



The Law Society of
Upper Canada

Barreau
du Haut-Canada

Bencher election Élection du Conseil



ELECTION



Guide for Voters

Guide de l'électeur

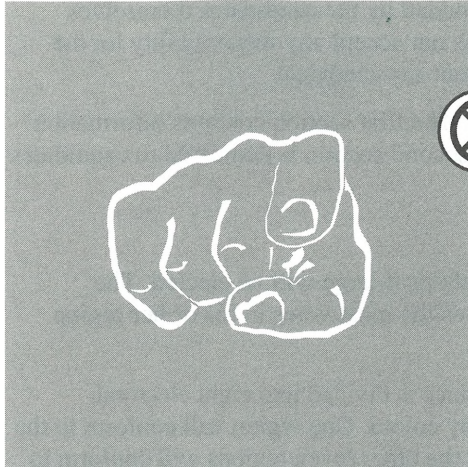




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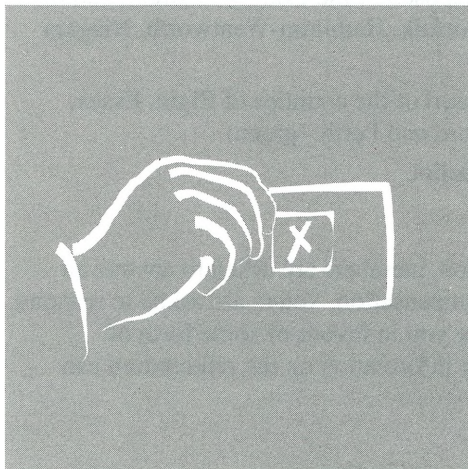
Bencher election Élection du Conseil



Guide for Voters Guide de l'électeur

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Voting Information

Conduct of election

The 1999 election of benchers is being conducted pursuant to s.15 of the *Law Society Act* and the by-laws.

Candidate information

The Guide for Voters is published by The Law Society of Upper Canada to provide members with information about the candidates running in the bencher election. The biographies and election statements were provided by the candidates themselves and reflect their views only. The Society does not accept any responsibility for the contents of any information provided by or about any candidate.

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

Election of regional benchers

In 1999, eight regional benchers and 32 benchers at-large will be elected. The regional bencher is the candidate who receives the most votes in his or her region from the voters in that region.

For the purposes of the election, the province is divided into eight electoral districts. A region's ballot will be identified by colour. One region will conform to the boundaries of the City of Toronto (white) and the other seven regions will conform to the boundaries of the judicial districts listed below:

- The Northwest Electoral Region, composed of the territorial districts of Kenora, Rainy River and Thunder Bay; (light orange)
- The Northeast Electoral Region, composed of the territorial districts of Algoma, Cochrane, Manitoulin, Nipissing, Parry Sound, Sudbury and Timiskaming; (beige)
- The East Electoral Region, composed of the counties of Frontenac, Hastings, Lanark, Lennox and Addington, Prince Edward and Renfrew, the united counties of Leeds and Grenville, Prescott and Russell and Stormont, Dundas and Glengarry, and the Regional Municipality of Ottawa-Carleton; (blue)
- The Central East Electoral Region, composed of the District Municipality of Muskoka, the counties of Haliburton, Northumberland, Peterborough, Simcoe and Victoria, and the regional municipalities of Durham and York; (pink)
- The Central West Electoral Region, composed of the counties of Bruce, Dufferin, Grey and Wellington, and the regional municipalities of Halton and Peel; (yellow)
- The Central South Electoral Region, composed of the County of Brant, and the regional municipalities of Haldimand-Norfolk, Hamilton-Wentworth, Niagara and Waterloo; (mauve)
- The Southwest Electoral Region, composed of the counties of Elgin, Essex, Huron, Kent, Lambton, Middlesex, Oxford and Perth. (green)

Members outside of Ontario vote on a grey ballot.

Referendum on bencher compensation

In addition to electing benchers in this election, members are asked to answer an advisory referendum question on bencher compensation. Voters are asked to respond "yes" or "no" to the following question: "Are you in favour of some form of honorarium being paid to benchers?" Further information on the referendum can be found at page 4.

Casting and counting votes

Each voting member has 40 votes and can cast 20 votes for candidates inside Toronto and 20 votes for candidates outside Toronto. You can decline to cast all your votes but you cannot exceed 20 votes for each section. Voting for more than 20 candidates in either section will invalidate your ballot for that section. You may only vote for a candidate once.

Ballots are colour coded based on your region. The ballot is separated into two parts listing candidates from inside and outside of Toronto. Each candidate's name is followed by a notation showing his or her region. A list of the candidates from each region can be found at page 97.

When the ballots are returned, they will be collated and counted according to the region from which they came. The candidate from each region with the greatest number of votes from members in that region will be declared elected. The remaining 32 benchers will be the 13 candidates from outside Toronto who receive the most votes and the 19 candidates from inside Toronto who receive the most votes.

Ballots also include the referendum question. The results of the referendum will be tabulated at the same time as the votes for benchers.

Ballot secrecy and security

To ensure the secrecy of your ballot please do not make any marks on your ballot or ballot envelope. Place your completed ballot within the ballot envelope provided and seal it. Place the ballot envelope within the return envelope provided. Sign the return envelope in the designated space. **If the envelope is not signed, your ballot is invalid and will not be counted.**

When your ballot is returned to the Law Society, your member number will be entered into our computer records to show that you have voted. (Your member number appears on the address label on the back of the return envelope.) The ballot envelope is then removed from the return envelope. The ballot envelope is stored until the votes are counted.

This process ensures that:

- each member submits only one ballot
- your votes remain confidential.

Return envelopes and postage

Please submit your ballot in the return envelope provided. The return envelopes have pre-paid postage, if mailed in Canada. The postage costs are assumed by the Law Society to facilitate the voting process. Do not use this envelope for other purposes.

Ballot return deadlines

Your ballot must be received at the Law Society by 5 p.m. on Friday, April 30, 1999 in order to be counted. Please ensure that you mail your ballot in sufficient time for it to arrive by the due date. **Ballots received after the due date are invalid and will not be counted.**

Announcement of results

The tabulation of votes will begin on Monday, May 3, 1999. Depending on the number of ballots received, this process should be completed within one week. Successful candidates will be notified first by telephone. The election results will be announced by press release and can be found:

- on the Society's web site at: www.lsuc.on.ca
- in the Ontario Reports
- in the Ontario Lawyers Gazette
- by calling Sheena Weir at 416-947-3338.



Referendum Information

Background

For the first time, benchers of The Law Society of Upper Canada are conducting an advisory referendum to obtain the profession's view on an issue. The issue is the payment of an honorarium to benchers. The results of this referendum will have an advisory rather than binding effect on benchers because the *Law Society Act* does not permit benchers to delegate their decision-making authority to the profession. However, the profession's view will assist benchers in their deliberations on this issue.

The referendum question, set out on the ballot, is as follows:

***Are you in favour of some form of honorarium
being paid to benchers?***

The information that follows is intended to describe the duties and workload of benchers and to summarize the arguments made by benchers in Convocation for and against payment of an honorarium to benchers. The arguments made by benchers are not exhaustive.

Duties and workload of benchers

The benchers are statutorily mandated to govern the affairs of The Law Society of Upper Canada. Their role is to formulate policy on matters related to the governance of the legal profession, and to hear cases involving discipline, admission, competence and capacity matters. Benchers are not remunerated for their services. They are reimbursed for their travel, accommodation, meal, and other out-of-pocket expenses.

The amount of time benchers devote to Law Society business varies. A study undertaken to determine bencher workload revealed a significant variation among benchers ranging from eight hours to 151 hours of work per month. The median time benchers spent on Law Society business was 47.5 hours per month.

During the last term of office, benchers were required to attend at least three regular monthly meetings at Osgoode Hall in Toronto - regular Convocation, discipline Convocation, and committee day. Each meeting lasted on average six hours. Benchers were expected to prepare for each of these meetings by reviewing materials sent to them in advance. In 1998, there were nine regular Convocation days, eight discipline Convocation days, and nine committee days. Although recent reforms to the *Law Society Act* have eliminated the need for a meeting of discipline Convocation, it is difficult at this time to predict the full impact of the reforms on bencher workload.

Benchers are also called upon to attend special meetings of Convocation to deal with major or urgent issues. There were three special meetings of Convocation in 1998. Benchers are expected to attend at least some of the Call to the Bar ceremonies. In 1999, these ceremonies were held on four different dates.

Benchers are required to hear individual discipline, admissions, competence, and capacity matters. Following a hearing, benchers may be required to write reasons supporting their decision. In 1998, each bencher heard cases for a total of six days on average.

Benchers also participate in task forces and working groups, which are frequently established to study issues and prepare reports for consideration at committee meetings and Convocation. These groups meet on days when no other regular Law Society business is scheduled.

When required, benchers attend external meetings and events as representatives of the Law Society. These may include judicial swearing-in ceremonies and meetings of other organizations.

Finally, benchers respond to telephone calls and correspondence received from members of the profession. Benchers who reside outside of Toronto travel to Toronto for meetings and hearings. This travel time varies depending on the location of the bencher.

What follows are the arguments advanced by benchers in Convocation on February 28, 1997 in favour of and against the payment of an honorarium to benchers.

Arguments Advanced in Favour of an Honorarium

Access

- This is an issue of increasing access. Payment would allow a greater diversity of benchers and ensure better representation of the profession. Remuneration will encourage the participation of sole and small firm practitioners, women, recently admitted lawyers, lawyers who work for minorities and low income clients, and minority lawyers.

Economic Hardship

- This is an issue of mitigating the economic hardship that some benchers face. Benchers devote many hours of work to the Law Society and incur lost income, particularly if they are sole practitioners. Benchers from outside of Toronto have a greater demand placed on their time because of the distance they must travel to attend meetings.

Elitism

- The issue is one of elitism. It is not dishonourable to receive a fee for services rendered. Currently, those with lucrative practices can better afford to be benchers. There are likely many who are dissuaded from seeking the position of bencher because they would lose significant income.

Long Hours of Service

- It is a question of having to put in long hours of service to the Law Society. This takes time away not only from work but also from family and other charitable activities. Benchers have to work on weekends or evenings to make up for lost professional time and income.

Voluntary Payment

- It need not be a question of mandatory remuneration. Benchers who are not experiencing financial hardship may choose to forego payment, recognizing that not all benchers are in identical situations.

Arguments Advanced Against an Honorarium

Diverse Bench

- This is not an issue of access. The current group of benchers is already quite diverse: 57% of elected benchers are sole practitioners or from firms of two to four lawyers; only 15% are from firms with 50 or more lawyers. While 30% of Ontario lawyers are women, 32% of the elected benchers are women. Many different backgrounds are currently represented as compared to former groups of benchers.

Time

- The real issue is the unreasonable amount of time that some benchers have to dedicate to Law Society business. The underlying problem is bencher efficiency: lengthy discipline processes, prolonged terms of office, and the unequal distribution of workload among benchers. Payment itself will not change this situation as it will not create more time or efficiency. It is this basic problem of bencher time and efficiency that ought to be addressed. More lawyers would be inclined to become benchers if the time commitment was clear and less onerous.

Honour

- This is an issue of honour. Benchers are paid with honour, not cash. Benchers are amply compensated with respect and an increase in their profile within the profession, together with the potential contacts this brings.

Volunteer Service

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



Au sujet du vote

Tenue de l'élection

L'élection du Conseil de 1999 se déroule conformément à l'article 15 de la *Loi sur le Barreau* et des règlements administratifs.

Renseignements sur les candidats

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

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

Élection des conseillers régionaux

Le Conseil qui sera élu en 1999 sera composé de huit conseillères et conseillers régionaux et de 32 conseillères et conseillers élus par l'ensemble de la profession. La couleur des bulletins dépend de la région. Est conseiller régional la personne qui recueille le plus grand nombre de voix exprimées par l'électorat de sa région.

Aux fins de l'élection, la province est divisée en huit régions électorales : la cité de Toronto (blanc) et sept régions correspondant aux limites des districts judiciaires suivants :

- la région électorale du Nord-Ouest, constituée des districts territoriaux de Kenora, de Rainy River et de Thunder Bay; (orange clair)
- la région électorale du Nord-Est, constituée des districts territoriaux d'Algoma, de Cochrane, de Manitoulin, de Nipissing, de Parry Sound, de Sudbury et de Timiskaming; (beige)
- la région électorale de l'Est, constituée des comtés de Frontenac, de Hastings, de Lanark, de Lennox et Addington et de Prince Edward et Renfrew, des comtés unis de Leeds et Grenville, de Prescott et Russell et de Stormont, Dundas et Glengarry et de la municipalité régionale d'Ottawa-Carleton; (bleu)
- la région électorale du Centre-Est, constituée de la municipalité de district de Muskoka, des comtés de Haliburton, de Northumberland, de Peterborough, de Simcoe et de Victoria et des municipalités régionales de Durham et de York; (rose)
- la région électorale du Centre-Ouest, constituée des comtés de Bruce, de Dufferin, de Grey et de Wellington et des municipalités régionales de Halton et de Peel; (jaune)
- la région électorale du Centre-Sud, constituée du comté de Brant et des municipalités régionales de Haldimand-Norfolk, de Hamilton-Wentworth, de Niagara et de Waterloo; (mauve)
- la région électorale du Sud-Ouest, constituée des comtés d'Elgin, d'Essex, de Huron, de Kent, de Lambton, de Middlesex, d'Oxford et de Perth. (vert)

Le bulletin de vote des membres hors de l'Ontario est gris.

Référendum sur la rémunération des conseillers

Lors de l'élection du prochain Conseil, les membres sont également appelés à se prononcer sur la rémunération des conseillères et des conseillers. Il s'agit d'une consultation, sans effet contraignant. Les électeurs et électrices doivent répondre, par l'affirmative ou la négative, à la question référendaire suivante : «Êtes-vous en faveur d'une forme quelconque de rémunération des conseillers ?». Pour de plus amples renseignements, voir la page 8 du Guide de l'électeur.

Vote et dépouillement du scrutin

Chaque membre ayant droit de vote dispose de 40 voix, soit 20 voix pour les candidates et candidats de Toronto et 20 voix pour les membres résidant à l'extérieur de Toronto. Vous n'êtes pas dans l'obligation de voter pour 40 candidates et candidats, mais vous ne pouvez en aucun cas voter pour plus de 20 membres par section : cela annulerait les voix exprimées pour cette section. Vous ne pouvez pas voter pour la même personne plusieurs fois.

La couleur des bulletins de vote dépend de la région. Les bulletins sont divisés en deux parties, selon la provenance des candidates et candidats (Toronto - extérieur de Toronto) et la région est mentionnée à côté du nom de chaque candidat ou candidate. La liste des candidates et candidats de chaque région figure à la page 97 du Guide de l'électeur.

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

La question référendaire figure sur les bulletins de vote et les résultats du référendum et de l'élection seront publiés en même temps.

Scrutin secret et sécurité

Pour garantir le caractère secret du vote, nous vous prions de ne rien inscrire sur le bulletin de vote ou l'enveloppe le renfermant. Glissez d'abord votre bulletin de vote dans l'enveloppe prévue à cet effet, collez cette enveloppe puis placez-la dans l'enveloppe-réponse. Après avoir collé l'enveloppe-réponse, signez-la. Le bulletin sera nul et ne sera pas inclus dans le dépouillement du scrutin si l'enveloppe-réponse n'est pas signée.

Sur réception de votre bulletin de vote, preuve que vous avez voté, le Barreau inscrira votre numéro de membre dans ses fichiers informatisés. Ce numéro figure sur l'étiquette collée au verso de l'enveloppe-réponse. L'enveloppe comprenant le bulletin de vote est d'abord retirée de l'enveloppe-réponse, qui est alors jetée, et le bulletin est ouvert. Le bulletin est mis de côté jusqu'au décompte de tous les votes.

Grâce à cette procédure :

- chaque membre ne peut voter qu'une fois
- les voix exprimées demeurent confidentielles.

Frais d'affranchissement et enveloppes

Les enveloppes-réponses sont déjà affranchies, aux frais du Barreau (si postées au Canada), afin de faciliter la tenue du scrutin. Veuillez remettre votre bulletin de vote dans l'enveloppe-réponse incluse et surtout ne pas l'utiliser à d'autres fins.

Remise des bulletins

Pour que les voix exprimées soient décomptées, votre bulletin doit nous parvenir d'ici le vendredi 30 avril 1999 à 17 heures. Veuillez le mettre à la poste suffisamment à l'avance pour qu'il nous parvienne à temps.

Annonce des résultats

Le dépouillement du scrutin commencera le lundi 3 mai 1999 et, selon le nombre de bulletins qui auront été reçus, pourrait prendre une semaine. Les heureux élus seront avisés par téléphone avant que les résultats ne soient communiqués aux médias et publiés de la façon suivante :

- sur le site Internet du Barreau : www.lsuc.on.ca/election99_fr.1999
- dans le Recueil de jurisprudence de l'Ontario
- dans la Revue des juristes de l'Ontario
- en téléphonant à M^{me} Sheena Weir au (416) 947-3338.



Au sujet du référendum

Rappel des faits

C'est la première fois que les membres du Conseil du Barreau du Haut-Canada consultent la profession par référendum sur une question précise. La question posée porte sur la rémunération des conseillères et des conseillers. Les résultats obtenus auront un effet non contraignant étant donné que la *Loi sur le Barreau* n'autorise pas les conseillères et les conseillers à déléguer à la profession leur pouvoir de décision. Le Conseil tiendra compte, toutefois, des opinions des membres de la profession lorsqu'il délibérera de cette question.

La question référendaire figurant sur le bulletin de vote est la suivante :

Êtes-vous en faveur d'une forme quelconque de rémunération des conseillers ?

Les membres trouveront ci-dessous une description des fonctions et du volume de travail des conseillers et des conseillères ainsi que les principaux arguments avancés par le Conseil à l'appui et à l'encontre d'une rémunération.

Fonctions et volume de travail des conseillers

La Loi habilite les conseillères et les conseillers à diriger les affaires du Barreau du Haut-Canada. Leur rôle consiste à formuler les orientations générales du Barreau en matière de réglementation de la profession et à statuer, lors d'audiences, sur des questions de discipline, d'admission, de compétence et de capacité. Les membres du Conseil ne sont pas rémunérés pour leurs services. Seuls leurs frais de déplacement, de logement, de nourriture et frais divers leur sont remboursés.

Le temps consacré aux affaires du Barreau varie grandement, comme le montre une étude de la charge de travail des conseillères et conseillers, qui faisait état d'un écart allant de 8 heures à 151 heures par mois. On estime à 47 heures et demie le nombre d'heures consacré en moyenne au Barreau.

Les membres du Conseil actuel assistent au moins régulièrement à trois réunions mensuelles (Conseil, Conseil de discipline et comités) qui se tiennent toutes à Osgoode Hall à Toronto. Chaque réunion dure en moyenne six heures, mais exige également une certaine préparation, passée à la lecture des documents qui sont envoyés à l'avance. En 1998, les conseillères et conseillers ont ainsi passé neuf jours en Conseil, huit jours en Conseil de discipline et neuf jours en comité. Bien que la réforme récente de la *Loi sur le Barreau* ait éliminé la tenue du Conseil de discipline, il est encore trop tôt pour savoir exactement quelles seront les retombées de la nouvelle loi sur la charge de travail des conseillers et conseillères.

À ces réunions ordinaires s'ajoutent les réunions extraordinaires du Conseil convoquées pour discuter de dossiers importants ou brûlants, ainsi que les cérémonies d'assermentation. En 1998, il y a eu trois réunions extraordinaires du Conseil et quatre cérémonies d'assermentation des étudiantes et étudiants à des dates différentes.

Les conseillères et conseillers doivent procéder à l'audition des questions de discipline, d'admission, de compétence et de capacité puis parfois, après l'audience, rédiger les motifs des décisions rendues. En 1998, chaque membre du Conseil a consacré en moyenne six jours à ces audiences.

Les membres du Conseil participent à divers groupes de travail, généralement créés pour étudier des questions précises, et rédigent les rapports qui seront soumis à l'attention des comités et du Conseil. Ces groupes de travail se réunissent en dehors du calendrier des affaires courantes du Barreau.

De temps à autre, les conseillers et les conseillères représentent le Barreau à l'extérieur, qu'il s'agisse de cérémonies d'assermentation des juges et de rencontres

avec des organisations telles que l'Association du Barreau canadien.

Enfin, il leur incombe de répondre aux appels téléphoniques et au courrier qu'ils reçoivent des membres de la profession.

Les conseillers et conseillères qui résident à l'extérieur de Toronto doivent se déplacer pour assister aux réunions et aux audiences. Le temps passé en déplacements dépend de la distance à parcourir.

Voyons maintenant les arguments avancés par les membres du Conseil le 28 février 1997.

Les arguments des partisans de la rémunération

Accessibilité

- La rémunération des conseillères et conseillers accroîtrait la diversité au sein du Conseil et le rendrait plus représentatif de la profession en encourageant la participation des membres exerçant à leur compte ou dans des cabinets de petite taille, des femmes, des nouveaux membres, des membres représentant des minorités, des clients à faible revenu ou issus de groupes minoritaires.

Préjudice financier

- Il s'agit là d'atténuer le préjudice financier que subissent certains membres du Conseil, surtout les praticiennes et praticiens autonomes, en raison de la perte de revenu causée par le nombre d'heures consacré au Barreau. Les conseillères et conseillers qui résident à l'extérieur de Toronto sont particulièrement touchés vu la distance à parcourir pour se rendre aux réunions.

Élitisme

- Il n'y a rien de déshonorant à être rémunéré pour son travail. Or, à l'heure actuelle, le système favorise les membres qui ont déjà des affaires florissantes. Ceux et celles dont le revenu baisserait considérablement sont probablement nombreux à ne pas briguer un poste au Conseil.

De longues heures de service

- Ce qui est en cause, c'est le nombre élevé d'heures à consacrer au Barreau, car il réduit d'autant la disponibilité des membres pour leurs activités professionnelles, leur famille et les activités de bienfaisance. Les conseillers et conseillères doivent travailler le soir et en fin de semaine pour compenser le temps passé hors du travail et le manque à gagner.

Rémunération facultative

- La rémunération des conseillers et conseillères ne serait pas nécessairement universelle. En l'absence de préjudice financier, les conseillers et conseillères pourraient choisir d'offrir leurs services bénévolement et reconnaître ainsi que tout le monde n'est pas logé à la même enseigne.

Les arguments des opposants à la rémunération

Diversité

- Il ne s'agit pas d'accessibilité car la diversité règne déjà au sein du Conseil actuel : 57 % des élus viennent de cabinets de petite taille (solo ou jusqu'à quatre avocats par bureau) par rapport à 15 % en provenance de cabinets comptant 50 avocats ou plus ; 32 % des membres du Conseil sont du sexe féminin, alors les femmes représentent en général 30 % des avocats de l'Ontario; par rapport aux anciennes équipes, de nombreux milieux différents sont représentés au Conseil.

Temps

- Le vrai problème tient au nombre d'heures excessivement élevé que certains conseillers ou conseillères doivent consacrer aux affaires du Barreau et, fondamentalement, à l'efficacité du travail de conseiller : la longueur des procédures de discipline et du mandat, ainsi que l'inégalité de la répartition du travail entre les membres du Conseil. Le versement d'une indemnité ne changera rien à la situation, car cela ne se traduira pas par des gains de temps ou d'efficacité. Ce sont là les véritables solutions à trouver. Les membres de la profession seraient plus enclins à occuper la charge de conseiller s'ils savaient ce qui les attendait et si la tâche était moins lourde.

Honneur

- Être conseiller, c'est une question d'honneur, pas d'argent. Les conseillères et conseillers sont plus que largement récompensés par le respect et la réputation grandissante dont ils jouissent dans la profession, par les contacts qu'ils peuvent ainsi nouer.

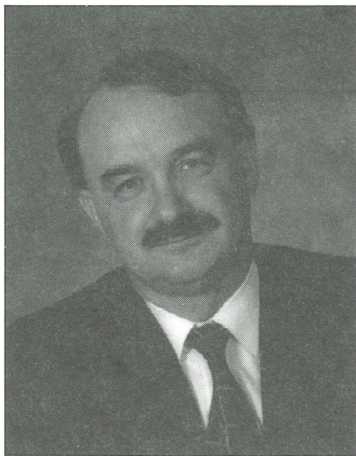
Bénévolat

- Ce qui est en jeu ici, c'est la nature bénévole du service. Il s'agit d'un service à la collectivité, offert librement. Les fonctions de conseiller ne peuvent pas simplement être assimilées à un travail rémunéré, mais à une activité bénévole au profit de la collectivité, du public comme de la profession. La question de sacrifice est implicite. Les cotisations versées par la profession juridique ne devraient pas servir à subventionner le service public de certains de ses membres.



Candidates from
Outside Toronto

Candidat(e)s de
l'extérieur de Toronto



Gordon Z. Bobesich

Mississauga

Central West • Centre-Ouest

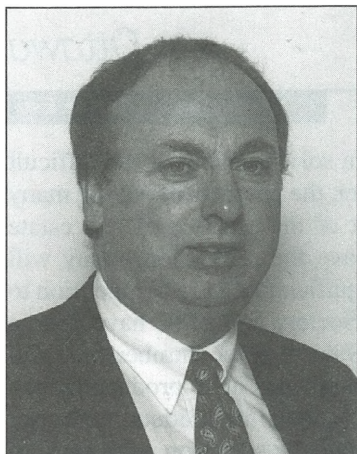
Married. Two children

1971 - 1974 Faculty of Law,
Queen's University,
Kingston, Ontario.

Sole practitioner since 1988
at 20 Hurontario Street,
Mississauga, Ontario, L5G 3G7

- Member of the Refugee Lawyers Association.
- Member of the Board of Directors - Canadian Croation Artists Society Inc. (4 years).
- Past Trustee on the Sudbury Board of Education.
- Past President of Sudbury Regional Soccer Association.
- Past Chairman of the Local Roads Board for the Townships of Hendrie and Burwash.
- Past President of Law '74, Queen's University and Commissioner of the Janis Joplin Law School Hockey League.
- 1989 - 1998 lecturer at Bar Admission Course, Osgoode Hall.
- 1991 teaching position at Humber College, Real Estate Law.
- 1995 - 1999 Benchers

1. After 4 years at the Bench I am not happy with what is happening in our Society and I have decided to run again.
2. Errors and Omissions insurance and membership premiums can be reduced further.
3. There should be a \$50.00 fee required for each complaint filed which would be returned if the complaint is found to be valid. This should eliminate 90% of the nuisance complaints. This motion failed but I will reintroduce it again.
4. "To serve and protect lawyers in the public interest" should be the motto of the Society.
5. There are just too many reports, studies, papers and discussions which no average lawyer is interested in and serves us no useful purpose.
6. The Society is just too big and too bureaucratic for the job it should be doing.
7. I will never vote for a fee increase.
8. If there is to be insurance work by the private bar then it should be at legal aid rates and should be designated on a rotation basis just like Lawyer Referral work among qualified solicitors.
9. More spot audits and more vigilant pursuit of minor complaints is not what lawyers want or need as is the latest policy of the Society.
10. The Society should look into starting up a pension plan for its members. The present Law Society retirement plan "Freedom 95" is not acceptable.
11. The Society should set minimum fees for doing real estate work and anyone doing work below these rates would not receive Errors & Omissions coverage for that work.
12. The numbers coming into the profession should be controlled by us.
13. The Law Society should not be in the computer business or any other business.
14. LPIC premium increases should be based once again on a claims paid basis and not on a claims made basis and fix up costs.
15. I do not support mandatory Continuing Legal Education.



Peter N. Bourque

Orangeville

Central West • Centre-Ouest

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

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

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

I feel strongly that the Society should do everything possible to make sure the merger of CDLPA and CBAO proceeds as quickly as possible. This includes the mandatory nature of the organization and a "check-off" for the dues. The Law Society should shed any pretense of being both the Discipline body and the Advocate for lawyers. Having served on the CDLPA executive for 4 years, and having worked with the CBAO on many initiatives, I am absolutely convinced that the joining of these two organizations is the only way that the profession can successfully advocate its interests and "speak with one voice" on those interests which are crucial to the profession. The merged organization will also take on the major role of continuing legal education (a role it now performs very well).

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

The Law Society must provide the funds to maintain the Law Libraries throughout the Province. As Chair of the CDLPA Library Committee and a member of the Beyond 2000 (Elliott Committee), I am committed to the delivery to lawyers of the necessary research tools to adequately serve their clients. As "electronic" search and "on-line" data bases rapidly replace bound volumes, the profession must have access to, and be capable of comfortably moving through the new system. The actual running of the system must be done by an autonomous board similar to the LPIC model. I am committed to seeing the implementation of this new library system and the provision of stable long term funding.

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

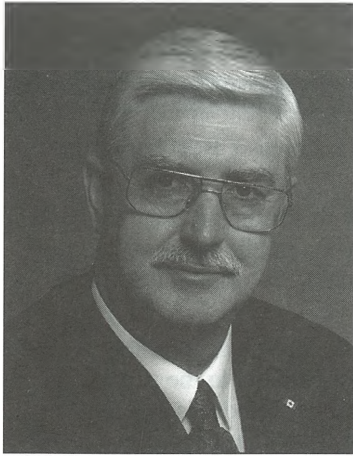
I am not an advocate of mandatory CLE. Without a strong statistical correlation between CLE and claims history I do not think that CLE should be mandated as mandatory.

I would bring to the position of benchers my 21 years of legal experience, which includes my local Law Association, service on the CDLPA Executive, member of Regional Courts Management Committee, local Legal Area Committee, and Chair of the CDLPA Library Committee.

For the past year I have been a member of the "Beyond 2000" Committee which has been charged with the task of re-defining and re-designing the County Law Library System. A most challenging task!

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

- sole practitioner in Orangeville since 1978 practicing criminal law, family law and civil litigation, in Orangeville, Brampton, Barrie, Guelph and Toronto
- attended York University and graduated Osgoode Hall Law School (1976)
- articles with Ian Binnie at McTaggart, Potts, Stone & Herridge in Toronto (1976/1977)
- member Area Committee Legal Aid
- past president Dufferin Law Association (1992/1994)
- member Bench & Bar and Case Management Committees Dufferin County
- member Regional Courts Management Advisory Committee (Central West Region)
- member Executive, County and District Law Presidents' Association since 1995
- member "Beyond 2000" (Elliott Committee) LSUC



Les Bunning

Ottawa

East • Est

The current benchers have done a commendable job in solving many of the difficult problems encountered over the past four years. However, the prospect of having many thousand real estate practitioners being squeezed out of the practice of real estate should be a concern to us all. Though some may leave the profession, many will switch to the other areas of practice thereby creating significantly more competition to members already practicing in these areas. The Law Society and LPIC have done a commendable job with the introduction of Title PLUS but it is too cumbersome and time consuming in its present form. The other title companies have products which are simpler to use. Title PLUS should be encouraged to make its product more user friendly. I am a member of the Ontario Real Estate Lawyers Association, who are supporting my candidacy, and whose aims and objectives I support.

It is important for us as a self-governing profession to ensure that we maintain the independence of the Bar. This can be done by balancing the interests of our members with the interests of the public. Continuing the trend of recent years toward more openness will help us to gain public confidence in our profession. Despite the occasional bad press, surveys have shown that citizens are usually very satisfied with work done by their own lawyer. We are members of an honourable profession and should be proud of it.

Throughout my eighteen years of practice as a lawyer, I have always spent a considerable portion of my time helping a variety of non-profit organizations. I appreciate that a considerable time commitment is required to be a bencher and I would find the time by reducing my commitments to other organizations. If elected, I promise not to complain about the time required to be a bencher! I practice with a small firm and my practice includes litigation, family law and real estate. This varied background should stand me in good stead to help solve the challenges faced by the profession over the next four years.

Age: 53

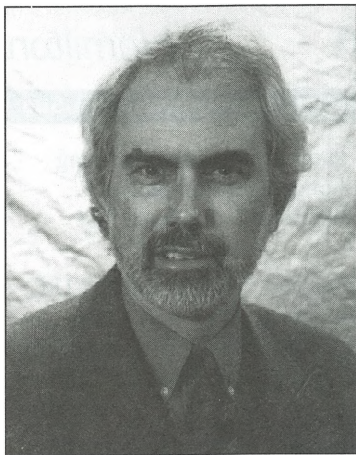
Senior Partner -
Bunning & Farnand, Ottawa

BACKGROUND

- Technical officer, Ottawa University, Physics Dept. (1967-76)
- Business manager - Chess Federation of Canada (1973-75)
- Chess columnist, Ottawa Citizen Newspaper (1975-83)
- Vice President, Condominium Corporation (1981-84)
- Vice President, Blackburn Hamlet Preschool (1985-87)
- President, Chess Federation of Canada (1990-92)
- President, Carleton-Gloucester Provincial Riding Association (1996-present)
- President, shopping plaza corporation (1997-present)

PROFESSIONAL BACKGROUND

- LL.B. - University of Ottawa (1976-79)
- Articled - Karam, Greenspon (1979-80)
- Called to the Bar 1981
- Litigation lawyer - Karam, Greenspon (1981-82)
- Partner - Bunning & Farnand (1983-present)
- Vice President - Greater Orleans Lawyers Association (1988-89)
- Instructor Bar Admission Course
- Supported by the Ontario Real Estate Lawyers Association



Thomas J.P. Carey

Mississauga

Central West • Centre-Ouest

Age: 46

Sole Practitioner in association with 4 other lawyers in Mississauga, Ontario

Called to Bar 1979.

Certified by the Law Society as a Specialist in Criminal Litigation

Bencher -

October 1988 - March 1991 -

November 1994 to present

Committees:

Admissions & Equity

Legal Aid

Former Chair:

BiCentennial

Member Relations

Former Instructor Bar

Admissions Course (Criminal)

Former Instructor in Law at Sheridan College

Past Director and Secretary

Peel Law Association

Past Director Criminal Lawyers Association

Past President Peel Criminal Law Association

Past President Sir William Campbell Foundation

President Madeira Residential Counselling Services

Deputy Judge Small Claims Court (Central West Region)

Past Chair Peel Multicultural Association

Member:

Peel Law Association

CBAO

Advocates Society

Criminal Lawyers Association

Thomas More Lawyers Guild

Endorsed by

Peel Law Association

When I ran for Treasurer less than 2 years ago it was in part to promote a focus on openness, accountability and reform. This has been my goal, since first deciding to seek election as a Bencher in 1987. The 1987 Bencher election booklet carried only biographical information so a separate flyer contained my stand on the issues. They included 'A voice for young lawyers' (I was just turning 34) equitable insurance rates geared to risk, reform of the bar admission course, flexible membership fees, more accessible continuing education, dealing with untrained and unregulated paralegals, Legal Aid rates and the need to recognize areas of specialization. Since my first election in 1988 and subsequent elections I have argued and debated these issues with success on much, but with further reform still needed. Risk based insurance rates which were supposed to be impractical are now a reality with premiums coming down rather than going up as predicted. Convocation has been opened up to the public over the last decade or so and voting is recorded. We do, however, have far too many 'in camera' sessions for my liking. We only increase suspicion when we act in secret without all facts being shared. Transparency has to be the rule in our processes.

This year is the first for regional election, an issue I campaigned on in 1991 and have fought for as recently as January's Convocation when the process we are now engaged in was almost derailed. Regional elections will guarantee grass roots input from the profession and every region a Bencher accountable in that region. The concerns of the profession are different on Main Street than they are on Bay Street. The public and the profession will be better served by a Convocation that reflects the diversity of views in this province. I had hoped we could have gone further by reflecting the diversity of experiences within the City of Toronto but perhaps that can be rectified for the next election.

I hope to be elected to represent the Central West Region and will continue to rely on the feedback that I have received from many lawyers in the region during my terms as a Bencher. It is important to elect Benchers you can trust to 'do the right thing' in both policy deliberations and in exercising our regulatory and discipline functions. It is also important to know candidates' preliminary views on issues. We need the exploratory aids of surveys and candidates debates. While only the close minded have never changed their mind on any issue, it is fundamental to any exercise of a franchise that the voter knows a candidate's record and the direction candidates intend to take.

I remain committed to the ongoing process of creating a fair, efficient Bar Admission Course that promotes practise skill and competence. We must continue to promote a competent, accessible profession which reflects the rich diversity of this province. I favour limited honorariums for Benchers especially for Discipline Hearings and to ensure that Convocation has the voices of many not just the successful who can afford the considerable but rewarding time commitments that being a Bencher requires. I remain skeptical about the Work Bench idea. I fear it is mega idea that may be obsolete before its creation. I am concerned about its effect on the County and District Law Libraries and their work in making on line research accessible. The law libraries of this province and the people working in them are the centres of the profession outside of Toronto and I will continue to argue vociferously for funding that allows them to continue to be vibrant resources in their communities for research, continuing education and lawyers organizations. In Central West this means ensuring that the large Brampton library not be downgraded in its funding and that all other local libraries remain viable. Library funding has been strongly fought for by CDLPA and I support its merger with MTLA and CBAO as vital to ensure a strong advocacy voice for Ontario lawyers.

I am once again privileged to have the endorsement of the Peel Law Association and will continue to work to ensure that the lawyers in Peel, Halton, Grey, Bruce, Dufferin and Wellington have an accessible approachable voice at Convocation.



Kim A. Carpenter-Gunn

Hamilton

Central South • Centre-Sud

AGE: 43

Married, with one daughter

LL.B.: UNIVERSITY OF WINDSOR, 1981

CALLED: 1983

PARTNER:

WAXMAN, CARPENTER-GUNN (two-woman firm)

BENCHER:

1995 to present

Co-Chair: *Special Lectures - Personal Injury Law.*

PROFESSIONAL ASSOCIATIONS:

- Past Executive Member and Trustee - **Hamilton Law Association**
- Member **C.B.A.O.** Civil Justice Reform Implementation Committee
- Past President - **Hamilton Medical/Legal Society**
- Founding Director of the **Ontario Trial Lawyers' Association**
- Member of:
 - **Women's Law Association of Ontario**
 - **Hamilton Lawyers' Club**
 - **Canadian Bar Association**
 - **The Advocates' Society**
 - **A.T.L.A.**
 - **B'Nai Brith Canada**

Endorsed By:

The Hamilton Law Association

It has been an interesting four years at The Law Society. The learning curve in being a Bencher is tremendous. Being a Bencher involves long hours, approximately a day-and-a-half, to two days per week. I would, however, like to run. I believe that I have a lot to offer the Profession.

I have worked for various changes which have been implemented. Our annual L.S.U.C. fee is significantly down - 38% reduction since our election; our E. & O. levy is significantly decreased - 35% reduction since our election; and the volume levy surcharge will be no more after 1998's remittances. The insurance deficit, which once stood at \$154 million is now gone.

Significant changes have been made at The Law Society to assist women and minorities. Much more needs to be done. With sixteen years' experience as a Trial Lawyer, I have gained considerable insight into the issues facing the Profession. Being a partner in a two-person firm, I understand the need to confront the ongoing crises facing Lawyers, and law firms today. We must pay special attention to the needs of young Lawyers, small firms and sole practitioners.

My position on some of the major issues is:

Equity Issues:

At the BiCentennial Convocation, *The BiCentennial Report and Recommendations on Equity Issues in the Legal Profession* was unanimously passed.

Since that time, the Treasurer's Equity Advisory Group has been put in place to follow through with implementing the policies of that report. A full-time position of Equity Advisor has been created.

Paralegals:

Every year, more and more of our business is eroded. A governing body must be put in place which regulates Paralegals in the public interest. Their work should be restricted to specific tasks. Paralegals should be mandated to carry E. & O. insurance.

Competency:

With the passing of Bill 53, an Act to amend *The Law Society Act*, Benchers will be very involved with this issue. My fear is that these amendments will give rise, once again, to a call for mandatory continuing legal education. I was a vocal opponent of M.C.L.E. during my term as Bencher. I want the opportunity to continue to be involved in this.

Mandatory Continuing Legal Education (M.C.L.E.):

I am opposed to M.C.L.E. This will simply be another expense to be borne by Lawyers.

I am opposed to M.C.L.E. because:

- (a) there is no data that it raises the competency of Lawyers;
- (b) there is no data that proves it reduces E. & O. claims; and,
- (c) it assumes that Lawyers will not keep current in their area of practice.

Mandatory Mediation:

There is no empirical data which supports the utilization of mandatory mediation.

I am a proponent of voluntary mediation and, in fact, utilize mediation on a regular basis in my practice, representing Plaintiffs in Personal Injury Law.

I spoke out vehemently against this pilot project. As a result of our efforts, this project has been restricted to Toronto and Ottawa. Hopefully, it will not be inflicted on the rest of the Province.

Merger:

I am a supporter of a lobby group for Lawyers. With a new Association, primarily representing the interests of the Province's Lawyers, the L.S.U.C. will be better able to focus on its role as the regulatory and disciplinary body of the Profession. I would like to have more specific information as to what the merger will cost individual Lawyers. After we know the cost, then a referendum should be held to obtain the views of Lawyers on the issue.

During my tenure as Bencher, I have been a Director of L.P.I.C., have been a member of the Litigation Committee which instructs The Law Society concerning the various cases that it is involved with, and have been a member of the Professional Development and Competency Committee, which has jurisdiction for Specialist certification, Libraries, Continuing education, The Practice Review Program; and competency, in general.

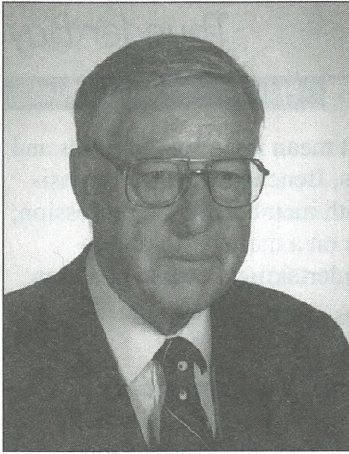
I have enjoyed my time serving you as Bencher, and would like to continue with my efforts.

I ask for your support.

Marshall A. Crowe

Ottawa

East • Est



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

Four years ago I was elected a benchers in my first year as a lawyer after a substantial career in business, government and as chairman of the National Energy Board. I was harshly critical of the Law Society's incompetent insurance management resulting in a huge deficit and exorbitant charges imposed on all lawyers. I was especially concerned about the burden on those just getting started in the profession.

I have been a director of Lawyers Professional Indemnity Company for four years. LPIC has been transformed from a costly embarrassment to the legal profession into a profitable company under strong management and an effective board with extensive business and insurance experience. The base premium has been cut 34.8%, from \$5,600 to \$3,650, and as low as \$2,190, down 60.8%, for restricted practices. If the now abolished \$600 capital levy is included, the basic annual premium is down 41%. The gross billing surcharge is also eliminated. The deficit of \$204 million four years ago is now zero, and LPIC has over \$50,000,000 of unencumbered capital and surplus. The high cost of LPIC litigation has been much reduced, and, instead of being assigned to a small number of Toronto firms, it is now widely tendered across the province.

As a director of LPIC, I have always advocated reducing premiums to the absolute minimum consistent with sound finances. I have opposed using LPIC as a source of funding for LSUC programs. Surplus funds should reduce premiums. LPIC's Board successfully insisted that transaction levies no longer needed to pay down the deficit go to premium reduction not to general LSUC purposes. LPIC has been one of my major concerns as a benchers. It is now in sound condition but like any business LPIC needs constant, vigilant direction in the interests of the entire profession.

I have taken an active part in other Law Society work and have rarely missed Convocation. I am pleased that LSUC membership fees and levies have gone down by some \$500 since 1995, or about 28%. The Legal Aid levy, \$266 in 1995, is now \$53, and will be zero next year. But fees are still too high. Further reductions require more discipline than Convocation has shown. Last minute expenditures, however well-meaning, should never be adopted without scrutiny and approval within the budget by the Finance Committee. There is no end of worthy causes. But LSUC is a regulatory agency. Everything Convocation does uses your money. No proposal should be adopted unless demonstrably essential to our only function, regulation of the law profession in the public interest. Only if we are tough minded enough to adhere to this can fees go down.

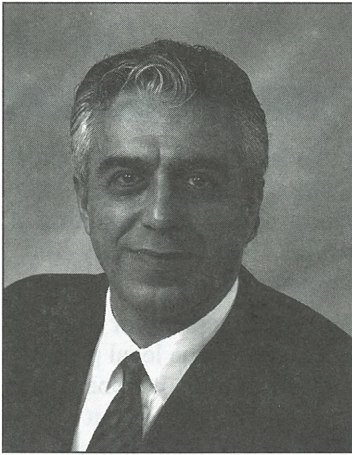
For example, there has been public speculation about a new business venture by LPIC and LSUC to market to lawyers law-related computer services (a "lawyer's workbench"). It is claimed that the potential profits could reduce fees. If such a scheme were proposed, I would be skeptical. It could equally mean losses after high start-up costs. Should Convocation launch a risky business, decidedly not a regulatory essential, possibly outside our statutory jurisdiction? To ask the question is to answer it. LPIC and LSUC should stick to their core responsibilities.

The revised *Law Society Act* brings new issues. Discipline committees will have greater authority. Protecting the public is paramount but the investigated lawyer must be treated fairly. I support continuing legal education but adamantly oppose making it mandatory because the new *Act* authorizes suspension or even disbarment for breach of **mandatory** education programs. There are enough bureaucratic traps already.

I have devoted much time and effort to making my best possible contribution to the work of Convocation. Self-regulation is a privilege conferred by statute which must be continually earned and justified. My career as a lawyer has been short but I can bring to Law Society work the experience of many years of senior involvement in business, government and as head of a national regulatory body.

My approach is pragmatic and practical. We should do only what is essential for professional regulation with unrelenting attention to the cost burden on lawyers.

I respectfully ask for your support.



Dino DiGiuseppe

Thunder Bay

Northwest • Nord-Ouest

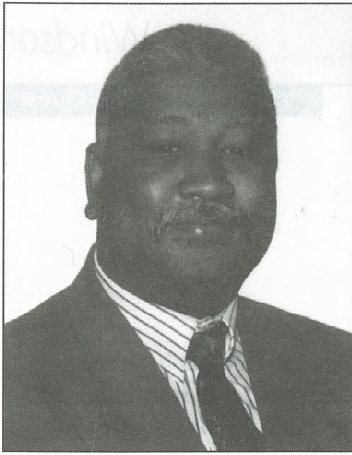
Governing the profession in the public interest does not mean ignoring the needs and concerns of Ontario lawyers. To be effective governors, Benchers have a responsibility to maintain open and comprehensive dialogue with members of the profession, to understand the varied practical issues facing lawyers on a daily basis, and to welcome input, critical as well as supportive, before undertaking a course of action.

The next few years will bring significant challenges to the profession. Convocation must be prepared to meet these challenges.

1. Amendments to the discipline procedure are welcome. I enthusiastically endorse the ADR Pilot Project within the discipline process. It will be of benefit to lawyers and the public alike to address complaints in a less adversarial forum, exploring negotiated and mediated resolutions.
2. Paralegals must be regulated. Their activity must be limited and a regulatory regime, including education, standards, discipline, and insurance, must be developed for the protection of the public.
3. I support the merger of the County and District Law Presidents' Association (CDLPA) and the Canadian Bar Association - Ontario (CBAO). A strong, unified voice is needed to lobby for and vigorously represent the interests of lawyers.
4. The Law Society and local county and district law associations must jointly manage the county and district law library system. Local law libraries must receive appropriate and stable funding. I support the central collection of library fees by the Law Society to fully fund the operations of the county and district library system.
5. We all have a stake in the competence of each of our colleagues. The Law Society must address the issue of competence by delineating clear standards, and supporting the profession in its efforts to meet those standards.

With my tenure as a member of the Executive of the CDLPA, I have the experience necessary to tackle these challenges. I have served as Chair of the CDLPA Library Committee, the Professional Standards Committee, the Legal Aid Committee and as a member of the Steering Committee overseeing the merger with the CBAO. I will bring to the position of Benchers, relevant experience, a strong work ethic, and a commitment to discharge my duties with integrity. I believe I can make a meaningful contribution to the work of Convocation.

- Master of Laws Candidate (LL.M.) (Alternative Dispute Resolution): Osgoode Hall Law School (graduation, June 1999).
- Called to the Bar in 1980
- LL.B. University of Windsor
- Executive member of the CDLPA: 1992 - 1997
- Member of the Law Society's Libraries and Reporting Committee: 1995 - 1996
- Past President of the Thunder Bay Law Association
- Acting Area Director, Ontario Legal Aid Plan
- Member Ontario Legal Aid Plan Area Committee
- Developed and conducted seminar series on mediation for a variety of organizations
- Past Chair Lakehead Regional Family Centre
- Past Chair St. Joseph's Hospital
- Partner - Erickson & Partners, Thunder Bay, Ontario (eight lawyer, full service law firm)
- Criminal litigator and mediator



Jean Claude Dubuisson

RESPONSABILITÉS DU BARREAU :

Les responsabilités du Barreau du Haut-Canada changent rapidement à cause de l'évolution de la profession.

Le groupe des minorités visibles grandit constamment dans les communautés urbaines et dans les écoles de droit. De même, les francophones augmentent de plus en plus dans la profession.

Il y a un besoin urgent de refléter dans les pratiques et les décisions du Barreau du Haut-Canada le changement qu'apporte cette nouvelle diversification. Les membres de ces groupes ethniques sont les personnes les mieux placées pour sensibiliser le Barreau du Haut-Canada à leurs besoins.

CLÉRICATURE : La cléricature constitue un problème pour les étudiants des groupes ethniques. Je proposerai que l'on prenne des mesures pour encourager la profession et les cabinets qui ont la possibilité d'aider ces étudiants à faire leur cléricature.

CONFÉRENCE PROFESSIONNELLE ET ÉDUCATIVE : J'appuierai les changements du Barreau du Haut-Canada afin de réformer le Cours de formation professionnelle. Ce cours devrait aider les étudiants à développer une certaine compétence dans le choix de leur pratique. Également, dans le cadre de la formation permanente, j'appuierai vigoureusement les ateliers pour rehausser la compétence des nouveaux avocats et rafraîchir la compétence des autres. Ottawa n'a pas souvent la chance d'avoir autant de programmes de formation que Toronto. Par contre, un système de vidéo pourrait compenser en partie ces lacunes.

Bilingual.

Vanier Ottawa

Education:

B.A. Pol. Sc. University
of Alberta; 1988

LL.B. University of Ottawa 1991
Called to the Bar in 1994.

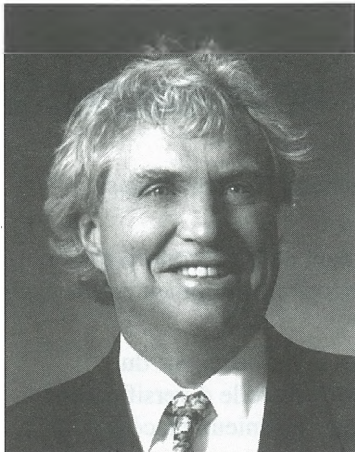
Author of *the persons' case*

Sole Practitioner: Practice
devoted to Criminal and Family
law

Participant of various
professional education
programmes with respect
to minorities

Special speaker at conferences
and programmes for minorities

Advisor of black francophone
students of the Cité collegiale



Edward W. Ducharme

Windsor

Southwest • Sud-Ouest

Born, Windsor, Ontario; B.A. M.A. (Windsor), Ph.D. (Michigan, 1980) LL.B (Windsor, 1985); Adjunct Professor, Windsor, 1990; called to the bar, 1987; Associate Partner and Head, Employment/Labour Law Department, Gignac, Sutts 1990; professional associations include the CBAO and the Essex Law Association; published author on a wide range of law-related subjects, including environmental law, medical malpractice, evidence; frequent speaker on labour, employment and human rights issues.

As a benchler, I would pursue a fourfold agenda:

- Reduce fees;
- Regulate and restrict paralegals;
- Improve the image of the profession; and
- Permit contingency fees.

REDUCING FEES

The fees we are compelled to pay are still too high. Despite the fact that insurance premiums for 1999 have been reduced by about \$1,000 and general fees by about \$400, the Law Society can and should do better. Whether one practices alone, in a small or large partnership, as an in-house corporate counsel, or part-time, the truth is that the current fee structure is too hard on lawyers. The burden should be lightened, now.

If elected, I will promote for the year 2000 a further reduction of \$1,400 in our general fees and LPIC premiums.

REGULATING AND RESTRICTING PARALEGALS

I am not a sole practitioner, but I know enough of them to believe that paralegals pose an immediate risk to their future, and, longterm, a risk to the rest of us as well. Frankly, the Law Society has not yet dealt with this problem boldly and decisively. As a result, we find ourselves in a turf war with the livelihoods of a lot of lawyers at stake. The problem is not one which affects only some of us; ultimately, we all have much to lose.

Paralegals must therefore be strictly regulated and policed, inside or outside the profession, or they will continue to make further unwarranted incursions into areas of service only insured lawyers are duly educated and licensed to perform. A definitive solution to the paralegal problem should be one of the first priorities of the new Convocation. Legislation is an absolute necessity.

IMPROVING THE IMAGE OF THE PROFESSION

The Law Society must strive to transform the public's perception of lawyers. Although most of us continue to tolerate the dozens of lawyers' jokes we hear every year, that is not really the issue. For me, the issue is: why are we not held in the same esteem as those in other professions? Although I came to the practice of law a little later than some, I have been privileged to experience first-hand what a good and noble and honest profession it is. But I also know that the public tends to perceive us, as a group, differently.

The Law Society must immediately find a creative new strategy designed to generate greater public awareness of and approbation for lawyers' considerable efforts on behalf of the public good. For example, the Society could begin by regularly publishing in a suitable forum the good deeds done by the members of our profession and, likewise, by responding forcefully to any attacks upon the profession.

PERMITTING CONTINGENCY FEES

It is nonsensical that Ontario should remain the only province in Canada that does not allow contingency fees. Every day, lawyers undertake retainers contingent in their nature and result, and they do so because their clients are poor and cannot afford to fund their lawsuits. In these cases, the lawyers are not paid unless they achieve a successful result. Business arrangements of this type are acceptable, while, at the same time, lawyers are not allowed to agree to accept a percentage of recovery.

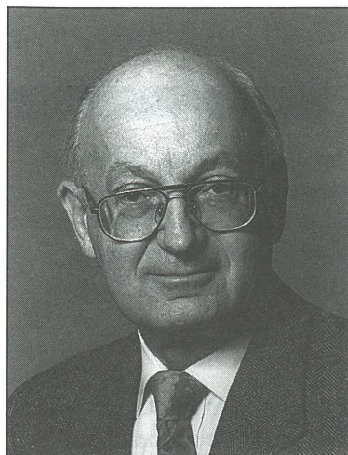
The Law Society should immediately take whatever steps are necessary to see that legislation is passed authorizing a fee structure based upon a reasonable percentage of recovery. The allowance of contingency fees would thus stand as a single modest example of how the Law Society could serve to assist lawyers to become more competitive.

With a background in education, negotiation and mediation, I believe that I have the appropriate disposition and skills to bring these and other issues before Convocation for discussion and resolution. I hope to be given the opportunity.

Abraham Feinstein

Ottawa

East • Est



Present Associations:

COUNTY OF CARLETON LAW ASSOCIATION

- Recipient of the Carleton Medal

LAW SOCIETY OF UPPER CANADA

- Benchers - 1991 to 1998
- Chair, Governance Restructuring Committee
- Member, Judicial Appointments Advisory Committee

FEDERATION OF LAW SOCIETIES OF CANADA

- Co-Chair, National Title Insurance Committee
- Chair, National Technology Committee

Past Associations:

LAW SOCIETY OF UPPER CANADA

- Vice-Chair, Finance Committee
- Chair, Budget Committee
- Chair, Research and Planning Committee

CITY OF OTTAWA

- Chair, Committee of Adjustment

COUNTY OF CARLETON LAW ASSOCIATION

- President

COUNTY AND DISTRICT LAW PRESIDENTS' ASSO- CIATION OF ONTARIO

- Founding Director

OTTAWA YM-YWCA

- Honourary President
- President, Non-Profit Housing Corporation

I STAND ON MY RECORD

As a member of the Insurance Task Force, I worked continuously from July 1994 to October 1994 to help solve the insurance crisis. As a result of the Insurance Task Force Report, we eliminated \$154,000,000 deficit in the LPIC reserves and have significantly reduced your insurance levies.

As Chairman of the Transaction Levy Committee, I proposed the introduction of transaction levies which have raised over \$100,000,000 (inclusive of some volume levies) which has been applied in reduction of your insurance levies.

I chaired the Governance Restructuring Committee which redefined the position of Under-Treasurer to CEO. I also chaired the committee that hired the CEO, John Saso. This has resulted in a reduction of 25% of the Law Society staff, which has significantly reduced your Law Society fees.

MY GOALS FOR THE FUTURE:

1. To help the profession, especially sole practitioners and small firms, face the challenges of:

- a) technology
- b) multi-disciplinary partnerships and
- c) the high cost of continuing legal education,

by providing the profession with opportunities to meet these challenges:

- a) by developing a technological framework to allow the legal profession to be competitive in the 21st Century.
- b) by ensuring that the Law Society creates a regulatory regimen for multi-disciplinary partnerships that provides opportunities for all lawyers to compete with other professions.
- c) by assisting all lawyers to remain competent by providing access to continuing legal education locally at very low cost.

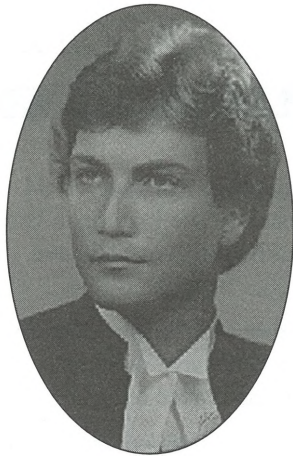
2. For the Law Society to work together with other legal organizations and especially the Canadian Bar Association and County and District Law Presidents' Association so that the legal profession of Ontario can speak with one strong voice.

3. For the Law Society to create a vision of the future for the lawyers of Ontario so that the Law Society can set its priorities and develop its budget. Benchers and staff would then be accountable for realizing those priorities within budget.

4. For the profession to recognize diversity in the Ontario population and ensure access by all to employment and legal services. The Law Society must continue to promote diversity both within the Law Society and within the profession.

5. For the Real Estate Bar to be able to compete with title insurance companies on a National basis. As Co-Chair of the National Title Insurance Committee, I have been working with the Federation of Law Societies and the Canadian Bar Association to form a National Lawyers' Conveyancing Organization.

I bring to my job dedication to your interests, an ability to listen to your concerns and a proven record.



Kenneth W. Golish was called to the Bar of Ontario in 1980. He served for a time as a part-time assistant Crown. As a sole practitioner from Windsor, he currently practices criminal and civil litigation, real estate and immigration (US and Canadian.) His experience also includes several other areas. As a non-bencher, Mr. Golish served a term on the Law Society's Libraries Committee. He has written on the subject and advised clients on issues relating to professional responsibility. Mr. Golish and his wife of 20 years, Pamela, have three children.

Kenneth W. Golish

Windsor

Southwest • Sud-Ouest

I fully support the concept of a self-government for the legal profession, believing that the interests of the public in maintaining the high standards and ethics of the profession are the same interests that most of the profession has. Concerned with the relationship of the Public and the profession, knowledgeable and experienced in issues that relate to the profession, I feel I can make a significant contribution to the direction the Law Society takes over the next four years.

Here are my views on certain topical subjects.

Errors and Omissions Insurance: The Society should continue in its role as basic insurance providers for the Bar in Ontario. The profession should commend the administration of LPIC for a job well done.

Title Insurance and Surcharge: The marketing of title insurance is a progressive measure that serves both the public and the profession. However, title insurance should continue to be available only when a lawyer provides a contemporaneous legal opinion. It is the provision of the legal opinion that should trigger the surcharge. Finally, LPIC should not necessarily be in the business of title insurance and the Society should consider selling the TITLE PLUS division.

Legal Aid: Access to justice should be a key issue and therefore the Society must not abandon its role as participant in the legal aid plan, now Legal Aid Ontario. The Society should do its part to make sure the Plan gets adequate funding to meet the needs of the Public.

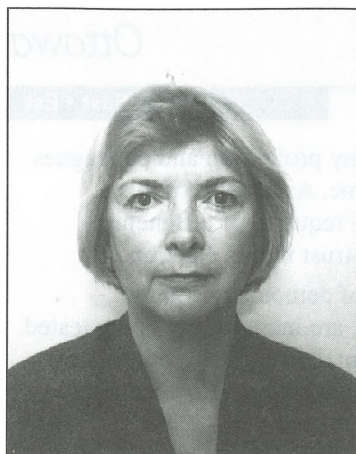
Paralegals and Unauthorized Practice: The Ontario Legislature should deal with the issue of paralegals quickly. My personal view is that unregulated advocates do not serve the public. I favour an American model. It only permits non-lawyers to act as advocates when they are unpaid or when they work for charitable organizations providing advocacy services. Paralegals, as advocates, may have a role in a plan that would allow them to work under the supervision of a lawyer.

Contingency Fees: Ontario should not remain the only jurisdiction prohibiting these fees.

Competence of Lawyers: Under new provisions, the Law Society will now have significant powers relating to competency of members of the profession. The Society may want to define what a competent lawyer is. We have heard about developing a member's risk profile, which may act as a trigger for a focused audit. However, I feel we need to consider the privacy interests of lawyers and clients.

Multi-Discipline Partnerships: As times have changed, the Public's demand for the delivery of certain services has changed as well. The Law Society should cooperate to see this can be done while maintaining its continued supervisory role in this setting.

My address is 185 City Hall Sq. S., Windsor, Ontario. N9A 6W5. Telephone (519) 252-7867. Members may also contact me at kgolish@golishlaw.com or for more information may see my Web site at www.golishlaw.com/runforbencher.



Holly Harris

Focus on the Profession

Lawyers are important! The Law Society is mandated for governance in the public interest but governance connotes an essential primary element of **service** to the profession. There are already other institutions – the government and the courts – to administer, assess and serve these notions. Isn't the best way to meet the public interest by serving lawyers so that they are superbly equipped to serve the public?

I seek to promote a healthy, independent and self-directed profession as free from heavy-handed regulation and interference as possible consistent with maintaining and enhancing public confidence and our professional marketability. The Law Society can, within its legislated responsibilities, actively assist the profession in this regard.

Our newest members face enormous challenges settling into the profession and making a living from it; at the same time our older lawyers who should be able to wind down gracefully must do so with a sense of being driven from the profession. The Law Society must entertain change internally as well as external partnerships with the express purpose of making our professional activities more responsive to lawyers' responsibilities and needs both in a business and "life" sense.

Making the Law Society relevant to the Profession and enhancing public confidence in the profession

The profession is increasingly diverse – lawyers in large centre firms, in clinics, lawyers in government, as inside counsel, lawyers with particular high tech expertise or business specialists and increasingly, sole practitioners. The Law Society requires more flexibility to serve and service these interests fairly and credibly, both here and increasingly on the national and international scene.

Essentials

1. Representation

Convocation must be more representative of the profession and more responsive to its needs and its pluralism. An important component in this process is to make the Law Society as an entity and in its operations more widely consultative and open.

2. County Law Libraries

As a member of the working group on the future delivery of law library services to the profession, I am acutely aware of the need to develop equitable and sustainable funding for all libraries across the province. I favour the systemizing of county libraries and the local delivery of legal information services to effect cost savings.

3. Communication

The needs, concerns and views of the profession must be forcefully articulated by the Law Society to the public, the government and the judiciary. High quality legal services must be accessible to the public and properly marketed to them.

4. Policy Governance

I am not in favour of the imposition of the Carver policy governance model at the Law Society. The policy direction from Convocation takes too long to be conveyed, understood and implemented by staff. I would like to see the Law Society run as a service organization in a business like fashion. I would seek to set up a permanent program evaluation within the Law Society for member scrutiny with specific details on costing to assure members the Law Society spends wisely.

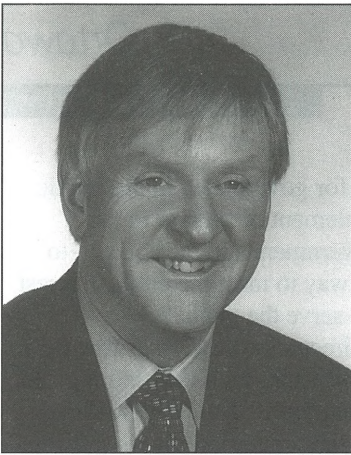
5. Merger CBAO/CDLPA

As a member of both CBAO and CDLPA I am anxious to work within the Law Society to promote and facilitate the implementation of this important development for the profession.

How I would meet these objectives

I have an interest in as well as significant training and experience in program management, including design and evaluation, industrial psychology, risk assessment and its corporate applications and team group dynamics. My work as counsel, writer, and teacher will assist me in serving the profession in education, admissions, communications and finance.

- Treasurer/Vice-President
County of Carleton Law
Association
- Board of Directors,
Canadian Corporate Counsel
Association
- Vice-President, Association of
Independent Federal Counsel
- Member, Law Society
Working Group on Delivery
of County Library Services
- Lecturer and seminar leader
- Member, CDLPA Library
Committee
- Volunteer, Ontario Bar
Assistance Program
- Member CBAO Council
- Educated in France,
United States and Canada
- Originaire d'Ottawa,
diplômée de l'Université
McGill et de l'Université
Berkeley
- LL.B. McGill University
- LL.M. University of
California at Berkeley. Editor,
Ecology Law Quarterly
- Canadian Union of Students
Scholar
- Called to the Bar 1973



George D. Hunter

Ottawa

East • Est

Senior Partner, Scott & Ayles, Ottawa. Called in 1974. Graduate of Carleton and Osgoode Hall. General litigation counsel focusing in commercial, tort and family litigation and in professional discipline. Extensive experience at all levels of courts, Royal Commissions, tribunals, arbitrations and mediations. Formerly Special Counsel, Canadian Human Rights Commission, and to Minister of Justice re: Senate hearings. Former Alternate Chair, Mental Health Review Board. Former Head Instructor, various Bar Admission courses. Adjunct Professor, Civil Procedure, University of Ottawa Law School. Member CBA-O, Advocates' Society, County of Carleton Law Association. Married, Meg Kinnear, Federal Department of Justice. Two children.

Having practised for almost 25 years, I owe a debt to my profession and colleagues at the Bar for the stimulation and fulfilment provided me. As a result of this experience, I believe I have the capabilities and energy required of a Benchers. Accordingly, and respectfully, I seek your support and trust in this election.

An independent, self-governing Bar is a bulwark of democracy and the achievement of justice. Our Society, and this principle, are increasingly being tested. In this context, governance of our profession fundamentally requires a continuing dedication to the broad interests of the public with a mind-set open to accountable, innovative and commonsensical ideas and actions.

These principles and attributes will be of particular importance when applied in the recently reformed areas of discipline, capacity and competence.

Pending revisions to the Ontario Legal Aid Plan raise significant issues regarding accountability, independence of representation and professional competence assessment. The Society must remain vigilant in assessing these matters and vigorously resisting governmental intervention where unwarranted.

The provision of legal services in a cost efficient manner has benefited in many areas of practice by the use of trained paralegals. Acknowledging this fact, one option, in the public interest, would be to have such service providers be regulated as associate members of the Law Society with attendant obligations and entitlements.

In a similar vein, the public interest is served by permitting lawyers to enter into partnerships with non-lawyers, and thereby purveying a broader range of services than historically has been the case with law firms. The Society's primary interests in such multi-disciplinary firms should be in the areas of competence, capacity and discipline as they relate to the lawyer members of such organizations, and having regard to the particular concerns arising from "captive" firms.

While remaining sensitive to the needs of a broad public spectrum, and the value that affirmative action can bring, the Society should not compromise its entry level requirements. The Bar Admission Course, including its examination process, should ensure that every graduate has the necessary professional and related skills to competently and effectively enter the market and serve the public.

Many practitioners do not have the benefit of private libraries or access to computerized precedent retrieval systems. In the interests of clients, solicitors, counsel and the courts, the Law Society ought to take those measures required to enhance county or district resource centres. Innovative planning should ensure significant upgrades in a cost efficient manner.

Serving the Law Society and its membership as a Benchers is an honour and privilege conferred. At this juncture in its history, the Society should be able to call upon its membership to show leadership and dedication above all else to the values of maintaining an independent Bar and providing the highest possible level of service to the public. I believe the case has not been made at this time for the compensation of Benchers.

I believe a fundamental requisite of each Benchers is the continuing maintenance of a fair mind, open to reasoned debate on all matters. If elected, I pledge to bring such an attitude to the role of Benchers.



Milan Legris

Burlington

Central West • Centre-Ouest

Currently Vice-President, Taxation, The Berkshire Group, Corporate Head Office Burlington.

Called to the bar, 1986. Legal work and practice restricted to providing advice on matters of Canadian and International Taxation.

Senior lecturer and instructor in tax for the Bar Admission Course, Toronto. Instructor Canadian Institute of Chartered Accountants in-depth tax course. Member, Executive, CBA-O, Tax Section. Authored and presented papers at various tax seminars. Member, Tax Steering Committee Investment Funds Institute Canada.

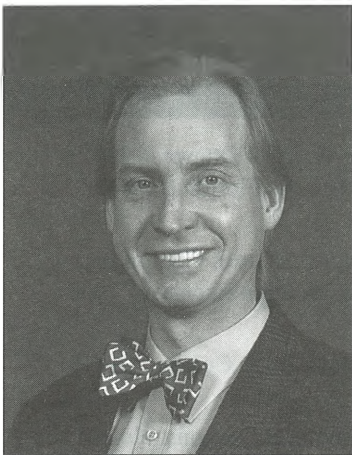
Actively involved in local organizations, Chair, North Waterloo Housing Authority. Financial and tax advisor, Our Lady of Lourdes Church. Married, wife Cheryl teacher, son Christopher.

- Member of the bar for thirteen (13) years; LL.B. University of Ottawa (1984); LL.M. in U.S. Taxation, University of Miami, Coral Gables, Florida (1996); CICA In-depth Tax Course (1989).
- Member of the Pensions for Judges' Spouses and Judges' Salaries Committee, Canadian Bar Association (1996-) and the CBA-O Tax Section Executive 1995-, Co-Editor Tax Law Update Newsletter.
- Instructor and senior lecturer in taxation for the Bar Admission Course; ten (10) years.
- Active contributing member of many community-based organizations; elected and appointed positions, all without remuneration.

I want my fellow members of the Law Society of Upper Canada to ask the candidates in this election, "Where do they stand on issues"?

- I want to ensure our members that I will be working diligently on the current issues facing the Law Society and its members, including; regulation of paralegals, the incorporation of law firms and limited liability partnerships for law firms, contingency fee arrangements, funding for legal aid, overdue legislative amendments to the Limitations Act, the changing landscape of real estate practice involving title insurance and the multi-disciplinary practice of law.
- I firmly believe that a position of benchers should not be remunerated and wish to be held to this statement. Those seeking to hold a position and represent the membership as benchers should do so because they have a genuine desire to voluntarily contribute their time and talents, not for payment.
- I believe our members want to ensure their fees are being used wisely - to improve and better our member services.
- I confirm my belief that the Law Society must continue to ensure that graduates and seasoned practitioners are competent to serve the public in the practice of law. As the licensing body for the practice of law, the Law Society, as well as its members, must jealously guard this trusted position of educating and licensing that we have earned.
- I do not believe in mandatory pro bono work for lawyers. Our members already provide this service voluntarily, and many contribute their time and talents to great causes and community based organizations. In many respects, this contributes in a greater way to the community at large.

It is my fervent hope that the membership shares my views. We must be diligent in creating innovative solutions to issues together. With your support we can accomplish these goals.



Cecil J. Lyon

Kanata

East • Est

The New Millennium, The New Law Society

I know how hard it is to practice law in the trenches. From dealing with my 'caring' bank to dealing with clients who think the 'system' sucks to not paying their accounts, I have seen most of what passes for the private practice of law in the trenches. It is tough! We need all the help we can get and I think a good place to start is the Law Society.

I have three main points:

A Vital Role for the Law Society

First, we need to make the Law Society 'user friendly'. I am not trying to be facile. I do mean this for, as anyone knows who has ever tried to deal with the Society, it ain't 'user friendly'! We need more representation from sole practitioners and small law firms at the Law Society. We sole and small firm practitioners make up the vast majority of those who are in the private practice of law in Ontario. How is it that the Law Society fails to respond to our needs? This must change and the dawning of the new millennium is as good a time as any to bring about these necessary changes.

We all know that the Law Society is ubiquitous in our lives as lawyers. The challenge we face is to make it a vital and welcomed component to the private practice of law. The Law Society must reflect the needs, desires and issues which we face in private practice, it is not doing this! Recently, one Benchers commented in the Lawyers Weekly on how hard it is to get things done at the Law Society if one is not a part of the 'crowd at Osgoode Hall'. This has to change! The Society must be open, accountable and easily accessible to all of us and, in particular, those of us in small or sole practices.

The Image of the Profession

Second, we need to respond and do something about improving the image of the profession. How can the Law Society protect the public interest if the public thinks we are all a bunch of crooks? Let's not hide our heads in the sands. This is a huge problem. Surely it is in the public interest for there to be real confidence in the 'system of justice', including lawyers. We make an invaluable contribution to our system of justice and I want to know what is the Society doing about this issue? Not much from where I sit! A recent experience in Ottawa with some very unflattering articles about our profession brought this issue home in spades.

Let's find a way to be inclusive. To reach out to the people in the trenches and help them. The Law Society has been at this for over two hundred years. Let try and get it right!

Bar Admission

Third, can we get the Bar Admission program right? We have a poor enough image without the Law Society fumbling the admission of even more lawyers to the profession. New lawyers are flooding the market and there are few jobs to be found. The Bar Admission course must address this issue in a realistic way.

Other Issues

We must find better ways to monitor those very few lawyers who create the vast majority of problems and we must do this without having the Law Society looking over each of our shoulders every minute of the day. We must also address and come to terms with the issue of mandatory continuing legal education.

The Law Society should implement a system of consultation with the profession. It should be simple and allow for the views of the entire profession to be heard on important issues.

This is not an exhaustive list but it is a good start. I do not pretend to know all the questions and issues much less have all the answers. I am prepared to work hard. Collaboration, consultation and co-operation are the three 'C's we need to keep in mind when addressing the challenges we all face as we come into the next millennium.

I want to bring about meaningful and lasting reforms. I hope you will give me the chance by voting for me at election time.

We must make the effort - together.

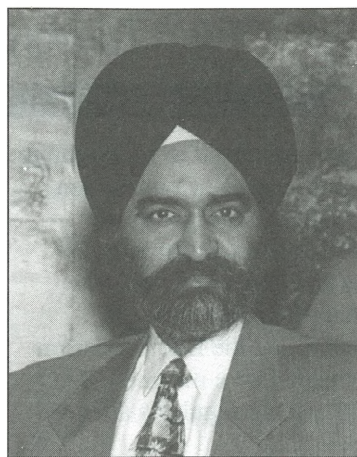
Since my call in 1989 I have practiced as a sole practitioner and now run my own 'small' firm. We are two lawyers with a few support staff. I know what it is like to practice law 'in the trenches'! I write a column for the *Lawyers Weekly* entitled just that! We do about 50% family law, 25% general civil litigation and 25% mediation/ADR. My wife and I live Almonte with our two small children and a golden retriever. I work in Kanata. My wife tries very hard to understand how difficult it is for a lawyer to make a living in 1999!

I am a Court Rostered Mediator in Ottawa as well as a Settlement Officer with Ontario Legal. I also belong to various organizations including the County of Carleton Law Association, CBA(O), Ontario Trial Lawyers Association and the Society for Professionals in Dispute Resolution.

Manjit Singh Mangat

Mississauga

Central West • Centre-Ouest



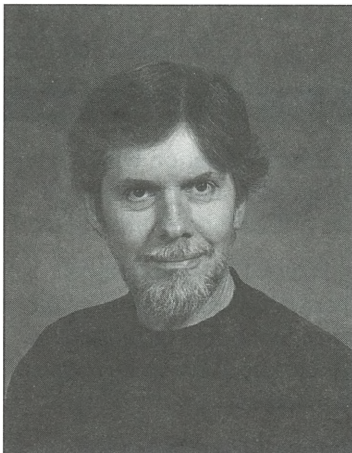
I belong to an East Indian middle class rural family. I was educated in India. I was called to the Bar in India in January 1981 and practiced law until I migrated to Canada in August 1988. In Canada for two years I was a General Helper and Cabby. I was called to the Bar in Ontario in February 1994. In August 1993 I was also appointed a Justice of the Peace in and for the Province of Ontario. I am 42 with a wife and 3 kids. I have been successful in maintaining good relations and I am a team player.

I am a sole practitioner for 5 years and have worked in close association with a few other lawyers. I practice in the areas of Real Estate, Immigration and Family Law. I am also a foreign trained lawyer and I have faced some difficulties peculiar to us.

During my practice I have felt helpless, stressed and stuck like many others might have because of the pressures of the business. There is perception among the sole practitioners and small firms that the Law Society is a monopoly of the big law firms and rich lawyers, I agree with that. There seems to be a need for more support and advisory services aimed at the needy section of our members.

Foreign trained lawyers, small firms and sole practitioners have their own concerns which some times make it hard for them to comply with the requirements of the Law Society. Many of us see the Law Society as scary institution squeezing money out of our earnings rather than being our partner in business.

If I am elected I will raise your voice at the Law Society and aim more at helping our peers in the times of need and making the profession of law a noble profession.



Rob Martin

London

Southwest • Sud-Ouest

Since becoming a Benchers in September 1997 I have devoted myself to representing the interests of non-practising lawyers and attempting to discourage Convocation from following ill-advised and fashionable proposals. I spoke out vigorously in favour of retaining the Bar Admission Course. I questioned the desirability of The Law Society providing meals for homeless persons and asked how this was consistent with the Society's mandate. I was one of a handful of Benchers to publicly oppose calling to the Bar 28 candidates who had failed the Bar Admission Course. I also opposed the notion of compulsory membership on a merged CBAO-CDLPA. Since suffering a stroke in September 1998, I have not regularly attended Convocation.

If I am re-elected I will continue to be a voice of good sense in Convocation, speaking against trendiness and sanctimoniousness. The Law Society should give serious consideration to amending its mission statement. The current statement suggests The Law Society does not support the interests of lawyers in Ontario. The statement should be amended to make clear that The Law Society should actively protect and advance the interest of Ontario's lawyers.

Robert Martin is a professor of law at The University of Western Ontario. He has taught at universities in France, Ireland, Kenya, Lesotho, Mauritius and Tanzania and delivered lectures at universities in Korea, the U.K. and the U.S.

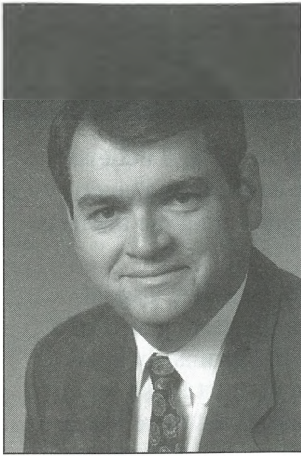
His books have dealt with law and politics in Africa, the Canadian constitution and the mass media and law in Canada and internationally.

His articles have been published in the Journal of Modern African Studies, Public Law, Canadian Bar Review, McGill Law Journal, Law and Policy, Osgoode Hall Law Journal and National History, and Inroads, Canadian Forum, Policy Options, This Magazine, Content, the Manchester Guardian Weekly, the Globe and Mail and the Ottawa Citizen.

Robert Martin speaks English, French and Swahili.

Gregory M. Mulligan

Central East • Centre-Est



Partner in the law firm of Bourne, Jenkins and Mulligan, with offices in Orillia and Beaverton, married, four children

Education:

Graduate of UofT (B.A. 1970), Osgoode (LL.B 1973). Articled with Toronto firm of Kingsmill, Jennings. Called to the Bar in 1975, Harvard-trained mediator, Deputy Small Claims Court Judge.

Professional:

LSUC pro bono counsel to lay Benchers complaints review committee, practice reviewer for professional standards department, past instructor at BAC. CBAO member of council representing Central East, currently Executive at large. CDLPA Library Committee Member representing Central East, past-President Simcoe County Law Association, Newsletter Editor
Local co-ordinator of LSUC and CBAO Programs.

Community:

Member of board, Stephen Leacock Museum and former director Orillia Chamber of Commerce and Kiwanis Club.

Endorsement:

Simcoe County Law Association

For the first time in its history, the Law Society has included a Regional Benchers component in this year's election. In addition, a referendum question is included with respect to benchers remuneration.

Central East Region

Central East region contains numerous small firms and sole practitioners who are struggling to survive in a changing legal landscape. As a past President of the Simcoe County Law Association and a partner in a small law firm, I know many of the struggles that lawyers are going through. I have represented the region at CBAO for several years and on the CDLPA Library Committee since 1992. If elected, I will foster regular communication with the presidents and their associations within the region. I will also encourage the Law Society to develop new and better ways of providing distance education for lawyers.

County Libraries

The county library system is the core resource centre for many lawyers across the province. As a member of the CDLPA Library Committee, I have been involved in the debate about central funding and new technology. I support the equitable distribution of library funds to the county libraries and the use of technology to enhance libraries as resource centres for lawyers. For many lawyers, introduction to new technology at the law library enables them to make informed choices before investing in technology at their office. We should continue to enhance county libraries as fully-funded and interactive legal learning centres for lawyers.

Continuing Legal Education

We need to do more to support a culture of lifelong learning for lawyers across the province. Recognizing the disadvantages faced by lawyers practising outside the large metropolitan centres, we need to encourage and support new models for delivery of distance CLE. Internet access, travelling speaker forums, greater use of satellite technology, and credits to reduce Law Society dues and LPIC premiums, should all be explored.

CBAO/CDLPA Merger

It has become increasingly clear, over the years, that the Law Society's mandate is to regulate lawyers and to protect the public. As such it cannot be the voice of the profession when the need for advocacy arises. This role has been carried out by CBAO, CDLPA and numerous other associations within the profession. The merger of CBAO and CDLPA, with the involvement of the MTLA, would be a positive step in this evolution. As a benchers, I would encourage the Law Society to provide support and assistance for this merger.

Regulation of Paralegals

Many lawyers across the province are concerned about the uneven playing field. Unlicensed, untrained and unregulated paralegals are offering a wide range of legal services to the public. The Law Society should urge the Province to move forward with regulation, with input from CBAO and other stakeholders.

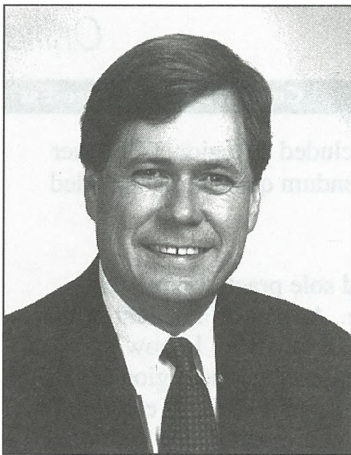
Bar Admission Course

The task force on the Bar Admission Course has recently completed a consultation report for comment by the benchers and the profession. I have been an instructor at the Bar Admission Course and have taught real estate and skills units, including negotiation, interviewing and law office management. Technology is changing rapidly. We need to look at new ways of delivering the Bar Admission Course to students.

Benchers Compensation

This question is being put to the membership on the ballot by way of referendum. I am prepared to carry out my duties as a benchers on a volunteer basis as I have done for CBAO and various Law Society committees. However, I understand the financial hardship that excludes many well-qualified candidates from seeking benchers positions. If there is a clear mandate from members of the profession, I would support a modest honorarium for benchers.

Finally, I would consider it a privilege to represent you as a Benchers in the governance of our profession.



Ross W. Murray, Q.C.

Thunder Bay

Northwest • Nord-Ouest

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

After graduating from Queen's and York University with an MBA, I spent four years in the money market and venture capital areas before starting at U of T Law School. I practise as a general practitioner in Thunder Bay primarily in civil litigation, corporate and commercial law, and real estate. In the past I also set up two regional offices in Marathon and Terrace Bay where I perceived there was a growing need for legal services.

As a Benchers, I have been dedicated and actively involved. For two years after the 1995 Benchers election I was Chair of the Finance Committee and Vice Chair of LPIC. I am currently Chair of LPIC. I have also sat on the Regional Election of Benchers Committee, Role of the Treasurer Committee, Advisory Committee on Judicial Appointments, and various standing committees. I have spent approximately three to five days a month in Toronto on Law Society matters over the past eight years, and have one of the best records of any Benchers for attendance at Convocation.

As Chair of the Finance Committee I was committed to making the management and organization structures of the Law Society simpler, more modern, and less costly to operate. A great deal has been accomplished: Operating expenses are down \$8 million over the past four years, staff has been reduced by over 100, or about 25%, and the levy is back to its 1993 level, and still heading downwards. In addition, the financial operations have been streamlined.

As Chair of LPIC I can report that the LPIC deficit, which had reached \$154 million, has been eliminated. Outstanding claims at LPIC have been reduced from 6800 to 3500. Insurance premiums have been reduced from 36% to 70% since 1995. LPIC has \$330 million in assets and \$54 million in capital. Also, a new, first class management structure is in place, and LPIC has moved to a risk rated premium structure. LPIC is now commercially viable, a goal that was set in 1994 by the Insurance Committee Task Force.

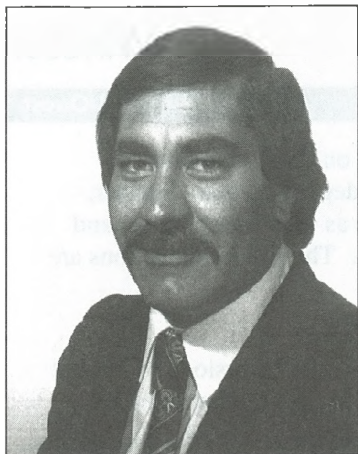
I support the CDLPA and CBAO merger, and mandatory checkoff for fee collection.

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

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

During my tenure as a Benchers I have tried to represent the best interests of all members of the Law Society regardless of geographical location or size of firm. If I am re-elected, I will remain dedicated to advancing the cause of the legal profession in Ontario as a whole.

- Sole general practitioner, Thunder Bay.
- Elected a Benchers in 1991 and 1995.
- Currently Chair of Lawyers' Professional Indemnity Company (LPIC).
- Endorsed by the Thunder Bay Law Association
- Admitted to the Bar, 1977
- Education: B. Comm., Queen's, 1967; MBA, York, 1968.
- LL.B. University of Toronto, 1975. Winner of Davies, Ward and Beck prize in Contracts.
- Articled at Osler, Hoskin, and Harcourt.
- Former part time assistant Crown Attorney and Standing Agent, Department of Justice.
- Member, Ontario Trial Lawyers Association, Association of Trial Lawyers of America, Canadian Bar Association, Thunder Bay Law Association (past president and director), County and District Law Presidents' Association (past member), Advocates' Society, Criminal Lawyers Association, ORELA, Joint Committee on Court Reform, Northwest Region Courts Management Advisory Committee, and several community organizations.
- Married with three children



Richard A. Nabi

Fort Erie

Central South • Centre-Sud

I have lived all my life in the Niagara area. My teachers told me I would amount to nothing. Ha Ha! I graduated from Oz with the class of '84. After completing my indentured servitude I wrote the Bar Ads, passed and was called in '86. (Thanks Ian for lending me your gown. I will return it shortly). I am the Past President of the Welland County Law Association and once was the President of the Fort Erie Bar Association (as was nearly every other lawyer in Fort Erie). I support the County & District Law Presidents Association.

Do you remember asking the Law Society to obtain from the government the power to enter your office without a warrant and seize your computer equipment and client files ? I don't! Hi, my name is Rick Nabi and I'm unhappy about the way the Law Society has been managing our finances, our reputations and our profession.

Financially, many lawyers tell me they are worse off now than they were ten years ago. I sure am. Our reputation is a constant source of jokes and in my view, our professional standards slipped another notch when we started admitting people who couldn't even pass the Bar Ads.

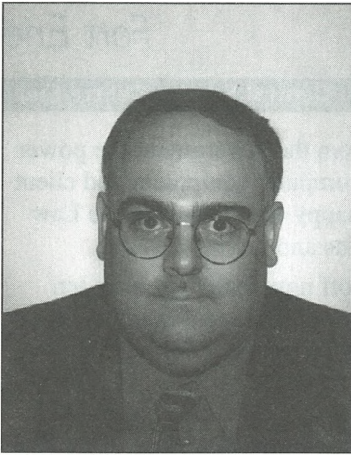
The Law Society managed the Ontario Legal Aid Plan until it was nearly bankrupt and only then, did they listen to our overwhelming suggestion to give it back to the government. Now the Province's Chief Justice says "many of our fellow citizens do not have access to needed legal advice" ... like it's our fault. Well guess what? Our professional colleagues have for years been appearing without representation before the Discipline Committee of LSUC and they are routinely disbarred, suspended and reprimanded. Does this sound right to you? We partially financed Paul Bernardo's defence but, we don't provide even summary legal advice to our impecunious colleagues who may have transcended the bounds of propriety as laid out in some obscure commentary to the of Rules of Professional Conduct.

The Law Society created LPIC to insure us and we are supposed to believe that no other insurance company would do so. If you believe this, then I can give you a good deal on the Gardiner Expressway. I think we can get better insurance at cheaper prices from commercial insurance companies and they wouldn't have you suspended and prevented from earning a living if you were a day late with your premium. They probably wouldn't go broke either and force us to send them more money just before Christmas.

It seems to me that LSUC and LPIC think we have nothing to do but sit around all day and fill out all those forms they send us. Maybe you like doing it but, I sure don't.

I don't think we ever gave the Law Society the mandate to do nothing else but govern the profession. I think we all looked to them to be the voice of Ontario lawyers and the guardians of our profession and we have all been sadly disappointed. If you agree with me then, send me to convocation and I'll start fighting for change.

If I am elected, I'll work for you and try to do the following: Sell or wind up LPIC and let lawyers buy insurance at market rates; Cut costs at LSUC to reduce fees and start by selling all the wine in the infamous wine cellar; Reduce the staff in the Discipline Section to something less than the compliment at the Pentagon; Have the Complaints Department screen and throw out trivial and vexatious complaints as well as complaints that are made just to get you to lower your bill; Start a pension plan for lawyers; Have the necessary legislation changed so that we can set tariffs and stop lawyers from working so cheaply they can't do a proper job; Make the government provide us with decent courthouses to work in with real furniture and places to change; Stop sending you the Ontario Reports twice a month and save a forest or two; Control the number admitted to the profession; Admit only those who pass the Bar Ads; Ask the Feds to distribute Prosecutor Appointments on merit rather than politics; Take a run at banks to stop them from undercutting our fees and make them provide a decent line of credit for small and one person firms and finally; Make a real effort to earn back the public's respect for lawyers. I might not be able to accomplish all of these objectives but, nothing changes until something changes. I need just one of your 20 votes. Don't throw your ballot away. Your vote is your power. Vote for me and, thanks.



Edward J. Posliff

Windsor

Southwest • Sud-Ouest

E-mail Address:
eposliff@mcpersonlaw.com

Call to the Bar: 1984
 Bachelor of Laws: 1982,
 Osgoode Hall Law School
 Associate: McPherson, Prince
 & Geddes, Windsor, Ontario
 1984-1988

Partner: McPherson, Prince
 & Geddes, 1988 to date.

Member:
 Essex Law Association,
 Canadian Bar Association,
 Ontario Trial Lawyers'
 Association

Teaching:
 University of Windsor,
 Sessional Lecturer 1989-1996
 LSUC, Instructor 1990-2;
 1995-6

Essex Law Association:
 Executive Member 1990-1998
 President 1996-7

Committee Chair: Law Day;
 Legal Education; Library and
 Property; Complaints;
 Alternative Dispute Resolution

Committee Member:
 Bench/Bar; County and District
 Libraries; County and District
 Law Presidents; Windsor Joint
 Justice Facility; Case Flow
 Master Advisory

The Law Society of Upper Canada should concentrate on those elements of self-government which are essential to a strong and independent Bar. Further, those functions which can be better left to others, such as local associations and a merged CBAO/CDLPA, should be devolved to them. The following actions are consistent with those principles:

1. Support and encourage the CBAO/CDLPA merger;
2. Maintain the independence of the profession against the incursions of market centered forces which are oblivious to any other end than the bottom line;
3. Resist the "defining down" of professional advice to the status of a commodity, "law related services";
4. Recognize the public contributions of lawyers and not mandate unpaid work;
5. Encourage strong local law associations and move the making of decisions closer to the average lawyer;
6. Concentrate funding of libraries on a local basis;
7. Eliminate Lawyer Referral which creates the illusion that a complex legal problem can be resolved in the running time of the average sitcom;
8. Leave Continuing Legal Education to be provided by others and organized locally; and
9. Encourage law schools to take greater responsibility in ensuring that students meet the qualifications prescribed for their call to the bar as barristers and their admission and enrollment as solicitors.

In order to remain a profession, the law must retain some elements of a guild. To abandon those elements to an unfettered free market will lead inevitably to the day when "law related services" are delivered by "legal consultants" who may operate in affiliation or alone, but will be unregulated by anything save the free market. The sole motivation of those legal consultants will be to service their own bottom line. And it will be the clients, or by then, the "consumers of legal services", who will suffer.



Judith M. Potter

London

Southwest • Sud-Ouest

I AM COMMITTED!

I am committed to... A more contemporary Law Society

- Rebuild members' confidence and trust in the Law Society by making the Society more attuned to members' professional needs and concerns
- Improved process for polling members' views prior to implementing major decisions
- Increased participation of members on committees to broaden spectrum of input into decisions affecting a diverse profession

*Improved accountability of the Law Society to all members,
not just mainstream, large, urban firms*

I am committed to... Equity & Diversity

- Higher percentage of women Benchers. Their perspective is necessary not only on women's issues (maternity leaves, flexible hours, partnership track, sexual harassment) but on all Law Society issues
- More diverse Benchers and committee representation from minority groups, large & small firms, sole practitioners, corporations & government, clinics, law school faculty

Broader perspective improves service to all members

I am committed to... Continuing Education / Competence

- Essential to maintain quality standard of practice
- Less costly, more efficient, convenient access to programs electronically—video purchase/rentals through law library, more teleconferencing, Internet usage

Currently costs of attendance at all-day seminars prohibitive for many members

I am committed to... Improved public image to restore confidence in legal system

- Capitalizing on public relations opportunities to dispel myths and images of lawyers as "fat cats", untrustworthy and greedy
- Earlier intervention—more proactive support system for those at risk of failing law school and Bar Admission—rather than law degree after the fact
- Continued focus on improving support system for members with practice problems or facing discipline

I am committed to... Bar Admission Reforms

- Program currently longer than any other province
- Cost and accessibility issues when programs held only in London, Toronto and Ottawa
- Relevancy of current program to profession

I am committed to... Legislation

- Implementation of pending Incorporation of Law Practices legislation and Contingency Fees — approved by Law Society 1991, still awaiting government ratification

Education

BA University of Western Ontario • Top Ten Graduate Faculty Part-Time and Continuing Education • LLB University of Windsor • First Year Tuition Scholarship • Igor Kaplan Award for Scholarship, Commitment and Integrity • Year of call 1991 • Family Mediation Courses, Basic and Advanced • Commercial Mediation Training Levels I, II, Practicum

Professional Activities

Sole Family Law Practitioner since 1993 • Previous Associate, Margaret Buist Law Offices • Immediate Past President of Southwest Region Women's Law Association • London Family Court Clinic • Lawyers Fundraising Production, Grand Theatre • Middlesex Law Association • Canadian Bar Association • Middlesex Family Lawyers Association

Community Involvement

Current: London Children's Aid Society Board • Merrymount Children's Centre Board • Professional Women of London
Past: Board of Governors, University of Western Ontario (8 yrs), • London Battered Women's Advocacy Centre Board • Appeal Board, Unemployment Insurance Commission • London Memorial Boys & Girls Club, Capital Campaign Committee

Personal

Married with 3 children and 6 grandchildren • Actively involved in London community since 1965

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



Helene Bruce Puccini

Ottawa

East • Est

HELENE BRUCE PUCCINI

- called to the bar in 1981
- elected a bencher in 1995
- sole practitioner, primarily in family law; but have also practiced in the areas of real estate, wills and family mediation;
- interested in law reform and have lobbied in the areas of family law and divorce, the constitution, and equity issues;
- have done extensive public speaking and lecturing on legal issues and the practice of law;
- have lectured in law at Carleton University;
- have instructed in family law at the bar admission course in Ottawa;
- have served on the following Law Society committees and groups: Professional Standards Committee, External Relations Committee, Real Estate Issues Committee, Equity Committee, Legal Education Committee, Member Relations Committee, Professional Development and Competence Committee, Treasurer's Equity Advisory Group, Civil Justice Review Working Group (Chair) and Mandatory Mediation Working Group.

I am running for re-election. I first ran for bencher election in 1995 as I was concerned, primarily, about the rising cost for fees and insurance. I have come to realize that it is enormously important for sole-practitioners, like myself, to have a voice in convocation. The realities and needs of small-scale practitioners must be brought to the attention of convocation. I have attempted, at every opportunity, to speak and vote in support of initiatives that would benefit small practitioners.

REDUCTION OF COSTS:

I am very proud of the fact that during the last four years the legal profession, LPIC and the law society, together, have worked very hard to significantly reduce the cost of fees and insurance, as well as pay off the \$153 million insurance debt. We have streamlined the bureaucracy at the law society and attempted to reduce expenses wherever possible. The process is on-going and we hope to effect further efficiencies at the law society and to make the whole organization more user friendly for our members. We have come a long way, but much still needs to be done.

MERGER OF CBA-O AND CDLPA:

I have always wanted to have a law union-type association for the legal profession in order to protect our interests. I think it is badly needed. The Canadian Bar Association-Ontario and the County and District Law Presidents Association want to merge to form this union. They have asked convocation to make membership in the proposed association mandatory and to collect fees for this organization on their behalf. While I support this type of an organization, I would not support compulsory membership or a check-off unless mandated by the profession.

NUMBERS IN THE PROFESSION:

I would like to see this issue re-visited by convocation. I still believe that we are admitting too many new lawyers to the profession each year. It is impossible for many of them to get jobs or sustain a viable practice. Through the discipline process, I have witnessed many of them go bankrupt and have to close their offices. I have also witnessed the emotional devastation this has caused them. I believe that to continue to call lawyers to the bar, in the current numbers, when many have no real chance of succeeding in the current economic market, is irresponsible.

MANDATORY CONTINUING LEGAL EDUCATION:

I do not support mandatory continuing legal education. I believe that professionals should not be forced to attend education sessions. I strenuously support continuing legal education and believe that it enhances our competence and confidence in our work. I support initiatives that would bring affordable and accessible CLE to all members of the profession.

UNPROFESSIONAL COMPETITION:

During my term as bencher convocation has attacked the issue of unauthorized practice with diligence. The provincial government has been studying ways to regulate paralegals for the last two years and is promising new legislation. The profession is facing direct competition for its services from banks, trust companies and title insurance companies. Our practices are dwindling and our markets are being eroded. I promise, if re-elected, to work to preserve and protect our traditional areas of practice, as well as to work to expand markets and to create new areas of practice for the profession.

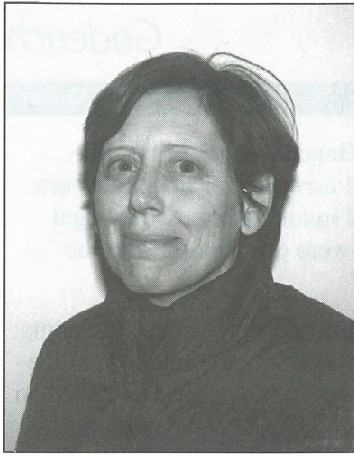
OUR PROFESSIONAL AND PUBLIC IMAGE:

I believe that the law society must undertake a major public relations campaign to improve the image of the profession and to encourage the public to value and to use legal services provided by lawyers.

BENCHER HONORARIUM:

You will be asked in this election to indicate whether you are in favour of some form of an honorarium for benchers. Convocation voted in favour of bencher remuneration but wanted to first hear from the profession before instituting some form of honorarium. The Treasurer receives an honorarium of \$75,000.00 per year. I am in favour of some form of compensation for benchers. I think that it would encourage diversity of representation at convocation and allow those who could not otherwise afford it to run for bencher election. Bencher duties take up about 1/3 of billable work time. This is an enormous financial sacrifice for most lawyers to undertake, especially if they do not have a firm that supports this type of voluntary activity.

I ask for your support in this election. I promise to continue to work very hard to give lawyers my support at convocation.



Sandra Rodgers

Dean, Faculty of Law, University of Ottawa -1995-99

Full Professor
LL.B, B.C.L McGill University
1974, 1975

LL.M. U. de Montreal - 1978

Member, Admissions
and Equity Committee, LSUC
Member, Task Force on
Examination Performance
1997-98, LSUC

President, Canadian Council
of Law Deans, 1996-97

Adjudicator, Grandview
Agreement, A.G. Ontario
1994-98

Commissioner, Ontario Law
Reform Commission 1992-96

1990-92 - Consultant,
Royal Commission on New
Reproductive Technologies
1985-91

Amethyst Women's Addiction
Centre - President, Board of
Directors

Member:

Women's Law Association
County of Carleton Law
Association

Member: LSUC since 1979

I have worked with the Law Society, the County of Carleton Law Association and the Ottawa legal community during my term as Dean. Through my work with alumni and the local Bar, I appreciate the challenges that lawyers face in practice:

- Increasing consumer demand for quicker, less expensive services.
- Competition from other service providers.
- A business environment driven by technology.
- Increased costs of practice.
- Need for access to library facilities and other educational support.

My work with the Legal Aid clinic has familiarized me with the difficulties of legal aid practice.

I am committed to ensuring that the practice of law becomes accessible to all communities and to assessing the impact of practice on women in the profession.

I am committed to:

- A Bar Admission Course that prepares lawyers for the challenges of practice.
- Continuing legal education that assists lawyers to maintain competence.
- Access to legal services in french at the Law Society and Bar Admission course.
- Implementing the Bi-Centennial report and recommendations on equity issues in the profession.



Heather J. Ross

Goderich

Southwest • Sud-Ouest

- Called to the Bar in 1986
- Partner, Ross & Ross, Goderich
- Benchers, elected 1995

Benchers Activities

Vice-Chair, Professional Standards Committee
Vice-Chair, Legal Aid Committee
Vice-Chair, Admissions and Equity Committee

Member:

- Public and Media Relations Committee
- Finance Committee
- Member Relations Committee
- External Relations Committee
- Professional Development and Competence Committee

Member:

- Treasurer's Task Force on Legal Aid
- End of the Memorandum of Understanding Planning Task Force
- Bar Admission Review Task Force
- Task Force on Review of the Rules of Professional Conduct
- Task Force on Multi-Disciplinary Practices
- Member, Canadian Bar Association (Ontario)
- Member, Middlesex Family Lawyers Association
- Founder and Past President, Southwest Region Womens' Law Association
- Children's Lawyer Panel Lawyer - Personal Rights

Four years ago, you honoured me by electing me as a Benchers for the first time. It was a time of great anger, distrust, pain and financial hardship for many lawyers, resulting in large part from the L.P.I.C. crisis, followed immediately by the Legal Aid crisis. Many, if not all of the Bar in this Province were dissatisfied with the governance they had received from the Law Society.

When I first ran for election, I made certain commitments and suggestions, including:

1. The creation of an association which would represent solely the interests of the profession and in particular, suggested a merger of organizations, such as Canadian Bar Association (Ontario) and County and District Law Presidents' Association.
2. Reform in the way our insurer distributed its legal work and responsibility for the insurance crisis placed where it belonged.
3. Consultation and accountability to all members of the Bar and the associations that represent their interests; seeking input from the profession generally, before important decisions were made; and conducting the business of Convocation and the Law Society in an open and transparent manner.

REPORT CARD

I believe I have honoured my commitments and my suggestions have proven to be productive. L.P.I.C. premiums have dropped significantly since 1995. The Legal Aid tariff has been increased while the members' Legal Aid levy has been eliminated. The Law Society is functioning more efficiently and Law Society fees have been reduced substantially.

Amendments to the *Law Society Act* will increase the efficiency of the administration of Law Society business and revamp the discipline process. These changes include an increase in the range of remedies available, most notably, a more pro-active, remedial approach, including alternate dispute resolution. Further, a complete review of the Rules of Professional Conduct has started. This review will make those Rules easier to understand and use in daily practice, thereby enhancing a lawyer's business while ensuring competence and protecting the public.

Consultation with the profession has increased markedly, on issues such as Legal Aid, mandatory continuing legal education, amendments to the *Law Society Act*, multi-disciplinary practices and Bar Admission reform.

THE FUTURE

While there has been responsible and responsive change at the Law Society during the past four years, I have come to appreciate, but not accept, that change at the Law Society comes slowly. Continued change can best be realized by Benchers who understand how the Law Society works and who are committed, as I am, to continuing to examine and challenge its policies, practices and structures.

A few of the issues that require much intense work are:

1. Paralegals need to be licenced, regulated, insured and governed by a Code of Professional Conduct.
2. Professional standards and competence need to be continually evaluated and equitably enforced.
3. The pressing problems facing the practitioner, including financial concerns, balancing professional and personal lives, the decline in professional courtesy and collegiality, and the public perception of the profession require rigorous and meaningful solutions.
4. Professional competence must be maintained and enhanced by ensuring C.L.E. that is accessible, financially and geographically.

The demand within the profession for effective, strong and fair government, and by the public for open and accountable self-regulation, has never been greater. I believe that my experience and proven commitment will continue to enhance and contribute to the work of the profession.



Joanne St. Lewis

My recent work on behalf of the Canadian Bar Association as co-chair of the Working Group on Racial Equality in the Legal Profession has demonstrated that while many interesting initiatives have been undertaken by law societies across the country much remains to be done. In fact, the Law Society of Upper Canada has been at the forefront of a number of these activities. At the same time the demographics of our profession and the client-base we serve has placed significant pressure on us to respond to a diverse number of social justice issues.

I believe that my commitment to equality issues throughout my legal career will enable me to make a unique contribution as a benchler. I would bring a tireless commitment to justice, a wealth of experience working with diverse organizations within and outside the legal profession and the ability to address a diverse number of issues from a solid basis of expertise. I have served as a member of the Education in Equity and Practice committee of the Law Society.

Our ability to face the challenges of equality as a profession inevitably becomes the measure of our ability to ensure justice for our clients. How we treat each other and the policies we put in place are a measure of our understanding and commitment to equality. It would be my privilege to work together with my colleagues to advance our leadership role in this area.

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



Scott Schuessler

London

Southwest • Sud-Ouest

- Called to the Bar, 1979.
- Part-time Chair, (federal cabinet limited term appointment), *EI/UC Boards of Referees*.
- General practitioner since 1992. Formerly, in-house counsel for international consumer finance company.
- Recent guest instructor, *Part-time LL.M. Administrative Law Programme*, Osgoode Hall Law School, York University.
- B.A.C. Instructor, *Estate Planning and Administration*, last three years.
- Member of:
 - Middlesex Law Association
 - Middlesex Family Law Association
 - Estate Planners Council of London
 - Canadian Tax Foundation
 - Southwestern Ontario Corporate Counsel Association.
- B. Math. (Waterloo, 1975), LL.B. (Western, 1977).
- Resident of London, Ont. and area since 1974. 45 years of age. Married 17 years. Two children.

Governance Reform

- Shift emphasis from governance to representation.
- Expand core LSUC function to include protecting the public interest and the interest of the profession.
- Emphasize unity of the profession by renewed commitment to traditional professional core values of independence of the Bar, personal integrity and colleague collegiality.
- Increase transparency and accountability of Convocation sub-committees including informal discussion groups and formal referenda.

Economic Reform

- Continue lower LSUC membership fees.
- Continue lower LPIC premiums.
- No to benchers remuneration.
- Consider reducing number of benchers from 40 to 30.

Education Reform

- Adopt 'go slow' approach to the currently proposed B.A.C. reforms.
- Maintain strong emphasis on continuing education.
- Make continuing education available at more locations throughout the province.
- Enhance continuing education and practice support for sole practitioners.
- Develop/expand young lawyers' mentoring program.

Administrative Reform

- Support all internal LSUC administrative measures that are simple, cost effective and efficient.

Even in my short 20 year career as a lawyer, the practice of law has undergone tremendous, almost revolutionary, changes.

When I started practising law in 1979, we had IBM electric typewriters, hardcopy only inter-office mail and an expected general response time of 20 days for routine legal correspondence. The actual cost of hanging out a shingle (i.e. the Law Society fees inclusive of E&O - as it was then known) was approximately \$3,500. Expected billings for a first year associate London, Ontario lawyer was \$50,000.00.

Today, the situation is entirely different!

We now have new and fantastic word processing capabilities, E-Mail, the Internet, electronic filing, combined annual membership and LPIC costs of approximately \$10,000. Overhead costs are staggering. Client demands are increasing exponentially.

Many of our colleagues that I have talked to in the London and surrounding area are frustrated today with the practice of law. The concerns that I hear include high overhead costs, a perceived unsympathetic Law Society and a disgruntled public.

In my view, as a profession, if we are to overcome this general malaise, we must recapture in a more mature realistic form the original youthful idealism which brought us to the practise of the law in the first place. In addition, in my view, we must structure our self-regulating body, the LSUC, accordingly.

The first inkling that I ever had that I wanted to be a lawyer was when, as a 17 year old high school student, I would attend court at a local courthouse at the corner of Dundas Street and No. 10 Highway in the then recently formed Town/City of Mississauga and watch the lawyers go through their paces. The motivation that moved me to go to law school was a very youthful impulse towards some vague notion of the importance, value and worth of the individual.

Since then of course, these vague slightly emotional impulses, have been transformed into a greater knowledge and understanding of the language of legal human rights, the formal equality provisions of the law and a basic understanding of the perception of many that we, as Canadians actually live in a classless society. I have gone through the painful stages of: (1) initial youthful idealism, (2) middle year bitter disillusionment and, hopefully, finally (3) mature pragmatic/idealist/realist acceptance.

I believe that as a self-governing professional body we must return to our traditional roots of a strong independent Bar, personal integrity and colleague collegiality. In my view, we must establish LSUC mechanisms that are inexpensive, fair to the public and the profession, are simple and work. I trust that the platform that I have set out above achieves these goals.

I ask for your support on election day.



William J. Simpson, Q.C., LSM

Ottawa

East • Est

- Born, Halifax NS
- Graduate:
St. Patrick's College, BA
University of Ottawa, LLB
- Called to the Ontario Bar,
1967
- Queen's Counsel, 1980
- Law Society Medal, 1994
- County of Carleton Law
Association (CCLA) Medal,
1999
- Partner law firm of Binks,
Chilcott & Simpson until
1994
- Presently Counsel to Tierney
Stauffer in Ottawa
- Civil Litigation Practice
emphasizing personal
injury/professional negligence
and insurance
- President of CCLA, 1980
- Chair, Annual Civil Litigation
Conference of CCLA 1981
to present
- Founding President -
Medical Legal Society of
Ottawa-Carleton
- Past Director - Advocates'
Society
- First Chair of Ottawa Joint
CLE (CCLA, U of O, LSUC
and CBAO)
- Past Chair - Local CLE
Committee - CBAO
- Past Chair - Law Society
Liaison Committee of CBAO
- Chair - Paralegals Committee
CBAO 1998
- Member of Merger Steering
Committee - CBAO/CDLPA
- 1997 - to present
- President - CBAO 1997/1998
- Past-President CBAO
1998/1999

My involvement with CBAO over a number of years, and in particular, as its president last year has given me the opportunity to deal with a number of issues which are relevant to all practicing lawyers. Three issues of fundamental importance to me are:

1. Who Represents Lawyers?

a) Role of the Law Society

The Law Society clearly cannot be all things to all people. There is a clear difference between governing the profession in the public interest and representing the interests of lawyers. While the Law Society should be an understanding ally where appropriate, other professional organizations have to speak for and advocate on behalf of the profession.

A few years ago, the Law Society passed a Mission Statement clearly setting out that it governed the profession in the public interest. However, in the last couple of years it appears that the Law Society has backtracked and focused on areas not within its mandate.

b) Role of Professional Organizations

As a negotiator and active participant in the proposed merger of CBAO/CDLPA, I have an interest in seeing that the Law Society facilitates this merger.

There must be one effective body speaking for lawyers on issues affecting practice such as:

- accessible, affordable CLE
- full funding of the law library system
- regulation of paralegals
- real estate conveyancing
- contingency fees
- proposed legislation

The merger will not affect other excellent interest based organizations such as:

- the Advocates' Society
- Criminal Lawyers Association
- Women's Law Association of Ontario
- l'association des juristes d'expression Françaises d'Ontario
- and of course our local law associations.

Simply Put: The Law Society protects the public; other legal organizations protect lawyers.

2. CLE

As co-founder and continuing chair, I have been involved with the County of Carleton Law Association's Annual Civil Litigation Conference since its inception in 1981. My CBAO involvement includes local CLE, and notably the establishment of "Joint CLE" in Ottawa with the CCLA, CBAO, LSUC and University of Ottawa Law School as partners.

The Law Society must set standards of competency. It should not compete with other organizations already providing quality CLE at reasonable cost (the local law associations, Advocates' Society, Criminal Lawyers Association and CBAO).

It must encourage and promote the provision of affordable quality CLE throughout the province without itself delivering the service.

3. Governance or Unwarranted Intrusion?

The Law Society Act amendments have been enacted. Whether the far-reaching search and seizure provisions are unreasonable and unconstitutional has yet to be addressed by the Law Society.

I opposed those provisions on behalf of the Bar, because they were unwarranted and unnecessary to protect the public. In fact in many cases the public interest in confidentiality will be abrogated by the new investigative measures. We must now ensure that these powers are not abused.

The Law Society must recognize that lawyers are entitled to the same constitutional protection as other members of society and that their client's privacy interests must be respected.

4. Conclusion

As a benchler, I will use my experience as a practitioner, educator and as an active volunteer to help the Law Society govern effectively in the public interest while working more cooperatively with the profession.



E. Bruce Solomon

Markham

Central East • Centre-Est

My motivation in standing for election as a Benchler is to give the Sole Practitioners and smaller law firms a greater voice at the Law Society. Practising as a Sole Practitioner in Markham is not the same as practising law in a downtown firm. My experiences as a partner in a small Markham firm and as a Sole Practitioner make me sensitive to these issues, which I would hope to address as a Benchler.

If elected as a Benchler, my overall aim would be to attempt to make the Law Society more representative and user friendly. In furtherance of this objective, I would hope to change the perception many of us have about the Law Society and make it work equitably for both lawyers and members of the public.

Job satisfaction issues must be addressed!

I am also concerned about the suggestion of mandatory pro bono work. While all of us do, or should be doing, pro bono work, this must remain a matter of choice and not regulation.

The cost of continuing legal education programs, which are necessary for all of us to maintain our ability to properly represent our clients, is becoming an issue for practitioners, especially those with smaller practices.

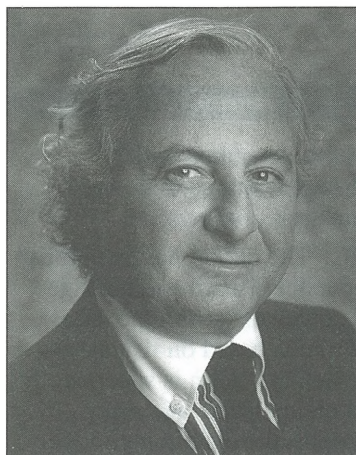
If elected, I undertake to advance the interests of my fellow barristers and solicitors to the best of my ability, and to assist them in addressing the issues that will confront the profession in the new millennium.

E. BRUCE SOLOMON

Barrister and Solicitor
7507 Kennedy Road
Markham, Ontario
L3R 0L8

Phone: (905) 479-1900 Ex. 22
Fax: (905) 479-9793
Email: solo@total.net

B.C.L., LL.B. Age: 46. Married with 2 children ages 12 and 16. McGill University, graduated B.C.L. 1976 and LL.B 1977. Called to the Ontario Bar 1979. Practising law in York Region from 1979 to date. Member in good standing of the Law Society of Upper Canada, the York Region Law Association and the Canadian Bar Association. Sole Practitioner practising in association with Ronald Balinsky under firm name Solomon & Balinsky (previously Gollom, Solomon & Balinsky). Children's Lawyer Representative from 1980 to 1993. Arbitrator and Mediator in private practice and member of True North Mediation. Toronto Mediator Roster, Ontario Mandatory Mediation Program. Ontario Legal Aid Facilitator. Reviewer, Practice Review Program for the Professional Standards Department, Law Society of Upper Canada. Canadian Power Squadron Proctor.



Gerald A. Swaye, Q.C.

Hamilton

Central South • Centre-Sud

(Endorsed by the Hamilton Law Association)

I have now spent four years in Convocation and wish to continue the work that I commenced when elected in 1995.

Since I became a Benchers in 1995, the following has been accomplished:

1. Married with four children.
 2. Called to the Ontario Bar in 1964.
 3. Sole practitioner with three Associates.
 4. Specialist, certified in civil litigation.
 5. Past Director of:
Advocates Society
Hamilton Law Association
Hamilton Y.M.C.A.
United Israel Appeal Canada
 6. Past President of:
Hamilton Lawyers Club
Hamilton S.P.C.A.
Beth Jacob Congregation
United Jewish Welfare Fund
Hamilton Jewish Federation
 7. Presently Director of:
Robert Land Academy
 8. Jewish National Fund of Canada's 1993
Negev Dinner Honouree in Hamilton
 9. 1995 Benchers of L.S.U.C.
1. In 1995 staff at the Law Society was in excess of 400. Today it is less than 300, resulting in a significant reduction in expenditures.
 2. Our various Law Association libraries now hook up by computer, with free access to Quicklaw data base.
 3. Legal Aid is now being operated by Legal Aid Ontario.
 4. A new Law Society Act finally passed after many years.
 5. Insurance crisis of 1995 is no longer in existence. Premiums have now been reduced and, must continue to be reduced in the future.
 6. As a member of the Finance Committee I am striving to reduce expenditures.

We must continue to consider the number of persons who enter Law School. There are many current practitioners today encountering difficulties in earning a living and it is not fair to those persons entering Law School not to have something available to them so that they can at least earn a living when they go out to practice law. Consideration, therefore, must be given to the number of persons accepted into Law School. This will help to ensure a better served public and avoid the disappointment that newly graduated lawyers obviously encounter.

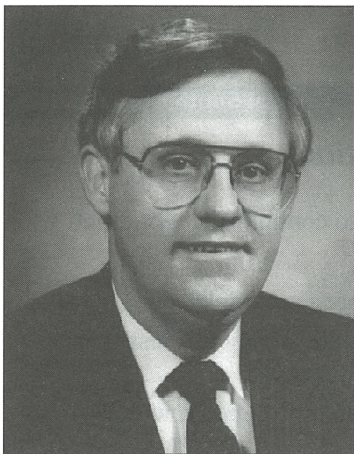
Mentors - One way to help reduce our LPIC premiums is a mentor program where our less experienced lawyers are assigned a senior member of the bar who they can approach with a problem. In my view this would reduce the amount of claims being made.

In 1994, Convocation brought in a role statement whereby the Law Society is to govern the legal profession in the public interest. When I arrived at Convocation in 1995, I was there not only to represent the public, but also the legal profession. On November 15, 1996, a Motion was brought to amend the role statement, so that the Law Society was there to look after the interest of lawyers as well as the public. I supported that Motion. Unfortunately, it was defeated, as only a small number of my colleagues agreed with my position. To this day my position remains unchanged; the Law Society's role statement should be to look after the interest of the profession, as well as the public.

In regard to the proposed merger between the C.B.A.O. and the C.D.L.P.A., my view is that it should take place and there be a Province wide referendum so that all lawyers in the Province can express their views.

Benchers Compensation - I am against any form of compensation, other than expenses incurred.

I have the pleasure and privilege of being endorsed by the Hamilton Law Association.



Robert C. Topp

Sudbury

Northeast • North-Est

Sole Practitioner
Civil & Criminal Litigation
B.A. (Laurentian) 1972
LL.B. (Toronto) 1975,
Called to the Ontario Bar 1977.
Elected a Benchers 1988, 1991
and 1995.

Benchers Committee Duties: 1995 – 1999

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

Benchers Committee Duties: 1994-1995

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

Benchers Committee Duties: 1988-1994

- Benchers Election (Chair)
- Discipline (v-c)
- French Language Services (v-c)
- Finance
- Legal Aid
- Legislation/Rules
- Professional Conduct
- Discipline Procedure Review
- Reforms and Reforms Implementation Committee
- French Language and Services Implementation Committee

Endorsed by the: Sudbury,
Algoma, Nipissing, Timmins
Cochrane, Manitoulin & East
Algoma Law Associations

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

Insurance: Much progress has occurred regarding LPIC. The deficit has been fully retired and LPIC is now fully capitalized. LPIC's independent Board and management have completed the initial task of creating a viable enterprise from the ashes of the 1994 debacle. I support the initiative toward premiums based on risk assessment. I oppose applying the deductible or surcharges when the claim is successfully defended. I support vigorous and complete defences of claims made against a member. I fully support the Practice Pro program. I support the continuing reduction of premiums to our members.

Libraries: I was pleased to recently be the mover and a proponent of a motion in Convocation increasing the library levy to \$200.00 to adequately fund the libraries across Ontario. The success of this motion will have the result of adequately funding each library so that the profession enjoys equal access to the library resources that are essential to every practicing lawyer. I also support the immediate distribution of the undistributed library funds to the County & District Libraries, along with an accounting as to the circumstances of the funds not being distributed in the first place. I support the central collection by the LSUC of library fees from all members to fully fund the operation of the County & District Law Library system. I support a separate organizational body for the joint management of County & District Law Libraries.

Payment of fees or Honorariums to Benchers: I was opposed to this initiative in 1995 and I continue to strongly oppose it. This concept is nothing short of the imposition of a tax on the profession. I shall never support paying benchers, and I adopt the following statement of principle as a full answer to the proponents of paying benchers:

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

Paralegals: I support the position of the CBAO, CDLPA and MTLA restricting paralegal activity.

Numbers in the Profession: I support a comprehensive review of this issue, including a new economic study being commissioned. The question requires a new look not only by the Society, but also the Law Schools and the Government. The issue in my view is not to simply close the doors to protect those already called but rather a review to measure the impact of where we are and where we are going in the future. The current strain on the profession by the admission of large numbers of new members is enormous and is something that cannot be further ignored.

Regional Benchers Elections: The first regional benchers Election shall be held in 1999. I am proud to have supported this change both in Convocation and the legislative process. Now we shall have guaranteed representatives from each of the Judicial regions. As well, I support review of this process to make improvements as necessary.

My Record: I have attended and participated in Committee and Convocation and have been actively involved in the discipline process. I have consulted on a wide basis seeking the input of the profession on matters before Committees or Convocation prior to debate. I shall continue this consultation. I have spoken on the issues based on my own convictions and the input of many members of the profession. I believe in advancement of the profession's interest on an equal footing with the public interest. I support the recorded role call vote at Convocation.

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

Francine E. Van Melle

Oakville

Central West • Centre-Ouest



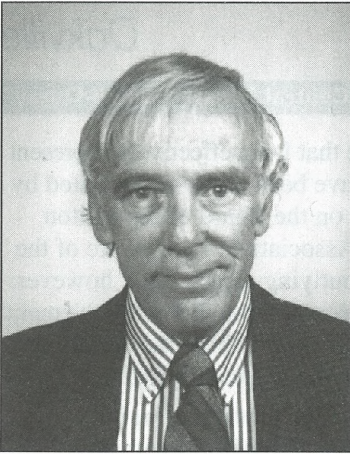
Francine Van Melle received her law degree from McGill University and was called to the Bar of Ontario in 1982. She has practised in Oakville, Ontario since 1982 and has been a sole practitioner since December 1996. She was certified as a specialist in Family Law in 1992. In 1995 she was appointed a Deputy Small Claims Court judge.

Ms. Van Melle has been involved as an instructor at the Bar Admission Course and in various continuing legal education programs. She has served as president of the Halton County Law Association (1993 to 1994). At the present time she is a member of the Board of Directors for the Advocates' Society.

As a sole practitioner from outside of Toronto, I believe that I can effectively represent the interests of a portion of the legal population that have been under-represented by the Benchers in the past. I believe that, having served on the Board of the Halton County Law Association and as president of the Law Association, I am aware of the ongoing concerns facing those of us practising in the outlying areas. I am, however, also aware of the concerns facing those practising in Toronto, through my involvement on the Board of Directors of the Advocates' Society. I am eager to have the opportunity to address and deal with the issues and concerns facing the profession today.

One of the important issues facing the profession today is whether or not Benchers should receive remuneration. I am not seeking the position with any thought of being compensated. I think, however, that to encourage complete representation of the Bar, some sort of remuneration might encourage those who might not otherwise have the ability, financially, to take time away from their practice.

As an instructor at the Bar Admission Course, I am aware of and interested in issues facing newly called lawyers today. I believe that I have the time and the commitment to serve as a Benchers and look forward to your support.



Donald D. White

Peterborough

Central East • Centre-Est

HOWELL, FLEMING
415 Water Street,
Peterborough, ON K9J 6Y5
Phone: (705) 745-1361.
Fax: (705) 745-6220

Don's candidacy received the unanimous endorsement of the Peterborough Law Association at its annual meeting on February 25, 1999. He is a graduate of the Osgoode Hall Law School and a partner in the law firm of Howell, Fleming in Peterborough and has practiced civil litigation and employment law in Peterborough for 29 years. He is a past president of the Peterborough Law Association and has taken an active role in community service particularly as a Rotarian and a founding director of Camp Kawartha, a non-profit camp for children. Don is a member of the Advocates Society and his advocacy experience extends to the Supreme Court of Canada. He is married to Marylyn and his recreational interests include curling, golf, skiing and bridge.

I am most interested in being elected as the Regional Benchers for the Central East Region. As a lawyer in an all-service law firm of 10, I am familiar with the professional and business needs and problems facing all those who practice law in smaller centres and in smaller firms. I believe that the regionally elected Benchers will ensure that the concerns of these members of the Law Society will be addressed at Convocation in a meaningful way. For the first time, we shall have a constituency with whom we shall have to consult and to whom we shall be responsible and accountable. I would like to be a part of that process. If elected, I would consult with at least the Presidents of the Law Associations within the region on the major issues before Convocation and ensure that the views of the members of the Region are asserted in that forum.

My personal views on some of the issues likely to be front and center at the next Convocation are as follows:

1. **THE AD HOC ADMISSION OF UNSUCCESSFUL CANDIDATES IN THE BAR ADMISSION COURSE EXAMINATIONS:**

Personally, I do not see how anyone who has not been able to demonstrate their competency to practice law on the basis of the Bar Admission Course examinations can be deemed competent to practice on the basis of a simple interview. This practice should be strictly limited or eliminated.

2. **BENCHER REMUNERATION:**

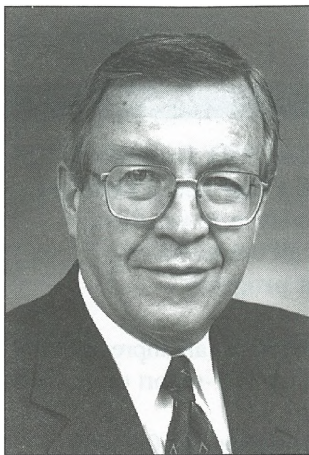
While serving one's profession is a honour and should be reward enough, the issue will become whether members should be discouraged from serving because they cannot afford to take substantial amounts of time away from their practices. On the other hand, it is equally important that the burden of dues on the membership not be increased. If elected, I will be guided by the views of the members in the Central East Region as on all other issues.

3. **TITLE INSURANCE, LEGAL AID AND THE REGULATION OF PARALEGALS:**

Most members are not only concerned with their futures within the profession but also with the future of the profession itself. Developments in these areas have and will continue to threaten to erode the list of services upon which many of our members depend for their professional existence and survival. If elected, I would be diligent in attempting to persuade Convocation that it must do whatever it can to enhance the economic health and vitality of the members.

Richmond C.E. Wilson, Q.C. *Manotick*

East • Est



Born in Ottawa, Ontario
in 1938

Education:

Primary and Secondary
School – Ottawa

University of Toronto

B.A. – 1960

University of Ottawa

LL.B. – 1963

Called to the Bar in 1965

Appointed Queen's Counsel
in 1977

Self-employed since 1968 –
generally in the area of Real
Estate, Wills and Estates,
Corporate Law, and
Administrative Tribunals.

Participant in Continuing
Legal Education

Appeared as expert witness
with regard to Real Estate

Member of C.B.A. and
Carleton Law Association

Member of Kiwanis and
Past President

Past Chairman of Vista Centre
(residence of head injured
adults)

Elected Benchers Law Society
of Upper Canada 1995-1999

Thank you for electing me in 1995!

My four years as a Benchers have been personally fulfilling. My motivation four years ago continues today, that is to attempt to give back to our profession some time and energy. It has provided to me a most rewarding life and I hope that you have confidence that the achievements of the last term can be repeated, and indeed improved upon by my re-election.

Among the matters requiring continued attention, I have been involved recently with the following:

Legal Education

Driven by principle, I was one of only two who voted against the admission of the group of students who had not passed their B.A.C. I believed then and continue to believe that, as required in Liberal Arts graduate schools, appropriate examination may require oral testing. Our 1998 Oral Test, though well intentioned, lacked academic verification. These and other issues will form part of a master education study. If needed I will help ensure a majority vote to see that this does not happen again. I have recommended and that recommendation has been instituted, that there be a review with the "Big Firms" regarding the timing of Articling Interviews. This communication must continue.

Law Libraries

I am one of only two elected Benchers sitting on The Elliott Library Restructuring Committee. Libraries are a six million dollar a year annual effort by our membership to equip itself with excellence. Our report to Convocation in March will suggest a major and appropriate reform to provide better, no more costly service to our members. As lawyers we must provide our clients with the latest and best information. We can achieve this by updating our nineteenth century techniques and moving competently into the next millennium, an exciting project in which I will be eager to participate.

Paralegals

As Chair of the Paralegal Committee of Benchers and a member of the Attorney General's Advisory Committee we have reached agreement with paralegals that they must be licensed, and that such licensing provide full public protection and require qualifying exams. Continued review is essential of those subjects which will fall into the pool of services provided by paralegals. Your support will enable me to continue this project.

Professional Competence

As Vice Chair of Professional Development & Competence I have effectively represented that majority of lawyers who practice in the public eye in smaller firms. We general practitioners establish the rapport which gives our profession its good name. As the Law Society improves its demand for competence, those few who tarnish the image of the majority must be brought into the fold or be asked to leave. The support of these initiatives by small firm lawyers will ensure that clients respect the legal profession, and that our members will, in turn, enjoy financially and psychologically rewarding practices.

On other matters

I have initiated change in process for disabled members and I have on two occasions brought amendments to proposals in order to require full respect for our Francophone members. In the era of Title Insurance and Regulation 666, I was Vice Chair of the (then) Real Estate Committee.

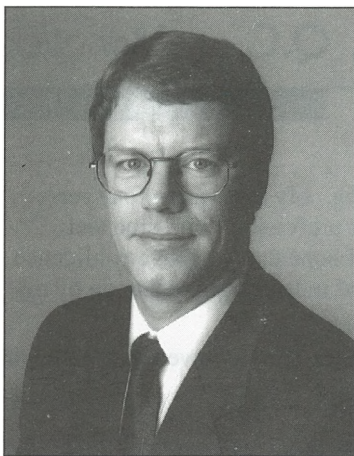
And a heartfelt 'Thanks'...

to my understanding spouse and business associates who acknowledge that, although performing as a Benchers is not a full time position, it requires an effort well beyond the actual hours involved. I thank them all for their support!

The upcoming four year term

Four years ago I knew not what lay ahead, but during my first term I have proudly, effectively and conscientiously contributed to our Society. In offering myself as candidate for a second term I will be able to provide continuity to projects and discussions not yet complete and to steer us through future issues to our mutual benefit.

A decision to vote for Richmond Wilson is a decision to vote for commitment, concern and continuity.



Bradley H. Wright

Nepean

East • Est

Elected benchner in 1995.
Served on the Finance Committee all four years.
Chair of the French Language BAC Advisory Committee.
Trustee of the Law Foundation of Ontario.
Paralegal Jurisdiction Subcommittee.
Bar Admission Reform Committee.
Equity Task Force.
Strong interest in Bank issues.
Experienced primarily as a general solicitor, but also as a barrister in both large city/medium firm and small town/small firm settings.
LL.B. University of Ottawa. Called in 1983.
Member of the Carleton County Law Association.
Membre de l'Association des juristes d'expression française de l'Ontario.
Author of *Identification of and Solutions to Our Profession's Problems*.

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

On that sentiment, I ran for benchner in 1995. It is as true today as it was then.

I have worked assiduously since then to improve the lot of all our members.

Although the work is ongoing, we have made significant progress.

For example, since 1995:

1. The LSUC fee has been cut by 31% and the LPIC levy by 41% (an unprecedented 38% overall) with more cuts to follow. Lawyers may now self-report on Form 3 and save accounting fees.
2. Law Society staff has been cut by 25% and the budget by about \$8,000,000 (\$2,600,000 in 1999). The 33 major operating weaknesses identified in the 1995 auditor's letter were eliminated by 1997.
3. The \$202,000,000 LPIC debt has been paid off in full. The credit goes mainly to the Bar for bearing heavy premiums during hard times, and to LPIC for their tireless efforts on your behalf.
4. TitlePlus was created to keep the Bar at large involved in real estate transactions. There have been some growing pains, of course, but they will be cured to the enduring benefit of the Bar.
5. For better or worse, Legal Aid has been turned over to the Province.
6. Under the new legislation, the discipline process will be considerably streamlined.

THE CHALLENGES AHEAD INCLUDE:

1. **Continuing to streamline operations and reduce costs at the LSUC and LPIC as much as possible.** I hope to serve another full term on the Finance Committee.
2. **Ensuring that our technological initiatives are as beneficial to the profession as possible.** We will improve the interface and ensure that the workbench and internet enhance the ability of lawyers to remain current and serve the public. Start-up bumps aside, the new LSUC will make this a great success.
3. **Defending against losing the practice of real estate to a handful of giant corporations.** If we lose this battle, the public interest will be devastated.
4. **Ensuring that paralegals do not practise law where the stakes are significant** including, *inter alia*, family law, real estate, wills, estates, powers of attorney, corporate matters, General Division matters, and most criminal matters.
5. **Ensuring that the Bar Admission Course is as pedagogically sound as possible.** The BAC must be rigorous and engender the complete confidence of the Bar and the public. Shaping the BAC to please everyone is impossible. Its structure is a judicious distillation of the constructive criticisms of all stakeholders and our hands-on experience. We will continue to listen and to improve it wherever possible.
6. **Ensuring that our library system meets the needs of all lawyers,** makes the best use of technology and personal service, and is sensibly funded.
7. **Rationalizing the issue of numbers in the profession** especially now that the attrition rate at the law schools has fallen from 25% not long ago to less than 1%.
8. **Fostering a profession that is strong, well-governed,** and a joy to belong to regardless of background, year of call, firm size, and area of practice.

In 1995, I was humbled by your support. I have endeavoured to repay you by being a very active and productive benchner. I hope that you will judge that I have succeeded and that you will support me again.

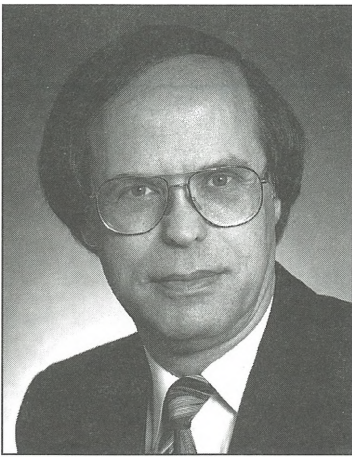
I will continue to advance the best interests of the profession as a whole. They virtually always dovetail with the public interest. I will continue to offer Convocation my perspectives as a general solicitor and real estate lawyer just as I have been enriched by the perspectives of the civil, family, corporate, criminal, and government lawyers, academics, lay benchners, and others who have served with me. Je continuerai à travailler sur les dossiers qui intéressent les avocats et avocates francophones.

I hope that you will be guided by a love for the profession in the highest traditions of the Bar. Thank you for your consideration.



Candidates from
Inside Toronto

Candidat(e)s de Toronto



Bob Aaron

Called 1972.
Elected Benchers, 1995.
Founder - president,
**Ontario Real Estate
Lawyers Association.**
Editor, *ORELA Brief News*.
B.A., Toronto; LL.B. Osgoode;
Editor, *Obiter Dicta*; awarded
school key.
Sole practitioner, Aaron &
Aaron. Practice areas: real
estate, corporate/commercial,
wills/estates.
Speaker / participant in CLE
programs for Law Society,
Canadian Bar Association -
Ontario, and C.L.E. Society of
Nova Scotia.
Past chair, Real Estate Issues
Committee. Trustee, Law
Society Foundation. Vice-chair,
Lawyers' Fund for Client
Compensation. Member,
Professional Development and
Competence Committee.
Frequent speaker at county law
associations, including Brant,
Carleton, Hamilton, Lincoln,
Renfrew, Shades Mill, Thunder
Bay, Victoria-Haliburton, and
CDLPA panel.

This election is an opportunity for the profession to **take back the Law Society!**

We need Benchers who believe that **a healthy bar is in the public interest**, and who are prepared to act and vote accordingly. My two-prong *action platform* is directed firstly, to the bar at large, and secondly, to the real estate bar in particular.

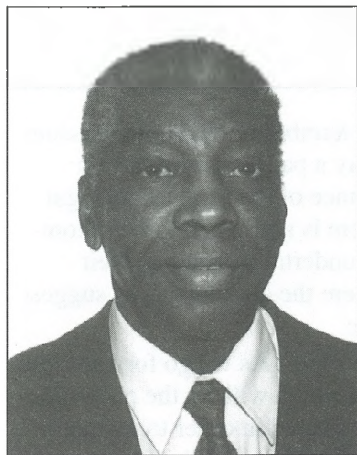
For the bar as a whole:

- The Law Society's Role Statement must be rewritten. We need Benchers who believe that although the primary aim of the Law Society must continue to be that the public is well-served by a competent, honourable and independent legal profession, its secondary aim must be to simultaneously **promote and protect lawyers' interests** - as it is in British Columbia.
- This new secondary aim must be placed "up front" in the Law Society's Role Statement. Too much emphasis is being placed by Convocation on the public interest without adequate consideration for the proposition that **if we do not have a healthy bar, we won't be able to serve the public.**
- The Law Society **can and should be an advocate for the legal profession.** In a 1995 survey, 48 percent of lawyer respondents agreed with this proposition, and only 35 percent disagreed. **A Convocation which refuses or neglects to promote the interests of the profession is out of touch with the bar.**
- The lawyers of Ontario need a strong organization outside the Law Society to represent them. There must be **mandatory funding of the proposed merger** of the Canadian Bar Association - Ontario and the County and District Law Presidents Association.
- The county and district law **libraries should be fully funded** by the Law Society for universal access by every lawyer in the province.
- The Law Society should continue to **support equity and diversity** within the profession, and reach out to minorities in the bar.
- The unchecked explosion in the **numbers of lawyers in the legal profession** is far too great and must be restricted. It serves no-one well - neither the public, nor the profession, nor the new graduates themselves.
- The Law Society must conduct a study to determine the marketplace demand for lawyers in the future.
- We need a **quantum leap in the standards of the Bar Admission Course.**
- There must be an immediate **end to the profession's \$1.4 million annual subsidy of the Bar Admission Course.**
- The Law Society must continue the **prosecution** of the unregulated and uninsured practice of law and conveyancing by **paralegals.** We must ensure that the government's proposed paralegal legislation keeps freelance paralegals out of the fields traditionally occupied by solicitors - in the public interest.

For lawyers who practise real estate:

- The government and the Law Society, acting in the public interest, should not allow those who advocate "minimizing the role of the real estate bar" to take over conveyancing in Ontario.
- Convocation must assist real estate lawyers with the huge technological changes underway in this practice area.
- Convocation, the government, and the public cannot be allowed to overlook or forget the important role real estate lawyers play in "quarterbacking" transactions and in providing independent legal advice to their clients. A public relations campaign to improve the image of the profession is a must.
- The real estate bar needs to be vigilant if it is to survive into the next decade and the next century. It needs Benchers who understand what it is to be working every day "in the trenches."
- The Law Society must take decisive action to oppose the unregulated and unlicensed closing centres of First American / First Canadian Title.
- Action must be taken to support those title insurers who work with lawyers and to oppose those who advocate a non-lawyer brand of title insurance.
- We must continue the development of a real estate specialization certification along the lines of the one circulated to the real estate bar.
- The Law Society must continue its intensive lobbying efforts with the federal and provincial governments, and with the banks and trust companies, to ensure that the public continues to receive the appropriate advice, protection and "quarterbacking" that real estate lawyers can provide.

The Law Society is not "they." **The Law Society is "us" - all of us.**



Charles E. Archibald, Q.C.

For thirty years, as a member of this profession, I have seen respect for and the reputation of the legal profession decline to a point of serious concern.

I have witnessed a Law Society which has failed to balance the interest of the public with the interest of its members.

I have seen the ruling body of the Law Society composed primarily of members from large law firms, who have failed in their decisions to consider the needs and concerns of the sole practitioner and that of small law firms of this province. The Law Society must be a forum open to all voices, representing the entire profession, where minority viewpoints can be clearly expressed.

I have seen liability insurance rise to catastrophic proportions due to gross mismanagement, perhaps incompetence.

I see lawyers being forced to subsidize a legal aid plan which should be the responsibility of government and not a burden, carried on the backs of lawyers.

I see banks setting rates and policy for real estate practitioners and foreign corporations invading their area of practice under the guise of "title insurance".

I see lawyers handling real estate transactions for less in 1999 than they did in 1969. The result being escalating numbers of insurance claims where the cost is borne not only by the offender but borne equally by all. The Society must find a way to curb that problem.

Members of our profession are now being increasingly replaced by unlicensed and unregulated persons who call themselves "agents" who appear before boards, tribunals, and our lower courts who often charge fees in excess of fees charged by members.

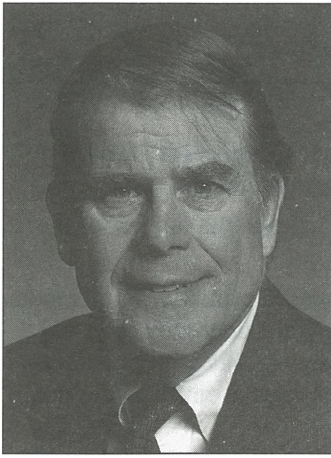
Electronic filing and registration, although an inevitable and a welcome technological change is introduced with exorbitant price tags and hidden costs. We must take the time to examine and analyze carefully ideas for change and programs introduced by government. Contracts with technical providers must be negotiated shrewdly getting the best for the least. Being at the table is not good enough.

As one who has participated in correcting bar admission exams, in 1993, I found the system of correction extremely fair. If there are problems in the examinations themselves, they should be corrected at source. I was alarmed by the recent revelation of admitting persons to the Bar who had failed their exams. This has placed a dark cloud on the ability and reputation of competent lawyers within the profession and should not be repeated.

As one who has been associated with a large law firm, who has practised as a sole practitioner; and as a result of my varied and long term experience I am confident that I can relate to the concerns of all members and be effective on your behalf.

I ask for your support.

Graduate, Loyola College,
University of Montreal, 1962
President of Student Council
Recipient of Gold Medal
for Philosophy
Graduate, Osgoode Hall
Law School, 1967
Called to Ontario Bar, 1969
Associate of
Thomson, Rogers for 3 years
Continued litigation practice
as sole practitioner to date
Appointed Queen's Counsel,
1982
Bar Admission Instructor,
Negotiations, 1992 to 1994
Commissioner, Metro Toronto
Licensing Commission,
1992 to 1995
Chairman, Metro Toronto
Licensing Commission,
1995 to 1998
Deputy Judge, Small Claims
Court since 1993
Moderator, International
Conference of Transportation
Regulators, Strasbourg, France,
1996
Panelist, Jane Jacobs conference
"Ideas that Matter" 1997
Guest Speaker, Department
of Transport for Quebec on
transportation and taxi
industry, 1998
Member, Regional Executive
of Scouts Canada since 1988,
serving on Multicultural
Committee and Chair,
Special Needs Committee.
Presently an Honourary
Member of the Regional
Executive Committee



B.A. Carleton University; M.A. and LL.B. University of Toronto; called to the Bar, 1967; partner of Tory Tory DesLauriers & Binnington; practices general litigation; Commission Counsel to Dubin Inquiry on Drugs in Sport; former Director of the Advocates' Society; Fellow of the American College of Trial Lawyers; Fellow of the International Society of Barristers; Past President of the University of Toronto Law Alumni Association; Director of the Canadian Institute for Advanced Legal Studies; elected Benchers in 1995 - served as Chair of Legal Aid, Co-Chair of the Working Group on Multi-Disciplinary Partnerships and Chair of the Task Force on Competence.

Robert P. Armstrong

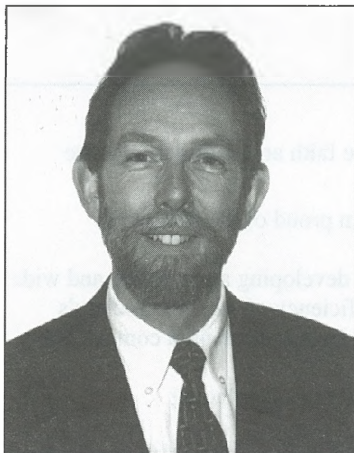
Over the last four years the Law Society has tackled a number of challenging issues. I have been privileged to serve as a Benchers and to play a part in the initiatives undertaken in a number of areas including the governance of the profession, legal aid and the future of the practice of law. However, there is still much to be accomplished. We must ensure that the initiatives presently undertaken achieve their objectives. We must be prepared to make changes where the circumstances suggest it. Specific issues which need to be addressed include:

- **The Governance of the Profession - A Strategic Plan** - As we go forward into the next four years, we should develop a strategic plan which will set the path upon which the Law Society and the profession will travel together in order to maintain a free and independent bar which serves the interests of justice. While we are mandated to govern in the public interest, it is the obligation of the Benchers to listen to and consider the concerns of our colleagues at the bar. I am committed to such an approach.
- **Legal Aid** - During the last 2 years the Legal Aid Committee (of which I was Chair) was able to get the Plan back on a sound financial basis and to roll back many of the drastic cuts of 1996. The legal aid levy has been removed - saving the profession several million dollars a year. Legal aid will continue to be a vital concern of the Law Society. It is an access to justice issue. The Law Society needs to keep a watching brief on the new agency - Legal Aid Ontario. We must ensure that legal aid extends to refugee cases and all areas of the law where the disadvantaged are affected. We must continue to fight for a significant increase in the hourly rates paid to legal aid lawyers. At the moment, they remain unconscionably low. The pay for clinic workers needs to be on a par with the rest of the system.
- **Multi-Disciplinary Practice** - Other professions are moving into the practice of law in indirect ways. The Law Society has addressed this issue at the philosophical level in the report of the working group of which I was co-chair. Generally, we said that lawyers and other professionals cannot be partners in the same firm unless the firm is established for the purpose of the practice of law and is controlled by lawyers. We now need to adapt the Rules of Professional Conduct to ensure that they address this phenomenon in a sensible and practical way.
- **Paralegals** - There is constant pressure for legal services to be provided by non-lawyers. It is in the public interest that the practice of law is done by lawyers who are trained and qualified. While paralegals have a significant role to play, that role must be as an adjunct to the role of the practising lawyer.
- **Professional Competence** - The amended Law Society Act which came into force in February puts a high priority on the maintenance of professional competence. The Law Society now has a broad mandate to establish and maintain standards of competence. It is important that this be done in a sensitive, non-threatening and remedial fashion to ensure that the public is served by a professionally competent bar.
- **Legal Education** - It is important that we proceed with the development and implementation of legal education policy on a fully informed basis. We need to consult all the stakeholders. It is essential that we maintain a dialogue with the students, the law schools and the articling principals in regard to the Bar Admission Course.

When I ran for Benchers four years ago, I made the following statement:

I do not offer any magical solutions. However, I am prepared to address [the] issues, to listen to our members, to ask tough questions and to help find fair and reasonable answers to the problems which face us.

I believe I have honoured this commitment which I now reaffirm. With your support and the experience of the last four years, I look forward to the challenges that lie ahead.



Christopher Ashby

I was in the middle of teaching civil litigation to Bar Admission students this past fall, when the Law Society announced that it had decided to admit several students who had failed. The effect of this on the students I was teaching was dramatic. They wondered why they were bothering to study. Many members of the profession agreed with the students, and also felt that the Law Society mishandled the whole situation. It is my belief that if the Bar Admission Course is to continue to exist, then students who wish to be admitted to the Bar must pass examinations. I have in the past marked these examinations, and they are not unreasonably difficult.

I acknowledge that some students face special circumstances, which warrant review by the Law Society. I believe that there must be a fixed system for appeals, and not an ad hoc review as happened in 1998.

I am also concerned about the problem of increasing numbers in the profession. It is time the Law Society addressed this issue and put forward a comprehensive plan.

I appreciate that efforts have been made in recent months to reduce the fees paid by lawyers to the Law Society, but more needs to be done. Every dollar that the Law Society spends must be carefully scrutinized and justified.

I do not believe mandatory continuing education is feasible. If however, the majority of members believe this is necessary, then a way must be found to provide it in the most convenient and least expensive way.

More must be done to regulate paralegals. Paralegals have a role in the justice system, but clear guidelines need to be established.

I have worked in a large firm and a litigation boutique, and am now a sole practitioner. My wide experience gives me a broad perspective on the issues facing the profession. If elected, I will bring to Convocation an open mind, enthusiasm and common sense.

I was born and educated in England, and was admitted as a solicitor in England and Wales in October, 1970.

I practised civil and criminal litigation in England for six years, and immigrated to Ontario in June 1976.

I attended Osgoode Hall Law School in 1980 to enable me to be admitted to the Bar in Ontario. I then articulated at Goodman and Goodman, and was admitted to the Bar in April, 1983.

After admission to the Bar, I joined David Stockwood and Nancy Spies to form Stockwood, Spies & Ashby, where I practised civil litigation and administrative law.

In May, 1994, I established my own practice and I have remained as a sole practitioner practising civil litigation and administrative law.

I have taught both Advocacy and Civil Litigation at the Bar Admission Course.

In 1994 I was appointed a deputy judge of the Small Claims Court of Toronto, and I am presently a member of the Small Claims Court Consulting Committee.

In 1991 I served as a member of the sub-committee of the Law Society on Alternative Dispute Resolution.

As part of my volunteer activities, I am chair of the Board of Directors of my childrens day care centre, and chair of the Board of Directors of the Stony Lake Heritage Foundation.



Nancy Backhouse

Four years ago I stood for the change necessary to restore the faith and confidence of the profession in the Law Society.

I was privileged to be elected as a bencher in 1995. I am proud of the following accomplishments:

- I am a member of the Competence Task Force which is developing a pro-active and wide ranging approach to competence and is assessing the efficiency of the Law Society's current range of activities, programs and initiatives that have a substantial competence component.
- I helped organize a pro-bono defence counsel program for lawyers facing misconduct charges.
- As Chair of the Task Force on Bar Admission Reform, we have recommended that the Bar Admission Course must be more practical, skills based and transaction oriented, must stress loss prevention and must be more flexible, accessible and computerized.
- I initiated as Vice-Chair and now Chair of the Admissions and Equity Committee, urgently needed changes to the Bar Admission Course including the removal of mandatory attendance, allowing students access to their failed exam papers and the development of a formal appeal procedure.
- I am the organizer of a pro-bono legal clinic for the homeless at Osgoode Hall.
- I am the organizer of a weekly Wednesday dinner and a Thursday morning breakfast and lunch program at Osgoode Hall for the homeless which has to date served over 12,000 meals financed by voluntary contributions from the legal profession.

Over the last four years of my term as a bencher, the financial strain on the profession has lessened as LPIC has been put on a firm business basis. The deficit has been paid off and rates reduced. The annual levy has been reduced.

The Law Society must now address the business challenge facing lawyers. The legal profession is under assault. There are 4,000 to 5,000 complaints made annually against lawyers. Sixty percent of all complaints relate primarily to client dissatisfaction with the quality of legal services they have received. Two thousand negligence claims are made against the legal profession annually. Any corporate board of directors would find that an unacceptable number of dissatisfied customers.

Lawyers are practising in a radically changing work environment with ever-increasing demands by consumers for quicker, less expensive services, and intense competition from other legal services providers. The use of information technology in the practice of law is no longer a luxury, but an essential tool. Other professions and industries are ahead of us in recognising and acting upon the need to re-position themselves and to re-tool.

I support the following initiatives:

Affordable Fees

The annual levy and LPIC premiums must be kept affordable so that lawyers are not driven out of practice.

Productivity and Quality of Service

- The Law Society should assist its members to compete in a changed environment by providing programmes and information which will increase productivity and quality of service.
- The Law Society should assist its members to maintain or enhance competence by providing advisory, practise management, ongoing education and remedial services.
- The Lawyers' Workbench should be developed by a private provider to be the preferred non-mandatory technical link for lawyers into the electronic world.

Complaints and Discipline

- Minor or unmeritorious complaints should be screened to achieve swift resolution and closure.
- Serious complaints should be investigated in a team setting to provide all required resources to address the issues on an integrated and expeditious basis.
- ADR must be introduced to achieve resolutions that are more satisfactory to complainants, members and the Law Society.

The Law Society is stubbornly resistant to change. I have learned a lot about how the Law Society works (and does not work) over the past four years. I have the interest and commitment to continue to work towards necessary change. I hope you will allow me to put this knowledge to work towards change in the future.

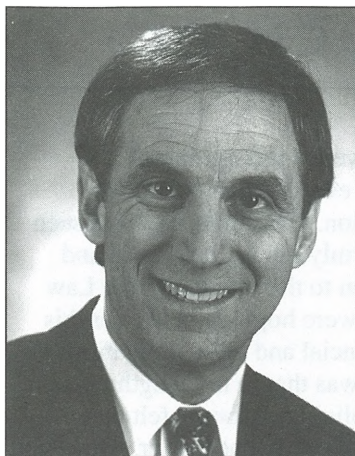
Called 1979

Currently

- Sole practitioner since 1994; Formerly a partner for six years with each of Fraser & Beatty and Kronby, Chercover
- Certified specialist in family law
- Labour Arbitrator and Mediator
- Elected bencher 1995
- Chair, Admissions and Equity Committee (formerly Legal Education)
- Chair of the Bar Admission Course Reform Task Force
- Chair, Treasurer's Equity Advisory Group
- Director, LPIC
- Member of Competence Task Force
- Organizer of the Law Society's Out of the Cold Meals Program and Legal Clinic
- Frequent lecturer and panellist

Previously

- Director of Advocates' Society
- Member of Judicial Appointments Advisory Committee
- Vice-chairs of the Grievance Settlement Board and of the Police Services Board



Larry Banack

- Married with 3 children
- B.Comm., McGill University
- LL.B., University of Toronto
- Certified Specialist civil litigation (1990)
- Roster mediator, Ontario Mandatory Mediation Program – Toronto/Ottawa
- Past Chair, Civil Litigation Section, Annual Institute and CBAO council member
- Director of The Arbitration and Mediation Institute of Ontario/Society for Conflict Resolution in Ontario
- Litigator and mediator with Koskie Minsky and Public Perspectives Inc.
- 1995 Elected Benchers, Vice-Chair, Professional Development and Competence Committee; Chair, Convocation Management Tribunal and appointed Hearing Assignment Tribunal; Member of Treasurer's Equity Advisory Group; author Banack's Benchers News #1-21.

URGENCY: I am running for Benchers because there are many critical and urgent issues facing our profession.

If elected, I will bring to the position of Benchers the energy, interest and directness that I have brought to my practice, my work as Chair of the CBAO Annual Institute of Continuing Legal Education and as an elected Benchers during the last term.

I am proud of my contributions in the past four years in respect of continuing legal education, introduction of ADR to the Law Society, participation on the Treasurer's Equity Advisory Committee, as Vice-Chair of the Professional Development and Competence Committee, safeguarding against inadvertent lawyer suspensions at Convocation and communicating with the profession through my Benchers Newsletter.

Benchers must be more creative in handling critical issues, such as: the escalating cost of operating a law practice and reduced earning power; the impact of technological changes in every practice area; the effect of competition from paralegals, banks, trust companies, real estate agents and others; the unique problems facing real estate lawyers, out-of-Toronto lawyers, women lawyers and visible minority lawyers.

We must seek the election of Benchers who will make it their priority to create policies to address these issues and implement the new Law Society Amendment Act passed in December, 1998. Lawyers will be exposed to ever increasing contact with the Law Society. Competency standards being created should be clearly articulated. Elected Benchers should prepare lawyers for what is required of us under the legislation, so that we will know when we may be liable to be disciplined in the future.

BAR ADMISSION COURSE: Reform is long overdue. We must implement a process that clearly tests competence. I believe that the Law Society, as regulator, is in a conflict of interest with its role as educator. Post-law school teaching should be left to others with the Law Society administering a stringent licensing examination.

NUMBERS IN THE PROFESSION: Convocation must review this matter again. Neither the profession nor the public are well-served by open-ended, unlimited access to the Profession. Practising lawyers should not have a problem merely because universities and law schools permit ever increasing enrolment

MULTI-DISCIPLINARY PRACTICES: The conservative approach of the Law Society's 1998 Task Force Report was well received by Convocation. However, the failure to recognize international trends and market realities will mean a continuing decline of the role of lawyers in the lives of our clients. Well governed and structured relationships with other professionals will expand our potential client base and provide another way to deliver cost-effective and timely legal services. Ontario lawyers should not be left behind.

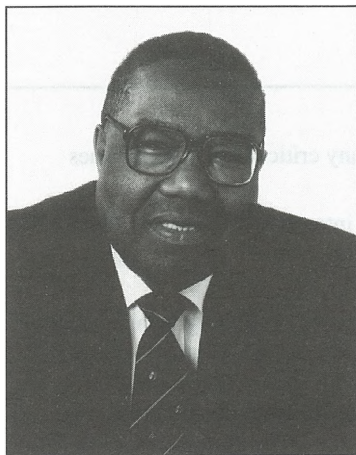
LPIC: We have each contributed to the reduction of the multi-million dollar insurance deficit. We were forced to do so by increased LPIC levies which hurt each of us financially. We should look to an early return of that money if there is a successful outcome to the E&O litigation. We now need the Law Society to continue the reduction of Law Society and insurance levies and otherwise reduce the overhead costs of practising law in every way possible.

GOVERNANCE: In recent years, many services provided by the Law Society have been examined. That effort must be completed and the cost of all activities considered from first principles. We must continue to abandon what is not appropriate and add any services required by the profession in the 21st century, while controlling all costs. When responsible administrative and financial management have been demonstrated, Convocation will regain the respect and confidence of our profession and the public.

TECHNOLOGY: The Law Society should cooperate with our professional associations, such as CBAO, CDLPA and MTLA to identify "industry standard" best buy computer hardware and software. Individual practitioners and firms often do not have the technical capability nor clout to secure correct information and maximize buying power. Our professional representatives should lead the way in this area.

I ask for your support.

IF YOU HAVE ANY QUESTIONS OR SUGGESTIONS, PLEASE FAX THEM TO ME AT (416) 977-3316 OR E-MAIL AT lbannack@koskieminsky.com



Leonard A. Braithwaite, C.M., Q.C.

Sole General Practitioner
since 1958

B.Comm. University of Toronto
(Hons.)

M.B.A. Harvard Graduate School
of Business

Lectured University of Toronto
(School of Business) - one year

LL.B. York University (Osgoode)

Class President - Awarded Gold
Key

Public Service -
City of Etobicoke

- School Trustee
- Alderman
- M.P.P. Queen's Park - 12 years
- Board of Control concurrent
with Metro Toronto Council -
6 years (elected City-wide)

Member

- Canadian Bar Association
- Criminal Lawyers Association
- Harvard Business School Club
of Toronto
- Advocates Society
- Delos Davis Law Guild - Past
President
- Kiwanis - Lions (Honorary)
- Metropolitan Toronto Lawyers
Association

Endorsed by The Ontario Real
Estate Lawyers Association

Appointed to Order of Canada -
1997

In Law School most of us believed that the Benchers were a lofty group of all-seeing, wise, experienced individuals who rarely if ever, in their collective wisdom, were not on top of all that affects our profession. Over time, we have seen that this has not always been the case. However, so firmly did we believe in and respect our Benchers that most of us paid little attention to the running of the Law Society. We grumbled now and then, and at times we were hopping mad over this matter or that. We paid our dues, took care of our financial and other obligations to the profession and carried on with our practices. So it was that in my lengthy practice as a sole practitioner before the Courts and as a Solicitor, I always felt that standing for the office of Bencher, would be a futile and costly endeavour. However, after discussing the whole Bencher Election question with several Benchers and with several fellow practitioners, I came to the conclusion that I should offer myself as a candidate in the coming Bencher Campaign.

The following are some of my views:

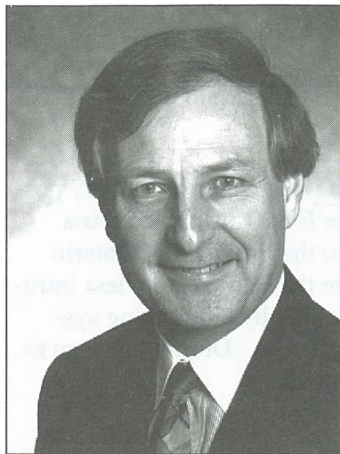
- Too many lawyers are unemployed or under-employed or have been forced to seek employment outside of the field of Law. Many others are desperately trying to combine their practices with family life. Several of our altruistic colleagues, are making a great contribution to the profession while attempting to do good works in the provision of legal services to those truly in need of understanding, advice and representation. They too find that their incomes are well below average. All these people, along with members of small firms and sole practitioners, must cope with a host of economic and other practice problems. They are looking for and deserve the same, if not more, protection and support from the Law Society than their colleagues who practice in middle and large size firms and who enjoy all of the perks and benefits of such employment.
- Bearing in mind that the rights of the public are important, Convocation should strive to guard and uphold the rights of the practitioner especially in any issue where the public is involved;
- Care should be taken to see that loss-leaders, those who practice law illegally and paralegals are controlled or licensed so that the viability of the practice of real estate may be restored.
- The maintenance of the high standards of the Profession should be paramount.
- The Law Society through its practices and policies should strive to be a humane, efficient, forward-looking organization ready to face and adapt to current and future issues and challenges as they arise.

If elected, as a Bencher, I believe that I can contribute my knowledge and experience in the following areas:

- The day-to-day running of a general practice;
- Provincial and Municipal politics including some knowledge of the inner-workings of Government;
- Business Administration and general management;
- Financial Administration including budgeting.

Having been duly nominated and having consented to stand for the position of Bencher, I intend to serve, whatever the outcome of the Compensation Referendum may be.

I ask for your support.



John A. Champion

Our profession has been subject to remarkable and continuous change over the 25 years since I was called to the Bar. It will continue to do so as the society in which we serve undergoes fundamental economic and social change. In seeking your support for my candidacy as a benchler, I have considered the touchstones that have guided us in the past, and believe that I can assist in devising new methods to meet the challenges, obligations and insecurities of the changing environment in which we all practise.

Education

At the center of a lawyer's role lies service to the public. By providing excellent service to the community and its citizens, we maintain and preserve our special rights and at the same time, assume our onerous responsibilities as members of a self-governing profession. The Law Society, in my view, is obliged to preserve and enhance that excellence through education and training. I therefore support the following educational proposals:

- Enhance the availability and scope of continuing legal education with annual updates by leading members of the profession on a wide variety of topics on tape, video, the Internet and in written form. Where possible, these programmes should be provided at cost. The purpose of this initiative is to permit easy and inexpensive access to home-based continuing education. It will also assist lawyers' mobility in a changing legal environment.
- Assist career development and mobility for lawyers by making information, education and statistics available to the profession.
- Continue to improve the Bar Admission Course so as to ensure high standards.

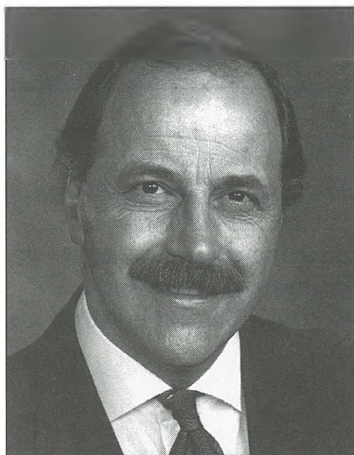
Expansion of Work and Resources

The practice of law is a profession and a livelihood. To the extent possible, the Law Society should encourage legislation and policies that protect the traditional work of lawyers, put forward programmes and information that are organized to reduce time, costs and promote efficiency for individual lawyers as follows:

- The Legal Aid Plan should be protected so that the right to make full answer and defence for all of our citizens is protected.
- The Law Society should be unstinting in supporting the Bar by ensuring that legal aid is more completely funded.
- The Law Society should maintain a strict assessment and, where possible, regulation of paralegals and title insurance companies, having regard to the public interest.
- The Law Society should embark upon a study to assess and advise on the structure of and diversity within the profession.
- Law libraries across the province should be supported with materials and technology.

I offer my experience in practising, teaching, writing and serving the profession for your consideration of my candidacy. I will strive to listen to the profession, consider the issues fairly, and advocate sensible and innovative policies for the future well-being of all members.

- **Partner**, Fasken Campbell Godfrey
- **Past Chair of Litigation Department**
- Certified by the Law Society as a **Specialist** in Civil Litigation
- **Litigator**, over 75 reported cases
- National and international arbitrations
- **Administrative law** (over 70 public hearings)
- **Called** to the Bars of Ontario and Northwest Territories, 1974; occasional calls to New Brunswick 1993 and Nova Scotia 1995
- **Adjunct Professor of Law**, University of Toronto, 1993-present
- **Author**, *Professional Liability in Canada*; numerous articles and presentations
- **Lecturer**: Osgoode Hall (1983-90); Law Society Special Lectures, 1995; Canadian Institute for Advanced Legal Studies - Cornell 1994, Cambridge 1995; numerous other bodies in the United States, Canada and England
- **Director and Chair, Audit Committee**, Canadian Broadcasting Corporation
- **Expert Witness**, Senate of Canada, PricewaterhouseCoopers
- **Trustee and Vice-President**, County of York Law Association (1981-1989)
- **Vice-President** (Past) of the University of Toronto Alumni Association
- **Dickson Circle** member doing pro bono work for persons with disabilities
- **Instructor**, Bar Admission Course (1978-1985) and OCAT



Bill Carter

SINCE THE LAST ELECTION

In the past four years the Benchers have taken initiatives which have had a very positive effect on the profession. These include bringing the E & O insurance crisis under control, transferring responsibility for Legal Aid to the Province of Ontario where it belongs; amending the Law Society Act to make the Law Society less intrusive in the profession; making the profession more accessible by eliminating systemic inequities; and, reducing the annual E & O and fee levies. During my term as a bencher I have worked hard to support these improvements.

THE ROAD AHEAD

The Law Society's responsibility for the professional development of lawyers should not end with the call to the Bar. Both the public and the profession have an obvious interest in being served by a legal profession whose members are efficient, current and fulfilled. Current technology and the introduction of the solicitor's workbench should enable the Law Society to play a much more active role in providing the resources which ensure professional development is a continuum. The Law Society should invest more resources in this area.

The cost of membership by way of annual fees and the E & O levy has now started to come down. Without sacrificing important programs, I am committed to reducing these costs to members over the next four years.

I will work to:

- reduce membership fees
- reduce E & O levies
- encourage access to technology
- promote professional development
- build public confidence in the profession
- create more awareness and confidence in the role of the Law Society
- eliminate systemic inequities

E-mail address: wcarter@borden.com

Web site: www.billcarter-bencher.com

Education:

B.A. (Hon) - Queens 1971;
LLB. - Toronto 1975;
called to the Ontario bar 1977

Professional Experience:

Partner Borden & Elliot;
General civil litigation with
emphasis on Health Law and
Administrative Law;
Certified Specialist in
Civil Litigation 1989;
Chaired and spoken at
numerous conferences on
Health law issues

Teaching:

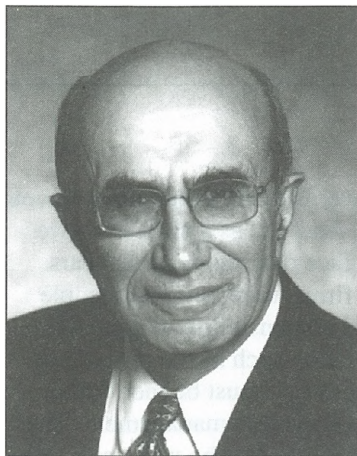
Former instructor - Bar
Admission Course - Profession
of Law;
Former Member of Faculty
of Law - Osgoode Hall Law
School - Trial Practice

Community:

Former member of Council,
Medico-Legal Society of
Toronto;
Member, Ethics Committee,
Mount Sinai Hospital, Toronto;
Vice-Chair, Safe Kids Canada

Bencher:

1997 - 1999
Vice-Chair, Admissions
& Equity Committee;
Vice-Chair,
Litigation Committee;
Member,
Ontario Judicial Council;
Member,
BAC Reform Task Force.



Earl A. Cherniak, Q.C.

Earl A. Cherniak, Q.C., born Windsor, 1935; education - Kennedy Collegiate, University of Windsor, University of Western Ontario (1956), Osgoode Hall (1960); Clerk to McRuer C.J.H.C. (1960-61); practiced in London (1961-89); Toronto (1989-99); elected Fellow, American College of Trial Lawyers, International Association of Trial Lawyers; sessional professor U.W.O. Law School (1961-79); Commissioner O.L.R.C. (1986-93); President, Advocates' Society (1979-80); awarded Advocates' Society Medal (1996); community service includes Chair, United Jewish Appeal (London 1974); Director and Vice-Chair Victoria Hospital (London 1982-89); member of Dickson Circle (1998-); London Health Sciences Foundation Fundraising Campaign (1998-); married to Claude, three children, all professionally employed.

I am standing for election as a Benchers because I believe that I have a contribution to make to the governance of the profession at an important time in its history. In almost 40 years of practice, covering a spectrum of virtually every county and district in Southwestern Ontario, many other centres in the province, and Toronto for the last ten years, together with lecturing at Western Law School for 20 years and for several years at the Bar Admission Course, I have gained a broad perspective on the practice of law in Ontario.

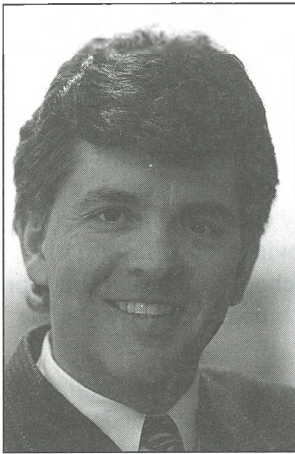
There are a number of important issues that face the profession in the coming years. They include regulation of competence and the related issue of mandatory continuing education, the impact of technology, cross-border practice, specialization, as well as the ongoing issues of insurance and legal aid that will always be with us. These are areas that I know something about, and to the resolution of which I can bring considerable experience, based on practice inside and outside of Toronto, in a firm, Lerner & Associates, that started out very small - when I began there were only five of us - to one that has now grown to medium size.

In my years of practice, I have developed a deep sense of what it means to be a professional and what the duty of being a legal professional entails to the public, to the court and to one's fellow practitioners. I see a danger of erosion of professionalism by the increasing commercialism in the practice of law. It is one of the causes of an increasing lack of civility in the courts and elsewhere that must be addressed. I think it is important to find a way to accommodate the economic pressures that face all of us, whether we are sole practitioners or lawyers in small firms or large, while maintaining the professional standards that have always set lawyers apart. Indeed, it is critical that we do so or we will lose the privilege to continue as a self governing profession. This must not be allowed to happen, and I hope to do my part to see that it never does.

I do not pretend to have all of the answers to the problems that beset the profession, or to foresee all the new ones that will arise, nor do I have a preset agenda. I do, however, have some suggestions. Throughout my career I have gone out of my way to mentor younger lawyers. I would like to work on ways in which the profession as a whole could take real steps to assist the newest members of the Bar, particularly those who do not have that opportunity through membership in an established firm.

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

As a profession, we have accomplished great things. Lawyers in this province willingly give of themselves every day in their practices and in their communities, but there is more that can and must be done. With your support, I would like to dedicate myself to this task.



Michael G. Cochrane

“I’m ready to roll up my sleeves!”

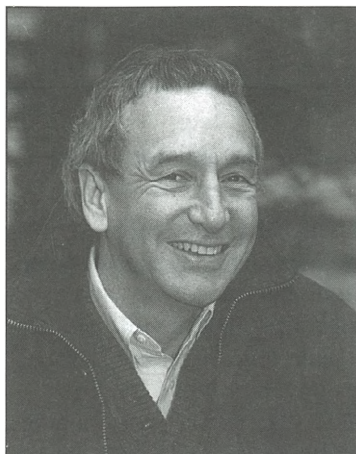
Something is seriously wrong when fewer and fewer lawyers even bother to vote in benchers elections (in 1995 only 43% of you voted). And yet, as a profession we will never face greater challenges than those we must face over the next 10 years. Competition from paralegals and big legal consulting firms, unrepresented people flooding our courts, powerful technology, a heightened responsibility to meet the public interest in legal services and issues of self regulation such as the renewal of the Bar Ad Course, to mention only a few, are challenges that must be met. These issues cannot be tackled with ad hoc decisions or the usual crisis management. The next group of benchers must include new faces and fresh minds who will - as a team - be more strategic in planning for the future of our profession.

If you are considering honouring me with your vote, I want you to know the following :

1. **I do not support benchers remuneration.** Period. It is an honour to be elected by one’s peers. I’m ready to roll up my sleeves for work without remuneration.
2. **I do not support the direction in which Bar Ad reform has been taken.** Our obligation to the public is grounded in two duties: (a) controlling the quality and number of lawyers who are admitted each year and (b) acting as watchdog on negligent or unethical activity. If we give up the first job, the second one will become impossible. The Bar Ad Course must be a rigorous period of qualification for the practice of law and the Law Society must keep a firm hand on it. We need to roll up our sleeves and get to work on rebuilding the Bar Admission Course.
3. **I support finding an immediate solution to the paralegal issue that will allow qualified and honest paralegals to join us in the marketplace but only as limited service providers.** There are some services that paralegals **may** do. However, there are many services that only lawyers **can** do. Our obligation is to find the balance between protecting the consumer interest in access to affordable legal services and the continued existence of a vibrant legal profession. It can be done but your benchers need to roll up their sleeves and get to work.
4. **I support the development of a “21st Century Competitiveness Initiative” for Ontario lawyers.** If we must compete then the next group of benchers should make increased competitiveness of lawyers in the Ontario marketplace a top priority. We need to eliminate the cumbersome rules and regulations that make it hard to be a business person in the practice of law. We also need to make it easier for lawyers to capitalize on the power of new technologies. I know you are rolling up your sleeves to work hard every day. As benchers we should be rolling up ours to make sure it isn’t any harder than it has to be.
5. **Like you, I have grown weary of the constant bashing of the legal profession.** I support doing something concrete about it. Several years ago I rolled up my sleeves and I presented mock courts in local schools to help our kids understand the marvels of our profession. The kids learn to appreciate our work and their parents appreciate our effort. As a bencher I will propose that we develop and distribute a standard “Mock Court School Kit” that will make it easy for lawyers and law students to go into local schools and teach our kids.
6. **Ninety Thousand Hours!** The Law Society estimates that benchers have been rolling up their sleeves for a total of 90,250 hours over four years. Even at just \$100.00 an hour that is over \$9 million worth of legal thinking to run our self governing body, yet there are no “job descriptions” for benchers, nor is there an equal distribution of the workload. I propose that benchers spend their time effectively and efficiently through a “strategic team plan” that will get the most from each and every bencher.

There is a lot of work to do. Let’s put some new faces and some fresh minds to work on your behalf. I would be honoured to represent you as a bencher.

Called in 1980, started out in Ottawa litigation practice, then Senior Crown Counsel in Toronto under A.G. Ian Scott, returned to private practice (ADR), Chair of Committees that designed Class Action law and Environmental Bill of Rights, author of seven legal texts, lectured at Ottawa U. Law School, was seminar leader at Bar Ads in Ottawa and Toronto, Fellowship with Attorneys General in Washington D.C., columnist with Law Times and Workplace News, was Principal Secretary to Leader of Opposition, parent rep at local high school, volunteer with organization that works with older addicted persons, among others.



Paul Copeland

Partner in the firm of
Copeland, Campbell – practice
involving criminal law, civil
litigation, immigration and
national security matters
University of Waterloo –
B.Sc. Physics 1962
Osgoode Hall Law School –
LL.B. 1965
Called to Ontario Bar in 1967
Founding member of the
Law Union of Ontario;
Vice-President Criminal
Lawyers' Association 1985-91
Bencher of the Law Society of
Upper Canada for two months
in 1987, and since December
1990; chaired various commit-
tees including Clinic Funding
Committee, Women in the
Legal Professional Committee,
Equity Committee; Vice-Chair
of the Legal Aid Committee
for six years
Director, Association in
Defence of the Wrongly
Convicted (AIDWYC)
Council Member – Canadian
Friends of Burma
Regular columnist since
1979 on drug law for the
Criminal Lawyers' Association
Newsletter
Ridemaster – Illegals
Motorcycle Club.

When I ran for Bencher in 1995, in the candidate guide I wrote about insurance, Legal Aid, regional election of Benchers and reform of the discipline process. I wrote about the dissatisfaction and anger among the Bar concerning the performance of the Law Society in these areas.

The dissatisfaction and anger at the Law Society still seems prevalent among the Bar. It will be interesting to see whether that dissatisfaction is reflected in an increased voter participation in the election.

Legal Aid

Until recently Legal Aid has been a disaster both for the people who needed Legal Aid, and for the lawyers who were attempting to adequately represent their clients and survive doing legal aid work. As of the 1st of April the Law Society will no longer run Legal Aid. However, five of the 11 members of the Board of Legal Aid will be selected by the Attorney General from a list recommended by the Law Society. It is important that at least some of the elected Benchers know about Legal Aid and do legal aid work. Because of the horrendous cuts made to the Legal Aid plan by the Law Society in the attempt to live within the financial constraints of the Memorandum of Understanding (MOU), Legal Aid Ontario will have significant amounts of money that were not spent under the MOU. As of the end of December, 1998 the Plan had a surplus of \$58 million. Even after payment of the tariff enhancements, there will be a surplus of approximately \$35 million available to Legal Aid Ontario. As well, approximately \$50 million of the money provided to Legal Aid during the last fiscal year went to repaying overspending from the first year of the MOU. This means that Legal Aid Ontario will have approximately \$85 million more to spend on the provision of legal services this fiscal year than last year. Part of that money must go to a significant increase in the hourly tariff, a tariff which has not been increased (other than the elimination of the 5% reduction) since 1987.

The Lawyers' Professional Indemnity Corporation

The fees charged for insurance have been reduced in the last couple of years. I expect that they will continue to be reduced. While some members of the profession argue that they should be entitled to purchase their insurance from any insurer they wish, I believe that the present LPIC set up is a good one. It adequately serves both the profession and those clients who are injured by the negligence of their lawyers.

Regional Election of Benchers

More than eight years after the concept of regional election of Benchers was approved by the Law Society, the amendments to the Law Society Act have made regional election of Benchers a reality. It will be interesting to see whether regional Benchers will allow the lawyers practicing outside Toronto to feel that their interests are being adequately represented at the Law Society.

Reform of the Discipline Process

The amendments to the Law Society Act have eliminated the rather strange animal known as Discipline Convocation. Now, unless an appeal is taken, all discipline decisions will be made by a panel of one or three Benchers. I believe this change is a positive one and will clarify and simplify the discipline process.

Pay for Benchers

I support the concept of modest remuneration (perhaps at Legal Aid rates) for Benchers for the work that they do at the Law Society. With your ballot you will be receiving a referendum questionnaire concerning pay for Benchers. Benchers give up a significant number of billable hours (and income) to serve as Benchers. Many of the Benchers from large firms are subsidized by their firms for the work they do as Benchers. Many members of the profession are precluded from seeking election as a Bencher because, without compensation for Benchers, they cannot afford to serve as Benchers. If compensation for Benchers is approved in the referendum, and then adopted by Convocation, those Benchers who feel it is inappropriate to be paid for work as a Bencher can decline to accept the payment. If Benchers are paid for their work, the cost of such payments would only require a very modest increase in the annual Law Society fee.



David L. Corbett

I want to address two questions here: why I want to be a benchler, and why I think I am a good person for the job.

I am seeking the position because I see the role of benchler as a valuable contribution to maintaining and fostering a strong and independent legal profession. A vigorous and independent bar is a fundamental institution in our society, and its importance and influence is growing with the expanded concepts of the rule of law and constitutionalism in the area of public law. At the same time, legal institutions are under increasing stress, as the demand for resources increases while funding decreases, the need for competent legal services expands in under-served communities, and at the same time we hear concerns about an oversupply of young lawyers being produced from our law schools. Whole areas of practice (ie real estate, criminal, family, immigration law) have been under attack, either from market forces or reductions in public funding, while at the same time Bay Street firms have felt it necessary to increase base incomes for articling students and junior associates to respond to price competition for legal talent from the United States.

There are no quick and easy answers to these complex problems. However, the best solutions, that take account of the diverse interests of society as a whole, and of members of the profession, require that we embrace an inclusive approach to problem-solving, and try our best to take account of the many competing interests that come into play. And we need to do more than mouth the words “diversity”, “inclusiveness”, “equality”, and “equity”. We need to approach problem-solving with those principles in mind, and with a group of representatives that reflects the diversity of the profession, and of society as a whole.

I think I am a good person for the job because of the broad range of experiences and communities of interest of which I have been and am a part. I spent almost a decade as an associate and latterly a partner at a large Bay Street law firm. For the past three years I have been a partner at a small boutique litigation firm. I have taught law at both Toronto law schools over the past eight years. I have also taught in other contexts, ranging from adult education, continuing legal education, the Bar Admission course, and delivery of courses to the private sector. I consider myself to have one foot “in the academy”, and the perspective from the “ivory tower” is a valuable and different one from the world of practice. My practice itself covers a diverging range of experiences. I spend the majority of my time doing corporate/commercial litigation, with an emphasis on construction law. But I also have substantial professional commitment to medical malpractice, employment and human rights law. And finally, as a white male lawyer, I have had the experience of a successful and viable professional career; as an “out” gay man, I have had the experience of exclusion and marginalization. I would like to bring these diverse experiences to bear on the issues facing our profession for the next four years.

Partner,
Eberts Symes Street & Corbett
B.A. (Hons.) (Queen's, 1981)
LL.B. (Osgoode, 1985)

Instructor,
Osgoode Hall Law School
Instructor, U. of T. Law School
Instructor, Bar Admission
Course

Director or past director of a
variety of community organiza-
tions, including the Toronto
Institute for Human Relations,
Toronto Gay, Lesbian and
Bi Youth Hotline, Foundation
for Equal Families.

Memberships include Canadian
Bar Association, Metropolitan
Toronto Lawyers Association,
Foundation for Equal Families,
EGALE (Equality for Gays
and Lesbians Everywhere),
Advocates Society



Married, five children, three grandchildren. M.A. and LL.B., University of Toronto. Winner of E.M. Davidson Memorial Award, Innis College. Partner, Crewe & Marks. Currently President and CEO, Registrar of Imported Vehicles, under contract to Government of Canada. Former Chair, Toronto Board of Education, Member, Editorial Board, The National. Extensive experience in business process engineering, systems integration, and privatization.

Directorships have included: Education Law, FLAC, Transportation Law, CBA-O Council; Canadian Women's Press Club; Black History Society; Canadian National Exhibition; Eastview Neighbourhood Community Centre; Royal Commonwealth Society; University of Toronto (College of Electors).

Active at YMCA. Two dogs.

Nola Crewe

SUMMARY

Is the Law Society comfortable with the media, and with the public? Is it perceived as compassionate and supportive, a sustainer of critically important social values? Is it perceived as treating its members fairly and efficiently? Are its members proud of its thorough integration of modern business technologies? Has it modelled the best business practices of the private sector?

To-day's modern law practice is increasingly complex in organization and operation. The Law Society must charge itself to be the best it can be, growing stronger from the support of its membership, freely given by members who trust and are trusted.

I bring a toolkit of transferable skills to the job. I bring a sense of openness and ease with the media and the public. And I bring a deep, deep respect for the position of "lawyer" in society, whose general reputation in the community I intend to restore. I bring commitment.

BACKGROUND

In a sense, the Law Society is the human resources department of the legal profession. While discipline is an important element of its job, the Society must surely foster in its membership the sense that professional human resources skills are brought to bear in a professional and compassionate way.

The Law Society can serve as custodian of core social values, a model of corporate openness and fairness, and an example to other professions of how self-governance should and must work. It can re-dedicate itself to creating a society of lawyers who are energized by their role in society, and supported in that role at every turn.

Governance of the legal profession has always involved sustaining the balance between a respect for the values of the past and a willing embrace of current realities. The world is changing and so must the legal profession.

Service as a Bencher requires energy, intellect, courage, respect for the community, and time. I believe I have demonstrated these. I was Chair of the Toronto Board of Education, when its staff numbered 7,500 and its budget was on the order of \$300 million dollars. The challenges of the day involved preserving core values at a time when it was fashionable to champion the benefits of unbridled change. This required the sensitivity inherent in sustaining a balance between the public interest and the complex web of professional stakeholders which comprise the mosaic of the education system.

Today, I use my legal skills as partner in a corporation involved in privatization work with the Government of Canada. I have gained an understanding of the realities of business in a way not accessible to me as a student, private practitioner or partner.

I bring transferable skills, learned in and outside the practice of law, which can assist the LSUC in the budgeting, personnel and communications fields.

Within the confines of the 700-word limit, some of the issues:

The erosion of public protection and the governance of paralegals

The evolution of Legal Aid Ontario & Pro Bono Services

Barriers to Entry

Standards

LSUC and CBAO roles

Other Issues

- Please visit my website for a more complete articulation of my policies.

<http://www.nolacrewe.com>

- phone me at (bus.) 416-967-9933 (res.) 416-466-0311

- e-mail me: nolacrewe@riv.com



Bencher since 1995; Chair, Professional Regulation Committee (discipline and professional standards); Member, Competency and Technology in the Profession Task Forces; Past Vice-Chair of the Discipline and Professional Development Committees and Member of the Governance Restructuring Committee. LL.B. (Windsor), 1975; Call to the Bar, 1977.

After twenty years with large Toronto firm, co-founded Lax O'Sullivan Cronk. Practice devoted to civil and commercial litigation, administrative and public law.

Past President, Advocates' Society; Fellow, American College of Trial Lawyers; Invited Fellow, International Society of Barristers; Past Chair, CBA Task Force on Civil Justice; Recipient, CBA's Louis St. Laurent Award, 1997; Director, Canadian Institute for the Administration of Justice and the Harold G. Fox Education Fund.

Special lecturer/demonstrator at Faculties of Law (Toronto and Osgoode), Canadian Institute for Advanced Legal Studies (Cambridge, England), Ann Arbor Advocacy Symposium (Michigan), and Ontario Centre for Advocacy Training; Former Seminar Leader, Bar Admission Course.

Eleanore A. Cronk

The profession continues to require strong, fair and effective governance. The public has a right to expect competency from lawyers, and open and accountable self-regulation. To meet these objectives Benchers must be guided by the interests of the entire profession, while ensuring that the public interest is protected.

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

Experience: Over the last four years as a Bencher, I have been involved primarily in professional standards, competency and discipline matters. Since 1997 I have chaired the Law Society's Professional Regulation Committee (discipline and professional standards) and have served as a Member of special Task Forces on Competency and Technology in the Profession. Previously, I served as a Vice-Chair of the Discipline and Professional Development Committees, and as a Member of the Governance Restructuring Committee.

The Challenges Ahead: The Law Society's principal challenge is to preserve our profession's privilege of self-government. This will only be accomplished if Convocation becomes more representative of the profession, if lawyers are sensitive to the needs of the public, if the processes of the Law Society are, and are seen to be, fair, efficient and open, and if we develop meaningful ways to assist lawyers in achieving and maintaining professional satisfaction and competency in their practices. We have made progress, but much remains to be done. The following are among the important issues which the Law Society must address in the next four years:

- implementation of the competency and professional standards goals which underscore the recent legislative amendments to the Law Society Act;
- modernization of the regulatory function of the Law Society. In the past, our discipline system was inflexible and exclusively punitive in nature. Its processes were inefficient and time-consuming. Not all complaints should result in discipline. Not all practice difficulties are the result of misconduct. The recent reforms to the Law Society's complaints, investigations and discipline processes focus on remedial and supportive measures including, where appropriate, alternative dispute resolution. The discipline process is maintained as a necessary but last resort for responding to public complaints and practitioner difficulties. The new system is designed to help lawyers while protecting the public. These are important first steps in updating the Law Society's regulatory role;
- exploring means by which lawyers can maintain a competitive position in the professional services marketplace, including continued consideration of the place in our profession, if any, for multi-disciplinary practices;
- detailed review of opportunities for the application of new information technologies to the practice of law. The Law Society should take a leadership role in developing a blueprint for greater efficiencies in practice and broader support for practitioners, particularly those in sole practice or smaller practice settings;
- enhancing the Law Society's commitment, confirmed in 1997, to equity and diversity in the profession and in its own workplace and organizational practices;
- completion of comprehensive revisions to our rules of professional conduct. Many existing rules are outdated and do not reflect client expectations or commercial norms;
- reassessment of the Law Society's role in and delivery systems for legal education. The time has come to develop, with all those involved in legal education, a comprehensive legal education plan for the next century; and
- licensure and regulation of paralegals to prevent the unregulated and unauthorized practice of law.

Throughout my professional career I have sought to reinforce the importance and the responsibilities of the legal profession to society and to the administration of justice. To advance the interests of our profession and to protect the public, we must conduct ourselves in an open, responsible and responsive way. I believe that I have gained the experience in my practice and at the Law Society to contribute to the enhancement of the profession in the community and to its governance. I would be grateful for the opportunity to serve another term.



Carole Curtis

1. Leadership
2. Diversity in the Legal Profession
3. Governance
4. Competence & Discipline
5. Image of the Legal Profession

Leadership

The central issue for lawyers continues to be **VOICE**: whose voice is heard in Convocation? As the demographics of the profession evolve, the Benchers become increasingly less representative of and more remote from the legal profession and the public of Ontario. In order to govern the profession in the public interest, the Benchers need to reflect the demographic composition of the public, and to understand the different issues.

If the Law Society governs the profession in the public interest, which public are the Benchers protecting? Who defines the public interest? Different lawyers bring widely different perspectives about and experiences of the public to the governing body. The small firm family law lawyer or general practitioner in a small community deals with a different public from the litigation lawyer or the corporate lawyer in a large Bay St. firm.

Leadership in the profession includes both the Benchers elected and the Treasurer they elect. The Treasurer continues to determine the agenda for the Law Society and for Convocation. The position of Treasurer is a very influential and powerful one. The Treasurer will make decisions which impact on every client and every lawyer in the province, and which will affect the way in which the public perceives lawyers. Remember, in selecting Benchers, that they will be electing the Treasurer.

The lawyers that are elected as governors are increasingly called on to deal with a changing workplace, a changing business culture, changing economic conditions, a changing society and a changing legal profession. Governors with a willingness to adapt, a connection to the business of running a law practise, and the ability to be forward thinking are needed. New solutions will be needed to address new problems arising.

Convocation continues, in many ways, to be a small private men's club, and it still has not sufficiently evolved to be the governing body needed for the profession today. There continues to be an inappropriate level of secrecy and exclusion of elected Benchers from access to information needed to do their jobs. Information-sharing to the Benchers is essential for full participation in decision-making. Openness in information should extend to the legal profession.

Diversity in the Legal Profession

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

Governance

Self-regulation is a privilege, a gift, and a responsibility — all at the same time. It should never be taken for granted.

Competence & Discipline

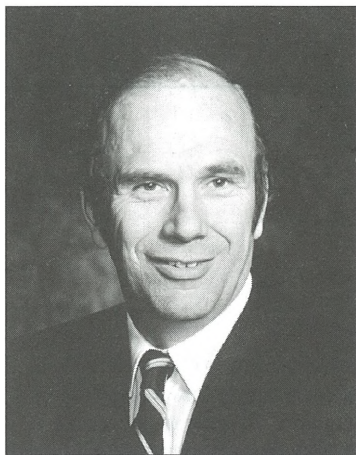
The recent changes to the processes of the Law Society bring into sharper focus the distinction between competence-directed activities and discipline. This will result in great changes in the way the Law Society interacts with lawyers in these two areas. The Law Society will be able, for the first time, to discipline for incompetence. As well, the changes require internal re-organization in the core functions of the Law Society's business, much of which re-organization has taken place and is on-going. These changes require a continuing re-examination of the connection between admissions, professional standards, continuing legal education and discipline.

The current admissions structure continues to be re-examined. Change is needed in both the articling process and the Bar Admission Course, yet Convocation repeatedly considers only incremental adjustments. A more forward-thinking analysis is needed.

Image of the Legal Profession

The image of lawyers continues to be an issue. Is there a role here for the Law Society? What is the relationship between the diminishing reputation of lawyers, competence and the regulatory function of the Law Society (including discipline)? Is there a direct connection between competence and the image of lawyers?

Bencher from 1991.
Committees: Legal Aid,
Professional Regulation (Chair),
Admissions & Equity, Profes-
sional Development &
Competence, Communications
(Chair), among others. Called
1978. 3 lawyer feminist Family
Law firm. Family Rules Com-
mittee & Secretariat. Lecturer,
Panelist, Instructor at the Bar
Admission Course (Family Law,
Profession of Law, Legal Aid,
Law Office Management,
Practise Skills) and at continuing
education programs (Family
Law, Child Protection, Legal Aid,
feminist issues, the Legal
Profession, Equality Issues). Law
Union. National Association
of Women and the Law.
Advocates' Society. Canadian
Bar Association. Toronto Law
Association. Family Lawyers'
Association. Lawyer's Club.
Women's Law Association.



Elvio L. DelZotto, Q.C.

I am seeking re-election as a benchner because I believe that my background and experience, both as a lawyer and as a businessman, will allow me to continue to contribute in a meaningful way to the advancement of our profession.

As a first time benchner elected in 1995, I assisted my fellow benchners in achieving some of my original platform goals, namely: to eliminate the Law Society's enormous budgetary deficit and correspondingly reduce members' dues and premiums; to transform the Law Society's administrative bureaucracy into a more efficient and streamlined organization, emulating that of a well run business organization with improved communications and greater accountability to its members.

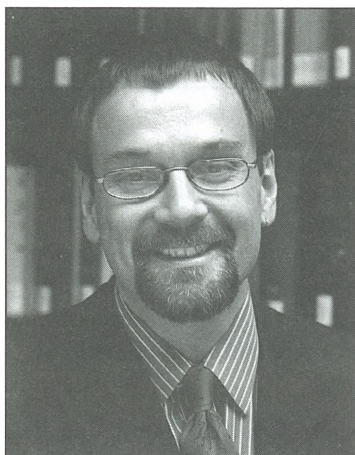
As a benchner, I've been a strong advocate of LPIC's title insurance initiatives, which have already made a significant impact on reducing professional liability claims against real estate solicitors. I also heartily endorsed the government's integrated justice project aimed at reducing inefficiencies within (and streamlining) the overall civil and criminal litigation process in Ontario. I stridently urged the professional regulations committee of the Law Society to amend certain rules of professional conduct in order to provide lawyers with new avenues for business opportunities, and to encourage the formation of mutually beneficial arrangements between lawyers and other professionals, which amendments would equally benefit the public by making legal services more accessible, efficient and affordable. I have been a strong advocate against the Law Society's practice of "spot audits", because of their highly confrontational nature. In lieu of such a "reactive" response to perceived accounting problems amongst our profession, I fervently believe that a "pro-active" approach to improving the qualitative standards of law office accounting records is preferable...lawyers who need help should be provided with the requisite technical and accounting assistance and guidance, without fear of reprimand. However, target audits for obvious problem areas within our profession should continue to be undertaken.

I can continue to be a strong voice for the concerns of the Real Estate segment of the Bar. I adamantly feel that as a professional body, we simply cannot (and should not) be satisfied with the status quo. The "turf" of many lawyers' practices (not to mention the quality or level of practice standards) is quickly being eroded by the onslaught of unqualified and uninsured paralegals, and by closing centres. The Law Society should take immediate action to provide members of the Bar with the requisite tools and programs to effectively compete in this new arena, while at the same time educating the public about the numerous advantages of seeking proper legal advice.

Finally, during my 37 years as a lawyer, I have witnessed an increasing deterioration in the level of respect to which lawyers are generally held by the public. This decline has been engendered by various factors, including the increased notoriety of lawyers' acts of deception, dishonesty and defalcation, which have been caused by a minute fraction of the overall membership. I believe that the Law Society must take the initiative in adopting a positive approach to enhance the public's image or perception of lawyers, by emphasizing the critically important role that lawyers play in protecting and advancing the public's interest in an ever-increasingly complex society.

In closing, I wish to state, for the record, that it was a sincere honour and pleasure to represent the profession as a benchner under the leadership of Treasurer Susan Elliott (whose unfailing patience, courtesy and grace inspired us to tackle the seemingly insurmountable problems revolving around the deficit), and under the guidance of Treasurer Harvey Strosberg (whose vision and tenacity helped to shepherd the many reforms initiated by my fellow benchners to their respective fruition). With your vote of confidence, I can continue to assist in making substantive changes which will enhance the public image of the legal profession, and improve the day-to-day business of being a lawyer.

Founder of DelZotto, Zorzi
V.P. of Canadian Italian Business
and Professional Association
(1964-1966)
Co-Chairman of the Building
Committee for Villa Colombo
(1971)
Queen's Counsel (1985)
Council Member of the Ontario
Arts Council (1985-1989)
Director of the Canadian Italian
Advocate Association (1987)
Founding President of the
National Congress Italian
Canadians (1987)
President of the Liberal Party of
Canada (Ontario) (1988-1990)
Board of Governors Fund
Raising Chairman for Villa
Colombo (1991)
Co-chair Justice Frank Iacobucci
Dinner - Fund Raising - Italian
Studies of University of Toronto
(1991)
Director - Ontario Institute
for Studies in Education -
University of Toronto (1991)
Recipient of the
"Order of Merit" from the
National Congress of Italian
Canadians (1992)
Advisory Board for
Multilingual Television (1998)
Benchner - Law Society
of Upper Canada (1995-1999)
Vice Chair of Finance & Audit
Committee; Member of Legal
Aid Committee;
Served on Task Forces dealing
with: Competence; Governance
Restructuring; Information
Technology; Transition Planning;
Members' Fees
Trustee of the Law Foundation
of Ontario (1998)



Todd Ducharme

Endorsed by the Criminal Lawyers' Association

- Called to the Bar in Ontario (1988) and B.C. (1997)

Education:

- B.A. (Hon.), McGill University, 1981
- M.A., Yale University, 1983
- LL.B., University of Toronto, 1986
- LL.M., Yale Law School, 1991

Community Service:

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

Professional Experience:

- 1993 to present: Sole practitioner sharing space with Greenspan, Humphrey, Lavine. Practice restricted to criminal litigation, appearing in all levels of court including the Supreme Court of Canada.
- Clinic Director, Aboriginal Legal Services of Toronto
- Associate, Greenspan, Rosenberg & Buhr
- Associate, Fedorsen Shoniker
- Adjutant Professor, Faculty of Law, University of Alberta
- Law Clerk, Ontario Court of Appeal

For the last six years, I have channelled my extra-curricular activities towards serving Toronto's Aboriginal community. I would like to take the skills gained from that work, as well as my experience as an academic and practitioner, and apply them to the important work of Convocation in an effort to ensure that the Law Society better serves the people of Ontario and our profession.

• **Admission to the Bar**

As a Métis, I strongly support an inclusive bar that reflects the diversity of our broader society. However, the call to the bar in October, 1998 of 27 students who had failed bar admission exams [in one case all 8 exams!], while undoubtedly well intentioned, is a disgrace for several reasons:

First, the oft-repeated assertion that the competence of these candidates could be assessed as a result of a 1/2 hour interview is an insult to the intelligence of our members and the public. Think about it - would you as an employer hire someone solely on the basis of a 1/2 hour interview? Moreover, if the goal was to assess their competence wouldn't you at a minimum speak to their articling principals about their performance during their articling year? Of course you would.

Second, the timing was disastrous. It undermines the already perilously low regard the public has for our profession. This also significantly weakens the Law Society's ability to participate in the important debate about the role "unqualified" agents or paralegals should play in our justice system.

Third, the process underlying this decision was unacceptable. There was no public debate or prior authorization. This initiative was presented to an *in camera* Convocation as a *fait accompli* for its approval. This is not how Convocation should work. Benchers are not rubber stamps. The Treasurer should work openly and collegially with them in developing and implementing policies.

I fully support refining and improving the Bar Admission Course to ensure it is a valuable educational experience. We must also ensure that our evaluation processes do not replicate or reinforce broader social inequities. But the solution does not lie in such *ad hoc*, poorly thought out, measures.

• **Legal Aid**

Although the Law Society will no longer administer the Legal Aid Plan we must not simply wash our hands of it, as tempting as that might seem. Access to justice for all Ontario's citizens remains threatened with the steady decline of funding. Exhortations for more *pro bono* work from the private bar, while helpful, are not an adequate solution. We must fight for funding for the areas of greatest need, especially criminal, family and immigration law. We must ensure that those lawyers doing legal aid work are adequately compensated. The Law Society will appoint five Directors to the Board of Legal Aid Ontario. If elected, I hope to represent the Law Society on that body. My experience with legal aid, both in clinics and in private practice, will enable me to be a forceful advocate for both the legally aided and those who represent them.

• **Discipline Process**

While the system has been stream-lined it still takes too long. Even completely specious complaints can take years to dismiss. While we must vigorously protect the public, our members should not be forced to practice under the cloud of unresolved, meritless complaints. We owe it to our members to commit appropriate resources to the complaints process.

• **Multi-Disciplinary Partnerships**

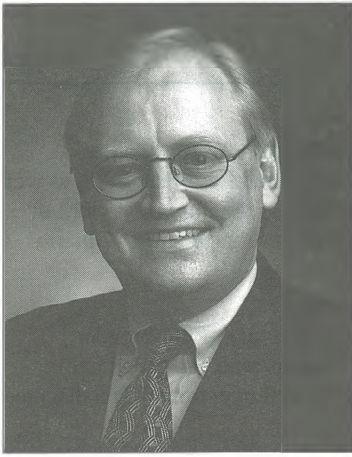
Approving MDPs would permit non-legal, multi-national players to become law firms. Not only will MDPs be less amenable to Law Society regulation but the potential for liability claims against them could lead to another crisis in professional insurance.

• **Bencher Remuneration**

I am prepared, much to my banker's horror, to commit on a *pro bono* basis the significant amount of time it takes to be a Bencher. However, not all of our members are financially able to do so. I support diversity in the profession's governance and believe that Convocation must not become the exclusive enclave of the affluent. Lay Benchers are paid and I support the idea of compensating Benchers for at least some of their work.

• **Communication With the Bar**

I can be reached by telephone at (416) 868-1825 or, outside of Toronto, at my toll free number 1-877-333-3623. If elected, I will establish a website so that all members of the Law Society can readily communicate their views and concerns to me.



Douglas Elliott

Back in 1984, I hung out my own shingle in a tough economic climate. My practice has grown over the years to become a small firm with a focus on civil litigation. During those years of working to build my practice, I have found time to be an active volunteer with the Canadian Bar Association at the provincial and national levels. I have also served the Law Society as a volunteer on the Treasurer's Equity Advisory Group, and for a time as a civil litigation instructor at the Bar Admission Course. Some of you may also know me from my work on behalf of tainted blood victims in various civil actions and at the Krever Inquiry.

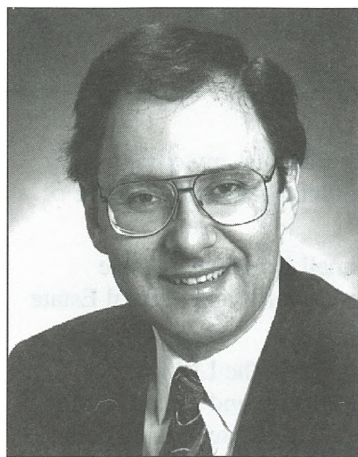
There is often a debate about whether the Law Society serves the public interest, or the profession's interest, as if the two must be in opposition. I disagree with that notion. A strong and vibrant legal profession is in the public interest. A healthy legal profession is a cornerstone of any good system of justice, which is essential to a democracy. We have only to look at some of our sister countries in the Commonwealth, where lawyers are exiled, jailed, tortured and killed for defending their clients' rights, to know how important our profession is to a free society.

There is an old saw that "the shoemakers' children have no shoes". Although we are experts at defending our clients' rights, so often we have done a poor job of defending the good things about our own profession. We have allowed other interests to entrench on our traditional areas of practice, threatening the Law Society's ability to control professional standards. We have been the target of cheap shots by the press. I have been pleased to see our Treasurer fighting the attacks on our profession by the media.

We also need to keep our own house in order. Law is a business, and we have to make a living. As someone who has had to meet a payroll for the last 15 years, I am pleased to see that our fees are coming down this year. The cost of being a lawyer in Ontario must be competitive with other jurisdictions in North America. This is especially important to those lawyers with solo or small practices. I certainly have been terribly concerned by the impoverishment of certain sectors of our profession, whether it be the family and criminal bar, who have been bearing the burden of legal aid cuts, or the real estate bar, being squeezed by the pressures of the marketplace. However, law is also a profession. I am a firm believer in some of the best traditions of our profession, such as articling, voluntary *pro bono* work and courtesy. We need to resist the drift to the U.S. style legal culture, where civility is replaced by personal attacks on the opponent's lawyers. While we maintain our best traditions, we also need to embrace positive changes, such as the increase in diversity in our profession.

If elected, I am prepared to commit the time necessary to do the job well. I will also bring to this post my pride in my fellow lawyers and a commitment to seeing that the legal profession is strengthened to meet the challenges of the new century.

Douglas Elliott is a partner with the firm of Elliott & Kim. A bilingual native of Elliot Lake, Mr. Elliott was called in 1984 after receiving his B.A. (UWO) and LL.B. (Toronto). He is a civil litigator who has appeared at all levels of Court, including the Supreme Court of Canada. Mr. Elliott was senior counsel for the Canadian AIDS Society at the Krever Inquiry. A member of the Treasurer's Equity Advisory Group, Mr. Elliott has also been an active member of the Canadian Bar Association. He has taught at the Bar Admission Course, and presented at CLE programs and symposiums in Canada, the US and Japan. Mr. Elliott has been honoured as "Lawyer of the Year" by ARCH, and with the "Leadership Award" of the Canadian AIDS Society. Mr. Elliott has served as a member of the provincial Consent and Capacity Board, and of Health Canada's Science Advisory Board.



Igor Ellyn, Q.C.

Ask yourself this question: *What do I expect the Law Society to do?*

I would like to offer my response. I believe the Law Society should regulate the profession in a way that strikes a balance between the public interest and the interests of lawyers. Specifically, I believe that:

The Law Society should:

- adopt the attitude that ***a strong, independent legal profession is in the public interest*** and support the establishment of a stronger voice for the lawyers of Ontario in the form of ***the merger of CBAO and CDLPA***
- promote policies of ***racial and gender equity*** within the profession
- promote policies and procedures that ensure that only persons ***competent to practice law*** are admitted to the Bar and that standards of competence are clearly spelled out
- protect the public from ***unskilled or semi-skilled persons*** who purport to provide legal advice or legal services
- educate the public about the ***limitations of title insurance and of the substantial benefits of competent legal advice*** in the purchase, sale and financing of real estate
- make ***state-of-the art research and other practice tools***, including law libraries, available to all lawyers so that the public may be effectively served throughout Ontario
- promote policies to ***enhance the public's perception of and confidence in lawyers*** and the legal profession
- promote policies to ***foster better public understanding of the scope and benefits of legal services*** particularly by those in our society who would not consult a lawyer because of ignorance of rights, misconceptions, language barriers, lack of resources or other impediments

If elected to Convocation, I pledge to work to further these important causes. I also pledge to bring to Convocation the benefit of my years of experience in leadership positions in the profession and the community and to consider all matters affecting the regulation of the legal profession with a reasonable and pragmatic attitude, a sense of fairness and compassion and an innovative spirit.

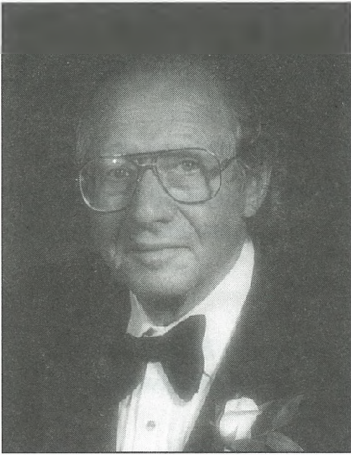
Le Barreau du Haut-Canada offre ses services dans les deux langues officielles. Dans ce cadre, je me présente comme candidat bilingue au Conseil du Barreau. Si élu, je m'engage à être à l'écoute des besoins et des intérêts des avocats et avocates et des justiciables d'expression française.

I am committed to making the legal profession work better both for the public and for lawyers.

Thank you for your support. Merci de votre appui.

Called to the Bar in 1973. Senior member of Ellyn-Barristers, a Toronto litigation and ADR firm. Certified by the Law Society as a civil litigation specialist since 1989. Has served in many leadership roles in the profession and community and as a lecturer, seminar leader, advocacy coach, writer, columnist, conference planner, speaker and fund-raiser.

President, CBAO in 1994-95 and member of CBAO and CBA executive and other committees. Currently Vice-Chair, Community Relations, Canadian Jewish Congress-Ontario Region. Serves on Toronto Chief of Police's Advisory Council on Race Relations. Speaks six languages including French. Recipient of Law Society's Bicentennial Award of Merit.



A.C. Finkelstein

Four years ago when we submitted a first application as Benchers, my commentary concerned many of the same matters that is plaguing the Ontario Real Estate Bar today.

Firstly, concerning the tenuous situation between small firm lawyers/sole practitioners and the American first Canadian Title non lawyer brand of Real Estate and their simple, easy closing centres.

Where to God it was that simple. As a recent candidate in the LLM York University Real Estate programme the complexities, diversities and sheer ongoing volume of case law and commentary are overwhelming. This writer has no doubt that somewhere the insurance issue will wind up crucifying a sole practitioner or a small firm who were tempted to utilize these easy closing centres. I refer you dear reader to the recent *Silachi vs. 1054473 Ontario Ltd.* case. The problem cannot be answered defensively, it must be addressed and attacked offensively. In plain words what is sauce for the Canadian goose in Ontario should be sauce for the American goose and the Real Estate Bar on their turf in the good old United States of America. If it requires the creation of a commercial insurance enterprise in that jurisdiction so be it. It may be money well spent. At least it deserves some serious investigation.

Secondly, again and as repetitive as it may seem, how can there be an argument that you can lop off a supposedly sick part of a long historic section, the Real Estate Bar, from their role as long standing if not first members in the Law Society and be happy. Has anyone ever done a complete economic study of the so-called solution and its ramifications?

Thirdly, as to numbers in the profession, four years ago, that issue existed and it seems remains unresolved. Its like a Viking funeral at the end nothing is left for anybody. Additionally, by latest report politics has raised its ugly head. Now, in addition to all normal examination matters the results have to be demographically or politically correct. Does this extend to the demographics in the hiring practices of the large firms?

Fourthly, as to the regulated paralegal issue and the union for lawyers' issue the former seems to have been almost completely resolved by the courts and/or governmental support and the latter is technically problematic since it requires a defensive severance of sorts again (which is anathema to this writer) and surely not worth the sacrifice.

Fifthly, this writer has no problem paying long serving benchers a form of an honorarium plus the costs, disbursements, and expenses of any and all. A fee however, is a different animal and I do not believe we are prepared for that.

Sixthly, in a democratic society, lawyers' have a singular unique role to play. It is time they that implemented those roles in a united front and not continuously wash our dirty linen in all the daily newspapers.

As we approach, the 21st Century change is necessary and it will be draconic. It is not enough for the society to exist merely as an instrument of committee and/or reaction continuing on and on and on.

In this forthcoming election it is our humble submission that all the above can require both the contribution and participation of this writer and I would ask therefore my fellow members to assist me by supporting my candidacy as Benchers.

All of which are respectfully submitted.

Born:

Toronto, December 30, 1930.

Education:

Toronto School System;
University of Toronto B.A.
1953; Osgoode Hall Law
School 1957; York University
1991 LLB.

Candidate in York University
LLM Class for 1999 -Real Estate

Personal Statistics:

Married 1955; 1 wife, 4 children;
6 grandchildren.

Affiliation of Note:

Crohn's & Colitis Foundation of
Canada, Founder - 1974,
National President 1974-1979

Professional Experience

- Barrister & Solicitor since
1957

- Practice Fields: Civil
Commercial Litigation;
Commercial & Corporate; Real
Estate; Expertise, if any, in the
fields of Business and Contract
negotiations and Law
Corporate Business

Experience:

- Privately as a: Theatre Owner;
Builder, Developer; Commercial
Landlord; Investor; Property
Manager

Dependents:

- 2 Banks

Personal Interests:

- Amateur Historian;
- Amateur Musician



Neil Finkelstein

A number of issues from prior years either have been, or on the road to being, dealt with. The insurance crisis of several years ago has now been partially remedied by the work of the Insurance Task Force, of which I was a member, and the reorganization of LPIC. The insurance program is now on a stronger financial footing. We have moved more to risk-based premium writing, and premiums are on their way down. More work must be done, however, to ensure that we continue in the right direction and never see a repeat of past years.

As well, the Legal Aid Committee, of which I was a Vice-Chair for the past year, commenced the process of restoring the Legal Aid Plan to financial health and oversaw the transition (still incomplete) to independent administration. However, there are still significant problems with the Plan, most notably that legal aid services must be significantly expanded. Even though the Plan is now being independently administered, the Law Society must continue to press for increased government funding of the new Plan, and a significant expansion of funding for criminal, immigration and family law services.

Going forward, the Law Society faces a number of challenging issues dealing with the unauthorized practice of law by multi-disciplinary practices, calls to limit the number of lawyers entering the profession, and the qualification of lawyers seeking to practise in the Province. As a Benchers, in these areas and others, I shall continue to do my best to deal with the challenges which confront the Law Society in its duties to both the profession and the public.

Benchers:

First elected 1991; re-elected 1995. Served on various committees and task forces over the past eight years, e.g., Legal Aid, Professional Regulation, Insurance, Technology

Education:

B.A. (1973), C.A. (1975), LL.B. (1979) (McGill); LL.M (Harvard, 1980)

Professional:

Law Clerk to Right Honourable Bora Laskin, Chief Justice of Canada (1980)

Senior Policy Advisor to Honourable Ian Scott, A.G. Ontario (1986)

Call to the Ontario Bar (1982)

Partner; Davies, Ward & Beck - corporate, commercial and competition litigation practice. Numerous cases at all levels of court in Canada up to and including 14 appeals in the Supreme Court of Canada

Academic:

Lecturer; Osgoode Hall Law School and University of Toronto Faculty of Law (1980's)

Author of numerous books and articles, including *Laskin's Canadian Constitutional Law* (5th edition)



Rocco Galati

- Born 1959.
- B.A.(1984), LL.B. (1987), called to bar, 1989, LL.M. (1997).
- Fluent in English, French, Spanish, Italian, Calabrian, working knowledge of Portuguese.
- August 1987- February, 1990, articulated and practised as Tax Litigator, Department of Justice.
- March 1990 to present, sole practitioner in proceedings against the Crown: Tax, Immigration, Constitutional, and Administrative with emphasis on Appeals, Judicial Review and Prerogative Remedies. Currently with Galati, Rodrigues and Associates.
- Part-time clinic work at Parkdale and CLASP (1984-1987), as well as at DLS (1990 - 1992).
- Member of: Canadian Tax Foundation, Refugee Lawyers Association, Legal Aid Area Committee.
- Publications: "The Criminal Lawyers' Guide to Immigration and Citizenship Law" (1996). Currently writing Tax book for Canada Law Book.

• Long Overdue for Racial and Ethnic Integration of Society and Judiciary

The Law Society fails to reflect our society at large. The composition of the judiciary parallels this deplorable problem. This hurts the public. Speaking from my own ethnic background, there are approximately 1.4 million Italo-Canadians in the GTA. There are about 2 million in the province of Ontario. Our numbers in the profession are close to the percentage of our population at large. Where are we to be found in the Society and in the Judiciary? Nowhere. We constitute **less than one-half of 1%** of the judiciary. If such a huge ethnic group can be institutionally ostracized in such a fashion, then the visible minorities, it goes with saying, also do not have a prayer. The Society, in protecting the public, has a duty to demand racial integration. Never mind the nonsense that "no qualified members of the bar applied or were available". Our visible and ethnic communities have had lawyers called to the Bar since prior to WWII. At the Society if, for whatever reason, we cannot get elected as benchers, then our participation **must** be ensured through committee structures. The Society's complete insensitivity and misunderstanding of this issue was manifested by its boneheaded decision to admit failed Bar-ad students on the pretext of somehow safeguarding the rights of visible or ethnic minorities. This is a disservice not only to the public but also an unforgivable disservice to those of us from visible and ethnic minorities who passed the grade and now must live and practice against the public perception that we too failed but were nonetheless shoved through.

Many of us know that as a result of discrimination many visible minorities and ethnic lawyers are forced into sole practice without choice.

• Law Society Alienates the Sole Practitioner

It is obvious that sole practitioners and other lawyers view the Law Society as an expensive nuisance and, at times, an outright obstacle to the successful practice of law. While the Law Society claims to protect the public, the Society spends an inordinate amount of time and money on disciplining trivial and technical breaches of filing deadlines. This is a direct result of the Law Society having turned the filing requirements into a year-long ordeal. The filings ought to be streamlined into a single 2-3 week filing period at the beginning of each year. In addition, despite improvement, fees and insurance remain unacceptably high. We should be allowed to obtain our own insurance on the open market.

• Law Society Fails Public and Profession

While the Society is perpetually "educating the profession", it has failed to **educate the public**. It has ignored its duty to educate and take steps to protect the public against the avalanche of "consultants", "paralegals", and "advocates". We are thus brought, in the public's mind, down to the same standards as those who have never gone to law school nor been called to the Bar. I suggest that newspaper and T.V. ads and other public information be disseminated to the public to educate and warn the public about the difference between skilled lawyers and these people. The Society also has a duty to criminally and civilly pursue the issue in the Courts. I would also suggest that the Society has a duty to educate the public about lawyers' services, fees, client expectations, etc. While the Society produces videos for the profession, it should do the same for **clients** and the public to educate the public, through a visual play by play depiction, of what lawyers do in their various areas of practice.

• Need for Voluntary and Independent Union or Association for Lawyers

It is clear to me that the profession desperately needs an **independent** and **voluntary** union or association to protect itself and advance its interests with respect to the public, Law Society, and whatever other concerns arise. This union or association must be totally divorced from the Society in every sense as well as from any other institution already in place such as the CBAO. It must be completely voluntary.

If elected, I will devote my energies to these concerns. It really is time the Society be brought down to earth and reflect the broader concerns and constituents.



Avvy Yao-Yao Go

Zizhang said: "How can one be generous without having to spend?"

The master said: "if you let the people pursue what is beneficial for them, aren't you being generous without having to spend?"

- *The Analects of Confucius*, 20.2

Whose interests are being served by the Law Society of Upper Canada? This question has been raised time and time again, not only by those members of the Law Society who feel they have been excluded from the decision making process, but also by members of the public who believe that the legal profession has failed to serve the community as a whole in accordance with its duties and obligations.

More specifically, over the last decade, more and more women and people of colour have begun entering the legal profession, thus giving rise to this question being asked more frequently in the context of Convocation - whether it reflects the full membership of the profession. Similarly, the recent overhaul of the Legal Aid system also adds to the concerns of those who cannot afford to pay for their own lawyer as they must now embrace an uncertain future without the much needed support of the Law Society.

Over the last few years, the Convocation has undertaken some initiatives to improve equity in and access to the profession. While the Convocation has made some bold decisions for arguably the right reasons, a less than satisfactory decision making process and a lack of commitment to stand firm behind such decisions may have in fact resulted in a backlash to such efforts.

I believe that the Convocation is obligated to serve the best interests of all members of the legal profession, which in 1999, includes members who practice in the legal clinic system, women, people of colour, and generally all those who have had no access to the power of the corporate corridor of the Law Society of Upper Canada.

I also believe that more - not less - needs to be done to best promote equity not only within the profession, but also in the manner in which all of us as practitioners assist members of the public.

While the Convocation clearly has some considerable interest in promoting equity, the fact remains that most of the benchers have no personal connection to the issue. What the Convocation sorely needs, are individuals who, because of their personal backgrounds or commitments, have a demonstrated experience or expertise in the promotion of equity and access. Such a complement would greatly assist the Convocation in arriving at sensible decisions which advance the underlying fundamental principles. *These can be achieved, I believe, not by spending more money, but by creating the opportunities and providing the supports which allow all members to fully pursue what is beneficial for them.*

I would like to thank the following individuals for their support and endorsement of my nomination: Paul Copeland, bencher; Derry Millar, bencher and member of the Transitional Board of Legal Aid Ontario; Nancy Backhouse, bencher and co-chair of the Treasurer's Equity Advisory Group; and Juanita Westmoreland-Traore, Dean of the Faculty of Law at Windsor University and member of the Treasurer's Equity Advisory Group.

- B.A. (Honours)
University of Waterloo (1986)
- LL.B. University of Toronto
(1989)
- LL.M. (candidate) Osgoode
Hall Law School (present)
- Articling student,
Weir & Foulds (1989-1990)
- Called to the Bar (1991)
- Clinic Director, Metro Toronto
Chinese & Southeast Asian
Legal Clinic (1992-present)
- Member, Treasurer's Equity
Advisory Group, Law Society
of Upper Canada (1998-
present)
- Executive Council Member &
Chair of Ethics Committee,
Ontario College of Traditional
Chinese Medicine and
Acupuncture (present)
- President, Chinese Canadian
National Council (Toronto
Chapter) (1989-1995)
- Vice-Chair, Court Challenges
Program of Canada (1994-
1997)
- Board member, Social Planning
Council of Metropolitan
Toronto (1996-1997)
- Board Member, Urban Alliance
on Race Relations (1991-1995)
- Member, Employment Equity
Review Committee, Manage-
ment Board of Cabinet, Ont-
ario Government (1993-1995)
- Member, Committee on Public
and Police Safety, Ministry of
the Solicitor General, Ontario
Government (1992)
- Member, Employment Equity
Regulations Drafting Commit-
tee, Employment Equity Com-
mission of Ontario (1992)



Gary Lloyd Gottlieb, Q.C.

Sole General Practitioner since 1970

B.A., LL.B., University of Toronto

Chair, General Practice Section, CBAO

Chair and speaker, Law Society and CBAO CLE programs

Benchers, 1995-1999

Member, Professional Regulation Committee, Lawyers Fund for Client Compensation, Law Society Medal Committee, Real Estate Issues Committee, Discipline Policy Committee

Vice-president of ORELA

Law Times Columnist, A Benchers' Diary

Contributor to newspapers and magazines throughout North America

Certificates in Family Mediation and Advanced Mediation Skills

Member, Metropolitan Toronto Lawyers Association

Past member, Board of Governors, past co-chair, Board of Education, Beth Shalom Synagogue

Endorsed by the Ontario Real Estate Lawyers Association

You are my secret weapon. You placed your confidence in me four years ago, and with your continued encouragement and support I shall continue to fight on your behalf.

I am not a member of the old boys' club. I see things from your perspective and keep my election promises. It has been an uphill battle all the way.

The public interest requires a healthy bar, but when I tried to amend the Law Society's role statement to reflect that simple fact, Convocation tossed the motion back in my face.

I successfully moved to vigorously prosecute paralegals who engage in the unauthorized practice of law, but Convocation would not allocate sufficient prosecutorial funds. And they will not take a hardline with the Attorney General's committee on paralegals. I know one thing: if independent paralegals want to engage in traditional areas of legal practice, let them go to law school and qualify as lawyers. Lawyers provide responsible, regulated, insured services at reasonable rates.

I made a motion to deal with the root cause of all the profession's problems, namely, the oversupply of lawyers. My motion was to responsibly and fairly restrict the number of lawyers admitted to the bar. The big firm mentality of Convocation blocked that motion.

The Legal Aid Plan was mismanaged by the Law Society and underfunded by the government. At the beginning of my benchers term I said the Society should divest itself of Legal Aid. Three years later my fellow benchers finally saw the light.

I have been a thorn in the side of our Chairs of Finance. Do not be deceived by the present fees reduction. There is still fat to be trimmed.

Do not be deceived that all is well with LPIC now that the deficit has been eliminated, in large part by siphoning your pockets. At Convocation LPIC's president confirmed my suspicion that TitlePlus is operating at a loss. I was not surprised. Applying for TitlePlus is a cumbersome computerized process. TitlePlus should take a hint from First Canadian and be user-friendly.

I pestered Finance with questions year after year until they finally admitted the Bar Admission Course was being subsidized by the profession. Good lawyers who are struggling to make a living are paying for competitors neither they nor the public need. I made a motion to make the Bar Admission Course self-sustaining. Convocation engaged in their usual pontification and rejected that motion too.

Convocation suffers from delusions of imperial grandeur. I keep telling them the Society must not engage in further entrepreneurial adventures. Just look at our abysmal track record.

I steadfastly oppose the proposed Lawyer's Workbench. Good legal software can be purchased on the open market. We must not let the Society develop software we don't want, don't need, and will not voluntarily buy.

The Law Society should restrict itself to its core functions of admission, education, regulation and discipline.

I belong to and believe in the Canadian Bar Association, but I will not support mandatory membership in the CBAO. I will not foist another mandatory organization on the profession's back.

I organize, chair, speak at and attend CLE programs. I believe in CLE, but I will not make CLE mandatory. The policies of the Law Society should not be governed by our lowest common denominator; when CLE is relevant, accessible and affordable, conscientious lawyers attend.

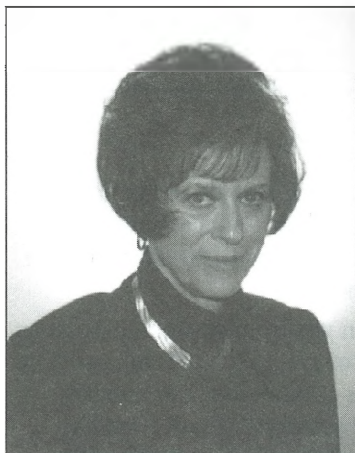
I back fair treatment for all members of the Law Society. When the big firms requested amendment of the student recruitment guidelines, I gave them my support.

But while those at the top of the legal pyramid thrive and prosper, the Society has a duty to see that sole practitioners and small firm lawyers are able to survive too.

It is sole practitioners and small firm lawyers who are invariably paraded through discipline. I will continue to bend over backwards to see that they are dealt with fairly, that they are not held to impossibly high standards of perfection.

I will continue to fearlessly advocate for fair and equal treatment of sole practitioners and small firm lawyers. We do not merely preach access to law and justice. We make it a reality in this province.

My benchers website is at <http://www.interlog.com/~glgqc/diary2.html>



Judith Z. Hans

- Member, CBA-O Real Property Executive;
- Secretary, CBA-O Electronic Searching Subcommittee;
- Member, CBA-O Certification Committee;
- Past Director, Herbie Fund (Toronto Sick Children's Hospital);
- Past President St. Paul's Federal Liberal Riding Association;
- Past President Forest Hill Ratepayers Association;
- Past President North Toronto Library Committee;
- Past Member of the Board and Executive Bialik Day School.

NUMBERS REVISITED

Judges complain about uninformed lawyers appearing in court. Real Estate lawyers complain about opposing counsel, who neither understand the nature of a requisition, nor recognize their obligation to reply and correct the problem. Lawyers generally complain about lack of courtesy in the profession - failure to reply to letters and phone calls, failure to comply with undertakings. The public complains about lack of service and communication.

Many years ago, these problems were predicted and attributed to excessive admission of lawyers to the Bar.

For some years, many lawyers newly called have not been able to obtain employment in an existing firm and, therefore, practice on their own or form firms with others newly admitted. No mentoring process takes place and the necessary learning curve is interrupted. In addition, in order to build, or maintain a practice, increasing numbers of lawyers are cutting fees - and correspondingly cutting services.

For the sake of the honour of the profession, and the best interest of the public, we must stop discussing the issue of numbers and make representation to the government for correction of the problem.

PROFESSIONAL REPRESENTATION

In recent years, benchers issued a mission statement dedicating the Law Society to protection of the public interest. Although incontrovertible, this statement ignores the fact that protection of the professional position and concerns of lawyers is not inimical to public interests. As lawyers are in business to serve and protect their clients, it is in the public interest to maintain and support a strong legal profession. The mission statement of the Law Society should be amended and its activities expanded to pro-actively represent its members. In the alternative, this function should be relegated to the CBAO, soon to be amalgamated with CDLPA, and properly funded to ensure effective representation of the legal profession.

BENCHER COMPENSATION AND BAR PARTICIPATION

Notwithstanding the fact that benchers will not be legally bound by the result of an upcoming referendum on bench compensation, ethically any vote of the benchers on this question should follow the wishes of the Bar as evidenced by the referendum.

Regardless of the result of the vote, it is time that participation of interested lawyers should be sought from the membership on the various committees which inform or direct the activities of the benchers. Just as we support equity and diversity within the profession, we should provide an avenue for participation at the governing level for all segments of the Bar. There are many lawyers who cannot afford a commitment of 50 hours a month to Law Society activity but could afford and would be interested in this more limited participation.

Using the discipline committee as an example, just as it is of value to have layman participation, it would also contribute to equitable resolution of a hearing to have participation from a member of the Bar whose practice and position in the profession reflects that of the lawyer under investigation.

PRACTICE STANDARDS

In order to maintain a high quality of service offered by the legal profession to the public, it is time that the Law Society develop a Code of Practice Standards to stand alongside its Code of Ethics. The public could thereby inform itself as to the services that they may expect in each and every specialty, while expected standards would be impressed upon lawyers acting in the field.

Of greatest concern today is the threat to both the real estate Bar and the clients it serves, due to the introduction of closing centres. Although the use of such centres is not yet prevalent and may not become popular, the very introduction of the concept raises the question of the responsibility of any solicitor who participates in such a service.

As explained by the proponents, all elements of the transaction will be handled by the closing service, while the sole obligation of the participating lawyer will be to arrange attendance at his office for execution of the required documentation. This attendance necessarily raises the question of what the public is entitled to consider as the obligatory service of the participating solicitor and his/her legal liability. Space here does not permit discussion, but the issue is one which must be addressed immediately.



Barbara J. Hendrickson

Biography

Barbara is Senior Legal Counsel with the Corporate Finance Branch of the Ontario Securities Commission. She graduated from the University of Calgary Law School in 1982 and has calls in Alberta, Manitoba and Ontario. She has LLM degrees from the University of Toronto and Osgoode Hall Law School.

Ms. Hendrickson has held a number of positions in government (including as an assistant crown attorney) and has also worked outside of government as an associate in private practise and corporate counsel with a private corporation. Her areas of expertise include securities, corporate commercial and pension/tax law. She has extensive experience in policy development and law reform and is familiar with internal government procedures and the legislative process. She is the principal author of a report of the Ontario Law Reform Commission entitled "*Report on Pensions as Family Property: Valuation and Division*". She also wrote a discussion paper on the regulation of the professions including the legal profession for the Manitoba Law Reform Commission.

Barbara has lectured extensively in CLE programs sponsored by the CBAO, Osgoode Hall Law School and private conference organizers on a number of topics including securities law in the context of the Year 2000. She has published extensively in a number of areas including the pension and tax area. She has extensive teaching experience including the Ontario Bar Admission course and commercial and criminal law at the University of Manitoba.

Barb has many years of service on the boards of a number of professional associations and community groups, where she has developed a reputation for innovative, responsive and capable leadership. She is an elected member of CBAO Council, the President of Women's Law Association of Ontario, a past member of the Government Relations Committee of CBAO Council, a past member of the Executive of the Pension and Benefits Section of CBAO, a past Chair of the Joint Action Committee on Equity and Diversity, and a past President of the Association of Law Officers of the Crown.

Election Statement

Barbara is convinced that the public interest is best served by a highly skilled and respected legal profession which provides services under the supervision of a fair, efficient and responsive self-regulatory body. As a benchers she would work to ensure that:

1. All individuals who provide legal services in Ontario are either lawyers or are supervised by lawyers and are subject to a fair and impartial disciplinary process.
2. The Law Society maintain high levels of professional competency through rigorous initial admission standards that measure competency and through high quality CLE that is accessible and affordable.
3. Governance and membership in the Law Society is reflective of the diversity of Canadian society including women and minorities as well as members practising outside of major urban centres, and members practising in non-traditional areas such as government and corporations.
4. The Law Society balance its duties to manage the Law Society bureaucracy and to regulate the profession's financial affairs with its social responsibilities to lawyers, their clients and to the public at large.
5. The Law Society's internal governance is openly democratic so as to afford all benchers an opportunity to participate in a meaningful way.
6. The Law Society not be polarized from the profession in fulfilling its mandate to regulate the profession in the public interest; that it acknowledges the contributions of lawyers and their legal associations to the public interest; and that it consults with lawyers and their legal associations in carrying out its legal mandate to act in the public interest.



Jacinth Herbert

PROFESSIONAL BACKGROUND

Raised in Kitchener; LLB, Windsor; Called 1990. Activities have included - practising family, criminal, employment and human rights in small firms; Advisor, Ont. Legislature's Standing Committee on Regulations and Private Bills; Vice-Chair, Commercial Registration Appeal Tribunal; Mediator, Grievance Settlement Board; Lawyer, Pay Equity Advocacy and Legal Services; NGO Rep., Committee for the Elimination of All Forms of Discrimination and Observer, Committee on the Elimination of Racial Discrimination (United Nations, Geneva, Switzerland); Observer European Union, and other International Organizations (Belgium and London); currently with the Ontario Human Rights Commission. Previous bar activities include - LSUC, Non-bencher member, Research and Planning; Women in the Legal Profession and Equity Committees; Member Legal Aid Sub-Committees on Criminal and Family Tariffs; President, Delos Davis Law Guild; Council Member CBAO; Executive Member, Women's Law Association.

When the Law Society of Upper Canada started some two hundred years ago the profession comprised only white males. Not until a century had passed did women and members of other equity-seeking groups gain entrance to the profession. In the last century, these groups (which include persons with differences based on race, ancestry, place of origin, colour, ethnic origin, creed, sex, sexual orientation, age, family status, handicap and so on) have had a slow climb despite increasingly stronger lobbies.

The Law Society's recent Bicentennial Report, while attempting to address the difficulties faced by some equity-seeking groups, leaves a false impression with its membership and the public it serves. The inclusion of members of these groups in Law Society initiatives has come late in the day and only in response to strong representations. The Law Society's program for these groups has been merely reactive.

The overall effect has been that neither lawyers from equity groups nor the communities from which they come are being much helped by the Law Society towards improved access to justice. While the lay-bencher process has opened up the way for representation from these communities, the actual representation from those most equipped to advocate for these groups, trained lawyers, has been marginal. Despite the efforts of those very hard working benchers who have attempted to keep the issues of these groups on the table, the absence of these groups at the table presents a glaring omission. This does not give the community at large a good impression of the bar.

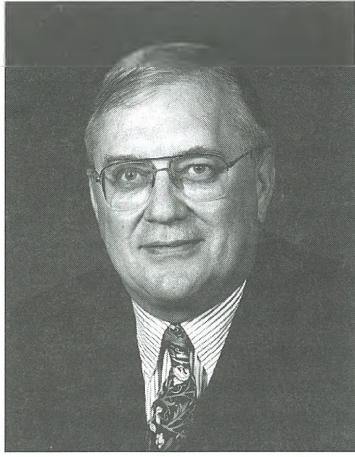
Two hundred years, and in particular, the last century, have shown us that our profession does not readily embrace change. This election affords the profession as a whole an opportunity to make a difference. The issues I raise are ones which require a commitment of time and resources. I support such a commitment.

My thoughts on other important issues:

The Law Society must:

- Make the interest of the public and access to justice paramount in all decisions.
- Continue to ensure that policies afford sole practitioners, small firms, new lawyers and underemployed lawyers the ability to make a living.
- Ensure that certain groups of lawyers and types of practices are not disproportionately subjected to auditing and discipline processes.
- Preserve a meaningful role in the Legal Aid process which preserves the certificate system and a fair tariff.
- Accept that pro-bono legal services are no substitute for a proper Legal Aid system.
- Demonstrate that limitations placed on Bar Admission Students, New and Returning Lawyers are in the public interest.
- Consult with the profession on any decision which results in mergers, increased fees and new representation.
- Appropriately fund County and District Libraries.
- Support the continued use of ADR and the increased use of technology to streamline the complexity of practice, including access to court information.
- Restrict paralegal activities.
- Continue to promote excellence in the practice.
- Ensure that law students and bar admission students from non-traditional communities are properly accommodated prior to entrance into the practice, in order to avoid the stigma that the current debate has attached to members from these communities.
- Encourage lawyers to concern themselves with the plight of the homeless by supporting existing organizations.

Finally, this is my second run for bencher. I came close in the 1995 bencher elections. I am mindful of the need of support from all sectors of the profession. I thank you in advance for your continued support.



Wayne L. Hooey, Q.C.

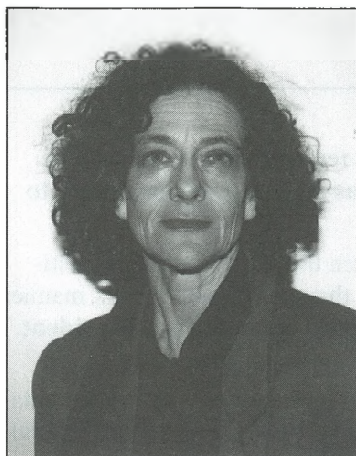
My experience as a partner in a large and small firm has given me a broad view of the issues facing our profession. My experience as a senior officer and director of both business and not-for-profit organizations will enable me to balance the concerns of lawyers with the public interest.

I will carry no particular brief except the best interests of the public and a viable, independent, self-regulated Bar.

Spot audits should be expanded. Studies should be completed early on respecting the matter of multi-discipline firms, paralegals, standards on admissibility for different cultures, requalification of existing practitioners, entrance requirements for admission to law school, the A.D.R. Pilot project, the continued financial effectiveness of our Society, summer student placement and surely **the simplification of the forms all of us file.**

I have the objectivity, common sense and good humour necessary to represent each of you.

Born Barrie 1940; Osgoode Hall Law School, LL.B. 1962; articulated Day, Wilson, Campbell & Martin; Called 1964; appointed Q.C. 1976; Partner, Lash, Johnston, Sheard & Pringle and successor firms until 1991; presently Counsel, Hooey • Remus, a six member commercial law firm; former Bar Admission Course Instructor in Commercial Law; director of various business organizations; First Vice-Chair, Toronto Rehabilitation Institute (formerly Queen Elizabeth Hospital); Chair of 925,000 member CAA Central Ontario and its insurance and travel subsidiaries; Member; Lawyers Club, Canadian Bar Association and International Bar Association.



Rena Knox

I was born in post war Germany, I moved to New York at age 5, and then moved to California at age 15. I attended UCLA, studied acting, moved to Colorado where I received a Master's Degree in European Intellectual History from the University of Colorado at Boulder. I then moved to Toronto, Canada where I received a Ph. D. in 18th Century European History from the University of Toronto.

Prior to studying law, I was an Assistant Professor of History at Queens teaching such courses as the History of Western Civilization and the History of Suffering. I have also taught, among other things, History of Manners in Early Modern Europe.

For the last 9 years, since my call to the Bar in March 1990, I have been employed by the Catholic Children's Aid Society of Toronto as an in-house Legal Counsel, in the area of Child Protection Law.

My real claim to fame, however, is my having been one of the first women to run at Hart House (University of Toronto) in 1976 when it first "officially opened" the Athletic Wing to women. I have been running continuously since then. I have run 5 marathons, including the New York Marathon in 1997.

Given my eclectic background, and my appreciation of suffering and endurance, those who vote for me can be assured that if I am elected Benchler, I shall bring a unique perspective to the Law Society.

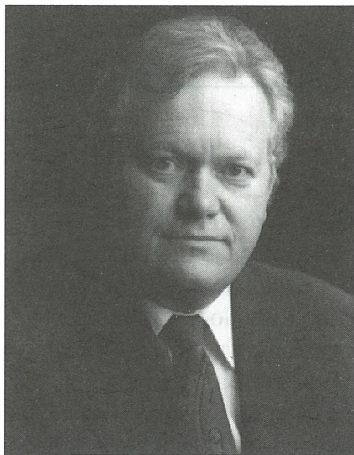
I have been practicing for approximately 9 years in the area of Child Welfare (Protection) Law. I have come into contact with many members of the Bar who frequent the Ontario Court (Provincial Division) and am surprised by the emotion generated by the mere mention of the Law Society of Upper Canada. There appears to be a great deal of anger directed at the Law Society. I have heard comments that range from "the Law Society does nothing for us", to "the Law Society should disband and let the government provide a licensing exam for lawyers". I believe most of the anger and frustration of my fellow members of the Bar stem from a feeling that though they are lawyers, they feel excluded from the very body that governs, disciplines, and regulates them. They feel betrayed, as if things are happening to them over which they have no control. Furthermore, both newer calls and more seasoned veterans have indicated that they have no idea what goes on at the Law Society. It appears to them that they are outsiders in their profession.

Specifically, they point to the mission statement and wonder why the governing body chooses to ignore it. I have heard practitioners chastise the Law Society because it does not ensure that the people of Ontario are served by lawyers who meet high standards of learning, competence, and professional conduct as the mission statement directs. They believe that there has been a lowering of standards of the Bar Admission Course, and that many of those who are called have not met the high standards of learning or competence, or professional conduct required of them. Yet they are unleashed on the public. Those I have spoken to have focused on the Law Society's almost obsessive need to ensure that those who get into law school will pass the Bar. They associate a devaluation of the profession with the glut of incompetent lawyers who pass the Bar each year. Some urge that the profession limit its numbers. Others demand a more stringent, comprehensive exam with a normative standard designed to ensure competence. Even though there is a call for a comprehensive Bar Exam, there is also a desire to ensure that members of the profession reflect the diversity in society. I have heard suggestions that the Law Society provide remedial courses, and extra tutoring to assist those who are challenged so that they can meet the high standards of one comprehensive Bar Exam.

I have also heard complaints regarding the demise of law as a profession and its rise as a business with the public interest being replaced by self interest (huge profits as the primary objective of the practice of law). Here as well, practitioners who are concerned with the negative public image suggest that the Law Society set an example and **encourage** an independent bar based upon honesty, integrity and public service. This can be done by educating the members of the Bar. Some I have spoken to have come up with the idea that **moral education** should be made an integral part of the Bar Admission Course and it could be one part of the comprehensive Bar Exam.

Often enough I have heard that the governors of the Law Society should ensure that its members are front runners in **advancing** the cause of justice and the rule of law. According to the mission statement the Law Society exists ultimately for the purpose of advancing the cause of justice and the rule of law. If this statement is to mean anything to the profession or to the public, the Law Society should ensure that its members not only are competent to practice law but also are available to **facilitate the public's access** to appropriate legal venues for resolving disputes, be that the courts, or alternative dispute resolution.

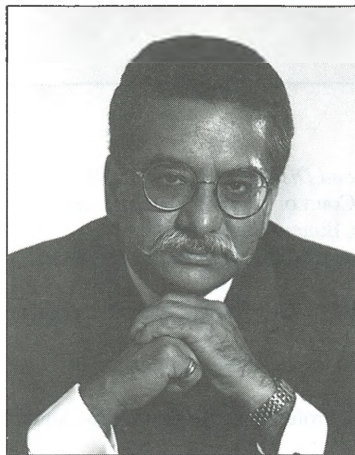
I am running for Benchler precisely because I would like to play a part in ensuring that our profession continues as a profession that is valued by its members and society. Some may think that it is naive of me to think that I could do that, but then again whoever thought that women could run at Hart House.



Irwin Koziobrocki

LL.B. 1974 University of Toronto, called 1976. Counsel, Crown Law Office-Criminal, Attorney-General for Ontario, 1976-1982. Private practice in association with Earl J. Levy, Q.C. and Louis D. Silver, Q.C., 1982 to present. Practice restricted to criminal and related litigation and particularly appellate matters. Criminal Law Specialist since 1989. Presently Vice-President, Criminal Lawyers' Association. Former member of Executive, Crown Attorneys' Association. Chairperson, board of directors, Art Therapy Institute of Toronto. Committee member, Criminal Justice Review Committee Report, 1999. Member, Attorney General's Kaufman Report Implementation Advisory Committee. Lecturer, criminal procedure and appellate matters, University of Western Ontario, Bar Admission Course, Crown Attorneys' School, Ontario Police College, Criminal Lawyers' Association, Canadian Bar Association and Advocacy Institute.

- While it is recognized that the Law Society has a responsibility to protect the public it is my view that **the Law Society also has an equal responsibility to protect the interests of the profession.**
- Our profession has come under attack and has been the subject of recent criticism. Decisions made by the Law Society in less than an open and frank manner has led directly to such criticism. **The need for more openness is self-evident.**
- The legal profession is in the process of fundamental change. The Courts are adapting to modern realities, the Legal Aid Plan is in the process of fundamental change and the criminal courts may be dramatically affected by pending federal legislation.
- The Law Society must deal with serious issues such as the **need for the fair administration and funding of the Legal Aid Plan** to ensure that those unable to fund their legal proceedings are properly represented by knowledgeable counsel who are fairly compensated.
- There is an urgent **need to control non-lawyer agents in the courts.** The Law Society has a responsibility to protect the public from untrained and uninsured fly-by-night representation.
- The Law Society has to be responsive to the needs of its members, for example, **providing conciliation programs** to foster better relations between our members and to resolve conflicts without the necessity of destructive court or disciplinary action.
- The Law Society **must provide mentoring programs that are meaningful and capable of responding to immediate issues** and the need to resolve ethical issues without delay rather than resulting in prosecution or disciplinary action and public ridicule of the profession.
- **The Law Society must be responsive to the needs of the community as a whole.** The Society's breakfast and dinner program for the homeless and the "Out of the Cold" program to provide free legal advice to the homeless is a step in the right direction but it is only a beginning and needs to be expanded.
- The Chief Justice of Ontario's **call for increased *pro bono* services** should be adopted and encouraged by the Law Society.
- **The Law Society ought to be more pro-active to the changing needs of the community.** Positions should be taken in appropriate situations where the community expects the governing body of our profession to speak out.
- The legal profession should **encourage a cross-section of its members to sit as benchers.**
- In order to encourage the sole practitioner and the members of the small firms to undertake this important responsibility **an appropriate honourarium should be provided to encourage such broad representation.**
- **The Law Society should not collect fees** on behalf of the Canadian Bar Association especially if this would mean forced membership in that organization. This would prejudice the development of legitimate legal groups such as the Criminal Lawyers' Association, the Advocate Society and others.



Vern Krishna, Q.C., FRSC

Bencher Responsibilities:

The Benchers of the Law Society are primarily responsible for the governance of the profession. Therefore, they should represent all aspects of the profession and the legal community, practitioners, law schools, industry and government.

The Society is responsible for the governance of the bar in the best interests of the community. This requires benchers to volunteer their time generously, without economic reward, to the profession to ensure its independence and well being.

Financial Efficiency:

The profession has emerged from several difficult years of financial problems exacerbated by a long and troublesome economic recession in the 90s. We have made progress on the financial issues that encumbered us. Insurance levies are down and fees have been lowered. We need to do more, however, to ensure efficient and stable management of the Law Society in the future as we enter the technological era in the delivery of legal services.

Education and Competence:

We are responsible for professional certification and competence testing without artificial barriers. Our new responsibilities under the recently amended Law Society Act now allow us the opportunity to modernize our regulatory and governance procedures better to serve us as we go into the new millennium. We must modernize our delivery of continuing education and library services to reach efficiently into all areas of the province not served by metropolitan centers.

We can properly address these responsibilities only if the governing body comprises a diverse constituency with widespread professional interests.

Commitment:

I will be honored to promote these values if members place their confidence in me to serve as a Bencher.

Educator & Practitioner:

Queen's Counsel (Canada)
Fellow of the Royal Society
Elected Bencher 1991 - 1999

Professor of Law,
University of Ottawa

Counsel, Koskie Minsky
(Toronto)

Bars of Ontario, Alberta,
Nova Scotia

Commissioner, Ontario
Securities Commission, 1994-97

Education:

B.Comm. (UK); MBA, LL.B.
(Alberta);

LL.M. (Harvard); D.C.L.
(Cambridge)

Author:

Fundamentals of Canadian
Income Tax;
Canadian International Taxation;
Essentials of Income Tax;
The General Anti-Avoidance
Rule

Managing Editor,
Canadian Current Tax

Executive Director,
CGA Tax Research Center,
University of Ottawa.

Bencher Experience:

Chair, Finance Committee,
1997-99

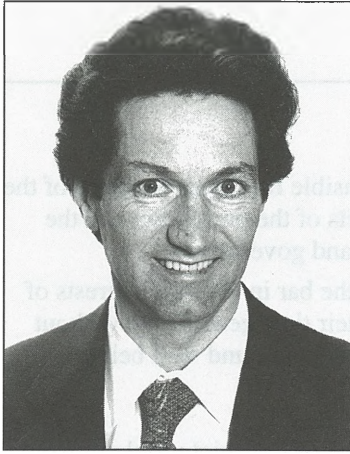
Chair, French Language
Committee, 1993-95

Member, Legal Education,
1991-97

Member, Competence Task
Force, 1998-99

Member, Professional Standards,
1993-95

Chair, Committee on LLPs, 1999



Gavin MacKenzie

Qualifications

- Author of *Lawyers and Ethics: Professional Responsibility and Discipline* (Carswell, 1993)
- Consulting Editor (with Justice Mary Newbury of the B.C. Court of Appeal), *Barristers and Solicitors in Practice* (Canadian version of *Cordery on Solicitors*, Butterworth's, 1998)
- Author, Netletter on Professional Responsibility, Discipline and Liability, *Quicklaw* (MPRO), 1998-present
- Counsel on many occasions to law firms, other professionals, the Law Society, and other regulatory bodies
- Retained to provide expert evidence on issues of professional responsibility in litigation in Ontario, Quebec, and the United States
- Bar Admission Course Teaching: Advocacy, Civil Litigation, Professional Responsibility, Administrative Law and the Charter of Rights
- Director, Advocates' Society, 1994-97
- Advocates' Society Award of Justice Selection Committee, 1997-present
- Director, LINK – The Lawyers' Assistance Programme, 1994-97
- Council Member, CBAO, 1997-present (bencher representative)
- Columnist, *The Profession* column, *Law Times*, 1995-present

Bencher Experience

- Participant in every Regular Convocation since 1995 election
- Vice-chair, Professional Regulation Committee
- Chair of working groups appointed to reform discipline rules of procedure and rules of professional conduct
- Chair of discipline, incapacity and re-admission hearing panels, and frequent author of reasons for decision
- Regular participant in Discipline Convocations
- Vice-chair, Legal Education Committee 1995-96
- Author of comprehensive report adopted by Convocation proposing reforms to process for accrediting lawyers trained outside Canada

Objectives

Enhancing Lawyers' Ability to Compete: As co-chair of Convocation's task force on reforming the Rules of Professional Conduct I expect that the new rules will better reflect the commercial realities of practice and enable the profession to respond to consumer demand for more affordable legal services without compromising high standards of professionalism.

Cost Control: I have advocated that the Law Society confine its activities to those that fall within its regulatory mandate. Over the last four years we have made considerable progress in reducing fees and levies, which in 1995 were at levels that jeopardized the viability of many lawyers' practices. I will continue to advocate cost control.

Numbers: In 1996 I brought a motion in Convocation that the Law Society appoint a task force to determine whether the expanding supply of lawyers is in the public interest. I continue to believe that the public interest is not served by an overabundance of lawyers, and that we have not yet dealt adequately with issues of admission standards.

Paralegals: Independent paralegals continue to provide legal services to the public without supervision or regulation. Few independent paralegals have formal education in law. Much of their work is complex. They are uninsured. No standards of conduct govern their behaviour. This must end. Consumers must be protected now. The first priority of the new bench should be to adopt a policy that, subject to strict regulation in narrowly confined areas (e.g. traffic tickets), paralegals should not be allowed to provide legal services to the public for a fee except under the supervision of lawyers.

Libraries: All lawyers should have equal access to legal research facilities, with costs borne equally by all practising members throughout Ontario.

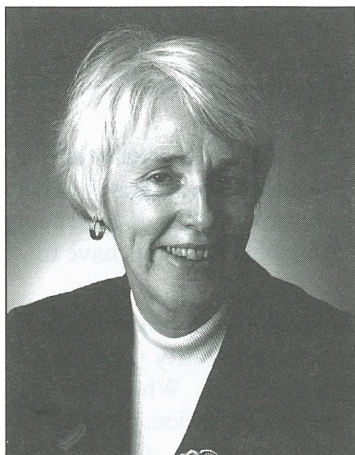
Bencher Remuneration: I voted against the motion that benchers be paid. My views have not changed.

Real Estate Practitioners: We have a duty to the public to re-establish the viability of real estate practices, which are essential to the health of the profession.

Communications: I have sought out the views of lawyers on policy issues and have welcomed the views of lawyers who have sought me out. I will continue this informal consultation, but Convocation must work systematically to seek out members' views before issues are debated.

Standing Up for our Profession: I believe that not only my work with the Law Society and other professional organizations but also my counsel practice, writing, and teaching have provided me with insights that will enable me to continue to respond to unfair criticism of our profession and to protect and enhance its reputation. I will continue to work to rebuild strained relationships between the Law Society and other professional organizations, and between the Law Society and its members. I will continue to do all I can to ensure that members will regard the Law Society not as an enemy, but as an ally.

- Partner, Genest Murray DesBrisay Lamek
- Elected bencher 1995-present
- Born Woodstock, Ontario 1952
- B.A., University of Western Ontario 1972
- LL.B., Osgoode Hall 1975
- Called to Ontario Bar 1977
- Called for Occasional Appearances to Bars of Alberta (1994), Saskatchewan (1995), and Nova Scotia (1997)
- Harvard Mediation Workshop (1997)
- Certified by Law Society as Specialist in Civil Litigation since 1989
- Senior Counsel – Discipline, Law Society 1990-93
- Commission Counsel, Commissions of Inquiry into the Conduct of Leonard Blackburn J.P. (1993-94), and John Farnum J.P. (1997-98)
- Counsel before tribunals and courts at all levels throughout Ontario



M. Virginia MacLean, Q.C.

“Communication and ingenuity in addressing challenges - the keys to the future”

There has never been a better time, or a more difficult time to choose to make a contribution to our profession. The practice of law has changed more rapidly in the last few years, than perhaps, ever in its entire history.

For example:

- the increasingly poor image of lawyers
- decrease of civility in the profession
- explosion of technology
- multi-disciplinary practices
- increase in unsupervised paralegals
- government changes implemented with the speed of lightening
- Charter challenges
- increased role of mediation
- substantial decreases in legal aid spending

These are a few of the many changes and challenges that we are facing today. What these will mean to our practices, and importantly to the Law Society, is largely undetermined. We are entering uncharted territory.

With these changes comes a concurrent change in the role of benchers. As a practicing lawyer, and through my experience with professional associations, I have been increasingly struck by the need for strategic solutions to many of the challenges that lawyers face today.

As a lawyer, lecturer and advocate, I have been an effective voice for the profession and for the protection of the public, which will serve the Law Society well. With long time experience with governments, and professional association experience in a number of lawyers' groups, I have gained valuable experience in communicating and translating into action the concerns of lawyers from all areas of practice and regions.

I believe that, even though benchers' roles may be changing, the profession has a lot to offer society. We have a valuable contribution to make. There is great concern for the increasingly poor image of the profession. The first step in improving our image must come from within. Critical to this success will be for benchers to communicate openly and to balance the needs of members and the protection of the public, with our relationship with governments, lawyers' groups and judges. All members have an equal role in play, particularly those who are outside of Toronto.

I ask for your support. I will do my best to represent the views of all members. We will all gain by building consensus, understanding and support for the tough decisions that the pending millenium will bring.

Education

1969 Call

BA (U of T)

LL.B. (Osgoode)

Q.C. (1982)

Practice Background

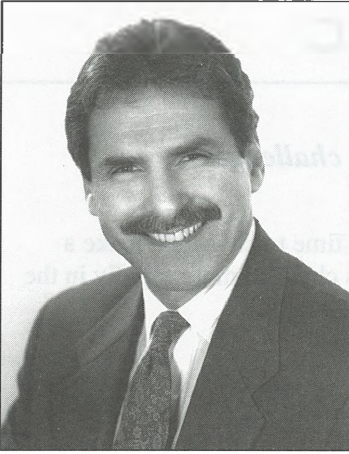
Currently, Cassels Brock & Blackwell, Municipal Law emphasis.

Started in Stratford, moved to the Ministry of Consumer and Commercial Relations.

Director of Legal Services, City of Mississauga to 1988.

Professional Activity

Lecturer in various Municipal Law CLE programs for the Canadian Bar Association (CBAO) and the Law Society. Co-author of *Canadian Forms & Precedents: Land Development*. Past Chair Municipal Law Section, currently, Chair Government Relations Committee, member of the Communications Committee, Council, Executive Committee and the Institute Committee (CBAO); member Legislation and Law Reform Committee (CBA); Director the Osgoode Society for Canadian Legal History, the Ontario Expropriation Association



Ronald D. Manes

My fifteen year old daughter Sasha told me she wants to be a lawyer. I know she is enamoured with television lawyers. That is also why I wanted to be a lawyer at her age. My heart did not leap with enthusiasm. My reaction surprised me. I love being a lawyer. I love what I do. So why the tentativeness? And what does this have to do with being a Benchers?

Few would argue with the proposition that the future of the legal profession is not as rosy as, say, fifteen years ago..... which was not as rosy as thirty years ago, etc. The point is that the profession is declining for several reasons. While we remain a noble profession and continue to be the gate keepers of Justice, political, economic and social forces combine to depreciate our value to society. Our presence in Provincial legislatures has radically diminished over time to a point where, in Ontario for example, there are few lawyer legislators. Our reputation continues to decline. Our franchise is shrinking: no fault insurance, title insurance, paralegals, accountants, ADR, etc. My point is that the legal profession is changing at warp speed, and we must rediscover and redefine ourselves if we are to remain essential to the fabric of our society.

The Law Society governs in the public interest. The legislature created a self-regulating body of lawyers with confidence that they would be public spirited. But what of the interest of our members? The legislature also appreciated that a self-regulated body would be sensitive to its members. Benchers must consider the impact upon their members in their decisions. Rather than a conflict of interest, the failure to do so would be a derogation of their statutory duty.

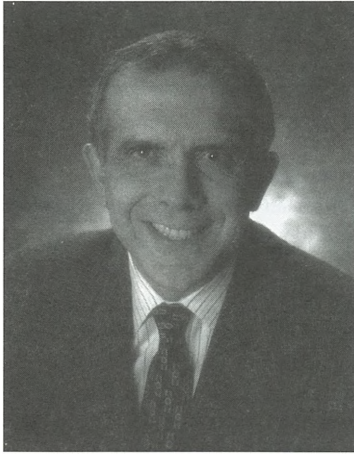
The Bar Association and the Law Associations in Ontario propose to merge and fill a leadership vacuum created by the public orientation of the Law Society and member-service orientation of the Bar Association. This new association promises advocacy of lawyers' interests and education in that regard. This will enable the Law Society to receive a steady stream of information regarding the legal profession. It is a merger which Benchers must support where it is in their power to do so.

Our members, individually and collectively, make extraordinary contributions to the communities they serve. These contributions are hardly recognized by the public in the din of media coverage regarding the relatively few disciplined and disbarred lawyers. Benchers must prioritize our goodwill and take it public.

Benchers must come to grips with the economics of the practice of law and facilitate the economic climate in which members practice. While it is not the role of the Law Society to ensure their members make a living, nor is it the right of members to make a living, the regulation of the legal profession must be sensitive to the economic imperatives of lawyers and law firms as they enter the new millennium. We are well past issues such as advertising and pre-paid legal services. The Law Society ultimately adapted its regulatory regime to accommodate the changing consumer and legal climate. Experience with these issues demonstrates that the consumers' need to access legal services, and the business case for the legal profession providing such access, are not incompatible. Now we are facing issues such as multi-disciplinary partnerships where regulatory concerns are impeding the consumers' need to access legal services and companion services eg. real estate, accounting, ADR, consulting, etc. in the same business bundle. Relationships between these service providers will benefit the consumer and enable lawyers to expand their business horizons to meet their competition. Benchers must be committed to the future rather than mired in the past. The future for lawyers is expanding the services they are capable of delivering, not just protecting the diminishing demands for the services they have traditionally provided.

Sasha will be grateful if you re-elect me.

- Osgoode Hall Law School (LLB). Laidlaw Fellow, Harvard Law School (LLM)
- Trial and Appellate advocacy. Founder and former Chair of Ontario Centre of Advocacy Training (OCAT), co-author of three textbooks, regular lecturer and demonstrator. Counsel to several public or quasi-public bodies.
- Three term elected Benchers.
- Chair of the Law Foundation of Ontario and former Chair of the Certification Board
- Founder and President of Lawyers' Assistance Program (LINK) and Volunteer Lawyers Service. Honourary Chair of Osgoode Hall Law School Alumni Association
- Recipient of Canadian Bar Association Award for Distinguished Service, Lawyer of the Year by the Advocacy Resource Centre for the Handicapped.



Frank N. Marrocco, Q.C.

University of Toronto
Law School 1967-70

Admitted to Bar 1972

• Partner, Smith Lyons

AREAS OF PRACTICE:

- Litigation with emphasis on criminal and quasi-criminal-matters; Immigration and Citizenship law
- Chair, Law Society's Government and Public Affairs Committee
- Chair, Law Society's Special Committee on Title Insurance
- Trustee, The Law Foundation of Ontario
- Vice-chair, University of Toronto, Academic Disciplinary Tribunal
- Co-author, Annotated Immigration Act
- Co-author, Annotated Citizenship Act
- Member, Law Society Joint Action, Committee for Gender Equality (as it was known then) in 1993
- Member, Advocates' Society, Criminal Lawyers' Association

The bench election provides us with an opportunity to collectively reflect on our profession – on its strengths, its vitality and its diversity. Generally we are too preoccupied with our immediate problems to be at all thoughtful about the future. I would like, therefore, to set out some of my observations about our profession for your consideration.

My view of our profession has been shaped by three factors: the time I spent practising in a small firm (over half my legal career), the time I spent in a large firm (over ten years) and finally, my experience as a benchler dealing with government as Chair of the Law Society's committees on Title Insurance and Government Relations.

Since I am seeking re-election, it seems fitting to begin by looking back. I believe that the Law Society is in a much stronger position today than it was four years ago. First, we have made a major innovation with regards to Legal Aid. By placing Legal Aid in the hands of a corporation that can focus exclusively on the needs of those who cannot afford a lawyer, we are hopeful that access to the justice system will be improved. Second, the Compensation Fund for the victims of dishonest lawyers is now properly funded for the long term. Third, the insurance deficit has been eliminated. Finally, we have improved our internal structure with the hopes of becoming more organized and efficient. The Society has a CEO, 25% fewer staff and a reformed legislative mandate.

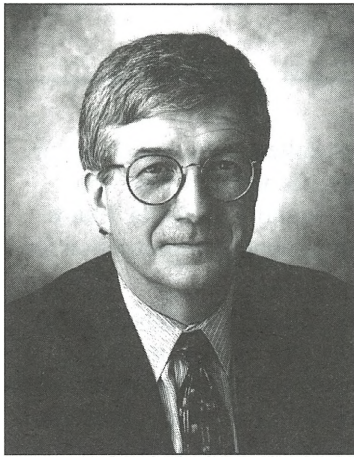
More important than looking back, we must look forward to the new millennium. As the legal landscape undergoes major institutional changes, I believe that it is important for Ontario lawyers to work together. We have to be willing to engage in creative and innovative thinking. We have to work to overcome the internal barriers that divide us. We must maintain and expand on our commitment to visible and invisible minorities by being open to changes, sensitive to criticism and accessible to everyone in our profession.

We must become a stronger and more unified legal community so that we will be better able to face the challenges that come from the array of persons who are not lawyers but whose specialized activity amounts to the virtual practice of law. As paralegals, specialized consultants, accounting firms and financial institutions move into the legal arena, the role of the lawyer may change quite dramatically. The Society's responsibility is to constructively manage the direction and pace of that change.

As American law firms follow their clients to Canada, Ontario lawyers face other problems. We need to study this phenomenon to be prepared to stay competitive, as the practice of law becomes increasingly international.

At the more local level, the Law Society must commit itself to improving the public's understanding of our contribution to a democratic society. We must be sensitive to our public image and responsive to criticisms that reach us from our elected legislators. A strong, competitive, independently minded legal profession is certainly in our own interests. What we sometimes forget to convey is the extent to which it is very much in the public's interest too.

The new millennium promises to be an interesting and challenging time for us. By committing ourselves to building a stronger professional community, dealing with internal and external competition and improving our public image, I believe that we can enhance the practice of law in Ontario.



W.A. Derry Millar

When I ran in 1995, I stated that the Society must justify its governance and work for the interests of both its members and the public. I committed myself to serve both interests without sacrificing either. In the past four years, I have worked very hard to achieve these goals, and I ask for your support as I seek re-election.

I have served in a variety of roles. I am Chair of the Clinic Funding Committee; a member of the Legal Aid Committee; a Law Society-nominated member of the Transitional Board of Legal Aid Ontario; and Co-Chair of the Rules of Professional Conduct Task Force. I have served as: Chair of the Professional Standards Committee; Vice-Chair of the Legal Education Committee; Chair of the Professional Development and Competence Committee; Co-Chair of the Mandatory Continuing Legal Education Sub-committee; and Co-Chair of the first Competence Task Force.

LAW SOCIETY - GOVERNANCE: We have made progress improving the governance of the profession. Convocation developed equity programs for all members. We achieved the passage of the *Law Society Amendment Act*, which will streamline the regulatory functions of the Society. However, I remain concerned about communications. While the Society has improved communications with the *Gazette* and the web site, we must do more.

On the issue of remuneration, I believe that benchers sitting on long discipline hearings should be compensated. These hearings are a serious economic burden, particularly for sole practitioners and benchers from small firms. Aside from long hearings, however, Benchers should not be paid.

COST OF MEMBERSHIP: The Society's fees and charges have been reduced, while financial and administrative performance has improved. Convocation has made it easier for members to pay fees. I supported these initiatives.

INSURANCE: Insurance premiums have been reduced; however, premiums are still too high and their impact on the ability to maintain a practice is still a concern. LPIC and Convocation must continue to work for lower premiums.

LEGAL AID: A major accomplishment was the new *Legal Aid Act*. Convocation's goal was to ensure that the new governing body was independent of both the government and the Society. The new Act meets that objective and will permit the improvement of legal aid.

As a member of the Board of Legal Aid Ontario, I will work to strengthen our Legal Aid system. I am committed to ensuring that lawyers providing legal aid receive fair compensation.

RULES OF PROFESSIONAL CONDUCT: The Rules of Professional Conduct Task Force has the task of modernizing the Rules of Professional Conduct to better serve the profession and the public. The new rules should be reasonable, responsive to contemporary problems, and should better express the standards of an honourable and learned profession. The Task Force will address artificial barriers to the practice of law and will incorporate the work of the multi-disciplinary task force.

PROFESSIONAL STANDARDS AND DISCIPLINE: As a result of the first Competence Task Force, Convocation approved a definition of the competent lawyer, which is now being used by the current Competence Task Force. I support efforts by the Society to assist our members to enhance their competence. Discipline should be the last resort, and the Society should develop programs to assist lawyers to practise competently. For example, the Practice Review Program was a program aimed at solving problems for our members. I have supported these initiatives and will continue to support them.

EDUCATION: I met lawyers throughout the province to discuss the problems of continuing legal education (CLE). While Convocation did not approve mandatory CLE, the ideas generated by the sub-committee are now being used to enhance CLE. I have supported and will continue to support innovative methods to make CLE accessible and affordable. I support the Society's equity initiatives in education.

LIBRARIES: I supported the purchase of new technology. I supported the "blended model" recommended by the Phase I report of the working group on county libraries. I support centralized funding for libraries so that all members have access to the resources they need.

COMMITMENT: As a Bencher, I am committed to improving the regulation of the profession in the public interest in ways that meet the needs of the profession. I will devote the time and effort that this important work requires. In seeking re-election, I ask for your support.

Called 1974. Partner,
Weir & Foulds, litigator.

LL.B. (Dalhousie); B.A.,
(Saskatchewan); Law Clerk,
S.C.C.

Elected Bencher, 1995;
Committee memberships:
Clinic Funding (Chair); Legal Aid;
Transitional Board of Directors,
Legal Aid Ontario; Rules of
Professional Conduct Task
Force (Co-Chair); Competence
Task Force (past Co-Chair);
Professional Development &
Competence (past Chair);
Professional Regulation (past
Vice-Chair); Professional
Standards (past Chair);
Legal Education
(past Vice-Chair); Mandatory
Continuing Legal Education
(past Co-Chair).

Co-editor Ontario Annual
Practice; Member, Civil Rules
Committee; Past Chair and Past
Treasurer, Ontario Centre for
Advocacy Training; Past Chair,
Boards of Inquiry, Public Com-
plaints (Police Services Act);
Speaker at CLE programs.

Member: CBA; Advocates'
Society (past director); MTLA;
Past President/Director,
Ontario Cystic Fibrosis Camp;
Past Director, Low Vision
Association of Ontario; Teacher,
1966/68, Bogotá, Colombia
under the auspices of CUSO.



Janet E. Minor

B.A., LL.B. (University of Toronto), LL.M. (Osgoode) called to Bar 1975

Manning Bruce 1975-1977
- general litigation

Ministry of Attorney General
1977 - present

Crown Law Office - Civil
Constitutional Law Branch
since 1989 - General Counsel

- appearances before all levels of court in Ontario, Federal Court and Supreme Court of Canada
- member, former Director, Advocates' Society
- past Chair, Sir William Campbell Foundation
- founding member, Association of Law Officers of the Crown
- past executive, CBAO - Constitutional Section
- former seminar leader - Public Law and Advocacy Bar Admission Course
- member, Lawyers' Club
- member, University Tribunal & Discipline Appeals Board - University of Toronto
- speaker at numerous educational programmes

Self government is fundamental to the independence of the legal profession. It can be maintained only so long as there is confidence that self governance is in the public interest. This is the mandate and should be the focus of the Law Society. Convocation needs to reflect the diversity of people and legal practices, both traditional and non-traditional, throughout Ontario. We must be progressive, equitable and inclusive. At the same time, our decisions and standards must be principled and promote the public interest and profession at large.

Background

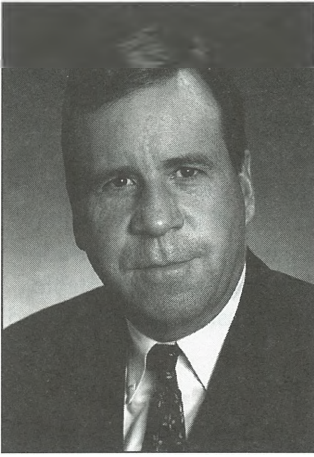
I grew up in the Niagara Peninsula and claim dual citizenship in both urban and rural Ontario. My participation in our professional organizations, early experience in private practice and my public law practice have given me an appreciation of the many different strengths and needs of our profession. These experiences have also reinforced for me the importance of ensuring that a governing structure reflect its membership and be accessible. Good communication, within the organization itself, with its larger membership and the public, is key.

I have been a public servant under five different governments. I currently give legal advice to the most senior levels of the provincial government and public service on legislative and policy initiatives, and also represent the government in constitutional challenges to its legislation. As a result, I have extensive (and sometimes painful) experience in what is involved in public interest analysis. I appreciate the importance of identifying all affected interests and weighing the ramifications of decisions very carefully. Very few issues are simple; quick fixes are often not the best long-term solutions.

Current Issues

- Public and professional confidence in the Law Society's ability to regulate and maintain standards of entry to the profession have been shaken. While we must ensure that candidates for entry are not subject to unfair conditions, it is vital that principled and consistent standards and procedures are applied to all candidates and are understood by the profession and the public. Confidence is not earned by saying "trust me".
- Maintaining standards also involves continuing education. I support some form of mandatory continuing legal education. We must ensure that it is high quality, cost-effective and easily accessible.
- The Law Society needs strong executive leadership. We also need policies and priorities which reflect the informed views of Convocation. I support a review of the mechanisms which currently exist for setting the policies and priorities of Convocation.
- I support the merger of the CBAO and CDLPA. Both are excellent organizations. However, I query how the independence of the legal profession is furthered by requesting the government to legislate compulsory membership or dues payment to a legal professional organization, no matter how meritorious the organization is. I recommend exploring other means of funding to ensure the organization's viability and vitality.
- We must continue to improve access to the justice system for all. As one step, the Law Society should consider adopting measures that encourage voluntary pro bono activities by lawyers.
- Women, minorities and people with disabilities have gained some ground in the profession since I was called to the bar in 1975. There is much yet to be done, as is demonstrated by the difficulties that continue to be experienced in attitudes, earnings and working conditions.

I am anxious to see improvements made for the benefit of the public and the profession. I would consider it a privilege to serve the profession as a Benchers.



James C. Orr

It has been a benefit to practice law within a large firm and to have then participated in the start-up of a much smaller partnership. The professional issues remain the same, but the practical day to day perspective is very different.

The various Law Society fees, levies and premiums are applicable to lawyers in all firms, but are more noticeable in a small firm. It is obvious, particularly when reference is made to comparable charges in other jurisdictions, that they are simply too high.

The basic reason for this seems to be the inclination of the Law Society to become engaged in ventures peripheral to its mandate. An example is the decision of the Law Society to operate its own insurance company. This has been an expensive adventure, even when taking into account the recent efforts to reduce the losses.

It is not surprising that the Law Society realized significant losses. It was a business in which the Law Society had no particular expertise.

History may be about to repeat itself as the Law Society considers establishing an electronic publishing operation. Again, this is something not central to the Law Society's mandate. The potential exists for this to become the next financial sink-hole funded by the members.

The benchers should stick to basics and direct their energies to dealing with those issues that do fall directly within the Law Society's mandate, primarily those relating to the competence and integrity of the bar. It is too expensive and not practical to be all things to all people. The lack of focus can lead to failures in fulfilling more basic obligations in professional governance.

A prime example of this is the recent debacle occasioned by the admission to the bar of a number of students who had failed the Bar Admission Course. This episode undermined the public's confidence in the profession and unfairly called into question the competence of recent graduates.

The problem occurred because the initial action by the Law Society, no matter how well intentioned, was arbitrary. The backlash was predictable as a transparent and uniform system is much more likely to produce a result that is regarded as fair than is a process shrouded in mystery.

If there is a fundamental problem with the fairness of the Bar Admission Course, the problem must be corrected. The solution is not to randomly ignore the results of the existing process.

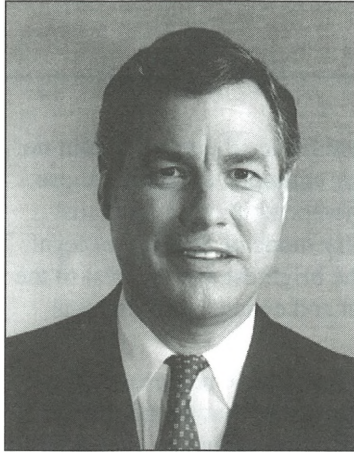
There is currently a proposal that benchers be paid. This would be an expensive mistake. The justification offered is that being a bencher imposes significant demands on an individual's time and this operates to prevent candidates from coming forward who are sole practitioners or members of smaller firms.

However, in the last benchers election, there were 75 candidates for the 20 Toronto positions. A large number of these 75 candidates were sole practitioners or members of small firms. It seems that the under-representation of this constituency in convocation is not the result of a lack of willingness on the part of qualified candidates to come forward.

There are problems with paying benchers, quite apart from the fact that this will invariably increase the financial burden on all members. The absence of payment for what has always been regarded as an onerous voluntary commitment should lead to a more rapid turnover in convocation. The Law Society can only benefit by the infusion of fresh ideas from the large number of qualified people within the profession who are willing to serve.

In addition, the absence of remuneration may operate to discourage time (and money) being spent on adventures not central to the governance of the profession. The amount of time that each bencher must spend on the Law Society's business would be dramatically reduced if the Law Society confined its activities to those matters directly within its mandate.

- Graduated from Dalhousie Law School in 1981;
- Called to the Ontario Bar in 1983;
- Called to the Nova Scotia Bar in 1985;
- Student and associate with Stikeman, Elliott;
- Former partner of Fasken Campbell Godfrey;
- Currently partner of Kelly Affleck Greene;
- General Litigation practice;
- Past Lecturer Osgoode Hall Law School and University of Toronto Faculty of Law;
- Authored and presented papers at conferences sponsored by the Law Society of Upper Canada and the Canadian Bar Association;
- Member of the Advocates' Society and the Canadian Bar Association



Niels Ortved

Partner, McCarthy Tétrault
(Toronto)

Currently Managing Partner

Benchers since 1997

Currently Vice-Chair, Professional Regulation Committee

Educated University of Toronto,
Faculty of Law (LL.B. 1971)

Called to the Bar 1973

Practice confined to
Litigation – Civil, Criminal and
Administrative Law

Part-time faculty member,
University of Toronto, Faculty
of Law (1980-1987)

Former lecturer and instructor,
Bar Admission Course

Author of numerous articles
and contributor to various continuing
education programmes in the areas of
advocacy, civil litigation and criminal law

Member, American College of
Trial Lawyers, ABA, Advocates'
Society, Criminal Lawyers'
Association, IBA, Medico-Legal
Society and Metropolitan
Toronto Lawyers' Association

Self-regulation of the profession is a significant privilege. Coincidentally, it carries with it onerous responsibilities. In a society which is increasingly critical we must take special care that our ability to govern ourselves is not eroded. To guard against this possibility the Law Society must be closely attuned to governing the profession in the public interest. At the same time, our governing body has to stay in touch with the views and needs of lawyers and work to increase the support of the profession.

As part of the current Bench, I believe that there have been areas in which significant progress has been made.

First, it would now appear safe to say that the professional insurance crisis which this Bench inherited on taking office is now behind us. LPIC's most recent report to Convocation notes that the deficit has been eliminated, it is now fully capitalized and the company expects to generate enough earnings from current operations to meet future capital needs. Base premiums for 1999 are to be further reduced by \$1,000 per insured lawyer.

Second, membership fees continue to decline. The 1999 fee of \$1,322 is a full 24% decrease from the 1998 fee of \$1,747. More striking, our 1999 fee is now at approximately the same level as the 1992/3 annual fee.

Third, responsibility for the operation and administration of Legal Aid has been transferred to a new organization independent of the government and the Law Society. Incidentally, this transfer enables the Society to save approximately \$5,000,000 in administration costs each year.

Fourth, amendments to the *Law Society Act* have now been passed into law. Among these amendments are provisions which will modernize the discipline process. In its totality, the amended Act will better allow the Society to carry out its mandate to govern the profession in the public interest.

In the next four years, the Law Society will be confronted with other major challenges.

First, the whole process of articling and the Bar Admission Course must be rethought. In the current competitive environment, our present system takes too long, is too disjointed and seems almost designed to compound problems of financial hardship. It goes without saying that the Law Society should ensure that the citizens of Ontario are served by lawyers who are well-trained. However, we should be seeking to accomplish this with a model which is less cumbersome, less lengthy and less intrusive for law school graduates as far as their ultimate qualification is concerned.

Second, continuing competence is an essential concern. We should be encouraging the maintenance of standards throughout every lawyer's career. The Law Society should take a leadership role to ensure not only that those entering the profession have the necessary skills and competence, but also that their skills and competence are renewed on an ongoing basis. Continuing education courses should be frequent, conveniently accessed regardless of geographical location and available on an economic basis. Our goal should be to ensure qualified, up-to-date professionals wherever they happen to practice.

Third, access to affordable justice continues as a serious concern. As a profession, we must meet this challenge; the public expects no less. It is incumbent on us to explore and promote mechanisms that will reduce the costs of dispute resolution as well as expediting the process.

Finally, it would be remiss for a candidate for Benchers in 1999 to fail to comment on the subject of Benchers remuneration. I am opposed to compensation for Benchers. I believe that the opportunity to serve as a Benchers is a privilege which one should be prepared to undertake as one means of returning something to our profession.

I am a fervent believer in the value of the contribution historically made by our profession. In seeking to serve as a Benchers, I am requesting the opportunity to play a part in the continuation of that tradition.



Marilyn L. Pilkington

These are challenging times for the legal profession and for legal education, but no professional governing body in North America is better equipped to address those challenges than ours. We have a strong and diverse membership, with specialist expertise in every field of law and practice, and in every mode of delivery of legal services. We have excellent law schools that attract the brightest and the best to the study of law. And we have a shared desire to maintain and enhance professional standards in a rapidly changing environment.

Through the Law Society, we need to focus these formidable resources on the issues that face our profession, and work proactively to ensure that the people of Ontario are well-served by lawyers and by the administration of justice. We need to seek ways to enhance the quality of lawyers' professional lives, and to build on the best traditions of the legal profession.

In virtually every field, law has become more challenging and more complex. Our society looks to law and legal institutions as a means of addressing broad social issues and resolving conflicts in fundamental values. New forms of property, entitlement and enterprise generate new issues and complex regulation. Globalization and technology change the environment in which we work, spawn a new generation of legal issues, and speed up the pace of change.

The shelf-life of legal knowledge is increasingly limited. Some lawyers' practices have become more and more specialized. Others face the daunting task of maintaining competence across several fields of law.

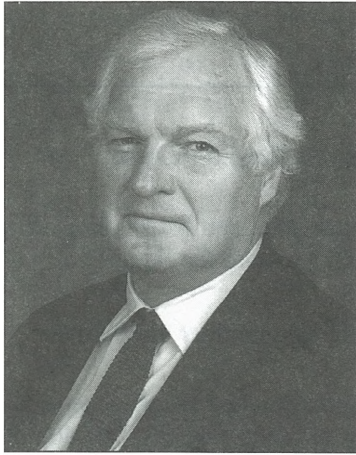
Moreover, clients want to buy legal expertise, not the opportunity to educate a lawyer, and increasingly they shop for legal services. The profession faces competition from financial institutions, paralegals, accountants and conflict resolution practitioners – offering targeted services without regulation and frequently at rates which lawyers rendering professionally competent services cannot match. The business aspects of the practice of law compel increasing attention, and pose risks to the professionalism that is its core.

Of special concern to me is the impact of these pressures on the capacity of the profession to continue educating new lawyers through the mentoring processes on which we have traditionally relied. We need to assess alternative means of ensuring that those who are called to the bar are both well-educated in the rich intellectual foundations of the law, and competent to deliver a high standard of professional service in the fields in which they seek to practice.

Our LLB programs, which provide about 18 months of teaching time, coupled with eleven months of articling and the additional training in the bar admission course – each of these stages operating as watertight compartments – do not provide optimum preparation for the practice of law. The success of Osgoode's new part-time LLM programs, intensive trial advocacy and mediation programs, and other continuing legal education offerings, indicates an appetite within the profession for specialist education and continuing professional development. In my view, the Law Society should renew its efforts to support the continuing competence of its members through well-designed, accessible, cost-effective programs and a broadly-based review of the continuum of legal education.

The Law Society's regulatory jurisdiction should reflect the highest standards of integrity and fairness, and its policy-making should be informed by open consultative processes, strategic planning, and wise decision making, taking into account the capacities of the profession and the needs of the public it serves. The Law Society's regulatory and policy-making processes benefit from the contributions of lawyers, and lay benchers, with a wide range of backgrounds and expertise, and I would welcome the opportunity to contribute my experience, and my dedicated effort, to its work.

- BA (Hons) (Alberta), LLB (Toronto), LLD (LSUC)
- law professor (1980-) and dean (1993-98), Osgoode Hall Law School; led restructuring of resources, programs and student services, established the Professional Development Program (specialized part-time LLM programs for practising lawyers in 12 fields), and decreased LLB enrolment to enhance the learning environment
- teaches evidence, constitutional law, civil procedure and legal profession
- experience in civil litigation practice, on tribunals, and as independent chair of corporate meetings
- service on university policy bodies, professional organizations, policy research institutes, law reform projects, and on Law Society committees (professional competence, legal education, specialist certification and the discipline process)



Julian Porter, Q.C.

Julian Porter, Q.C., has been a barrister since he was called to the Bar in 1964. His first 8 years were with Walter Williston and John Sopinka at Fasken's. Then he ran his own very small law firm until 1997 when he joined Gowling, Strathy & Henderson. He has been involved in a variety of civil and criminal cases throughout the Province. He has given numerous lectures on cross-examination and has been a lecturer and panelist in a variety of legal education programmes. He is co-author of *Canadian Libel Practice*. His commitment to community and public services include being Chairman of the TTC, President of the CNE, on the Board of the Stratford Shakespearian Festival and on the Board of the Cancer Research Foundation.

He is a member and past director of the Advocates' Society and is a fellow of the American College of Trial Lawyers.

He is married to Anna Porter, the Canadian publisher.

I believe the Benchers have recently made a lot of tough and necessary decisions.

I propose to bring a measured view to problems and I propose to learn. I do not have a lot of preconceived views. Like most practitioners, one is so busy surviving the hurly burly of practise so there is no time to develop sophisticated views. I will learn - litigation lawyers are a quick study.

I ran my own small law firm for almost 25 years so I know first hand the vagaries of a small practise. I recently joined Gowlings which provides another perspective.

I do see some major problems.

As ever, our image as lawyers is a continuing problem, but is one that must be continually addressed. I have reservations about the vote allowing the 28 students to be admitted by Convocation after failing the Bar Admission Course but that is history.

Lawyers are facing economic issues while our franchise is shrinking.

Many litigation lawyers have suffered due to No Fault Insurance.

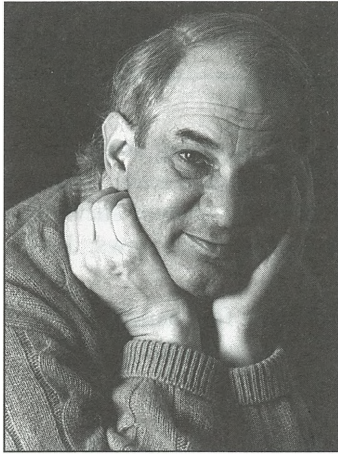
Real Estate lawyers have been hit with the title insurance and competition from banks and other institutions providing legal advice.

Large accounting firms with legal departments represent a threat to our access to work. Independent paralegals continue to provide legal services without supervision or regulation. This must stop.

It is very difficult for lawyers recently called to the bar to practice in this highly competitive atmosphere. Their problems will be a priority for me.

Our economic base appears to be declining and the Law Society must grapple with a response. We must regulate our profession in our interest and the public interest but always with an eye on economic realities. Change is upon us and it will be difficult. Your benchers should be prepared to: approach problems with an unbiased eye, listen to members, and scrutinize proposals with great care and caution.

Last, I think it would be a great learning experience to be a benchers. If elected, it will prove you can teach an older practitioner new tricks!



Clayton C. Ruby

You've probably never paid much attention to the Lawyers Fund for Client Compensation.

But if you look carefully at your statement of annual fees, you'll see a line on that statement that acknowledges that you're paying \$235 toward the Fund.

It is a trust.

We manage it very carefully. I chair the responsible Committee. I have done that since 1990.

When dishonest lawyers cheat their clients, the profession as a whole accepts a responsibility to relieve the hardship caused to persons of modest means. We do not pay banks or financial institutions. They can look out for themselves. There may be many losses respecting a single dishonest lawyer. We repay up to \$100,000 for each loss with no limit on the total amount.

Lawyers created this Fund. Lawyers manage it. It is a last resort for those who are unable to recover their losses by lawsuit or any other means.

Today the Fund holds approximately \$22.5 million in trust to pay clients who are cheated by dishonest lawyers. The 'worst case' scenario for the maximum possible payment out of the Fund is only \$14.3 million. Probably, we'll pay less than half that amount after each claim has been scrutinized and assessed.

Recently, LPIC decided it would stem the tide of mortgage claims by refusing to pay any claim arising from a mortgage brokerage situation. This has substantially protected our insurance company and our insurance premiums. But it also means that many of these claims, when they do involve dishonesty, will now come to the Lawyers Fund for Client Compensation. So the Lawyers Fund is now paying special attention to those lawyers who engage in mortgage brokering. And our audit programme will pay very special attention to this group in an attempt to stop losses before they occur. Since 1991, the Lawyers Fund has paid \$25 million in claims. \$16.5 million of that calamity for the public was visited upon us by only 15 members who were involved in dishonest mortgage brokering activity.

It is important that we offer to relieve hardship for those who have been cheated by dishonest lawyers. But it is better if we can prevent the loss entirely. That's truly in the public interest.

My own view is that, in large measure, the problem is that we have refused to take responsibility as a profession for the actions of those who are making money by acting for both sides on a transaction. We allow lawyers to act for both sides in many contexts. In real estate transactions, especially mortgage brokering, this has cost us dearly. Because there are not lawyers on each side of a transaction looking out for their own client's separate interest, the temptation engendered in dishonest lawyers and negligent lawyers – to cut corners and to fail to protect both parties – has been devastating.

Some Benchers have been pressing for a change to this rule. Despite the fact that it will mean more work for lawyers, not less, opposition to change has been fierce. It was discussed. It was sent to Committee. The Committee studies it. The Committee reports back. But little is done.

British Columbia prohibits lawyers from acting on both sides of transactions except where the community is too geographically isolated to sustain two lawyers. Their Compensation Fund levy is \$115 per year.

We have to move into the future.

We must press government to provide adequate funding for Legal Aid — something that we may be able to do more effectively now that we are not their partners. We need to improve our efforts to create diversity in the legal profession, so that the Bar truly reflects the people of Ontario. We need to ensure that there are more women elected as Benchers of the Law Society of Upper Canada because women bring a perspective that is both unique and important. Vote for women and minorities.

We can do better.

Personal

Date of Birth: February 6, 1942

Education

1963 B.A. - York University

1967 LL.B. - University of Toronto

1969 Called to the Bar

1973 LL.M. - University of California (Berkeley)

Employment

1969 to present: Private practice in criminal, constitutional and administrative law

1976 to present:

Partner - Ruby & Edwardh

Professional Memberships and Affiliations

Benchers, Law Society of Upper Canada

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

Member, Writers' Union of Canada

Community Memberships and Affiliations

Director, Earthroots

Director, Greenpeace Canada Charitable Foundation

Director, PEN Canada

Director, Sierra Legal Defence Fund

Honourary Patron, Native Men's Residence

Community Associate, Social Planning Council of Metropolitan Toronto

Publications

LawLawLaw, book for laymen, House of Anansi Press, 1973

Sentencing, 5th edition, 1999, textbook for lawyers, Butterworths

Criminal Sentencing Digest, co-author, 1st edition, 1993, digest for lawyers, Butterworths

Editor, *Canadian Rights Reporter*, a series of case reports on the Canadian *Charter of Rights and Freedoms*, Butterworths



Fern E. Sager

“SOME OF MY BEST FRIENDS ARE LAWYERS”.

There are many issues facing lawyers today not the least of which is their public perception. In making the decision to run for Bencher, it is my hope to become actively involved in the transformation process the Law Society is now undergoing in preparing itself for the new millennium. In my mind part of this process would certainly be to improve the public image of the lawyer, but also to better the practice of law itself by working with the governing body to effect necessary changes.

ADR PILOT PROJECT

Over the past two years I have been involved in the planning stages for the Alternative Dispute Resolution pilot program now being introduced at the Law Society of Upper Canada. A goal of this project is to import mediation as a mechanism toward the early resolution of disputes between complainants, members and the LSUC. I have also volunteered my time as a mediator for the ADR pilot project.

REFLECTING THE NEEDS OF TODAY’S MEMBERS

In addition, I believe the mix of Benchers should accurately reflect the make up of the profession as it is today. We should have lawyers from all the walks of life in which we practice. I myself formed a small and unique firm with my sister. However, I have in the past practiced at a large international firm, a mid size firm and have been employed with a branch of the government. All of these experiences have given me insight into some of the possible parameters in which one can practice law. As the face of the “average” law firm changes, so too should its representative body.

A LAW CAREER & QUALITY OF LIFE

The decision to start my own firm was highly motivated by a desire to find a way to practice law and allow for a quality of life outside the law. I am sure that my family have benefited greatly by the flexibility gained by this choice and so have I. It has permitted me time to pursue other interests and opportunities such as undertaking a part-time LL.M. program in ADR. I also sit on the executive and chair meetings of the Student Advisory Council at my children’s school. Furthermore, it is being in control of my own practice that permits me to put myself forward as a candidate for Bencher.

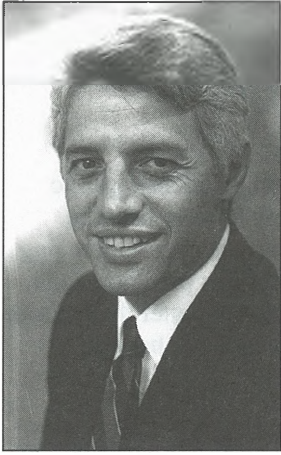
BENCHER REMUNERATION

An important issue that has surfaced in this year’s election is the question of Bencher remuneration. It is my opinion that people should be guided by the intention to do good for the profession and not by remuneration. Now that the issue has been put to the membership, the Benchers can be directed by the results of the referendum question included on the election ballot.

CONCLUSION

Some of my best friends are Lawyers, because the lawyers I know are honest, intelligent, ethical people. I am proud to be part of this profession and would be honoured to serve as your Bencher.

- Presently at
SAGER & SAGER.
- Formerly of Baker & McKenzie, Regional Municipality of York and Lee, Fireman, Regan
- Civil Litigation Practice with emphasis on Employment, Commercial, Entertainment and Environmental Law
- Trial counsel for precedent setting *Daishowa Inc. v. Friends of the Lubicon et al.*
- Mediator, instructor and designer of courses in Negotiation and Mediation
- Roster Mediator, Ontario Mandatory Mediation Program – Toronto
- Involved in planning stages of LSUC ADR pilot program
- Member of LSUC subcommittee establishing criteria to assess ADR pilot program
- B.A. University of Western Ontario
- LL.B Osgoode Hall Law School
- Called in 1988
- LL.M.* in Alternative Dispute Resolution (*expected completion April ‘99)



Sil Salvaterra

In a rapidly changing social and legal environment, the Law Society faces increasing demands to adapt.

Convocation and the profession must rise to the challenges posed by changing demographics, increasing social inequity and serving the public interest. Faced with the profession and the public's demands to be transparent and accountable, LSUC must maintain the public trust and regulatory freedom it enjoys.

With your support I will work diligently to ensure:

- 1) INCREASED OPENNESS IN LSUC DECISION MAKING;**
- 2) CONTINUING ACCOUNTABILITY OF LSUC TO ITS MEMBERS AND THE PUBLIC;**
- 3) REGULATION OF PARALEGALS;**
- 4) ENHANCING PUBLIC PROTECTION;**
- 5) ADVANCING THE RULES OF PROFESSIONAL CONDUCT;**
- 6) PROMOTING GREATER ACCESS TO LEGAL SERVICES.**

While the Legal Aid Plan has been transformed into a separate corporation, LSUC still has an ongoing public duty to foster legal services through an efficient, affordable and accessible system of justice. The profession must address the growing crisis experienced by unrepresented litigants in the Province's family and criminal courts, as well as those appearing in a myriad of administrative tribunals.

It is critical to restore faith and confidence in our profession by its members and the public. The privilege of self governance demands that the profession protect the public interest. This can only be accomplished by maintaining educational, practise and ethical standards beyond reproach. **The Law Society must work in a progressive and representative fashion to serve the profession and the public's interests.**

LSUC will only be successful in meeting its dual responsibilities, to its members and the public, if it is governed in an open and conscientious fashion. **I am committed to these ends. I trust you are too.**

Education:

- B.A. University of Toronto
- LL.B. Osgoode Hall
- Graduate Diploma, Refugee Studies, York University

Employment:

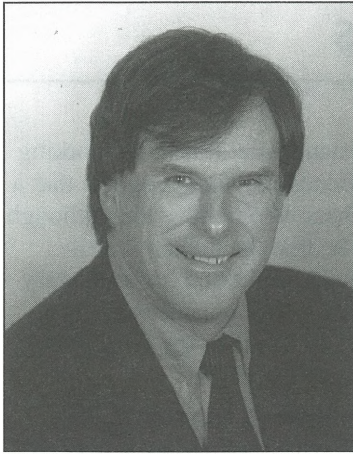
- Supervising Counsel, Osgoode Law School
- Community Legal Clinic (CLASP)
- Staff Lawyer, various Metro Legal Clinics
- Associate, Lorne Waldman LL.B.
- International Affairs Educator, Development & Peace, OXFAM- Canada.

Community Leadership:

- Board Chair, Jane Finch Community Legal Clinic
- Chair, Runnymede Collegiate School Advisory Council
- Former President: National Union, York South Riding Assoc.
- Former board member: OXFAM-Canada, Canadian Council for International Cooperation (Ont. Region).
- Candidate, Parliament of Canada.

Professional Activities:

- CBAO Canadian Assistance Network, South Africa Constitutional Law Project.
- Inter-clinic Work Groups on social assistance and immigration.
- Duty Counsel, Latin American Cultural Centre.
- Legal Committee, Canadian Centre for Victims of Torture
- Public and Trial Advocacy, The Advocates Society and Osgoode Law School.



Donald V. Thomson

For the past nine years I have acted as a Co-Head of the Real Estate Section, Bar Admission Course, and now I have decided to increase my contribution to the legal profession by seeking election as a Bencher of The Law Society of Upper Canada (the "Law Society").

The vast majority of the approximately 28,000 members of the legal profession in Ontario are solicitors who practice either as sole solicitors or in small law firms. I have practised in a small law firm since my call to the Bar and I am very aware of and understand the perils of the sole and small firm practitioners.

The challenges facing both the Law Society and the legal profession today continue to be numerous, diverse and complex just as they have been in past years.

LEGAL EDUCATION AND QUALIFICATION

I see the role of the Law Society as protecting the public interest and to that end protecting the quality of lawyers permitted to practice law in Ontario.

It is the Law Society's function to prepare lawyers for everyday practice by giving each candidate a solid grounding in the eight basic core areas offered in Phase 3 (the teaching phase) of the Bar Admission Course. In addition, there should only be one, as opposed to several, standards to meet the definition of competence as established by Convocation.

The benchmarks for qualifying to practise law in Ontario should be uniform and consist of the successful completion of the skills-based component (the skills phase) of the Bar Admission Course and the passing of all eight basic core subject exams. Supplemental exams should be offered to candidates who fail one or more exams and an appeal process should be restricted to grounds based on illness, accident or family misfortune.

The Law Society is required to license those candidates who meet all the requirements of the Bar Admission Course. In deciding which candidates are competent within the meaning established by Convocation, the Law Society should not apply criteria employed by Universities and Community Colleges. The Law Society is a body entitled to license individuals to practice in the profession of law, it is not a degree or diploma issuing body.

In recent years, I have noticed a significant differential in the students' level of knowledge in the eight basic core areas taught at the Bar Admission Course. The divergence in legal understanding arises partly by reason of the variety of the core area law courses taken at law school and partly by the variation in articling experiences. The Bar Admission Course is designed to deal with the variations in the articling experiences.

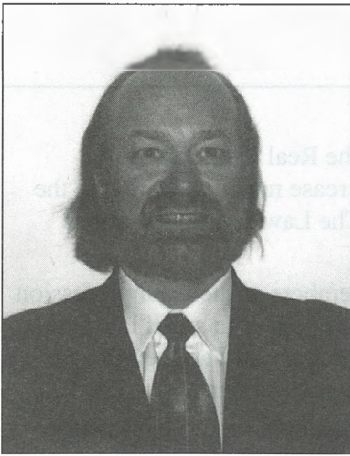
The Law Society must continue to work closely with all provincial law schools to ensure that students intending to proceed through the Bar Admission Course include the eight Bar Admission core subject areas in their selection of law school courses. This will enable the Law Society to prepare truly competent lawyers for practice in our profession.

BENCHER COMPENSATION

As noted earlier, I wish to expand my contribution to the legal profession and for that reason, I am not in favour of any form of bencher remuneration except to continue the existing practice of reimbursing benchers for travel, accommodation, meals and out-of-pocket office expenses.

I am committed to working to protect and serve the public interest while at the same time addressing the immediate numerous concerns of members of our profession.

- General practitioner with emphasis on real estate, leasing, mortgage enforcement, small business, wills and estates; practice deals largely with Solicitor's work
- Partner, Walker Ellis, Toronto, Ontario
- called to the bar in 1973
- B.A.Sc., M.A.Sc. (Civil Engineering), University of Windsor
- LL.B., Osgoode Hall Law School
- BAC Instructor - 1979 to 1991
Associate Head Real Estate Section, BAC 1987 - 1991
Lecturer and Co-Head, Residential Real Estate Section BAC, 1991 to present
- Reviewer for Committee, Professional Standards, Practice Review Programme
- Member Practice Review Programme - Review Panels
- Member of Canadian Bar Association - Law Society of Upper Canada Joint Committee on Electronic Registration of Title Documents.
- Participant and Lecturer in Continuing Legal Education programmes sponsored by The Law Society of Upper Canada and Canadian Bar Association.



William W.B. Weissglas

The legal profession needs more Benchers who understand what it is to be working every day "in the trenches". The Law Society needs Benchers who recognize that a healthy Bar is in the public interest. We require Benchers who believe that although the primary goal of the Law Society must continue to be that the public is well served by a competent, honourable and independent legal profession, its secondary goal should be to promote lawyers' interests provided this does not derogate from the primary goal. The secondary goal must be placed "up front" in the Role Statement of the Law Society in this province as it is in British Columbia.

We require Benchers who wish to improve the profession's reputation. This can be accomplished (after giving five years notice) by encouraging law schools to significantly raise their entrance requirements. Law schools' entrance requirements should be similar to medical schools. Further, each applicant should be interviewed and be required to write and pass an ethics entrance exam. In the event that the law schools cannot be persuaded to raise their standards, the Benchers should insist (on five years notice) that the Bar Admissions Course standards be raised. A necessary by-product of raising the legal profession's entrance standards will be a reduction in the number of new lawyers entering the profession; however the public will be better served as a result of the quality and ethics of the new graduates.

As a Bencher, I would vigorously encourage the Law Society to continue the prosecution of the unregulated and uninsured practice of law and conveyancing by paralegals, in the public interest. It is my belief that the lawyers of Ontario need a strong union to voice their concerns although membership need not be mandatory. As a Bencher I would vote for a motion that the Law Society provide to such a Union adequate funds taken from Law Society membership fees. I strongly support equity and diversity within the profession and reaching out to those segments of the profession which have traditionally been under represented in convocation, however I am against lowering academic requirements of the Bar Admission course.

If elected, I undertake to vigorously represent the best interests of our profession.

Education

- B.A. Honors in Psychology
Concordia University 1970
- LL.B. Osgoode Hall Law School
York University 1973
- Admitted to the Ontario Bar,
1975
- Presently enrolled in part-time
LL.M. in A.D.R. at Osgoode Hall
Law School

Work Experience

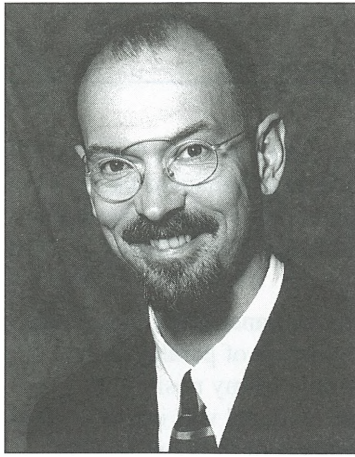
Mr. Weissglas practiced litigation from 1975 until 1980 with the firms Bowman and Farber; and Cohen, Weissglas and Borins (subsequently Cohen, Weissglas). Mr. Weissglas then changed the emphasis of his practice and now concentrates on real estate, corporate and estate work and mediation. Mr. Weissglas is a principal of Weissglas, Meier and the executive Vice-President of Progress Court Mediation Inc.

Additional Professional Activities

- 1992 - Alternate instructor in real estate at Law Society of Upper Canada Bar Admission course
- 1992 - Special lecturer in Contract Law to Ontario Hydro
- 1990-1991 - Program co-ordinator Canadian Bar Association Law Office Management Section.
- 1984-1989 - Advisory Committee member of Centennial College to the Legal Assistant Program.
- 1979-1987 - Part-time lecturer in Law at Centennial College.

Professional Memberships

- Canadian Bar Association 1973 to date
- Second Vice-President of Ontario Lawyers Association in 1981-1982.
- ORELA to date
- Real Estate section C.B.A.
- Wills and Estate Section C.B.A.
- ADR section of C.B.A.



Kevin Whitaker has been a partner in a small firm, an associate in a large firm and a senior counsel in government. Since 1995 he has been a labour arbitrator and mediator and Vice-Chair of the Ontario Labour Relations Board. Kevin graduated from Osgoode Hall in 1984. He articulated and practised labour litigation at Gowlings. In 1987, Kevin joined the Workers' Compensation Appeals Tribunal becoming Senior Counsel. In 1989, Kevin established a small labour litigation firm. Kevin has written and lectured on labour relations and workers' compensation matters. He is currently an editor of the Labour Arbitration Yearbook.

Kevin Whitaker

Lawyers of my generation are particularly aware of how fast our profession has changed. In many ways, we are different from our predecessors. We work in a variety of different environments - private practice, industry and the public sector. Fifty per cent of us are women. Increasingly, we come from a diversity of backgrounds and experiences. Most of us have family responsibilities - to our partners, our children and increasingly, towards our aging parents. Some of us give up many hours of personal time in *pro bono* or community work.

We have been around long enough to value many of the traditions of our profession. We are the last generation to remember the old days of the "Supreme Court of Ontario", prerogative writs and divorce actions for grounds. At the same time, we understand the need to be current - in knowledge, methodology and practice. Many of us keyboard our own pleadings, rely on the internet, understand the utility of ADR.

We need a Law Society that looks like us, reflects our needs, respects our commitments and helps us to plan for the future. This can only happen if our generation of lawyers begins to play a role in how our profession is governed and run. We need creative thinking and leadership that acknowledges the realities faced by the majority of lawyers in Ontario. These realities range from supporting our newest colleagues who face barriers in finding meaningful work to ensuring that all lawyers have the tools to meet their professional and personal objectives.

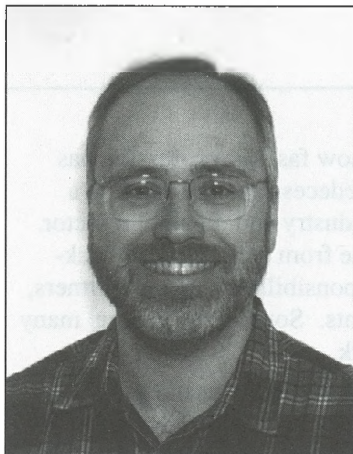
Most of us live with financial insecurities not necessarily shared by our senior colleagues. Some of us have been able to define a particular market and become specialists. Others amongst us balance generalist practices by choice or by necessity. One aspect many of us share is that we strive to do things differently, to distinguish ourselves from others. This is our style of practice.

We know from day to day experience that our profession is being squeezed from a number of directions. On the one hand, particular client groups are more knowledgeable and demanding. On the other, we know there is a growing unmet need for certain types of legal services. We face competition from other professions and industries. Costs are on the rise but, for most of us, fees must remain the same.

As my generation approaches the middle phase of our careers, we have learned some lessons. We know that we have to be more efficient and make better use of technology. We know that we must look for creative ways to diversify into new types of service delivery while maintaining a high degree of quality control. We need to look after ourselves, our families and our futures because no one else will. We know that it is necessary that our professional obligations accommodate our family commitments. At the same time, we have a responsibility to look out for the generation of lawyers who will inherit our legacy.

Many of us are leaders - in our profession, in our communities, in industry and in government. Many of us are also having a hard time making ends meet. I hope to tap into this wealth and diversity of experience and bring it to the Convocation table. As a parent of small children - as someone who has worked in private practice, government, and now ADR - I understand many of the issues facing lawyers of my generation. I want to be a bencher to serve on your behalf. I want to make the Law Society **our** Law Society. I want to ensure that the issues you and I care about are the issues which the Law Society addresses.

If you think about your work like I do and are concerned about the same issues I am, support me for bencher. Please feel free to contact me. I can be reached by telephone or mail (Lawyers' Phonebook) or by e-mail at kevin.whitaker@sympatico.ca.



Leonard C. Wilgus

The members of the Bar that are in law firms of four members or fewer make up the majority of lawyers in Ontario but are woefully under represented at the Law Society. If elected, correcting this deficiency by creating a better balance between representation of small and large firms will be the main focus of my term as Benchers.

Lawyers in small firms are adversely affected by the entrance of paralegals into certain areas traditionally occupied by lawyers. The regulation of paralegals will be a prime concern of the next roster of Benchers and it would be my position that the rules must be clearly laid out as to what areas paralegals will and will not be permitted to inhabit. The protection of the interests of the members of the Law Society must be of paramount importance in determining these rules.

The financial situation of lawyers in small firms or in sole practice, particularly those recently called, is made significantly worse by the current practices of the Law Society. Steps must be taken to ease the financial burden on these members by finding ways to reduce Law Society fees and LPIC premiums for those who are in no position to afford them. Consideration could perhaps be given to a fee based on billings system or some other way to lessen the crushing debt which members in small firms face.

Many other things that members take for granted should be looked at closely. An increase in LPIC premiums to astronomical levels following an E&O claim solves nothing except to make a cash-strapped lawyer cut even more corners. Consideration could be given to a smaller increase in premiums combined with mandatory retraining for a lawyer who has a successful claim against him or her. To do nothing except raise premiums means that we are doing nothing except putting a tax on the lawyer's negligence.

A major issue facing the Benchers in the next term is payment of Benchers for their time. This issue is far more complicated than it seems. On the one hand, there is a significant amount of work to be done and if there is no remuneration, it will be hard to find good members to run. More importantly, the representation from the small firms will continue to be too low because the lawyer in a small firm cannot afford to take the time to do Benchers work for nothing. On the other hand, our Law Society fees are already high enough without adding more expense. I would like to investigate alternate ways of reimbursing Benchers for their time. Are tax credits a possibility? Perhaps the Law Society needs to be reorganized so that there are more members involved and the work is spread around more so that the prospect of doing Law Society work is not so daunting.

There are numerous smaller issues which are not urgent but bear looking at. I would like to see a system where the ten nominators for Benchers elections must all come from different firms so that the nominations truly mean that a certain number of a lawyer's peers think that the nominee is worthy and not just a number of the lawyer's associates. I would like to see a requirement for a minimum number of Benchers from small, medium and large firms which is in roughly in proportion to the number of lawyers in each of those categories. I would like to see a Law Society that does more to protect its members.

If elected, I pledge to work hard for the benefit of the Law Society and maintain an "open door" policy for anyone who wishes their opinion to be heard.

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Toronto, Ontario
M6S 4C2

Telephone:

(416) 604-9798

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(416) 604-0596

E-mail:

lwilgus@sympatico.ca

Called to the Bar: 1987

Current employment:

sole practitioner

List of Candidates by Region/Liste des candidat(e)s par région

Northwest / Nord-Ouest

Dino DiGiuseppe	18
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Sanda Rodgers	35
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Peter N. Bourque	13
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Toronto

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Nancy Backhouse	52
Larry Banack	53
Leonard A. Braithwaite, C.M., Q.C.	54
John A. Campion	55
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Michael G. Cochrane	58
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Wayne L. Hooey, Q.C.	76
Rena Knox	77
Irwin Koziobrocki	78
Vern Krishna, Q.C., FRSC	79
Gavin MacKenzie	80
M. Virginia MacLean, Q.C.	81
Ronald D. Manes	82
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The Law Society of
Upper Canada

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