



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

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

BENCHER ELECTION 2011

### Have a say in shaping our future – Join the discussion

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## ONTARIO LAWYERS GAZETTE

### LA REVUE DES JURISTES DE L'ONTARIO

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## 2011 Nominations Requested



### Law Society Medal

The Law Society Medal was established in 1985. The purpose of the award is to recognize outstanding service within the profession, whether in a particular area of practice, the academic sphere or in some other professional capacity. The award may be made for devotion to professional duties over a long period or for a single outstanding act of service in accordance with the highest ideals of the legal profession.



### Lincoln Alexander Award

The Lincoln Alexander Award is awarded annually in recognition of an Ontario lawyer who has demonstrated long-standing interest and commitment to the public and to the pursuit of community service on behalf of residents of Ontario. The award was created in 2002 in honour of The Honourable Lincoln M. Alexander, P.C., C.C., O. Ont., Q.C., former Lieutenant Governor of Ontario, Member of Parliament, federal Cabinet Minister, and 2002 Law Society Medal recipient, to reward his dedication to the people of Ontario and the legal community.



### Laura Legge Award

In May 2007, Convocation approved the establishment of the Laura Legge Award. This award is to be given annually to a female member of the Law Society who has exemplified leadership within the profession. Laura Legge was a member of the Law Society of Upper Canada for more than 60 years. She became the first elected female bencher, the first woman ever to serve as Treasurer and was a senior partner of the firm of Legge & Legge. This award will continue to commemorate her exemplary professional career, her mentorship of other lawyers, her long-standing service to the Law Society and her admirable contribution to community service.

Nominations for these awards should be submitted in writing with a current curriculum vitae and letters of support to:

Office of the Treasurer, Osgoode Hall,  
130 Queen St. West, Toronto, Ontario M5H 2N6

Those nominated in past years but not recognized may be nominated again.  
The deadline for nominations is February 25, 2011.



## Bencher Election 2011 – Have a say in shaping our future

On April 29, 2011, the Law Society will elect a new Bench of 40 lawyers to regulate our profession. These lawyers, along with two elected paralegals and eight lay persons who are appointed by the Ontario government, make up Convocation – the Law Society's governing board.

Our Benchers develop policy and strategy to deal with issues facing our profession in a way that protects and advances the public interest. I encourage each and every lawyer in Ontario to participate in the next election.

Nominate a candidate. Run in the election yourself. Organize a campaign. At a minimum, cast your vote! This is your chance to shape the future of our profession.

There has never been a better time to participate in what our Law Society does.

You may ask: "What does a Bencher actually do?" I can answer that question best by telling you what we have done in recent years.

Following an extended review and consultation with the profession, we have introduced new Continuing Professional

Development requirements for lawyers and paralegals that take effect January 1, 2011. This is an important measure to ensure life-long learning by our members and reinforce public respect for our justice system.

We have introduced several measures to make our discipline process more efficient and more transparent to the public. We have increased interlocutory suspensions of members who are seen to pose a significant risk. Recently, we've made information about our regulatory proceedings more accessible on the Law Society's website. We have introduced a pre-proceeding consent resolution conference to expedite the discipline process for lawyers and paralegals who admit to misconduct allegations against them.

We have also made important changes in the internal governance of the Law Society,



Treasurer Laurie H. Pawlitza

### Message de la trésorière

## Élection des membres du Conseil de 2011 – Aidez à définir notre avenir

Le 29 avril 2011, le Barreau élira un nouveau conseil de 40 avocats et avocates pour réglementer notre profession. Ces avocats et avocates, avec deux parajuristes élus et huit non-juristes nommés par le gouvernement de l'Ontario, constituent le Conseil – l'organe directeur du Barreau. Nos conseillers et conseillères élaborent des politiques et des stratégies pour aborder les enjeux de notre profession de manière à protéger et à défendre l'intérêt du public. J'encourage tous les avocats et avocates à participer à cette prochaine élection.

Proposez une candidature. Présentez-vous. Organisez une campagne. À tout le moins, votez! C'est votre chance de définir l'avenir de votre profession.

Il n'a jamais été plus aisé de s'engager dans le travail du Barreau.

Vous vous dites peut-être : « mais que font les conseillers exactement? » Laissez-moi vous parler de ce que nous avons fait au cours de ces dernières années.

Après un examen en profondeur et une vaste consultation auprès de la profession, nous avons introduit la nouvelle exigence de formation professionnelle continue pour les avocats et les parajuristes qui entrera en vigueur le 1<sup>er</sup> janvier

2011. Cette mesure importante assurera l'apprentissage la vie durant de nos membres tout en renforçant le respect du public pour notre système juridique.

Nous avons introduit plusieurs mesures visant à améliorer notre processus de discipline et à le rendre plus transparent. Nous avons augmenté le nombre de suspensions interlocutoires imposées aux membres susceptibles de poser un risque important. Récemment, nous avons rendu l'information sur les instances de réglementation plus faciles à consulter sur le site web du Barreau. Nous avons introduit le principe de conférence sur la résolution des poursuites par consentement pour accélérer le processus disciplinaire visant les avocats et les parajuristes qui admettent un manquement professionnel allégué.

Nous avons aussi fait d'importants changements dans la gouvernance interne du Barreau en introduisant par exemple des limites aux mandats des conseillers et conseillères. Nous espérons que ces changements faciliteront la diversification des membres qui seront élus au Conseil en 2011.

Le Barreau a récemment approuvé plusieurs projets pilotes pour garder les femmes dans la pratique privée du droit. Nous travaillons avec 56 cabinets participant au projet Justicia et



including the introduction of term limits for Benchers. We expect that these changes will make it easier for a more diverse group to be elected in our 2011 election.

The Law Society has recently approved several pilot projects to enhance the retention of women in the private practice of law. We are working with 56 firms through the Justicia Project, and continue to provide support for parental leaves with the Parental Leave Assistance Plan.

Sole and small firm practitioners are the backbone of our profession. They help the public with their everyday legal needs. Ensuring that these smaller practices remain viable speaks to our legislated duty to facilitate access to justice for all Ontarians.

The contract lawyers' registry provides a list of lawyers by geographic area who will do contract legal work. Similarly, the Law Society maintains an articling registry. Each registry can help firms fill critical vacancies. We have also created an on-line succession planning tool kit. We continue to work with the Ontario Bar Association and the County and District Law Presidents' Association to expand our support for lawyers in sole practices or small firms.


Three years ago, the government asked the Law Society to regulate paralegals. There are now more than 3,000 licensed

paralegals providing legal services in Ontario. Our regulatory regime provides a significant measure of consumer protection for a previously unregulated group. To ensure competency and to support our newly licensed paralegals, we have introduced paralegal practice audits. We continue to accredit colleges offering paralegal courses to ensure that the curriculum, infrastructure and systems meet our criteria.

The face of the legal profession continues to change, and with it, our legal landscape. The issues that we have faced tell much about our future.

In this issue, you will find interviews with 14 lawyers from across the province who have diverse practices and backgrounds. They tell us what they are looking for in candidates and what issues will bring them out to vote. As you decide what role you want to play in the next election, I think you will be interested in their insights.

We are running Bencher Election 2011 information sessions in December and January throughout the province. If you want to find out more about what is actually involved in being a Bencher, see page 13 of this issue.

I urge you to participate in our election and I look forward to meeting you at one of these events. 



## Message de la trésorière

nous continuons d'offrir du soutien aux avocats et avocates par le programme d'aide au congé parental.

Les praticiens et praticiennes exerçant seuls ou en petits cabinets constituent le moteur de notre profession. Ils et elles aident le public à répondre à ses besoins juridiques de base. Nos efforts pour nous assurer que ces pratiques demeurent viables témoignent de notre devoir législatif de faciliter l'accès à la justice pour la population ontarienne.

Dans le registre des avocats à contrat, on trouve une liste des avocats et avocates par région qui accepteront de faire du travail juridique à contrat, comme le nom l'indique. Par ailleurs, le Barreau maintient un registre de stages. Chacun de ces registres peut aider les cabinets à combler des postes critiques. Nous avons aussi créé une trousse d'outils de planification de la relève en ligne. Nous continuons à travailler avec l'Association du Barreau de l'Ontario et l'Association des bâtonniers de comtés et de districts pour étendre notre appui aux avocats et avocates qui exercent seuls ou en petit cabinet.


Voilà trois ans, le gouvernement demandait au Barreau de réglementer les activités des parajuristes. Aujourd'hui, plus de 3 000 parajuristes titulaires de permis offrent des services juridiques en Ontario. Notre régime de réglementation offre une mesure de protection des consommateurs importante dans un secteur qui n'était autrefois soumis à aucun contrôle. Pour assurer la compétence de nos parajuristes dont la pratique est

nouvellement autorisée et pour leur offrir du soutien, nous avons introduit des activités de vérification visant leur pratique. Nous continuons à agréer les collèges qui offrent de l'enseignement parajuridique afin de veiller à ce que leur curriculum, leur infrastructure et leurs systèmes satisfassent à nos critères.

Le visage de la profession juridique continue de changer tout comme notre paysage juridique. Les enjeux que nous avons abordés jusqu'ici orienteront notre avenir.

Ce numéro présente des entrevues menées auprès de 14 avocats de secteurs variés, de cultures diverses et de toutes les parties de la province. Ils nous ont parlé des qualités qu'ils recherchaient chez les candidats, et quels sont les enjeux qui les amèneront à voter. Je crois que ces perspectives vous aideront à décider du rôle que vous choisirez de jouer dans cette élection.

Nous organisons des séances d'information sur l'élection en décembre et en janvier dans toute la province. Si vous désirez en savoir plus sur le rôle d'un conseiller ou d'une conseillère, vous trouverez des renseignements à la page 13 du présent numéro.

Je vous encourage à participer à notre élection et je serai ravie de vous rencontrer à une de ces séances. 





## LAURA LEGGE, O.ONT., Q.C.

On October 5, 2010, the legal profession lost one of its most devoted members and the Law Society of Upper Canada lost its beloved matriarch. With her characteristic grace and dignity, Laura Louise Legge passed away peacefully in her sleep surrounded by the family she so dearly loved.

Laura Legge was a remarkable woman. Despite her seemingly demure nature, she was never afraid to voice her opinion or to debate a point she felt passionately about. She approached her work and her life with determination, common sense and a no-nonsense attitude, believing that by applying yourself you could achieve your goals.

Born on January 27, 1923, in Courtland, Ontario, to James and Lucy Down, Laura was the fourth of six children and grew up in an atmosphere that promoted learning and debate. After attending high school in Tillsonburg, she received her honours bachelor of arts degree from the University of Western Ontario. In 1945, she graduated as a registered nurse from the Toronto General Hospital School of Nursing with top honours, but as she later admitted, she knew early on in her studies that a career in medicine was not for her. Drawn instead to the study of law, Laura sought admission to Osgoode Hall and was called to the Bar of Ontario in 1948. From her first day of lectures, she knew that she was where she belonged.

After her call, she began working for the provincial government drafting health regulations. In 1950, she married Bruce Legge, a fellow law student and WWII veteran, and during the next five years, the couple had three children, Elizabeth, John and Bruce. Motherhood was extremely important to Laura, but she believed that it was possible to balance her home responsibilities with her legal career. In 1955, she resigned from the Department of Health and opened a general law practice within walking distance of her home, allowing her greater flexibility in her dual roles.



In 1975, Laura Legge became the first woman elected Benchler in the Law Society of Upper Canada's history and in 1983, she was elected Treasurer, the Society's highest ranking position. Dismissing the idea that her election as the Law Society's first female Treasurer was a result of the growing feminist movement, she declared instead that she had worked diligently as a Benchler and in doing so, had won the trust and respect of her colleagues in Convocation. When her term as Treasurer ended, she continued to serve the Law Society with dedication and distinction as an *ex-officio* Benchler until her death.

Laura Legge's life was intricately entwined with the legal profession for 62 years and the history of the Law Society for 35 years. Her love and commitment for her chosen profession was evident in her words and in her actions.

The practice of law, she once said, gives you an opportunity to help your fellow man. It was this belief that defined her legal career. Her devotion to her clients, her willingness to provide *pro bono* advice or reduced rates to those in need, as well as her commitment to volunteer work were all evidence of this.

Laura Legge will be greatly missed by those whose lives she touched and memories of her will forever permeate Osgoode Hall. **OLG**





BENCHER ELECTION 2011

# Have a say in shaping our future – Join the discussion

In April, lawyers from across the province will elect 40 of their peers to govern the profession in the public interest. Held every four years, the Bencher election gives the profession an opportunity to make significant choices about who sits at the helm of Ontario's oldest self-regulating body.

An effective governing body needs to be reflective of the public it serves and the profession needs to be reflective of its growing and diverse client base. Benchers work to preserve and build public confidence in the

ability of the profession to govern itself effectively.

"We live in a time of rapid change, with an ever-evolving number of issues that need to be addressed. The upcoming election presents an opportunity for the profession to have a say in helping to channel that change and shape the future," says Law Society Treasurer Laurie H. Pawlitza.

"It is vitally important that we have future generations of lawyers in private practice throughout the province to ensure access to justice for the public,"

she says. "This same principle applies to the Bench – we need to keep our governing body vital and forward-thinking."

In an effort to take the 'pulse' of the legal community in the months leading up to Bencher Election 2011, the *Ontario Lawyers Gazette* spoke with 11 lawyers, both new and more seasoned – from all types and sizes of practice from across the province.

We asked them the following questions:

- Why is it important to vote in the upcoming Bencher election?





Left to right: Jason Herbert, Justin Clark, Michele Allinotte, Cheryl Siran, Sandra Yuko Nishikawa and Daniel Bourque.

- What qualities are you looking for in a Benchers and why are those particular qualities important to you?
- Have you ever considered running in the Benchers election?
- Going forward, are there any issues you think should be addressed by Convocation?
- How important do you think it is that people elected as Law Society Benchers are reflective of the changing face of the legal profession? How can diverse candidates be encouraged to participate in the upcoming Benchers election?

Here is what they had to say:

#### **Michele Allinotte, Cornwall (2002)**

As a sole practitioner in Cornwall, Michele Allinotte says that voting in the Benchers election is very important. "Benchers are involved in the decision making for our profession. The decisions made by Convocation impact me personally and the profession as a whole. I absolutely want a say in making those decisions... You lose your right to complain if you don't vote."

Allinotte explains that she votes for

“ Benchers are involved in the decision making for our profession. I absolutely want a say in making those decisions... ”

*Michele Allinotte, Cornwall*

candidates who are aligned with her interests and concerns. She looks at the types of practice they come from – whether they are small, large, urban or more rural. "I think it's important to have a mix of different kinds of lawyers... I want to make sure that the people I vote for can represent my interests," she reports.

Top issues of concern for the sole practitioner include the greying of the bar. "There is not going to be much choice in legal representation in the future if we don't get new lawyers coming into smaller communities," she says.

The paralegal scope of practice is another top-of-mind issue for Allinotte. "There is definitely a place for paralegals, and I am very happy that they are now regulated by the Law Society, but the scope of practice needs to be clearly defined and we need to make sure they don't step over those boundaries," she says.

Allinotte thinks that diversity is paramount. "I try to select candidates who represent a wide range of interests, in terms of ethnic background, gender, language spoken and where they live. So, diversity is very important, because some of the issues that affect me, given my personal and professional situation, wouldn't be in the realm of contemplation by people in different circumstances."



Allinotte notes that increasing Bencher diversity is an ongoing challenge, and as a sole practitioner in Eastern Ontario, she sees geographical diversity as a particular challenge. "If someone is coming from far away, it's a lot of time away from their practices and families and it will ultimately affect their profitability... Practically speaking, those are the barriers... I don't know if there is any solution to that."

#### **Jason Herbert, M'Chigeeng First Nation, Manitoulin Island (2010)**

As a first-time voter in the upcoming Bencher election, Jason Herbert believes all members have a duty to vote. "It's important to vote because we have a role as a member of the Law Society to ensure that the people governing us are people whom we find trustworthy and are doing things that we want the Law Society to do."

Herbert, who was called last September, works in a two-lawyer firm with Bencher Susan Hare. Originally from Toronto, he chose to article and work in Northern Ontario. As an Aboriginal lawyer, Herbert says he would definitely identify with Bencher candidates who are from Northern Ontario who understand Aboriginal issues. "Someone who takes First Nations peoples into consideration... and recognizes the changes that are taking place in the profession – those are things I'm looking for in a Bencher."

The newly called lawyer says he would consider running in the future, depending on his obligations and the slate of candidates. "If I felt that there was not enough diversity or that Aboriginal issues weren't being addressed, then I would definitely consider running for election," says Herbert.

Issues that are top of mind for Herbert include the greying of the bar, particularly for Northern Ontario, and the need for stronger supports for sole practitioners – especially new lawyers. "I think it's really important for lawyers to come to Northern Ontario and I think

“ Benchers are faced with a lot of different issues that they may not have encountered in their own lives or practices, so they have to have the openness to understand what those issues are and to see things from a variety of perspectives. ”

*Sandra Yuko Nishikawa, Toronto*

there should be a new emphasis put on sole practice," says Herbert. He encourages graduates to consider a sole or small practice.

For Herbert, diversity of the Bench is imperative. "Benchers have to reflect the changing face of the bar," he says. He feels it would be helpful if there was a way to defray campaign costs for potential candidates from diverse groups who may be interested in running, but who lack the funding.

#### **Sandra Yuko Nishikawa, Toronto (1999)**

Civil litigation lawyer Sandra Yuko Nishikawa has worked in large firms in New York City and Toronto and now works with the Department of Justice<sup>1</sup>. She says it is important to vote in Bencher elections because it is an opportunity for members of the profession to be heard on how the profession is governed and on the types of issues being examined.

Key qualities that she looks for in Bencher candidates are integrity, commitment and open-mindedness, as well as an awareness of the various types of practice in which lawyers are engaged – whether they are sole practitioners working in big firms, or in government.

"Benchers are faced with a lot of different issues that they may not have encountered in their own lives or practices, so they have to have the openness to understand what those issues are and to see things from a variety of perspectives," she says.

<sup>1</sup> The views are the interviewee's own and do not reflect any departmental position.

While many issues have been addressed by Convocation and its various committees in recent years, Nishikawa says that access to justice continues to be an important issue. She suggests that there may be ways to make it easier for more lawyers to do *pro bono* work, so that people who can't afford to hire a lawyer have greater access to legal representation.

When asked about the importance of diversity, Nishikawa agrees that those elected as Benchers should be reflective of the changing face of the legal profession. "That's part of being in touch with all lawyers and not just particular groups of lawyers... I do think that Benchers who are not from racialized groups can understand the issues, but a more representative body of Benchers would help ensure a greater awareness of the concerns of diverse communities and enhance the quality of decision making."

#### **Justin Clark, Brampton (2005)**

A partner at a 12-lawyer firm in Brampton, family law lawyer Justin Clark believes that voting in the Bencher election is extremely important. "Participating in these elections is a way of being involved and it's central to the privilege we have as a self-governing profession – and making sure we remain self-governing."

Clark looks for a blend of qualities in Bencher candidates, including a passion for what it means to be a lawyer. Experience, along with leadership and advocacy skills, are also



essential, since Benchers need to be well-equipped to deal with complicated and important issues.

Running as a Bencher candidate is something Clark says he would consider in the future. "I can't think of a better way or a better opportunity to have a say in shaping the profession and giving back a little bit to the profession – and also to the public, because it's important for the public to have confidence in the legal profession."

Looking ahead, Clark identifies technology and its impact on the practice of law as one of the biggest issues for the future. He notes that fraud perpetrated through technology is something that will continue to be an issue for the legal profession.

Another important issue that needs to continue being addressed is the greying of the bar and the ability of articling students and new lawyers to find positions. "Some areas of the province desperately need legal services," he says.

When asked about the importance of diversity in the Bench, Clark says the Law Society and Benchers need to be reflective of society and public interests. "I think diversity is something that makes our profession better and stronger, especially at the Bencher level, in terms of the decisions being made."

#### **Cheryl Siran, Kenora (2006)**

Kenora lawyer Cheryl Siran says regional representation, particularly in her area of the province, is a major reason to vote. "If we don't get people to vote, we don't get a say in who will represent us. Since Convocation governs the profession as a whole, and because of the unique practice in the north, it's very important to have someone from our area to be sitting as a Bencher," she says.

One of four partners, Siran practises general litigation, with an emphasis on construction liens. Qualities she looks for in candidates include a good knowledge of the needs of the profession as a

whole, as well as of specific needs of the bar in her community.

As a more recent lawyer called in 2006, Siran says she would consider running as a Bencher in a future election, especially in light of the greying of the local bar. She admits that distance presents a problem for attending Convocation and meetings. However, "you don't become a lawyer to sit in your office and not put in time outside of your work hours, although it's difficult. Because the work is important, it's worth it," she says.

A top-of-mind issue for Siran is civility. "It's something we have to be vigilant about, particularly with new lawyers coming forward. It must be pursued vigorously and maintained, because that's the standard that affects us all – whether it's a lawyer practising in Kenora or Toronto."

When asked about Bencher diversity, Siran thinks there is fairly good representation overall regarding individual lawyers, but believes there needs to be more geographical diversity.

#### **Daniel Bourque, Toronto (1995)**

A corporate-commercial partner at a large 200-lawyer firm in Toronto, Daniel Bourque believes that lawyers need to vote in the Bencher election to ensure there is a regulating body that deals effectively with the needs and concerns of lawyers.

When voting for candidates, Bourque looks for someone who speaks their mind, is esteemed by their peers, has a great legal track record and attends to matters assiduously. "You want someone who is going to represent the interests of members and implement policies that are going to take the Law Society forward," he says. Other attributes he looks for include experience in political and other organizations.

While Bourque hasn't considered running as a candidate in the past, it's something he will likely consider down the road. "It's something I would like to

do in the future, as a means of giving back to the legal community," he says.

Issues he considers important include diversity and access to justice. "There is much greater diversity within our ranks today, especially within the last 10 to 15 years... It's important to make sure that diverse interests are represented so that there is a thriving Bench and bar," Bourque says. He points out that although the Law Society has a provincial focus, the makeup of Toronto Benchers should also be reflective of the large, diverse city that is home to the Law Society.

Bourque also notes that while there is a lot of diversity at the entry level of private practice, it tends to diminish in the upper echelons of law firms – something he feels also needs to be addressed going forward.

As a Francophone, he also stresses the importance of public access to justice in French. "That needs to continue to be improved and not eroded over time," he says.



#### **Janet Whitehead, Sarnia (1993)**

Janet Whitehead has been a litigation partner (family and civil) in a seven-lawyer firm for the last five years, focusing on family and civil matters.



**“I’m not interested in candidates who have a limited perspective or only have an interest in one issue. I’m looking for someone with a balanced and fair approach, who knows what it is to be a practitioner.”**

*Janet Whitehead, Sarnia*

Prior to that, Whitehead was a sole practitioner. Like other lawyers we interviewed, Whitehead says voting in the Benchers election is important.

“The Law Society exerts a lot of control and influence over the way the legal profession operates, and lawyers, as constituents, as in any democracy, should take responsibility for participating in the election process,” she says.

Qualities Whitehead is looking for in prospective Benchers include vision and the ability to understand the perspective of lawyers in different contexts – whether by practice location, type of practice, gender, or any other distinguishing quality.

“I’m not interested in candidates who have a limited perspective or only have an interest in one issue,” she says. “I’m looking for someone with a balanced and fair approach, who knows what it is to be a practitioner.”

Whitehead supports candidates who can appreciate and understand outside influences and their impact on the profession, so they can regulate in a responsible manner – one that is not unduly restrictive on the interests of practitioners.

Whitehead reports that she is happy with the many issues that have been tackled by Convocation in the past few years, particularly the retention of women and professionalism. However, she feels there is a need for greater public education about the role of lawyers and paralegals within the judicial system – and the Law Society’s role as a regulator.

Whitehead says that there is a great deal of public misunderstanding about the judicial system, particularly as portrayed in popular culture. “We need to focus on reinforcing the value of the rule of law and its ethical application within society. The only way to do this is to try and create some public education and awareness of those issues.”

When discussing the need for diversity, Whitehead says she is more concerned about a candidate’s characteristics than their identity. She agrees with other lawyers interviewed that encouraging broader participation from the profession is difficult, particularly when geography poses an additional challenge.

She suggests that raising awareness about the important role Benchers play might help.



**Elizabeth Traynor, London (2001)**

A former broadcast journalist, Elizabeth Traynor practises labour and employment

law as a partner at a 70-lawyer firm in the heart of southwestern Ontario. She says it’s important to vote at every opportunity. “Those of us who don’t take the time to participate in any electoral process are losing an opportunity to have a say and make a difference. I think in a democracy, it’s important that we all respect that.”

When considering Benchers candidates, Traynor looks for lawyers who have a combination of professional experience and wisdom. “I want to ensure any individual I vote for clearly understands the mandate of the Law Society, in that its main purpose is to protect the public interest and protect the integrity of the profession.”

Traynor says it’s all too easy for lawyers to become immersed in the ‘business’ of law. While she admits that’s an important component of any practice, it’s important for the Law Society to focus on professionalism and integrity. “That’s what I see the Benchers being responsible for – to be sure that we keep our eyes on the professionalism of law... I see this as an honourable profession that I am proud to be part of.”

Although she has not considered running as a Benchers, Traynor says it may be a possibility in years to come. “I’m really committed to public service and I see running as a Benchers as part of that.”

Diversity is an important issue for the London lawyer – one that she feels needs to be addressed continually and encouraged by Convocation. “I think we can do better on that... We need to be sure that we represent society in general, not just a small section of it. I want to ensure that the Law Society has a diverse group of competent professionals and that those professionals acknowledge a deep understanding of their obligations to the public.”

Other issues she believes Benchers need to continue to address are the paralegal scope of practice and the greying of the bar in small communities. “There are fewer and fewer general practitioners...



that's another thing we need to consider, how we are going to draw lawyers to smaller communities. That's mirrored in all kinds of professions. I think that is something the profession as a whole needs to look at," Traynor says.

### **Katherine Hensel, Toronto (2003)**

Litigation lawyer Katherine Hensel practises with a 17-lawyer firm in Toronto. Having worked as a sole practitioner and with a large firm, she has a multi-faceted view of the needs of the profession.



Like the other lawyers we interviewed, Hensel says self-regulation is a privilege that all lawyers should take seriously. "It's a responsibility we each bear as individual members of the bar and we should all be actively involved in the regulation of our profession. Voting in Benchers elections is part of that."

When considering candidates, Hensel looks for intelligence, integrity, skill, compassion, and the sound judgment that comes from experience. "Those are the qualities of a good lawyer and I think lawyers who embody the best qualities of the bar should be Benchers."

While she has considered running as a Benchers in the past, she is putting the

idea on hold for now. "I think it's important for Benchers to have a depth and range of experience....," she says.

As an Aboriginal lawyer who serves Aboriginal clients in Ontario and across the country, Hensel says that to serve Aboriginal people competently in Ontario, it's critical for lawyers to know the culture and realities their clients face.

"Cultural competency in dealing with Aboriginal people is an issue that Convocation should be dealing with." Hensel also says that lawyers and Benchers have a role to play in ensuring that the effects of residential schools are recognized and addressed by the legal system. "The legacy of residential schools arises in every legal proceeding involving Aboriginal people," she says.

Like her colleagues, Hensel feels that diversity on the Bench is extremely important. She also points out that diversity in the profession is increasing and is more accurately represented in the newer, younger members of the bar. She suggests that working with diverse groups and encouraging these newer lawyers to run as Benchers candidates would be helpful in enhancing levels of diversity.

### **Kristen Bucci, Thunder Bay (1993)**

A family law lawyer in a two-lawyer firm with offices in Thunder Bay and Oshawa, Kristen Bucci feels it's important to vote in any election, particularly within a self-regulated profession.

"Decisions made at Convocation have an impact on lawyers and their individual practices, so it's extremely important to vote for a candidate that best represents your area," she says.

Integrity is the number one quality Bucci looks for in candidates. The second is civility. "Civility is one of the most important qualities any lawyer can have," she says, noting the recent civility tour undertaken by former Treasurer W. A. Derry Millar. As a small firm practitioner in a smaller community, Bucci feels that openness and willing-



ness to talk about issues are also very important qualities.

Two issues she is particularly interested in are the unbundling of legal services – something Convocation is already addressing through a working group – and the need for family law reform. "British Columbia is modernizing and improving their family law legislation and I'm interested to see how that plays out and how we proceed in Ontario," she says.

When it comes to diversity, the Thunder Bay lawyer feels it is extremely important for elected Benchers to be reflective of the changing face of the legal profession – especially since the profession is self-governed. She says one of the biggest difficulties for diverse candidates participating in the election is the cost of producing and distributing promotional materials to voters, especially if they are sole or small firm practitioners.



“It would be difficult for someone just entering the profession... but after five years of experience, I don't see why you couldn't be running and be credible.”

*Robert MacDonald, Ottawa*

#### **Robert MacDonald, Ottawa (1983)**

A partner with a 700-lawyer firm (150 in Ottawa), intellectual property (trademarks) lawyer Robert MacDonald says it's extremely important to vote in the Benchers election and he encourages all lawyers to exercise their voting rights. "I've always voted in the Benchers election and always will, because it is our one opportunity to try and have some influence over the makeup of the Law Society."

MacDonald says his only concern relates to the number of positions to vote for. "While voters may know a handful of the candidates, it's very difficult to know all of them and what they will bring to the job." When considering Benchers candidates with whom he is unfamiliar, he checks to see whether they have been endorsed by their local law associations. "If I'm voting for someone in Northern Ontario, I can't know them or their

policies... so I look for that endorsement, because that suggests to me that they understand the issues of concern to the professionals in their area." MacDonald also looks at the diversity of the overall slate of candidates to see how it best reflects the makeup of the profession throughout Ontario.

He points out that while experience in the profession is a quality most voters look for in Benchers candidates, a young, fresh perspective can be equally important. "I think it would be difficult for someone just entering the profession... but after five years of experience, I don't see why you couldn't be running and be credible," he says.

When asked about diversity, the Ottawa lawyer says that Convocation should be representative of the province, not a Toronto-centric body. "It's got to be representative



of practitioners across the province... A lot of them are young lawyers and they're facing issues that are particular to them."

MacDonald points out that the vast majority of lawyers are smaller practitioners. "So from a diversity perspective, it's vitally important that the Law Society understand what those lawyers are dealing with and address those issues as well... At the end of the day, one of the things that I think is particularly important in Convocation is that there is new blood coming in all the time." **CLG**

#### **NEW EXTERNAL APPOINTMENTS PROCESS ESTABLISHED**

*As part of its mandate, the Law Society recommends potential appointees to a variety of boards, councils and committees.*

In particular, the Law Society makes recommendations to the Attorney General for appointments to the Board of Legal Aid Ontario, The Justices of the Peace Appointments Advisory Committee and the Justices of the Peace Review Council, under the *Legal Aid Services* and the *Justices of the Peace Acts*. Recommendations for additional agencies are also made as required.

To ensure that the Law Society is able to make recommendations in a timely fashion we have established an electronic application process and application bank.

The Law Society accepts applications for all appointments throughout the year. As vacancies arise and recommendations are required, we review all relevant applications in our application bank. Applications are kept in the bank for three years.

The electronic application form and more information are available on the Law Society website at [www.lsuc.on.ca/appointmentapplication/](http://www.lsuc.on.ca/appointmentapplication/).



2011  
THE LAW SOCIETY OF UPPER CANADA  
**Bencher Election**



2011  
BARREAU DU HAUT-CANADA  
**Élection des membres  
du Conseil**

## 2011 Bencher Election – Get Involved

The legal profession is facing many challenges – the evolving needs of clients, the changing demographics of lawyers, access to legal services and the courts by the public and questions about the value of self-regulation. The Law Society is responsive to these challenges and Benchers play a key role in setting the direction for the Law Society's work and initiatives in regulating the profession.

The next Bencher election is in April 2011. Are you interested in being a candidate? Do you aspire to have a say in how the Law Society governs in the public interest? Do you want to talk about the issues the legal profession faces?

All lawyers are invited to attend Law Society Bencher election information sessions, hosted by former Treasurer W. A. Derry Millar. Treasurer Laurie H. Pawlitzka will provide insights on the importance of the Law Society's public interest governance mandate. Participants will receive first-hand information from experienced Benchers who will talk about the roles and expectations of Benchers and the issues being faced by the Law Society. Information on the electoral process and what is involved in running for Bencher will also be provided.

Governance in the public interest is critical to self regulation and Benchers are entrusted with the privilege of fulfilling this responsibility. Lawyers from all communities, practices and work areas, firm sizes and geographic locations are encouraged to run for election as a Bencher.

In December, the Law Society is holding information sessions in Toronto, Sudbury, Kitchener and London. Here are the details for upcoming sessions in January:

<b>Barrie</b>	January 10, 2011	RSVP <a href="mailto:Barrie@lsuc.on.ca">Barrie@lsuc.on.ca</a>
<b>Ottawa</b>	January 11, 2011	RSVP <a href="mailto:Ottawa@lsuc.on.ca">Ottawa@lsuc.on.ca</a>
<b>Windsor</b>	January 17, 2011	RSVP <a href="mailto:Windsor@lsuc.on.ca">Windsor@lsuc.on.ca</a>
<b>Oshawa</b>	January 18, 2011	RSVP <a href="mailto:Oshawa@lsuc.on.ca">Oshawa@lsuc.on.ca</a>
<b>Sault Ste. Marie</b>	January 20, 2011	RSVP <a href="mailto:Sault@lsuc.on.ca">Sault@lsuc.on.ca</a>
<b>Thunder Bay</b>	January 25, 2011	RSVP <a href="mailto:ThunderBay@lsuc.on.ca">ThunderBay@lsuc.on.ca</a>
<b>Toronto</b>	January 27, 2011	RSVP <a href="mailto:Toronto2@lsuc.on.ca">Toronto2@lsuc.on.ca</a>

To register, please RSVP for the session you plan to attend at the email address above. For complete details of times, locations and updates, visit the 2011 Bencher Election website [www.lsuc.on.ca](http://www.lsuc.on.ca)

### The next Bencher election is in April 2011.

Are you interested in being a candidate?

Do you aspire to have a say in how the Law Society governs in the public interest?

Do you want to talk about the issues the legal profession faces?



## Election Date

Votes must be received by 5 p.m. on April 29, 2011.

## Candidate Nominations

Every lawyer licensee, who on June 1, 2011 would not have held the office of elected Benchers for 16 or more years and whose business address, or where the licensee has no business address, home address, as indicated on the records of the Law Society, is within Ontario, and whose licence is not suspended at the time of signing the nomination form can be a candidate in the election.


Candidates must be nominated by at least 10 lawyer licensees whose licences are not suspended at the time they sign the nomination form. The original nomination form must be received in the Office of the Elections Officer at the Law Society of Upper Canada, 130 Queen Street West, Toronto, M5H 2N6, by 5 p.m. on February 11, 2011.

## Election Scheme

Forty Benchers will be elected: 20 from inside Toronto and 20 from outside Toronto. Of the 40 Benchers, eight will be elected as regional Benchers in the eight electoral regions that conform to the boundaries of the province's judicial districts.

A regional Benchers will be elected on the basis of the ballots cast by voters in the electoral regions. The remaining 32 Benchers are elected based on the votes of all eligible voters.

The electoral region for both candidates and voters is determined by the candidate's or voter's business address, or where there is no business address, home address, as indicated on the records of the Law Society.

Please review the provisions of By-Law 3 available on the Law Society website at [www.lsuc.on.ca](http://www.lsuc.on.ca) for details. 

## Nomination Packages

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

Questions regarding the election can be directed to the Office of the Elections Officer at (416) 947-3404 or 1-877-947-3404 or at [bencherelection@lsuc.on.ca](mailto:bencherelection@lsuc.on.ca).

## 2010 LAWYER AND PARALEGAL ANNUAL REPORT E-FILEING

**Last year, even more lawyers embraced e-filing, with almost 79 per cent of lawyers choosing to submit their 2009 Lawyer Annual Report electronically.**

While lawyers have had this environmentally friendly option for several years, e-filing has been the primary mechanism for submitting the Paralegal Annual Report since the Law Society began regulating paralegals in 2008. This resulted in a paralegal e-filing rate of over 96 per cent for the 2009 reporting year.

### Mandatory e-filing

For the 2010 reporting year, the Law Society will require all lawyers and paralegals to file their annual reports electronically. The decision was made after considering various benefits of e-filing, including efficiency, cost-effectiveness and decreased environmental impact. While the number of lawyers who filed paper reports has decreased, costs associated with print production has increased. In addition, significant staff resources will be saved by eliminating paper annual reports.

Under By-Law 8, a request may be submitted to the Law Society in writing for permission to file a report for a specific period in a format other than electronic in exceptional circumstances only.

All communication relating to annual filing will be sent electronically by email, along with a year-end email containing a link to access the e-filing site. It is important that lawyers and paralegals ensure their email address information is up-to-date with the Law Society to receive important annual report communication.

### Succession planning

Also new for the 2010 reporting year, is a question about succession planning. This information will assist the Law Society in ensuring that proper instruction and guidance is provided to lawyers and paralegals in the event of a lawyer's or paralegal's death or incapacity.

### How to access e-filing

If you have submitted a valid email address to the Law Society, we will send you a message before the end of December with a link to our "Application for Access" page. To gain access to e-filing, you will need to create a username and password.

Please note: passwords from previous years cannot be used; a new username and password is required for each filing year.

Our Client Service Centre staff is available to answer any questions you may have about e-filing at 416-947-3315 (or toll free within Ontario at 1-800-668-7380 ext. 3315).



# Law Society rolls out supports for Continuing Professional Development requirement

*In preparation for the Continuing Professional Development (CPD) requirement, which comes into effect January 1, 2011, the Law Society is delivering an unprecedented number of free CPD programs and supports and is putting in place an online tracking tool to help lawyers and paralegals record their CPD activities.*

Lawyers and paralegals who have completed two full years of practice may choose from a wide range of eligible activities to complete the required 12 hours of CPD annually. Many of the eligible activities, which include teaching, acting as an articling principal, and participating in study groups, are free. A full, detailed list of eligible activities is available on the CPD page of the Law Society's website, along with information about the activities which require accreditation.

To ensure that lawyers and paralegals are able to obtain the required three hours of professional responsibility, ethics and/or practice management ('professionalism') programming, the Law Society is providing free, accredited programming and resources on these topics.

Beginning on January 1, 2011, a series of Case Studies on Professionalism, adapted from real ethics and practice management situations, will be available on the Law Society's website for lawyers and paralegals to use in study group sessions towards their CPD professionalism requirement. The Law Society also will provide information and support on how to facilitate a case study group. In addition, the Law Society will provide support and resources on how to organize and run a facilitated peer discussion group (or 'Roundtable Session') to enable lawyers and paralegals to meet and discuss the leading substantive and procedural law or professionalism



Figure One: CPD Search

issues in their practice area. (See sidebar on page 16 for ways to access Law Society supports.)

The Law Society is also offering a number of free CPD programs, webcasts and teleseminars. Information about these free programs is easily accessible. Simply go to the CPD search on the Law Society website, choose Accredited for Ongoing Members, and check free products. (See Figure One)

This search will retrieve a list of all free programs. If you click on one of the programs you will see a



The screenshot shows the Law Society of Upper Canada CPD portal. The main content area displays a program titled "Conflicts of Interest in Your Civil Litigation Practice" scheduled for Tuesday, June 14, 2011 (9:00 AM - 12:00 PM). The program is presented on Tuesday, April 12, 2011. The chair is Paul Michell, Lax O'Sullivan Scott LLP. The program description states: "Conflicts of interest can arise unexpectedly. Being prepared to deal with them in advance will serve you well in your practice. Attend this program and learn about appropriate conflicts checking systems, the duty of loyalty, and 'ad hoc' vs. 'per se' fiduciary relationships. Analysis of Supreme Court of Canada decisions and the Rules of Professional Conduct, as well as practical words of wisdom from practitioners, will help you gain confidence when dealing with such issues." The program is accredited for 3.0 credit hours. The CPD credit information shows a total of 3.0 credit hours for professionalism content and 3.0 credit hours for new members. The program is available in PDF format, with a purchase online button and a printable order form. The sidebar includes links for CPD Calendar, CPD Search, Customer Service, RSS Feed, Contact Us, Learning Formats, Program Series, Upcoming Programs, and Just Published.

Figure Two: Sample CPD program with 3 credit hours in professionalism content

description of the program along with a summary of the CPD credit information. (See Figure Two)

The CPD search is also useful for new lawyers and paralegals, who must take 12 hours of programming specifically accredited for New Members in their first two years of practice. Programming accredited for New Members integrates topics related to professionalism.

To see a list of all Law Society programs accredited for new lawyers and paralegals, simply change the search criteria described above to Accredited for New Members. Both free and paid programming are available.

CPD providers and members may apply to have programs and activities accredited by the Law Society where they deal with professionalism topics. Information on the accreditation process and relevant application forms are available on the Resource Centre website.

A full list of accredited programming from all CPD providers will appear on the Law Society portal.

## Law Society Portal

The new Law Society Portal has been launched and the rollout is now complete. If you have a unique email address you will have received an email from the Law Society granting you access. You are now able to manage your membership information quickly and conveniently through the secure portal environment.

The second phase of the portal, launching January 2011, will include a tool to report your annual CPD hours and activities. You will be able to enter the CPD activity you have taken and access an overview of the

hours completed so far that year. You will also be able to access a list of upcoming accredited programming from all suppliers. (See Figure Three)

CPD activities must be recorded in the portal as the Law Society will use this information to determine if the requirement has been met. Lawyers and paralegals should record their CPD activities as the activities are completed. On a quarterly basis, the Law Society will refer to the information in the portal to prepare letters to lawyers and paralegals reporting the number of outstanding CPD hours required to be compliant.

All CPD information must be entered in the portal by December 31, 2011 by all lawyers and paralegals who are subject to the requirement. The Law Society will evaluate the information at that time to determine compliance.

The screenshot shows the Law Society Portal's "Continuing Professional Development - Introduction" page. The page includes a sidebar with links for Introduction, Upcoming CPD Programs, and CPD. The main content area displays the current status of the user, with a dropdown menu for "Current Status" (Employed - Other). Below this, there are input fields for "CPD Hours" (Completed: [ ], Remaining: [ ]) and "Professionalism Hours" (Completed: [ ], Remaining: [ ]). A "Due Date" field is also present. A note states: "Please note, 'current status' may not reflect recent changes submitted to the Law Society." The page also includes a section titled "The Continuing Professional Development (CPD) requirement for lawyers and paralegals (including those in the 100% fee paying category and practising life members) who practise law and provide legal services will take effect on January 1, 2011, with the first reporting of hours due on December 31, 2011." and a section titled "Lawyers and paralegals subject to the requirement must complete 12 hours of CPD annually. Three of the 12 hours must be on ethics, professional responsibility and/or practice management topics and must be accredited by the Law Society of Upper Canada."

Figure Three: Law Society Portal

## Need more information?

- For general information, including Questions and Answers and details about eligible activities visit the Resource Centre CPD page:  
<http://rc.lsuc.on.ca/jsp/cpd/index.jsp>.
- For more information on roundtable sessions email:  
[roundtablesessions@lsuc.on.ca](mailto:roundtablesessions@lsuc.on.ca).
- For more information on how to facilitate a case study group session email: [CPDcasestudies@lsuc.on.ca](mailto:CPDcasestudies@lsuc.on.ca).
- For more information on the Accreditation process and to access relevant application forms visit:  
<http://rc.lsuc.on.ca/jsp/cpd/cpdAccredProcess.jsp>.
- You may also contact the Law Society's Resource Centre at 416-947-3315 or 1-800-668-7380 ext. 3315.



## MORTGAGE FRAUD UPDATE

**Beware: Dishonest conveyancers target lawyers**

Dishonest conveyancers are one of the main driving forces behind fraudulent real estate deals; but they usually manage to avoid being held responsible by processing deals in the names of often unsuspecting lawyers. These sophisticated fraudsters are targeting lawyers, often new calls or older lawyers who are sole practitioners and not well-versed in real estate law, and involving them in mortgage fraud schemes.

“The Law Society’s Mortgage Fraud team has dealt with close to 500 mortgage fraud cases and in excess of 10,000 client files over the years,” says Zeynep Onen, Director of Professional Regulation at the Law Society. “In our work we see distinct trends – and we see the same names of the same conveyancers emerging in different investigations. More than one individual has compromised three or four lawyers.”

These individuals are able to continue to perpetrate frauds by attaching themselves to a succession of lawyers. “They know what they are doing,” Onen says. “They know how real estate practice works; they are very careful that their transactions are processed by the lawyers, in the names of the lawyers, who assume complete professional responsibility for the transactions.” When fraud is discovered and things fall apart, the lawyer finds himself or herself under investigation by the Law Society and the conveyancer moves on to their next target.

**A typical scenario**

In a typical scenario, the conveyancer, who appears polished, professional, and knowledgeable, will approach the lawyer, usually a sole practitioner who does not regularly practice in real estate, with promises of lucrative real estate deals.

What the lawyer may not understand is that the conveyancer needs the lawyer for three things:

1. Their trust account – to provide legitimacy with financial institutions;
2. Their Teranet account – to transfer the properties; and
3. Their name – so that the lawyer becomes accountable for the transactions.

*Mortgage fraud can take some time before it comes to light. When it does, the Law Society is at the lawyer’s door and the conveyancer is moving on. Regardless of whether or not the lawyer knowingly assisted with the fraud, the lawyer is still liable to lose his or her licence for facilitating the fraud or abdicating professional responsibility by failing to supervise the conveyancer.*


The conveyancer will begin to bring in real estate deals and will manage them for the lawyer, but will be careful to include the lawyer in all the relevant steps, including meetings with clients. He or she will prepare the paperwork and ensure that the lawyer has the opportunity to review the files.

A lawyer who fails to properly review such files, or to properly supervise the work of the conveyancer, will later find that the deals were fraudulent, that they were registered in the name of the lawyer, and that the lawyer is professionally responsible.

Mortgage fraud can take some time before it comes to light. When it does, the Law Society is at the lawyer’s door and the conveyancer is moving on. Regardless of whether or not the lawyer knowingly assisted with the fraud, the lawyer is still liable to lose his or her licence for facilitating the fraud or abdicating professional responsibility by failing to supervise the conveyancer.



## How to avoid getting involved

Where a sole practitioner is having difficulty maintaining a viable practice, an offer of additional real estate transactions can appear to be attractive because it represents a steady source of income. But lawyers are expected to be aware of the risk of fraud. Lawyers must exercise legal judgment with respect to real estate transactions and supervise both staff and the work completed by conveyancers. The Law Society and LAWPRO have each produced a great deal of information and a number of supports to help lawyers recognize and avoid becoming involved in fraud. The material is available on the Law Society and LAWPRO websites. Lawyers may also contact the Law Society's Practice Management Helpline for advice at 416-947-3315 or 1-800-668-7380 extension 3315. 

## What the Law Society is doing to fight fraud

The Law Society takes the involvement of lawyers in mortgage fraud very seriously. In addition to providing support and information to practitioners, the Law Society shares information that becomes public through mortgage fraud hearings with other regulators and police agencies. This evidence can expose the role of conveyancers and non-lawyers.

Professional Regulation staff also help educate various groups about mortgage fraud, including lending institutions, police agencies, real estate regulators and service providers, and government departments and agencies. More information about the Law Society's efforts to fight fraud is available in the "News for the Real Estate Bar" section of the Law Society website at [www.lsuc.on.ca/real\\_estate\\_bar\\_news/](http://www.lsuc.on.ca/real_estate_bar_news/).

# Enhanced Lawyer and Paralegal Directory now available

**The Law Society has recently expanded its online Lawyer and Paralegal Directory to make regulatory information more accessible to the public.**

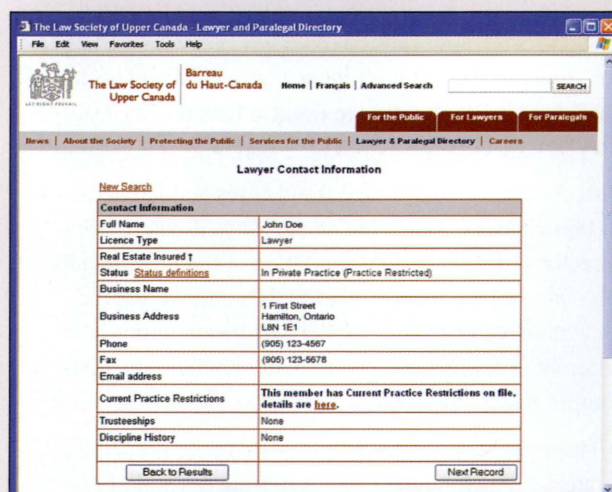
Discipline history, trusteeship and current practice restriction information, that was previously only available by contacting the Law Society and in a limited form through the Law Society website, is now available to the public through the online Lawyer and Paralegal Directory.

The enhancements to the directory form part of the Law Society's compliance with legislative requirements to make its regulatory processes more transparent and accessible, in support of its mandate to protect the public.

The Lawyer and Paralegal Directory is searchable by lawyer or paralegal name and location. The record retrieved contains licence type, contact information and whether or not the lawyer is real estate insured.


The directory also contains the lawyer's or paralegal's practising status, for example: in private practice, retired from practising law or licence revoked. The status indicates if there is a current practice restriction.

The expanded directory includes three additional fields of information in the lawyer's or paralegal's record: discipline history, trusteeships, and practice restrictions



New Search	
<b>Contact Information</b>	
Full Name	John Doe
Licence Type	Lawyer
Real Estate Insured †	
Status <a href="#">Status definitions</a>	In Private Practice (Practice Restricted)
Business Name	
Business Address	1 First Street Hamilton, Ontario L8N 1E1
Phone	(905) 123-4567
Fax	(905) 123-5678
Email address	
Current Practice Restrictions	This member has Current Practice Restrictions on file. details are <a href="#">here</a> .
Trusteeships	None
Discipline History	None
<input type="button" value="Back to Results"/> <input type="button" value="Next Record"/>	

*Sample record retrieved through the enhanced Lawyer and Paralegal Directory*

(see sample record). The user is able to click on these fields to see more details, if applicable. The discipline history screen lists all discipline proceedings involving the lawyer or paralegal that were heard in public, with publishable decisions and orders, from February 27, 1986 to the present. The user is able to click on each proceeding to see a summary of the matter. 



## ÉLECTION DES MEMBRES DU CONSEIL 2011

# Pourquoi voter quand il y a tant à faire

Le Barreau du Haut-Canada a commencé à promouvoir l'élection des membres (avocates et avocats) du Conseil, laquelle aura lieu en avril 2011. Le système se met en place pour inviter les candidatures, pour informer la profession de la marche à suivre et pour encourager la participation au vote.

La Revue des juristes a fait un bref survol des questions que se posent les électeurs et électrices des membres du Conseil du Barreau. Les initiatives récentes, comme les lignes directrices sur le congé parental, répondent à un besoin d'encourager les cabinets à offrir des conditions de travail avantageuses, ce qui leur permet en revanche de garder leurs effectifs. Sur le plan de la communication, le Barreau peut-il faire davantage pour établir un dialogue avec les praticiens et praticiennes? Y a-t-il moyen d'assurer que le Conseil soit plus diversifié et inclue par exemple les Francophones?

De nombreuses questions se posent et les membres du Conseil sont élus pour y répondre dans la mesure du possible. Le Barreau espère une grande participation à cette élection qui se déroulera en ligne. Il est important au nom de l'autoréglementation que les avocats et les avocates prennent le temps de voter. Il est aussi important que les préoccupations des membres de la profession soient prises en considération. Quelques avocats ont accepté de parler de leurs perspectives sur les enjeux de l'élection 2011.

### Dans le Nord-Ouest

M<sup>e</sup> Chantal Brochu est avocate au cabinet Buset & Partners s.r.l. à Thunder Bay. Assermentée au Barreau de l'Ontario en 2001 et membre de l'Association des juristes d'expression française de l'Ontario (AJEFO), sa pratique porte sur le litige civil et sur la défense d'assurance, en français et en anglais. Pour M<sup>e</sup> Brochu, il est très important de voter aux élections pour assurer la représentativité de la communauté hors Toronto. « On ne veut pas être laissés pour compte, nous qui sommes si loin de la grande région de Toronto. »



« De nombreuses personnes croient qu'il faut avoir des cheveux gris pour faire partie du Conseil. Pourtant, il faudra bien faire de plus en plus de place aux jeunes pour poursuivre la mission! »

M<sup>e</sup> Chantal Brochu

Lorsqu'elle choisit pour qui voter, elle s'intéresse particulièrement aux candidates et candidats qui sont susceptibles de défendre les grands dossiers de l'AJEFO, qui sont sensibles au fait français et qui comprennent les responsabilités dont ils seront investis. « Dans la région, nous essayons toujours d'encourager des collègues francophones ou francophiles à poser leur candidature. L'important cependant c'est que nous ayons des représentants sincères et intègres qui ont à cœur la mission de l'AJEFO et qui comprennent à fond les dossiers de notre région. »



Pour M<sup>e</sup> Brochu, la qualité des services dans les deux langues officielles dans sa région est un enjeu important et comme elle sera bientôt en congé de maternité, le projet de rétention des femmes dans la profession est un dossier en développement des plus intéressants. À propos de la diversité au sein du Conseil, elle répond : « Il faut effectivement s'assurer de représenter la diversité de l'Ontario, que ce soit sur le plan culturel ou linguistique, mais il faut aussi tenir compte des changements démographiques et du fossé entre les générations. De nombreuses personnes croient qu'il faut avoir des cheveux gris pour faire partie du Conseil. Pourtant, il faudra bien faire de plus en plus de place aux jeunes pour poursuivre la mission! »

## À Toronto

M<sup>e</sup> Suzana Lobo est avocate salariée au cabinet Ogilvy Renault s.r.l. de Toronto. Elle s'occupe de questions de droit bancaire et des services financiers depuis son admission au Barreau en 2003. Pour M<sup>e</sup> Lobo, les qualités essentielles d'un conseiller ou d'une conseillère sont l'intégrité, l'honnêteté et la fiabilité. Elle veut savoir que la personne qui

« Je trouve qu'il est important de participer pour garder la continuité du dialogue entre le Barreau et la profession tout en s'assurant de refléter les besoins de la communauté juridique dans son ensemble. »

M<sup>e</sup> Suzana Lobo



représente sa profession représente aussi les intérêts de la communauté juridique tout entière. « Le conseiller ou la conseillère doit être à même de tenir compte des questions qui découlent de l'évolution des valeurs de la société », croit M<sup>e</sup> Lobo. Pour elle, il serait difficile de ne pas s'intéresser à l'élection des membres du Conseil. « Pendant les campagnes électorales, on reçoit beaucoup d'information et de lettres de candidats par l'entremise d'autres collègues. Je m'assure cependant d'aller sur leur page Web et de faire ma propre analyse pour trouver celui ou celle dont les valeurs correspondent le mieux aux miennes. Je trouve qu'il est important de participer pour garder la continuité du dialogue entre le Barreau et la profession tout en s'assurant de refléter les besoins de la communauté juridique dans son ensemble. »

Pour M<sup>e</sup> Lobo, voter est un privilège dont elle entend continuer de se prévaloir : « Toutes les décisions que prend le Conseil touchent chaque membre de la profession. Toutes les questions dont le Conseil traite ont des répercussions sur tous les avocats et avocates qu'ils soient à Sault Ste. Marie, Toronto ou London ».

## Vers l'Est

M<sup>e</sup> Louis Bourgon agit comme arbitre à la Commission de la location immobilière de l'Ontario. Son territoire s'étend de Scarborough à Belleville. Admis au Barreau en 1998, il a travaillé pendant 7 ans au Barreau du Haut-Canada au service des plaintes et au Fonds d'indemnisation de la clientèle, et pendant un an comme conseiller juridique à la Société d'aide à l'enfance d'Ottawa. Pour lui aussi, voter est très important, car c'est l'occasion clé de participer, en tant qu'individu, à l'orientation de la profession. Il ajoute que « voter aux élections du Barreau ne demande qu'un effort minime, du bout des doigts, après quelques minutes de consultation des plateformes des candidats et candidates! Ce n'est pas énorme et ça peut faire une différence pour les quatre prochaines années. »





« Voter aux élections du Barreau ne demande qu'un effort minime, du bout des doigts, après quelques minutes de consultation des plateformes des candidats et candidates! Ce n'est pas énorme et ça peut faire une différence pour les quatre prochaines années. »

M<sup>e</sup> Louis Bourgon

Pour M<sup>e</sup> Bourgon, la transformation de la profession par la réglementation des parajuristes est un enjeu considérable. « J'attends des conseillers et des conseillères qu'ils comprennent mes inquiétudes quant à la qualité des services offerts au public. Dans mes

fonctions à la Commission, je constate combien certains parajuristes peuvent rendre un grand service au public, mais je vois aussi que certains ajustements s'imposent. C'est, à mon avis, un des enjeux dont les membres du Conseil doivent bien débattre et pour lequel ils pourraient décider d'accorder plus de ressources. » M<sup>e</sup> Bourgon estime aussi que le respect professionnel entre les membres du Barreau est un objectif à poursuivre, tout comme les nouvelles technologies. « Nous sommes dans une ère où les médias sociaux prolifèrent et nous devons tenir compte de leur impact futur sur la façon dont les cabinets peuvent s'en servir. Il va falloir agir avec prudence. »

M<sup>e</sup> Bourgon espère une bonne participation aux prochaines élections : « J'appellerais ceux et celles qui n'ont jamais voté, ou qui ne s'y intéressent pas encore, à le faire parce que les enjeux actuels de réglementation sont cruciaux pour la profession. » **OLG**

## Franco-Ontariens, Franco-Ontariennes, célébrons !

Le 20 septembre 2010, le Barreau, avec ses partenaires de l'ABO et de l'AJEFO, célébrait le nouveau Jour des Franco-Ontariens et Franco-Ontariennes en compagnie de M<sup>e</sup> Martin Cauchon, ancien ministre de la Justice. En effet, le 25 septembre a été promulgué Jour des Franco-Ontariens et Franco-Ontariennes par le gouvernement de l'Ontario afin de reconnaître les contributions exceptionnelles de la communauté francophone à l'histoire et à l'avenir de l'Ontario. Cette année, après 400 ans de présence française en Ontario, les quelque 600 000 Francophones en Ontario, constituant la plus grande communauté francophone hors Québec, ont clairement marqué la vie culturelle, historique, sociale, économique et politique de notre province.

M<sup>e</sup> Martin Cauchon s'est adressé à un public francophone et francophile de la communauté juridique pour parler du cheminement des Francophones en Ontario. Après avoir rappelé que la *Loi sur les tribunaux judiciaires* de l'Ontario fait du français et de l'anglais les langues officielles des tribunaux de notre province, il a parlé des obstacles au progrès des minorités de langues officielles au Canada. Il a décrit la lutte pour protéger les droits des Franco-Ontariens et des Franco-Ontariennes comme la lutte de tous les Francophones du Canada

puisque'elle contribue à affirmer notre identité et ainsi à solidifier le tissu social du pays. Le Jour des Franco-Ontariens et Franco-Ontariennes marque donc un jalon dans la reconnaissance des acquis de la communauté franco-ontarienne! **OLG**



Le conseiller M<sup>e</sup> Raj Anand et M<sup>e</sup> Martin Cauchon



# Unité canadienne

Le Barreau du Haut-Canada vient de signer l'Accord de libre circulation du Québec et le Conseil a adopté les modifications nécessaires à ses règlements administratifs. Les avocats québécois peuvent dorénavant agir à titre de conseillers juridiques dans toutes les provinces et tous les territoires du Canada puisque l'Accord de libre circulation du Québec étend la portée de l'Accord de libre circulation nationale en facilitant la libre circulation réciproque permanente.

## Historique

En août 2002, la Fédération des ordres de juristes du Canada acceptait le rapport du Groupe d'étude sur la libre circulation nationale qui recommandait la mise en œuvre des droits de circulation des avocates et avocats canadiens. Huit barreaux signaient l'accord de libre circulation nationale (ALCN) le 9 décembre 2002. Toutes les provinces sauf le Québec ont alors mis en œuvre l'accord au cours des cinq ans qui ont suivi. Cependant, l'accord requérait des dispositions particulières pour tenir compte du système de droit civil du Québec. En 2006, les barreaux de dix provinces et des territoires signaient l'Accord de libre circulation territoriale. Cet accord prévoyait la mobilité permanente entre les barreaux pour une période de cinq ans prenant fin le 1<sup>er</sup> janvier 2012.

Par ailleurs, en juin 2008, le Barreau du Québec créait une nouvelle catégorie de membres permettant aux juristes des autres ordres professionnels canadiens de travailler au Québec. À titre de conseillers juridiques canadiens, les juristes des provinces et territoires de common law pouvaient ainsi devenir membres du Barreau du Québec et exercer le droit fédéral, le droit de leur juridiction d'origine et le droit public international, à certaines conditions.

## À présent

Les barreaux signataires de l'Accord ont convenu de modifier leur réglementation afin de pouvoir délivrer le même type de permis aux avocats québécois qui en feraient la demande.

En octobre 2010, le Barreau du Haut-Canada a donc modifié son Règlement administratif n° 4 créant ainsi la catégorie L3 pour les membres dont les services se limiteront à ceux décrits dans l'Accord et dont

l'adhésion sera conditionnelle à leur qualité de membre en règle du Barreau du Québec. Une avocate ou un avocat du Québec qui obtient un permis L3 doit être couvert pour ses activités en Ontario par son assurance responsabilité du Québec. Les avocats assermentés dans la catégorie L3 auront les mêmes droits et responsabilités professionnelles, sous réserve de la limite de leur champ d'activité permis, et seront assujettis aux mêmes lois que les avocats de catégorie


« L'Accord de libre circulation du Québec s'inscrit dans la volonté des barreaux du pays à appuyer l'engagement de la profession envers l'intérêt public à l'échelle nationale. »

L1. Ils devront aussi, bien sûr, respecter le *Code de déontologie* des avocats du Barreau d'accueil.

Conformément à cette nouvelle catégorie, les titulaires de permis L3 pourront donner des consultations et des avis d'ordre juridique portant sur le droit du Québec et sur les matières de compétence fédérale; préparer et rédiger un avis, une requête, une procédure et tout autre document de même nature destiné à servir dans une affaire devant les tribunaux, mais uniquement sur les matières de compétence fédérale; donner des consultations et des avis d'ordre juridique portant sur le droit international public et agir pour autrui dans le cadre d'une instance tenue devant un organisme juridictionnel à l'égard d'affaires concernant le droit du Canada.

## En conclusion

Le mot de la fin revient au conseiller Thomas Conway qui a travaillé à titre de représentant du Barreau à la Fédération : « L'Accord de libre circulation du Québec s'inscrit dans la volonté des barreaux du pays à appuyer l'engagement de la profession envers l'intérêt public à l'échelle nationale. Le Barreau du Haut-Canada s'est investi dans les discussions et les initiatives visant à promouvoir la libre circulation nationale depuis le début ».

Pour connaître tous les détails sur les trois accords qui régissent maintenant la mobilité des juristes au Canada, consultez le site web de la Fédération des ordres professionnels des juristes du Canada au [www.flsc.ca/fr/committees/mobility.asp](http://www.flsc.ca/fr/committees/mobility.asp). 





## November 2010 highlights

### Law Society budget for 2011 approved

Convocation approved a 2011 budget that strengthens its regulatory processes and maintains support to the profession. The budget provides for modest increases of \$49 (2.8 per cent) to the annual fee for lawyers and \$24 (2.6 per cent) to the annual fee for paralegals. The total annual fee for lawyers will be \$1,785. The total annual fee for paralegals will be \$957. See page 28 for more information.

### LibraryCo Inc. budget approved

Convocation approved the 2011 LibraryCo Inc. budget of \$8.2 million, which includes a 2.2 per cent increase over 2010 for law library grants. The increase will be funded through additional fee revenue as a result of an increase of 1,000 in the number of lawyers and LibraryCo's greater use of the General Fund and Reserve Fund.

#### VISIT OUR WEBSITE FOR FULL CONVOCATION REPORTS:

All reports and materials noted in Convocation Highlights are available through the Law Society website at [www.lsuc.on.ca](http://www.lsuc.on.ca).

### Law Society makes submission re: Bill C-35, *An Act to amend the Immigration and Refugee Protection Act*

The Law Society made a submission to the Standing Committee on Citizenship and Immigration requesting that Bill C-35 be amended to permit the provision of immigration consulting services by paralegals licensed by the Law Society. The bill was amended as requested and is at the House of Commons for Third Reading.

### New external appointments process established

The Law Society has established a new electronic application process and resumé bank to assist the Law Society in making recommendations for appointments to the board of Legal Aid Ontario, the Justices of the Peace Appointments Advisory Committee and the Justices of the Peace Review Council. See page 12 for more information.

### Human Rights Monitoring Group

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

- Lawyer in Iran – Houtan Kian;
- Lawyer in Kyrgyzstan – Tahir Asanov;
- Lawyer in Russia – Sapiyat Magomedova;
- Judges in Tunisia.



## Appointments

Bencher Alan Silverstein was appointed to the Board of Directors of LibraryCo to replace Paul Henderson.

Benchers Carl Fleck, Susan McGrath, Alan Silverstein and Gerald Swaye were reappointed to the Board of Directors of LibraryCo effective December 31, 2010.

Bencher Susan McGrath was appointed to the Paralegal Standing Committee to replace Paul Henderson.

Bencher Susan McGrath was appointed Chair of the Inter-Jurisdictional Mobility Committee to replace Paul Henderson.

Bencher Alan Gold was reappointed to the Judicial Appointments Advisory Committee effective January 21, 2011.

Bencher Susan Richer was appointed to the Law Society Hearing Panel and the Professional Regulation Committee.

Bencher Avvy Go was reappointed to the Ontario Justice Education Network Board of Directors for a term of three years.

Bencher Larry Banack was appointed to the Inter-Jurisdictional Mobility Committee.

Bencher William Simpson was appointed as Co-chair of the Access to Justice Committee to replace Paul Henderson.

The following Benchers were appointed to the Law Society Medal/Lincoln Alexander/Laura Legge Award Committees: Christopher Bredt, Glenn Hainey, Carol Hartman, Susan McGrath, and Jack Rabinovitch.

The following Benchers were appointed to the LL.D. Advisory Committee: Christopher Bredt, Glenn Hainey, Carol Hartman, Susan McGrath, and Jack Rabinovitch.

## October 2010 highlights

### Bencher elections to be conducted online

Beginning in 2011, lawyer Bencher elections will be conducted online with election materials sent by email and with online voting taking place through a secure website. Election materials will also be posted on the Law Society website. An online election will result in significant cost savings. Upon request, the Law Society will provide election materials in paper format.

Convocation also decided to make voters' email addresses available to candidates. Through a third party supplier, the Law Society will provide the email addresses of voters who expressly consented to allow the use of their email addresses for Bencher election campaigning purposes. Candidates who wish to campaign via email may retain the services of the supplier at their own expense. The Law Society will continue to provide candidates with mailing address labels for all eligible voters, as requested. See page 13 for more information.

### Accessibility for Ontarians with Disabilities Act

The Law Society wrote to the Minister of Community and Social Services regarding the new *Accessibility for Ontarians with Disabilities Act*.

### Bill 68, The Open for Business Act, 2010

Bill 68, the *Open for Business Act*, 2010, is currently before the legislature. Schedule 1 of this is omnibus legislation and includes two amendments to the *Law Society Act* previously requested by the Law Society:

- a. Section 51 (Compensation Fund) is amended to permit Convocation to appoint a paralegal member of the Paralegal Standing Committee to the Compensation Fund Committee, and
- b. References to "continuing legal education" are replaced by references to "continuing professional development."

### Appointments

James Varro, the Acting Secretary to Convocation, was appointed Secretary to Convocation.

Bencher Janet Minor was reappointed to the Ontario Lawyers' Assistance Program Board of Directors.



## September 2010 highlights

### Call for input on proposed rule amendments for limited legal services

Convocation approved a call for input from lawyers and paralegals on proposed rule amendments that address the provision of limited legal services. While Ontario lawyers and paralegals are currently providing some legal services on what can be characterized as a limited scope basis, nothing in the current *Rules of Professional Conduct* or the *Paralegal Rules of Conduct* expressly addresses limited retainers or unbundling of services. The proposed rule amendments are intended to provide guidance in the context of limited legal services.

### LAWPRO insurance premiums

Convocation approved LAWPRO's report outlining the Law Society's professional liability insurance program for 2011. The base premium for professional liability insurance coverage for Ontario lawyers in 2011 will be \$3,350 per lawyer. LAWPRO also reported that it will **not** be seeking a special levy (estimated at \$450 per insured lawyer) for the one-time reassessment of existing claims reserve liabilities arising from the introduction of the HST in Ontario.

### Discrimination and Harassment Counsel Semi-Annual Report

The Law Society's Discrimination and Harassment Counsel (DHC) semi-annual report for the period from January 1 to June 30, 2010 was presented for information. Attention was paid to the high number of complaints for that period, with 103 individuals contacting the program with new matters of discrimination or harassment by a lawyer, law student or paralegal in Ontario. This is the highest number of complaints received in any six-month reporting period since the inception of the program.

The report describes the types of complaints, which include harassment or discrimination based on grounds such as disability, sex, sexual orientation, race and age.

The program offers confidential advice to members of the public and the professions free of charge. For DHC assistance, contact 1-877-790-2200 or [assistance@dhcounsel.on.ca](mailto:assistance@dhcounsel.on.ca).

### Human Rights Monitoring Group

Convocation approved the proposed interventions in the case of lawyer Nasrin Sotoudeh in Iran.

### Appointments

Bencher Glenn Hainey was appointed to the Paralegal Standing Committee.

Bencher Carl Fleck was removed from the Paralegal Standing Committee at his own request.

Bencher Heather Ross was appointed to the Professional Development and Competence Committee.

Bencher Jennifer Halajian was removed from the Ontario Lawyers Gazette Advisory Board at her own request.

Bencher Paul Henderson was removed from the LAWPRO Board of Directors at his own request.

Bencher Carol Hartman was removed from the LibraryCo Board of Directors at her own request.

Bencher Susan McGrath was appointed to the LibraryCo Board of Directors.

Bencher Vern Krishna was appointed to the LAWPRO Board of Directors.

Bencher Bradley Wright was removed as a member of the Law Society Foundation at his own request.

Bencher Mary Louise Dickson was appointed as a member of the Law Society Foundation.

Bencher Paul Dray was appointed to the Finance Committee.



## By-Law and Rule amendments

### November Convocation 2010

#### Conduct rules amended re: communication with organizational clients

The *Rules of Professional Conduct* and the *Paralegal Rules of Conduct* were amended to clarify the ethical obligations of lawyers and paralegals when they communicate with represented corporations or organizations.

#### By-Law 3 amended re: remuneration year and Benchers election

By-Law 3 [Benchers, Convocation and Committees] was amended to clarify the remuneration year for paralegal Benchers and paralegal members of the Paralegal Standing Committee, whose election is at a different date than lawyer Benchers.

By-Law 3 was also amended to implement Convocation's decision in October 2010 to conduct lawyer Benchers elections online.

### October Convocation 2010

#### By-Law 6.1 amended re: Continuing Professional Development Requirement

Convocation amended By-Law 6.1 to implement the Continuing Professional Development (CPD) Requirement, approved in February 2010.

The CPD Requirement comes into effect January 1, 2011. Lawyers who practise law and paralegals who provide legal services (100 per cent fee paying category) must complete at least 12 hours of CPD annually in eligible educational activities, with a minimum of three hours to be taken in ethics, professionalism, and/or practice management. A wide range of eligible activities are permitted by the model, many of which are at no cost.

New lawyers and paralegals in their first two full years of practising law or providing legal services are required

to take 12 hours per year of programming accredited by the Law Society. Programming accredited for new lawyers and paralegals integrates topics related to ethics, professionalism and practice management. See page 15 for more information.

#### By-Laws amended re: Québec Mobility Agreement

Convocation amended By-Laws 3, 4, 5, 7.1, 11, 13 and 14 to implement the Québec Mobility Agreement, which was approved in February 2010. The Agreement permits lawyers from Québec to become members of the Law Society of Upper Canada entitled to practise the law of their home jurisdiction, federal law or public international law. Québec lawyers licensed pursuant to the Agreement are classified as L3 licensees.

### September Convocation 2010

#### By-Law Amendments

By-Law 4 [Licensing] was amended to institute measures that address the timely completion of the licensing application process. Amendments involving documents and information regarding the good character requirement were approved. The remaining items were deferred.

By-Law 4 was further amended to remove the exemption for the Ontario Professional Planners Institute.

By-Laws 4 and 14 [Foreign Legal Consultants] were amended respecting foreign legal consultants and international commercial arbitrations.

By-Law 8 [Reporting and Filing Requirements] was amended to implement Convocation's decision in May 2010 that licensees be required to file the annual report electronically.

#### Rules of Professional Conduct amended

The definition of 'associate' in Rule 1.02 of the *Rules of Professional Conduct* was amended to make it clear that paralegals may be associates in law firms and that lawyers and paralegals may form multi-disciplinary practices. [OLG](#)



## Roll-call votes

October 28, 2010

### Report on the Conduct of the Benchers Election and the Provisions of By-Law 3

Mr. Millar presented the report.

Re: Motion 1.c.iii

It was moved by Mr. Millar, seconded by Mr. Banack that Convocation approve motion 1.c.iii:

The Law Society may make available to candidates voters' email addresses and address labels.

Carried. For – 46; Against – 1.

Re: Motion to amend 1.a.

It was moved by Mr. Millar, seconded by Mr. Banack that Convocation approve motion 1.a. on page two of the report.

It was moved by Mr. Wright, seconded by Mr. Gottlieb that Motion 1.a. be amended as follows:

Beginning in 2011, the election materials shall be distributed to voters electronically, *provided that members who request the materials in paper form shall receive them in paper form.*

Carried. For – 43; Against – 3.

#### Non-voting Benchers in attendance:

September 29, 2010 – P. Furlong, R. Murray

October 28, 2010 – P. Copeland, N. Finkelstein, D. Murphy, R. Murray, J. Wardlaw, R. Yachetti

November 25, 2010 – P. Furlong, R. Manes, D. Murphy, R. Murray

#### CONVOCATION ATTENDANCE AND ROLL-CALL VOTES

	Attendance			Motions*	
	Sept. 29	Oct. 28	Nov. 25	1	2
Pawlitza, Laurie H. (Treas.)	✓	✓	✓		
Aaron, Robert	✓	✓	✓		
Anand, Raj		✓	✓	F	F
Backhouse, Constance	✓	✓	✓	F	F
Banack, Larry	✓	✓	✓	F	F
Boyd, Marion	✓	✓	✓	F	F
Braithwaite, Jack		✓	✓	F	F
Bredt, Christopher		✓	✓	F	F
Campion, John		✓	✓	F	F
Caskey, James	✓	✓	✓	F	F
Chilcott, W. Dan	✓	✓		F	F
Conway, Thomas	✓	✓	✓	F	F
Crowe, Marshall	✓	✓	✓	F	F
Daud, Aslam					
Dickson, Mary Louise	✓	✓	✓	F	F
Dray, Paul	✓	✓	✓	F	F
Elliott, Susan	✓	✓	✓	F	F
Epstein, Seymour	✓	✓	✓	F	F
Eustace, Lawrence	✓	✓	✓	F	F
Falconer, Julian	✓	✓	✓	F	F
Fleck, Carl	✓	✓	✓	F	F
Go, Avvy	✓	✓		F	F
Gold, Alan		✓	✓		
Gottlieb, Gary L.		✓	✓	F	F
Haigh, Michelle	✓	✓	✓	F	F
Hainey, Glenn	✓	✓	✓	F	F
Halajian, Jennifer		✓	✓	F	F
Hare, Susan	✓				
Hartman, Carol	✓	✓	✓	F	F
Heintzman, Thomas G.	✓	✓	✓	F	F
Henderson, Paul	✓	✓			
Hunter, George			✓		
Krishna, Vern	✓	✓	✓	F	F
Legge, Laura					
Lewis, Doug	✓	✓	✓	F	F
MacKenzie, Gavin	✓				
Marmur, Dow	✓	✓	✓	F	F
McGrath, Susan	✓	✓	✓	F	F
Millar, W.A. Derry		✓		F	A
Minor, Janet	✓	✓	✓	F	F
Porter, Julian		✓	✓	F	F
Potter, Judith	✓	✓	✓	F	F
Pustina, Nicholas J.	✓	✓	✓	F	F
Rabinovitch, Jack	✓	✓	✓	F	F
Richer, Susan			✓		
Robins, Sydney	✓		✓		
Rock, Allan					
Ross, Heather	✓	✓	✓	F	A
Rothstein, Linda	✓		✓		
Ruby, Clayton		✓	✓	F	
Sandler, Mark		✓	✓	F	F
Scace, Arthur					
Schabas, Paul	✓	✓	✓	F	A
Sikand, Baljit		✓		F	F
Silverstein, Alan	✓	✓	✓	F	F
Simpson, William	✓	✓	✓	F	F
Strosberg, Catherine	✓	✓	✓	F	F
Strosberg, Harvey	✓				
Swaye, Gerald	✓	✓	✓	F	F
Symes, Beth	✓	✓	✓	F	F
Tough, Bonnie	✓	✓	✓	F	F
Wright, Bradley	✓	✓	✓	A	F

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

There were no motions in the September 29 and November 25 Convocations requiring a roll-call vote.



## Bencher news



### New Bencher elected

Susan Armatage Richer was elected Bencher at November Convocation. Ms. Richer is from Ottawa and practises mainly criminal law. She was elected to fill the vacancy created when Paul J. Henderson was appointed a Judge of the Superior Court of Justice.



### Alan G. Silverstein elected Regional Bencher

Bencher Alan G. Silverstein, from Mississauga, was elected as Regional Bencher for Central West Region to replace Paul J. Henderson.

### The Honourable Mr. Justice Paul J. Henderson appointed Judge of the Superior Court of Justice

The Law Society congratulates The Honourable Mr. Justice Paul J. Henderson on his appointment as Judge of the Superior Court of Justice of Ontario, Family Division in London. Mr. Justice Henderson was a sole practitioner in Oakville.

He was elected Bencher in February 2006 and was very active in and dedicated to the work of the Law Society. His positions included Chair of the Inter-Jurisdictional Mobility Committee, Co-chair of the Access to Justice Committee, and member of the Priority Planning, Professional Development and Competence and Paralegal Standing Committees. He also served on the LibraryCo and LAWPRO boards.



## Law Society Budget for 2011 Approved

Convocation approved the 2011 budget on November 25, with modest increases of 2.8 per cent to the annual fee for lawyers and 2.6 per cent to the annual fee for paralegals. As a result, the total annual fee for lawyers will be increased by \$49 from \$1,736 to \$1,785. The total annual fee for paralegals will increase by \$24 from \$933 to \$957.

"We are pleased to keep the annual fee increase for 2011 for both lawyers and paralegals below the 3.4 per cent change in consumer prices in Ontario," says the Law Society's Chief Executive Officer Malcolm Heins. "The modest increase allows us to maintain service levels while supporting the Law Society's goal of serving the public interest by being a best in class regulator."

"The Law Society's focus continues to be our core mandate of regulating lawyers and paralegals in the public interest," says Law Society Treasurer Laurie H. Pawlitza. "The introduction of the CPD requirement speaks to our duty to the public to ensure the professional competence of lawyers and paralegals. Enhancing the Law Society's regulatory activities addresses the need to investigate, and respond to, increasingly complex complaints." **CTG**

### Highlights of the 2011 budget for lawyers and paralegals

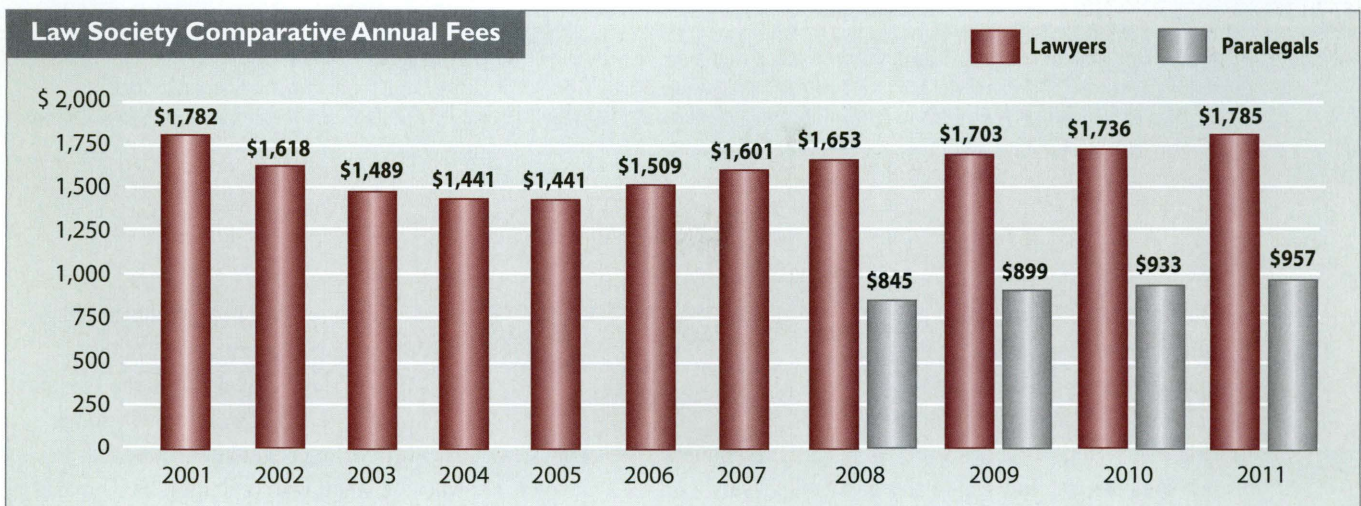
- Increase of \$1.2 million in the Professional Regulation budget primarily due to the rise in the volume and complexity of complaints.
- Increase of \$2.2 million in the Professional Development and Competence budget, primarily related to the approval and implementation of the Continuing Professional Development requirement (CPD).
- Total of \$540,000 dedicated to the Parental Leave Assistance Program for sole and small firm lawyers.



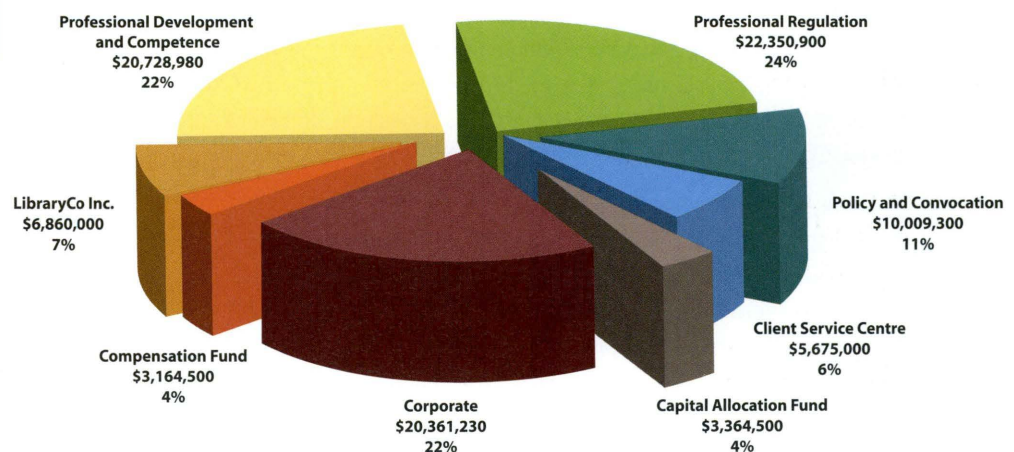
## Highlights of the 2011 Budget

- In 2011, lawyers will pay an annual fee of \$1,785, a \$49 increase from 2010.
- In 2011, paralegals will pay an annual fee of \$957, a \$24 increase from 2010.
- Lawyer Licensing Process fee unchanged for 2011 at \$2,400.
- Paralegal Licensing Process fee unchanged for 2011 at \$1,075.

<b>2011 Annual Fees</b>		<b>Lawyers</b>			<b>Paralegals</b>		
COMPONENTS	2011	2010	CHANGE	2011	2010	CHANGE	
General Fee	\$ 1,292	\$ 1,211	\$ 81	\$ 711	\$ 685	\$ 26	
Compensation Fund	\$ 222	\$ 257	(\$ 35)	\$ 171	\$ 183	(\$ 12)	
LibraryCo Inc.	\$ 196	\$ 203	(\$ 7)	—	—	—	
Capital	\$ 75	\$ 65	\$ 10	\$ 75	\$ 65	\$ 10	
Total	\$ 1,785	\$ 1,736	\$ 49	\$ 957	\$ 933	\$ 24	



### Consolidated Lawyer & Paralegal Budget



**Total Gross Expenditures**  
\$92,514,410



# Articling & Beyond Symposium

offers opportunities to new and experienced lawyers



Moderator Daphne Simon, at podium, with panel members for the plenary panel discussion "How to Create the Opportunity that Works for You." Panellists from left to right are Angela Sordi, Consultant, ZSA Legal Recruitment; Justin Clark, Simmons, da Silva & Sinton LLP (Brampton); Pascale Daigneault, Fleck & Daigneault (Sarnia); Michele R. J. Allinotte, Allinotte Law Office (Cornwall) and Intenan Abd-El-Razik, Articling Candidate (Joint Articles), Patricia Wells Immigration Lawyers/Luis Antonio Monroy Barrister and Solicitor.

On November 19, over 200 law students and new lawyers and more than 80 experienced practitioners gathered at Osgoode Hall for the first-ever symposium designed specifically to connect law students, articling candidates and new lawyers with practitioners from sole and small firms and communities outside Ontario's major urban centres.

The symposium was billed as "an opportunity to find work that works for you," and 'opportunity' was the overriding theme of the sold-out conference, which was co-presented by the Law Society, the Ontario Bar Association and the County and District Law Presidents' Association.

Diana Miles, Director of Professional Development and Competence at the Law Society, opened the symposium's plenary session with an overview of the legal landscape. While current economic realities are harsh, Miles illustrated the opportunities that exist for those willing to pursue opportunities beyond the big cities and big law firms. "In the next 10 to 15 years, we



**Articling & Beyond:**  
*Finding Work That Works For You*

are going to see a major transition" as our aging profession turns itself over, Miles told the crowd filling the Donald Lamont Learning Centre in Osgoode

Hall. "Because a significant segment of these mature lawyers are sole and small firm practitioners who are practising in smaller communities, ... we need new lawyers to think about working in these areas."

Miles's opening address was followed by an informative and lively panel discussion moderated by the Law Society's Associate Registrar, Daphne Simon. Panel members shared their diverse experiences and provided advice on how to find or create articling positions and careers with smaller firms, and in smaller communities.

Participants also had the opportunity to attend a variety of workshops: Life in a Small Firm or Small Community; Women Lawyers in Private Practice; and Living and Working in Northern Ontario. In each workshop, practitioners shared their personal stories and



experience to provide a robust and candid picture of lifestyles and legal careers for lawyers working in a variety of small firm and small community settings.

The heart of the conference for many participants was the career fair, which operated throughout the afternoon. Experienced lawyers from across the province filled Convocation Hall and three additional rooms, which hummed with students and new lawyers who networked with lawyers from a diverse range of practices and communities.

While attendees – both new and more experienced lawyers – may have come to Articling & Beyond with different expectations and goals, most left with a positive view of its success.

Simone Ramcharitar, a third year law student who has already secured an articling position, attended the symposium to explore career options. “The conference provided a great opportunity to speak with lawyers from small- to mid-size firms, practising various areas of law. It also provided a wealth of information for those interested in practising in small communities,” she said.



Conference attendees, from left to right, Desiree Smith, Kenny Chang, Cory MacCulloch and Simone Ramcharitar.

Kenny Chang attended law school in New Brunswick and is now articling in Toronto. New to the province, he attended the symposium to learn more about the Law Society and its services. He was pleased to also have the opportunity to hear about the “numerous facets of the legal profession” from practitioners with a wide range of experience.

Cory MacCulloch, a second year law student, came to explore articling opportunities. “I am very interested in articling in a smaller firm environment.” MacCulloch says that, overall, “the event was a success.”



New lawyer Katya Permiakova.

Katya Permiakova is a new lawyer looking for an associate position. “What really impressed me was the career fair. I had gone there expecting to see representatives from the well-known Bay Street firms occupy at least half the tables, similar to most of the career fairs I had gone to during law school. However, I was impressed to see many small firms and sole practitioners, many firms from outside Toronto, and many firms that I would probably not have been aware of otherwise.”

“The conference provided a great opportunity to speak with lawyers from small- to mid-size firms, practising various areas of law. It also provided a wealth of information for those interested in practising in small communities,”

*Simone Ramcharitar*



Jane Gooding (left) and Cara Boddy of Evans, Philp LLP, a Hamilton firm, speak with new lawyer Katya Permiakova.





From left to right: Peterborough lawyers Linda Willcox Whetung, Linda Willcox Whetung Law; Kourtney O'Dwyer, Howell, Fleming LLP; and Patricia Lester, City Solicitor, City of Peterborough.

Reviews from the experienced lawyers participating in the career fair were equally favourable. Patricia Lester is the City Solicitor for the City of Peterborough. "I love my municipal practice, as it provides a breadth of variety – corporate, real estate, tax, planning, development, labour and administrative law.

"With only two lawyers, we are busy and are looking forward to having an articling student join us in the fall of 2011." Lester adds, "The conference was very good and definitely worthwhile – I have already been contacted about the City's 2011 articling position by a few of the students I spoke to."

Michael Anne MacDonald established a practice in Muskoka after working as Crown counsel in Toronto, Ottawa, Miami, Los Angeles and Washington D.C. for 10 years. She came to the conference because she is looking for a young lawyer to join her firm. "The conference was invaluable," says MacDonald. "I don't expect to ever retire. I will always do some court work, but I would love to have a colleague. The demand in Muskoka and Parry Sound for family law lawyers is huge. Our duty counsel often are brought in from Barrie – one hour away. We need more lawyers."

Linda Whetung, a sole practitioner in Peterborough, was part of a group of lawyers who set up a joint table for the "Peterborough" contingent. She was delighted to see the Law Society take this step to improve communication between smaller, rural law firms and prospective articling students and new lawyers. "From our point of view, legal recruitment has a clear Toronto-

"There is a goldmine outside Toronto in the form of the practices of retiring sole practitioners and smaller firms who are looking for new lawyers interested in working and raising their families in small town Ontario."

Linda Whetung

centric bias and as a result, smaller firms in greater Ontario face significant challenges in attracting new lawyers," she says. "... There is a goldmine outside Toronto in the form of the practices of retiring sole practitioners and smaller firms who are looking for new lawyers interested in working and raising their families in small town Ontario."

James Campbell has been practising in Eastern Ontario since 1979. "Like many of my colleagues who have practised in smaller communities for several years, we struggle with how best to not only attract but to retain young lawyers in our communities and areas of practice." According to Campbell, "The conference offered us a chance to meet with colleagues and to be introduced to young students and lawyers who are seeking employment which provided opportunities for both practitioners and prospective employees." **OLG**



Lawyer Michael Anne MacDonald of Port Carling and Bracebridge, Muskoka.





COMMITTED TO  
**JUSTICIA**  
ON S'Y ENGAGE

## Justicia Project Update **Flexible Work Arrangements**

Encouraging law firms to adopt flexible work arrangements is a key goal of the Justicia Project, as the Law Society and the profession continue exploring ways to improve the retention of both women and men in private practice.

"We know that some law firms have been offering the option of flexible work arrangements – reduced working hours or flexibility about where and when work is completed – for a number of years," says Laurie H. Pawlitz, Law Society Treasurer and Co-chair of the Retention of Women Working Group.

"We now want to encourage firms that have been accommodating these arrangements on an *ad hoc* basis to implement a formal policy that sets out very clear parameters. We also want to encourage law firms who do not currently offer these types of arrangements to consider them."

The Flexible Work Arrangements Working Group of the Justicia Project, comprised of firms of all sizes, recently developed a *Guide to Assist Law Firms and Lawyers in Developing Successful Work Arrangements*. Justicia firms can use the guide, which provides a practical checklist of items that could be considered by firms when developing a policy. It also covers a range of topics, such as how to deal with compensation, benefits and bonuses.

In addition, the Law Society recently retained the accounting firm Deloitte to develop a template to calculate the profitability of flexible work arrangements in law firms. "The opportunity to work on flexible arrangements is an excellent strategy to improve loyalty within your firm and attract and retain talent, which has an impact on your bottom line," explains Thomas Conway, Law Society Benchers and Co-chair of the Retention of Women Working Group. "In 2011, Justicia participants will have access to the template to determine the profitability of implementing flexible work arrangements in their own firms."

Patricia Gillette, an expert on the retention of women in private practice and career advancement strategies and senior partner at the San Francisco law firm Orrick, Herrington & Sutcliffe, spoke about flexible work arrangements at the Justicia 2010 Toronto Managing Partners' Summit in November.

She lauded the Justicia Project for providing firms with some of the best set of template policies and guidelines to assist them in retaining and advancing women lawyers. "These policies and guidelines give firms the template and the ability to implement flexible work arrangements," she said.

"Lawyers don't take advantage of *ad hoc* arrangements in the same way they do formalized ones," says Gillette. They often aren't as profitable because they are 'one-offs,' and usually based on what works for a particular person or what works for a particular partner.

"By building in systems that collectively align your interests with those of your people and your clients, you build loyalty and trust. You will retain women and men if you begin to really take these policies seriously and see them as an integral part of the way you run your business."

### **Flexible Work Arrangements in practice**

We spoke to a number of lawyers about making flexible arrangements work, from the lawyer's, the client's and the firm's perspective.

Susan Clarke, a partner and Director of Professional Development at Gowling Lafleur Henderson LLP,



**“Having the seamless ability to work from home through a fully equipped virtual office is key. A good lawyer is not defined as one who sits behind a desk 10 hours a day. Rather, a good lawyer is a professional who can get work done, meet deadlines and do so competently.”**

*Tara Sweeney*



Law Society Treasurer Laurie H. Pawlitz with Patricia Gillette, senior partner at San Francisco law firm Orrick, Herrington & Sutcliffe.

**“Having employees who feel that they have some control over their practice and are supported by the firm in balancing family life with work life creates a positive client service environment. Everyone benefits from that.”**

*Michelle Small*

says her firm (700+ professionals) had offered flex time anecdotally for several years, but implemented a formal policy in 2005.

“By committing ourselves to a written policy, we are demonstrating that our firm takes the issue of retaining women and men seriously – a competitive strategy that is effective for both keeping the lawyers you have trained and mentored and attracting new talent,” says Clarke.

“The formal policy is certainly a strong indication of support on my firm’s part,” says Michelle Small, a

Gowling Lafleur Henderson associate, who currently has a flexible arrangement that makes her annual billable hour target 80 per cent of that of other associates.

She says a firm that accommodates these arrangements will reap the benefits of having employees who are able to maintain balance in their lives. “Having employees who feel that they have some control over their practice and are supported by the firm in balancing family life with work life creates a positive client service environment. Everyone benefits from that.”

Clarke adds, “From the firm’s perspective, as long as lawyers are meeting their targets, and the clients are satisfied, these arrangements work.”

To make flexible work arrangements work for everyone, she suggests that firms need to consider the following:

- Establish a formal policy for flexible work arrangements that clearly sets out expectations and provides guidelines. Make sure the policy is aligned with your partnership policy.
- Consider offering coaching to manage the process and support the lawyer’s transition.
- Be creative about finding ways to reduce overhead for a flex-time associate. Someone working from home may not use as many physical resources at the firm.
- Determine the type of technical support that is required for employees who, as part of their flex arrangement, need to work in a virtual office.

Tara Sweeney, partner at Soloway Wright LLP, an Ottawa law firm of 26 lawyers, and the mother of three young children, says that to make these arrangements work, it’s very important that the firm is flexible and gives people the option to work from home where appropriate.

“Having the seamless ability to work from home through a fully equipped virtual office is key,” says Sweeney. “A good lawyer is not defined as one who sits behind a desk 10 hours a day. Rather, a good lawyer is a professional who can get work done, meet deadlines and do so competently.” **OLG**



## Parental Leave Assistance Program Update

The Law Society is pleased to continue to offer its Parental Leave Assistance Program (PLAP) for the balance of the three-year pilot period. PLAP will coexist with the federal EI Special Benefits plan introduced earlier this year.

Through PLAP, which launched in March 2009, the Law Society provides a fixed sum of \$750 a week to eligible lawyers of firms of five lawyers or fewer, including sole practitioners, for up to 12 weeks to help cover, among other things, expenses associated with maintaining their practice during a maternity, parental or adoption leave.

In January 2010, the federal *Employment Insurance Act* was amended to provide special benefits to self-employed persons (EI Special Benefits) for maternity, parental, adoption, sickness, or compassionate care

leave. EI Special Benefits are payable beginning in January 2011.

PLAP will continue to be available to partners in firms of five lawyers or fewer who meet the eligibility criteria. Those who have not opted to receive EI Special Benefits; who have entered into an agreement with the Canada Employment Insurance Commission but are in the one-year waiting period for EI Special Benefits; or who have opted to receive the EI Special Benefits but have terminated their agreement and, if still eligible to claim EI Special Benefits, have signed an affidavit indicating that they forego any EI Special Benefits may be eligible for PLAP.

To find out if you are eligible for PLAP and for information on the revised criteria, please visit the Law Society website [www.lsuc.on.ca](http://www.lsuc.on.ca).

## The Contract Lawyers' Registry needs you!

The Law Society recently made changes to its Contract Lawyers' Registry and the response from the profession has been tremendous. Over 150 lawyers from across the province have registered as contract lawyers.

The revamped registry is a free resource tool designed to provide lawyers with access to short-term contract lawyers who are able to fill in for them temporarily – while they are on an extended vacation or leave – or simply need some breathing space due to a heavy case load.

"I think lawyers are finding the registry is now easier to use and are realizing that it can be extremely helpful

in a number of situations where they may need to be away from their practice or require extra assistance," says Laurie H. Pawlitza, Law Society Treasurer and Co-chair of the Retention of Women Working Group.

"It is a wonderful resource for lawyers who may need temporary help in keeping their practices running smoothly. We hope that more people use the registry and tell us what they think about it," she says.

"We have a huge talent pool available," adds Thomas Conway, Co-chair of the Retention of Women Working Group and Law Society Benchers. "And while interest in the registry is growing, we want to continue to promote the option to busy practitioners who could use the services of a contract lawyer."

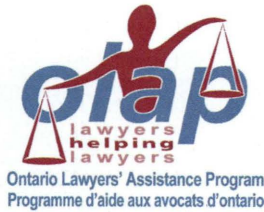
The flexibility of a contract lawyer is key. Whether you require extra support for a longer leave, or for short periods of time – for example, one or two days a week for extra support when you're dealing with a complex litigation matter – the Contract Lawyers' Registry is a great way to augment your practice when you need it.

Whether you require extra support for a longer leave, or for short periods of time – for example, one or two days a week for extra support when you're dealing with a complex litigation matter – the Contract Lawyers' Registry is a great way to augment your practice when you need it.

To consult the site, join the registry, or to retain a contract lawyer, please visit <http://rc.lsuc.on.ca/jsp/contractLawyer/index.jsp>.



# Managing professional challenges in a climate of constant change



There has never been a more exciting time for the profession. The legal landscape continues to thrive and change, giving rise to a host of new challenges. Factors such as advances in technology, new legislation and changing demographics continue to transform the way we do business – which is exciting and can mean greater opportunities – but it can also mean greater stress.

“Today’s lawyers must deal with the pressure to perform in a climate of rapid and constant change. The increased level of resulting stress is being reflected in the calls we receive from members of the profession,” says the Ontario Lawyers’ Assistance Program (OLAP) Volunteer Executive Director, John Starzynski.

“Our case managers are reporting an increasing number of calls from young lawyers who are disillusioned with the practice of law, with its long hours, pressure to compete and personal financial responsibilities.

“Law students are also calling with anxiety about what awaits them and hope to incorporate balance and wellness into their future legal careers. Women lawyers who call say they are overwhelmed by juggling family responsibilities, practising effectively and trying to advance in their firms while being ‘all things’ to all people.”

OLAP is available to help lawyers, law students and their immediate family members cope with balancing work and home challenges that can be overwhelming at times.

## Ontario Lawyers’ Assistance Program

### Peer Support

According to Starzynski, OLAP has its most effective support in the form of peers. “Peer support lawyers are lawyers who have faced personal challenges and offer their experience, strength and hope, along with a non-judgmental ear, to provide ongoing support on a face-to-face or telephone basis. Peer support volunteers give callers the chance to talk to another lawyer who knows the lawyer culture, the stresses of the profession and the personal impact of trying to live a balanced life.”

OLAP offers a range of outreach activities in addition to its counselling service as highlighted below.

**Speakers** – OLAP is willing to speak to lawyer groups about the challenges facing the profession and the resources available for help. This past year presentations were made to Civility Forums in Kitchener-Waterloo, London, Oshawa and Toronto, as well as law associations in Haliburton, Kent and Lindsay, the Family Lawyers Association, law schools and the Law Society. Contact John Starzynski if you are interested in having an OLAP representative visit your firm or organization.

### Women’s Work and Wellness Group Luncheon Meetings –

Quarterly luncheons are conducted in conjunction with the Women’s Law Association of Ontario to focus on issues relevant to women. Some past topics are “Shining the Light on Mental Illness” and “Financial Fitness and Building Your Best Law Career.” For more details, to get on the mailing list

and to register, please contact Jill Keaney, [j.keaney@olap.ca](mailto:j.keaney@olap.ca).

**The Lawyers’ Group** – Lawyers who want and need the support of other lawyers meet on the first and third Wednesday of every month from 5:30 to 7 p.m. at the Ontario Bar Association offices at 20 Toronto Street, Toronto.

**12-Step Group: Lawyers Helping Lawyers** – This group is meant to complement Alcoholics Anonymous meetings by offering an additional “safe place” and the fellowship of other lawyers in recovery for alcohol and drug addiction. Meetings take place on Monday evenings at 7:30 p.m. at Bellwood Health Services, 1020 McNicoll Avenue, lower level, Toronto.

### Quick Facts

The Ontario Lawyers’ Assistance Program (OLAP) is a confidential, free, 24-hour peer support and counselling program that assists lawyers, law students and their immediate families with issues of stress, burnout, addictions and mental wellness concerns.

Contact OLAP by calling 1-877-576-6227 (In Toronto – 905-238-1740) – Program Manager Leota Embleton, MSW, IACAD, [leota@olap.ca](mailto:leota@olap.ca); Judy Grout, MSW, Clinician, [judy@olap.ca](mailto:judy@olap.ca); Case Managers – Doron Gold, BA, LLB, [doron@olap.ca](mailto:doron@olap.ca); Terri Wilkinson, BA, LLB, RN, [terri@olap.ca](mailto:terri@olap.ca) and Jill Fenaughty, BA, MA, LLB, [jill@olap.ca](mailto:jill@olap.ca). The Volunteer Executive Director is John Starzynski, LLB. He can be reached at 1-877-584-6227 or at [john@olap.ca](mailto:john@olap.ca). The website is [www.olap.ca](http://www.olap.ca). The Office Manager is Jill Keaney, [j.keaney@olap.ca](mailto:j.keaney@olap.ca).



## Paralegal Update

### Law Society makes submission regarding Bill C-35

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

The Law Society made a submission to the Standing Committee on Citizenship and Immigration on November 1, 2010 requesting that the bill be amended to permit paralegals licensed by the Law Society to provide immigration consulting services. The bill was amended as requested and is now at the House of Commons for Third Reading.

A copy of the Law Society's submission can be accessed on the Law Society website under "Convocation Decisions" for November 2010.

### College program audits and accreditation process

The Law Society conducted seven audits of accredited college paralegal programs in 2010, and several more are planned for

2011. Conducted by a team of two to three auditors, the audits consist of two-day site visits and involve a comprehensive look at how each program operates. Auditors attend classes and talk to students, teachers and administrators.

There is a high level of compliance among the colleges to date, particularly with the auditors' follow-up recommendations. As well, students interviewed by auditors are very enthusiastic about the paralegal profession and recognize the importance of maintaining professional standards in paralegal education.

All accredited programs are scheduled to be audited within the first three years of receiving accreditation and at least once every five years after that.

### Integration Licensing Process Reminder

Applicants for the Integration Licensing Process for Exempted Groups and Collection Agents have until September 30, 2011 to apply for a paralegal licence. To qualify, they must be collection agents or members of some of the groups previously exempt from paralegal licensing.

These groups include: in-house legal services providers, such as municipal prosecutors; legal clinic employees, such as community legal workers; not-for-profit organizations, such as human rights legal support staff; members of the Human Resources Professionals Association of Ontario, Board of Canadian Registered Safety Professionals or Appraisal Institute of Canada; Office of the Worker Adviser and Office of the Employer Adviser; Injured workers groups funded by the WSIB; and trade unions and people designated by the Ontario Federation of Labour.

The new process is not available to those who were eligible to become licensed under the grandparent licensing process (i.e. those who were not included in an exempt category) but chose not to apply by the 2007 deadline.

Full details about the process are available online through the Law Society's Resource Centre, including a set of FAQs. Lawyers and licensed paralegals are encouraged to share this information with anyone who may be eligible for the program.

## Lawyer Referral Service – Membership has its benefits

The Lawyer Referral Service (LRS) is a win-win option for lawyers and their clients. The service fills an important public need by referring people to a qualified lawyer from a roster of members on the service. For the lawyers who subscribe to the service, the LRS can be an effective way to attract new clients.

Callers to the LRS line, a toll-free number, are matched with a participating lawyer in their area who will provide a free consultation of up to 30 minutes. An informal survey recently conducted with subscribing lawyers shows the accuracy rate is very high.

The service receives more than 11,000 calls each month, and between 1,000 and 1,200 lawyers subscribe every year.

Operating since 1970, the LRS gives participating lawyers the chance to give back to their communities, and it gives the people of Ontario access to lawyers who can inform them of their legal rights and options.

The service is available only by telephone, 9 a.m. to 5 p.m., Monday to Friday.

To register or renew membership and/or find out more about the Lawyer Referral Service, visit the Law Society website at <http://rc.lsuc.on.ca/jsp/membershipServices/lrsSubscription.jsp>

### The reviews are in!

The Lawyer Referral Service is good news for lawyers and for the people of Ontario. Look at what subscribers and callers are saying about their experience with the service:

"Worth the effort." – M.D. (Subscribing lawyer)

"I have been on the service for 10 years and I enjoy discussing various issues with the callers."  
– D.B. (Subscribing lawyer)

"Extremely impressed by the lawyer [to whom] I was referred. He was professional and kind."  
– Caller

"Enough business to make it worthwhile."  
– P.H. (Subscribing lawyer)

"Referral accuracy rate – 98 per cent. Happy with the service."  
– W.T. (Subscribing lawyer)

"I really felt heard. ... I came away from our conversation feeling at peace, knowing that I had a handle on what I previously did not recognize or understand, and that I had options to pursue."  
– Caller





## Rockin' the Courthouse – Toronto, May 6, 2011

### Lawyers Rock for Lawyers Feed the Hungry!

If you're a rock music enthusiast, you won't want to miss 'Rockin' the Courthouse' on May 6, 2011. The concert, which takes place at the Adelaide Street Courthouse in Toronto, is in aid of the Toronto Lawyers Feed the Hungry Program. Five lawyer bands and one showcase band from participating producer League of Rock™ will be featured.

Songs will include a selection of solid classics as well as many new favourites. "There will be something to suit virtually everyone's tastes," reports event organizer and lawyer John McMillan.

The concert is a first for the Toronto Lawyers Feed the Hungry Program. "We're very pleased to be able to present so much talent at such a landmark venue – Live@Courthouse at the original York County Court House," says McMillan.

A volunteer with the Toronto Lawyers Feed the Hungry Program since his days as an articling student, McMillan has organized several events to raise funds for Lawyers Feed the Hungry. He organized and exhibited in two photography exhibits/charity auctions, "Legal Exposure" in 2002 and "Legal Exposure II: In Camera" in 2004, and in 2007, he organized "Legal Easel," a photography and art show/charity auction. All three events raised awareness and funds for the Toronto Lawyers Feed the Hungry Program.

As a member of the League of Rock™, McMillan thought a concert would be a good fundraiser. Once League of Rock™ agreed to produce the event, McMillan knew it

would be easy to get the lawyer bands and sponsors on board. "Everyone was very willing to participate in this good cause, and the Law Society was supportive of the idea from the very beginning," he says.

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

Sponsors include McMillan Law Professional Corporation, Gardiner Roberts, Howie, Sacks & Henry LLP and Paliare Roland Barristers.

## Location & Tickets

Rockin' the Courthouse takes place at the Courthouse at 57 Adelaide Street East, Toronto. Doors open at 7 p.m. and bands will perform from 8 p.m. to 12:45 a.m. The Courthouse will stay open until 2 a.m. for those who wish to mingle afterwards.

Advance tickets will be available for purchase online in December for \$25 each (\$30 at the door).

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

For information about Lawyers Feed the Hungry programs in Toronto, London, Ottawa and Windsor, visit the Law Society website: <http://www.lawyersfeedthehungry.ca/>.



## Thirteenth Colloquium on the Legal Profession



The Chief Justice of Ontario's Advisory Committee on Professionalism held the 13th Colloquium on the Legal Profession on November 1 and 2 in Toronto. Entitled "Lawyers, Legends, Legacies and Lessons from Ontario Legal History," the event explored professionalism in Ontario's legal community through legal history and biography. Shown here, at the opening of the two-day event are (left to right): The Honourable R. Roy McMurtry, former Chief Justice of Ontario, Law Society Treasurer Laurie H. Pawlitza, and former Law Society Treasurer W. A. Derry Millar.



Many speakers presented papers at the 13th Colloquium, including Professor Kent Roach, who is with the Faculty of Law at the University of Toronto.

## Take Our Kids to Work Day

On November 3, 2010, Osgoode Hall was full of the buzzing voices of excited grade nine students as the Law Society hosted the annual Take Our Kids to Work Day event. More than 300 students and their parents or guardians attended the afternoon event and 140 registrants participated via webcast. The students heard from speakers who gave an overview of the steps to becoming a lawyer or a paralegal, what it means to work in the field of law and the range of professional options available after graduation.

Presenters included: the Honourable Justice Michael J. Moldaver, Ontario Court of Appeal; Hilary Evans Cameron, Downtown Legal Services; Cettina Cornish, Counsel, Professional Development & Competence, at the Law Society of Upper Canada; James L. Cornish, Ministry of the Attorney General; Stephen A. McClyment, Senior Investigation Counsel, Professional Regulation, at the Law



Society of Upper Canada; Jeffrey R. Manishen, Ross & McBride LLP; and Lorna M. Yates, Ballantyne Yates LLP.

This was the fifth time the Law Society has hosted this program, which is open to all lawyers and paralegals in Ontario, and their grade nine guests.





Shown here, from left to right, are: panel moderator The Honourable Mr. Justice Todd Ducharme, Ontario Superior Court of Justice; Professor Brenda Macdougall, Chair of Métis Studies, University of Ottawa; Law Society Treasurer Laurie H. Pawlitz; lawyer Jean Teillet, Pape Salter Teillet Barristers & Solicitors; and law student Amanda Carling, University of Toronto.



Métis Nation of Ontario President Gary Lipinski (left) receives a framed copy of the Ontario-Métis Nation Framework Agreement from David Zimmer, MPP for Willowdale and Parliamentary Assistant to Attorney General Chris Bentley. The framework agreement recognizes the unique history, rights and governance structures of the Métis people in Ontario. The presentation marked the second anniversary of the framework agreement and took place at the Louis Riel Day reception held at the Law Society on November 16, where Lipinski was the keynote speaker.

## Louis Riel Day

More than 90 people gathered at the Law Society on November 16 to commemorate Louis Riel Day. Speakers at the event, “2010 – Year of the Métis: What have we learned in 125 years?” talked about Métis history and related legal issues. The annual event was hosted by the Métis Nation of Ontario and the Law Society.

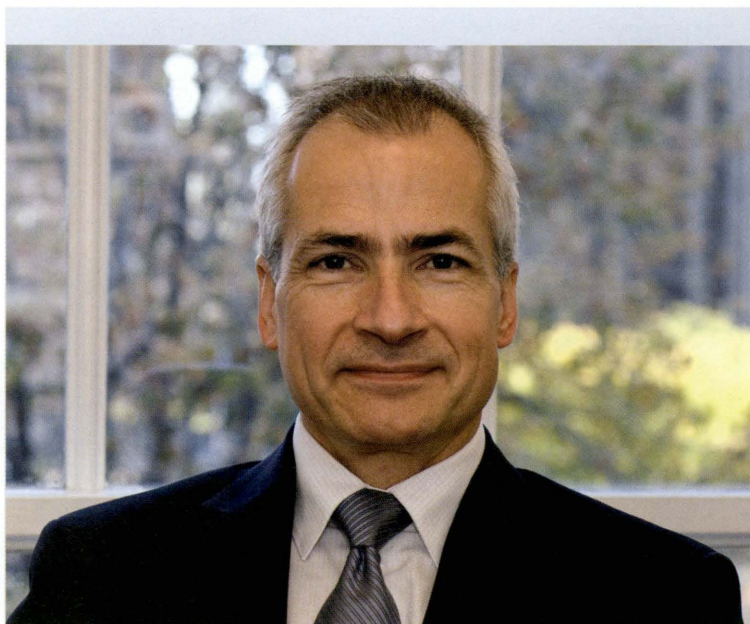




## Raj Anand, LSM, honoured by South Asian Bar Association

Congratulations to Law Society Benchers Raj Anand, LSM, who was recently awarded the 2010 Distinguished Career Award by the South Asian Bar Association. The award recognizes Anand's outstanding career achievements spanning three decades, as well as his commitment to professional excellence and initiative in community involvement.

A Partner at WeirFoulds LLP, Anand practises civil litigation, administrative and human rights cases. As the founding Chair of the Human Rights Legal Support Centre, he was instrumental in creating an agency which provides legal services to people who believe they have experienced discrimination. Anand is a former Chief Commissioner of the Ontario Human Rights Commission. Among his many accomplishments, Anand was recognized with an Award of Justice by the Advocates' Society in 1997 and a Law Society Medal in 2003.



## Jim Varro, Director, Policy and Tribunals for The Law Society of Upper Canada

Jim Varro has been appointed to the role of Director, Policy and Tribunals for The Law Society of Upper Canada. Varro will provide leadership to the Law Society's internal staff and governing body in the development and communication of policy positions and initiatives.

In addition, he will oversee the Tribunals function and process to ensure that it is just and transparent, and meets the Law Society's public interest mandate. Varro will also provide management direction for the Government Relations and Equity Advisor portfolios of the Law Society.

Following the recent approval of Convocation, he will exercise the powers and perform the duties of Corporate Secretary and Secretary under governing legislation, as delegated.

Varro began working with the Law Society as Staff Lawyer in the Complaints Department in June 1990 and became a Policy Counsel in October 1996 in the Policy Secretariat.



# Mark your calendar for these important dates in 2011

## January

- Jan. 1** 2011 Annual Fees due.
- Jan. 1** Foreign Legal Consultants' annual renewal fee and form due for FLCs approved prior to April 2003. Failure to pay fee and submit form will result in expiry of licence. FLCs approved after April 2003 must pay the annual renewal fee and file the renewal form on the anniversary month of approval.
- Jan. 17** Pre-Authorized Monthly Payment Plan (PAP) application due.
- Jan. 27** Convocation.
- Jan. 31** Affiliations annual filing report due.
- Jan. 31** Multi-Discipline Partnership annual filing report due.
- Jan. 31** Certified Specialist annual fee and annual certification report due. Failure to submit report and payment by this date will result in revocation of certification.
- Jan. 31** Lawyer Referral Service subscription fees due.
- Jan. 31** LAWPRO 2010 Fourth Quarter Real Estate and Civil Litigation Levy Surcharge filings and applicable payments due.

## February

- Feb. 8** LAWPRO Lump Sum Payment Discount Deadline. Cheques must be dated and received by this date to qualify for the \$50 per lawyer discount on the LAWPRO insurance premium.
- Feb. 24** Convocation.
- Feb. 26** Deadline for nominations for the 2011 Law Society Medal, the Lincoln Alexander Award and the Laura Legge Award.

## March

- Mar. 31** 2010 Lawyer Annual Report due.
- Mar. 31** 2010 Paralegal Annual Report due.

## April

- Apr. 28** Convocation.
- Apr. 30** LAWPRO 2011 Real Estate and Civil Litigation Levy Surcharge annual exemption forms due.
- Apr. 30** LAWPRO 2011 First Quarter Real Estate and Civil Litigation Levy Surcharge filings and applicable payments due.

## May

- May 2** Final date to pay annual Law Society membership fees. Failure to pay fees will result in referral for suspension on or about this date.
- May 11** Law Society Annual General Meeting.
- May 26** Convocation.
- May 31** Final date to file Multi-Discipline Partnership annual report. Failure to file by this date will result in referral for suspension on or about this date.
- May 31** Final date to file Affiliations annual report. Failure to file by this date will result in referral for suspension on or about this date.

## June

- June 23** Convocation.

## July

- July 29** Final date to file the 2010 Lawyer Annual Report or Paralegal Annual Report. Failure to file by this date will result in referral for suspension on or about this date.

- July 31** LAWPRO 2011 Second Quarter Real Estate and Civil Litigation Levy Surcharge filings and applicable payments due.

## September

- Sept. 15** LAWPRO CPD Premium Discount deadline: Complete the online declaration by this date to receive the CPD premium credit on your 2012 insurance premium.

- Sept. 22** Convocation

## October

- Oct. 1** Professional Corporation annual renewal application and fee due.
- On or about Oct. 3** LAWPRO Online filing of Professional Liability Insurance applications for 2012 begins.
- Oct. 27** Convocation
- Oct. 31** LAWPRO 2011 Third Quarter Real Estate and Civil Litigation Levy Surcharge filings and applicable payments due.

## November

- Nov. 1** LAWPRO e-filing deadline. LAWPRO renewal application for 2012 professional liability insurance must be e-filed by this date to be eligible for the \$25 per lawyer e-filing discount.
- Nov. 8** Final deadline to submit LAWPRO renewal application for 2012 professional liability insurance.
- Nov. 24** Convocation

## December

- Dec. 31** Failure to renew the Certificate of Authorization for Professional Corporations by this date will result in expiry of Certificate.



## LIFE MEMBERS

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

W. Peter Butler — Willowdale, ON  
Walker D. Clark — Pickering, ON  
Raymond Mitchell, Q.C. — Toronto, ON  
S. S. Newman — London, ON  
M. C. Justine O'Brien — Ottawa, ON

Ryan M. Paquette, Q.C. — Hamilton, ON  
Moishe Reiter, Q.C. — Toronto, ON  
Peter A. Silverman, Q.C. — Toronto, ON  
Bruce Thomas, Q.C. — Toronto, ON

## JUDICIAL APPOINTMENTS

### Tax Court of Canada

*Effective October 29, 2010*

The Honourable Madam Justice M.L. Johanne D'Auray

### Superior Court of Justice

*Effective August 6, 2010*

The Honourable Madam Justice Mary Jane Hatton

The Honourable Mr. Justice James A.S. Wilcox

*Effective October 1, 2010*

The Honourable Mr. Justice R. John Harper,  
Senior Judge of the Family Court Branch (Toronto)

The Honourable Mr. Justice M. Gregory Ellies

The Honourable Mr. Justice John M. Johnston

*Effective October 29, 2010*

The Honourable Mr. Justice Paul J. Henderson

The Honourable Mr. Justice Andrew J. Goodman

The Honourable Mr. Justice John P.L. McDermot

### Ontario Court of Justice

*Effective October 13, 2010*

His Worship Peter Muir Aharan, Justice of the Peace to the Ontario Court Of Justice

His Worship Charles William Anderson, Justice of the Peace to the Ontario Court Of Justice

Her Worship Anna Marie Hampson, Justice of the Peace to the Ontario Court Of Justice

His Worship Michael Dennis Hurst, Justice of the Peace to the Ontario Court Of Justice

Her Worship Ann Margaret Johnson, Justice of the Peace to the Ontario Court Of Justice

Her Worship Christina Louise Logue, Justice of the Peace to the Ontario Court Of Justice

Her Worship Jill Ellen Morris, Justice of the Peace to the Ontario Court Of Justice

His Worship Karim Premji, Justice of the Peace to the Ontario Court Of Justice

Her Worship Latly Vu, Justice of the Peace to the Ontario Court Of Justice

Her Worship Ruby Tak Cheung Wong, Justice of the Peace to the Ontario Court Of Justice

*Effective November 10, 2010*

The Honourable Justice Sheilagh O'Connell

The Honourable Justice Kevin Sherwood



# NOW AVAILABLE ONLINE

## *The Law Society's* January - June 2011 Continuing Professional Development (CPD) calendar

<http://ecom.lsuc.on.ca/cpd>



The CPD requirement comes into effect on January 1, 2011. Lawyers and paralegals in the 100 per cent fee category are required to complete 12 hours of eligible educational activities in each calendar year. Register today to fulfill your CPD hours and stay up to date in your areas of law.

Many programs are being presented on two alternate dates to fit within your schedule. Many programs focusing on professional responsibility, ethics and practice management ("professionalism content") are offered at no charge.

Find out more about the CPD requirement and other eligible activities at  
<http://rc.lsuc.on.ca/jsp/cpd/index.jsp>



The Law Society of  
Upper Canada

Barreau  
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