- Past Chair, OBA Civil Litigation Section and Annual Institute
- University of Toronto Award of Merit
- OBA Award for Distinguished Service
- Certified Civil Litigation Specialist
- Mediator/Arbitrator
- Elected Bencher,
  - Chair** Hearing Panel
  - Chair** Tribunals Committee
  - Member** Specialist Certification Board
  - Chair** Law Foundation of Ontario
  - Author** of Banack's Bencher News
- **Member:** OBA Council; Ontario Trial Lawyers Association; TLA; Advocates' Society; ADR Institute of Ontario; The Sport Dispute Resolution Centre of Canada

## Make the Law Society work for you Not you for the Law Society

**URGENCY:** I am seeking re-election as a Bencher to assist in achieving cost-effective and timely resolutions to the following critical problems which will be faced by Convocation in the next four years:

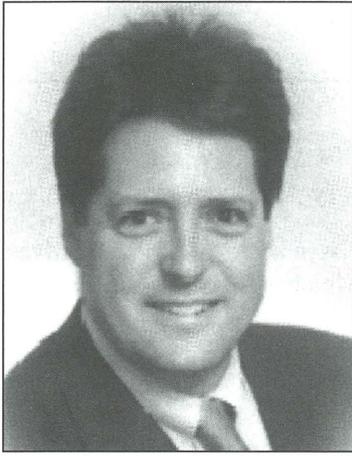
- 1) effective regulation of independent paralegals involving issues including education, insurance, licensing and discipline;
- 2) maintaining a vigilant prosecution of individuals carrying on the unauthorized practice of law;
- 3) ensuring that the new licensing process achieves its established goals and results in licensing only those students able to demonstrate the requisite knowledge and good character to become a lawyer;
- 4) ending all non-core Law Society functions such as unnecessary Task Forces and the Society's Continuing Legal Education program if certified, cost-effective providers can be identified;
- 5) maintenance of a professional discipline hearing process that ensures lawyers, paralegals and the public of fair and timely case resolutions;
- 6) financial accountability for all money spent by the Law Society including disclosure of the cost of the Bencher remuneration program approved by the profession in 2005;
- 7) reduction in fees by restricting Law Society functions to its core, legislated responsibilities.

**COMMUNICATIONS:** Benchers must be available to hear the profession's concerns and be accountable for actions of Convocation more regularly than at election time. On a personal note, if re-elected, I propose to continue my Bencher Newsletter (which has been published on 68 occasions), in order to keep the profession informed of current events as quickly as they unfold at Convocation.

**GROWTH IN THE PROFESSION:** Uncontrolled growth of the profession is arising because there is no limit on law school class sizes, the large number of applicants from other jurisdictions and universities seeking to open new law schools. Our licensing examination process is not a predictor of a lawyer's practice ability or honesty level. At the present time there is, in fact, no gate keeper regulating the number of lawyers in the profession. There is no mechanism to assist lawyers to take up practice outside of the major urban centres in Ontario. These issues must be addressed.

**SOLE PRACTITIONERS AND SMALL FIRM LAWYERS:** The average age of lawyers in many smaller towns across Ontario is 55. Many will retire in the next 10 years. Those senior lawyers are not being replaced. The Law Society must develop a strategy to induce lawyers in small centres to accept articling students or new lawyers entering their communities, otherwise the public will find that within the next 10 to 15 years there will be no lawyers practising within their locale. What will be left may be independent licensed paralegals without the education or ability to advise clients in respect of important personal and commercial interests.

**WOMEN IN THE PROFESSION:** Many law school graduating classes are 60% women. But they are more likely than men to leave private practice and women encounter significant challenges when trying to return to the profession. The Law Society's working group must promptly complete its important report to identify the problems, suggest practical solutions to effect change and increase the number of women remaining in the profession.



## Paul Bates

As I begin my 25th year of practice, I stand willing to share our responsibility for self-regulation in the public interest by serving as a Bencher.

While I understand from experience the demands encountered in the practice of commercial litigation in downtown Toronto, my professional insights and sensitivities extend well beyond my role in complex business disputes on instructions from law firms, corporate counsel, and business executives.

My experience in the practice of law throughout Ontario ensures that I remain sensitive to the needs and concerns of all members.

For many years I have traveled Ontario and beyond on instructions from Ontario lawyers whose clients have become involved in litigation. I am delighted to serve as counsel to Harrison Pensa LLP in London.

I appreciate how important it is for our members, and the public, that contingency fees are permitted under appropriate regulations; that paralegals be effectively regulated in their independent practice, or supervised by an accountable lawyer; that members' mobility rights be enhanced; and that members be permitted to practice in multi-disciplinary firms that are appropriately governed.

I am particularly concerned about the well-being of sole practitioners and small firms. This important segment of the Ontario Bar comprises many of my friends and clients. I have a keen appreciation of the opportunities and challenges for such firms, having recently established a litigation boutique of barristers who share a commitment to excellence in advocacy.

My core concern relates to the public's need for improved access to justice. Those of us who regularly handle complex commercial litigation must not overlook what the majority of our profession is doing most of the time, and for whom. The services provided by sole practitioners and small firms are critical to meet the needs of most clients in this province for affordable justice and effective solutions to legal problems.

The LSUC should be commended for establishing a task force dedicated to sole practitioners and small firms. I want to make sure that its activities are useful to our members.

My professional and personal values will continue to guide my way if I am elected to serve as a Bencher.

I believe in (i) our duty to improve access to justice; (ii) our duty to govern ourselves in the public interest in order to maintain the independence of our profession, including maintaining proper standards of continuing education, training and development for our members; and (iii) our duty to respect and improve the administration of justice through law reforms and other activities.

My career has been guided by a commitment to volunteer services in the profession, most commonly as a frequent presenter at continuing education programs, instructor at advocacy workshops, as a past participant in the governance of the C.B.A. and O. B. A., and *pro bono* services to organizations and individuals.

If elected Bencher, I will act on these beliefs while maintaining myself available to members of the profession who are interested in discussing the governance of the Law Society of Upper Canada.

Paul Bates Nominators:

**Diana Dimmer**, City of Toronto

**Jennifer Dolman**, Osler, Hoskin & Harcourt LLP

**Burke Doran**, Barrister & Solicitor

**Jonathan Foreman**, Harrison Pensa LLP

**Charles Gluckstein**, Gluckstein & Associates

**Ben Hanuka**, Goldman, Sloan, Nash & Haber LLP

**Won Kim**, Roy Elliott Kim O'Connor LLP

**Philippa Lawson**, Canadian Internet Policy and Public Interest Clinic

**Graeme Mew**, Nicholl Paskell-Mede

**Xavier Navarrete**, Heydary Hamilton LLP

**Tim Pinos**, Cassels Brock & Blackwell LLP

**Stephen Traviss**, Barrister & Solicitor

**Larry Weinberg**, Cassels Brock & Blackwell LLP

**David Williams**, Harrison Pensa LLP

- LLB – University of Toronto, 1981

- LLM – Osgoode Hall Law School, 2003

- Certified as a Specialist in Civil Litigation

- Extensive advocacy experience in complex commercial litigation, public law, class actions, and appeals.

- Numerous papers and continuing legal education presentations for LSUC, OBA, Osgoode Hall Law School, *Advocates Quarterly* and others

- Past member, OBA and CBA executive

- Daughters Sarah (22) and Elizabeth (18)

See [www.batesbarristers.com](http://www.batesbarristers.com)  
[pbates@batesbarristers.com](mailto:pbates@batesbarristers.com)

416 869 9898 x 21



## Karen Bell

### A practice dedicated to supporting lawyers

My practice is devoted to helping lawyers manage their practices, whether they are sole practitioners, or are in large or small law firms, in government offices or in corporate law departments. In essence, my job is to identify and understand the challenges and opportunities that these different legal environments present, and to enhance the abilities of lawyers to deliver legal services to clients. Details of what I do are provided on my web site at [www.karenbell.ca](http://www.karenbell.ca).

### A track record of commitment to our profession

I have worked with and supported lawyers across Ontario throughout my legal career. I practiced law as a partner in a large law firm and as a sole practitioner. I defended lawyers in professional malpractice and director's & officer's liability claims. I worked with corporate counsel and government lawyers in commercial litigation. I instructed student lawyers at the LSUC Bar Admission course on professional responsibility, practice management and risk management. I served on the Long Range Planning Committee of the Advocates' Society. I was Chair of the Law Practice Management section of the Ontario Bar Association. Like many of my fellow candidates, I was involved in a number of professional activities.

But then I was called upon to contribute to the profession in a very different way. Retained by LAWPRO in 1997 and starting from a blank page, I created **practicePRO** which is recognized as a leading source of risk management guidance in legal and technology circles across North America. The program has many components (practice aids, education, soft skills coaching, technology guidance and wellness) so as to be responsive to the needs of lawyers across Ontario. During the launch of **practicePRO**, I met hundreds of practitioners at their firms and visited many county and district law associations. I also made presentations about **practicePRO** at meetings of the American and the International Bar Associations. I heard first-hand how the changing practice environment was presenting new, and for some, overwhelming challenges – increased client demands, new types of competition, trials and tribulations of technology, and a more stressful pace of practice.

Following my retainer with LAWPRO, I spent a number of years at Gowlings, one of the country's largest national law firms, developing and implementing a knowledge management system for lawyers across multiple jurisdictions. The benefits of knowledge-sharing became evident – it furthered practice efficiency, it supported collaboration and it promoted business development.

### A progressive voice to represent your interests

Self-regulation imposes a number of responsibilities on us. That the public interest must be advanced is paramount. I believe that the public interest is best served through a governance model that makes a priority of ensuring that lawyers in all of our communities are the best they can be – competent, responsive to clients' needs, economically viable, and healthy.

Our Law Society has made strides on this front, but there is more to be done. We must consider carefully our priorities for today and tomorrow. What are they? What needs to be done? Who is best positioned to take action? We need to embrace new thinking and different approaches. We have a number of options and opportunities to explore – partnering with other players in our profession so that efficiencies are maximized and costs related to duplication are minimized is just one example.

I am seeking election as a Bencher because I want to take up this challenge and bring my unique perspective, skill set and progressive voice to our regulatory table. I am dedicated to our core values of integrity, honesty, civility and fairness, both within and outside of our profession. I am forward-thinking, collaborative and results-oriented. I have demonstrated in the past an ability to create and implement practical solutions. Elect me so that I, as a Bencher, can promote action that will enable Ontario lawyers to thrive and our profession to serve the public interest.

#### Practice: since 2005

- Counsel advising law firms and law departments on risk management, practice efficiency and business development

#### Practice: 1980 - 2005

- Knowledge Management Counsel/Gowling Lafleur Henderson LLP
- Sole practitioner/Risk Management Counsel to LAWPRO
- Partner/Commercial Litigation & Professional Liability, Cassels Brock & Blackwell, LLP

#### Education

- Called in 1982
- LLB *cum laude*, University of Ottawa, 1980
- BA, University of Toronto, 1977
- Mediation, CDR Institute, Colorado, 1996

#### Memberships

- Canadian, American and International Bar Associations
- Canadian Corporate Counsel Association
- The Advocates' Society

#### Corporate & Community Activities

- Canadian Association of Women Executives & Entrepreneurs –VP
- Heritage General Insurance Company - Director
- Ross Tilley Burn Centre
- Canadian Hearing Society



# Lynn Bevan

## Professional Background, Associations and Service

Call: Ontario, 1977  
Alberta, 1999

Alternate Discrimination and Harassment Counsel, LSUC

Instructor, Skills and Professional Responsibility, LSUC

Faculty, National Judicial Institute

Volunteer, Volunteer Lawyers Service, Pro Bono Ontario

Chartered Mediator

Director, Learnx Foundation

Founder and first President, [www.adrweb.ca](http://www.adrweb.ca)

Member, Advocates' Society

Member and past Director, ADR Institute of Ontario

Author, *The Employment Equity Manual*

Past Editor, *The Philanthropist*

Public Radio Host, CJRT

Founding trustee, Laskin Moot

Ontario Bar Association – former Council member, Chair of the Advancement of Legal Education and Research Trust, Constitutional and Civil Liberties Section and executive member of various Sections

Policy Researcher and author, Royal Commission on Equality in Employment (Abella Commission)

Past Chair, Camphill Canada, part of a worldwide organization for disabled persons

## What I have done and what I will bring to the job

- a perspective that is based on 30 years of practice in large and small firms
- a career-long commitment to professional activities
- a lifelong commitment to charitable and community service
- a commitment to using technology to promote work-life balance

## My Practice and Professional History

As a sole practitioner for the past 11 years, I am part of the 33% of the profession who are in firms of 10 or fewer lawyers. I have also worked in the 11% that practises in firms of 50 or more.

My practice focuses on complex dispute resolution. As part of that, I am called on by major corporations and public sector organizations to investigate harassment claims and help them to develop governance and training programs, both here and abroad.

In 2003, I created a web-based company that offers searchable directories of arbitrators and mediators across North America.

My first seven years were at Blakes, in business law and litigation. I then joined the Abella Royal Commission on Equality in Employment and from there went to Heenan Blaikie in Montreal. On my return to Toronto, I became counsel to a labour and employment law firm for a number of years before going out on my own. These experiences gave me practice management skills and knowledge of the issues facing different-sized firms.

## My Current Professional and Charitable Activities

- Alternate Discrimination and Harassment Counsel and Instructor in the Licensing Program for the Law Society
- Faculty member with the National Judicial Institute
- Volunteer for Pro Bono Ontario's VLS
- Director of Learnx Foundation and member of its Investment Committee

## Independence, Self-Regulation and Public Perception

The privilege to self-regulate, the basis for an independent legal profession, has to be constantly earned. This requires a balance between fair regulation of lawyers while demonstrating to the public that all lawyers are required to meet and maintain the same standards.

## Competency and Professional Development

The Law Society needs to link competency requirements to cost-effective delivery of substantive and practice management skills training throughout the province, whether or not this training is provided by the Law Society.

For more information or to contact me, please visit: [www.lynnbevan.com](http://www.lynnbevan.com)

## Some of those who support my candidacy:

Raj Anand, Weir Foulds LLP

Constance Backhouse  
University of Ottawa

Larry Banack, Koskie Minsky LLP

David Bennett, Ottawa

Robyn M. Ryan Bell  
Bennett Jones LLP

Murray E. Blankstein, Toronto

Catherine Dennis  
Cassels Brock & Blackwell LLP

Mary Louise Dickson  
Dickson, MacGregor, Appell, LLP

Val Edwards

Torkin Manes Cohen Arbus LLP

Barry L. Evans, Oshawa Director,  
Ontario Trial Lawyers Association

Elizabeth Forster  
Blaney McMurtry LLP

Melany Franklin  
Borden Ladner Gervais LLP

Phyllis Gordon, ARCH

Norman Grosman  
Grosman, Grosman & Gale LLP

Jeff Halman  
Brans Lehun Baldwin, LLP

Christine Hart  
Accord/hart & associates inc.

George Hatley  
Blakes Cassels & Graydon LLP

Tom Heintzman  
McCarthy Tétrault LLP

Barbara G. Humphrey  
Stringer Brisbin Humphrey LLP

James D. L. Kerr, Toronto

Maxine M. Kerr, Newmarket

Don Kidd  
SmithValeriotte LLP Guelph

Barbara Landau, Toronto

John B. Laskin, Torys LLP

Richard Lewin, Heenan Blaikie LLP

Janet Minor

Constitutional Law Branch,  
Ministry of the Attorney General

Brian D. Mulroney  
Borden Ladner Gervais LLP

Bill McMurtry  
Blaney McMurtry LLP

Les O'Connor  
Weir Foulds LLP

Cynthia Petersen  
Sack Goldblatt Mitchell LLP

Dianne Saxe, Saxe Law Office

Ian D. Scott  
Crown Law Office- Criminal,  
Ministry of the Attorney General

Victoria L. Smith, Toronto  
Deborah Wall-Armstrong, Barrie  
Rick Weiler, Ottawa

Michael Zacks, Ministry of Labour



# Louise Botham

I have spent the last 20 years as a criminal defence counsel, practicing first in a small firm and then as a sole practitioner. For the past two years I have been President of the Ontario Criminal Lawyers' Association. I understand the challenges that lawyers face practicing without the safety net of a large firm.

As a bencher, I would bring the belief that the Law Society can and should play an important role in:

- Addressing the challenges faced by sole practitioners
- Targeting those issues which cause women to leave private practice
- Getting paralegal regulation right
- Supporting a strong and sustainable Legal Aid Plan

Called to the Bar in 1987

B.A. (Hon.)  
Queen's University (1982)  
LL.B. Osgoode Hall  
Law School (1985)

1995 to present,  
Sole Practitioner  
Practice restricted to criminal  
litigation

1987 to 1995,  
Associate, Rosen, Fleming

## Professional Organizations

- Criminal Lawyers' Association  
Director, 1995 to 2001  
Vice-President, 2001 to 2005  
President, 2005 to 2007
- Red Door Shelter, Board  
Member, 2004 to 2006
- Member of the Advocates'  
Society, Canadian Bar  
Association and Toronto  
Lawyers Association

## Committee Work

- Legal Aid Area Committee  
and Exceptions Committee
- Coalition for Legal Aid Tariff  
Reform
- Alliance for Sustainable  
Legal Aid
- Regional Courts Management  
Advisory Committee
- Chief Justice's  
Advisory Committee  
on Professionalism  
(Colloquium Task Force)
- Justice Delay Reduction  
Initiative (Case Management  
Working Group)

## Sustainable Legal Aid

Many of my clients would have been unable to retain a lawyer without the assistance of the Ontario Legal Aid Plan. During my time with the Criminal Lawyers' Association (CLA), I have worked to ensure the sustainability of legal aid. I was a member of the Coalition for Tariff Reform which secured the first increase to the legal aid tariff in 15 years. As President of the CLA, I chair the Alliance for Sustainable Legal Aid, a coalition of family, immigration and clinic lawyers which works to raise general awareness of the need to increase the overall funding of Legal Aid.

Ensuring access to justice is an issue that concerns all members of the bar, not just those who do legal aid. The Law Society has worked in the past to support sustainable funding of legal aid and I believe it needs to continue to play a strong leadership role.

## Paralegals

We are moving into a new era with the Law Society's regulation of paralegals. Every area of law brings its own challenges on this issue, but as a criminal lawyer I know that there are few trials which do not require a legal background in order to deal with the complexities of Charter litigation or sophisticated evidentiary issues. Although paralegals, properly trained, can assist in facilitating access to justice, they should not be representing people charged with criminal offences – too much is at stake.

## Women in the Profession

Every year more women graduate from our law schools, but we still face ongoing attrition of those numbers. It is important that the Law Society work to staunch that flow. This is an issue which has not gone unnoticed by the Law Society, as evidenced by the Retention of Women in Private Practice Working Group. Clearly much more work is left to be done. As a bencher I believe I can contribute to that work.

## Sole Practitioners

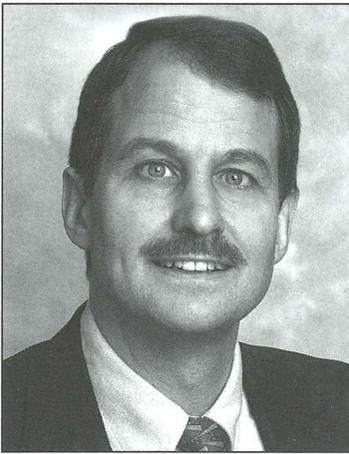
The majority of legal services in the province are provided by lawyers practicing alone or in small firms. For many the practice of law can be very isolating. The Law Society's Sole Practitioner and Small Firm Task Force and the resulting working group is a welcome step in meeting the challenges faced by those lawyers but it is only a first step. The Law Society has an important role to play in developing mentoring programmes for young lawyers starting their practices and in ensuring that there is support in place for more senior counsel.

## Experience Counts

Although I practice in Toronto, I am aware that it has become more difficult to encourage new lawyers to practice outside of large urban areas. As President of the CLA, I have worked to make that organization more responsive to regional issues. I believe that the legal profession as a whole needs to support initiatives which ensure that legal services are accessible throughout Ontario.

As President of the Criminal Lawyers' Association I have advocated in favour of all of these issues from the perspective of the defence bar. If elected as a bencher, I would apply the skills that I have gained from that time to serve the interests of the bar as a whole.

The legitimacy of the Law Society as a governing body demands a broadly based bencher membership. I believe that I bring that necessary diversity and I ask you for your support.



## Christopher D. Bredt

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I believe that the public interest and the interest of the profession are both served through an independent and self-governing Bar that strives to improve access to justice and maintains high standards of professionalism. My background and experience, in private practice, as a senior public servant during the Meech Lake and Charlottetown constitutional negotiations, and as an adjunct professor, will enable me to make a strong positive contribution to the governance of the profession.

The following are some of the issues I believe are important:

### LEGAL AID

A properly funded and accountable legal aid system is essential to improving access to justice. I am opposed to a public defender system which would undermine the public's right to counsel of their choice. The Law Society must be at the forefront of seeking increased funding for Legal Aid.

### PRO BONO LEGAL WORK

I am a strong supporter of pro bono legal work. I have acted on a pro bono basis in a number of constitutional cases, including cases on behalf of the Canadian Civil Liberties Association, on behalf of the gay and lesbian community, and on behalf of adoptive parents. While pro bono legal work is not a solution to the legal aid problem, I believe that the Law Society needs to show leadership in encouraging and developing pro bono legal programs.

### REGULATION OF PARALEGALS

The regulation of paralegals is essential to protecting the public interest. In regulating paralegals, the Law Society must ensure that paralegals are properly educated, are held to professional standards, including honesty and integrity, and have adequate insurance. The problem of unauthorized practice should be addressed through aggressive prosecution.

### LEGAL EDUCATION

I have been actively involved in legal education since I was called to the Bar. In addition to teaching at several law schools, I have taught in the Bar Admission Course and numerous CLE courses and seminars, in the areas of constitutional, administrative, corporate/commercial litigation and trial and appellate advocacy. The Law Society has an important role to play in legal education and must continue to ensure that it meets the needs of both the profession and the public. In particular, it is important that the Law Society create educational opportunities which are accessible to sole practitioners and small firms both inside and outside of the major urban centers.

### FISCAL PRUDENCE

The Law Society must be accountable to the profession for the money it spends. The Law Society needs to search for ways to increase efficiency, and to reduce membership fees and the cost of insurance.

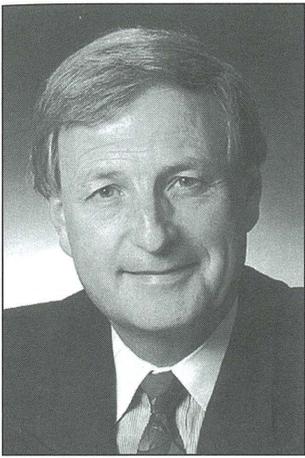
### EQUITY AND DIVERSITY

It is important that the Law Society continue its efforts to increase access to the profession by all groups within our diverse society. Efforts should continue to be made to expand opportunities for women, minorities and aboriginal peoples.

### SERVICE TO LAWYERS IN SMALLER FIRMS AND COMMUNITIES

Sole practitioners and lawyers practicing in smaller firms and communities face unique challenges. The Law Society needs to expand its level of service to those outside of Toronto. I support the recommendations in the Report of the Sole Practitioner and Small Firm Task Force.

- **Partner,**  
Borden Ladner Gervais LLP
- B.A./LL.B., U.W.O.; LL.M., Yale;  
D.S.U., Université de Paris  
(II). Called to Bar, 1984.  
Bilingual
- **Law Clerk,** Supreme Court  
of Canada (1979-1980)
- **Served as Assistant  
Deputy Minister**  
Intergovernmental Affairs, and  
ADM Constitutional Policy  
for Ontario during the Meech  
Lake and Charlottetown  
constitutional negotiations
- **Member of Executive  
and Past Chair,** OBA  
Constitutional and Civil  
Liberties, and OBA  
Administrative Law sections
- **Adjunct Professor,**  
U. of T. Law School  
(1984-1990) taught Advanced  
Administrative Law; Osgoode  
Hall Law School, (since 1992)  
teaching Freedom of  
Expression
- **Chair, Canadian  
Organization for  
Development through  
Education** (CODE – a  
charity focused on women's  
and children's literacy in  
Africa); Led a climb of  
Mt. Kilimanjaro that raised  
over \$110,000 for CODE's  
literacy programs in Tanzania



## John A. Champion

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In seeking a third term as Bencher, I offer my experience as a litigator, firm administrator, adjunct professor of law, community activist and an eight year term as Bencher to continue to help meet the challenges and changes that the profession constantly faces.

My last eight years as a Bencher have been active and increasingly so. I have been Vice-Chair of the Government Relations and Public Affairs Committee, a member of the Finance and Audit, Litigation, Mobility and Emerging Issues Committees. Since May 2006, I have been the representative of the Law Society and a council member on the Federation of Law Societies. The Federation was given a new national purpose after successfully creating national mobility for all lawyers. Presently, the Federation has a major role in providing free internet-based access to Canadian legal decisions through CanLII, in overseeing the approval of foreign applicants for accreditation and in answering significant public issues affecting the legal profession. As a member of the Federation Litigation Committee, I have helped direct the strategy of all Law Societies regarding a Competition Bureau review brought concerning access to legal services, which review may affect the independence of lawyers. In running for re-election, I would like to continue my work at Convocation and at the Federation.

I am also seeking a further term as a Bencher because there are a number of important issues facing the profession in which I would like to participate. They include Legal Aid and its funding. The Benchers are constantly encouraging the Government of Ontario to provide additional funding for Legal Aid, so that the people of the province can be properly represented by lawyers and the lawyers can be fairly compensated. As a result of new legislation, paralegals will now be regulated by the Law Society. This is a major initiative of the Government of Ontario which will reshape how law is regulated in the coming decades. Its implementation will require extensive dialogue with the profession and careful management in order to obtain a proper balance.

I continue to be interested in the mobility issue and expanding that initiative to other jurisdictions in North America and abroad, where appropriate. The development of the continuum of legal education from law school to retirement to protect the public interest through knowledge and excellence in practice is a major task that requires constant attention. I believe that legal education should be expanded so that it is relevant, practical and inexpensive. Convocation must continue to be concerned about the role of women and men who need to combine a manageable lifestyle with the practice of law. Minority groups must find assured access to serve the public in the province.

Listening to the profession and my colleagues in Convocation, I am aware that the single and small firm practitioners have enormous pressures on them. The Law Society must do all in its power to alleviate these pressures through programmes for legal information access, simplified administration, lower Law Society fees, sympathetic advice on difficult issues and preventative measures. I commit to continue to advance initiatives to aid our colleagues who practice in this way. Lawyers who practice in small firms are the majority of the profession and the central means by which the public is served. It is therefore essential to maintain a healthy and vibrant practice for single and small firm lawyers for their sake and to meet the Law Society's mandate to protect and serve the public interest. This principle has been important in guiding my decisions at Convocation.

If elected, I will continue to bring dedication and discipline to the work of Convocation to allow me to make decisions consistent with the best interests of the public, and the highest ethical standards for the profession.

I ask for your support for another term to continue the important work of Convocation.

**Partner, Fasken Martineau  
DuMoulin LLP**

**Leading Trial and Appellate  
Counsel, over 160 reported  
and public cases in a broad  
civil litigation and class action  
practise across Canada**

**Chair, Firm and Litigation  
Department (Past)**

**Elected Bencher,  
2000 and 2003**

**Law Society Committees,  
Vice-Chair, Government  
Relations, Litigation, Mobility,  
Emerging Issues**

**Council Member,  
Federation of Law Societies**

**Adjunct Professor of Law,  
Toronto and Osgoode**

**Co-Author,  
Professional Liability in Canada**

**Frequent Lecturer, Bar  
Admissions, OCAT, Law Society,  
Cornell, Cambridge, United  
States, Canada, England, Austria**

**Director, CBC**

**Trustee and Vice-President,  
County of York Law**

**President of the Empire Club  
of Canada (Speaking Platform)**

**Dickson Circle Member,  
pro bono litigation**



# Carole Curtis

1. Relevance
2. The small firm lawyer
3. Growth in the Profession
4. Paralegals
5. Leadership
6. Diversity
7. Governance and Accountability
8. VOTE FOR CHANGE !

Bencher from 1991.

Called 1978. Windsor Law 1976.  
3 lawyer feminist Family Law firm.

LSUC: Legal Aid, Professional Regulation (past chair), Professional Development and Competence, Sole Practitioner and Small Firm Task Force, and Working Group (co-chair), Investigations Task Force, Tribunals Composition Task Force, Sexual Relations with Clients Task Force, among others.

Speaker at continuing education programs (Family Law, Child Protection, Legal Aid, feminist issues, the Legal Profession, Law Practice Management, Technology); BAC instructor (Family Law, Profession of Law, Legal Aid, Law Office Management, Practice Skills)

Law Union. National Association of Women and the Law. Advocates' Society. Ontario Bar Association. Toronto Lawyers Association. Family Lawyer's Association. Lawyer's Club. Women's Law Association. Previously Family Law Rules Committee & Secretariat.

[carolecurtis@carolecurtis.com](mailto:carolecurtis@carolecurtis.com)

**Relevance:** Much of the bar considers the Law Society irrelevant, questions its purpose, lacks confidence in it, and has little interest in it, even as the regulator. **Less than half the bar votes in the bench election (37% last time).** The Law Society must demonstrate its relevance to each lawyer and must address these serious concerns.

**The Future of the small firm lawyer:** The survival of the small firm and solo lawyer is at risk, which threatens the public's access to justice. The age profile of solo lawyers is markedly different from that of small or large firms (there is an underweighting in the under-35 category, and an overweighting in the over-55 category). The Law Society must promote access to justice and ensure that small firms and solo lawyers survive and thrive. Lawyers increasingly deal with a changing workplace, changing business culture, changing economic conditions, changing client expectations, changing society and a changing profession. The Law Society must help lawyers understand and adapt to the new marketplace. Benchers who recognize these changes, with a connection to the business of running a law practice, and the ability to look ahead are needed. New solutions are needed to address new problems. The Law Society must support the transition. **This is the competence mandate of the Law Society.**

**Growth in the profession:** The current call to the bar is 1400 a year, but by 2008 it is expected to be 1800. This rapid growth threatens the stability of both the articling program and the intake system for the existing young bar. The Law Society must anticipate and plan for these changes.

**Paralegals:** The regulation of paralegals is a challenge for the Law Society in every way. Not one lawyer should pay one cent to cover the cost of regulating paralegals.

**Leadership:** Whose voice is heard in Convocation? Which public is represented? 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. Who defines the public interest? Lawyers from diverse practices and backgrounds bring widely different perspectives of and experiences of the public to the governing body. The small firm lawyer in a small community serves a different "public" than the lawyer in a large Bay St. firm. Convocation continues to operate as an elite private men's club, and has not evolved into a modern governing body. 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.

**Diversity in the Legal Profession:** There continues to be a large gulf between the governors and the governed. Increasing 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. Protecting and promoting diversity requires commitment, understanding and action.

**Governance and Accountability:** Self-regulation is a privilege, a gift, and a responsibility that 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. Transparency is essential to public trust. The Law Society must convince the public and lawyers that an independent legal profession 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 !**



MARY LOUISE DICKSON, Q.C. is presently a Bencher of the Law Society of Upper Canada and is serving on the Proceedings Authorization and Professional Development, Competence & Admissions Committees. She graduated from Trinity College, University of Toronto and Osgoode Hall Law School. 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, Society of Trust and Estate Practitioners, Canadian Tax Foundation, Estate Planning Council of Toronto, American College of Trust and Estate Counsel, and International Academy of Estate and Trust Law, and a former member of the Canadian Human Rights Commission.

## Mary Louise Dickson, Q.C.

I am running for Bencher because I wish to continue to contribute my experience to Convocation. I have served in Convocation since July 2003 and have served on the Access to Justice, Equity & Aboriginal Issues, Finance & Audit, Proceedings Authorization, Professional Development, Competence & Admissions and Professional Regulation Committees and served as Summary Disposition Bencher. I am a vice-chair of the Professional Development, Competence & Admissions Committee, and a member of the Proceedings Authorization Committee.

I have practiced law 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 and Canadian Bar Associations. Currently I am on the Investment Committee of the Office of the Public Guardian and Trustee and am a director of the 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 changes in real estate practice, do-it-yourself will kits and legal work assumed by 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 to promote professional development and support to practitioners.

- Distinguished Service Award of the CBAO.
- Honoured by STEP for services to the legal profession and the disabled community.
- Recipient of President's Award from Women's Law Association of Ontario for Work as Mentor and Educator within the Legal Community.
- Recipient of the first Distinguished Old Girl Award from The Bishop Strachan School.
- Past Chair CBAO Wills and Trusts Section and of Wills and Trusts Section (National).
- Past President Estate Planning Council of Toronto.
- Co-founder and past Chair of the CBAO Pensions and Benefits Section and past head of Optional Bar Admission Course on Pensions.
- Co-author of 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.
- Former editor of The Philanthropist.
- Past President of Canadian Bar Financial Corporation.



# Carmen L. Diges

Four years ago, when I first ran for bench, the issues seemed very clear:

## Accessibility

The Legal Aid system has failed to keep up with need and demand.

Unlike many other commodities, access to justice should be a fundamental tenet of an evolved society – **there is no excuse – we must do better** to ensure that our justice system is not discriminating against some members of our community by denying access to their very voices.

This issue has been driven home to me recently, as I have watched in frustration while a man I know has struggled while an institution stone-walls his fight to be heard, hoping to outlast him because he has no means and can't get legal assistance.

## Equity

Four years ago, then Governor-General Clarkson made a seminal speech at Osgoode Hall Law School, citing ongoing systemic obstacles in our profession which were hindering women from achieving their potential and, often driving them from the practice of law.

Unfortunately, I can say that I see a difference, since that speech:

- More women and men I know of are at best questioning their rationale for staying in the profession and many continue to leave
- Too often, it is the best and the brightest who decide to withdraw their talent from the profession resulting in a "brain drain" that leaves the profession less diverse, creative and vibrant – **we need to retain talent and diverse perspectives in our profession**

Compounding the "brain drain", there are many significantly qualified professionals coming to Canada who face unnecessary bureaucracy and obstacles to joining our ranks. **I am all for preserving the integrity of the profession, but we are competing in a global legal community now and can't afford to squander solid legal experience entering the country.**

## Public Confidence in the Profession

Many of you know that I am an avid competitive cyclist and that this year has been a tough year to hold one's head up proudly as a member of that sport. While the legal profession has certainly not endured anything near the controversy and cataclysm that has marred my favourite sport, it has suffered a long-term erosion of public confidence and respect. **As a younger member of the profession, I am passionate about wanting to earn back that confidence and respect.** I am not disputing that many lawyers make significant contributions, which are recognized both within and outside the profession. But –

- As a profession we have unique tools and knowledge, which can and should benefit a much broader audience than just those who can afford our services
- We need to reinforce the commitment and obligation of every member to give back to the community be it local, regional, national or international efforts
- **We need to encourage and be strong role models for the younger members of our profession to reach out to our communities both here and abroad** – in that light, I am encouraged by Convocation's recent commitment to its international human rights initiative – we could do so much more

**Thank you for reading** and considering my comments – and please vote, regardless of whether my name is on your list or not. Any questions, comments, suggestions, thoughts – please write to me at [pinstripemystic@hotmail.com](mailto:pinstripemystic@hotmail.com). We're all going to need to lend our energy, viewpoints, opinions and creativity to transform this vision into action.

I know these are not easy issues with trite solutions. I do respect and commend the efforts of Convocation in these matters. I recognize that the view from my Bay Street window both aids and inhibits perspective – I don't pretend to have all the answers and welcome your input.

**But I also believe that I can make a difference in advancing these issues over the next four years. I need to try. I hope you'll give me the chance.**

## SELECTED COMMITMENTS

### Director

- Rider Training Institute (motorcycle training, safety, education) (inception – present)
- Canadian Environmental Defence Fund (1994-6)
- Three Trilliums (Independent Living Movement) (1994-2001)

### Mentor

- Women in Capital Markets
- Informally to numerous professional men and women

### Appointments

- OBA Executive – Natural Resources Group (2002-2005)
- Director/officer – several publicly-listed companies

### Other

- Manager (Plaza Club)/Trainer, Spinning™ program – Sports Clubs of Canada/elsewhere
- Founder, Pinstripe Mystic – Life Training Systems
- Member, Illegals Motorcycle Club

### Education

Year of Call 1995

LL.M. – Osgoode Hall Law School

LL.B. – Dalhousie University

B.A. – Philosophy, International Relations, University of Toronto

CFA Charterholder, CFA Institute



## Marshall Drukarsh

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I seek the opportunity and the honour to serve as a Bencher at this time out of concern about fundamental threats to the tradition of law as an honorable profession; and the practice of law in Ontario as a self-governing profession as the result of amendments to the Law Society Act, brought about in October under the Access to Justice Act.

The Law Society no longer admits members to practice law. The Law Society has become a licensing agency for people who sell some kinds of legal services in Ontario. The ways in which the Law Society licenses and governs lawyers did not change radically overnight; but we have embarked on a perilous course.

Lawyers are more than single-issue technicians. Lawyers are required to have studied legal concepts, principles, practices and procedures.

Attorney General Bryant states that requiring paralegals to be governed by the Law Society will "help even the field between lawyers and paralegals".

The public will suffer if lawyers are denigrated to this level of paralegals.

I am a specialist in Immigration Law. Paralegals and consultants in my field, under federal jurisdiction, will not be subject to LSUC regulation. I do not have that interest to protect – as much as I wish that I did. As an Immigration lawyer, I know first hand the disastrous consequences of an underpowered, under-sophisticated and under-resourced agency to govern paralegals.

I believe that changes to the LSUC governance structures, such as the creation of Bencher positions for paralegals, and the foreseeable demands to be brought about by expansion of the Law Society mandate, will require a vigorous interest in the protection of the profession.

We are all being lumped together to the public as providers of legal services; and the Law Society is our licensing agency and regulator. I fear that the Bar will be funding efforts to regulate paralegals which will give them the veneer of credibility, to compete with us to the detriment of the public, and if we are not vigilant, to tear us all down.

I am more than a single-issue candidate. At the OBA, the Criminal Lawyers Association and LSUC Specialist Certification Committee, I have acted on my interests in Legal Aid and in Specialist Certification and Continuing Legal Education matters.

I look forward to the opportunity to serve as a Bencher and seek your support.

Called 1974

Counsel, Green and Spiegel LLP

Certified Specialist, Immigration Law, Refugee Law

Founding member, Association of Immigration Lawyers

Founding Executive, CBA, Ontario Immigration Section

Past Chair and serving Executive, OBA, Immigration Section

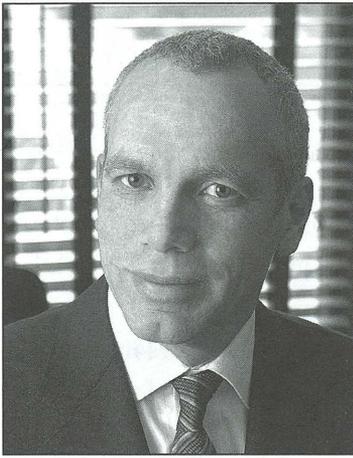
Founding member, LSUC, Specialist Certification Committee

Past Chair, CBAO, Legal Aid Task Force

Presenter in CLE for Criminal Lawyers Association CBA, OBA, LSUC

Awarded the Head of Public Service Award for the ADR Team

Peer-selected for inclusion in both 'The Canadian Legal Expert Directory' and the inaugural edition of 'The Best Lawyers in Canada'



## Julian N. Falconer

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Partner: Falconer Charney LLP

University of Alberta/  
Faculty of Law (1984-1987)

B.A.s from McGill (History)  
and University of Toronto  
(Economics)

Practice focus: Criminal/civil with an emphasis on public-interest litigation. Recently acted for Maher Arar in resolving his litigation which made Canadian legal history as the largest human rights settlement allotted to an individual plaintiff/family. Practice includes plaintiff's personal-injury, commercial litigation and Commissions of Inquiries/Inquests. Has represented lawyers in respect of partnership disputes, contempt proceedings and personal costs applications.

Publications: Constitutional law, Racial bias and Inquests.

Honours: Selected as one of University of Toronto's 100 most notable graduates of the twentieth century; Pride Magazine's African-Canadian Achievement Award; the Vision of Justice Award (Black Law Students Association-Canada); and Urban Alliance Race-Relations Medal

Personally and professionally, I bring diversity to the table. I practice in a broad cross-section of areas that include civil, criminal and administrative proceedings. I have enjoyed the privilege of representing key organizations and individuals in the African-Canadian, Aboriginal and Muslim communities as well as other communities whose interests warrant protection. I believe that this background can be invaluable as it translates to access to colleagues and perspectives which would permit me an opportunity to speak as a voice for many.

As a small-firm practitioner I am specifically alive to the economic, cultural and technological challenges inherent in today's market. On the other hand, there are many issues that unite small and big-firm practitioners, bearing out that we all benefit from an enhanced level of cooperation across the bar.

Our role as lawyers is fundamental to the maintenance of democratic values and the rule of law. My courtroom journeys have instilled both a sense of pride in what I see as a world class justice system and a sense of deep frustration for what I believe are systemic deficiencies that we can and must change. I am committed to the following changes:

**Access to Justice/Support for Our Colleagues:** It is not simply about changing how we view access to services for disadvantaged communities that deserve better, it is about changing how we view ourselves as members of the profession. We have utterly failed to create reasonable legal aid rates commensurate with the important work done by those lawyers who have primarily legal aid practices. Furthermore, lawyers practicing in the Legal Aid Clinic system demonstrate an extraordinary commitment to equity issues and poverty law and yet their remuneration lags woefully behind the private bar. As a Bencher, I will work to ensure that the Law Society strongly supports significant increases in remuneration for those whose professional choices have enhanced access to justice for all.

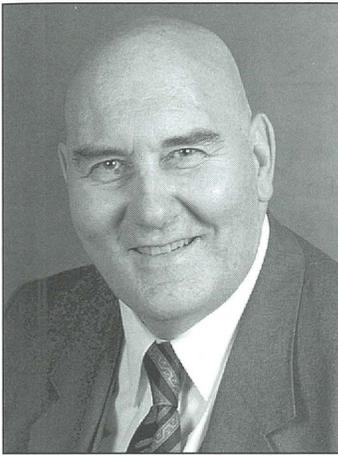
Increasing legal aid rates is not the only answer. We should provide financial relief for lawyers who have a proven commitment to servicing disadvantaged communities. A reduction in Law Society fees and insurance premiums is a good start. With a Reserve Fund of \$7.9 million (see the Finance and Audit Committee's Report to Convocation of October 26, 2006), it is apparent that this is fiscally achievable. Law Society medals and other awards should recognize the dedication and excellence of these practitioners. These changes will improve the number of lawyers and quality of legal services delivered to disadvantaged communities.

**Representativeness and Equity Issues:** The Law Society's current equity and diversity initiatives are substantial, but more remains to be done. Our Superior and Appellate Courts and administrative tribunal members do not adequately reflect the diverse communities over which they sit in judgment. I am personally committed to dedicating a great deal of energy to this issue and I am impatient for progress.

**Maintaining the High Standards of our Judiciary:** I believe that the Law Society has an important role to play in two areas. First, the Law Society must continue to protect the principle of a truly independent judiciary. Initiatives aimed at politicizing or "police-cisizing" the judicial appointment process must be vigorously resisted. Second, the judicial discipline process is failing members of the public and members of the profession. I believe the Law Society should be a major player in studying and proposing important reforms in this area.

**The Reputation of the Bar:** I believe significant resources need to be marshaled to address the unfair stereotypes that plague us as a profession. However, there are certain aspects in how we do business that need to be changed. This is an area that requires more attention including proactive steps aimed at measuring perceptions and fostering public confidence. A fair and credible discipline system that treats Bay Street and Main Street lawyers equitably is an important start. Paralegal regulation which protects the public will also be of increasing importance.

I am new at this. I hope that fresh eyes, fresh ideas and an ongoing tenacity in advancing what I believe is right will make me worthy of your confidence.



# Ben Fedunchak

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## PLEDGE OF COMMITMENT

As a sole practitioner appearing in various jurisdictions throughout Ontario, I have had an opportunity to discuss with fellow colleagues a variety of issues that are of concern to the profession. I feel that a benchers has a primary obligation to represent the wishes and concerns of the membership and to ensure that the Law Society is representing the best interests of the membership. The following is a list of issues that I feel are of primary importance which I pledge to endorse and promote:

### Sole Practitioner

Employing 2 junior lawyers in a practice restricted to criminal law

### Education

- Graduate of Queen's Law School
- Graduate of University of Toronto
- Graduate of McMaster University

### Association Memberships

- Toronto Lawyers Association
- Simcoe County Law Association
- York Regional Law Association
- Peel Law Association

### Member

- Scarborough Legal Aid Area Committee
- Lawyer Referral Service
- Centre for Science in the Public Interest

### Community Service

- Former member of the Board of Directors for the Council on Drug Abuse (C.O.D.A.)

### Sponsor and Supporter

- Canadian Breast Cancer Foundation
- Prostate Cancer Research Foundation
- Heart & Stroke Foundation
- Canadian Mental Health Association
- Make-A-Wish Foundation

### Regulation of Paralegals

Paralegals should be regulated but not by LSUC. This issue is fundamentally important to the profession and as such should be decided by the membership at large via a general vote. To have paralegals regulated by the LSUC will not only be costly, it will create chaos, confusion and conflict. Paralegals should be regulated by an independent body separate from LSUC with defined and limited areas of practice in an insured regime. This issue should be re-visited and the decision to regulate paralegals should be left to the general membership in a general vote.

### Law Society Fees and LPIC Premiums (Law Pro)

Both fees and premiums will be under considerable pressure in the coming years because of the advent of new programs, issues and liabilities. It is imperative that costs associated with fees and premiums be carefully monitored and scrutinized to ensure that unnecessary increases aren't forthcoming. Fees and premiums are already too prohibitive. They should be lowered or, at the very least, stabilized.

### Legal Aid Ontario

Providing legal aid for individuals without adequate financial means is an important and critical hallmark of a democracy. Legal Aid Ontario provides such a service. However, it is clearly being subjected to serious financial constraints which will undoubtedly increase in the future. Although LSUC no longer has direct responsibility for legal aid, it has a moral and professional duty to lobby the government to ensure that adequate funding is continuously provided to support existing programs and to ensure that practitioners providing legal aid services are fairly remunerated. At present, the legal aid tariff is grossly inadequate and should be upgraded.

### County and District Law Libraries

Law libraries are really the heart and soul of any practice. They provide not only valuable and current information but also a focal point for discussion and interaction with fellow practitioners. It is vital that adequate funding be maintained so that they will keep active, current and in line with technological advances such as internet and video conferencing.

### Membership Communication to LSUC

LSUC should be accessible to current issues and concerns of its membership. There should be a well-defined mechanism to forward current issues and concerns to LSUC. The County and District Law President's Association is an invaluable source of membership information and experience. A formal mechanism should be set up to tap into this source in order to better understand on a current basis concerns of the profession.

### Continuing Legal Education

Continuing legal education should be easily accessible, flexible and affordable. Membership fees that are currently paid by the profession should provide significant coverage for any costs of continuing legal education. Technology already exists to make this a reality.

### Pension Plan

LSUC should sponsor, promote or manage a voluntary pension plan so that retiring members can have financial security. We have the knowledge and the expertise to create such a plan for our members. It is long overdue.



## Rocco Galati

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- In the times in which we live, the Rule of Law has been seriously undermined, at all levels, and this serious erosion permeates every aspect of our lives. The Law Society, in representing the legal profession, must take a more active role in defending and challenging the state's undermining of the Rule of Law and the independence of our profession.
  - The current Legal Aid crisis highlights the general predicament of the inability of most people to access the administration of justice. This is particularly so where they are expected to respond to state action against them, without means. The Law Society must be more active, take concrete action, and challenge the state with respect to its euphemistic reference to "access to justice".
  - The Law Society's self declared "equity and diversity" programme is insufficient and unduly passive. The Law Society must pursue a real program of a "*right to equality*" that redresses the pervasive inequality in the profession and composition of the judiciary, rather than the diluted and discretionary notion of "equity and diversity".
  - The profession still gets more obstruction and harassment, from the Law Society, than support services or any defence of its members.
- **ROCCO GALATI**, d.o.b. May 27th, 1959, is married with a 14-year-old daughter.
  - Education: B.A. (McGill) 1984, LL.B. (Osgoode) 1987, LL.M. (in Tax) (Osgoode) 1997.
  - Work History: 1987-1990 Department of Justice, Toronto. 1990-1992 (part-time) review counsel at Downtown Legal Services (DLS), U of T Law Faculty's teaching clinic. 1990-present, private practise, restricted to proceedings against the Crown.
  - Publications (Books): "The Criminal Lawyers Guide to Immigration and Citizenship Law" (Canada Law Books, 1996), "The Power of the Wheel: The Falun Gong Revolution" (Stoddart, 2001).
  - Reported as counsel in over 250 cases, at all levels of Courts.
  - He is fluent in English, French, Spanish, Italian, Portuguese, and Calabrian.



# Avvy Yao-Yao Go

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## Why Bother?

All things being equal, there is a good chance that the results of this bench election will look very much the same as the previous one. Those who have been a bench for the last 10, 15 or even 20 years will get voted in one more time, with a sprinkling of a few new – though not necessarily young – faces being added to the fold.

Chances are that candidates from the bigger firms will once again dominate the ballot box, scooping up the top five or ten positions, leaving the majority of the less well endowed candidates feeling somewhat frustrated yet somehow resigned to their fate.

The odds are more than good that there will be minimal representation at Convocation from lawyers working in the public interest sector, including the community legal clinic system.

Likewise, issues that are most likely to pique the profession's interest are matters like increases in membership fees and professional liability insurance premiums, or the enhanced measures to stop mortgage fraud and the likes, but not issues such as the critical under-funding of civil legal aid and of community legal clinics.

For those who think that life as a lawyer is not just about making money or getting "elevated" by one's peers, as well as those who see law as a means for social change, voting or running in the bench election is probably the last thing that comes to mind when they think of where change could or should take place.

Perhaps they are right to be otherwise occupied or focussed. It would take more than an election to shift the Convocation at its core, to have it more aggressively engaged with the issues facing the poor and the disenfranchised in our society while more actively working on behalf of the members of our profession who are struggling to make ends meet.

It would appear somewhat futile for a candidate to campaign on a pledge to make access to justice his/her priority and promise to push the Convocation to pursue the Ontario government for its having abandoned civil legal aid. Similarly, there seems to be little point in continuing to highlight that Convocation needs to be more reflective of the diverse population that makes up Ontario and the increasing diversity reflected within the profession itself.

None of these issues or concerns are, shall we say, vote getters.

## So why bother?

Because if we do not at least make the effort, we will have collectively broken the trust provided to us in the many fundamental roles that lawyers play in a democratic society such as ours: to protect the rights of the minority against the tyranny of the majority, to ensure that all people regardless of their background and/or ability to pay have access to legal services when needed, to advocate for those who are unable to fend for themselves because of their respective disadvantage, and to make our society truly just and fair for all of its members.

Clearly we are not there yet, but if we do not try, we may never be.

- Call to the Bar in 1991
- Bench (2001-2003, Nov 06 - present)
- Clinic Director, Metro Toronto Chinese & Southeast Asian Legal Clinic (1992 - present)
- Part time Adjudicator, Health Professions Appeal and Review Board (2005 - present)
- Advisory Council Member, Law Commission of Canada (2006)
- Member, Director's Resource Committee of Special Investigations Unit (2002 - present)
- Recipient, Women's Law Association of Ontario President's Award (2002)
- Member, Law Society of Upper Canada's Equity Advisory Committee (1998-2001)
- LL.B. from University of Toronto (1989), LL.M. from Osgoode Hall Law School (1997)
- Articled at Weir & Foulds
- Former Vice-Chair, Court Challenges Program
- Former President, Chinese Canadian National Council Toronto Chapter



## Alan D. Gold

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I first ran for bencher in 2003. I am seeking reelection. During my time as a bencher I have served on the Litigation Committee, the Professional Regulation Committee, the Sole Practitioner and Small Firm Task Force, and currently as the Chair of the Discipline Appeal Panel. I am also a member of Legal Aid Ontario's Group and Test Case Committee and serve on the Government of Ontario's Judicial Appointments Advisory Committee.

As a practicing criminal lawyer operating a small law firm with two associates and two students, I tend to focus on issues of concern to criminal lawyers and sole practitioners or small firms. I understand life in a small law firm and as well as the problems faced by those who have chosen to dedicate themselves to a criminal law practice. Four years as President of the Criminal Lawyers' Association provided a rigorous education in governance and the problems facing the Bar of this Province. Securing proper funding and a healthy future for Legal Aid Ontario remains a crucial issue for the Society and all the Benchers. The appropriate incorporation of paralegals into the legal landscape and their role in the criminal and quasi-criminal context is especially problematic. As a Bencher I will deal with these issues in the way that the criminal bar and small firm practitioners have the right to expect.

As a writer and speaker on legal topics I have an obvious respect for continuing legal education. I have always appreciated the importance to the Bar of reasonably-priced, high quality educational programs and materials. I have planned and taken part in many dozens of such programs, and will continue this involvement as a Bencher. Continuing education is an essential that must be made available to the profession in a variety of convenient modes, along with the necessary research materials and self-education tools. In that way the Law Society helps the Bar be better able to serve their clients throughout Ontario.

Called 1973

Practice restricted to criminal law. Defended major trial matters. Argued several hundred appeals.

Gold Medalist Queen's University Faculty of Law, 1970

Frequent CLE lecturer.

Authored numerous articles and several books on criminal law, including Alan D. Gold's Criminal Law Netletter, The Practitioner's Annotated Criminal Code (2007) and Expert Evidence: The Scientific Approach.

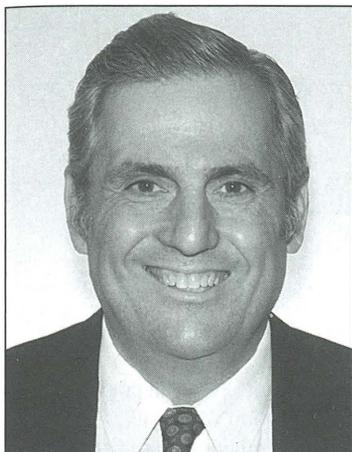
Past President, Criminal Lawyers Association, November 1997 to November 2001.

Certified Specialist in Criminal Litigation by Law Society and First Chair of the Law Society's Criminal Litigation Specialty Committee for five years.

Inductee, American College Trial Lawyers. Member Advocates' Society and other organizations.

Member; Legal Aid Test Case Committee since 1993.

Honored in 1997 with the G. Arthur Martin Award for Contribution to Criminal Justice.



## Gary Lloyd Gottlieb

Elected bencher, 1995, 1999, 2003

Sole practitioner since 1970

Graduate, U of T Law School, 1968

Queen's Counsel, 1982

Member, Task Force - Sole and Small Firm Practitioners

Member, Professional Regulation Committee

Bencher's Diary Columnist, Law Times

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

Mover, Law Society motion against anti-Semitism

Committee Member, Bench-Bar Conference, Strategies for Combatting Hatred, and B'nai Brith League for Human Rights, Hate on the Internet Symposium

Peer Volunteer, Ontario Lawyers Assistance Program

Director, St. Paul's Liberal Association

Member, Board of Directors, Beth Lida Synagogue

Volunteer, Baycrest Center

**I have been your bencher for twelve years. I have remained true to my previous election statements and kept my principles intact.** I have been responsive and accessible to you. I will not be cowed by peer pressure or provincial government pressure at Osgoode Hall. I keep my word to you and am not afraid to engage in principled dissent. **I fight for what you and I believe.**

**Your fees are too high because the Law Society spends too much money.** It should restrict its activities to its core functions of regulation, education and admission. **It is guilty of over-regulation. Regulatory procedures should be focussed on the minority of lawyers whose practices and behaviour are not up to snuff, not on the majority of us who practice honestly, conscientiously and well. The intrusiveness of the Law Society's over-regulation is borne on the shoulders of honest and hard-working sole practitioners and small firm lawyers. And why should any lawyer, whether sole practitioner, small or big firm, corporate or government, pay for the unnecessary cost of this superfluous policing?**

**I have always advocated for relevant, affordable, and accessible voluntary CLE, and enormous strides have been made in this regard.** We now have programs available in person, by telephone, and on the internet. **However, we can do better in terms of cost. CLE must be economically accessible, not treated as a cash cow.** I am proud of the excellent practice materials now made available to you on the Society's website without charge.

**Apart from restricting the ambit of the Society's activities and reducing the burgeoning bureaucracy at Osgoode Hall, there are other ways to pare down costs.** I believe in watching your pennies as well as your pounds. Do we really need to maintain and replenish a wine cellar for benchers? Should we be commissioning and preserving for eternity portraits of Treasurers and Chief Justices? **If our annual financial statements were more particularized and transparent, and if more Law Society business was in public instead of in camera, you would be astounded at how some of your membership dollars are being spent.**

**When the provincial Attorney General asks the Society to jump, benchers should not ask how high. Benchers must exercise responsible independent judgement.**

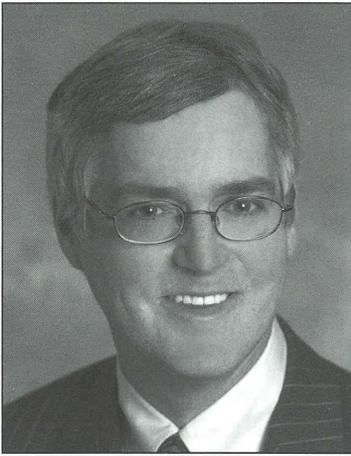
Notwithstanding the Attorney General's wishes, there is an inherent conflict in the Law Society regulating paralegals, no matter how many safeguards are built in. Now that we have been legislatively saddled with this task, I believe that **paralegal regulation should be entirely self-funding. It should not cost lawyers one cent. Paralegals must not be permitted to encroach on the traditional areas of lawyer's practice. There are enough lawyers to provide legal services at a reasonable cost. Paralegals who thumb their noses at regulation and engage in the unauthorized practice of law must be prosecuted promptly, vigorously, and relentlessly.**

I believe in a Law Reform Commission of Ontario, but just because the Attorney General wanted the Law Society to contribute \$100,000 annually for five years towards its funding, the Society did not have to kowtow to his wishes. This is not part of our core function and \$100,000 today will be \$1,000,000 tomorrow. **Benchers should be frugal with your money.**

I have a special place in my heart for sole practitioners and small firm lawyers because I am a sole practitioner. **We must never forget that it is sole practitioners and small firm lawyers who provide legal services to the ordinary public and make access to justice a reality for them, and though we are unheralded and underpaid, we do so honorably and well.**

Thank you for your encouragement and support and for the trust and confidence you repose in me. **I will continue to be responsible and responsive to you, to oppose over-regulation, and to be your voice for fiscal responsibility and common sense at Osgoode Hall.**

Please visit [www.glgqc.com/electiondiary2007.html](http://www.glgqc.com/electiondiary2007.html)



# Wayne D. Gray

Partner, McMillan Binch Mendelsohn LLP, Toronto

Called: B.C. (1978);  
Ontario (1989)

B.A. (UBC, 1974);  
LL.B. (Osgoode, 1977);  
LL.M. (LSE, 1979)

OBA Award for  
Distinguished Service (2006)

## Associations

Chair, OBA Corporate  
Law Subcommittee

Member, OBA Business  
Law Executive

Chair, Uniform Law Conference  
of Canada Working Group,  
*Proposed Uniform Income Trusts Act*  
(<http://www.ulcc.ca/en/poam2/>)

Member,  
Toronto Opinion Group

## Publications

Books:

- *Annotated OBCA* (Carswell);
- *Annotated CBCA* (Carswell);
- *Guide to CBCA Reform: Analysis and Precedents* (Carswell) - co-author;
- *New Ontario Limitations Regime* (OBA, 2005) - co-editor

Over 60 published articles

Frequent speaker - at OBA and LSUC programs, including 2004 Special Lectures

Corporations Editor, *Canadian Business Law Journal*

Member, Editorial Board, OBA *Briefly Speaking*

## Personal

Married; 4 children, ages 12-18  
Runner

## Why I am running

Giving back to my community and profession is a strongly held personal value. So, when encouraged by leaders in our profession and supported by my firm to run, I realized that I brought a unique perspective and could make a valuable contribution.

## Background/perspective

29 years at the bar have given me a richly varied experience: a third as a sole practitioner in an inner-city, at a 10-lawyer firm and at a 20-lawyer firm in a community of 200,000 people; a third in a 905 suburban practice; and now on Bay Street.

I have experienced first-hand the needs and challenges facing sole practitioners (52% of all practitioners), small, mid-size and large national firms. I have done all kinds of non-litigation work, including business law, real estate, tax and wills in Ontario and elsewhere, all of which rounds out my perspective. I have long given back to my fellow lawyers and community. My work may be seen in publications, continuing legal education and law reform.

## The issues

Many of the immediate issues centre on access to justice: paralegal regulation; survival of lawyers in smaller communities; changing demographics; legal aid; governmental relations and law reform. The swelling entrants to the profession with lawyers from other jurisdictions and the double cohort phenomenon are further challenges.

## Composition and qualities of Benchers

Our current Benchers have served us well but when 7 out of 8 are barristers – that's a significant imbalance. As a solicitor, I represent the other side of the profession. This other voice should also be heard. With the extension of the Law Society's mandate to cover paralegal regulation, the Benchers must include the fullest range of skill-sets and perspectives available.

Members expect from each of their Benchers strong commitment, informed understanding of the challenges we all face and, when needed, creative problem solving. A bencher must identify issues, listen closely, find solutions, build consensus and deliver.

## Law reform

The profession must show leadership to ensure better access to justice and that the laws work for all Ontarians, now and in the future.

Our profession needs to work more closely with policy-makers at all levels. Our expertise more than any other profession positions us to help improve laws for all. We see first hand what works in the law – and what doesn't. Legislators, and the public, should see lawyers as promoting justice and the public good. And we must earn that recognition.

With colleagues, I have worked with policy-makers at Queen's Park, in Ottawa and across Canada on many significant law reform issues. I have a track record of success in advocating legislative change. Law reform is not easy. It takes leadership, team effort, pragmatism, consensus building and endurance. These same skills can produce results in governing our profession. Success in law reform comes through building on the talents and energies of lawyers who care. Fortunately, there is no shortage. The challenge is to harness the talent that's available.

## Liability protection

I sought better liability protection for lawyers by replacing the partial liability LLP shield with a full LLP liability shield like that in other provinces. Bill 152 implements that objective.

## Tax equity

Lawyers who incorporate should get the same tax benefits now permitted Ontario doctors and dentists and long available to lawyers in other provinces. Continued discrimination amongst professionals is unjustifiable. We should make common cause with our CA colleagues.

## Post-call legal education

I have worked hard to give back as I can, with books, articles and programs that help working lawyers.

## OBA/CBA

Just over half of Ontario lawyers now belong to the OBA. The Law Society needs to reassess how it works with the OBA/CBA in areas such as delivering on-going legal education and law reform. As a minimum, greater co-ordination is desirable.

## Commitment

I am committed to serving our profession. My reputation is for working hard and persevering. Our profession's history is illustrious. Opportunities and challenges lie ahead. The Law Society needs strong leadership and commitment from those who serve. Given my background and record of contribution to the profession, I believe I have the perspective, skills, work ethic and personal commitment to represent you and make a difference.

**Please give me your vote**



# Glenn Hainey

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This is the first time I have asked for your support to be your representative as a benchler.

I am proud to be a lawyer. I believe benchers should govern our profession in a manner that enhances the public's perception of lawyers and engenders pride in our profession.

I began my legal career with Ontario's first Ombudsman, the late Arthur Maloney, QC. Thereafter, I practised criminal law with him in a small firm. Although I am now a partner with a large firm, I recognize that the strength of our profession is in its diversity of practices. If elected as a benchler, I will ensure that this is not forgotten.

## Independence

The independence afforded by our self regulated status is precious, it is vulnerable and it is under attack. I believe those who seek to limit our independence do not understand the important role that lawyers play in society.

The public relies upon lawyers for our integrity and our commitment to the principles of fairness and justice. Our professional independence is crucial to our ability to carry out the role which the public expects from our profession. If elected, I will work to protect our independence and promote an understanding of its importance.

## Paralegals

The benchers you elect will be charged with developing and shaping a governance system to license and regulate non-lawyers.

For too long, lawyers were forced to compete with non-lawyers who had neither educational requirements nor accountability to any regulatory body. We must ensure that the public interest is served by qualified and competent paralegals licensed to assist the public in their specific and authorized areas of practice. This will be a major challenge for the Law Society and I believe my extensive experience in law firm management equips me to make a valuable contribution.

## Access to Justice

The public interest requires that justice be accessible and this requires a strong and independent bar. The voluntary efforts of lawyers who work *pro bono* for individuals, organizations and causes represent the best traditions of our profession and should be encouraged. However, this good work can never be a substitute for a properly funded legal aid system. If elected, I will push for proper funding and respect for those professionals who are assisting the most vulnerable in our communities.

We must also ensure that our Law Society and LawPRO fees continue to be reasonable. High fees are a barrier for sole practitioners, lawyers practising in smaller firms, and lawyers assisting clients who are relying on our inadequate legal aid system. If elected, I will fight against unreasonable fee increases and to ensure that we receive value for our money.

## The Future of Our Profession

In my time at the bar, I have seen numerous changes – but none as striking as the challenges that are facing young lawyers today. Our profession must address these issues because nothing is more important than ensuring that we continue to attract and, just as importantly, retain the best and the brightest.

Having hired, supervised and mentored dozens of lawyers in the last 30 years, I am acutely aware of the increasing desire, especially among younger lawyers, to achieve a lifestyle balance and an increased focus on family. As well, I know that lawyers in smaller centres face particular challenges and all of us know that balancing the practice of law with the business of law is not getting easier.

If elected, I will work to ensure that the Law Society takes a leadership role in helping all lawyers in every region of our vast province develop practical and realistic options to meet these challenges. That being said, I do not believe that dictates from Osgoode Hall are the answer – just as I am not in favour of mandatory CLE. As it has in other areas, I believe the Law Society should provide leadership and the tools to allow the creativity of our profession to develop practical solutions.

I respectfully ask for your support. You have my commitment to work hard on your behalf.

For more information or to contact me, please visit [www.glennhainey.com](http://www.glennhainey.com)

- Married, three children
- LL.B., UWO, 1974
- 1976 Call
- Partner, Head of Toronto Advocacy Department, Gowling Lafleur Henderson LLP

## **Career**

- Executive Assistant to Ontario's first Ombudsman, 1976-79
- Practised criminal law with Arthur Maloney, QC, 1979-82
- Part-time Assistant Crown Attorney, 1979-82
- Joined Smith Lyons (now Gowlings), 1982

## **Past Activities**

- President, Faculty of Law Association, UWO
- Director, Advocates' Society
- Member, Chief Justice McMurtry's Public Legal Education Task Force
- Pro-Bono LSUC Discipline Duty Counsel
- Bar Admission Course instructor
- Chair, Enforcement Practices and Procedures Committee, CBA Competition Law Section
- Editor, Corporate Liability Journal

## **Memberships**

- Advocates' Society
- Criminal Lawyers' Association
- Ontario Bar Association



## Kenneth J. Hale

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The concerns of clinic lawyers and other Members who provide legally-aided services and the interest of the clients that we serve continue to rank low in the priorities of our profession's governing body. I am standing for election because I think that these issues need to be heard at Convocation. Here is what I think about some of them.

### Support for Legal Aid

The Law Society must continue to play a strong and supportive role in shaping legal aid policy. Legal Aid Ontario depends on the profession not only to provide services to low-income clients but also to articulate the importance of those services in the public and political arenas. Convocation must take steps to ease the strains developing in LAO's ability to fund legal aid services by demanding a commitment by the Provincial Government to adequate and sustainable funding of LAO. The legal profession in Ontario has been a world leader in building a system of legal aid that meets the complex and diverse needs of the people of Ontario. I will do my utmost as a Benchler to ensure that this progressive tradition continues and that Convocation champions the right of all to essential legal services. As well, I will urge Convocation to continue the fight for federal institutions like the Law Commission and the Charter Challenges Program, which allow disadvantaged groups and individuals to make their voices heard in Parliament and the Courts.

### Paralegal Regulation

Convocation's new role in governing paralegals will represent a distinct departure from its traditional regulatory role – one that will bring new challenges and new opportunities to assist the public in its dealings with the justice system. In my thirty years of practice, I have dealt with paralegals on a daily basis and I have seen the best and the worst of non-lawyers delivering legal services. Community legal workers working with lawyers in legal clinics have enriched legal aid with their broader view of legal issues and their commitment to social justice. On the other hand, some unregulated paralegals have degraded the quality of decision-making in our administrative tribunals by failing to conform to the most fundamental notions of professionalism. I strongly support Convocation's role in paralegal regulation and I believe that I have valuable experience to contribute to this work.

### A Representative Convocation

Convocation should 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. Recent discussions in Convocation about lowering barriers to election to Convocation for lawyers whose clients are outside the economic elite and other efforts of the Society to promote equity and diversity within the profession are encouraging. But concrete steps must be taken to ensure that all Members – including those who work for disadvantaged people and those who are employed in places other than traditional law firms – feel that their concerns are represented by the Society. My clients have come from the economic margins of Toronto and many of them live rich lives in spite of hardship. I will work to bring their concerns about the justice system to Convocation.

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

Chair of the Toronto Clinic Training Committee

Member of:

- Board of Directors, Advocacy Centre for Tenants Ontario
- Tenant Advocacy Group
- Tenant Duty Counsel Program Advisory Committee
- Toronto Lawyers Association
- Law Union of Ontario
- Association of Legal Aid Lawyers

## Thomas G. Heintzman, o.c., q.c.

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McCarthy, Tétrault LLP.  
Trial and Appellate Counsel.

Harvard University;  
London School of Economics;  
Osgoode Hall Law School.

**Past President:** Canadian Bar Association (1994-1995);  
CBAO (1989-1999).

**Bencher** since 2003.

Chair, Disabilities Task Force  
and Governance Task Force.  
Member: Paralegal Regulation  
Committee; Small Firm and  
Sole Practitioners Task Force;  
Retention of Women in the  
Legal Profession Task Force.  
Vice-Chair, Professional  
Regulation Committee.

**Past Instructor:** Bar  
Admission Course; Osgoode  
Hall Law School (1977-1980);  
U. of T. Law School (1983-1985).  
Frequent CLE lecturer:  
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  
Children's Oncology Camp.

Queen's Counsel; Officer of the  
Order of Canada

I am seeking re-election as a bencher because of my continued commitment to an independent legal profession.

In the 2003 Bencher Election, I said that the Law Society plays a crucial role in enabling lawyers to provide independent and competent advice. To fulfil that role, I said that the Law Society should have three objectives:

1. To enable lawyers to provide modern and cost effective service;
2. To enable lawyers to do so to ALL members of the public; and
3. To be seen as a cost-effective organization.

Over the last four years, I have delivered on my commitment to strive for those objectives.

I have participated in three task forces which have developed positive ways for the Law Society to help lawyers reach their full potential.

I was the Chair of the Disabilities Task Force which developed new mentorship and other programs which will help disabled lawyers practice law.

The Small Firm and Sole Practitioners Task Force, of which I was a member, has recommended many changes to enhance the practice of law by those lawyers. In addition, the Law Society has established a new unit to effectively focus the Society's services for those lawyers.

Third, I have been a member of the Task Force on the Retention of Women in the Legal Profession. This Task Force is examining avenues to ensure that women have a full opportunity to participate and succeed in the legal profession.

These three initiatives demonstrate that, as a regulator, the Law Society can take positive steps to help lawyers be skilful and successful.

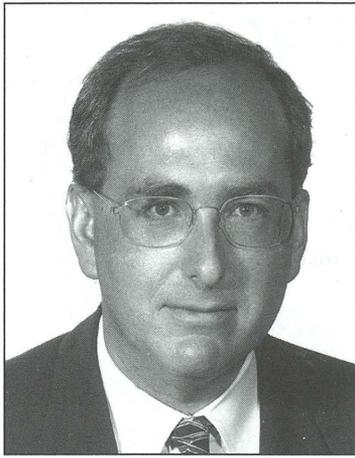
The Law Society also has a duty to the legal profession to conduct itself in a cost-effective manner. For this to be done, Convocation must stick to its core mandate of regulating the legal profession. It must identify the priorities facing the Society, and deliver on those priorities. At Convocation, I have insisted that Convocation do exactly that. At present, I am the Chair of the Governance Task Force which is examining ways in which Convocation can identify its priorities and then achieve them. The Law Society's new role in regulating paralegals makes it even more imperative that the Law Society focus its attention on important issues, so that it will have the resources to cope with this new responsibility.

Another important role for the Law Society is in relation to enhancing lawyers' skills. Here, two points are important. First, lawyers' skills mean far more than legal skills, and include business and technical skills. The Law Society has a duty to ensure that all of these skills are made available to lawyers. The recommendations of the Small Firm and Sole Practitioners Task Force show that it can do exactly that.

Second, the Law Society does not have to deliver the courses itself. Other organizations, including voluntary bar organizations, can do so as well. The Law Society's primary responsibility is to identify the skills and set the standards for the courses that are necessary. As a Bencher, I will ask the Law Society to concentrate on that latter responsibility.

All of these issues relate to helping lawyers to provide cost-effective access to justice. I have been addressing these issues for over twenty years. While active in the Canada Bar Association-Ontario, I participated in the efforts leading to Court reform in Ontario. As President of the Canada 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. The Law Society should continue this mission: helping lawyers deliver access to justice through cost-effective legal services.

Finally, Benchers must be aware that the Law Society has a critical role to play in the public's perception of lawyers. The Law Society's role is to demonstrate that it is delivering on its core mandate. Respect for the Law Society can only be achieved if it focuses on its priorities and achieves them in a cost-effective manner. By doing so, it will ensure that the members of the Society are and remain excellent lawyers. As long as that occurs, the public will continue to have confidence in the legal profession. I am committed to achieving that objective.



# William Kaplan

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## Why I am Running

I am running for Bencher because I care about lawyers and about the administration of justice in Ontario. I believe that an independent self-regulating legal profession is indispensable to justice, security and democracy. It is important that Convocation is broadly representative, composed of lawyers from big firms and small ones, and including sole practitioners such as myself. As an independent mediator and arbitrator, I work closely with lawyers across the province and have an appreciation of some of the challenges we face in the profession. I understand the difficulties facing lawyers in many different practices and situations: the demands of ever more complicated legal problems, the necessity to stay abreast of changes in the law, and the stress that comes from simultaneously trying to succeed in both professional and personal realms.

## Priorities

### Regulation of Paralegals

Paralegals are here to stay, and the Law Society is now in charge of regulating them. This is just a first step. Paralegals must be strictly policed so as to ensure that minimum standards of service are maintained. We must make sure that they are adequately insured and appropriately trained. Our obligation to their clients requires no less. Moreover, as part of our responsibility to run the Law Society in the public interest, we have a responsibility to educate the public about the limitations on the services that paralegals can provide. The most important of these is that paralegals cannot offer solicitor-client privilege. Paralegals can offer all sorts of services, but only lawyers can protect legal rights.

### Legal Aid

Many of the most vulnerable members of society depend on legal aid for legal representation. Of even greater concern is that access to our courts is also beyond the financial capacity of many people who do not qualify for legal aid. The number of unrepresented litigants is increasing, but the quality of justice being delivered to them is in decline. No one should go unrepresented because of an inability to pay. The answer is not more public defenders. Free choice of counsel must remain a mainstay of our system of legal aid.

The truth is that the system is seriously under-funded. People are not getting the legal representation that they need, and lawyers are not being adequately compensated for the legal services they are providing. It is time for a dramatic improvement to legal aid rates. Quite simply, the current rates are not fair and they must be increased. The criminal, family and immigration bars have subsidized the administration of justice in Ontario for long enough.

### Independence of the Legal Profession

As legislators confront an increasingly insecure world, at no time has the independence of the legal profession been more important than it is right now. It is the obligation of the Law Society to vigorously protect solicitor-client privilege in furtherance of the proper administration of justice and the rule of law.

### Independence of the Judiciary

While the Law Society must be governed in the public interest, it is important that the Law Society speak out in matters of public interest such as the independence of the judiciary. Recently, and without any meaningful consultation, the federal government changed the composition of the judicial appointments committees to include mandatory representation from the law enforcement community. The police play an important role in our society, but they should not be choosing judges, the very people who are called upon to judge the police.

### Professional and Personal Fulfillment

The professional demands on lawyers in Ontario have never been greater. While our profession has made long overdue achievements in graduating women lawyers, women still leave the profession in far greater numbers than men. This is a loss for the profession and for the province as a whole, and the Law Society needs to help lead change in this area and develop creative proactive strategies to promote the retention of women lawyers in private practice.

### Perspective

I am hard working and committed to the issues that confront all of us. Becoming a lawyer was the best thing that ever happened to me. It would be an honour to serve as a Bencher and I would approach that task with enthusiasm and dedication.

## Education

LL.B. Osgoode Hall Law School,  
1983

M.A. University of Toronto,  
1985

J.S.D. Stanford University, 1988

## Practice

Called to Ontario Bar, 1985

Associate, Assistant and  
Professor of Law,  
University of Ottawa,  
1986-2000

Arbitrator & Mediator, 1990 –

## Publications

*Everything that Floats: Pat Sullivan,  
Hal Banks and the Seamen's  
Unions of Canada* (1987)

*State and Salvation: The Jehovah's  
Witnesses and their Fight for Civil  
Rights* (1989)

*Bad Judgment: The Case of  
Mr. Justice Leo A. Landreville*  
(1996)

*Presumed Guilty: Brian Mulroney,  
the Airbus Affair and the  
Government of Canada* (1998)

*A Secret Trial: Brian Mulroney,  
Stevie Cameron and the Public  
Trust* (2004)

## Memberships

The Advocates' Society

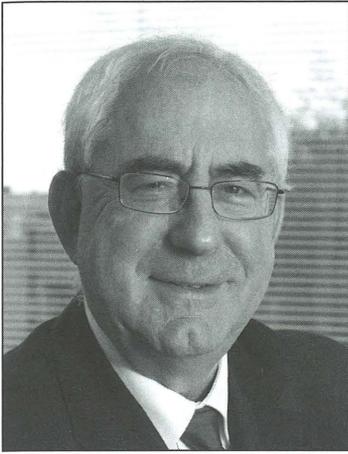
Association des juristes  
d'expression française de  
l'Ontario

Metropolitan Toronto Lawyers  
Association

National Academy of  
Arbitrators

## Alfred M. Kwinter

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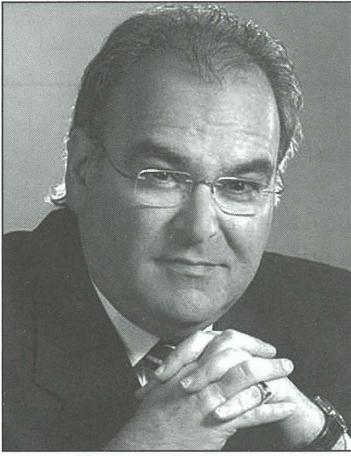


Alf Kwinter graduated from the University of Toronto Law School in 1970. Alf co-founded the firm of Singer, Kwinter in 1974. Alf represents only plaintiffs in personal injury, malpractice and insurance claims. Has appeared as counsel at all court levels and has appeared in a number of landmark cases, including *Plester v. Wawanesa*, where the punitive damage award he obtained is the highest ever upheld against an insurance company by the Ontario Court of Appeal. A former director of the Advocates' Society and a frequent speaker at conferences sponsored by OTLA, the Advocates' Society, CBA and LSUC. Has been awarded the H. Bruce Hillyer Award by OTLA in recognition of his outstanding contribution to the cause of civil justice.

If elected Bencher, I will direct my efforts to three key areas:

1. **Legal Education.** As a former director of the Advocates' Society and a frequent speaker at conferences, I have made legal education a priority. I will do my utmost to ensure that the Law Society continues to offer strong practical programs for young advocates.
2. **Paralegals Practicing Personal Injury Law.** I have seen first-hand the terrible damage that can be caused by an unregulated group who purport to represent seriously injured people. While the Law Society is expected to govern paralegals, I have strong concerns as to how effective the Law Society will be in ensuring the public is protected. I will make it a priority to ensure that the legislation governing paralegals has teeth and that the Law Society fulfills its appropriate function as a regulator.
3. **Contingency Fees and Access to Justice.** The legislation dealing with contingency fees is nothing short of a mess. Few, if any, law firms purport to understand what the government has attempted to do with the legislation it has imposed. Attempting to explain the legislation or incorporating it into a retainer agreement does little but confuse prospective clients. If elected Bencher, I will use my best efforts to ensure that this legislation is amended to truly provide proper access to justice and not discourage lawyers from taking on cases on a contingency which basically is what has occurred with the current confusing legislation.

The Law Society requires representation from smaller firms. The personal injury and insurance bar in particular ought to be represented in order that they may be heard on numerous issues, including those I have set out above.



**Keith M. Landy**, called in 1977, is the senior partner of five-lawyer Landy Marr, LLP, a civil litigation firm and, since 1989, a Certified Specialist in Civil Litigation. He received his LL.B. from University of Windsor. He is a member of the Toronto Lawyers' Association, the Ontario and American Trial Lawyers' Associations, the Ontario Bar Association, where he was a member of Council, and the Advocates' Society, where he has been a director. From 1998 to 2004, he was the Ontario and then National President of the Canadian Jewish Congress. Recognized for his contribution to human rights and religious tolerance, he is the 2005 recipient of the Lincoln Alexander Award conferred by the Law Society to lawyers serving their community.

## Keith M. Landy

*After a thirty-year career as a civil litigator at a small law firm outside the downtown core of Toronto, I am a first-time candidate for Bencher. I believe that I can make a contribution towards solving some serious problems that confront my colleagues and that challenge the administration of justice, the rule of law, and the viability and survival of our profession. I understand why some lawyers feel poorly served by their governing body, and I believe I can help create a Law Society that properly melds the interests of lawyers and the public interest. I ask for your support in my campaign for election.*

- Immigrated in 1970. Married with two children.
- A graduate of the University of Windsor, Faculty of Law (LL.B.1975).
- Called to the Ontario Bar, March 1977.
- Recipient of the Lincoln Alexander Award conferred by the Law Society of Upper Canada to lawyers who demonstrate a commitment to the public and their well-being through community service.
- Recipient of the Queen's Golden Jubilee Medal for service to Canada, his community and to fellow Canadians.
- Senior partner at five-member Landy Marr LLP with law offices in the north end of Toronto.
- Certified specialist in civil litigation since 1989, practicing before trial and appellate courts, and administrative tribunals.
- Areas of practice are commercial litigation, class actions, personal injury, disability and insurance claims, employment litigation and real estate litigation.
- A member of the Ontario and American Trial Lawyers' Associations, the Medical-Legal Society of Toronto, the Toronto Lawyers' Association, the Ontario Bar Association, where he was a member of Council, and the Advocates' Society, where he was a Director.
- National Legal Counsel to Canadian Jewish Congress (1995-1998), Ontario Chair of Canadian Jewish Congress (1998-2001).
- National President of the Canadian Jewish Congress from 2001 to 2004.
- A Governor of the Canadian Council of Christians and Jews.

### Ten Reasons for Electing Keith M. Landy for Bencher

1. Keith Landy believes that it is in the public interest that there be **an independent bar and self-regulating legal profession** that controls who and how legal services are provided to the public.
2. He believes that in regulating the profession in the public interest, the Law Society must have **regard for the interests of all members of the legal community**.
3. He believes that the Law Society's mandate to regulate in the public interest includes removing obstacles to **the success of law as both a business and profession**.
4. He believes that the Law Society must take steps to ensure that a **viable sole practitioner and small law firm practice** of law exists across the province.
5. He believes that the Law Society must take steps to ensure that the policies and practices of the legal profession make possible a **lifelong legal career for men and women of all cultures**.
6. He believes that the Law Society has a role in prompting the provincial government to provide the human and material resources necessary for access to justice and **an efficient and effective court and administrative tribunal system**.
7. He believes that there should be a **robust system of legal aid** that pays lawyers fairly and that provides the public with access to justice and to high quality legal services.
8. He believes that the Law Society has **an anti-defamation function and a public relations responsibility** to publicize the valuable contribution made by lawyers to society.
9. He believes that the Law Society has a responsibility to provide its members with affordable and accessible **continuing legal education and other services** to enable them to provide the highest quality legal services to the public.
10. Keith Landy brings with all of these beliefs **proven leadership skills, a commitment to community service, and enthusiasm for the practice of law** as both a business and a profession.

It would be an honour to serve the legal profession. I thank you for your support.

For more information, please visit [www.landyarr.com/LandyB/index.htm](http://www.landyarr.com/LandyB/index.htm).

# Wayne C. Lipton

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Graduate of University of Windsor Law School.

Called to the Bar in 1986.

Vice President and Senior Counsel, Commercial Division, Stewart Title Guaranty Company for 10 years.

Previously practiced primarily real estate law at Lipton & Lipton.

Past member of the section executive, OBA Real Property Division; Member of the Canadian Institute of Mortgage Brokers and Lenders; Nominated for Membership in the American Association of Mortgage Attorneys (March 2007); Instructor, Bar Admission Course; Regularly speaks to provincial Bar Associations on the topic of title insurance.

Serving as a Bencher involves significant commitment, and allows for significant contribution. I am keenly aware of the competitive business nature of practice and our changing profession, and believe that I can make a substantial contribution to the Law Society's direction and focus by adding a practical business perspective and a proactive approach to the challenges facing Convocation.

The Law Society should respond to the practice and professional needs of all its lawyers in an administratively responsible, fiscally prudent, and effective manner. I also believe that the "solicitor's bar", in particular real estate practitioners and in-house counsel, are underrepresented in Convocation.

## What I Stand For:

- **Reducing the High Cost of Practice** - While we have made some progress in recent years, our LPIC/LAWPRO premiums and Law Society fees are still too high in relation to those of other provinces. Rather than targeting for a large surplus, a more balanced budget may be in order. Surplus funds should be returned to the members on an annual basis. In the interest of good management, there should be some degree of accountability in how our money is being spent, and we should see value for our contributions.

Sole practitioners and small practices are challenged by the high cost of maintaining a practice. Thought should be given to determining the financial effect of the Law Society's regulations and structure to ensure that it does not become an excessive burden on its members. It is time to review what administrative and organizational matters are really essential.

- **Continuing Legal Education** - High fees for programs negatively impact accessibility to legal education. The Law Society should control these fees to provide affordable, locally available and voluntary CLE in co-operation with local Bar Associations, and provide free or low cost on line education. In addition to focusing on substantive law, programs should also deal with practice management, process skills and technology.

- **Governance of the Profession** - The Law Society is mandated a dual role of protecting the public interest and regulating the profession. In doing so, to preserve our profession's privilege of independent self government, we need to ensure that the Law Society's reputation for competence, integrity and accountability is maintained, and that our commitment to serving the broader public interest prevails.

- **Libraries** - The Law Society must remain committed to adequate funding for Library Co., our province wide library system, in order to provide all Members with access to current resources and equipment, and to assist Members in maintaining professional competency within their practices.

- **Legal Aid (Access to Justice)** - The Law Society should play an important role in ensuring that access to the Plan exists for all Ontario residents who are unable to secure conventional legal representation, and that the government commits to providing reasonable funding for Legal Aid. This would include funding for mega trials. The fight to increase the Legal Aid tariff must also be sustained.

- **The Discipline Process** - While investigation of alleged wrongdoing must be complete and thorough, the discipline process from complaint to decision is simply taking too long. Unethical and dishonest lawyers should be dealt with expeditiously and not allowed to manipulate the system and continue to expose the public to risk. The impact and success of recent initiatives which focus on remedial and supportive measures should be studied.

- **Working in Conjunction with Paralegals** - While the regulation of Paralegals by the Law Society under the Access to Justice Act is a fait accompli, how this will play out in everyday practice has yet to be determined. The paralegal standing committee will be responsible for, among other things, determining classes of licences for the provision of legal services, and the licencing and regulation of paralegals. The Law Society must be more vigilant than ever in preventing the unregulated and unauthorized practice of law.

## Summary

These are the issues I would bring forward as Bencher. If you wish to contact me and share your views, you may do so by phone at (416) 307-3300, or by visiting my website: [www.LiptonForBencher.com](http://www.LiptonForBencher.com). I would consider it a privilege and honour to represent you as a Bencher, and I would ask for your support.



## Kevin Lunney

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One out of every three members of the Law Society of Upper Canada in Ontario is not engaged in private practice.

As a Bencher, I will provide representation for all members of the Law Society but can provide a voice in particular for:

- In-house counsel
- Government lawyers
- Lawyers with disabilities

I am a litigator with the Department of Justice in Toronto. It has been my privilege to represent Canada in the Federal Court of Appeal, the Court of Appeal for Ontario and the Supreme Court of Canada.

Given that I articulated in my hometown of North Bay, I have shared the perspective of practitioners both inside and outside of Toronto.

Being legally blind, I appreciate the hurdles faced by persons with disabilities who are trying to enter or make a living in our profession.

I believe my background enables me to bring a fresh point of view to Convocation, a point of view that I share with many of my fellow Law Society members.

I pledge to be accessible, to advance your interests at Convocation and to strive to protect them.

Called to the Bar, 1987

Joined Department of Justice,  
1991

Appointed Senior  
Counsel/Team Leader, 2001

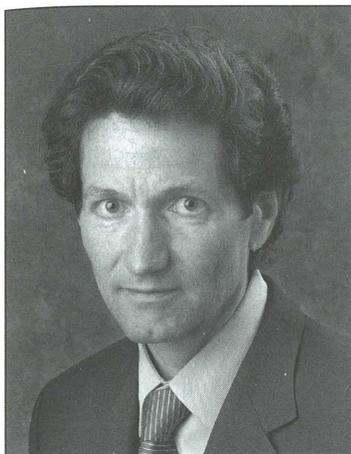
Organizing Committee,  
National Judicial Institute,  
"The Immigration and Refugee  
Protection Act", 2002

Organizing Committee,  
National Judicial Institute,  
"Immigration and Refugee  
Law", 2004

Co-chair, CBA National  
Citizenship and Immigration  
Section, Annual Conference,  
2004, Toronto

Co-chair, CBA National  
Citizenship and Immigration  
Section, Annual Conference,  
2005, Banff

Co-author, "Commencing a  
Charter Challenge By Way  
of Judicial Review in Federal  
Court: Tetreault-Gadoury  
Revisited" (2000) 13 CJALP 293



# Gavin MacKenzie

## Bencher Experience

- Former Chair (or co-chair), Professional Regulation Committee (professional conduct and discipline), Task Force on Rules of Professional Conduct, Strategic Planning Committee, Proceedings Authorization Committee
- Former Board Chair, LibraryCo
- Former Chair, vice-chair, or member of committees responsible for legal education, finance, multi-jurisdictional practice, contingency fees, professional development, competence, and admissions
- Chair of hearing panels, and frequent author of decisions
- Author of report adopted by Convocation proposing reforms to process for accrediting lawyers trained outside Canada

- Treasurer, Law Society, 2006-present
- Partner, Heenan Blaikie
- Elected bencher since 1995
- Born Woodstock, Ontario 1952
- B.A., UWO 1972
- LL.B., Osgoode Hall 1975
- Called to the Bar 1977
- Honoured by Induction as Fellow of American College of Trial Lawyers, 2000
- Counsel throughout Ontario before courts at all levels, including Supreme Court of Canada
- Author, *Lawyers and Ethics: Professional Responsibility and Discipline* (3rd ed, 2002)
- Consulting Editor, *Barristers and Solicitors in Practice* (1998)
- Counsel on many occasions to law firms, other professionals, and regulatory bodies
- Expert witness on professional responsibility
- Former Director (Council Member) OBA, Advocates' Society, LINK, Medico-Legal Society, Canadian Institute for the Administration of Justice

## Why I am a Candidate

A year ago, I was elected by my bencher colleagues to serve as Treasurer of the Law Society.

A number of my colleagues have encouraged me to stand for a second full term, beginning in June. Under the *Law Society Act* I may do so only if elected in this bencher election.

During my first year as Treasurer, Convocation has accomplished much. A brief, partial summary of what we have achieved, and what challenges remain:

1. After many years of arduous effort on the profession's part, with the passage of the *Access to Justice Act* in October independent paralegals will now be regulated in the public interest by the Law Society. No longer will legal services be provided to the public by persons who are untrained and uninsured, and who are subject to no standards or rules of conduct. We must ensure that paralegals are licensed only if they meet high standards of ethics and competence.
2. Convocation adopted its Task Force's Report on Sole Practitioners and Small Firm Lawyers, and struck a working group to implement its recommendations. We must strengthen the supports the Law Society provides to sole practitioners and small firm lawyers, and ensure that the public has access to lawyers in all communities in Ontario.
3. Convocation struck a working group to develop practical means of retaining women in private practice. Many women leave the profession or are under-compensated relative to men by mid-career. 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. The values we promote must ensure that all segments of the profession have an equal opportunity to flourish.
4. Convocation adopted an expansion of our practice review program to help lawyers in their first eight years of practice attain a high level of competence in the management of their practices. We must ensure that we continue to maintain high standards of competence and ethics to maintain public confidence.
5. Convocation adopted a seminal report of its task force, composed of eminent members of the profession, which has articulated the reasons why an independent bar is essential to the rule of law. The report is destined to be referred to frequently by legislators and courts as we respond to increasing pressures on our independence for reasons that include, among other things, national security concerns.
6. Convocation resolved that, as Treasurer, I issue a public statement expressing Convocation's serious concern over the need for a well-funded and sustainable system of legal aid in Ontario, and I have done so. We must continue to press for a strengthened legal aid system in the interests of access to justice and equality before the law.

## Standing Up for our Profession

Over the last 12 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.

I have sought out the views of lawyers on policy issues and have welcomed the views of lawyers who have sought me out. Convocation must work systematically to canvass members' views before issues are debated.

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.

Lawyers in the province of Ontario are governed by the oldest Law Society in any common law jurisdiction. Elected Benchers govern the affairs of the Society. Recent amendments to the *Law Society Act* include the addition of function and principles sections. It is a function of the Society to ensure that those who practice meet appropriate standards of learning, professional competence and professional conduct. It is one of the principles of the Society in carrying out its functions, duties and powers to protect the public interest. These are weighty and important matters which form the context for governance of our self-regulating profession and which are the responsibility of the 40 persons elected as Benchers.

### Experience

I have practiced law in excess of 30 years in the municipal and administrative law areas which includes tribunals and licensing. I have also been actively involved in many legal associations. I have been chair of legal association committees, the founder of a professional women's association, am an executive member of the Woman's Law Association of Ontario and the past president of the Ontario Bar Association. My association experience also includes many years as chair of OBA's Advocacy and Government Relations Committee and of Professional Development. I have also had the good fortune of being able to practice with governments, with a large and with a boutique law firm and, since August 2006, as a sole practitioner. My experience helps me to better understand the issues facing practicing lawyers especially those who constitute the majority of our practicing profession namely, the sole practitioners and small firm practitioners. I believe that my practice and association experience will help me to represent you in meeting the challenges ahead in the carrying out of the important and onerous functions duties and powers related to the governance of the profession under the *Law Society Act*.

### Challenges

The Benchers elected for 2007-2011 will face new challenges as a result of the recent legislative amendments. The essence of self-regulation in the public interest involves a careful balancing between the responsibilities and duties owed to the profession and to the public. Some of the items on the newly elected Bencher agenda include: paralegal regulation, addressing the challenges facing the sole practitioner especially in small-town Ontario, and the challenges facing young lawyers trying to establish a work life balance carrying a horrendous debt from their education. Professional education will also be on the agenda including its cost. In these changing times the question of mandated continuing legal education will have to be addressed. As a Certified Specialist I am aware of what the concept means and I also realize that there is no easy fix. The issue will require in-depth study, and extensive dialogue with the profession and the legal associations.

Paralegal regulation is a matter with which I am most familiar. As the vice chair of the OBA's Paralegal Task Force I have gained insight into the issues over many years. The Treasurer has advised that the first paralegal licenses are expected to be issued in 2008. Prior to that date the details of the regulatory scheme must be completed by the Benchers and I believe I could make a meaningful contribution to the process.

Other issues on the agenda include the ever present Legal Aid funding problem and the rising law society fees. The openness, transparency and accountability of Benchers must be improved upon. The profession is not as engaged in its governance as it ought to be perhaps because of the structure including the various meeting and reporting procedures. Benchers must communicate more effectively with the members at all times not just at election times.

### My Plea and Promise

It would be both a privilege and honor to serve this profession as an elected Bencher of the Law Society of Upper Canada. I am prepared to work and dedicate the time and the effort necessary to fulfill this most important elected position available to a lawyer in the province of Ontario. If I am elected I promise to communicate with members, listen carefully to members and at convocation, seek out answers and to speak out as and when required.

Sole practitioner, Certified Specialist Municipal Law-Local Government/Land Use Planning and Development Law. Practiced in public sector, large and boutique law firms.

Ontario Bar Association past president, Chair Legislation and Law Reform Committee (CBA), Director the Osgoode Society for Canadian Legal History, Ontario Expropriation Association, President Professional Women's Symposium Association, member Advocates' Society, Carleton County, Northumberland Law Associations, Toronto Lawyers Association, Municipal Law Specialty Committee, I.M.L.A. and Womens Law Association of Ontario Executive.

Lectured and authored municipal law papers, co-authored *Forms & Precedents: Land Development and A Users Guide to Municipal By-laws*.

Linda Adlam Manning Award (OBA)(2006)

Called to the Bar of Ontario, 1969 LL.B., Osgoode Hall Law School, 1967 Queen's Counsel, 1982

Certified Specialist, 2006



# Derry Millar

*In 1995, I promised to serve the profession and the public without sacrificing either. I have worked hard to keep my promise, and I ask again for your support as I seek re-election as a bencher.*

## DEDICATED – EXPERIENCED – PRINCIPLED

**An Independent and Vibrant Profession:** As a Bencher, I have worked hard to carry out the mandate of the Law Society to govern the profession in the public interest. Since my election in 1995, my goal has been to serve my colleagues and the public by improving the regulation of the profession for the benefit of both. I believe that an independent and vibrant legal profession is in the public interest. It should reflect the values and virtues of the society in which we live, and it should advance the causes of equity, justice, and the rule of law. Therefore, the Society must reach out to all segments of our community so that the profession truly reflects and represents our citizens. It must improve the administration of justice by supporting a strong and independent judiciary and easy access to justice. It must assist lawyers in providing legal services to the public.

**Legal Aid:** A society is measured by how it treats all its members, rich or poor, and Ontario needs to have a sustainable legal aid program because many citizens cannot afford legal services and the number of unrepresented litigants is growing. Legal Aid Ontario needs to have adequate, stable, and secure funding so that lawyers, whether in clinics or retained on certificates, have fair remuneration and the tools they require to do their jobs. As a director of LAO since 1999, I have worked to secure increased and stable funding and an increase to the fee tariff. The board of LAO must continue this progress and establish a review mechanism so that the tariff can be reviewed and increased on a regular basis.

**Fees and Insurance:** In 1995, the costs of being a lawyer for the annual fee and insurance were unacceptable. Along with the other Benchers, I have worked to reduce these expenses of being a lawyer. The change since 1995 has been dramatically positive. As a Bencher and Chair of the Finance & Audit Committee, I am committed to ensuring that the Society is carefully managed and that our members get the best value for their fees.

**Legal Education:** In Ontario, we have a profession that meets high standards of learning, competence, and professional conduct. This is in the public interest, and the Society must ensure that our members have access to easily accessible and affordable continuing legal education. We need to expand the types of learning opportunities, and in doing so, we must recognize that the burden of this professional responsibility can differ for sole practitioners, lawyers practicing in a small firm, and lawyers in large firms in Toronto and other large centres. There must be a level playing field so that every lawyer can access continuing legal education at a reasonable cost. As a Bencher, I have supported the creation of LibraryCo. and its innovative initiatives to deliver library services to all of our members across the province. More, however, needs to be done to make continuing legal education helpful and available.

**Regulation of Paralegals:** The regulation of paralegals is now the responsibility of the Society. We must ensure that the cost of this regulation is borne by the regulated paralegals and not by lawyers. We must ensure that paralegals who refuse to abide by the new regulatory system are prosecuted for the unauthorized practice of law.

**Discipline:** Lawyers and the public deserve to have an investigation and discipline process that is fair, transparent, and efficient and that fairly resolves complaints quickly through investigation, mediation or hearings.

*I ask for your support. If you have any questions with respect to my work as a Bencher and my views on the affairs of the Law Society and the profession, please contact me at: [dmillar@weirfoulds.com](mailto:dmillar@weirfoulds.com). For more biographical information see: <http://www.weirfoulds.com/lawyers/millar.html>.*

Called 1974.

Partner, WeirFoulds LLP.

LL.B. (Dalhousie); B.A.,  
(Saskatchewan); Law Clerk,  
SCC-1971-72.

Bencher, 1995, Chair, Vice-Chair  
numerous committees,  
task forces including: Finance  
& Audit, Inter-Jurisdictional  
Mobility, Appeal, Rules of  
Professional Conduct;  
Admissions, Equity and  
Aboriginal Issues, Legal  
Education; Professional  
Regulation.

Director: Legal Aid Ontario,  
PBLO, LawPro (Past), Library  
Co. (Past).

Lead Commission Counsel,  
Ipperwash Inquiry, 2003-2007.

Counsel before all levels of  
courts and tribunals in Ontario.

Co-editor Ontario Annual  
Practice; Member, Civil Rules  
Committee; Past President,  
OCAT; Chair, Boards of Inquiry,  
(Police Services Act); Speaker  
on wide variety of topics.

Member: OBA; TLA; Advocates'  
Society; Fellow, American  
College of Trial Lawyers; Past  
President/Director, Ontario  
Cystic Fibrosis Camp & 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 Benchers. That experience has reinforced my belief that it is important that Benchers reflect both the diversity of people in our profession and the diversity of practices: private, public, in-house, large and small. This diversity better serves both the profession and the public interest.

Self-governance is fundamental to the independence of our profession. Continued self-governance depends on continued public confidence that the Law Society promotes the public interest, particularly in the way we govern ourselves, and how we regulate admission and discipline.

I have 30 years experience in analyzing public policy, both as a litigator and advisor to six different provincial governments. I understand firsthand that the public interest is served only after careful consideration of the many interests, often competing, that relate to even a single issue. I am confident that I have the judgment to balance these interests in a way that serves the public and the profession.

This experience and perspective have guided my contribution to Convocation committees including the Professional Development and Competence Committee, the Equity and Aboriginal Issues Committee, and currently the Governance Task Force and the Tribunals Committee. The Governance Task Force is reviewing our governance structure to recommend reforms to improve the Law Society's efficiency, effectiveness, and transparency. The Tribunals Committee is developing policy options to improve the operation and administration of the discipline process.

My background and experience would contribute to the challenge of implementing the recent and much needed legislation to regulate paralegals. The public interest must be protected by ensuring that competent paralegals are available in well-defined areas of work. This will be a priority for the next Convocation.

My experience at the Ontario Lawyers' Assistance Plan has reinforced my commitment to expanded and accessible support programs to assist lawyers in meeting the many challenges and demands of our profession. I believe the Law Society should strengthen its leadership role in this area.

I am committed to increasing equity in the legal profession. Law school classes and Calls to the Bar reflect increased participation of women, minorities and persons with disabilities. However, the culture of our profession has been slow to change. There are still barriers and difficulties in working conditions, earnings and attitudes. We must work to make sure that these groups experience sustained advancement in all areas and workplaces in our profession and are not marginalized. To this end, I have been a member of the Retention of Women in Private Practice working group aimed at identifying solutions that firms may implement to address the fact that disproportionate numbers of women leave the profession at an early stage.

I ask for your support for re-election so that I may continue to bring my experience, energy and enthusiasm to the important work of Convocation.

### **Elected Benchers**

2001-2003, 2006-present

### **Called** 1975

**LL.B.** (University of Toronto)

**LL.M.** (Osgoode)

### **General Counsel**

Ministry of the Attorney General,  
Constitutional Law Branch  
1989-present

### **Counsel**

Crown Law Office Civil  
1977-1989

Manning Bruce, 1975-1977

### **2003 President's Award**

Women's Law Association  
of Ontario

### **Executive Member**

OBA, Constitutional Section  
Ontario Lawyers' Assistance Plan  
University of Toronto Law  
Alumni Association

### **Past Chair**

Sir William Campbell  
Foundation

### **Member and Past Director**

Advocates' Society

### **Founding Director**

Association of Law Officers  
of the Crown

### **Member**

Toronto Lawyers Association  
Lawyers' Club of Toronto  
Women's Law Association  
Supreme Court Advocacy  
Institute

### **Adjunct Professor**

Faculty of Law, University  
of Toronto 2007  
Osgoode Hall 2005

### **Frequent Speaker**

Public Law, Advocacy

### **Associate Chair**

University of Toronto Tribunal  
& Discipline Appeals Board



# Kimberly T. Morris

## WHY DO I WANT TO BE A BENCHER?

### **Historically, Benchers have not been representative of the diversity of our profession.**

- Those of us who have practiced in the profession for less than 15 years need representation at the Law Society of Upper Canada.
- I want to be that representative.

### **The Law Society must work towards improving the public image of lawyers.**

- Collectively we have done a poor job of communicating the message that lawyers provide good and important services to the public. We are a great profession and should be proud of the work we do. But leadership must come from the Law Society in delivering that message broadly.
- I am interested in the challenge of rehabilitating the image of lawyers in Ontario by communicating a better understanding of the crucial role played by our profession in civil society.

### **The Law Society must protect the interests of lawyers.**

- We must govern ourselves in the public interest or lose our privilege of self governance. However, we must not ignore the role of advocating the interests of the profession itself, in particular where those interests are legitimately coincident with the public interest.
- I want to ensure your interests are represented as incursions are made into the practice of our profession by paralegals and others.

### **Our profession is changing.**

- Lawyers are leaving the profession. Women leave because our profession does not do a good job of accommodating the decision to have children. Women and men leave because our remuneration is tied to the length of time that we are at our desks. Mentoring is not as prevalent as it once was.
- I seek to explore these issues and work towards solutions.

## WHY SHOULD YOU VOTE FOR ME?

### **I have practiced in a number of settings giving me varying perspectives representative of many members' experiences:**

- As an associate at a large Toronto law firm (Stikeman Elliott);
- As an associate at a boutique litigation firm (Genest Murray DesBrisay Lamek);
- As a partner, of my own two-person law firm;
- As a partner of a mid-sized firm which is also a multidisciplinary practice providing legal and related services on a block fee basis.

### **I have a record of making change happen.**

- In 1999 I worked with other women to draft a proposal for the creation of a "Safe Counsel", a resource for men and women, lawyers and non lawyers, when they experience harassment or discrimination by a lawyer. The proposal was accepted by the Society and the position of Discrimination and Harassment Counsel was created, first as a pilot project then as a permanent fixture, independent of, although funded by, the Law Society.
- In 2003 I co-founded The Advocates' Society Arleen Goss Young Advocates' Award to recognize and celebrate excellence in advocates who have been practicing law for 10 years or less. The Goss Award is presented every two years by the Advocates' Society at the End of Term Dinner.
- In 2004 I started Mini-Law School, [www.mini-lawschool.com](http://www.mini-lawschool.com), a six week course on a variety of legal topics designed to inform the general public about basic legal concepts and de-mystify the practice of law. Mini Law School improves the public perception of lawyers.
- In 2005 I co-chaired "Skirting the Issues", a conference for women litigators to discuss issues of work-life balance, consider how women engage in the practice of law differently from their male colleagues and discuss ways to keep women in the practice of law. The conference was followed by a breakfast mentoring series for women.

### **At Convocation I will initiate change by:**

- raising issues, asking questions and offering a new perspective;
- actively soliciting the views and perspectives of constituents under-represented in Convocation and ensuring that they are being heard by Benchers;
- continuing to implement real-world solutions to seemingly abstract problems.

## I RESPECTFULLY REQUEST YOUR SUPPORT AND YOUR VOTE.

### **Practice**

- Partner, Woolgar VanWiechen Ketcheson Ducoffe LLP;
- Litigator, Mediator: commercial, employment, estates.

### **Education**

- Queen's (BA) 1989;
- Ottawa (LLB) 1992;
- Call to Ontario Bar 1994;
- Fox Scholar 1994-1995;
- Osgoode Hall (LLM in ADR) 1998.

### **Professional and community contributions:**

- Advocate on issues relating to violence against women and children;
- Director, Chair of Advocacy Committee, YWCA Toronto;
- Past President, Metropolitan Action Committee on Violence Against Women and Children;
- Director, The Advocates' Society;
- The Advocates' Society Arleen Goss Young Advocates' Award Committee;
- Lecturer: OBA, LSUC and Advocates' Society
- Trial Practice Instructor, University of Toronto and Osgoode Hall law schools, Intensive Trial Advocacy Course;
- Founder, Instructor, Mini Law School.



# James Musgrove

*I am very proud to have served the legal profession in Ontario in various capacities over my 20 year legal career. I believe that I can continue to make a significant contribution to the profession as a Bencher and I ask for your support in the upcoming election.*

## Important Issues

### *Self-Governance*

The continued self-governance of the legal profession and the maintenance of an independent bar is a fundamentally important principle. To maintain it, we must continue to demonstrate that we can and will govern the profession in the public interest. This fundamental responsibility is also consistent with the good of the profession. This is the lens through which, if elected Bencher, I will view all the activities of the Law Society.

### *Local Law Associations*

Local law associations provide, amongst other things, mentoring, collegiality, a forum for the discussion of issues, and formal and informal CLE. All of this serves the interest of both the profession and the public. My work on the Executive of the County and District Law Presidents' Association (CDLPA), and as President of the Toronto Lawyers Association (TLA) has made me aware of the fundamental importance of these associations. I believe that the Law Society has a role to play in maintaining and encouraging the effectiveness of local law associations, for the benefit of both the public and the profession.

### *Libraries*

Libraries are central to the effectiveness of most, if not all, of the local law associations in Ontario. They are also central to maintaining an up-to-date and informed profession. The delivery of legal educational materials is continuing to change, but I believe that ensuring a functioning, staffed library is very important. It promotes competence and access to legal information. It also supports the continued viability of local law associations which in turn support and encourage the maintenance of a viable bar in many parts of our province. I support maintaining funding for such libraries.

### *Sole Practitioners & Small Firms*

While I have practiced my entire career in one sizeable firm in the City of Toronto, my work with CDPLA and TLA has brought home to me the importance of maintaining an environment which permits small firms and sole practitioners to thrive throughout the province. The role of the Law Society in promoting access to justice is furthered by putting in place infrastructure to allow lawyers to serve individuals and small businesses – which are typically sole practitioners and lawyers practicing in smaller firms.

### *Legal Aid*

Legal Aid is in crisis – again. Perhaps it is proper to say that Legal Aid is in continuing crisis, and this is likely to continue until a more sustainable model is found. Legal Aid plays a key role in the practices of many members of the Law Society – and in particular the small firms and sole practitioner lawyers noted above. It is also a key to access to justice and to the effective administration of justice. I believe the Law Society must take a central role in championing a new and sustainable model for Legal Aid.

### *Paralegal Regulation*

After many years of effort, we have a new mechanism for paralegal regulation. I have worked with CDLPA and TLA in bringing this plan to fruition. It is now up to the Law Society to implement the new structure. The new responsibilities in Bill 14 have not come with new funding from the government but resources must be found to ensure appropriate mechanisms for the regulation of paralegal activities, and for the vigorous prosecution of unauthorized practice. The Law Society must rise to this challenge in order to protect the public from unregulated, unsupervised paralegals, and to support smaller firms and sole practitioners.

### *Private Practice Refresher Program*

The Program came into effect at the start of 2007. While the goal of ensuring that lawyers who have not been practicing law for a period of time receive refresher training is appropriate, the full application of the Program to lawyers who have been practicing – for example in government or as in-house counsel – would appear to be overbroad. If elected Bencher, I would seek to have that matter reviewed.

## Education:

- University of Toronto (B.A./LL.B. 1984)

## Professional:

- Called to the Bar, Ontario 1986 – Partner, Lang Michener LLP Since 1990
- Chair, National Competition Law Section – CBA
- Past President – Toronto Lawyers Association
- Ex-Officio Executive Member – County and District Law Presidents' Association
- Past Executive Member, Civil Litigation Section, CBA-O
- Editor in Chief, *Toronto Law Journal*
- Editorial Board Member, *Canadian Competition Record*
- Member, Canadian Bar Association, Competition Tribunal Bar Liaison Committee
- Frequent conference speaker, guest lecturer, teacher and writer

## Endorsed by County and District Law Presidents' Association (CDLPA)



## Laurie Pawlitzka

I was first elected in 2003.

Working as a Bencher has been the most interesting and challenging volunteer experience of my life. I've learned much about the broader issues which affect our nearly 38,000 members. We are a diverse group, facing a broad spectrum of concerns. I have a much better grasp of those issues than I did four years ago. And I have a clearer understanding of the Society's mandate – to govern the profession in the public interest – and the balancing act that entails.

### MY EXPERIENCE

#### Government Relations/Legal Aid

As Vice-Chair of Government Relations, I've seen that good relations with government can bear fruit. We now regulate paralegals: a group that, when ungoverned, was both a thorn in the side of the profession and put the public at risk. We've also re-established a Law Commission (defunct since 1995), in partnership with the government and others.

Our biggest challenge remains Legal Aid. Lawyers doing legal aid work are paid too little. Needy clients are ineligible. We must continue our fight for sustainable funding, higher tariffs and better accessibility.

#### Women

Last year, almost 60% of new calls were women, yet women continue to leave the profession in numbers far higher than men. As Co-Chair of the Working Group for the Retention of Women in Private Practice, I believe we can help slow the flood of women who leave. We know why women leave. I want to find creative solutions to help them stay.

#### Competence

Practice management issues are a major source of both discipline complaints and LAWPRO claims. As Chair of Professional Development, Competence and Admissions, I introduced a program to randomly review junior lawyers' practice management skills. After the review, if it's needed, the Law Society assists the lawyer with practice tips and training. This new program is modelled on our spot audit program. While initially viewed with suspicion by lawyers, those who have been spot-audited have been overwhelmingly positive, with 93% calling the program "constructive", 94% "useful", and 100% finding the auditor "professional and helpful". Our goal is the same for practice management review. If we start good habits early, we can avoid serious practice management issues later on.

#### Self-Regulation

Far too often the Law Society is seen as a meddling "Big Brother" – a nuisance we all must endure. But in countries such as Australia and the U.K., lawyers have lost their right to self-government. I believe that lawyers should regulate lawyers. Lawyers understand the issues that other lawyers face. We are also best placed to protect the public interest, while making sure the profession can flourish. Self-government is a privilege – we must not lose it.

#### Sole Practitioners and Small Firms

I grew up on a farm near a small Saskatchewan town. I understand the pivotal role lawyers play in these communities. In Ontario, the small town bar is greying. Managing the demands of practising law and the administration of a practice can be overwhelming. Help for these practitioners is limited; articling jobs remain in the larger centres. Our Sole Practitioner and Small Firm Task Force together with CDLPA and the OBA are developing solutions for this group which will allow smaller communities access to the legal services they need. I support this initiative.

#### LAWPRO

I have been a director of LAWPRO for the past four years. I am pleased that our base insurance levy has remained essentially stable during that time, notwithstanding a new and significant problem: real estate fraud. Our insurance program remains in excellent shape; we no longer need an expensive re-insurer for our basic program.

#### WHAT I BRING

I have worked hard on these and other issues, but there is more work to do. I have been given many leadership roles at the Society and have moved issues forward. Even though this work has taken much of my time, I do not take the compensation offered to benchers.

I have good judgment, a strong voice and energy. I enjoy the work I do. With your support, I'll continue to work hard for our profession and for you.

I'd be glad to hear from you.

For more information, e-mail me at [LaurieforBencher@torkinmanes.com](mailto:LaurieforBencher@torkinmanes.com) or visit my website at <http://www.torkinmanes.com/LaurieForBencher/pawlitzka.html>

### PROFESSIONAL SERVICE

- Bencher since 2003  
Currently:
  - Chair, Professional Development, Competence and Admissions
  - Co-Chair, Retention of Women in Private Practice
  - Vice-Chair, Government Relations
  - Director, LAWPRO
- Family Law Rules Committee (2001-present)
- Trustee, The Lawyers Club (2000-present)
- OBA Executive Member (Family, 1999-2003)

### BACKGROUND

- Named a "Best Family Lawyer" by *Best Lawyers in Canada* and as a "Leading Family Law Practitioner" by *Lexpert*
- B.A. 1980, LL.B. 1983, University of Saskatchewan
- Born and raised on a Saskatchewan farm
- Called 1986
- Practice at Torkin Manes Cohen Arbus LLP
- Married

### COMMUNITY SERVICE

- Chair and Director, Casey House Foundation (supports HIV/AIDS Hospice) (1998-2003)
- Volunteer, YMCA (1988-2002)



# Nirmala Persaud-Armstrong

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## ~ A New Voice ~

I ran for Bencher in 2003 because I believed that my experience as a sole practitioner, my teaching experience as a Family Law Instructor in the Bar Admission course for several years and my community involvement gave me the perspective necessary to make a contribution to the Law Society. I also have energy and genuine interests in resolving the issues confronting our profession. I will devote my time and commitment to Convocation.

There are a number of important issues facing our profession such as the Ontario Legal Aid Plan and the governing of paralegals which we must successfully address.

**LEGAL AID TARIFF:** Legal Aid continues to be important for people to have access to justice. As a sole practitioner I will fight for an increase in our hourly rate.

**PARALEGALS:** I will ensure that paralegals are properly regulated and be held accountable for their actions.

**REDUCING FEES:** I will fight for a reduction of Law Society fees and insurance fees, so that they do not become a barrier to the practice of law.

**EQUITY:** I will support the Law Society's initiatives taken in developing programs so that our profession is open to all members of society.

If elected, I ensure you that I will use my experience, my enthusiasm and put in the necessary time required to meet all challenges.

*Please fax question or suggestions to (416) 261-6490  
or email at nirmalapersaud@hotmail.com*

- Married with 4 children ages 24, 21, 16, and 11
- LL.B., Queen's Law School
- **Item Writing Session:**  
Bar Admission Course Examinations – The Law Society of Upper Canada
- **Instructor – Family Law:**  
Bar Admission Course, The Law Society of Upper Canada

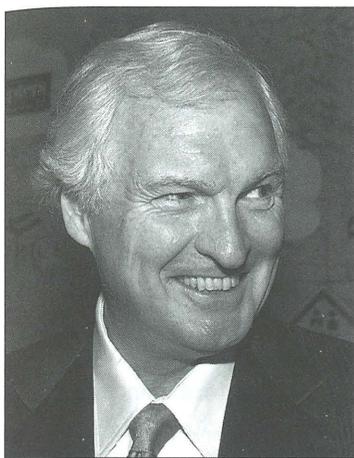
### Awards

- **Ontario Remarkable Women's Award,**  
Rubena Willis Counselling
- **Honourable Mention Barbara Paul Prize,**  
Queen's University
- **Law Student Society Spirit Award,**  
Queen's University
- **Samuel Springer Scholarship**

### Community Experience

- **President/Founder:**  
Wismer Ratepayers Association
- **(Past) Legal Advisor:**  
Toronto Children's Safety Village
- **(Past) Chairperson:**  
Friends of Women's College Hospital Scarborough Chapter
- **(Past) Chairperson:**  
Multicultural and Anti-Racism Committee

## Julian Porter, Q.C.



© NATIONAL POST/Cine Boim

### Sole practitioner since 2000.

Julian Porter, Q.C. has been a barrister since he was called to the Bar in 1964. His first 8 years were with John Sopinka at Fasken's. Julian has been involved in a variety of civil and criminal cases throughout the Province. He has given numerous lectures on cross-examination and libel. He is co-author of *Canadian Libel Practice*. He has been Chairman of the Toronto Transit Commission, President of the CNE and on the Boards of the Cancer Research Foundation and the 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.

Julian is married to Anna Porter.

I was called to the Bar in April of 1964 and have practised litigation ever since.

My practice has touched on almost every aspect of litigation except, thankfully, construction liens. I have defended murder cases (not good results), obscenity cases (bad results) and run-of-the-mill criminal cases. For years I acted for many health professions and appeared before countless administrative tribunals. I now mostly do libel, slander, copyright and esoteric torts and I'm always fencing with the law of contempt. I have appeared before a parade of juries and enjoy bringing the tingle of theatre to the Court.

I've been in big law firms, a small criminal law firm, then building a solo practice to a 12 person firm; then moving to a mega firm and for the past seven years, a sole practitioner. My past partners have included a leader of a national political party and a long term visitor to jail.

Convocation is composed of a large number of Benchers with a vast variety of experience. At times Convocation has the crackle of Westminster, people standing, the roll call of votes, the narrowness of margins of defeat. Always the debate widens your scope, often you become allies on an issue with former opponents. This is the splendour of the job, and civility is the cement of the institution.

I have been a Bencher since 1999. I have headed the Litigation Committee, Ontario Lawyers Gazette Advisory Board and the Government Relations and Public Affairs Committee.

Sitting on discipline cases is a necessary agony.

In the last four years my single most interesting job was representing the Law Society as a voting member of the House of Commons Justice Committee reviewing nominees for appointment to the Supreme Court of Canada.

The next four years reveal two large issues.

We must support the struggle of the sole practitioner and small law firms. Our task force has valiantly sought solutions to the perils of small practice. Creative use of computers and start-up workshops are supported by LSUC staff. Work will continue over the next four years.

By Bill 14 which was passed in October 2006, the Law Society is authorized to regulate and govern paralegal practitioners. By May 2007, when the Bill comes into effect we will need to have a regulatory framework in place.

This will be a large project. It will require a flexible, dignified approach and a vast amount of time, talent and resources. We are lucky that our Bill Simpson did such a careful job travelling the province meeting lawyers and paralegal organizations. Paul Dray, a respected paralegal and a Bencher, has given us valuable guidance. He is now Chair of the Law Society's Paralegal Standing Committee.

Over the next year we will develop a licensing process for paralegals. The first licences will be issued in January 2008. We must develop professional codes of conduct and a scope of practice definition. Our regulatory process must adapt for this new class of licence. One of the issues we must consider is how much of the cost the paralegal applicants must pay to support this program.

Those regulated will be practitioners who at present have a statutory right to appear before some tribunals or courts.

Good character investigations of paralegal applicants will lead to an increase of hearing panels. We must make decisions as to how these panels will be conducted.

Also, we will, of necessity, have to pursue people who continue to deliver legal services without being licensed.

I wish to highlight three extraordinary women benchers who should be re-elected:

- Bonnie Warkentin, a litigator from a two person firm in Kingston, who brings to our sessions a practical sense and a cool appraisal of the issues.
- Mary Louise Dickson, a Toronto solicitor who for years has wrestled with physical adversity, offers a distinct approach to our problems.
- Laurie Pawlitzka, a topnotch family lawyer, is a natural leader and a conciliator who keeps us on track and gets things done.

As well Linda Rothstein, a dynamo, is running for the first time - lucky us.

Vote for them and, if you will, vote for me.



# Tilda M. Roll

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- ❖ **Balance**
- ❖ **Legal Community**

Dear Colleagues,

I have two primary objectives. To achieve these objectives, I require your vote.

**Balance:** As lawyers, spouses, parents and grandparents, we strive for balance in our practices and day to day lives. On some rare days we come close to achieving it, on others not at all. I have learned since my call in 1993 that being a lawyer requires a tremendous commitment of time, energy, patience and continued education. Each of us, as professionals, are committed to providing representation to all that seek it, whenever and wherever it is required.

But at what cost?

The Law Society and our legal community must strive to find a way to promote balance in our lives, so we can more productively focus our energies on serving our clients without compromising our personal commitments.

**Legal Community:** We are all members of communities outside of the law, be it religious communities, sports communities or social communities. Communities unite us, allow us to come together for common goals and often inspire greatness in achievement. We must, as a profession, return to the basics of a legal community. Most of us experienced the LSAT, Law School, some form of articles and Bar Admissions. Our experiences, although unique to each of us, are also common in nature. Ontario lawyers should support one another and ensure the vitality of our legal community as we compete in a marketplace that is now global in nature and increasingly competitive. Promoting a legal community starts with ensuring that the Law Society equips each lawyer with knowledge through continued education programs and resources through written and web material. The Law Society should also promote social activities to foster a feeling of community between law society members throughout Ontario. This should in turn encourage co-operative professional relations between counsel which will ultimately benefit all clients.

***Support Balance***

***Support Legal Community***

***Please support me.***

- ❖ Born May 2, 1967
- ❖ Graduated Western Law 1991
- ❖ Called to the Bar in 1993
- ❖ Founding lawyer at Altmid Roll and Associates
- ❖ Matrimonial and civil litigation since 1993
- ❖ All levels of advocacy in Ontario
- ❖ Instructor, Bar Admissions Course (Family Law 2003 - 2005)
- ❖ Married, three children
- ❖ Foster parent with JFCS
- ❖ Class parent and Parent Teacher Council member (AHS)
- ❖ Soccer, Ski and Hockey Mom
- ❖ Avid Swimmer
- ❖ Star Wars Fan (Episode III is my favourite)

tilda@altmidroll.com



## John F. Rook

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The Law Society should govern the profession with a view to protecting the public interest in the rule of law and the proper administration of justice. In my view, the Society also has an obligation to assist members of the profession so that they can conduct the business of law in an increasingly competitive environment. Today, there are several important and inter-related issues which the Benchers must confront if we are to continue to be successful in achieving these objectives.

### ***Access to Justice:***

The Law Society should speak out on matters of public concern as they relate to the administration of justice. Today, there are significant issues relating to access to justice, proper funding for Legal Aid, the length of trials, the process which is used to appoint judges and the proper balance between the protection of the public and the rights of the accused in the so-called war on terror. In addition, witness the increase in the number of self-represented litigants. Indeed, it is no exaggeration to say that many people who are not eligible for Legal Aid simply cannot afford a lawyer.

The Law Society is not the sole custodian of these concerns, many of which raise complex social and economic questions. Nevertheless, in my view, the Law Society should have an increased profile in addressing them.

### ***Legal Aid:***

This is obviously an important component of access to justice. While many members of the profession have worked tirelessly to obtain adequate and sustainable levels of funding, much more needs to be done. The lack of funding for Legal Aid is a serious issue which cuts to the core of who we are as lawyers. The Law Society needs to re-dedicate itself to the implementation of a reform plan which will secure Legal Aid for the next generation.

### ***Women and the Law:***

I am concerned about the challenges facing women in the practice of law. While the Law Society has introduced a model policy which addresses some of the issues confronting women, systemic issues remain. To my mind, they are too often treated as second-class citizens, and too many women exit the profession or have lesser responsibilities than their skill and knowledge warrants.

The Law Society can provide leadership on this important issue with a continued focus on the importance of equal opportunities for men and women. This involves more education aimed at the profession and the general public. At a minimum, if we are to maintain our role as an independent self-governing profession, we must provide an example which the profession and the public can look upon favourably.

### ***Law as a Business:***

If there was ever any truth to the perception that the practice of law is a profession unconcerned with the more practical concerns of making a living, surely that perception has eroded, if not been entirely eliminated, over the last several years. The growth of national and regional firms has increased competition for clients and negatively impacted many small and sole practitioners. The Law Society can assist the profession in adapting to this environment through continuing legal education and by expanding its program of practice management to ensure members of the profession can adapt to the newly competitive environment.

### ***Why John Rook?***

I believe these issues are inter-related. They must be addressed in a manner which demonstrates to the public that an independent, self-governing profession is in the public interest. I have had the privilege of being involved in civil, criminal and administrative law proceedings across Canada and have worked with lawyers in every province. As a consequence, I believe I have gained some insights into the challenges facing lawyers. In order to be successful, we must bring passion, dedication, common sense and judgment to the issues confronting our clients. We should expect no less of our Benchers. If elected, I would be an advocate for continued reform for the benefit of every member of the profession as well as the public we serve. If elected, it would be an honour to serve. I ask for your support.

Hons. B.A. Queen's University  
(1968)

LL.B. University of Toronto  
(1971)

Called to the Bar in 1973.  
Partner in the Litigation  
Department of Bennett Jones  
LLP in Toronto where he  
conducts a trial and appellate  
practice in commercial  
litigation, administrative law and  
competition law. Leader of the  
firm's National Competition  
Practice Group. Appointed  
Queen's Counsel in 1984.

In the community, a Director  
of the Stratford Shakespearean  
Festival Endowment Foundation  
and a Member of the Board of  
the St. Andrew's College  
Foundation.

*Pro Bono:* A member of the  
Dickson Circle (named after  
the late Chief Justice), a group  
of advocates in Canada,  
providing *pro bono* legal  
services. Assignments include  
representation of the Canadian  
Council on Disabilities and  
litigation involving Aboriginal  
issues.



## Linda Rothstein, LSM

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Last year I had the privilege of serving as President of The Advocates' Society. I had the opportunity to become engaged in the many challenges that confront our profession and the administration of justice, and to take steps to address those challenges.

I am particularly proud of our *Skirting the Issues* Conference which focused on the stresses facing women advocates and our efforts to create better mentoring opportunities for young women lawyers. Under my leadership, The Advocates' Society also confronted some of the access to justice barriers created by complex and costly litigation procedures. We held a policy forum on *Streamlining the Ontario Civil Justice System*, tabled a report on the issues, and worked with the Attorney General to create the Civil Justice Reform Project led by the Honourable Coulter Osborne. As a bencher, I anticipate being able to continue to work on these issues in a way that is meaningful for our whole profession.

I believe I have more to contribute to the profession. I have the energy and enthusiasm needed to do so.

There is so much to be done. The Law Society represents not only barristers but also solicitors, some of whom feel disconnected from the work of the Law Society. Small firms and sole practitioners need the support of the Law Society to continue to thrive in a period of rapid technological and social change. The chronic underfunding of Legal Aid has seriously eroded access to justice for those most in need of legal representation, and unfairly burdens the criminal and family practitioners who undertake that important work. The Law Society must champion Legal Aid in bold and innovative ways that create a network of sustained commitments.

Finally, the Law Society must ensure that the independence of the judiciary and the independence of the bar continue as the pillars of our system of justice.

I practised happily in a large firm for much of my career and more recently in a small one. I have been lucky to travel frequently across the Province to meet with local members of the Bar. In my public law practice and particularly as lead counsel for the City of Toronto at the *Toronto Computer Leasing Inquiry*, I have come to know the many challenges which confront lawyers working in the public sector. I believe I have come to understand the problems lawyers face inside and outside of Toronto, in government, in large firms and in small ones.

If elected, I look forward to serving the profession.

- Married with four children
- Called to the Bar of Ontario – 1982
- Managing Partner, Paliare Roland Rosenberg Rothstein LLP, Barristers
- Member, Civil Justice Reform Project
- Immediate Past President, The Advocates' Society
- Awarded the Law Society Medal – 2005
- Fellow, American College of Trial Lawyers
- Co-chair, Special Lectures, Law Society of Upper Canada - 2005
- Referee, Law Society Compensation Fund, 1996-2000
- Identified in the peer review based list "Best Lawyers in Canada" as leading counsel in the following areas: 'Bet the Company Litigation', Corporate and Commercial Litigation, Administrative and Public Law, Labour and Employment Law
- Member, OBA

# Allan Rouben

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## Professional and community involvement past and present.

Member Legal Aid Ontario Area Committee, civil and criminal cases.

Member Pro Bono Law Ontario.

Member Advocates' Society Court of Appeal Program.

Member Child Advocacy Project.

Member Legal Aid Ontario mentorship program.

Member Law Society of Upper Canada Practice Advisory mentorship program.

Member Canadian Bar Association Civil and Criminal Litigation Section Executive.

Member Joint Committee on Court Reform.

Mediator A.D.R. Centre, Ontario Court (General Division).

Mediator Legal Aid Ontario.

Instructor Bar Admission Course, Civil Litigation Section.

Instructor/Judge Moot Court Program, University of Toronto Law School.

Instructor/Judge High School Moot Court Programs, Ontario Justice Education Network.

Member Board of Directors, Toronto Daily Bread Food Bank.

Member Board of Directors, Partners in Caring.

Dear Fellow Members of the Law Society of Upper Canada:

I am running for Bencher because I have loved practicing law these last 20 years, and believe I can make an important contribution to the legal profession through service as a Law Society Bencher.

I will bring the important perspective of the small practitioner to Convocation's deliberations. For close to 20 years, I have conducted a sole litigation practice. I work every day to bring the justice system to ordinary people. I, like you, am their advocate. I believe so very strongly in our system of justice. Those who receive, as we have as lawyers, must give back. We have a rich tradition in Ontario of outstanding lawyers and judges who have given their time in service to the profession and the administration of justice. I wish to do the same on your behalf as a Bencher. My platform revolves around two principal themes: (1) the sustainability of Legal Aid; and (2) the promotion of assistance and mentorship for younger lawyers.

In November 2006, a distinguished Task Force of Benchers published a Report on the Independence of the Bar. The Task Force emphasized that the rule of law cannot exist without independent lawyers. We instinctively know this to be true, but do not always think of the implications. For the rule of law to function, there must be access to lawyers. The lawyer of choice must be there. I therefore wish to focus on a subject which poses a threat to access to independent lawyers, the sustainability of Legal Aid. I have been a member of the Legal Aid Area Committee in civil and criminal cases for the past 16 years. I have seen first hand the importance of the Legal Aid Plan to the administration of justice. If we are to ensure fair trials for accused persons in criminal cases, and members of the public receive access to justice in family law and other cases, legal aid must be available for those in financial need. Legal Aid finances have deteriorated rapidly and the rates paid to lawyers have been capped for many years. This system is under threat. Without a sustainable funded program, lawyers cannot serve the public by providing counsel the public needs to make the justice system work. It is the responsibility of the Law Society to hold the Government to account and to advocate strongly on behalf of the Legal Aid Plan. As a Bencher, I will do that.

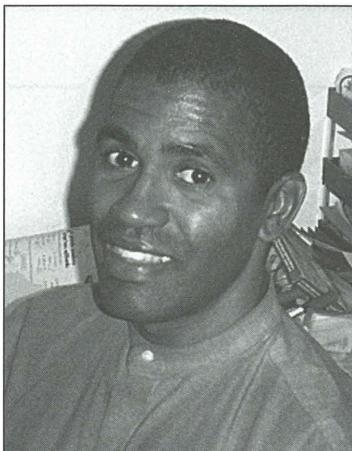
On April 4, 1997, at the age of 86, John Arnup expressed to Convocation his longstanding view: "I believe there is an urgent need to provide legal assistance, as a matter of human rights and common decency to people in Ontario who need that assistance. The good ship Legal Aid is leaking and leaking badly, and it may be in danger of sinking. But I am not going to abandon ship myself. I thought it was time that John Arnup stood up and be counted. I am going to stand on that ship until it either is rehabilitated or it goes down beneath the waters, but I am not going to give up."

If elected, I will express that same view.

As regards the promotion of mentorship, being a sole practitioner I have never hesitated to pick up the phone to contact more senior counsel for advice. I have never been turned down. I have never been told the lawyer didn't have time to speak with me. Young lawyers need to know that senior members of the profession will discuss the difficult legal and ethical issues which inevitably arise in practice. While mentorship programs exist, they are not well known. Through its communications with the profession, the Law Society can play a more active role in publicizing existing mentorship programs. As a Bencher, I will also be a strong advocate for the addition of voluntary initiatives which promote the tremendous value of mentorship in the profession.

I ask for your vote and invite you to contact me with suggestions. Thank you for your attention, and please vote for me on Bencher Election Day.

Sincerely,  
Allan Rouben  
Tel. (416) 360-5444  
Fax (416) 365-7702  
E-mail: [arouben@bellnet.ca](mailto:arouben@bellnet.ca)  
[www.allanrouben.com](http://www.allanrouben.com)



## Roger Rowe

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It's time! After 17 years practicing law in Toronto, I remain proud of our profession and the important service that it provides to the public. Issues such as the needs of sole practitioners and small firms, more funding for legal aid, access to justice, complaints and fairness, equity and diversity continue to pose challenges to our profession. I see becoming a bencher as one way of helping our profession address these issues cooperatively and effectively.

The Law Society's motto, "Let Right Prevail", provides a helpful reference point for all of us in trying to advance our profession and address its challenges. It is the golden thread that potentially ties us all together. It is the reason that I joined this profession.

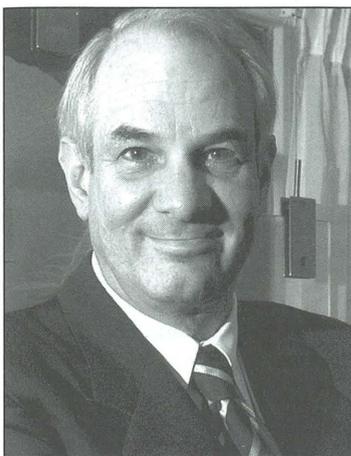
As a lawyer living and working in the Jane Finch area, I guess you could say that I'm not your typical bencher candidate. The skills that I have acquired in learning how to survive in this business running a successful practice on a shoe string budget in a high needs community while facing ongoing legal aid cutbacks, have been a great preparation.

I believe that there is more that can be done to address the economic interests of sole practitioners and small firms, to increase funding to Legal Aid Ontario, to have a complaints process that is more fair to lawyers, and to promote greater equity in our profession. If we are to make any headway on these issues, it'll have to be by consensus building and cooperating with each other.

The Law Society should be governed in the interests of everyone, not just a select few. The image of our profession has continued to take a beating. While there is more to be done in enhancing the public's view of our profession, the public's trust must be earned.

Electing credible candidates is one important step towards earning the public's trust. I'm ready for the challenge and privilege of representing you as a bencher. It's time!

- born in Montreal, Quebec
- called to the bar of Ontario in 1989
- received Bachelor of Arts Degree in Sociology from York University in Toronto in 1982
- completed LLB at Osgoode Hall Law School in 1987
- was a staff lawyer at Jane & Finch Community Legal Clinic for 5 years before entering private practice in 1993
- has appeared before all levels of court including the Supreme Court of Canada where he successfully argued the landmark case of Baker v. the Minister of Citizenship and Immigration which established a new standard for the duty of procedural fairness in administrative law
- practices in the Greater Toronto Area as a sole practitioner in the areas of criminal, family, and immigration law



## Clayton C. Ruby, C.M.

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From July 26, 2001 to December 5, 2005 I was Chair of the Finance and Audit Committee of the Law Society of Upper Canada. In that capacity I was responsible for a \$66 million budget and the overall financial implications of Law Society programmes and activities. I became Acting Treasurer on December 5, 2005 due to the sudden departure of then Treasurer George Hunter. I accepted this responsibility. I remained Acting Treasurer until an election was held on February 23, 2006.

Since March 23, 2006, I have been Chair of Professional Regulation, the Committee that is responsible for making policy and drafting Rules in connection with professional conduct, as well as the investigation and prosecution of lawyers for discipline offences. We provide trustee services for the practices of Members who are incapacitated for legal or health reasons. We manage unclaimed trust funds. This part of the Law Society's responsibility to the public has assumed considerable importance in the last little while; we have been plagued by mortgage frauds that have involved the profession. We have been working hard to develop both educative and prosecutorial approaches to preserve the integrity of lawyers and avoid mortgage fraud. There are currently 120 mortgage fraud investigations and 20 mortgage fraud prosecutions.

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. Eleven women out of forty were elected as Benchers in the 2003 election (three from Toronto and eight from outside Toronto). The 1999 election returned ten women out of forty. This is not progress. This is unacceptable. We can do better. Vote for women. Vote for minorities.

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.

### EDUCATION

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- 1963 B.A. - York University
- 1967 LL.B. - University of Toronto
- 1969 Member, Law Society of Upper Canada
- 1973 LL.M. - University of California (Berkeley)
- 2006 Doctor of Laws (honoris causa) - The Law Society of Upper Canada

### RECENT AWARDS

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- 2006 Order of Canada, Member
- 2003 Writers' Union of Canada, Human Rights Award
- 2000 York University Founders' Society

### COMMUNITY MEMBERSHIPS AND AFFILIATIONS

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- Chair • Earthroots
- Honorary Director • Sierra Legal Defence Fund
- Patron • People for Education
- Member • PEN Canada
- Honorary Patron • Native Men's Residence

### PUBLICATIONS

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#### LawLawLaw

- book for laymen, House of Anansi Press, 1973

#### Sentencing

- textbook for lawyers, Butterworths, 6th edition, 2004

#### *Canadian Rights Reporter*

- Editor, a series of case reports on the Canadian Charter of Rights and Freedoms, Butterworths



## Mark J. Sandler

My past term as an elected Bencher has been both challenging and rewarding. I believe that my experience as a Bencher (particularly as a Chair, Vice-Chair and member of multiple committees), and as a small firm practitioner, appellate and trial criminal litigator, adjudicator, professor and community volunteer will enable me to better serve the legal profession and the public.

*Discipline and Professional Conduct* – This work is at the core of our mandate. I have served as the Chair of the Appeals Panel; Vice-Chair of the Hearings Panel; Vice-Chair of the Tribunals Committee; Chair of the Tribunals Composition Task Force, and as a member of the Investigations Task Force. I have been deeply involved in the creation of an Adjudicator's Code of Conduct, and in adjudicator education. It is important that complaints be investigated, and ultimately adjudicated upon in a timely, consistent, and fair way. It is equally important that our disciplinary process be perceived as enhancing the administration of justice. During the last term, I have worked hard on these issues.

I also believe that 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. Ongoing mentoring reduces the likelihood that members of the profession will face the disciplinary process, which is frequently the result of practice difficulties, rather than dishonesty. We have taken some measures to provide support for sole and small firm practitioners in dealing with the difficult issues they face on a daily basis, and more can be done.

*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. Recent events have underscored the serious difficulties faced by Legal Aid Ontario, and the impact of those difficulties on lawyers whose practices are dependent upon legal aid. The problem is equally profound for those members of the public dependent upon access to legal aid to address their needs. Legal aid clinics also play a vital role in this regard that cannot be overlooked. Convocation's voice must be heard loudly and clearly on this issue during the new term. The status quo is completely unacceptable.

*Diversity* – I am strongly committed to diversity within, and accessibility to, the legal profession. As a member of the Equity and Aboriginal Issues Committee, I am proud of its equity and diversity initiatives during the last Bencher term. I believe that as a part-time member of the Human Rights Tribunal of Ontario, as a former National Chair and Senior Counsel to the League of Human Rights of B'nai Brith Canada, I can continue to contribute greatly to these issues.

*Articling Students and New Lawyers* – The number of students seeking articling positions and ultimately employment as lawyers is dramatically increasing. The Law Society must play an important role in addressing the full range of issues associated with this growth: the financial burdens of legal education; access to the profession by equity-seeking groups and individuals; employment opportunities; and the impact upon the profession as a whole. I see this as a priority in the new term.

*Continuing Legal Education* – I regard accessible and affordable continuing legal education for practitioners throughout Ontario as vital. I have participated as a lecturer, panelist, and author in many educational programmes offered by the LSUC, the Criminal Lawyers' Association (co-chairing its Annual Education Programme and Convention for three years), the Advocates' Society, the American College of Trial Lawyers, the National Judicial Institute (as a faculty member), the Ontario Bar Association etc. This remains an issue of great importance to me.

*Pro Bono Services* – Early in my career, I was proud to be a recipient of the Outstanding Pro Bono Legal Services Award, and have continued to serve in many volunteer positions in the community. As a Bencher and a member of the profession, I am proud of those members of the profession that provide pro bono services, and wish to continue to lend my support to their activities.

I would be grateful for your support.

Partner, Cooper, Sandler & West; Appellate and trial criminal litigator for 27 years; Elected Bencher; Chair, Tribunals Composition Task Force; Vice-Chair, Hearings Panel, Tribunals Committee; Trustee, Law Foundation of Ontario; Member, Appeals Panel, Equity and Aboriginal Issues Committee, Human Rights Monitoring Group; Elected Fellow, American College of Trial Lawyers; Counsel to six inquiries or reviews, including Guy Paul Morin Inquiry; Counsel to Minister of Justice (assisting Justice Kaufman) respecting Steven Truscott application; Adjunct Professor, Osgoode Hall Law School 1994 to 2005; Outstanding Pro Bono Legal Services Award; Member, Human Rights Tribunal of Ontario; Co-Author, *Criminal Procedure: Cases, Notes & Materials*, 2nd edition; Member, Advocates' Society, York Region Law Association, Criminal Lawyers' Association, Ontario Bar Association, Toronto Lawyers Association; Faculty, National Judicial Institute.

## Paul Schabas

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**Partner**, Blake, Cassels & Graydon LLP

### **Litigator**

- Civil, criminal, media and constitutional law
- Many cases in Supreme Court of Canada

### **President**

- Pro Bono Law Ontario

### **Vice-President**

- Canadian Media Lawyers Association

### **Director**

- Advocates' Society
- Canadian Civil Liberties Association

### **Former Director**

- Family Service Association of Toronto
- National Youth Orchestra of Canada

### **Past Chair**

- OBA Constitutional and Civil Liberties Section

### **Teaching/CLE**

- Osgoode Hall Law School
- University of Toronto
- Speaker at LSUC Special Lectures, 2001 and 2003

### **Education**

- B.A., LL.B. (U. of T.)
- Called to Bar 1986

### **Personal**

- Married to Alison Girling
- Three teenage kids!

### **Here's why I want to be a Benchers.**

We need a strong, forward-looking Law Society that maintains the strength of the justice system and the independence of the profession, and represents all lawyers in the public interest. That includes working efficiently and without burdening members with unduly high fees or unnecessary bureaucracy.

My career path demonstrates that I can represent all members of the profession on the critical issues facing the Law Society. My practice is eclectic. I began practicing criminal law and recall the challenges (and pleasures!) of working in that environment. I still do criminal defence work as well as mainstream civil/commercial litigation. I have an expertise in media and free expression law, and work on many cases of public interest involving legal and equality rights. I have always done pro bono work and have played a leadership role in my firm and in the profession in pushing lawyers (especially in large firms) to make a larger pro bono commitment. I know how to lobby and promote our interests to government, and the public.

### **I have been active on these issues for years:**

**Access to Justice:** The Law Society needs to ensure we have a legal system that works for everyone. That means a legal system that is accessible to all. For the past two years I have been President of Pro Bono Law Ontario, and was a founding Director of the organization five years ago. With PBLO, I have worked closely with the Law Society, Legal Aid Ontario, legal clinics and the Law Foundation to enhance access to justice. There is much more work to be done, including continuing to press for a better funded legal aid system.

**Continuing Education:** We need to maintain excellent continuing legal education to ensure all lawyers are well-qualified to do the job and meet the highest ethical and competency standards we expect, and the public deserves. For fifteen years I taught part-time at U of T and Osgoode. I have chaired or spoken at almost one hundred legal educational programs. For many years I ran the student program at Blakes. A vibrant continuing education program offered by the Law Society is essential. We must also work hard to ensure programs are accessible to all members of the profession, regardless of income or location.

**Diversity:** I have spoken publicly on the need to make the profession more inclusive. Within my own firm, I have been a strong proponent of the need for lawyers to show leadership in this area. We must work harder to ensure Ontario's lawyers better reflect our extraordinarily multicultural and diverse province. Our future depends on it, and will be better for it.

As a Benchers, I can bring my experience and enthusiasm to Convocation. I'll work hard and make sure the Law Society represents all of us, for the public good.



AMINA SHERAZEE received her B.A. in 1994 (University of Toronto) and LL.B. in 1998 (University of Windsor). She articulated at Parkdale Community Legal Services and was called to the Ontario Bar in February 2000. She is completing her LL.M. (Administrative Law) at Osgoode.

She was a staff lawyer at the University of Toronto's teaching clinic Downtown Legal Services from September 2001 until January 2007 supervising law students and practicing in several civil areas. She has practised law in both the public and private spheres, working extensively within the community legal aid clinic system and at a private law firm and is currently in private practise.

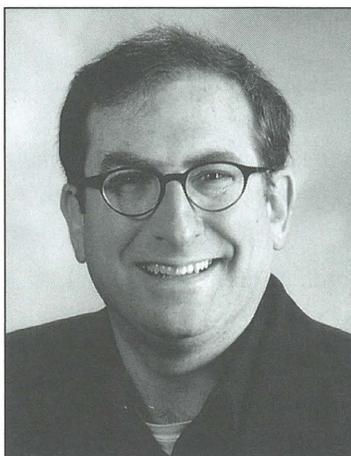
She is the recipient of the Canadian Association of Black Lawyers Award of Excellence.

## Amina Sherazee

- The Law Society's Access to Justice mission should be enhanced. This can be accomplished by ensuring a) the provision of high-quality legal services to those who are unable to afford it, particularly when it concerns their life, liberty, security and equality interests and b) the members of the profession who *do* provide direct representation in furtherance of access to justice are adequately supported, recognized and rewarded. For example, the Law Society must enhance the ability of members to access, obtain and benefit from legal education and professional development. Accessible justice is undermined by chronic lack of government funding of Legal Aid, and in turn legal aid lawyers, the elimination of the Court Challenges Program and the Law Commission, while at the same time the government continues to target vulnerable and marginalized communities. The solution does not singularly lie in volunteerism, as lawyers who work for the poor cannot be expected to work for free. A solid and effective Access to Justice program therefore challenges government cuts, includes measures to ensure equal access for *all* people who require, but are unable to afford legal services and meaningful opportunities to protect and enforce their constitutional rights, alongside measures to enhance the quality of those services and support for members who provide it at great expense.
- The Law Society's Equity and Diversity mission needs to be strengthened. Given the racial composition of Canada, the racial composition of the legal profession is striking. Given the initial admission of membership to the legal profession, in that it has and continues to change with women making up 50% and racialized communities close to 20%, the fact these changes are not reflected or represented in the higher echelons of the profession is shameful. The distortion begins in law schools, where admissions are seriously and adversely impacted by increasing tuition fees, and continues for lawyers, partners in major law firms, law school academics, and the judiciary. This problem of lack of advancement within the legal profession is not just a matter of access to opportunities within the profession but also an issue of access to justice. There is too much documented evidence of institutionalized racial discrimination in the justice system, but the professional bodies have been slow to react. The imbalance must be remedied urgently with the Law Society monitoring race and giving practise guidance, with the aim of fully integrating the profession to the reality.
- The Law Society must build successful mentoring relationships for young lawyers so they can flourish and excel in areas of practise of their choice. Young lawyers are hard working, talented and driven, but often lack the opportunities to develop skill and expertise in their own desired areas of practise. The Law Society must actively promote and foster a viable alternative for young lawyers to successfully pursue their career path *and* obtain the support, skills and experience necessary to develop expertise and excellence.

## Lorne Sossin

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Lorne Sossin is Professor and Associate Dean at the U of T Faculty of Law where he has won two teaching awards, and currently teaches administrative law, constitutional law, civil procedure, and poverty law. Prior to joining the law school in 2002, he practiced at Borden Ladner Gervais (where he is now a Visiting Scholar) and taught at Osgoode Hall Law School. Lorne serves on the boards of the Law Foundation of Ontario, Ontario Justice Education Network, Income Security Advocacy Centre & PBLO. He is also a member of the Health Professions Appeal & Review Board. Lorne is author of *Boundaries of Judicial Review, Public Law* (with Michael Bryant); and co-editor of *Barristers and Solicitors in Practice* (with Jeffrey Hoskins).

I am running for Bencher because I believe I can make a meaningful and positive contribution to the profession. As a professor and senior administrator at U of T's Faculty of Law, I work closely with law students every day. The energy, commitment and enthusiasm I see in those increasingly diverse students entering law school each September is something we need to nurture and reinvigorate throughout a lawyer's career.

The Law Society must effectively and responsibly govern the profession and should also provide leadership on the standards, values and aspirations which define the profession. I bring to the Law Society a fresh perspective, relevant experience, sound judgment, and a consultative approach. I very much hope that you will support me.

The following are key areas where I hope to play a leadership role as a Bencher:

**Access to Justice** – Access to justice is more than a single program or initiative. I believe it must be a network of sustained and mutually reinforcing commitments. For example, as Bencher I would work hard to ensure that the Law Society champion Legal Aid in Ontario and work to strengthen its funding and accountability; support the expansion of pro bono programs, and develop more outreach activities to marginalized communities including a greater focus on public legal education activities.

**Independence of the Bar** – I was proud to serve as the Research Director to the Law Society's Task Force on the Rule of Law and the Independence of the Bar, which reported to Convocation in November of 2006. The central conclusion of the Report was that the public understanding of and support for its right to an independent Bar is critical to the rule of law and that much more needs to be done to broaden and deepen the public's engagement with the profession. I am committed to enhancing the profile of the profession with the public. An independent Bar is intended to protect the public and is a fundamental right that should never be taken for granted.

**Professionalism** – A commitment to professionalism should start in law school and continue throughout a lawyer's career.

I am privileged to serve as co-chair of U of T's working group on professionalism, ethics and public service and as U of T's representative on the Chief Justice's Advisory Committee on Professionalism and Ethics. As a Bencher, I will be committed to building on the relationships between the bar, bench and academy to strengthen existing programs and initiatives and develop new ones.

**Access to the Profession** – The Law Society should work with law schools and others to encourage broader access to the legal profession. Initiatives worth supporting include a new emphasis on part-time legal studies programs and encouraging the expansion of debt-repayment programs for lawyers with lower incomes.

**Legal Education** – The Law Society has an integral role to play in legal education. Its collaboration with law schools in the delivery of courses on legal ethics and professionalism, the evolution of the Bar Admission course, its excellent reputation as a provider of CLE, all represent a diverse and strong foundation to build upon. Enriching education opportunities for lawyers in solo or small firm practice and in different regions of the province should be key priorities. The Law Society should also provide leadership in public legal education, in part by strengthening its collaboration with the Ontario Justice Education Network and other organizations committed to outreach and public engagement with the justice system.

**Vision for the Future** – Some of the challenges for the future of the profession are clear: the implementation of paralegal regulation, projected shortfalls in articling positions, the modernization of the discipline tribunal, the urbanization of the profession generally and the aging of the profession outside urban areas specifically. There will no doubt be other challenges which are unexpected and unplanned for – I look forward to the opportunity as a Bencher to be a part of the solutions to these challenges.

For more information on my background and ideas, see <http://www.law.utoronto.ca/faculty/sossin/bencher.html>



## Beth Symes, LSM

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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 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 and 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.

I have focused my past four years at the Law Society on discipline and money, both core functions for lawyers. If I am re-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.

Partner, Symes & Street  
Called to the Bar 1978  
LL.B. Queen's University  
Practices administrative law,  
civil litigation, labour law and  
equality rights

First Chair,  
Pay Equity Hearings Tribunal

Law Society Medal 1996  
Gordon F. Henderson Lecturer  
in Human Rights 2003  
WLAO President's Award 2004

Lectured Trial Advocacy,  
Economic Regulation and  
Constitutional Litigation

Elected Bencher 2003

Currently:

- Chair Audit Subcommittee
- VC Finance Committee
- VC Proceedings Authorization  
Committee

Director of Canadian Institute  
for the Administration of Justice

Currently: Co-Chair  
Membership Committee

Director of L'Heureux-Dubé  
Fund for Social Justice

Director of Women's College  
Hospital

Currently:

- Chair Audit Committee

Founder of Women's Legal  
Education and Action Fund  
Organizer of Conference of  
Ontario Boards and Agencies  
Founder of Society of  
Adjudicators and Regulators

# Bonnie A. Tough



## Why I Am Running For Bencher

Friends and colleagues have asked me why I am running for Bencher. Actually, they have asked me, "Have you lost your mind?"

I am running for Bencher because I believe that the work of the LSUC is important. It is important to the public which has entrusted our profession with self-governance and it is important to our profession which must continually demonstrate that it is deserving of that trust.

I am running because I have reached the stage of my practice where I can devote the necessary time to the LSUC and have the experience and judgment to make a positive contribution.

## Background

Ultimately, being a good Bencher is about judgment. I am hopeful that those members of the profession, who have come in contact with me, directly and indirectly, will recognise the judgment I have demonstrated in my practice, teaching and community activities, and will support my candidacy.

I was born and raised in Northern Ontario (Kirkland Lake and Elliot Lake). Although my entire professional life has been spent in Toronto, I remain keenly aware that there is a community of lawyers outside of Toronto and that their priorities may not be the same as the lawyers in Toronto. I have seen first hand the challenges of both the large firms and the small firms. I practised for 20 years with a large multi-jurisdictional firm and now practice in a small litigation boutique. If elected I will strive to take into account the views of all lawyers.

Working in my practice with students and newly called lawyers, as well as teaching as an Adjunct Professor of Law at Osgoode Hall Law School, has exposed me to the issues and needs of lawyers in their first few years of practice. If elected, I will continue to listen to the newer members of our profession and try and address their concerns. I believe that responding to the innovative ideas of our newer members is essential to the future of our profession.

## Public Perception of Lawyers

I have always been struck by the juxtaposition that lawyers are the butt of jokes and rank low in trust surveys, yet I do not know a single parent who has not been thrilled by their child's admission into Law School. The public perception of lawyers is important. As a self-governing body, the LSUC must do all it can to ensure that the public face of lawyers in Ontario is positive.

## Diversity

I have observed the diversity being achieved in our Law Schools but have not observed this same diversity in law firms. The LSUC has taken a number of initiatives to promote and encourage diversity in the profession. I applaud those efforts. If elected, I will continue that work of the LSUC.

## Access to Justice

Access to Justice is important to our criminal justice and Legal Aid systems. These are areas in which the LSUC can and should have influence. However, we also have to tackle the problem that the current cost of legal services has effectively barred the middle class from obtaining such services. It is ironic that many lawyers, in jest, state: "I cannot afford myself!" In the interests of the public and the profession, the LSUC can and should look to more creative and less expensive means of delivering legal services.

## Discipline and Regulation

The ability of our profession to preserve its privilege of self-governance is dependant upon not only maintaining an effective regulation and discipline process, but also upon the public's perception that these processes are fair and in the public interest. These are goals I will pursue if elected Bencher.

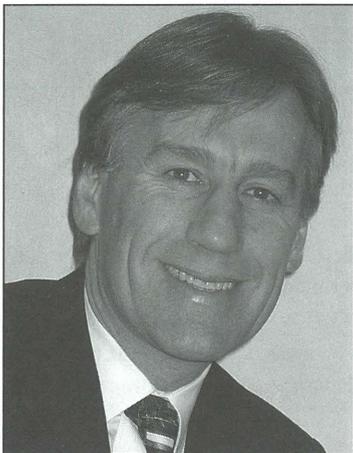
## Fiscal Accountability

There is a debate as to the existence of and need for financial surpluses within the coffers of the LSUC and its related entities. I believe we need to strike and maintain a balance between having the funds to do the important work of the LSUC and recognising that the fees charged place a financial burden on many members of our profession.

For further information please go to [www.bonnieforbencher.com](http://www.bonnieforbencher.com).

- **Partner:**  
Tough&Podrebarac LLP
- **Called:** 1980
- **LLB:** Osgoode Hall (1976)
- **LLM:** Oxford (1977)
- **Law Clerk:** Supreme Court of Canada (1978 – 1979)
- **Litigation Associate/ Partner:** Blake Cassels & Graydon (1980 – 1999)
- **Adjunct Professor:**  
Osgoode Hall Law School (1995 to current)
- **Past Director:**  
– Toronto Lawyers Association  
– Advocates' Society  
– Osgoode Hall Alumni Association
- **Past Vice-Chair:**  
Law Society Civil Litigation Certification Committee
- **Elected:** Fellow - American College of Trial Lawyers
- **Recipient:** Osgoode Hall Alumni Gold Key Award
- **Recipient:** Canadian Hemophilia Society Special Award of Recognition
- **CLE Presenter:**  
Civil Litigation, Class Actions, Insurance, Trial Practice.
- **Member:**  
– CBA  
– OBA  
– Toronto Lawyers Association  
– Advocates' Society

**YOUR VOTE IS IMPORTANT –  
PLEASE VOTE AND PLEASE CONSIDER MY CANDIDACY**



# Reg Watson

I practice in a Toronto firm of 3 lawyers, which shares space with another firm of 3 lawyers. Prior to that, I was a sole practitioner. Every day I deal with issues similar to those facing all lawyers practising in small or solo firms.

My demographic (lawyers in firms of 5 or less lawyers) accounts for 52% of the lawyers and 94% of the firms in Ontario. When individuals require legal services, overwhelmingly they retain lawyers from small or solo firms (Final Report of the Sole Practitioner and Small Firm Task Force, LSUC, March 24, 2005).

We are an important part of the profession and face significant issues, but we are underrepresented in Convocation, especially within the Toronto electoral region. That must change and that is why I am seeking your support.

I have extensive experience with the LSUC in many diverse areas. I will use that experience to advocate on behalf of the public and the profession, especially on behalf of lawyers working in small or solo practices.

Generally, I believe in the profession of law, the vital role of small and solo firms, professionalism and the importance of volunteering.

Specifically, some of the positions in which I believe are outlined below. If any of them resonate with you, if you are a lawyer in a small or a solo firm, or if you believe that I have the experience to make a contribution in Convocation, then please vote for me.

## Professional History (Past & Present):

### Caswell & Watson:

*Barrister, Solicitor, Mediator, Mentor*

- Called 1983
- BScEE, UNB
- MSc (Course Req'ts)
- LLB, Queen's

### LSUC Participation:

*Counsel:*

- Former Discipline Counsel
- Defence Counsel

*Articling Principal*

*Mentor for Mentorship Program*

*Licensing Committees:*

- Competency Development
- Blueprint Development

*Bar Admissions Course:*

- Seminar Leader
- Lecturer
- Exam Marker

*Computer Education Facility:*

- Course Planner
- Instructor

*Other Committees:*

- Special Committee on Discipline Procedures
- NOBC Long Range Planning
- NOBC Counsel Manual

### Financial Services

#### Commission:

- Chair, Advisory Board

### Reid's Administrative Law:

- Editor

### Integrated Justice Project:

- E-Filing Pilot Project

### OBA:

- Volunteer, Fee Mediation Project

### Personal (Past & Present):

*Family:*

- Spouse, one child

### Volunteer:

- Track3 Disabled Ski Association
- St. Stephens Community House
- K.Y.T.E.S.
- CPS
- CBS: 100+ Donations

## Positions:

- Make it easier to practise law
  - Facilitate/streamline member interaction with LSUC
  - Use existing fees and levies responsibly
- Help small and solo firms attain greater financial security
  - Promote pension options
  - Advocate for benefit plans
- Encourage impeccable LSUC Governance
  - Implement more open, accountable processes and decisions
  - Appoint an independent LSUC "Auditor General"
  - Facilitate member – bench communication
- 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
  - Increase professionalism
  - Stick to the mandate: Regulate the legal profession in the public interest

## Please contact/visit me:

- (416) 483-4883
- [rwatson@caswellandwatson.ca](mailto:rwatson@caswellandwatson.ca)
- [www.watsonforbencher.com](http://www.watsonforbencher.com)

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LET RIGHT PREVAIL

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Upper Canada

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