



GAZETTE

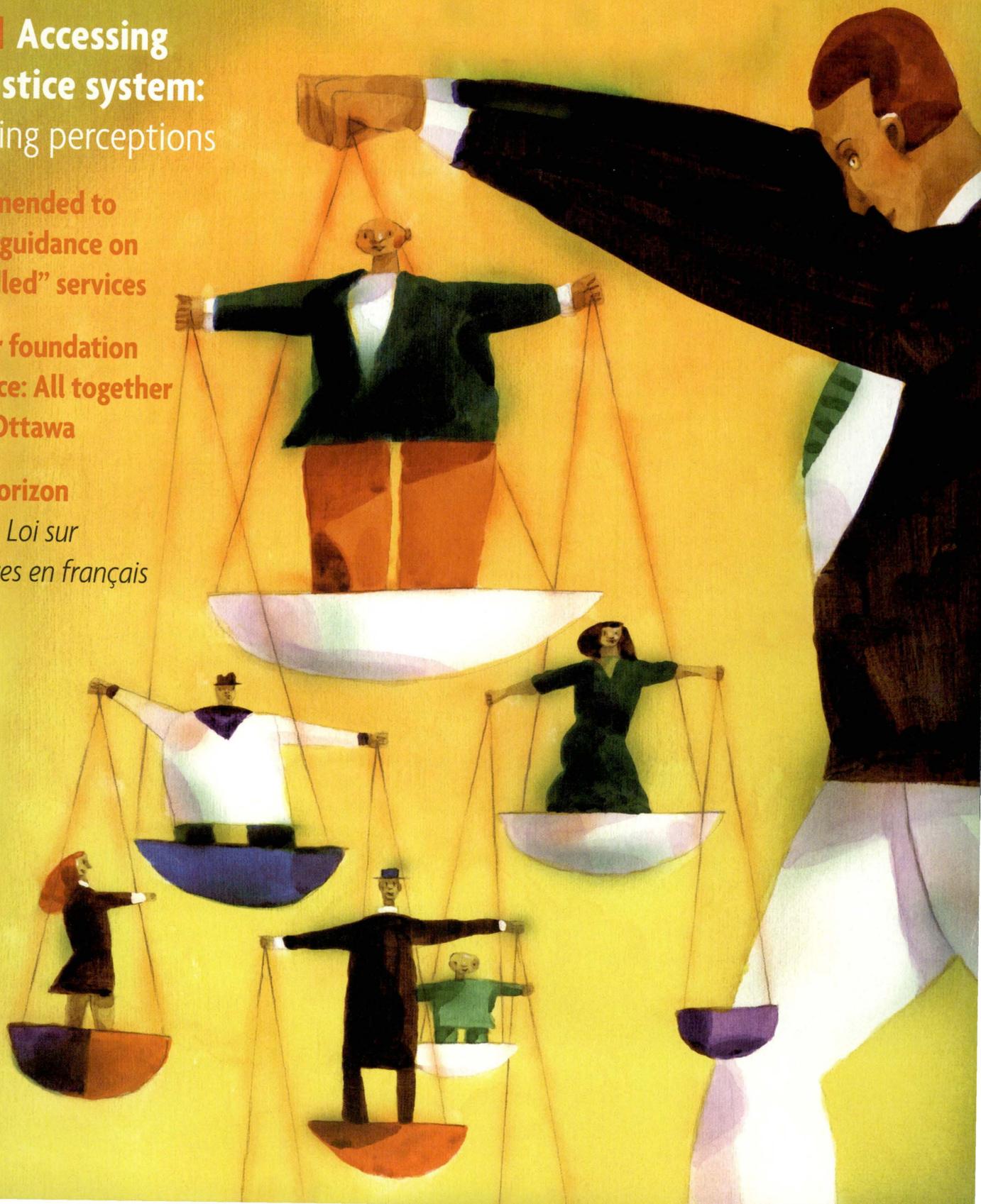
PUBLISHED BY THE LAW SOCIETY OF UPPER CANADA / PUBLIÉE PAR LE BARREAU DU HAUT-CANADA

FOCUS Accessing
the justice system:
Exploring perceptions

Rules amended to
include guidance on
“unbundled” services

A better foundation
for justice: All together
now in Ottawa

Tour d’horizon
25 ans de *Loi sur*
les services en français





The Law Society of
Upper Canada | Barreau
du Haut-Canada

Notice

Annual General Meeting

Notice is hereby given that the Annual General Meeting of The Law Society of Upper Canada will be held at Osgoode Hall, 130 Queen Street West, Toronto, on Wednesday, May 9, 2012 beginning at 5:15 in the afternoon. All members of the Society are invited to attend.

Motions

Notice of any motion to be made at the Annual General Meeting must be in writing and signed by at least ten lawyers or paralegals whose licences are not suspended. Notice must be delivered to the Secretary at Osgoode Hall, 130 Queen Street West, Toronto M5H 2N6 on or before 5:00 p.m. on March 30, 2012.

Osgoode Hall
February 24, 2012

James Varro
Secretary

Avis

Assemblée générale annuelle

La prochaine assemblée générale annuelle du Barreau du Haut-Canada se tiendra à Osgoode Hall, 130, rue Queen Ouest, à Toronto le mercredi 9 mai 2012 à 17 h 15. Tous les membres du Barreau sont invités à y participer.

Avis de motions

Le secrétaire doit recevoir par écrit, au plus tard le 30 mars 2012 à 17 h, avis des motions qui seront présentées à l'assemblée générale. L'avis doit être signé par au moins 10 avocats, avocates ou parajuristes titulaires de permis en règle et délivré à Osgoode Hall, 130, rue Queen Ouest, Toronto M5H 2N6.

Osgoode Hall
Le 24 février 2012

James Varro
Secrétaire

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Facilitating access to justice – a collaborative effort

WHEN THE *LAW SOCIETY ACT* was amended in 2006, our mandate was expanded to include an obligation to facilitate access to justice for the people of Ontario.

As regulator of the province's lawyers and paralegals, the Law Society, along with the courts and the federal and provincial governments, has an ongoing role to play in addressing barriers to the justice system.

The Law Society's benchers reinforced our commitment to this role in December when they approved the list of strategic priorities for the next four years. They confirmed that access to justice will remain a key area of focus, along with five other priorities: competence and professional standards; equity, diversity and retention; tribunal issues; business structures/ law firm financing and professional regulation.

In this issue of the *Gazette*, we look at different perspectives on access to justice to understand why the Law Society continues to make this issue a priority. We also recognize some of the collaborative work undertaken by the legal community to respond to the challenges the public faces in seeking legal representation. The other five priorities will be explored in future editions.

Access to justice is a broad concept that encompasses all parts of the justice system. Addressing the barriers people face begins with identifying the public's legal needs, where and how they go about seeking justice and what services are available to them.

In fulfilling our mandate to facilitate access to justice, the Law Society is playing a leadership role in ascertaining where the gaps are and collaborating with other legal organizations to help bridge those gaps.

The Law Society worked in collaboration with Pro Bono Law Ontario and Legal Aid Ontario to study the legal needs of low- and middle-income Ontarians through the Ontario Civil Legal Needs Project. We are pleased



TREASURER LAURIE H. PAWLITZA

MESSAGE DE LA TRÉSORIÈRE

Faciliter l'accès à la justice – un effort collectif

EN 2006, la modification de la *Loi sur le Barreau* élargissait notre mandat afin d'inclure une obligation de faciliter l'accès à la justice pour la population de l'Ontario.

Comme organe de réglementation des avocats, des avocates et des parajuristes de la province, le Barreau, ainsi que les tribunaux et les gouvernements fédéral et provincial, joue un rôle constant pour aplanir les obstacles du système de justice.

En décembre, le conseil d'administration du Barreau a renforcé notre engagement dans ce rôle en approuvant la liste des priorités stratégiques des quatre prochaines années et en confirmant que l'accès à la justice demeurerait un objectif clé, tout comme cinq autres priorités. Il s'agit des normes de compétence et de professionnalisme; de l'équité, de la diversité et de la rétention; des questions du tribunal; des structures d'entreprise et du financement des cabinets juridiques et de la réglementation professionnelle.

Le présent numéro de la *Gazette* aborde diverses perspectives sur l'accès à la justice dans le but de comprendre pourquoi cette question continue de compter parmi les priorités du Barreau. Nous abordons aussi des initiatives de la communauté juridique pour tenir compte des difficultés auxquelles le public fait face lorsqu'il

cherche à se faire représenter. Les cinq autres priorités feront l'objet de prochains numéros.

Le concept large de l'accès à la justice englobe toutes les parties de l'appareil judiciaire. Pour aplanir les obstacles, il faut identifier les besoins juridiques du public, savoir où et comment il cherche justice et à quels services il a accès.

En facilitant l'accès à la justice comme le prévoit notre mandat, le Barreau joue un rôle clé en déterminant les lacunes qu'il cherche à combler et en collaborant avec d'autres organisations juridiques.

Le Barreau a travaillé avec Pro Bono Law Ontario et Aide juridique Ontario pour étudier les besoins juridiques des Ontariens et Ontariennes à revenu faible et moyen dans le projet sur les besoins juridiques civils de l'Ontario. Nous sommes heureux de la profondeur et de la valeur des deux rapports produits dans le cadre de ce projet, dont *La Géographie des services juridiques civils en Ontario*, lequel fournit les premières données de recherche empirique du genre jamais recueillies dans la province.

Les résultats de cette étude exhaustive confirment que le Barreau doit poursuivre ses efforts pour appuyer les praticiens

with the depth and value of the two reports that the project has produced, including *The Geography of Civil Legal Services in Ontario*, in providing the first empirical research data of its kind ever collected in the province.

The results of the comprehensive study confirm that the Law Society should continue its efforts to support sole and small firm practitioners, particularly those outside of main urban areas.

Our research helps identify the specific kinds of legal needs that are difficult to resolve and suggests some ways that improvements can be made. We recognize that many of the most pressing access to justice issues occur in family law. We also know now that 84 per cent of low- and middle-income Ontarians who require assistance with a family law issue have access to the Internet.

Through the study, we learned that while lawyers and paralegals do provide affordable and effective legal services to many Ontarians, there is still a significant number of clients who are unrepresented or self-represented in court. The unrepresented litigant underlies many of the issues in our family law system.

As a family law lawyer for the past 25 years, I have witnessed too many times the devastating toll a family relationship breakdown has on the whole family. This is made even worse when people try to resolve their family legal issues on their own: often, they do not know where to turn. They

travaillant seuls et en petits cabinets, surtout ceux en dehors des grands centres urbains.

Notre recherche aide à reconnaître les types précis de besoins juridiques qui sont difficiles à résoudre et suggère des améliorations. Nous reconnaissons plusieurs problématiques liées à l'accès à la justice en droit de la famille. Nous savons aussi que 84 % des particuliers à faible et moyen revenu qui ont besoin d'aide en droit de la famille ont accès à l'internet.

L'étude nous a appris que malgré le fait que les avocats et les parajuristes offrent des services juridiques abordables et efficaces à de nombreux Ontariens et Ontariennes, beaucoup de clients n'ont toujours pas de représentation ou se représentent eux-mêmes en cour. Ce fait sous-tend plusieurs des problèmes qui existent dans notre système de droit de la famille.

À titre d'avocate en droit de la famille depuis 25 ans, j'ai trop souvent observé le lourd tribut que les familles payent par suite de la rupture d'une relation familiale. La situation est pire lorsque les gens tentent de résoudre leurs problèmes juridiques familiaux seuls : souvent, ils ne savent pas vers qui se tourner ou ils ne croient pas avoir les moyens de payer des services juridiques. Au bout du compte, l'appareil judiciaire s'empêtre.

Je me réjouis qu'en décembre, le Conseil ait approuvé la centralisation des ressources de droit de la famille en Ontario.

believe they will not be able to afford legal services. The result? The justice system gets bogged down.

I am delighted that, in December, Convocation approved the development of the Unified Online Platform for Family Law Resources in Ontario. The Platform will be an online resource that will organize currently available information and provide a "one-stop shop" for the public, with an emphasis on assisting self-represented and unrepresented litigants facing a family law dispute.

The Platform will not just provide information, and simpler, easier instructions for people who are trying to resolve their own legal needs, it will also make clear to litigants when they need to seek legal assistance.

It will be a wonderful collaboration between the Law Society and other organizations that provide family law information, to offer to the public, cost-free guidance through the legal, financial, emotional and social issues that arise from a family relationship breakdown.

Our justice system should not be a maze that only legal professionals can navigate. Through this and other initiatives, the Law Society will continue to work with other members of the legal community to demystify the system and lead the way for change.



Il s'agit d'une ressource en ligne qui contiendra les renseignements actuellement disponibles et qui servira de guichet unique au public, en accordant une aide particulière aux parties qui se représentent elles-mêmes ou qui sont non représentées dans un différend familial.

Cette plateforme centrale fournira non seulement de l'information et des instructions plus simples et faciles à suivre aux personnes qui essaient de résoudre leurs propres problèmes juridiques, mais elle démontrera clairement aux parties quand obtenir l'assistance de juristes.

Le Barreau et d'autres organisations qui offrent des renseignements en droit de la famille collaboreront pour donner au public des conseils sans frais afin de les aider à surmonter les difficultés juridiques, financières, émotives et sociales qu'une rupture des relations familiales peut soulever.

Notre appareil judiciaire ne doit pas représenter un dédale dans lequel seuls les professionnels du droit peuvent se retrouver. Le Barreau continuera de collaborer avec les membres de la communauté juridique dans le cadre de démarches de ce genre afin de démythifier le système et d'ouvrir la voie au changement.



It may be time to step back and consider **what exactly access to justice means to the public whose interests we serve.**



Accessing the justice system: Exploring perceptions

ACCESS TO JUSTICE CONTINUES TO LOOM LARGE on the agendas of legal organizations of all shapes and sizes, including that of the Law Society – our mandate explicitly includes facilitating access to justice. While a great deal of progress has been made in enhancing access, few would disagree that much remains to be done.

As the Law Society begins a new governance term with a new board clearly focused on prioritizing access to justice, and with the recently completed Ontario Civil Legal Needs Project to act as a guide, it may be time to step back and consider what exactly access to justice means to the public whose interests we serve.

In the eyes of the public

Trevor Farrow, Ph.D., an Associate Professor at Osgoode Hall Law School and Chair of the Canadian Forum on Civil Justice, has spent some time contemplating the question of access to justice since he left private practice in 2000 to pursue an academic career.

When looking at the issue, Farrow prefers to employ a wide lens, taking in the ultimate goals of the law: “When we think about what the law is aiming for, I think what access to justice is trying to do is to create a fair, predictable and just system by which we can all pursue our own vision of the good life.” For average Ontarians, the foundation of the good life involves the ability to address their daily concerns: putting food on the table, holding on to a job, having access to appropriate services for themselves and their family. So in Farrow’s view, access to justice for the public is entwined with such things as access to housing, access to medical care, access to education and access to safe environments at school and at home.

On the other hand, when the legal profession and policy makers consider access to justice, “they have tended to frame it more narrowly as access to legal services,” says Farrow. But if we consider access to justice more broadly, along the lines of the perspective of the public, it becomes, according to Farrow, “a grand vision, a more aspirational vision of what law is supposed to do as opposed to what it has to do. Access to legal services then becomes a step along the way to a fully just society.”

As a political scientist, Les Jacobs, Ph.D., examines the issue through a different lens. Jacobs is a Professor of Law & Society and Political Science at the York Centre for Public Policy & Law as well as the Academic Director of the Canadian Forum on Civil Justice. Jacobs has been studying social justice issues for 20 years. For the last 10 of those, his research has centred on the idea of legal consciousness, which he explains is “how ordinary people understand the law and the justice system and how that affects their mobilization within rights organizations.”

Jacobs agrees with Farrow’s view that the legal community tends to equate access to justice with access to the legal system, but for the general public he suggests, “there may be a less transparent connection between justice and the legal system.” This more tenuous connection plays out in the fact that many members of the public do not turn to the justice system when looking to resolve a legal issue.

“When we think about what the law is aiming for, I think what access to justice is trying to do is to create a fair, predictable and just system by which we can all pursue our own vision of the good life.”

Trevor Farrow, Ph.D.

Why people don’t assert their rights – particularly through the formal legal system – is a question that Jacobs’ research is focused on answering. He emphasizes that it is not simply a question of lack of information about legal rights and systems. To illustrate his point, he cites a recent study he conducted for the Office of the Privacy Commissioner of Canada. Part of the study involved interviews with Canadian youth about their experience with privacy rights within social networks. According to Jacobs, the most striking finding was that while the large majority of interviewees recognized that they had a legal right to privacy, when their rights were violated, their

Many members of the public do not turn to the justice system when looking to resolve a legal issue. Why people don't assert their rights – particularly through the formal legal system – is a question that Jacobs' research is focused on answering.



Les Jacobs, Ph.D., Professor of Law & Society and Political Science at the York Centre for Public Policy & Law and Academic Director of the Canadian Forum on Civil Justice

first thought was not to pursue a remedy through the legal system but was instead to lodge a complaint with the social network provider. “These youth,” Jacobs says, “are thinking in a broader sense, they want to be treated fairly, they want to be able to mobilize on their rights.” But they aren't thinking of mobilizing their rights solely through the formal justice system.

The Law Society has conducted its own studies in this area through The Ontario Civil Legal Needs Project, a joint research initiative the Law Society undertook in 2008 with Legal

Aid Ontario and Pro Bono Law Ontario.¹ The goal of the Project was to build a detailed understanding of the civil legal needs of Ontarians of modest means through three research phases: a phone survey to assess quantitatively the civil legal needs of low- and middle-income Ontarians; a series of focus groups with front-line legal and social service providers to identify gaps and areas for collaboration; and a mapping exercise to show the availability and range of existing legal services across Ontario.

The first two research phases were completed in 2010, resulting in the publication of the Project's first report, *Listening to Ontarians*, which summarizes the demand for civil legal services among low- and middle-income Ontarians. The Project's second report, *The Geography of Civil Legal Services in Ontario*, released in 2011, creates a detailed picture of the market for civil legal services across Ontario by comparing and analyzing the demographic characteristics of the Ontario population and the distribution of legal services.

The first phase of research involved a large scale survey of the public. Two thousand low- and middle-income Ontarians took part in telephone interviews that explored their thoughts on the justice system, their civil legal needs and how they managed those needs. While many results were positive from the perspective of legal service providers, other results revealed a degree of ambivalence. For instance, while the

majority of respondents believed the Canadian justice system is fair, the majority also felt the system works better for the rich than for the poor. When faced with a legal issue, the majority of respondents sought help from a legal professional, however, a significant minority took other routes, including consulting with a friend or relative or utilizing the Internet.

Roderick MacDonald, then president of the Law Commission of Canada, captured the issue of the public's perspective on access to justice rather succinctly in an address he made at a national symposium on access to justice: “We come to focus on ‘access’ to justice rather than justice itself; and while we proclaim ‘access to justice’ as a goal, what we really mean is ‘access to law’.” The most significant concerns about justice faced by Canadians have little to do with narrowly cast legal rights; they have to do, rather with the recognition of respect.”²

A broader understanding of justice

What impact does the public's broader understanding of justice have for those in the justice system working to improve access?

For Jacobs, it demands a broader view and greater innovation. According to Jacobs, the legal profession tends to try to separate legal needs from other needs, but this is not realistic, particularly in areas such as family law. “In family law,” says Jacobs, “it is very difficult to rigorously separate immigration needs, from access to schooling, from financial problems. It is difficult to pull these needs apart and manage them discretely.” Many of these problems require the assistance of social service and other non-legal professionals. One way to address this complexity, Jacobs suggests, is to embed access points to the legal system within non-traditional venues, for example, in the provinces' early learning centres, which are positioning themselves as a hub for family services.

Farrow again emphasizes the need to step back and take a look at the larger picture. He references Richard Susskind's metaphor that a fence at the top of the mountain is preferable to an ambulance at the bottom or, in other words, an ounce of prevention is worth a pound of cure. In terms of legal needs, if we take that an unmet need often cascades into additional legal and social problems, it may be that it is cheaper for society to ensure that the legal need is addressed as soon as possible rather than letting the problem escalate. The Canadian Forum on Civil Justice has just received a research grant from the

If we take that an unmet need often cascades into additional legal and social problems, it may be that it is cheaper for society to ensure that the legal need is addressed as soon as possible rather than letting the problem escalate.

Social Sciences and Humanities Research Council of Canada to test this hypothesis. The Forum is embarking on what Farrow refers to as a cost-benefit analysis of a wholly accessible justice system. The study will draw on a wide array of research, including the Ontario Civil Legal Needs Project, to measure what the civil justice system costs and if it is meeting its users' needs. If those needs are not being met, the study will look at what price is being paid in health and other societal costs as result of these unresolved issues.

The findings of the Ontario Civil Legal Needs Project reinforce both Jacobs' and Farrow's perspectives. The Project's research results clearly demonstrate that unmet legal needs for low- and middle-income Ontarians can be very disruptive and they often

cascade into greater social and legal problems. The findings also reveal the complexity of those needs and the diversity of solutions required, leading the researchers to conclude that "multiple, diverse and integrated access points and service responses" are needed.

The high degree of attention being placed by academia, legal organizations and the government on better understanding the breadth of the public's needs with initiatives such as the Ontario Civil Legal Needs Project and the Canadian Forum on Civil Justice is encouraging. It is also resulting in an increasing number of innovative programs such as the Pro Bono



Trevor Farrow, Ph.D., Associate Professor at Osgoode Hall Law School and Chair of the Canadian Forum on Civil Justice

Law Ontario program at SickKids hospital. The program, for which the Law Society provided interim funding in 2011, provides free legal services to low-income families whose children are patients at SickKids. Recognizing the connection between legal and health needs, the initiative's governing principle is that a family's unmet legal issues can exacerbate a sick child's health problems. The program has one staff lawyer who works with medical personnel as part of a patient's care team. The staff lawyer assesses the legal needs of the child and the child's family and either provides brief services or refers the client to one of the program's partners, McMillan LLP or Torkin

Manes LLP, for free legal services. Another example of an innovative, holistic program is the Family Violence Project in Waterloo Region. Funded by the Ontario Government, the project brings together a number of services including victims' services, police services, counselling, medical services and legal services, to work collaboratively in a single location.

It may be that the public's broader sense of justice is rooted in their complex web of needs and to enhance access to justice, in the public's eyes, the full breadth of those needs must be taken into account. While there may remain, as Farrow puts it, both a "connect and a disconnect between what the public needs and what the profession is offering," it seems that there is strong resolve within the legal community to foster greater connections.

Building connections

The Law Society has a long history of advocating for access to justice, perhaps most notably as a driving force behind the formation of organized legal aid in Ontario in the early 1950s. Despite this long history, it wasn't until 2006 that amendments to the *Law Society Act* officially mandated the Law Society to facilitate access to justice for the people of Ontario. What this mandate means for a regulator in the public interest is not an easy question to answer, particularly given that, for the public, access to justice means much more than access to lawyers and paralegals.

Marion Boyd is a Law Society Bencher and Chair of its Access to Justice Committee. She may just be the ideal person to address the Law Society's unique position, as she herself is rather unique. She was the first woman, and non-lawyer, to serve as Attorney General of Ontario.

According to Boyd, the question of exactly what role the Law Society should be playing in facilitating access to justice is one to which the Access to Justice Committee continually returns and the difficulty they have experienced in developing satisfactory answers is one of the main reasons they undertook the Ontario Civil Legal Needs Project.

The Project findings have provided the Law Society with a base on which to start to identify and build solutions. However, the findings also make clear the need for multiple and diverse responses that transcend organizational and traditional service boundaries. As a result, there is no shortage of possible directions for the Law Society to take.

Through the extensive work and experience of its board of elected, lay and life benchers, the Law Society is connected to most of the organizations who share its goal to enhance access to justice.

Two related themes arise as Boyd runs through the Committee's many considerations. One is the importance of recognizing the Law Society's limitations and as Boyd puts it, "resisting trying to do it all." And the second is the idea of connections. According to Boyd, an unexpected result of undertaking the Ontario Civil Legal Needs Project with partners Legal Aid Ontario and Pro Bono Law Ontario, and with financial support from the Law Foundation, was the strong connections forged between the organizations. "We have many wonderful partners," says Boyd, adding CLEO (Community Legal Education Ontario) and OJEN (the Ontario Justice Education Network) and others to the list. "One of the things the Committee is looking at is who is best qualified to do what, and how the Law Society can assist."

Through the extensive work and experience of its board of elected, lay and life benchers, the Law Society is connected to most of the organizations who share its goal to enhance access to justice. As well, as a regulator in the public interest, the Law Society connects the public with legal service providers.

Boyd sees opportunities in those connections. The Law Society, Boyd suggests, can leverage its position between the public and the profession by educating the public on how best to work with lawyers and paralegals. As an example, Boyd refers to recent rule amendments, which provided guidance to lawyers and paralegals who offer unbundled legal services. "One of the things we keep hearing from the profession," says Boyd, "is that limited retainers are fine but once people have hired a legal professional, they think they are their lawyer or paralegal forever – they don't really appreciate (the limits)." Having provided guidance to the profession, there is now an opportunity to provide guidance to the public.

The Law Society can also draw on its connections with the legal community to provide comprehensive legal information and tools to help the public access justice and the justice system. Convocation recently approved a proposal by the Access to Justice Committee to initiate the development of a pilot online family law platform. Following the Committee's objectives and priorities, the Law Society's Professional Development and Competence division will lead the project. The Unified Online Platform for Family Law Resources in Ontario will organize and contextualize information already on the web, to provide a "one-stop shop" for the public, with an emphasis on assisting self-represented and unrepresented litigants facing a family law dispute. The project is planned as a collaborative effort between the Law Society and



Marion Boyd, Law Society Bencher and Chair of its Access to Justice Committee

other organizations that provide family law content and is envisioned to include non-legal service providers.

The central idea of the Platform, according to Boyd, is to connect the public to helpful and essential information, resources and services. "We will try to pull in all the relevant disciplines," says Boyd "to help the public identify what supports they need and where they can access those supports." The Platform will also make clear when it is advisable to seek the assistance of a lawyer.

Building and maximizing these types of connections is in the interest of Law Society members. "There is a lot of pressure on lawyers and paralegals to solve problems they are not equipped to solve," says Boyd. To illustrate her point, she recalls a time early in her career when she was running the London Battered Women's Advocacy Centre: "We used to get all sorts of calls from family lawyers saying, can you help me, my client is looking to me for counselling but they should be calling you."

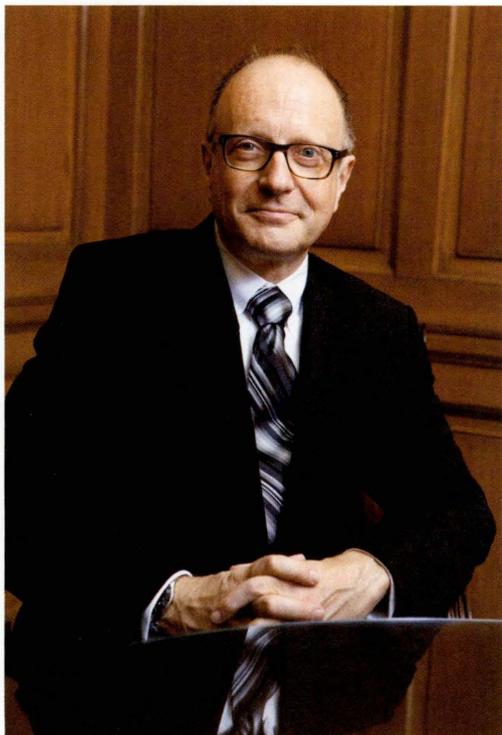
As Boyd continues to list off different initiatives being explored by the Committee, such as producing an access to justice guide in the form of a magazine, exploring ways to better leverage information technology and educating the public on the role of paralegals, it is clear why she needs to continue to emphasize that the Law Society cannot do it all.

It is also clear that rather than finding itself conflicted, the Law Society may find its position between the profession and the public to be advantageous in facilitating both access to legal services and access to justice as it may be grandly envisioned. **G**

¹ The reports of the Ontario Civil Legal Needs Project are available on the Law Society website at <http://www.lsuc.on.ca/with.aspx?id=568>.

² *Expanding Horizons: Rethinking Access to Justice in Canada. Proceedings of a National Symposium.* (2000)

Robert G.W. Lapper appointed as Chief Executive Officer of The Law Society of Upper Canada



LAW SOCIETY TREASURER LAURIE H. PAWLITZA is pleased to announce the appointment of Robert G.W. Lapper, Q.C., as Chief Executive Officer of The Law Society of Upper Canada.

Lapper, who joined the Law Society on February 1, 2012, was formerly the Deputy Minister of Labour for the Province of British Columbia, a post he held since 2009. From 2007 to 2009, he served as the Deputy Cabinet Secretary and Associate Deputy Minister, Cabinet Operations and Intergovernmental Relations, in the Office of the Premier. He was responsible for providing strategic advice and logistic support to the Cabinet, the Premier and government on the relations between British Columbia and other governments.

For seven years, beginning in 2001, Lapper was the Assistant Deputy Attorney General, Legal Services Branch, for the Province of British Columbia. He oversaw a complete organizational and service transformation in the Legal Services Branch during his tenure there. He was honoured with a Queen's Counsel appointment in December 2002.

In 1994, after clerking with the British Columbia Supreme Court and then working in private practice for 10 years, Lapper joined the Ministry of the Attorney General for British Columbia, to focus on aboriginal law issues. He acted as one of the counsel to the Nisga'a negotiations, which concluded the first "modern" treaty in British Columbia. In 1998, he was appointed to head the Aboriginal Law Practice Group in the Legal Services Branch. **G**

THE GAZETTE GOES DIGITAL

The *Gazette* will soon be available as an online magazine.

News relevant to Ontario lawyers and paralegals will be featured at lawsocietygazette.ca, where users will be able to access articles about Law Society initiatives and issues being debated by Convocation.

"We are excited to now be providing Ontario lawyers and paralegals with a digital version of the *Gazette*," Roy Thomas, the Director of the Law Society's Communications department, said.

"We aim to deliver news and information relevant to the profession in spaces where they are most active. Increasingly, that includes the online world."

A selection of photo galleries and videos will add dimension to stories that have traditionally appeared in the print addition.

The Events section of the site will catalogue details about upcoming panel discussions and receptions hosted by the Law Society's Equity department. Highlights from past Equity events will also be showcased.

A section dedicated to paralegals will help them stay up-to-date on developments within the profession.



A selection of French articles will be available along with a host of links guiding readers to pertinent and popular content on the Law Society's main website, www.lsuc.on.ca.

"The Law Society remains committed to providing Ontario lawyers and paralegals with well-researched and comprehensive material to help them continue advancing the cause of justice and serving the public's interest," Thomas said. **G**

Law Society Referral Service: Longstanding public service has a new look and name

IN RESPONSE TO THE GROWING PUBLIC demand, the Law Society has expanded its referral service to include paralegals as well as lawyers.

The service, known for the past 40 years as the Lawyer Referral Service (LRS,) has been filling an important community need by connecting lawyers and potential clients.

“The new Law Society Referral Service (LSRS) is launching in the spring with a number of service enhancements that ensure members of the public will have even greater access to legal service providers,” Terry Knott, the Law Society’s Director of Membership and Complaints Services, said.

The service receives about 160,000 calls a year from people looking for assistance with a legal matter. The volume continues to increase.

Last year alone, the service generated more than \$12 million in new business.

The subscribers to the Law Society Referral Service are the reason for its success.

“Enhancements to the service will make it more robust and meaningful for subscribers,” Knott said.

“With the Internet increasingly playing a role in making justice more widely accessible, we are pleased to introduce a feature on our website that makes it possible for more people to obtain referrals online.”

In addition, the Law Society will continue promoting the popular service through mail-outs, print and online directories, as well as on the Law Society and other community websites.

The service remains an important component of many firms’ marketing and new development business plans. For new and sole practitioners in particular, it provides access to a large field of potential clients with immediate legal needs. 



For new and sole practitioners in particular, the Law Society Referral Service provides access to a large field of potential clients with immediate legal needs.

Are you struggling?

- anxiety
- depression
- career stress
- family problems
- financial pressures
- alcohol/drug use out of control?

We offer support and solutions:

- talk with a lawyer who’s been there
- get information
- access professional counselling
- connect with peers

Available to lawyers, judges, law students and immediate family.

Call 24 hours a day, 7 days a week:
905-238-1740
1-877-576-6227
www.olap.ca



Ontario Lawyers' Assistance Program
Programme d'aide aux avocats d'ontario

CONFIDENTIAL • NON-JUDGMENTAL • NO COST TO YOU

This section is devoted to recognizing the achievements of members of the judiciary, current and former members of Convocation, as well as individuals who have made significant contributions to the Law Society and its efforts to advance the cause of justice and promote greater access to legal services.

PHOTO: PETER THORNTON/UNIVERSITY OF OTTAWA, 2011



CONSTANCE BACKHOUSE AWARDED GOLD MEDAL FOR RESEARCH

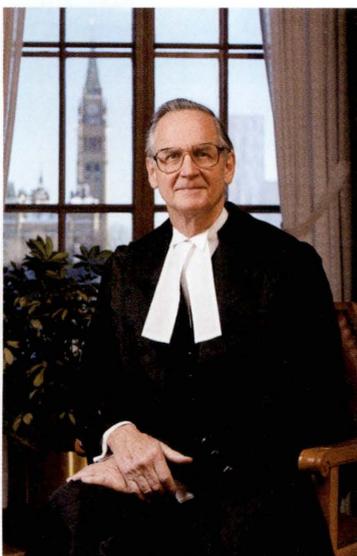
Constance Backhouse, C.M., O. Ont., LSM, was awarded the 2011 Social Sciences and Humanities Research Council (SSHRC) Gold Medal for Achievement in Research. The prize is awarded each year to an outstanding individual whose leadership, dedication and originality of thought have significantly advanced understanding in their field of research. The prize is accompanied by a \$100,000 research grant to further advance their world-class research. “The SSHRC Gold Medal is

the Council’s highest research honour,” said SSHRC president Chad Gaffield. “Professor Backhouse has been an influential leader in the interdisciplinary study of law. Her work has illuminated valuable lessons to be learned in the struggle for social justice, and enriched our understanding of Canada’s legal history and our sense of equality and justice.” Professor Backhouse was honoured with the award at a ceremony at the University of Ottawa on November 25, 2011.

Law Society Bencher Constance Backhouse receives the 2011 SSHRC Gold Medal for Achievement in Research from Dr. Chad Gaffield, president of the Social Sciences and Humanities Research Council.

JUSTICE IAN BINNIE RECOGNIZED BY TORONTO LAWYERS ASSOCIATION

PHOTO: ANDREW BALEFOUR/SUPREME COURT OF CANADA

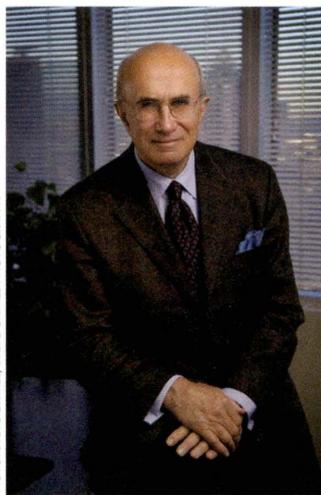


The Honourable Mr. Justice Ian C. Binnie is the 2012 recipient of the Toronto Lawyers Association (TLA) Award of Distinction. Justice Binnie is recognized for his contribution, both as counsel and as a judge of the Supreme Court of Canada, to the development of the law and to the legal profession. Justice Binnie was called to the Ontario Bar in 1967 and the Yukon Territory Bar in 1986. He

was appointed Queen’s Counsel (Ontario) in 1979 and elected a fellow of the American College of Trial Lawyers in 1993. In 1998, he was appointed to the Supreme Court of Canada. Justice Binnie retired from the Supreme Court on October 20, 2011. The TLA award will be presented to him at the *Twelfth Annual AWARDS OF DISTINCTION* presentation ceremony and reception on March 1, 2012, in Toronto.

EARL CHERNIAK, Q.C., HONOURED FOR EXCELLENCE IN ADVOCACY

PHOTO: STEVE GRIMES/STEVE GRIMES PHOTOGRAPHY

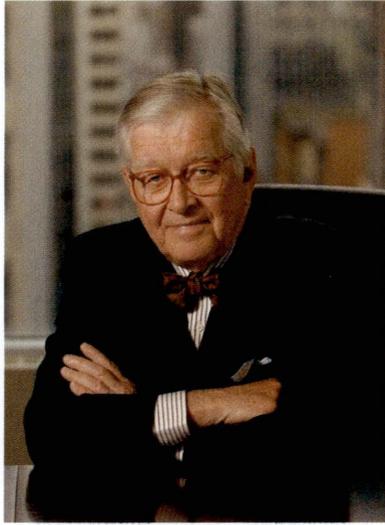


The Canadian Civil Liberties Association (CCLA) honoured former Law Society Bencher Earl Cherniak, Q.C., with the award for Excellence in Advocacy at a gala event in Toronto. The CCLA Awards honour the achievements of Canadians whose work enriches democracy and inspires Canadians through their work. Cherniak is a partner at Lerner LLP and was named one of Canada’s

25 most influential lawyers in 2010. He holds many national and international professional memberships, including panel member, International Arbitrations, International Centre for Dispute Resolution and roster member, London Court of International Arbitrators. He is an elected fellow of the American College of Trial Lawyers (1982) and the International Academy of Trial Lawyers (1987). Cherniak was a Gold Medallist at Osgoode Hall Law School (1960) and was appointed Queen’s Counsel in 1974.

IN RECOGNITION

PHOTO COURTESY OF BLS OTTAWA



DAVID W. SCOTT, Q.C., NAMED OFFICER OF THE ORDER OF CANADA

Former Law Society Bencher David W. Scott, Q.C., was named an Officer of the Order of Canada by His Excellency the Right Honourable David Johnston, Governor General of Canada, on December 30, 2011. He is being honoured for his contributions to the legal profession and for his charitable activities. Scott was called to the Ontario Bar in 1962 and was appointed Queen's Counsel in 1976. He is co-chairperson of Borden Ladner Gervais LLP and counsel in its Ottawa office. Scott was elected a bencher of the Law Society in 1991 and re-elected in 1995. In 2001, he received Honorary Doctor of Law degrees from both the Law Society of Upper Canada and the University of Ottawa. In 2005, he received the OBA Award for Excellence in Civil Litigation. In 2010, Scott was recognized with a Lifetime Achievement Award for his *pro bono* contributions from *Lexpert*®'s Zenith Awards.

GERALD A. SWAYE, Q.C., HONOURED BY HAMILTON LAW ASSOCIATION

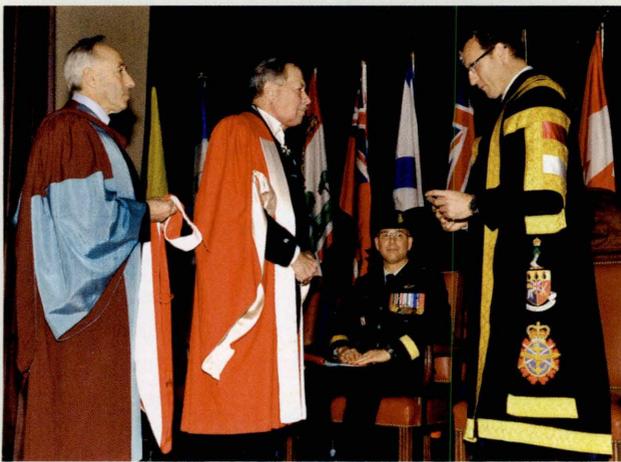
Law Society Bencher Gerald A. Swaye, Q.C., was presented with the Hamilton Law Association's (HLA) Emilius Irving Award at a sold-out event on October 27, 2011. The award, named for the first HLA president, honours a member of the Hamilton Law Association for their outstanding contribution to the legal community. Called to the Ontario Bar in 1964, Swaye started his own firm in 1982. He has served as a bencher of the Law Society of Upper Canada since 1995. Swaye has been involved in the Hamilton community for many years, serving as a board member and past director of a number of organizations. In 2011, he was named in the *Best Lawyers*® in Canada peer review list under Insurance Law, Personal Injury Litigation and Product Liability Law.



PHOTO COURTESY OF THE HAMILTON LAW ASSOCIATION

Gerald A. Swaye, Q.C., holds the 2011 Emilius Irving Award beside Michael Bruder, president of the Hamilton Law Association (HLA).

PHOTO: DND PHOTO/BRAD LOWE



(Left to right) Dr. Jean Fugère, Dean of Graduate Studies and Research; Lt.-Col. (Ret'd) John D. Gibson, LL.D.; (seated) Brigadier-General Eric Tremblay, Commandant of Royal Military College of Canada; Defence Minister Peter MacKay, Chancellor, Royal Military College of Canada.

LT.-COL. (RET'D) JOHN D. GIBSON AWARDED LL.D. BY ROYAL MILITARY COLLEGE OF CANADA

Lt.-Col. (Ret'd) John D. Gibson, LL.D., was on November 17, 2011, invested with the degree of Doctor of Laws (*honoris causa*) at the hands of Defence Minister Peter MacKay, Chancellor of the Royal Military College of Canada. Gibson obtained a Bachelor of Arts degree from the Royal Military College in 1971, after which he attended the University of Toronto Law School and joined the Militia Artillery. Among his many experiences and achievements in the Service, he was Aide de Camp to the Lieutenant Governor of Ontario from 1975 to 2002. He retired from the Service on November 6, 2009, having reached the compulsory retirement age of 60. Gibson is in private practice in Toronto.

PHOTO COURTESY OF THE MINISTRY OF CITIZENSHIP AND IMMIGRATION



TORONTO LAWYERS FEED THE HUNGRY PROGRAM VOLUNTEER CO-ORDINATOR ALISON ROSE AWARDED ORDER OF ONTARIO

The Lawyers Feed the Hungry Program congratulates longtime, volunteer co-ordinator Alison Rose, on her investiture to the Order of Ontario by the Honourable David C. Onley, Lieutenant Governor of Ontario, on January 26, 2012. Rose is one of three co-ordinators of the Toronto program, which serves four meals each week to people in need.



Law Firm
**BOWLING
CHALLENGE**
Supporting the
Lawyers Feed the Hungry
Program

Take Up the Challenge!

Toronto Lawyers Association and Teplitsky Colson LLP
host the 4th Law Firm Bowling Challenge, April 1, 2012

Joseph Neuberger of the Toronto Lawyers Association challenges members of the legal profession to “put on your bowling shoes, take up the challenge, sponsor a lane and register a team,” for the 4th Law Firm Bowling Challenge for the Toronto Lawyers Feed the Hungry Program on April 1, 2012.

For the greatest impact in the fight against hunger, law firms are encouraged to sponsor a lane. Along with lane sponsorship, firms can also participate by assembling teams, with individual members raising pledges to support the cause.

“We’re off to a strong start,” says Neuberger, “with the following firms already on the roster sponsoring lanes, as of February 13, 2012”:

Derstine Penman • Dutton Brock LLP • Epstein Cole LLP
Hull & Hull LLP • Kostyniuk & Greenside • Greenspan Partners
Goodmans LLP • Landy Marr Kats LLP • Lerner LLP
McCarthy Tétrault LLP • McMillan LLP • Neuberger Rose LLP
Paliare Roland Rosenberg Rothstein LLP • WeirFoulds LLP
Teplitsky Colson LLP • Torkin Manes LLP

In addition to firms sponsoring lanes, others are sending teams, including Borden Ladner Gervais LLP; Davis LLP; Heller, Rubel; Jan Goddard and Associates; Rosenbaum & Frank LLP and Sotos LLP.

“What’s more, Torkin Manes, the reigning champs from 2010, return to defend their title,” says Neuberger.

“As lawyers practising in Toronto, we can be proud of our role in helping our city’s most vulnerable. The fact that we are able to come together and hopefully raise over \$125,000 is a testament to the Toronto legal community’s ongoing commitment to supporting those in need,” says Neuberger.

Please be a part of this event in support of our own charity* – a program that is in ever-increasing need of your financial assistance.

*Law Society Foundation • Charity Registration Number 11924 1719 RR0001

DETAILS

4th Law Firm Bowling Challenge

Date: **Sunday, April 1, 2012**

Time: **12-3 p.m.**

Place: **Playtime Bowl www.playtimebowl.com
33 Samor Road, Toronto, Ontario**



COME OUT AND STRIKE OUT AGAINST HUNGER ON APRIL 1, 2012!

To register online please go to <http://www.lawyersfeedthehungry.ca/>

Rules amended to include guidance on “unbundled” services

LAWYERS AND PARALEGALS who wish to provide legal services under limited scope retainers – often called “unbundled” legal services – now have access to rules on this subject. This past fall, the Law Society approved amendments to its rules of conduct to provide guidance to licensees who provide unbundled services.

Under a limited scope retainer, a lawyer or paralegal provides legal services for part, but not all, of a client’s legal matter, by agreement with the client.

Limited scope retainers have a longer history in the US than in Canada, but interest in this form of service continues to grow here in Ontario.

“Limited scope retainers present a viable tool to enhance access to justice, particularly for clients who do not qualify for legal aid, cannot afford a lawyer for their entire legal matter, or choose to represent themselves for part of their legal matter,” says Law Society Treasurer Laurie H. Pawlitz. “In this way, limited scope retainers can provide more opportunities for lawyers and paralegals to assist clients who may otherwise choose to represent themselves.”

Call for Input

Previously, there were no specific rules dealing with limited scope retainers. To address this regulatory gap, a special working group of members of the Access to Justice, Professional Regulation and Paralegal Standing Committees drafted proposed amendments to the rules of conduct in spring 2010.

A “call for input” on the proposed changes was issued to the profession in September 2010. Most respondents saw value in having ethical rules and guidance on the provision of legal services under a limited scope retainer to ensure that lawyers and paralegals provide competent services and communicate effectively with clients.



PHOTO: ISTOCK

The working group made revisions to the proposals to reflect the feedback received, and the amended rules were approved by Convocation in September 2011.

Effective Communication

The rule changes focus on the issues of effective communication between the lawyer or paralegal providing services under a limited scope retainer and the client, and how communications with opposing counsel are managed. They include a general requirement that legal services provided under limited scope retainers be confirmed in writing by the lawyer or paralegal, and that a copy of the document be given to the client.

The written confirmation is designed to help clients clearly understand the scope and limitation of the legal services to be provided.

Certain services, such as some types of summary advice, are excluded from the written confirmation requirement. For more information, see the sidebar (*at right*).

The Law Society recognizes that it may not always be possible to immediately provide a client with a copy of the written confirmation – such as when a client is in custody. In these situations, the lawyer or

paralegal should keep the written confirmation of the limited scope retainer in the client file and provide a copy to the client when practicable to do so.

Litigation Setting

Procedural rules currently do not address situations where limited scope retainers may be provided in a litigation setting. Two proposed rule amendments were included for comment in the 2010 call for input, but have not been adopted pending further dialogue with the courts’ rules committees.

These two amendments involve withdrawal from representation of a lawyer or paralegal providing services under a limited scope retainer, and rules that deal with disclosure of the limited scope retainer to the tribunal and the opposing parties.

The Law Society plans to meet with the Civil Rules and Family Rules Committees to identify the key procedural issues associated with limited scope retainers in litigation settings and discuss possible changes to court rules that may be appropriate to better facilitate such retainers.

This process is expected to be completed by the end of 2012 and may result in additional amendments to the *Rules*

of *Professional Conduct* and the *Paralegal Rules of Conduct*.

More information about limited scope retainers and the report to Convocation is available on the Law Society website at www.lsuc.on.ca. 

Exceptions to the Written Confirmation Requirement

When providing limited scope retainers, written confirmation is not required for the following:

- Legal services or summary advice provided as a duty counsel under the *Legal Aid Services Act, 1998*, or through any other duty counsel or other advisory program operated by a not-for-profit organization
- Legal services provided by a licensed paralegal in the course of his or her employment as an employee of Legal Aid Ontario
- Summary advice provided in community legal clinics, student clinics or under the *Legal Aid Services Act, 1998*
- Summary advice provided through a telephone-based service or telephone hotline operated by a community-based or government-funded program
- Summary advice provided by a lawyer/paralegal to a client in the context of an introductory consultation, where the intention is that the consultation, if the client so chooses, would develop into a retainer for legal services for all aspects of the legal matter
- *Pro bono* summary legal services provided in a non-profit or court-annexed program

RULES AMENDED

Amendments have been made to the following *Rules of Professional Conduct*:

- Rule 1.02 Citation and Interpretation [Interpretation]
- Rule 2.01 Relationship to Clients [Competence] (addition to commentary)
- Rule 2.02 Relationship to Clients [Quality of Service]
- Rule 6.03 Relationship to the Society and Other Lawyers [Responsibility to Lawyers and Others]

Amendments have been made to the following *Paralegal Rules of Conduct*:

- Rule 1.02 Citation and Interpretation [Interpretation]
- Rule 3.02 Duty to Clients [Advising Clients]
- Rule 4.02 Advocacy [Interviewing Witnesses]

Use your iPod or cell to learn about current technology issues lawyers face

LAWYERS IN 2012 have a wide variety of information technologies at their fingertips. In addition to traditional software installed on computers in the office, an increasing range of Internet-based software can improve efficiency, save time, and help deliver better client service.

But with technology often comes confusion, especially when it seems more and more options are available to lawyers every day. It can be hard enough to keep all the acronyms straight, let alone stay abreast of the impact of new technology on things like confidentiality or security.

That's why the Law Society recently developed and launched a series of eight MP3 discussions on technology issues.

This series of MP3s offers a convenient way to use your iPod or mobile phone to learn about some of the high-profile technology issues facing lawyers today. Practical and important information about passwords, encryption, social media, smartphone security, cloud computing and much more is simplified and presented in an accessible, conversational manner.

The series is co-hosted by David Whelan, the Law Society's webmaster and Manager, Legal Information, and Phil Brown, Counsel in the Professional Development and Competence department.

Diana Miles, Director of Professional Development and Competence, says, "Technology has grown to be an essential tool and fundamental to ongoing competence in today's law practice. When using various types of technology, lawyers and paralegals must continue to meet their professional obligations as outlined by the *Rules of Professional Conduct* and the *Paralegal Rules of Conduct*.

"These new Technology Practice Tips provide an easily understood overview of the most commonly used technologies today. In addition, practitioners will learn about the risk involved when using these technologies, as well as simple and practical tips to help manage that risk."

If you're interested in getting up-to-date on today's technology and learning about best practices to protect yourself, your data and your practice, visit the Law Society website at <http://www.lsuc.on.ca/technology-practice-tips-podcasts/>. 

Technology Practice Tips!

Protecting solicitor-client privilege

GUIDELINES FOR LAW OFFICE SEARCHES

THE LAW SOCIETY HAS DEVELOPED *Guidelines for Law Office Searches* to inform lawyers of best practices to protect the solicitor-client privilege of clients in the event of a search and seizure of a law office. The Guidelines include specific steps that can be taken to protect solicitor-client privilege in various circumstances.

Lawyers have a professional obligation to protect client confidentiality. Solicitor-client privilege is a fundamental component of the justice system. Without the guarantee of complete confidentiality, clients may not be fully open with their lawyer and access to justice would be jeopardized.

In 2002, section 488.1 of the Criminal Code was struck down as unconstitutional by the Supreme Court of Canada in *Lavallee, Rackel & Heintz v. Canada (Attorney General)*, [2002] 3 S.C.R. 209. The Guidelines reflect the following core principles, which stem from the relevant jurisprudence, particularly *Lavallee*:

- Solicitor-client privilege belongs to the client. The lawyer is trustee of the client's privilege.
- Solicitor-client privilege is of supreme importance in Canadian law. It is a "principle of fundamental justice" incorporated in section 7 of the *Charter of Rights and Freedoms*.

- Solicitor-client privilege falls out of the state's reach, even for reasons of investigative necessity. Only the courts are competent to adjudicate and determine issues of solicitor-client privilege.
- The court in *Lavallee* concluded that the *Criminal Code* procedures for the search of a law office then in force are unconstitutional. Hence only the common law applies to a law office search where the protection of solicitor-client privilege is at issue.
- A lawyer subject to a search of his or her office has a duty to assert and to protect the solicitor-client privilege held by all his or her clients.

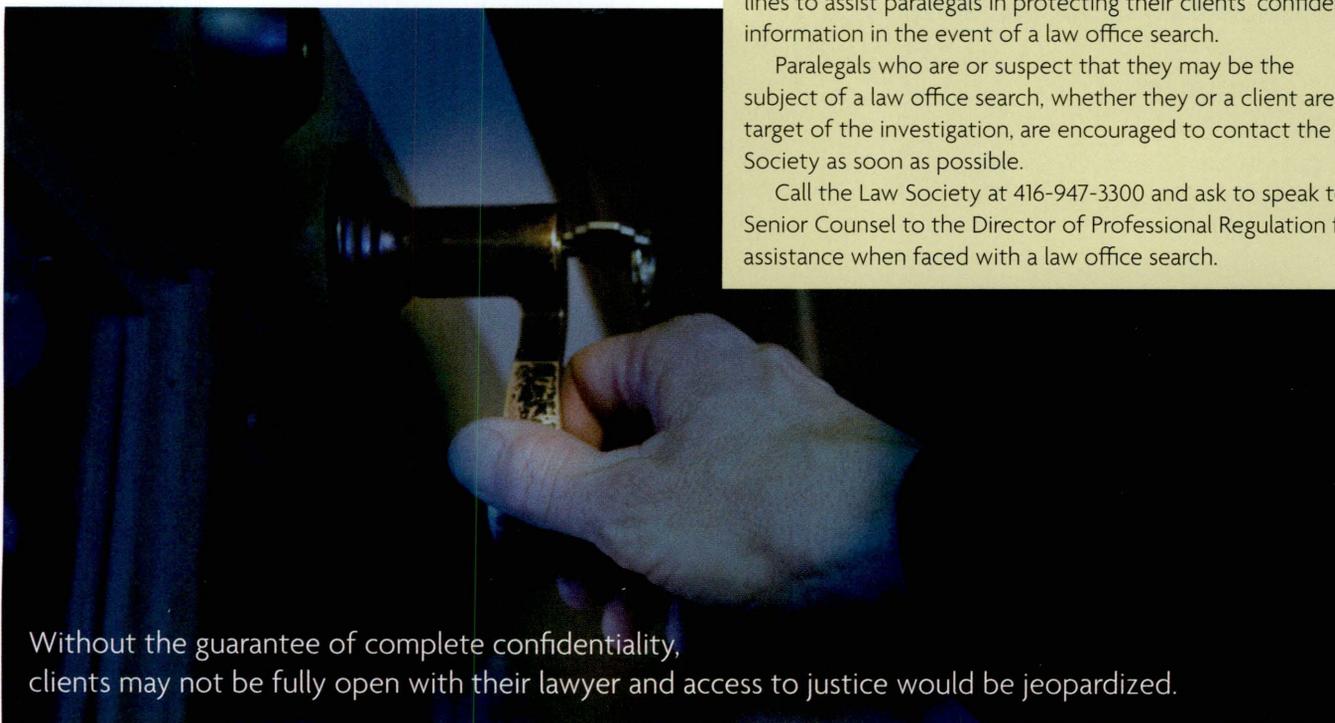
The execution of a search warrant at a law office is a challenging and stressful event. Lawyers are duty-bound to assert and protect the solicitor-client privilege held by clients. Lawyers are strongly encouraged to refer to the Guidelines immediately in the event of a law office search. The Guidelines are available on the Law Society website at <http://rc.lsuc.on.ca/jsp/membershipServices/lawOfficeSearch-Guidelines.jsp>. 

GUIDELINES FOR PARALEGALS

The Law Society is planning to develop comprehensive guidelines to assist paralegals in protecting their clients' confidential information in the event of a law office search.

Paralegals who are or suspect that they may be the subject of a law office search, whether they or a client are the target of the investigation, are encouraged to contact the Law Society as soon as possible.

Call the Law Society at 416-947-3300 and ask to speak to Senior Counsel to the Director of Professional Regulation for assistance when faced with a law office search.



Without the guarantee of complete confidentiality, clients may not be fully open with their lawyer and access to justice would be jeopardized.

ARTICLING TASK FORCE CONSULTATION

IN DECEMBER 2011, Convocation approved a three-month consultation period for the articling component of the lawyer licensing process. The Articling Task Force Consultation Report, which includes five possible options, is being shared with members of the profession and other related organizations for input by **March 15, 2012**.

“The licensing of lawyers is an integral part of the Law Society’s mandate to regulate the profession in the public interest and our focus is to ensure the public is served by lawyers who are fully competent and professional, while also ensuring that our licensing requirements are fair and accessible,” says Law Society Treasurer and Articling Task Force member Laurie H. Pawlitzka.

“We look forward to the profession’s written comments. Additional proposals are also welcome.”

The Law Society formed the Articling Task Force last June to look at the issues related to articling and the challenges facing the current articling requirement. These include the increasing number of unplaced candidates, the competency-related principles that articling is intended to address, as well as additional or alternative approaches to articling.

The Articling Task Force considered the importance of ensuring transitional training, which is currently articling, has objective and demonstrable standards and does not have the unintended effect of creating unfair barriers to licensing. Those who clearly qualify should not be denied access to the profession simply because they lack an articling placement.

The five options outlined in the consultation report are as follows:

- OPTION 1:** Maintain the status quo (Articling Requirement as it exists)
- OPTION 2:** Maintain the status quo with quality assurance improvements (measurement tools to assess the delivery and acquisition of the program objectives)
- OPTION 3:** Replace a pre-licensing transition requirement with a post-licensing transition requirement
- OPTION 4:** Introduce a choice of either an articling requirement or a practical legal training course (PLTC) requirement (“after law school” model or “during law school” model)
- OPTION 5:** Introduce only a practical legal training course (PLTC) requirement

The Articling Task Force welcomes comments on all these and any additional proposed options. Consultation sessions are being held across the province for the profession and all interested parties. Dates and locations are available online at www.lsuc.on.ca.

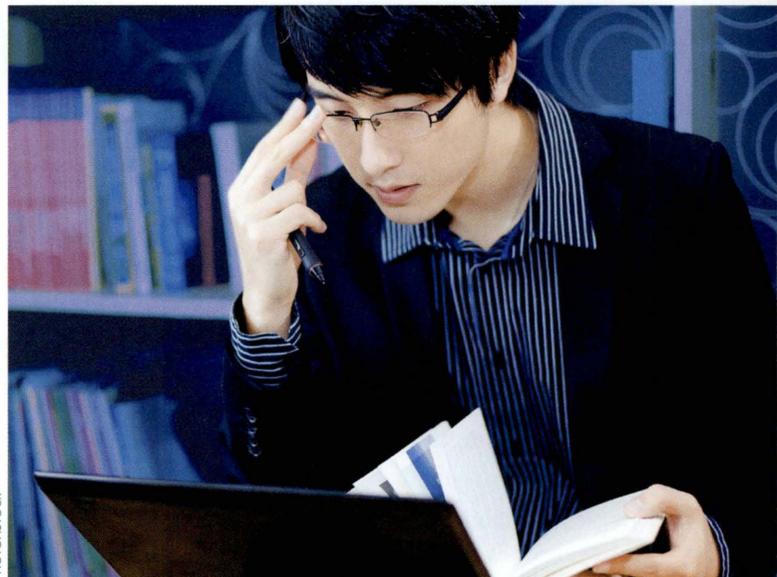


PHOTO: ISTOCK

Participation of the profession and other interested organizations will contribute to a constructive process and meaningful solutions. The deadline for written comments is **March 15, 2012**. Submissions are welcome and can be sent to:

Sophia Sperdakos, Policy Counsel
Policy Secretariat
The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, ON M5H 2N6
ssperdak@lsuc.on.ca

The task force will consider the input received during the consultation and provide a final report to Convocation in May 2012.

The Articling Task Force Consultation Report is available online at <http://www.lsuc.on.ca/articling-task-force-consultation-report/>.

QUICK FACTS

- The number of candidates seeking licensing has grown steadily over the last decade, while the number of available articling positions has not kept pace.
- The number of Licensing Process students unable to obtain articling placements has more than doubled in the past five years.
- The Law Society has invested considerable resources over time to address the situation, but the number of articling positions has remained largely static.
- There are simply not enough articling positions to meet the needs of current and incoming candidates.

Upcoming CPD for Lawyers

REGISTER TODAY and get the latest legal updates presented in convenient learning formats to work with your busy schedule. Program highlights include:

March 21 – 9 a.m. to 12:30 p.m.

Wills and Estates Practice Essentials

In this program, the fundamentals of a wills and estates practice will be addressed with a focus on will planning and preparation. Our presenters will take you through all the stages of the file, including obtaining instructions, drafting and executing documents, and reporting to your client. *(Offered live and via webcast)*

March 27 – 9 a.m. to 12 p.m.

The Law of Damages

Increase your ability to effectively evaluate your client's claim or the other side's position. Analyze your cases with precision at the outset to achieve greater success. *(Offered live and via webcast)*

March 28 – 9 a.m. to 4:30 p.m.

The Voice of the Child in Family Law

This exciting, interdisciplinary program focuses on the complex issues that arise when dealing with and hearing from children involved in the litigation process. *(Offered live and via webcast)*



SAVE THE DATE FOR:

April 25 & 26 – 9 a.m. to 4 p.m.

Special Lectures 2012: Employment Law and the New Workplace in the Social Media Age

April 26 – 10 a.m. to 4:30 p.m. / April 27 – 9 a.m. to 2:30 p.m.

16th Biennial National Conference – New Developments in Communications Law and Policy

May 31 – 9 a.m. to 4 p.m. / June 1 – 8 a.m. to 12 p.m.
7th Annual Solo and Small Firm Conference and Expo

More programs, more details and online registration at <http://ecom.lsuc.on.ca/cpd>

Upcoming CPD for Paralegals

MARK YOUR CALENDARS for these upcoming CPD programs offered by the Law Society:

February 28 – 9 a.m. to 12 p.m.

Mediation for Paralegals

View a demonstration of a mediation and hear from experienced mediators, lawyers, and paralegals on negotiation and advocacy techniques you need to use to achieve a successful result. *(Offered live and via webcast)*

February 29 – 12 p.m. to 1:30 p.m.

Trust Accounting and Financial Records for Paralegals

This FREE program will help you understand and fulfil the requirements for handling general and trust funds, maintaining financial records, and reconciling accounts. Presenters will offer solutions for dealing with trust accounting and financial record-keeping issues that can arise in paralegal practice. *(Offered via webcast)*

March 7 – 1 p.m. to 2:30 p.m.

Ethical Red Flags in Immigration and Refugee Law

This FREE program uses real-life examples to discuss best practices for setting up your firm or business, using referral agents, and complying with the rules regarding fee splitting. *(Offered via webcast)*



We are pleased to announce that Law Society CPD is now on Twitter. Follow us and be the first to know about upcoming CPD events, information and resources. Follow us @LSUCCPD

SAVE THE DATE FOR:**March 28 – 12 p.m. to 2 p.m.****Developing and Maintaining a Client Base as a Civil Litigator****April 3 – 9 a.m. to 11 a.m.****Dealing With Costs****May 16 – 9 a.m. to 12:30 p.m.****Administrative Law Practice Essentials 2012****May 22 – 9 a.m. to 4 p.m.****The Civil Litigation Summit 2012****June 8 – 9 a.m. to 4 p.m.****Time Mastery for Lawyers and Paralegals 2012**

More programs, more details and online registration at <http://ecom.lsuc.on.ca/cpd>

Paralegal welcome reception

The Law Society is hosting the next welcome reception for the province's newly licensed paralegals on April 11, 2012 at 5 p.m. in Convocation Hall. Between 300 and 400 paralegals will be invited to attend the event.

The reception is the second to be held for newly licensed paralegals who have completed the 2011 Paralegal Licensing Process. The first one took place in November 2011.



Paralegal Standing Committee Chair Cathy Corsetti welcomes newly licensed paralegals at the first paralegal reception held at the Law Society in November 2011.

PARALEGAL UPDATE

Reviewing the effects of paralegal regulation after five years

OCTOBER 2012 will mark the fifth anniversary of the introduction of paralegal regulation in Ontario. The Law Society is conducting a review to look at the way licensed paralegals have been regulated since 2007 and assess the effect regulation has had on licensed paralegals and the public. The five-year review is required by Section 63.1 of the *Law Society Act*.

To gather input from licensed paralegals and members of the public who have used their services, a series of 10 focus groups were held throughout January in Ottawa, Sudbury, Toronto and London. Some of the paralegal focus groups were composed of paralegals in practice prior to spring 2007, while others were composed of those who did not start to practise until after spring 2007, and some were a mix of both ranges of experience.

A focus group for members of the Paralegal Standing Committee was held in late November 2011.

Individuals and organizations were also invited to provide written comments on the issues included in the review by January 31, 2012.



Some 25 submissions were received and the Law Society is analyzing the comments submitted. As well, two online surveys will be conducted this spring – one for paralegals and one for paralegal clients.

A final report will be submitted to the Attorney General by the end of July.

There are now 4,152 licensed paralegals providing legal services throughout Ontario. 

Retention of Women initiatives – an update

IT HAS BEEN ALMOST FOUR YEARS since Convocation approved nine recommendations to enhance the retention of women in the private practice of law in Ontario. The Law Society continues to work closely with the legal profession to develop, extend – and, in some cases expand – these ground-breaking initiatives to empower women lawyers to take charge of their careers and help maintain the viability of small law firms.

While the marked success of the Retention initiatives is leading to sustainable change within Ontario's own legal profession, interest is also growing further afield. The Barreau du Québec, for example, launched its own version of the Justicia project and currently boasts 17 participant firms. The Law Society of British Columbia recently announced a similar program based on the Ontario Justicia model, and the Law Society of Manitoba is planning a Justicia program as well.

The following highlights the most recent developments in the Retention initiatives here in Ontario.

CAREER COACHING PROGRAM

Approved in December 2011 by Convocation, the Career Coaching Program is the most recent addition to the Law Society's Retention of Women initiatives.

Designed for women lawyers in sole practice and firms of **five lawyers or fewer**, the program will offer participants six hours of confidential career coaching, free of charge, to help them plan and transition effectively into a maternity, parental or compassionate leave and reintegrate into the profession.



PHOTO: ISTOCK

While the marked success of the Retention initiatives is leading to sustainable change within Ontario's own legal profession, interest is also growing further afield: Québec, British Columbia and Manitoba.

The program is structured to provide coaching as follows:

- two hours prior to the leave to assist participants ramp down their practices
- two hours during the leave to help participants maintain their practices during the leave and
- two hours following the leave to help participants with reintegration.

The Law Society is now recruiting career coaches to provide services within their local communities and the program is expected to launch in the spring. Keep checking the Law Society website at www.lsuc.on.ca for developments on this program.

JUSTICIA PROJECT EXTENDED

One of the first and largest Retention of Women initiatives to be implemented, the Justicia project was extended by Convocation for two additional years to the end of 2013. Designed to identify and adopt strategies and best practices that promote the retention and advancement of women in private practice, Justicia has garnered pledges of support from 57 large- and medium-sized firms across Ontario, including one large out-of-province firm. (See list on facing page.)

Two additional Justicia working groups – the Business Development Working Group and the Leadership

Working Group – were created in 2011 and began meeting in December. A survey of Justicia participants is currently underway.

“The Justicia project is a catalyst for innovative, systemic change in the legal profession,” says Law Society Treasurer Laurie H. Pawlitz. “We are very pleased with the success of the Justicia project over the past three years and now that it is extended, participating law firms can complete their important, ongoing work.”

Justicia participants and the Law Society have produced several firm resources, such as guides to developing parental and maternity leave and guides to developing flexible work arrangement practices and policies. Resources introduced in 2011 include two new guides – one for lawyers and one for firms – to assist lawyers in progressing from junior associates to partnership and leadership positions.

COMPLEMENTED BY LEGAL LEADERS FOR DIVERSITY

Over the past fall and winter, representatives of Legal Leaders for Diversity (LLD) made presentations to Managing Partners’ Summits in Toronto and Ottawa. The LLD is a group of Canadian General Counsel who have pledged support and commitment to creating a more inclusive legal profession as well as supporting diversity initiatives within their organizations.

“Justicia is an important program that is helping solve some of the significant structural issues facing woman in private practice,” says Av Maharaj, LLD Chair and Vice President & Chief Counsel, International, of Kellogg Company. “While we have seen many positive programs implemented by law firms, there is still much work to

be done. The General Counsel that comprise LLD are committed to diversity and inclusion in our profession and support the Law Society’s efforts through Justicia,” he says.

David Allgood, Executive Vice-President and General Counsel, Royal Bank of Canada, and one of the LLD founders, says, “The Law Society’s Justicia Program is a natural complement to our initiative. The LLD is also interested in improving the role of women throughout the legal profession.”

Although Justicia resources are available to participating law firms through a special portal, non-members are invited and encouraged to join this groundbreaking initiative. Information is available on the Law Society website at http://www.lsuc.on.ca/justicia_project/.

PLAP EXTENDED

Last fall, another major Retention initiative, the Parental Leave Assistance Program (PLAP), received an extension to December 31, 2012.

First offered in 2009, PLAP is designed to help support lawyers in sole practices and partners in small firms of five or fewer lawyers after the birth or adoption of a child, by providing a fixed sum of \$750 a week to eligible applicants for up to 12 weeks.

From 2009 to 2011, a total of 178 small or sole firm lawyers completed the program, including 135 women (28 from small firms and 107 sole practitioners) and 43 men (10 from small firms and 33 sole practitioners).

The Law Society will complete an assessment of PLAP in 2012. The program co-exists with the federal EI Special Benefits plan, and notice of one year will be provided if the Law Society decides to end the program. 



JUSTICIA PARTICIPATING FIRMS

Aird & Berlis LLP
 Beard Winter LLP
 Blake, Cassels & Graydon LLP
 Blaney McMurtry LLP
 Borden Ladner Gervais LLP
 Cassels Brock & Blackwell LLP
 Cavanagh Williams Conway Baxter LLP
 Crawford McKenzie McLean Anderson & Duncan LLP
 Davis LLP
 Dutton Brock LLP
 Epstein Cole LLP
 Evans, Philp LLP
 Fasken Martineau DuMoulin LLP
 Ferguson Barristers LLP
 Fogler, Rubinoff LLP
 Fraser Milner Casgrain LLP
 Gardiner Roberts LLP
 Gibson & Adams LLP
 Goodmans LLP
 Gowling Lafleur Henderson LLP
 Hacker Gignac Rice
 Heenan Blaikie LLP
 Hicks Morley
 Koskie Minsky LLP
 Lacroix Forest LLP
 Lenczner Slaght Royce Smith Griffin LLP
 Lerner LLP
 Lewis Downey Tornosky Lassaline & Timpano Professional Corporation
 Mathews, Dinsdale & Clark LLP
 McCarthy Tétrault LLP
 McInnes Cooper
 McMillan LLP
 Miller Maki LLP
 Miller Thomson LLP
 Minden Gross LLP
 Nelligan O'Brien Payne LLP
 Norton Rose LLP
 O'Connor MacLeod Hanna LLP
 Osler, Hoskin & Harcourt LLP
 Paliare Roland Rosenberg Rothstein LLP
 Pallett Valo LLP
 Perley-Robertson, Hill & McDougall LLP
 Ridout & Maybee LLP
 Ross & McBride LLP
 Sack Goldblatt Mitchell LLP
 Shibley Righton LLP
 Siskinds LLP
 SmithValeriotte Law Firm LLP
 Stikeman Elliott LLP
 Templeman, Menninga LLP (New Signatory)
 Thomson, Rogers
 Torkin Manes LLP
 Torys LLP
 Weaver, Simons LLP
 Weiler, Maloney, Nelson
 WeirFoulds LLP
 Wildeboer Dellelce LLP

OTHER ONLINE INITIATIVES

Contract Lawyers Registry: <http://rc.lsuc.on.ca/jsp/contractLawyer/index.jsp>

Women's Online Resource Centre (WORC): <http://rc.lsuc.on.ca/jsp/contractLawyer/index.jsp>

A Better Foundation for Justice

ALL TOGETHER NOW IN OTTAWA

THE CITY OF OTTAWA is on the cusp of becoming an operating “Connecting Region” – a place where new partnerships are expected to significantly improve legal services delivery to vulnerable populations. The beneficiaries will be people who speak neither English nor French, or who have difficulty communicating due to an impairment.

The path towards this important milestone began three years ago with the release of a report, commissioned by the Law Foundation of Ontario (LFO), on the state of access to justice for linguistic minorities and people living in rural and remote areas. The report recommended more coherent regional collaboration among legal and non-legal service providers.

The LFO subsequently funded assessments of what such an approach might look like in three regions of the province, and last year confirmed Ottawa as a Connecting Region. Connecting Region Ottawa is in the final stages of developing a plan for full implementation, extending into 2014, for submission to the LFO.

The plan takes into consideration the complexity of the issues, which often have both legal and non-legal components, that people in these populations commonly need to resolve – and the difficulties they face in navigating through unfamiliar processes and among different sources of information and assistance.

“We want to develop structures and provide resources that will help all the players to collaborate better, and to give their clients more integrated and effective services,” says Tanya Lee, LFO project director with responsibility for this and other initiatives resulting from the 2009 report.

South Ottawa Community Legal Services (SOCLS) took the lead in developing the model that will be implemented in the capital, working closely with a broader advisory group. A total of 35 agencies have committed to participate. They include community and legal service groups (including all of Ottawa’s community legal clinics), groups working with immigrants and the disabled, and interpretation and translation providers.

Participants have collectively identified several key challenges that Connecting Region Ottawa is intended to address including ensuring awareness, coordinating assessments and referrals, and lowering various specific access barriers. The need for more proactive and targeted community legal education has been noted.

Another key challenge is to ensure people move more effectively from one stage to the next in the process of resolving an issue. SOCLS Executive Director Gary Stein says that it’s common for there to be a breakdown after an appropriate referral, as people facing linguistic and other limitations may have difficulty in taking the next step independently.

“This happens for a lot of reasons”, Stein explains. “Often people’s lives simply get in the way. Many of our clients are very



PHOTO: ISTOCK

poor – they’ve got kids and they’re trying to get to the food bank and keep a roof over their heads.”

The specific means by which this and other challenges will be tackled in Ottawa remain subject to LFO funding approval, but the proposal currently being finalized includes various innovative possibilities. Some focus on increased access to legal expertise on the part of community service providers – such as front line workers at settlement organizations – and on increased access to social-service expertise on the part of legal service providers. The intent is to ensure “every door is the right door” from a client’s perspective.

Another concept would involve use of foreign-trained lawyers to help people navigate through resolution steps. This would both improve outcomes for the clients receiving such assistance, while providing mentorship experience for the foreign-trained lawyers.

Work is already underway to meet one significant need identified by Connecting Region participants, using funding provided separately by Legal Aid Ontario. This involves improved web-based access to information on legal rights and referrals for frontline community service workers, through a site expected to launch this spring.

The existence of funding agencies who share an understanding of the benefits of more collaborative and integrated approaches has been instrumental in carrying the Connecting Region concept this far forward, says Stein. The key to ensuring it has the impact it’s intended to, he says, will be continued close coordination among all participants, and the ongoing development of concrete tools and programs that will help participants to better meet their clients’ often daunting legal and other needs. **G**

The Law Foundation of Ontario receives all interest earned on the mixed trust accounts held by legal professionals in the province. It provides funding to Legal Aid Ontario, makes access-to-justice grants, awards fellowships, and supports the practice of public interest law and professional excellence. It updates the profession on its activities in each issue of the *Gazette*.

Information, technology, legal services: Getting it right for access to justice

by Julie Mathews, Executive Director, CLEO (Community Legal Education Ontario / Éducation juridique communautaire Ontario) and past president, Public Legal Education Association of Canada

LEGAL SERVICES PROVIDERS in Canada have long understood the value in helping the public understand the legal system and their legal rights. And interest in this has picked up in recent years as the costs of providing legal advice and representation have increased.

At the same time, the increasing use of the Internet by almost all demographic groups and the uptake of other technologies have created opportunities to communicate with vast numbers of people at a relatively low cost.

As we seize these opportunities, I think that it is incumbent on those of us in the legal profession to ensure that the shifting of resources towards the delivery of legal information and services through technology is increasing meaningful access to justice.

Legal information and limited assistance or self-help programs can be effective, but many people facing serious legal problems – particularly those who experience barriers such as low income, language, literacy, and disability – still need the advice and representation services of a lawyer.

We need to monitor, question, and rigorously evaluate to find out whether we are providing people with the services they need to *effectively* exercise their legal rights.

At CLEO, we speak from the perspective of having been the major provider of legal information and education to low-income and disadvantaged people in Ontario for close to 40 years. As we pursue our mandate, while taking advantage of new technologies, we try to practise what we advocate.



Julie Mathews, Executive Director, CLEO

Many people facing serious legal problems – particularly those who experience barriers such as low income, language, literacy, and disability – still need the advice and representation services of a lawyer.

Working in partnership, CLEO produces information on a wide range of legal topics in an array of formats and languages, delivered with the help of thousands of community organizations, government offices, courthouses, and educational institutions. We also make our information readily available online. Providing information in this broad range of ways increases the likelihood of reaching the diversity of people who need it.

We are leading an initiative that is developing legal information training partnerships between legal and non-legal organizations across the province. These partnerships train non-legal “trusted intermediaries” to be better equipped to provide accurate legal information and

effective referrals to people in their communities who are isolated by reason of language or distance.

And, the thousands of people who are visiting our recently launched www.yourlegalrights.on.ca every week find a wide range of resources to help them understand their legal rights – and also find a detailed “services map” that points them to legal and social services if they need further assistance.

Still, at this juncture, more analysis and evaluation needs to be done so that we can deliver legal information and services that are effective for each person’s needs. We must look for evidence to help us identify the types of legal problems

and circumstances for which legal information and limited assistance or self-help programs are effective – and those which require fuller legal services to ensure meaningful access to justice.

This is the essence of the important research project that CLEO is leading, funded by the Law Foundation of Ontario’s Access to Justice Fund, and supported by the expertise and participation of an array of partners – including lawyers and other justice system stakeholders who, of course, are key to the success of any access to justice initiative. We look forward to sharing our findings in future issues of the *Gazette*.

(You can read more about CLEO’s work at www.cleo.on.ca.)



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

De l'avenir des services en français

LES 17 ET 18 NOVEMBRE 2011, pour marquer le 25^e anniversaire de l'adoption de la *Loi sur les services en français*, l'Université d'Ottawa, le Commissariat aux services en français, l'Association des juristes d'expression française de l'Ontario et TFO, avec le soutien de l'Office des affaires francophones, organisaient un colloque sur le thème *Des droits, des actions, un avenir*.

Le colloque a servi entre autres à dresser un bilan de la *Loi sur les services en français* en analysant sa raison d'être, ses forces et les points à améliorer.

Le colloque a fourni une occasion de se pencher sur le rôle et les défis du Commissariat aux services en français. La *Gazette* a recueilli quelques impressions de M^e François Boileau sur la question.

« Assurément un grand succès, avec un auditoire et des panélistes brillants, ce colloque instructif et éclectique a attiré près de 200 juristes, universitaires, leaders francophones et hauts fonctionnaires. On y a peu fait de retour sur le passé; c'est plutôt sur l'avenir que les échanges d'idées ont porté. Par exemple, on a recommandé que le Bureau du commissaire soit redevable à l'Assemblée législative et non à la ministre déléguée aux Affaires francophones. D'autres recommandations visaient entre autres à rendre l'Ontario bilingue ou à réviser la *Loi sur les services en français* tous les dix ans, comme on le fait au Nouveau-Brunswick, pour la rendre plus actuelle. »

Nombreuses ont été les propositions pour faire avancer la cause du français en Ontario et au Canada. M^e Ronald Caza, alors chez Heenan Blaikie et maintenant au cabinet CazaSaikaley, a souligné que « lorsque les communautés reçoivent des messages qui les découragent de se battre, elles risquent l'assimilation. » Selon lui, pour que les municipalités puissent protéger les communautés francophones contre d'éventuels effets de ressac, il faudrait qu'elles adoptent des règlements leur permettant de fonctionner dans les deux langues, de sensibiliser leurs employés aux réalités des francophones et d'afficher dans les deux langues pour démontrer à la population que le français est important.

M^e Mark Power, de Heenan Blaikie, a ajouté que la *Loi* devrait contenir « le devoir de prendre des mesures positives pour assurer le développement et l'épanouissement de la communauté » et il a même proposé de la constitutionnaliser.



PHOTO: VEER/ISTOCK

Albert Nolette, président du Regroupement étudiant de common law en français de l'Université d'Ottawa, a insisté sur l'importance de l'accès des francophones à des programmes scolaires de qualité égale à celle offerte aux anglophones afin de retenir les élèves dans leurs écoles et dans leurs communautés. « Il faudrait inviter les jeunes à participer à la gestion de leurs programmes d'éducation ».

Ghislaine Sirois, directrice de l'Action ontarienne contre la violence faite aux femmes, s'est attiré des applaudissements en exposant l'importance de la *Loi sur les services en français* pour les victimes de violence : « Quand une personne en situation vulnérable peut s'exprimer et être comprise dans sa langue, elle peut commencer à reprendre le pouvoir qu'elle a perdu. Les femmes ne devraient pas avoir à réclamer des services en français; ceux-ci devraient leur être offerts puisqu'en temps de crise, la priorité de la victime n'est pas de demander les services en français auxquels elle a droit. »

Le statut du français hors colloque

La *Loi sur les services en français* est certes un outil important pour la communauté francophone, mais elle n'a pas que des défenseurs. Le commissaire aux services en français a certaines craintes quant à l'idée qui circule de privatiser les services en français en Ontario. « La privatisation n'est pas la solution optimale dans le contexte d'une minorité linguistique; les entités privées qui fournissent des 'services bilingues' sont rarement efficaces. Les services du secteur privé sont généralement offerts sur la base du paiement à l'acte, et les services en français sont considérés comme un fardeau, donc faiblement encouragés. Pour le privé, le concept d'offre active des services en français, qui a été discuté lors du colloque, est difficile à comprendre et à mettre en œuvre. » Le commissaire propose plutôt de créer dans les régions désignées des espaces où la langue de travail serait le français, mais où les services pourraient être offerts en anglais et en français.

Des colloques comme celui de novembre 2011 permettent de faire connaître la réalité franco-ontarienne et de donner aux francophones d'ici la fierté dont ils ont besoin pour continuer de s'épanouir. Le Bureau du commissaire publiera sur son site Web, dans les prochaines semaines, les sommaires de toutes les présentations offertes au colloque.

La vie après le stage

LE 18 NOVEMBRE 2011, le Barreau offrait aux étudiants de droit et aux jeunes avocats et avocates le programme *Au-delà du stage* sur les possibilités d'avenir en dehors des grands centres, comme Ottawa et Toronto.

Un des ateliers était offert en français et portait sur la vie et l'exercice du droit dans les communautés francophones. Des avocats sont venus de Timmins, de Sudbury et de Hawkesbury pour décrire ce que signifie fournir des services juridiques en français, et parler de la notion de vivre et d'exercer le droit dans une petite communauté francophone.

M^e Luc Maisonneuve, de Maisonneuve Labelle s.r.l., M^e Marc Huneault, de Weaver Simmons s.r.l. et M^e Anik Léveillé, de la Société professionnelle Noel J. Berthiaume ont parlé de l'isolement que l'on peut parfois ressentir comme avocat francophone en région, et ont indiqué que pour contrer ce défi, ils collaborent avec le Barreau et avec l'Association des juristes d'expression française de l'Ontario, entretiennent des contacts avec leurs consœurs et confrères de l'école de droit ou collaborent avec des avocats des grands centres. Par ailleurs, pour certains d'entre eux, la proximité du Québec donne accès à une clientèle interprovinciale, ou encore la concentration de francophones à Sudbury, Timmins ou Hawkesbury leur procure une bonne base de clients francophones. Il y a aussi comme à Cornwall, une grande demande d'avocats bilingues, entre autres pour du travail gouvernemental, criminel, commercial et en droit de la famille.

Les cabinets en région cherchent à recruter des avocats qui soient capables de tisser des liens à long terme avec la communauté et ayant une bonne éthique de travail. On espère trouver de nouvelles recrues qui souhaitent s'engager auprès

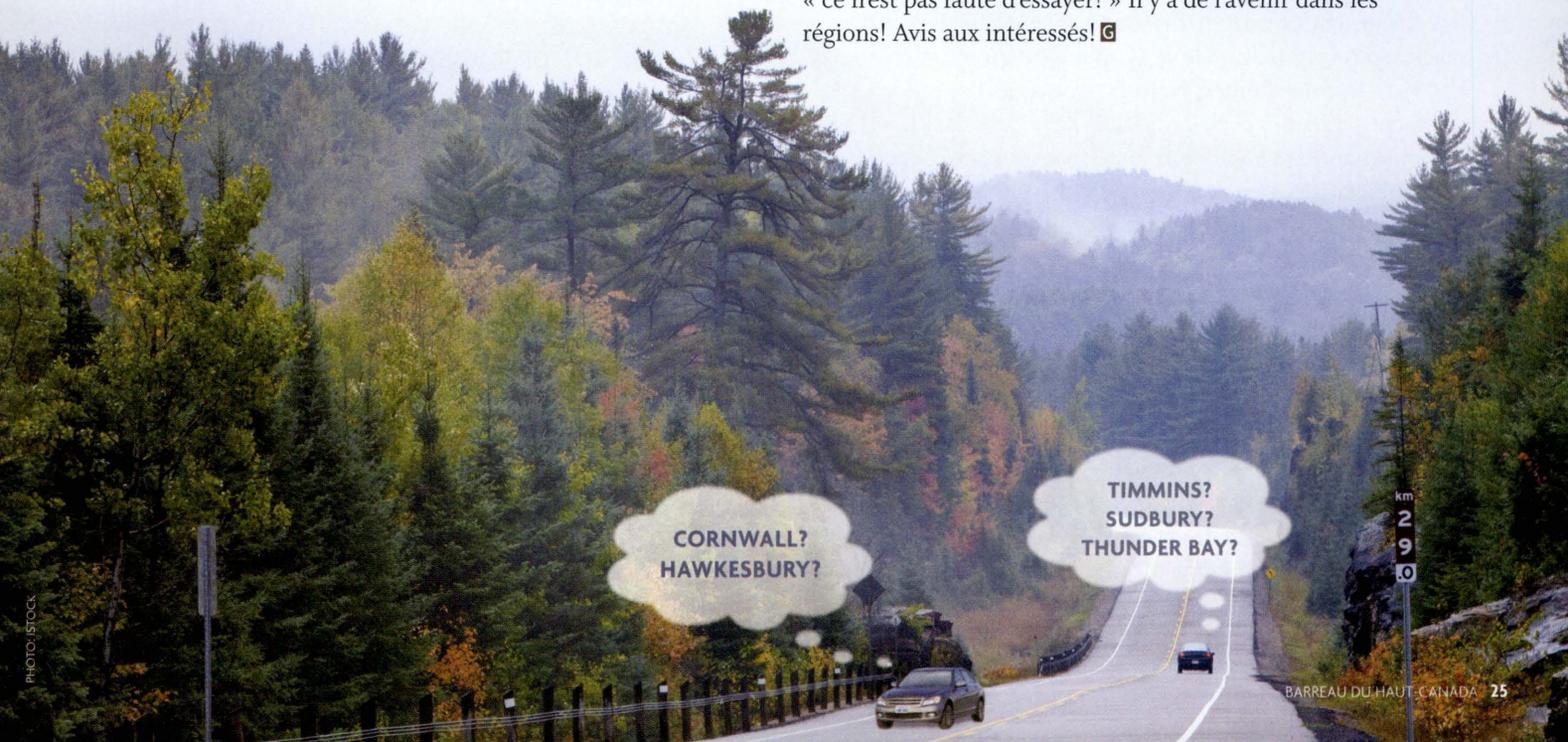
« C'est difficile de recruter des avocats en région éloignée et encore plus de les retenir. Il nous faut pourtant assurer la relève... »

de la communauté et qui, par exemple, puissent siéger aux conseils d'organismes à but non lucratif. En région, il y a de la place pour les avocats qui désirent un emploi du temps « normal ». La concurrence est certainement moins forte que dans les grands centres.

Au-delà du stage offrait aussi un atelier sur les femmes en pratique privée. M^e Chantal Brochu, associée dans les deux langues officielles à Thunder Bay au cabinet Buset & Partners s.r.l., en faisait partie. Elle a fait ressortir les avantages de travailler en région : le coût moindre de la vie, des heures de travail raisonnables, du temps pour la famille et les loisirs, un meilleur rapport entre la vie professionnelle et la vie personnelle. « Ma maison se trouve à l'extérieur de Thunder Bay, mais ça me prend 10 minutes pour aller au centre-ville. Je peux assister aux activités scolaires de ma fille et revenir au bureau sans problème. Les deux heures que les Torontois passeraient en transit, moi je les passe soit au travail soit en famille, tout en ayant une pratique vibrante! »

Les régions ont besoin des jeunes avocats. M^e Brochu explique : « C'est difficile de recruter des avocats en région éloignée et encore plus de les retenir. Il nous faut pourtant assurer la relève. Les membres de notre cabinet vieillissent! Cependant, nous avons tiré un bel avantage de participer à *Au-delà du stage*, car nous avons recruté une avocate qui faisait circuler son *curriculum vitae*. Par contre, pour recruter des avocats bilingues, il faut se lever de bonne heure... »

M^e Brochu est la seule avocate bilingue de son cabinet et « ce n'est pas faute d'essayer! » Il y a de l'avenir dans les régions! Avis aux intéressés! ☑



LE CABINET DE L'AVENIR?

EN NOVEMBRE 2011, le Barreau tenait un colloque sur l'administration de la discipline auquel ont assisté des avocats de tout le pays. Le premier jour du colloque, qui portait sur la réglementation au XXI^e siècle, un interprète a été mis au service des participants de la Chambre des notaires et des Barreaux du Québec et du Nouveau-Brunswick. Une des présentations offertes simultanément en français et en anglais portait sur l'éthique et la réglementation entourant les bureaux juridiques virtuels.

M^e Stephanie Kimbro, avocate aux États-Unis, a expliqué que le public a très souvent recours à des compagnies en ligne pour essayer de trouver des solutions à ses problèmes juridiques sans consulter un avocat. Les gens habitent loin des centres, ne peuvent pas s'absenter du travail et cherchent à éviter des frais. M^e Kimbro exploite elle-même une pratique entièrement en ligne par l'intermédiaire d'un portail sécurisé. Elle a des clients partout aux É-U et doit donc s'assurer de ne rendre que les services pour lesquels elle est autorisée. De plus, si M^e Kimbro reçoit une demande d'un client pour laquelle une représentation en personne est nécessaire, elle le renvoie simplement à un autre avocat ou fait une partie du travail, en vertu d'un mandat à portée limitée. Par exemple, elle établit des testaments en ligne : ses clients remplissent un questionnaire très complexe et elle utilise parfois Skype pour vérifier, autant que possible, à qui elle a affaire. Une fois le document rédigé, le client le fait valider par un avocat en personne devant témoins. Un cabinet peut aussi décider d'intégrer des éléments de la pratique virtuelle à sa pratique traditionnelle.

En septembre 2011, le Barreau du Haut-Canada approuvait des modifications au *Code de déontologie* pour permettre les services à portée limitée. Grâce à cette règle, des praticiens peuvent accomplir certaines tâches juridiques dans une affaire et laisser le client s'autoreprésenter pour le reste. Cependant, la nature et la portée de ces services doivent être clairement précisées. Les barreaux canadiens peuvent considérer si des changements à leurs règles sont nécessaires face à ces nouvelles méthodes de pratique que le public favorise de plus en plus.

Les jeunes avocats qui s'établissent peuvent être tentés par la pratique virtuelle. Des coûts de gestion moindres, l'accès à une clientèle élargie et des solutions de service logiciel (SaaS) qui offrent un haut niveau de sécurité peuvent être attrayants. M^e Kimbro a soulevé toutefois le risque de l'isolement : il est conseillé de chercher un mentor ou un autre praticien à consulter en cas de besoin, ou de se joindre à une association pour apprendre à ne pas

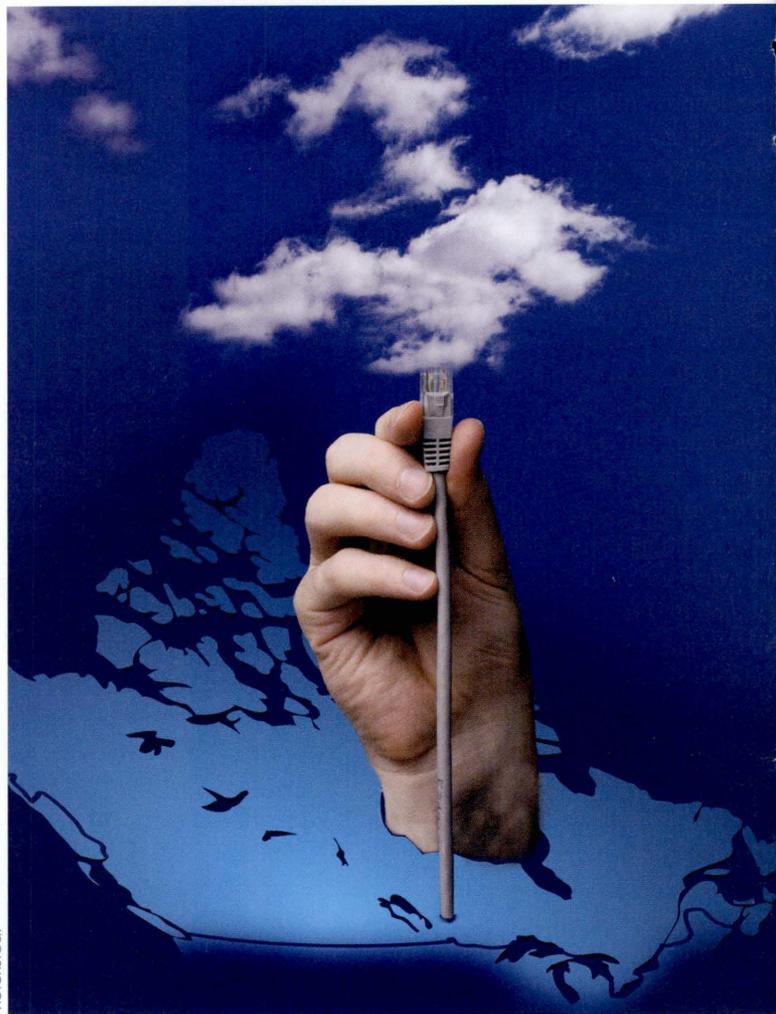


PHOTO: ISTOCK

« ...le public a très souvent recours à des compagnies en ligne pour essayer de trouver des solutions à ses problèmes juridiques sans consulter un avocat. »

commettre de fautes qui pourraient mener à une instance de discipline.

Au Canada, on trouve sur Internet de plus en plus de services virtuels, comme la rédaction de contrats, de mises en demeure interactives, de testaments et de directives funéraires. Il sera intéressant de suivre les progrès de cette nouvelle méthode de service à la clientèle tout en assurant la protection du public. 

ET C'EST PARTI – MAISON D'HÉBERGEMENT POUR FEMMES FRANCOPHONES



PHOTO: JASON BROWN

Toute l'équipe à la première pelletée de terre.

LE 15 SEPTEMBRE 2011, on lançait à Toronto la construction de la Maison d'hébergement pour femmes francophones, dont le ministère des Services sociaux et communautaires avait annoncé un financement de 5,2 M\$ le 17 février 2010 et qui devrait ouvrir à l'automne 2012. La première pelletée de terre symbolique marquait l'élan de la maison de 20 lits, la première à Toronto pour les femmes francophones et leurs enfants fuyant la violence familiale.

M^e Julie Lassonde, directrice générale de la Maison, a indiqué que l'établissement, qui répond à un besoin criant à Toronto, offrira aux femmes francophones et à leurs enfants la possibilité de reconstruire leur vie, sans violence, grâce au soutien de toute une gamme de services offerts en français, dans un environnement chaleureux et accueillant.

Pour en savoir un peu plus long, la *Gazette* a rencontré M^e Lassonde : « Avec la première pelletée de terre, le projet a franchi une autre étape. Bientôt, le conseil d'administration passera à l'embauche de personnel, dont la prochaine directrice générale permanente. Je resterai disponible pour la faire profiter de mon expérience. Je baigne dans le processus depuis déjà 3 ans! Il y a encore tellement à faire! La nouvelle directrice devra travailler les rapports avec les voisins, trouver le personnel, gérer le budget d'exploitation, créer des programmes pour aider les femmes, entretenir les relations avec les organismes qui dirigeront vers nous les femmes dans le besoin, comme Oasis Centre des femmes, Fem'aide et tout le réseau francophone de Toronto. »

Militante féministe, avocate et artiste de scène, M^e Lassonde est fière de ce

projet unique en mer anglophone. « Lors d'un séminaire sur l'agression sexuelle que je donnais à des étudiants de droit, j'expliquais que le droit criminel n'est pas le seul domaine du droit grâce auquel on peut aider les victimes. J'ai démontré que plusieurs autres domaines du droit ont été nécessaires pour mener à bien le projet de la Maison, que ce soit le droit municipal, immobilier, des contrats, de l'emploi ou les mécanismes alternatifs de résolution des conflits. Nous avons eu besoin de conseils juridiques pour les contrats d'architecture, de construction, etc., et par chance, le cabinet Blake Cassels & Graydon s'est engagé *pro bono* dans le projet. Par ailleurs, invitée à la cérémonie du 6 décembre au Barreau, j'ai parlé du concept de guérir dans sa langue et j'ai décrit comment la Maison d'hébergement permettra aux femmes en difficulté de se sentir à l'aise du point de vue de la langue au moins. »

La Maison est un organisme de bienfaisance enregistré. Les membres de la communauté peuvent devenir membres de l'organisme pour soutenir son développement et faire des dons en contactant Julie Lassonde à maison.hebergement.to@gmail.com. Pour plus de renseignements, consultez le très complet site Web de la Maison à www.mhff.ca. 

LE SERVICE ASSISTANCE- AVOCATS CHANGE DE NOM!

Dorénavant, le service à appeler pour obtenir les coordonnées d'un avocat ou d'un parajuriste s'appellera **Service de référence du Barreau**. Restez à l'affût des développements du **Service de référence du Barreau!**

CONVOCATION DECISIONS

JANUARY 2012 HIGHLIGHTS

Two new equity guides now available

The Law Society has developed two new guides to assist the profession in promoting equity and diversity.

Preventing harassment, discrimination and violence in the legal workplace: Guide to developing policies for law firms or legal organizations includes sample policies for addressing harassment and discrimination and workplace violence and sets out procedures to address these matters in a prompt, effective and confidential manner.

The provision of legal services in cases involving claims of sexual abuse – an education guide for lawyers and paralegals is an educational tool to assist lawyers and paralegals who provide legal services to claimants in cases of sexual abuse where the claimants are pursuing compensation. The guide proposes appropriate practices to foster professional and ethical conduct in such cases.

The guides will be available in the Equity and Diversity Resources section of the Law Society's website.

Law Society condemns continued detention of Venezuelan judge

The Law Society intervened in response to the continued detention of Judge Maria Lourdes Afuni for releasing an accused person whose pre-trial detention was in violation of Venezuelan law. The Law Society intervened in this case in May 2010 by letter of intervention and public statement.

Number of non-bencher lawyers on Hearing Panel increased

Convocation approved an increase in the number of non-bencher lawyer appointments to the Hearing Panel from four to six.

APPOINTMENT

Bencher Catherine Strosberg was appointed to the Finance Committee.



DECEMBER 2011 HIGHLIGHTS

Law Society to consult profession on articling program options

Convocation approved the dissemination of the Articling Task Force's consultation report which outlines five options to address articling issues. The profession is encouraged to review the report and provide written comment by March 15, 2012.

The options are:

1. The status quo
2. The status quo with quality assurance improvements
3. The replacement of a pre-licensing transition requirement with a post-licensing transition requirement
4. Either an articling requirement or a practical legal training course requirement
5. Only a practical legal training course requirement

Proposal to initiate development of pilot online family law platform approved

The Access to Justice Committee's proposal to initiate the development of a pilot online, unified family law platform was approved by Convocation. The proposed platform will create

an online resource that will organize currently available information and provide a “first stop” for users requiring assistance with family law disputes. The project is intended to be a collaborative effort between the Law Society and other organizations that provide family law content. Convocation also approved a budget of \$170,000.

Career counselling resource pilot program approved

Convocation approved the development of a career counselling pilot program for women lawyers who work as sole practitioners or in small firms and who take leave from practice for maternity, parental and/or compassionate reasons. The program, a recommendation of the Return to Practice Working Group of the Equity and Aboriginal Issues Committee, will provide access to up to six hours of career counselling and/or coaching services. Convocation also approved the 2012 program budget of \$87,750.

PRIORITIES SET FOR 2011-2015 BENCHER TERM

Convocation approved the following six priorities for the 2011-2015 bencher term:

1. Access to justice
2. Competence and professional standards
3. Equity, diversity and retention
4. Tribunal issues
5. Business structures / law firm financing
6. Professional regulation

Convocation also agreed to treat effective communication and outreach and Convocation governance effectiveness as important ongoing objectives for the Law Society.

The process to identify the priorities began at a Bencher Priority Planning session held in September, 2011.

NOVEMBER 2011 HIGHLIGHTS

Law Society budget introduces modest fee increases for 2012

Convocation approved the Law Society’s 2012 budget with modest annual fee increases of 2.2 per cent for lawyers and 2.6 per cent for paralegals. The 2012 fee for a practising lawyer will increase by \$41, from \$1,785 to \$1,826, while the fee for licensed paralegals will increase by \$25, from \$957 to \$982.

LibraryCo Inc. budget approved

Convocation approved the 2012 LibraryCo Inc. budget of \$8.3 million, a 1.9 per cent increase over 2011. Included is a 2.1 per cent increase for law library grants. The increase will be funded through a \$7 increase in the lawyer levy to \$203, LibraryCo’s continued use of its General Fund surplus and a \$25,000 increase in the budgeted grant from the Law Foundation of Ontario.

Renewal of Territorial Mobility Agreement approved

Convocation approved the renewal of the Federation of Law Societies of Canada’s Territorial Mobility Agreement for an indefinite term. Through the agreement, the Territories participate in the transfer provisions of the National Mobility Agreement but not the temporary mobility provisions. Convocation also agreed to urge the Federation to investigate the factors impeding the Territories’ participation in the temporary mobility provisions of the National Mobility Agreement and consider possible solutions. By-Law 6 was amended to remove the expiry date for the Territorial Mobility Agreement.

Guide to Developing a Customer Service Accessibility Policy released

The Law Society produced the *Guide to Developing a Customer Service Accessibility Policy* to assist law firms in developing resources to comply with the Accessibility Standards for Customer Service. The Accessibility Standards are the first standards adopted under the *Accessibility for Ontarians with Disabilities Act, 2005* and are effective for non-designated public sector organizations, including law firms, January 1, 2012.

Policy revoked

Convocation revoked the policy titled Holding Discipline Hearings in Abeyance Pending Concurrent Civil or Criminal Proceedings. The policy is now included in comprehensive operational guidelines.

APPOINTMENTS

Bencher Bob Aaron was removed from the Finance Committee at his own request. Lee Ferrier was appointed to the Tribunals Committee and the Appeal and Hearing Panels.

Cathy Corsetti and Benchers Jacqueline Horvat, James Scarfone and Alan Silverstein were reappointed to the Board of Directors of LibraryCo Inc. effective December 31, 2011, for a term of one year.

OCTOBER 2011 HIGHLIGHTS

Justicia project and parental leave program extended

The Justicia Project, a pilot project of the Retention of Women in Private Practice Working Group, was extended by Convocation for two years. Through the Project, the Law Society works with large- and medium-sized firms across the province that are committed to implementing programs aimed at improving the retention of women. The extension permits the firms involved to complete ongoing work.

Convocation also extended the Parental Leave Assistance Program (PLAP) to December 31, 2012. The extension provides time for the Working Group and the Equity Committee to consider the future of the program. Notice of one year will be provided if the Law Society decides to end the program.

Common law degree implementation approach approved

Convocation approved the final report and recommendations of the Federation of Law Societies of Canada's Common Law Degree Implementation Committee. The report proposes a detailed and balanced approach for implementing the uniform national requirement for entry to law society licensing processes.

Reciprocal mobility provisions for Québec and Territories established

A new mobility process for lawyers from Québec and the three Territories who seek to practise temporarily in Ontario was approved in principle. The new process brings greater consistency to the mobility provisions between the reciprocating jurisdictions. Lawyers from Québec and the three Territories will now be able to apply to the Law Society for a permit to temporarily practise in Ontario. An annual fee must be paid for the permit. By-Law amendments implementing the policy will be brought to Convocation for approval at a future date.

Mobility rights extended to Québec notaries

Convocation approved in principle a certificate regime to extend mobility rights to Québec notaries. The regime is based on an addendum to the Québec Mobility Agreement recently approved by the Federation of Law Societies and the Law Society. Under the certificate regime, notaries submit an application for a certificate to provide certain legal services within Ontario. The certificate may be renewed each year for a fee. By-Law amendments implementing the policy will be brought to Convocation for approval at a future date.

Practice direction on adjournments approved

Convocation approved the Practice Direction on Adjournments to provide further guidance on requests for adjournment.

Working group on hearing process established

The Tribunals Committee established a working group to consider issues related to the hearing process, as part of the committee's ongoing work to ensure transparency and efficiency in tribunals processes.

Treasurer's honorarium increased

Convocation approved an increase in the Treasurer's annual honorarium to \$175,000, beginning with the new Treasurer's term in 2012. The honorarium compensates the Treasurer for some of the professional time the Treasurer devotes to Law Society work.

Heritage Committee projects approved

Convocation approved three Heritage Committee projects: the completion of the "Diversifying the Bar: Lawyers Make History" project; a pilot project to explore further expansion of histories of the legal profession; and a project to document historical discipline data.

Outside counsel guidelines repealed

Convocation repealed the *Guidelines for Retention and Oversight of Outside Counsel Representing the Law Society in Professional Regulation Matters*, the process for which is now included in a comprehensive operational policy.

Human Rights Monitoring Group interventions approved

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

- a. Lawyers in Iran;
- b. Judge Patricia Acioli in Brazil

The Human Rights Monitoring Group monitors human rights violations that target members of the legal profession and the judiciary as a result of the discharge of their legitimate professional duties.

APPOINTMENTS

Terry Knott was reappointed to the Ontario Lawyers' Assistance Program Board of Directors for a term of two years.

Bencher Robert F. Evans was appointed to the LAWPRO Board of Directors.

SEPTEMBER 2011 HIGHLIGHTS**Guidelines for Law Office Searches approved**

Convocation has approved new *Guidelines for Law Office Searches* for the benefit of Ontario lawyers. Law office searches are rare but when a search occurs, lawyers are advised to consult the Guidelines, which will assist them in protecting solicitor-client privilege and offer best practices and guidance in these situations. The Guidelines are available on the Law Society's website.

Distinguished Paralegal Award established

Convocation created The Law Society Distinguished Paralegal Award to recognize paralegals who have made an outstanding contribution to the development of the profession. The first award will be presented in the spring of 2012.

LAWPRO insurance premiums

Convocation accepted LAWPRO's report outlining the Law Society's professional liability insurance program for 2012. The base premium for professional liability insurance coverage for Ontario lawyers in 2012 is \$3,350 per lawyer, the same premium charged in 2011. The premium for the Real Estate Practice Coverage Option decreases to \$250 in 2012 from \$400 charged in 2011. Premium discounts for part-time practice, restricted area of practice and new lawyers increase, which means thousands of lawyers could pay lower premiums in 2012 than in 2011.

Articling Task Force Terms of Reference amended

Convocation broadened the Articling Task Force's Terms of Reference to permit the Task Force to recommend changes to the overall Licensing Process, which may be required to complement the Task Force's recommendations regarding articling.

APPOINTMENTS

Bencher Virginia MacLean was removed from the Equity and Aboriginal Issues Committee at her own request.

Bencher Sydney Robins was appointed to the Professional Regulation Committee.

RECENT RULE AND BY-LAW AMENDMENTS

Convocation recently made the following amendments to Law Society Rules and By-Laws:

NOVEMBER 2011**By-Law 3 amended re: election of paralegal benchers**

By-Law 3 [Benchers, Convocation and Committees] was amended to provide for a new process for the breaking of a tie in the election of the paralegal benchers.

By-Law 4 amended re: appeals resolution officers

By-Law 4 [Licensing] was amended to add the Appeals Resolution Officers at the Workplace Safety and Insurance Board to the list of adjudicators eligible for educational equivalency for the purposes of the Paralegal Licensing Process.

By-Laws 4 and 6 amended re: mobility rights

Convocation amended By-Law 4 [Licensing] and By-Law 6 [Professional Liability Insurance] implementing policies approved at its October meeting regarding mobility rights for Québec notaries and temporary mobility provisions for lawyers from Québec, the Northwest Territories, Yukon and Nunavut.

By-Law 6 amended re: Territorial Mobility Agreement

Convocation approved the renewal of the Federation of Law Societies of Canada's Territorial Mobility Agreement for an indefinite term and amended By-Law 6 [Professional Liability Insurance] to remove the expiry date for the Agreement.

SEPTEMBER 2011**Conduct rules amended re: Unbundling (limited scope retainers)**

Convocation amended the *Rules of Professional Conduct* and the *Paralegal Rules of Conduct* to provide guidance to lawyers and paralegals who provide legal services under limited scope retainers, also called "unbundled" legal services.

By-Law 4 amended re: exemptions to paralegal licensing

By-Law 4 [Licensing] was amended to limit the exemptions for certain professional associations to fully accredited members.

By-Law 12 amended re: grant approval process

By-Law 12 [Compensation Fund] was amended to better facilitate the grant approval process by providing a procedure for the committee to approve urgent matters without in-person meetings.

CONVOCAATION DECISIONS

CONVOCAATION ATTENDANCE					
	Attendance				
	Sept. 22	Oct. 27	Nov. 24	Dec. 9	Jan. 26
Pawlitza, Laurie H. (Treas.)	✓	✓	✓	✓	✓
Anand, Raj	✓	✓	✓		✓
Backhouse, Constance	✓	✓	✓		✓
Boyd, Marion	✓	✓	✓	✓	✓
Braithwaite, Jack	✓	✓	✓	✓	✓
Bredt, Christopher	✓	✓	✓	✓	✓
Callaghan, John	✓	✓	✓	✓	✓
Campion, John	✓	✓	✓	✓	✓
Chilcott, W. Dan	✓	✓	✓		
Conway, Thomas	✓	✓	✓	✓	✓
Daud, Aslam	✓	✓	✓	✓	✓
Dickson, Mary Louise			✓	✓	✓
Doyle, Adriana	✓	✓	✓	✓	✓
Dray, Paul	✓	✓	✓	✓	✓
Elliott, Susan	✓	✓		✓	✓
Epstein, Seymour	✓	✓	✓	✓	✓
Eustace, Lawrence	✓	✓	✓	✓	✓
Evans, Robert	✓	✓	✓	✓	✓
Falconer, Julian	✓	✓	✓	✓	✓
Ferrier, Lee			✓		✓
Gold, Alan		✓	✓		
Goldblatt, Howard	✓		✓	✓	✓
Haight, Michelle	✓	✓	✓	✓	✓
Halajian, Jennifer	✓		✓	✓	✓
Hare, Susan		✓			✓
Hartman, Carol	✓	✓	✓	✓	✓
Horvat, Jacqueline	✓	✓	✓	✓	✓
Hunter, George	✓	✓	✓	✓	
Krishna, Vern	✓	✓	✓	✓	✓
Leiper, Janet	✓	✓	✓	✓	✓
Lerner, Michael	✓	✓	✓	✓	✓
MacKenzie, Gavin	✓	✓	✓	✓	✓
MacLean, Virginia	✓	✓	✓	✓	✓
Marmur, Dow	✓	✓	✓	✓	✓
Matheson, Wendy	✓	✓	✓	✓	✓
McDowell, William	✓	✓	✓		✓
McGrath, Susan	✓	✓	✓	✓	✓
Mercer, Malcolm	✓	✓	✓	✓	✓
Millar, W. A. Derry					
Minor, Janet	✓	✓	✓	✓	✓
Murchie, Barbara	✓	✓	✓	✓	✓
Porter, Julian		✓	✓	✓	✓
Potter, Judith	✓	✓	✓	✓	✓
Pustina, Nicholas J.	✓	✓	✓	✓	✓
Rabinovitch, Jack	✓	✓	✓	✓	✓
Richardson, Jan	✓	✓	✓	✓	✓
Richer, Susan	✓	✓	✓	✓	✓
Robins, Sydney		✓	✓	✓	
Rock, Allan					
Rothstein, Linda	✓	✓	✓	✓	✓
Sandler, Mark	✓		✓	✓	
Scace, Arthur					
Scarfone, James	✓	✓	✓	✓	✓
Schabas, Paul	✓		✓	✓	✓
Sikand, Baljit	✓	✓	✓	✓	✓
Silverstein, Alan	✓	✓	✓	✓	✓
Strosberg, Catherine	✓	✓	✓	✓	✓
Strosberg, Harvey	✓	✓		✓	✓
Sullivan, Joseph				✓	✓
Symes, Beth	✓	✓	✓	✓	✓
Wadden, Robert	✓	✓	✓	✓	✓
Wardle, Peter	✓	✓	✓	✓	✓

There were no motions at the Sept. 22, Oct. 27, Nov. 24, Dec. 9 or Jan. 26 Convocations requiring a roll-call vote.

Non-voting Benchers in attendance:

September 22, 2011 – R. Aaron, P. Copeland, P. Furlong, G. Gottlieb, D. Murphy, R. Murray, H. Ross, C. Ruby, G. Swaye, B. Wright

October 27, 2011 – L. Banack, A. Feinstein, N. Finkelstein, P. Furlong, G. Gottlieb, D. Murphy, R. Murray, H. Ross, C. Ruby, G. Swaye, J. Wardlaw, B. Wright, R. Yachetti

November 24, 2011 – R. Aaron, L. Banack, M. Bryant, P. Copeland, P. Furlong, G. Gottlieb, R. Manes, D. Murphy, R. Murray, H. Ross, C. Ruby, G. Swaye, J. Wardlaw, B. Wright, R. Yachetti

December 9, 2011 – R. Aaron, L. Banack, P. Furlong, D. Murphy, R. Murray, H. Ross, C. Ruby, G. Swaye, J. Wardlaw, B. Wright

January 26, 2012 – L. Banack, A. Feinstein, P. Furlong, R. Murray, H. Ross, G. Swaye, B. Wright

LIFE MEMBERS

Life membership is granted to members of the Society who have been entitled to practise law in Ontario for a period of 50 years. The following lawyer has been awarded life membership since the last issue of the Gazette.

Edward McWhinney, Q.C., Vancouver, BC

JUDICIAL APPOINTMENTS

SUPREME COURT OF CANADA

Effective October 21, 2011

The Honourable Andromache Karakatsanis

The Honourable Michael J. Moldaver

FEDERAL COURT

Effective December 16, 2011

The Honourable Paul S. Crampton

The Honourable Mary J.L. Gleason

TAX COURT OF CANADA

Effective September 30, 2011

The Honourable Randall S. Bock

COURT OF APPEAL OF ONTARIO

Effective December 2, 2011

The Honourable Alexandra Hoy

ONTARIO SUPERIOR COURT OF JUSTICE

Effective January 1, 2012

The Honourable David A. Broad

Effective December 16, 2011

The Honourable Suzanne M. Stevenson

Effective December 2, 2011

The Honourable Clayton Conlan

The Honourable Meredith Donohue

The Honourable Michael K. McKelvey

The Honourable Timothy Minnema

Effective October 21, 2011

The Honourable John R. McCarthy

The Honourable John P.L. McDermot

Effective September 30, 2011

The Honourable Brian P. O'Marra

ONTARIO COURT OF JUSTICE

Effective August 24, 2011

Justice Jonathan Brunet

Justice David Michael Paciocco

Effective August 26, 2011

Madam Justice Lise Maisonneuve

Regional Senior Judge of the Ontario Court
of Justice for the East Region

Effective September 21, 2011

Madam Justice Faith Maureen Finnestad

Regional Senior Judge of the Ontario Court
of Justice for Toronto

Effective December 8, 2011

Justice Philip Anthony Downes

Justice Aston Joseph Hall

Justice Jacqueline Loignon

Justice Joseph Gilbert Raoul Maille

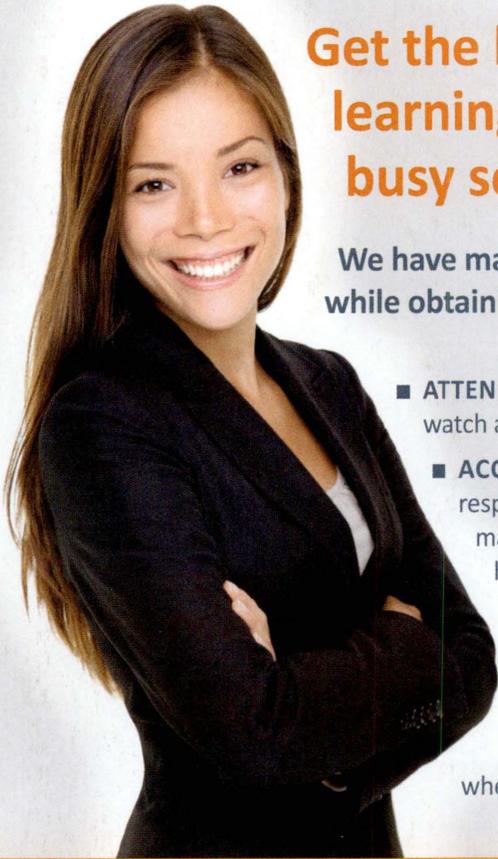
Justice Heather Adair McArthur

Effective December 28, 2011

Justice Robert Gee

Justice Jeanine Elisabeth LeRoy

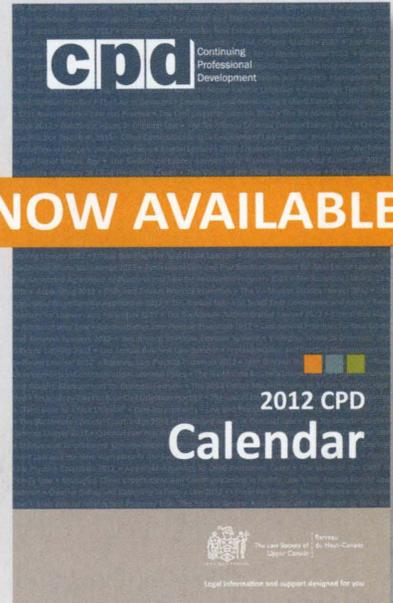
Justice Enno J. Meijers



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