



The
Law Society of
Upper Canada
Osgoode Hall, Toronto

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Legal Aid Tariff

A critical phase in the Law Society's struggle to increase the Legal Aid Tariff of fees should be completed next month, and, it is hoped, will bring an end to the frustrations of working with a tariff that has not been adequately revised since 1967.

The demands on the provincial government to increase the tariff have so far produced an immediate increase of 5% and the appointment of a fact-finder who is to determine the amount by which the December 1984 tariff has fallen behind the level established in 1967.

Convocation has approved both the choice of fact-finder and his terms of reference. He is Graeme H. McKechnie a 46 year old professor with long and wide experience in labour economics, who has acted as arbitrator, mediator or fact-finder in over 60 matters.

He has a commerce degree from the University of Toronto, an M.Sc. and a Ph.D. both from the University of Wisconsin. He came to York University in 1967 and two years later was made Chairman of the Department of Economics, a post he still holds. He has served on the University's Senate for over 15 years and became its Chairman in 1978.

He has chaired a Senate Committee on tenure and promotion and has frequently acted as fact-finder or mediator in disputes between teachers and Boards of Education. He has been appointed to arbitrate many industrial disputes including those between DeHavilland Aircraft of Canada Ltd. and UAW Local 112, Collingwood Shipyards and United Steel Workers of America Local 6320 and Raybestos Canada Inc. and United Steel Workers of America.

In finding out how much the Legal Aid Tariff has fallen behind Prof. McKechnie has been directed to take into account the effects of inflation, including a review of the cumulative changes that have occurred in the Ontario Consumer Price Index, the Implicit Price Deflators for Ontario's Gross Provincial Product and other relevant indices between 1967 and 1984. He will find out what changes have taken

place in relative prices and in particular examine the extent to which the prices for some services such as telephone, office rental, secretarial and other services necessary to a law office may have risen faster than the rate of inflation. He will plot the changes that have taken place in real income, net of inflation, in the province. This will involve an examination of the current levels of compensation for solicitors' services rendered under a legal aid certificate with a view to finding out how they compare with the compensation of other professional groups living and working in Ontario and with the remuneration of others involved in the administration of justice such as judges, Crown Attorneys and police officers.

The timetable Prof. McKechnie has laid out provides for a meeting in a week's time with the Treasurer of the Law Society and the Presidents of the Canadian Bar Association (Ontario), the Advocates' Society, the Criminal Lawyers' Association and the Law Union to establish ground rules. Briefs from all interested parties and others, including members of the public who wish to submit briefs are to be in three weeks later. A week after that the interested parties will have a chance to make oral submissions.

The fact-finder's report will be made to the Treasurer of Ontario and the Treasury Board and to the Treasurer of the Law Society which administers the Legal Aid Plan. The target date for delivery of the Report is the end of April.

Resolutions from the last Annual Meeting

The seven resolutions that were passed at the last Annual Meeting in June of 1984 were all considered by Convocation last October and either dealt with immediately or referred to appropriate committees.

The first resolution prompted by changes that had been made in the rules that govern annual meetings, called on the Law Society to give at least sixty days' notice to the members of the profession of any proposed amendments to the rules and regulations made under the Law Society Act so that there would be an opportunity for members to comment on them. The second resolution, which was related to the first, called for the revocation of the present Rule 52 that governs the conduct of annual meetings.

Both these resolutions have been referred to the Special Committee on the Annual Meeting which has not yet reported to Convocation.

Section 32 of the Law Society Act requires that all who are called to the Bar of Ontario be Canadian citizens or other British subjects. The third resolution passed at the last annual meeting would require the Society to seek an amendment to the Act to do away with the British subject alternative to Canadian citizenship for membership in the Society. Since Convocation had already considered the question, voted to delete the British subject alternative and asked the Attorney General to have the legislature amend the Act accordingly there was no further action for Convocation to take.

Pay for Benchers based on the time required of them to discharge their duties and regional elections were the subjects of the fourth resolution. Convocation voted against paying Benchers. The question of regional elections was already being considered by a special committee which is expected to report to Convocation in the near future.

Resolution number five proposed that the Society take an assignment of Legal Aid accounts owing to members and set them off against the members' annual fees and insurance levies but after consideration Convocation decided not to adopt the proposal.

The sixth resolution which dealt with the composition of the Legal Aid Committee has been referred to the Legal Aid Committee for consideration and report to Convocation.

Resolution number seven called on the Society to publish a practice directive listing all functions to be carried out by a solicitor acting on a real estate transaction. It proposed further that the contents of the directive be made known to the general public. Those parts of the resolution were referred to an existing special committee for consideration.

A further part of the resolution proposed that any solicitor who failed to abide by the practice directive relating to real estate transactions would be denied the benefit of the Society's Errors and Omissions Insurance Plan and be required to provide proof that equivalent insurance had been obtained before continuing to practice. This part of the resolution failed to gain Convocation's support.

Terms on reinstatement after suspension

Each year a number of members lose the right to practise by failing to pay fees or levies owing to the Society within four months of their due date. Most of those who find themselves in this predicament make payment within a short time and the Society's policy has been to reinstate their rights and privileges immediately their bills are paid. There is however a relatively small but growing number of members who allow their suspensions to last for long periods. Some have been out of practice for a number of years and a few for upwards of ten years. The Admissions Committee at Convocation's request is considering whether those whose rights and privileges have been suspended for a lengthy period should have their competency tested before being allowed to return to practice. Because any proposal the Committee might make would involve educational requirements a joint sub-committee of the Admissions Committee and the Legal Education Committee has been formed to go into the matter in detail and to report to the Admissions Committee.

Ottawa section of the B.A.C. to get full-time Director

Both the Ottawa section of the Bar Admission Course and Continuing Education for the Ottawa area are expected to benefit from a recent decision to appoint a full-time regional Director of Education in the capital starting in May of this year.

In addition to regular duties in connection with the Bar Admission Course the fact that the new Director will be full-time will mean that continuing education programmes for eastern Ontario generally can be developed well beyond their present level including an increased level of French language courses. In addition, because a full-time person will be able to devote more time to planning, the quality of both materials and oral presentations can be expected to improve.

There is no move at present to change the comparable post in London to a full-time job.

Kenneth Jarvis,
Secretary.