

ONTARIO

LAWYERS

GAZETTE

LA REVUE DES JURISTES DE L'ONTARIO



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L'INFORMATIQUE JURIDIQUE



LET RIGHT PREVAIL

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

New look and improved features for www.lsuc.on.ca

WITH VISITORS ACCESSING nearly 400,000 pages since it was launched in mid-1996, the Law Society's web site has been revamped to better serve members and the public.

The site began as a pilot project and is now an important communication tool for the Law Society, providing fast and efficient access to a wide range of information. (For example, because of time required for printing and distribution, the on-line version of *Ontario Lawyers Gazette* is usually available on the site a week or two before it arrives by mail.)

Feedback from site users has been overwhelmingly positive – but there's always room for improvement – and the comments and suggestions have helped guide the recent changes and will also shape what will be done in the future.

The new www.lsuc.on.ca has a faster-loading new look. With the new graphics, users should spend less time waiting for pages to appear on their screens.

Content of the site has been reorganized to make it easier to navigate. A significant

amount of material is now available in French through a "mirror" of the site.

Members only

A number of the site's features are available to Law Society members only. To access these features, members need their



LSUC web site has had nearly 400,000 "hits"

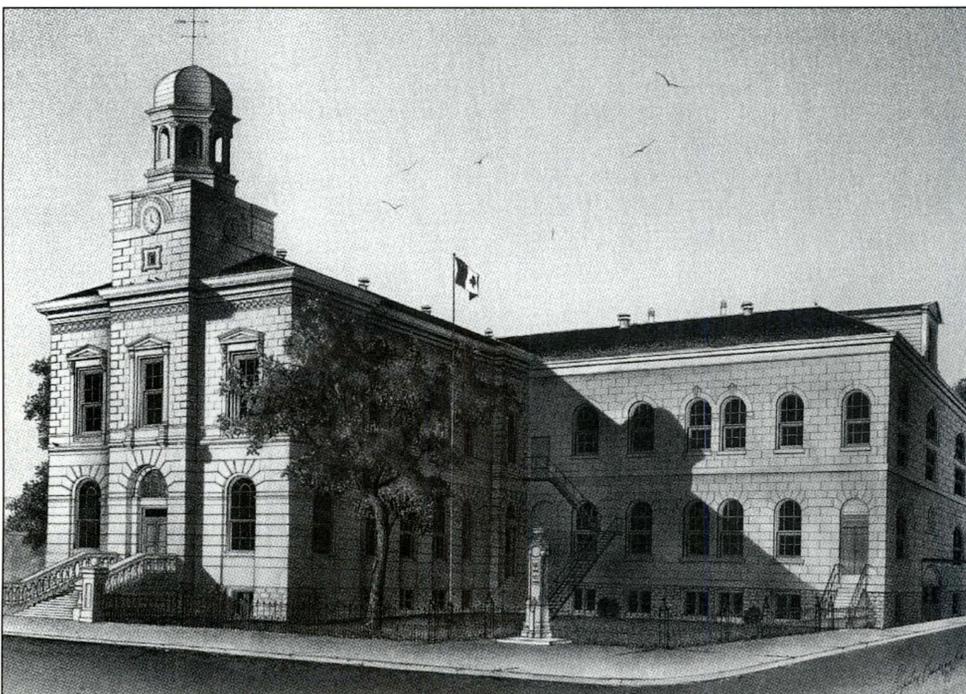
member number and date of birth. Complete instructions are available in the "Members On-line" section under "Services and Information for Lawyers." So far, nearly 1,000 members have submitted the necessary sign-in information.

Two member features have been improved as part of the relaunch:

- member directory; users can quickly and easily search the web site database for contact information on other members
- discussion forum; members can post and reply to messages from other members in the forum, which has been redesigned to make it more compelling and easier to use (see "Hot topic" story on page five).

Other web site features that are available to members include the ability to submit change of address information and inclusion in the e-mail broadcast list that allows the Law Society to send e-mail notices and updates directly to members in a timely and cost-efficient manner. Members with their own web sites are encouraged to submit them to our list of Legal Links.

The address of the site is <http://www.lsuc.on.ca>. Click on Search to find specific information in the site. Comments, questions or problems can be submitted by clicking on Feedback. ■



ONTARIO'S COURTS

St. Catharines, Lincoln County

"Unique among Ontario court houses, the Lincoln Court House was originally constructed for another purpose – the town hall for the municipality of St. Catharines. Originally built in 1848 to a competition design submitted by the Toronto architect Kivas Tully, it was offered to the county in 1863 as an inducement to move the county town from Niagara to St. Catharines.

From Court Houses in Ontario, 1979, by Stephen Britton Osler. Reprinted by permission of Carswell – a division of Thomson Canada Limited.

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CONVOCATION

Benchers elect Harvey Strosberg as new treasurer

CONVOCATION HAS A new chair. As the first order of business at their June 27 meeting, benchers elected Harvey Strosberg, Q.C. as treasurer. Mr. Strosberg, a Windsor lawyer and a bencher since 1987, succeeds Susan Elliott from Kingston who led Convocation over the past two years.

Mr. Strosberg's lone opponent for the position, bencher Tom Carey, quickly moved to make the election unanimous noting that he and the new treasurer "had a wonderful debate through this election and we found that we had a lot more in common than opposed."

Mr. Strosberg told Convocation that his first order of business will be to review Convocation's committee structure. As well, he has stated that he believes the combined LPIC levy and

Law Society membership fee can be cut by as much as \$1,000 next year. (For more on the treasurer's goals, please see Treasurer's Message below.)

There was also praise for Ms. Elliott. Mr. Strosberg thanked the past treasurer for her work during what turned out to be a very difficult time for the Society. "You touched the office with grace and dignity," he told her. "Your easy manner and thoughtful collegial style were in the service of consensus building, absent which Convocation would not have been able or even willing to solve the problems that it has. You guided us through two turbulent years and the profession is the better for it."

Former Law Society treasurer, former Justice Minister and now the Minister of Health, Allan Rock attended

Convocation to cast his ballot in the election.

The new treasurer is a certified specialist in civil litigation and partner of the firm Gignac, Sutts. He has chaired the LPIC board of directors, as well as the Law Society's research and planning, equity in legal education and practice, and discipline policy committees. Mr. Strosberg, a graduate of Osgoode Hall law school, was called to the bar in 1971, was designated Queen's Counsel in 1982, and is a member of the Attorney General of Canada's judicial appointments advisory committee.

In his welcoming remarks to Convocation, Mr. Strosberg encouraged his fellow benchers to challenge his leadership. "Criticism is what I require and what I look forward to," he said. ■

TREASURER'S MESSAGE

Priorities for action include fees, legislation and legal aid

THE 55 MEN AND WOMEN who have preceded me in the role of treasurer of the Law Society of Upper Canada have brought to this office an abundance of styles and talents, but one quality all of them seem to have possessed in common was that of great force of character. I will attempt to measure up to that legacy.

To that end, I have begun by identifying several priorities for immediate action. Fees, of course, are always important. I hope to see a reduction in the overall combined premium and fees of the Lawyers' Professional Indemnity Company (LPIC) and the Law Society.

With the LPIC deficit, once \$154 million, now well under control, and soon to be retired, and with greater fiscal responsibility having been brought to bear within the administration of the Society, it should be possible to reduce membership fees and insurance premiums by about \$1,000 next year. Any decision of this

kind ultimately rests with Convocation, but I will be working with the finance committee and the benchers to convince them that the reduction is at once necessary and financially prudent.

As Treasurer I also want to convey an early and clear message to Queen's Park that the Law Society is eager to cooperate with the government to better serve the public and the profession. The appropriate starting point is the enactment of a package of amendments to the *Law Society Act*. The Act, everyone agrees, is obsolete: it needs to be made current. The changes Convocation pro-



Harvey T. Strosberg

poses for passage by the Legislature will streamline the discipline process and make the Law Society more efficient by virtually eliminating all unnecessary procedure or protocol. Passage of the amendments is important to ensuring that Ontario's bar remains one of the finest in the world.

The government and the Law Society must also come to an understanding on how the Ontario Legal Aid Plan (OLAP) will ultimately be structured. A starting point on the issue will come from the McCamus review of the legal aid plan. At the end of the process, whatever decision is taken on who or what will administer the plan, it is essential that the government and the Law Society prepare for the March 1999 conclusion of the current memorandum of understanding (MOU), which sets out provincial funding for the OLAP. I will ask Convocation to strike a reconstituted transition planning team to negotiate and work closely with the government to address any issues arising from the ending of the MOU.

Beyond the issues of fees and governmental relations, Convocation will also begin shortly a review of the Lawyers Fund for Client Compensation.

The Fund exists to protect clients from financial loss suffered as the result of lawyer dishonesty, but a review of it is in order to ensure its continuing financial viability.

I will likewise seek Convocation's support for striking a task force aimed at

MEMBER FORUM

Hot topic

The Gazette and the Law Society web site (see page two) are beginning an experiment to allow members to have their say on issues of interest to the profession.

Each issue of the Gazette will introduce a new "hot topic" and invite members to respond through the Discussion Forum at www.lsuc.on.ca. Members must have completed the sign-in to access the forum, which is located in the "Members On-line" section under "Services and Information for Lawyers."

Our first topic is: **What should Law Society priorities be for next two years?**

Participating is easy: visit the hot topic, read what your colleagues think and leave your message.

implementing the significant equity and diversity recommendations adopted by benchers at May's bicentennial Convocation (see *OLG* May/June 1997, p. 8). We must be vigilant in recognizing and combating discrimination and in promoting equity in the profession, and we need to find ways to ensure that our initiatives actually achieve our goals.

For all of this, I know that I cannot possibly succeed in any of these humble efforts without the creative energy and imagination of the benchers and without the practical wisdom and good will of the members of the profession generally. As treasurer, I truly welcome the opportunity now afforded me to meet with and receive the ideas of a great many members of our profession. I shall look forward to our meeting and our dialogue.

In any event, as I embark upon my new duties, I want the members of the profession and the public at large to know that I am acutely conscious of the responsibilities of the office, and I pledge to do my best to honour and extend the high standards set for me by my predecessors. ■

Harvey T. Strusberg

Preparing the profession for the new world of real estate

BENCHERS HAVE ENDORSED in principle a report that considers the new rules and policies that will need to be developed to govern the profession as Ontario's title documentation process moves from a paper-based system to an electronic one.

With the arrival of the digital age, real estate lawyers in the province will need to adapt their practices to operate in what amounts to a brave new world and be prepared for the implications of the new Teraview Electronic Registration System (TERS).

In its final report at the June meeting of Convocation, the Law Society/Canadian Bar Association-Ontario joint com-

mittee on conveyancing procedures and practice standards under the new electronic registration of title documents presented 41 recommendations, including proposed changes to the Society's Practice Directives and Rules of Professional Conduct.

The recommendations deal with issues such as closing and notification obligations, office management and responsibilities for law firm staff access to TERS, facilitating and standardizing escrow closings (along with the development of a suggested Document Registration Agreement that lawyers may use to address standard escrow situations), and the use of a new Acknowledgment

and Direction from clients. Law Society staff have begun preparing for Convocation's consideration specific proposals that are based on the recommendations.

The beta test of TERS will begin in the London land registry office, which covers all of Middlesex county and its 134,000 records. A follow-up report from the beta testers will be sought for further refinement of any proposed directives and standards before implementation for the entire profession.

Further roll-outs in Peel, York, Durham and Halton will follow the beta test. The transition will continue gradually until the entire province's title registry is operating electronically, around

the year 2000.

Once the program arrives in a district there will be a short transition period (60-90 days), after which paper transactions will no longer be performed. Over the next few years the province will be something of a patchwork as the old and new systems work side-by-side until all registry offices make the change over.

The new system is expected to be easier for lawyers because all registrations, which must now be performed in person at a registry office, will be possible from a remote computer — in a

lawyer's office, at his or her home, or elsewhere. For example, a lawyer living in Goderich may choose to learn the system before it actually arrives in Huron County in 1998-99 because she will soon be able to access the system in nearby London, which is slated to get the new system by the end of this year.

For lawyers who have avoided computers to date, the switch will mean a significant learning curve. The joint committee's report recommends the Law Society and CBA-O work together with other interested organizations to

create and implement a comprehensive educational program— offered on a voluntary basis to lawyers and their staff — to teach computer literacy and the new title registry system. The first training program is scheduled for November 10 and already 2,800 people have signed up. The seminar will be presented live in Toronto and broadcast via satellite to major centres around the province. Registrations are still being accepted — call the CBA-O at (416) 869-1047 in Toronto, or 1-800-668-8900. ■

Recommendations on accrediting foreign-trained lawyers

THE LAW SOCIETY will continue to stand behind the process followed by the National Committee on Accreditation (NCA) for accrediting those lawyers who received their legal education outside of the Canadian common law or Quebec civil law systems. In addition to affirming their support for the NCA at the June Convocation, benchers also approved a series of recommendations aimed at enhancing the Committee's work.

The NCA, formerly known as the Joint Committee on Accreditation, is a committee of the Federation of Canadian Law Societies. Formed in 1977, its mandate is to review the credentials of lawyers trained under Quebec's civil law system and foreign-educated lawyers who wish to be called to the bar in a Canadian common law province (other than Alberta, which operates its own review system.) The NCA is funded entirely from application fees.

The operation of the NCA is of particular concern to Ontario because, along with British Columbia, the province is the largest user of the NCA certificate qualification process.

The findings in the report, authored by bencher Gavin MacKenzie, were endorsed by benchers, and although there was a good deal of debate surrounding the report's recommendations, the vote was nearly unanimous in supporting the central theme of continued

County law libraries go on-line

The final phase in a three-pronged program to provide information technology to Ontario's 47 county law libraries has been finalized. The Law Society and County and District Law Presidents' Association (CDLPA), seeking ways to broaden access to legal research, have negotiated an agreement to install several of Carswell's CD-ROM legal titles in each of the libraries.

The deal to provide the electronic information — Canada Law Reporter (Federal and Ontario), Canadian Encyclopaedic Digest, Canadian Case Digests, Civil Practice Partner, Family Law Partner and Estates Planner — also includes training on how to use the tech-

nology. Most county law librarians have received instruction on effectively using the CD-ROMs, and a series of training seminars for members of county law associations is expected to begin in September.

The Law Society and CDLPA also negotiated with QuickLaw Systems (QL) earlier this year to provide free, unlimited access at the county law libraries to the more than 1,000 databases, bulletin boards, and business and news information services available from QL. Again, training is part of the package so that lawyers can be comfortable and proficient at using the latest research tools.

The Carswell and QL agreements build on a decision last fall which began the process of equipping those libraries without modern information technology with basic hardware — computer, CD-ROM, and printer. The roll out of the computer equipment is expected to be completed soon.

"Together these agreements put a huge depository of case law and commentary — previously unavailable to them — at the fingertips of lawyers across the province," says Janine Miller, the Law Society's director of libraries. "It also means that lawyers will be able to benefit from electronic research without having to incur the cost — they'll just have to visit their county library to quickly find even infrequently used materials."

support for the NCA.

The recommendations, which are not binding on the NCA, include:

- That at least one foreign-educated lawyer drawn from an “ethno-cultural minority group” sit on the NCA.
- That time spent working as a law clerk under the supervision of a lawyer in Canada be considered in a candidate’s assessment.

Ontario and B.C. are the largest users of the NCA certificate qualification process

- That an expert in prior learning assessment consider expanding the criteria for earning credit for other experience.
- That candidates required to take classes at an Ontario law school have the benefit of an orientation program to help smooth the transition and increase chances of success.
- That an English or French language proficiency test relevant to the legal profession be implemented.

Convocation had directed Mr. MacKenzie to investigate the accreditation process because of concerns expressed both by applicants and by law schools about the growing difficulty of assessing student qualifications. Whereas the majority of applicants once came from countries with a shared common law background — such as the United Kingdom, United States, Australia and New Zealand — changing immigration patterns and policies have brought applicants from all around the world. While this growing diversity is a welcome development, it has made assessing prior legal education and experience more difficult.

In its 1996/97 fiscal year, the NCA evaluated 219 applicants, three-quarters of whom came from the United King-

dom, the U.S., Quebec, India, South Africa or Hong Kong. Overall, 39 per cent of applicants were required to attend a Canadian law school for some period of time; 53 per cent were required to write NCA examinations.

Those candidates with legal training similar to that provided in Canada are given a series of NCA-administered examinations on various legal topics. Others are required to attend a Canadian law school, either part or full time, in order to earn a prescribed set of credits. Once a candidate successfully completes either of these programs, the NCA issues a certificate stating that the person has qualifications equivalent to a Canadian law degree — the candidate is then eligible for the bar admission course.

The report also recommends the Law Society “pursue discussions with the University of Toronto Law School with respect to the issues of fees and services to NCA candidates.” The U of T program has provoked complaints because the fees paid by NCA students are higher than the government-subsidized tuition fee for regular LL.B. students. In his report, Mr. MacKenzie points out the school’s position has “created a very significant tension” among NCA applicants who feel the system is putting them at a disadvantage.

The report will now be referred to the Federation of Law Societies, so that any changes to the current NCA accreditation process can be considered on a national basis. ■

Roll-call votes

THERE WERE NO roll-call votes at Convocation on June 27.

Correction

In the last issue of the Gazette (May/June 1997, p. 11) it was indicated that roll-call vote number two—that Convocation table a motion—was defeated. In fact, the motion was carried 34 to 7. ■

CONVOCATION ATTENDANCE AND ROLL-CALL VOTES

June 27, 1997	Attend	Motions*
Aaron, Robert	✓	
Adams, W. Michael	✓	
Angeles, Nora	✓	
Armstrong, Robert	✓	
Arnup, John	✓	
Backhouse, Nancy	✓	
Banack, Larry	✓	
Bobesich, Gordon	✓	
Carey, Tom	✓	
Carpenter-Gunn, Kim	✓	
Carter, William	✓	
Chahbar, Abdul Ali	✓	
Cole, Thomas		
Copeland, Paul	✓	
Cronk, Eleanore	✓	
Crowe, Marshall	✓	
Curtis, Carole	✓	
Del Zotto, Elvio	✓	
Eberts, Mary	✓	
Elliott, Susan	✓	
Epstein, Philip	✓	
Feinstein, Abraham	✓	
Finkelstein, Neil	✓	
Gottlieb, Gary L.	✓	
Harvey, Jane	✓	
Krishna, Virender	✓	
Lamek, Paul	✓	
Legge, Laura		
MacKenzie, Gavin	✓	
Manes, Ronald	✓	
Marrocco, Frank	✓	
Martin, Arthur		
Millar, Derry	✓	
Murphy, Daniel	✓	
Murray, Ross	✓	
O'Brien, Brendan	✓	
O'Connor, Shirley	✓	
Ortved, Niels	✓	
Puccini, Helene	✓	
Rock, Allan	✓	
Ross, Heather	✓	
Ruby, Clayton	✓	
Sachs, Harriet	✓	
Scace, Arthur		
Scott, David	✓	
Sealy, Hope	✓	
Stomp, Tamara	✓	
Swaye, Gerald	✓	
Thom, Stuart	✓	
Topp, Robert	✓	
Wilson, Richmond	✓	
Wright, Bradley	✓	
Strosberg, Harvey (Treas.)	✓	

Non-voting Benchers in attendance

June 27, 1997 – R. Cass, G.H.T. Farquharson, P. Furlong, A. Lawrence, J. Wardlaw

*Motions A=against F=for Ab=abstain

There were no motions requiring a roll-call vote at June 27 Convocation



IN PRACTICE

PRACTICE MANAGEMENT

Growing your business with a marketing strategy

IT USED TO BE THAT hanging out a shingle and joining a few good clubs were enough to market your law firm's services.

Those days are gone. Today, smart lawyers develop concrete strategies and marketing plans to meet their business objectives, says Michael Crawford of Crawford Reid Consulting.

It is easy to say the firm's objective is to increase revenues by five per cent. But unless someone maps out how that will be achieved, the strategy will likely fail.

Whether it is the "five and five" approach Crawford espouses (in which you identify your five most important clients and identify five clients who you would like to have) or the "client segregation" approach suggested by U.S. attorney Christine Filip in her book *Effective Marketing for Lawyers* (published by the New York State Bar Association), the consensus today is that lawyers should strive to expand their "wallet share" of existing clients, as opposed to expanding market share.

Filip, president of the Manhattan consulting firm the Success Group, notes that it is six times more expensive to get a new clients than to retain a present client. Moreover, a five-per-cent improvement in client retention can improve profits between 15-50 per cent.

Her research suggests that clients leave because of inattention, not fees, and a dissatisfied client will tell eight to 10 people about his or her experience, while one in five clients will tell 20 people.

Referrals from clients are also a solid addition to the bottom line. Retention from clients obtained by advertising has a "loyalty rate" of 68 per cent versus 92 per cent from referrals.

That is why it is important to review your existing clients as the starting point for your marketing initiatives.

Crawford says the "five and five" approach involves a "small, manageable number of people" and requires lawyers to focus, "with the result that putting it on to paper is pretty painless for most lawyers."

Filip suggests that firms examine their receivables and segment clients in three levels. Level one is your most profitable clients. They pay on time and provide work you enjoy. Your marketing "money" should be spent here, she writes.

Level two clients are marginally profitable and some have the potential to become level one clients. Level three are unprofitable clients who pay slowly, bring in the wrong type of work and demand too much.

When analyzing your client profiles, Filip says lawyers will find two generalities. One is the 20-80 rule, in which 20 per cent of your clients likely generate 80 percent of your billings. The second is that lawyers will discover they waste too much of their time servicing their level two and three clients.

Once you've targeted the clients you want to pursue, you can map out your plan, which Crawford suggests should be written, because a plan that "isn't

written is one forgotten."

The plan should set out a mission statement, an analysis of the firm's personnel, its products or services offered, pricing, client needs and competition.

According to Filip, the plan should identify trends and marketing opportunities, as well as set out goals and strategies and tactics for meeting those goals.

It should include a budget and a timetable along with contingency plans and criteria to measure the success of the plan as it unfolds.

The written plan should identify

trends

and

opportunities

The tactics section should include both firm initiatives, such as brochures, advertising, and firm-wide client seminars, and personal initiatives, such as networking, speaking engagements, publishing opportunities or even developing your own newsletter to keep clients and potential clients abreast of developments in their field.

Consider attending a key client's trade show or an annual meeting of their related trade or professional association. There, you'll meet other people who likely have similar legal problems to your client. Use your clients to help you

get referrals or a foot in the door with their key contacts.

The objectives of a marketing plan should reflect the firm's mission statement. As to strategies, those can be as creative as you want them to be within the parameters of the Law Society rules.

Media relations should not be overlooked. Getting to know an editor or writer at a trade publication that serves an industry involving your key clients can lead to possible article placements or even being quoted as an "informed source."

Crawford says one of the problems with law firm marketing is that some firms get "caught up in the mechanics of creating a plan." He's heard of instances where it's taken two or three years for lawyers to agree on the plan.

"There's no reason to make a big dramatic production of it," he said, adding that lawyers should be able to arrive at a consensus in a few months. "Goals can change," he said, with the result that "no marketing plan is ever etched in stone."

Once a course has been charted, Crawford says it's important for lawyers to stick with it. "One of the problems many professionals face is that they are interrupt driven." They work on a file and an unrelated call comes in. The lawyer then sets the file aside to deal with the latest crisis. Unfortunately, that approach can creep into lawyers' marketing efforts. An opportunity arises that doesn't fit into the plan but the lawyer will run off and pursue it at the expense of the existing strategy. "Often times they lose sight of where it is they want to focus most of their energy."

Firms must develop a realistic plan, stay on target and measure success. Don't be afraid to try something new in your marketing plan because if it doesn't work, you can always change it. The key, though, is to have a plan. Without one, the competitive nature of the practice is such that you might not be around in a year to try something new. ■

THE COURTS

SCC information delivered to your desktop

THE SUPREME COURT of Canada is now delivering its popular notices to the profession directly to lawyers' computers by e-mail. Anyone who currently subscribes (or who would like to in future) can join the courts on-line "listserv" electronic mailing list, either by visiting the court's web site or by sending a specially coded e-mail to the court.

(A "listserv" mailing list automatically compiles and stores addresses of "subscribers" interested in receiving information by e-mail. The court's press releases have been available from a listserv mailing list for several months.)

To subscribe through the court's web site, users should point their browser program to <http://www.scc-csc.gc.ca>. Clicking on "English" (or "Français" as the case may be) will take the user to a page that includes "Supreme Court of Canada mailing lists."

Users can subscribe by clicking on either "notices to the profession" or "press releases." (Subscribers wanting to be on both lists must execute them as separate transactions.) Clicking on the appropriate box will open an e-mail form. If the browser has been properly configured, the form will have the subscriber's information already entered in the appropriate spaces.

Clicking on "send now" will start the subscription process. Some browser programs will remind the user that nothing's been entered in the "message" area of the e-mail form. Ignore this. Do not type anything in the message area. The subscriber should receive an e-mail message of welcome from the court.

To subscribe using any standard e-mail program, simply send a message addressed to: lyris@listserv.scccsc.gc.ca. In the "subject" field (*not* the message field) type: subscribe notice-avis. (For those wanting press releases, the command is subscribe sccpress.)

Anyone who wants to be removed from the mailing lists can choose an "unsubscribe" option at the court's web site, or can send an e-mail message as described above, only with "unsubscribe" instead of "subscribe" in the subject field.

The e-mail service is free of charge. Anyone who receives notices by e-mail will no longer receive them by regular mail.

The Supreme Court's Deputy Registrar, Louise Meagher, says the listserv project had been delayed slightly while the court's technology committee ensured that access would be as simple as possible and completely bilingual.

Not only will the court be offering all future notices to the profession on-line, but the court's web site will also contain an indexed database of all outstanding notices available at the click of a mouse.

Practitioners with comments or questions about this service can contact the court by e-mail at comments@scc-csc.gc.ca, tel (613) 996-7520 or fax (613) 941-5817.

Tax Court update

The Tax Court of Canada recently announced that it has made arrangements to deal with urgent telephone calls to the registry of the court at Ottawa outside its regular working hours of 9 a.m. to 5 p.m., Monday to Friday. This service will be available seven days a week on a trial basis until the end of the year and is applicable to all proceedings instituted in the Tax Court of Canada. The telephone number is (613) 850-5021.

The court also requests that it be notified of any settlements as soon as possible before the date of the commencement of the hearing of an appeal so that another appeal or appeals may be substituted. ■

Update on duty counsel eligibility testing

THE LEGAL AID Committee decided to continue financial eligibility testing in six Ontario courts until September 30, 1997 with some changes. These changes will make the testing more equitable and consistent with the certificate qualification process. The following changes took effect July 2, 1997:

- People in custody are excluded from eligibility testing
- Young offenders are excluded from eligibility testing
- The liquid asset cutoff level has been raised to \$1,500, recognizing the needs of low income clients whose funds are needed for living expenses.

The six sites showed that testing has not resulted in wide spread chaos in the courts and it has been successful in eliminating some people from service. With continued testing and better data collection, the Committee will be able to make better informed decisions in Sep-

tember as to if and how the program should continue.

Less than one per cent of all people seen by duty counsel in criminal courts in the test sites were ineligible for service. Only seven per cent of all those seen by duty counsel for family law were ineligible. Testing has not resulted in a large increase in the number of people who intend to hire a private lawyer. In fact, over 50 per cent of clients refused service in family and criminal court intended to represent themselves.

Six-month account payments

Another batch of six-month accounts totaling \$6.6 million is being paid starting this August 1997. The remaining eligible accounts will be paid in 1998.

Consent and capacity panels

Following changes to provincial mental

health legislation, the Plan is reconstituting its Mental Health Panels and requiring all lawyers to requalify.

Becoming a member of the new Consent and Capacity panels will also make you eligible for selection by the Provincial Guardian and Trustee to represent a person under the *Substitute Decisions Act* and the *Health Care Consent Act*.

In order to requalify, you must either have attended a training session held by the Canadian Bar Association-Ontario (CBA-O) in June 1997 or you must audit the videotape and materials. To audit the materials, speak to your local CBA-O representative. You will be required to buy the materials (approximately \$100) and watch the all-day videotape. Then, advise your Area Director in writing of your qualifications, including your solicitor number.

REGULATION

Using electronic trust transfers

The Department of Audit and Investigation has noted that clarification may be required in relation to the new Electronic Trust Transfer provisions of Regulation 708 (subsections 14(10.1) through 14(10.7) inclusive) and the accompanying Electronic Trust Transfer Requisition. Both are now available from the Law Society website (see links from http://www.lsuc.on.ca/services/services_audit.html). Please note the following:

- Members have inquired as to the Electronic Trust Transfer Requisition's application to wire transfers of funds from trust accounts.

The new provisions and requisition are primarily applicable to remote computer banking (or "pc banking") facilities that many banks now offer. However, these new provisions of Regulation 708, and the requisition, do not apply to wire transfers. Nonetheless, wire transfers of funds from trust accounts remain acceptable under Law Society regulations. However, members must remember to post and

record all wire transfers appropriately and to maintain all source documents to ensure that a proper audit trail is maintained.

- Members have asked if the Electronic Trust Transfer Requisition must be delivered to the financial institution.

Electronic Trust Transfer Requisitions form part of the firm's records. They do not need to be delivered to the financial institution. The institution will receive the electronic instructions in relation to the funds transfer as conveyed by the law firm through the modem connection and as verified in the confirmation that the institution sends. The Electronic Trust Transfer Requisition is to be used by the firm to ensure that the funds transfer instructions confirmed by the institution conform with the particulars of the desired electronic transaction.

Inquiries related to electronic funds transfers can be directed to the Audit Statutory Adviser at (416)947-5257 or by e-mail to lsforms@lsuc.on.ca.

Making sure you get paid

To ensure processing of your accounts, please respond promptly to requests from the Legal Accounts department for information such as additional authorizations from the area office, additional documentation such as copies of invoices or clarification of part of an account.

Also, don't delay a request for a review of the settlement of an account (pursuant to section 105 of the Regulations). The Plan does not keep files and computer records indefinitely and accounts may be deleted if missing information is not provided and if it appears the account is final.

Make sure when billing your legal accounts that charges for correspondence are billed either in the body of the account or at the end – not both.

Need advice on a legal aid case?

Legal Aid offers a free mentor hotline service to lawyers working on legal aid cases. If you are working on a legal aid case, you can get summary telephone advice from lawyers with legal aid experience in criminal, family, civil and immigration cases. Call 416-979-9342 or toll-free at 1-800-668-8258, extension 4734 to find out more about getting in contact with a mentor.

Update on the Divorce Law Office

The Divorce Law Office completed its second year of providing service province-wide to clients who qualify for a legal aid certificate and are seeking an uncontested divorce. During the year, the office opened 282 new files and completed 328 files. The office also provides summary advice and information on family law and divorce.

During the 1996/97 year, 61 per cent of clients were from outside Metropolitan Toronto. The client profile reveals that 89 per cent are women and 87 per cent were granted certificates because of physical abuse. Legal Aid offices referred 72 per cent of the clients to the office, while another 15 per cent of referrals came from the private bar. The office is now located within the Toronto area legal aid office at 375 University

Avenue, 2nd Floor. Their phone number is 416-348-0001 in Toronto, or toll-free at 1-800-331-9618.

Is your office moving?

Make sure to send a change of address notice to all the area offices that you do legal aid work with. Legal aid area office computers are not yet centrally linked and therefore each office must make the change in their computers individually.

Investigations and complaints

A legally aided client was recently convicted of defrauding the Plan of more than \$35,000. Following an internal investigation into a false statement made on the legal aid application regarding assets, the case was turned over to the Metro Toronto Police Fraud Squad who later charged Anganie Hazarie in 1994 under section 362 (fraud) of the *Criminal Code*.

The client was convicted in a judge and jury trial June 26, 1996. The Plan has been compensated in full. ■

CLIENT RELATIONS

Communication crucial to avoiding complaints

LAST YEAR, THE LAW SOCIETY received about 4,500 complaints from clients about their lawyers. Although the number is down from 6,000 two years before, it still represents a lot of unhappy people, some of whom are soured on the legal profession forever.

For the most part, complaints fall into three broad categories: the fee is too high, the lawyer isn't doing enough to solve the client's problem or the lawyer took some action not authorized by the client.

More than half the time, an investigator looking into the dispute discovers the problem is a lack of communication rather than a breach of any kind by the lawyer involved. The lawyer performed his or her duties and billed the client a reasonable amount, but for some reason

the client does not know it.

It stands to reason, then, that if lawyers were able to improve communications with their clients, the number of complaints could drop by more than half. Thousands of lawyers would avoid the prospect of dealing with a disgruntled client and a Law Society investigator.

Proponents of improving client communication say it takes very little time or effort to keep a client in the loop while the file is active. It certainly is easier than dealing with the potential consequences of failing to do so, they argue.

"I consider it a value-added service," says Milton Zwicker, an Orillia lawyer and former publisher of *Law Practice Management*, an American Bar Association publication. "You can explain

something to a client, and he may understand it at the time, but if you follow up with a written statement it makes more of an impression."

Providing
a ballpark figure
is better than
simply quoting
an hourly rate

To prove his point, Zwicker cites an Australian study in which a doctor split a group of 48 patients with similar conditions into two groups of 24. He treated them equally with one exception: One

group received written reports following each appointment. A subsequent survey of all 48 reflected a much higher degree of satisfaction among the 24 who received the reports.

Anyone who has ever stood in line at DisneyWorld has witnessed a less scientifically rigorous example of the same principle, Zwicker suggests. "They let you know it's going to take 20 minutes to get to the front of the line, and it seems a lot shorter. Same thing at a good restaurant. Keeping people informed is very important.

"When I take on a case I give the client a file folder with her name on it, and I say, 'Your file will be as thick as mine because I am going to give you everything I send or receive.' Clients are impressed." Zwicker also supplements the arduous language of wills with a one-page flow chart he calls a will map. Produced using the computer program titled Inspiration, the chart clearly shows the provisions of the will, who will receive what when the client dies.

"There's a lot of worldwide research on this. People want us to return their phone calls and keep them up to date on a regular basis."

The Law Society suggests the com-

munications task begin immediately once a lawyer takes on a client. After the initial meeting, the lawyer should send a letter spelling out what he or she is doing for the client, what he or she is not doing and how much it will cost. And whenever a client's instructions change, that should be spelled out in writing as well.

Ideally, improved communication will reduce the chances of the client lodging a complaint. However, if someone is bound and determined to complain, the best tool a lawyer has to counter the complaint is a file thick with correspondence explaining what she is doing and why. If it gets to the point of negligence action, the lawyer's case is enhanced by a clear document trail that supports her version of events.

The approach obviously varies slightly depending on the type of law a lawyer practices. Corporate clients may prefer a detailed monthly report rather than a growing file of letters and documents. In some cases, lawyers will be able to quote block fees in their initial letters; in cases where that is not possible, the Law Society urges lawyers to do more than simply quote an hourly rate. A client who is given at least a ballpark figure to

consider is far less likely to complain when the bill arrives.

Many clients have trouble understanding the various delays in their cases, so this is an area where better communication can make a real difference.

Although letters are the traditional method of communicating, e-mail and faxes are also excellent methods, provided the lawyer has the client's agreement to use these methods and keeps copies of everything sent or received.

The need to improve communications may represent a larger shift in the way lawyers run their practices. In a service economy, where the emphasis is on meeting the needs of clients and customers, many lawyers have begun to adapt. Clients once may have wanted to hand over a problem or project and let the lawyer run with it unsupervised, solving the problem and sending a bill. Today, that same client is more likely to parcel out parts of the project, managing it himself and viewing law firms as outsourced expertise.

In this environment, lawyers are viewed as part of a team and required to communicate more often and more effectively than they might have in the past. ■

REAL ESTATE

Ontario Hydro revises policy on residential transactions

ONTARIO HYDRO RECENTLY notified the Law Society of a number of changes that affect practitioners involved in residential real estate transactions. Specifically, Ontario Hydro policy on arrears certificates and tax rolling has changed such that it:

- will no longer issue arrears certificates in respect of a property sale;
- will not report orally to purchasers or their solicitors on the status of past and current accounts for power supplied; and
- will not hold the purchaser accountable for any arrears or final bill

amounts incurred by the vendor or tenants, mortgagees, lessees, occupants and other person(s) entitled to a limited estate or interest in land or a guardian, committee, executor, administrator or trustee to whom land is vested unless the said arrears have been added to the applicable municipal tax roll at least 45 days prior to the date of closing.

Ontario Hydro still requires information from the profession regarding the closing date of a sale for the purpose of conducting a final meter reading and the name(s) of the vendor and new owner(s)

so that the final bill can be processed and issued at the appropriate time and the new owner(s) can be established as new account holder(s).

There are no changes to procedure for inquiries with respect to Ontario Hydro's easement rights in the subject lands, where works of the Corporation are not visible or notice may not have been registered on title. A charge of \$25 (plus GST) continues to be applicable to perform the easement search.

For more information contact Ontario Hydro at 1-888-664-9376. ■



TOUR D'HORIZON

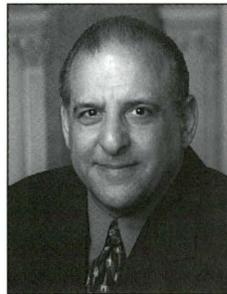
LES PROPOS DU TRÉSORIER

Priorité donnée aux cotisations, à la législation et à l'Aide juridique

S'IL EST UNE CHOSE que mes prédécesseurs, ces 55 hommes et femmes élus à la charge de trésorier du Barreau, semblaient avoir en commun, derrière la profusion de styles et de talents, c'est une grande force de caractère et j'espère bien me montrer à la hauteur.

C'est dans ce sens que j'ai voulu établir, dès le début, plusieurs priorités immédiates. À commencer bien sûr par les cotisations. J'espère voir une diminution des primes d'assurance et de la cotisation annuelle du Barreau. La maîtrise et l'élimination prochaine du déficit de la compagnie d'assurance, qui s'était élevé à 154 millions de dollars, et la plus grande rigueur budgétaire dans la gestion du Barreau devraient se traduire par une réduction globale de l'ordre de 1 000 \$. C'est au Conseil qu'il appartiendra de prendre cette décision, mais je m'em-

ploierai, dans mes rapports avec le Comité des finances et les membres du Conseil, à les convaincre qu'il s'agit



Harvey T. Strosberg

dans l'intérêt du public et de la profession. L'adoption des modifications à la *Loi sur le Barreau* serait d'ailleurs un bon point de départ. De l'avis de tous, cette loi désuète doit être actualisée. Les changements proposés par le Conseil simplifieront la procédure disciplinaire et

d'une mesure impérative et, sur le plan financier, prudente.

Je tiens aussi, en ma qualité de trésorier, à assurer dès maintenant le gouvernement provincial de notre coopération

accroîtront l'efficacité du Barreau par la quasi-élimination de toutes les procédures inutiles. Ces modifications législatives sont de première nécessité, si l'on entend maintenir la réputation mondiale des juristes ontariens.

Le gouvernement et le Barreau doivent également s'entendre sur la structure finale du Régime d'aide juridique de l'Ontario. La Commission de révision McCamus donnera l'impulsion nécessaire. Il est indispensable qu'à la fin du processus, quelle que soit la décision en ce qui concerne l'administration du Régime, le gouvernement et le Barreau se préparent pour l'échéance de mars 1999, lorsque prendra fin le protocole d'entente qui énonce les modalités de financement du Régime. Je demanderai au Conseil de former une nouvelle équipe de transition
suite...

EN DIRECT DU CONSEIL

En juin, le Conseil a entériné deux rapports. Le premier rapport (*enregistrement électronique des titres*), présenté par le Barreau et l'ABC-O, énumère les nouvelles procédures à suivre et les normes professionnelles lorsque l'enregistrement se fera par voie électronique selon le système TERS. Le bureau d'enregistrement immobilier de London sera le premier à accueillir ce nouveau système, qui sera progressivement raffiné et mis en place dans le reste de la province. Vers l'an 2000, le papier aura disparu et les membres pourront conclure à distance les opérations visées. Pour préparer la profession à cette mutation profonde, une première formation spéciale (en anglais) sera organisée le 10 novembre à Toronto et retransmise par satellite dans les grands centres régionaux. Pour s'inscrire, prière de téléphoner à l'ABC-O [(416) 869-1047 ou, à l'extérieur de Toronto, 1-800-668-8900].

Le Conseil a aussi donné son appui aux recommandations du Comité national sur les équivalences des diplômes de droit. Ce comité de la Fédération des professions juridiques du Canada est chargé d'évaluer les compétences des juristes étrangers et des civilistes souhaitant pratiquer dans une province de common law. Il prescrit les conditions à remplir (études ou examens) avant de les autoriser à se porter candidats à l'admission au barreau. Cette question revêt une importance particulière pour l'Ontario, qui accueille de nombreux avocats étrangers. Le Barreau a fait également ses propres recommandations au Comité (représentation ethno-culturelle, stages au pays, expertise en évaluation, etc.) pour faciliter l'évaluation des compétences étant donné l'évolution migratoire mondiale.

qui négociera, en collaboration étroite avec le gouvernement, les questions soulevées par l'expiration du protocole.

Par ailleurs, le Conseil entamera sous peu l'examen du Fonds d'indemnisation de la clientèle. Un tel examen s'impose si l'on peut préserver la viabilité financière de ce Fonds qui dédommage les personnes ayant subi un préjudice financier en raison de la malhonnêteté de leur avocat.

Avec l'appui du Conseil, je formerai un groupe de travail qui mettra en pra-

tique les recommandations fondamentales en matière d'équité adoptées par le Conseil en mai dernier. Nous devons en permanence reconnaître et combattre la discrimination, promouvoir l'équité dans la profession, et nous devons nous donner les moyens d'atteindre les objectifs fixés.

Devant un tel programme, je sais qu'aucun de ces humbles efforts ne saurait aboutir sans l'énergie et l'imagination créatrices des membres du Conseil et le sens pratique et la bonne volonté de

l'ensemble de la profession. C'est avec grand plaisir que je saisis l'occasion qui m'est ainsi offerte de rencontrer mes confrères et mes consœurs et de les écouter. Je me réjouis de ces échanges.

En ce début de mandat, j'aimerais communiquer à nos membres et au public le sens profond des responsabilités qui m'anime et je m'engage à faire mon possible pour continuer de promouvoir les normes d'excellence instituées par mes prédécesseurs. ■

Déclarations annuelles

LE BARREAU rappelle aux retardataires qu'ils doivent remettre leurs formulaires dans les six mois de la fin de leur exercice. Nous les prions de s'assurer que les formulaires sont bien complets et exacts (attention au numéro de membre!) afin de faciliter le dépouillement électronique et d'éviter les rappels. Nous invitons également les membres qui ont indiqué, au lieu de la fin de leur exercice, la date à laquelle ils ont rempli leurs formulaires à communiquer avec le Service des formulaires, *non par téléphone*, mais par courrier élec-

tronique (forms@lsuc.on.ca), par écrit ou par télécopieur au (416) 947-3990.

Télévirement des fonds en fiducie

On nous demande souvent si les modifications législatives récentes s'appliquent au virement télégraphique et s'il faut remettre une copie de la demande de télévirement à l'établissement financier. La réponse est non aux deux questions. Le nouveau règlement ne vise que les opérations bancaires électroniques. Le virement télégraphique est toutefois permis et suppose, comme toute opération,

d'être bien documentée. Quant à la demande, elle fait partie du dossier de l'avocat et lui permet de vérifier qu'il n'y a pas de différence entre les instructions électroniques, confirmées par la banque, et les détails de l'opération même.

Bibliothèques de comté

Grâce à l'accord négocié par le Barreau et l'Association des bâtonniers de comté et de district, les bibliothèques seront dotées de plusieurs CD-ROM publiés par Carswell (Canada Law Reporter, Canadian Encyclopaedic Digest, Canadian Case Digests, Civil Practice Partner, Family Law Partner et Estates Partner), après avoir déjà obtenu cette année l'accès illimité et gratuit au système QuickLaw.

Avis aux internautes

Le site Web du Barreau (<http://www.lsuc.on.ca>) est bilingue! L'information y est présentée sous cinq grandes rubriques : À propos du Barreau, Information juridique à l'intention du public, Le babillard, Information et services à l'intention des avocats et Liens juridiques.

Cet outil de communication privilégié entre le Barreau et la profession vous propose une description de nos programmes et des ressources que nous mettons à votre disposition (conseils de pratique, listes de contrôle, Code de déontologie et lois, rapports, formation, etc.). Il vous tient au courant de l'actualité. Une foule de renseignements pratiques vous attend, jusqu'aux questions-réponses sur des sujets courants, par exemple en comptabilité.

De plus, il sera facile de nous contacter grâce aux adresses électroniques que nous avons disséminées un peu partout, et votre adresse Internet pourra figurer sur notre site si vous nous l'indiquez.

Sans quitter votre écran d'ordinateur, vous pourrez effectuer diverses opérations courantes, par exemple nous aviser d'un changement d'adresse, consulter nos bases de données, discuter entre collègues de questions d'actualité, commander des publications. Enfin, vous trouverez une liste de liens avec l'extérieur susceptibles de vous aider à effectuer une recherche (consultation des lois, des décisions judiciaires, documentation, etc.). Pour toutes questions et suggestions, n'hésitez pas à vous servir de la fonction «Commentaires». Bon voyage!

Discipline

Le 26 juin, le Conseil a pris des sanctions disciplinaires contre 11 avocats et avocates. Il a prononcé la radiation de M^{es} H.C. Funk (manque de collaboration, procureur incontrôlable) et M. Teller (conduite indigne), autorisé à démissionner M^{es} R.E. Bellefeuille (détournement de fonds) et R.V. Donohue (exercice sous suspension), a suspendu les droits de M^{es} B.B. Kramer (détournement de fonds), B.K. Roy (défaut de rendre compte à un client), L.L. Boughner (formulaires non produits), C. R. Green (formulaires non produits), J.S. Miskin (exercice sous suspension), M.J. Semple (formulaires non produits) et a réprimandé M^e A.C. Bazos (défaut de rendre compte à un client). ■

Évaluation de l'admissibilité par les avocats de service

LE COMITÉ DE l'aide juridique continuera d'appliquer jusqu'au 30 septembre 1997 les nouveaux critères d'admissibilité dans six juridictions ontariennes, moyennant certaines modifications pour harmoniser la procédure d'octroi des certificats. Les changements suivants ayant pris effet le 2 juillet 1997 excluent de ces mesures les personnes détenues et les jeunes contrevenants et ont porté à 1 500 \$ le maximum des actifs liquides pour que la clientèle à faible revenu dispose de fonds suffisants pour ses dépenses courantes.

L'application des nouveaux critères n'a entraîné aucune conséquence fâcheuse pour les tribunaux choisis et a permis de réduire le nombre de bénéficiaires. Grâce aux données recueillies, le Comité pourra décider en connaissance de cause du maintien ou de l'abolition du programme.

De toutes les personnes évaluées dans les juridictions en question, moins de 1 % étaient inadmissibles en matière criminelle et 7 % en droit de la famille. Le programme n'a pas causé une hausse importante des recours au secteur privé. En fait, plus de 50 % des personnes exclues compaient se représenter elles-mêmes.

Paiement de comptes de six mois

Un autre lot de comptes de six mois sera payé à compter du mois d'août 1997, soit 6,6 millions de dollars. Les comptes approuvés restants seront payés en 1998.

Listes d'avocats (consentement et capacité)

Vu les modifications à la législation provinciale sur la santé mentale, le Régime reconstitue ses listes d'avocats et d'avocates en santé mentale et exige que ces spécialistes soient de nouveau habilités. Une fois inscrits sur la nouvelle liste en matière de consentement et de capacité, vous pourrez être choisis par le tuteur et curateur public pour représenter des personnes sous le régime de la *Loi sur la prise de décisions au nom d'autrui* et de

la *Loi sur le consentement aux soins de santé*.

Pour obtenir l'habilitation, vous devez avoir assisté à une séance de formation donnée par l'Association du Barreau canadien-Ontario (ABC-O) en juin 1997 ou visionner le vidéo et lire la documentation. Communiquez avec le représentant de l'ABC-O pour avoir accès aux documents. Il vous faudra acheter les documents au coût modique d'environ 100 \$ et visionner le vidéo d'une journée. Vous devrez ensuite informer par écrit la direction régionale et mentionner votre numéro de membre.

Pour vous assurer d'être payés

Ne retardez pas le traitement des comptes. Répondez promptement aux demandes de renseignements du service des comptes juridiques : autorisations supplémentaires du bureau régional, documentation additionnelle (copies de factures) ou détail d'une partie d'un compte.

Ne retardez pas la présentation d'une demande de révision d'un compte liquidé (en vertu de l'article 105 du Règlement). Le Régime ne conserve pas indéfiniment ses dossiers, et des comptes peuvent être annulés s'il manque des renseignements et si le compte paraît final.

De plus, veillez à ce que les frais de correspondance figurent soit avec les autres éléments du compte, soit à la fin de celui-ci.

Avez-vous besoin de conseils?

L'Aide juridique offre des conseils gratuitement au téléphone aux juristes qu'elle mandate. Ils sont fournis par des juristes d'expérience en matière civile ou criminelle, en droit de la famille et de l'immigration. Pour recourir aux services d'un mentor, faites le (416) 979-9342, ou le 1-800-668-8258, poste 4734.

Bureau d'aide en matière de divorce

Le Bureau a terminé sa deuxième année

d'activité à l'échelle de la province et s'occupe des procédures de divorce non contesté. Cette année, le Bureau a ouvert 282 nouveaux dossiers et en a réglé 328. Il fournit également des conseils sommaires en matière de divorce et de droit de la famille.

En 1996-1997, 61 % de la clientèle provenait de l'extérieur de l'agglomération torontoise. Les femmes forment 89 % de la clientèle et la violence physique a justifié la délivrance de 87 % des certificats. Soixante-douze pour cent de la clientèle a été référée par les bureaux d'aide juridique tandis que 15 % l'a été par des avocats et avocates du secteur privé. Le Bureau est maintenant situé dans les locaux de l'Aide juridique de Toronto au 2^e étage du 375, avenue University. Le numéro de téléphone à composer à Toronto est le (416) 348-0001 et, ailleurs, le numéro sans frais est le 1-800-331-9618.

En cas de déménagement

Assurez-vous d'envoyer la nouvelle adresse de votre cabinet à tous les bureaux régionaux avec lesquels vous faites affaires. En l'absence de réseau, chaque bureau régional doit faire le changement dans ses propres ordinateurs.

Plaintes et enquêtes

Un bénéficiaire de l'aide juridique a récemment été reconnu coupable d'avoir fraudé le Régime de plus de 35 000 \$. Une enquête interne avait été entamée à la suite d'une fausse déclaration concernant l'actif présenté dans une demande d'aide juridique et, saisie de l'affaire, l'escouade des fraudes de la Police de la Communauté urbaine de Toronto avait ensuite accusé Anganie Hazarie en 1994 en vertu de l'article 362 du *Code criminel* (fraude).

Le bénéficiaire a été déclaré coupable le 26 juin 1996 à la suite d'un procès devant juge et jury. Le Régime a été entièrement indemnisé. ■

L'informatique juridique arrivée à maturité : la technologie de base

M^e Jean-Marc A. Ferland

PLUSIEURS PRÉTENDENT que la pratique efficace du droit passe nécessairement par la technologie de l'information. Est-ce bien vrai? Et d'abord, de quoi parle-t-on exactement?

Nous vous proposons ici le premier volet d'un dossier technologie consacré aux outils informatiques les plus utiles aux juristes d'aujourd'hui. Nous traiterons ici des logiciels (aussi appelés applications) les plus conventionnels, soit le traitement de texte, les logiciels compatibles et de recherche en ligne traditionnelle, tout en mentionnant certaines nouveautés à leur sujet.

C'est évidemment grâce au **traitement de texte** que l'informatique juridique a connu son essor initial auprès des juristes. À cet égard, *Word* de Microsoft et *WordPerfect* de Corel dominant définitivement le marché. Ils font partie d'un ensemble d'applications intégrées, aussi appelé «suite». Les utilisateurs de ces suites y retrouvent généralement des fonctions uniformes d'une application à l'autre, et les documents ainsi préparés sont compatibles entre logiciels d'une même famille.

Word et *WordPerfect* comprennent des modules puissants et bien adaptés à nos besoins. À ce sujet, voir la comparaison détaillée de ces logiciels par Derek Lundy, «Technology: Who Gets to Automate Your Firm? The Office Suites War», *Canadian Lawyer*, mai 1997, p. 28. Mentionnons notamment les fonctions facilitant la rédaction automatisée de documents. Il existe par ailleurs d'autres logiciels, dont *Hot Docs* de Capsoft, populaire aux États-Unis et abordable, qui permettent de façon étonnamment simple la rédaction automatisée de documents, en tandem avec les traitements de texte susdits.

Ces derniers offrent aussi une fonction

sous-utilisée permettant le travail en mode «plan» (*outline*) et ressemblant quelque peu à certains logiciels qualifiés d'idéateurs (*idea processors*). Cette façon de travailler permet la rédaction de notes concises, au fil de la réflexion, sous forme de plan. Celui-ci constitue alors une structure particulièrement facile à réorganiser de façon schématique, à manipuler en la compressant en thèmes principaux, ou en l'élargissant jusqu'aux derniers détails. Cette approche aide à mettre un peu d'ordre dans des dossiers

La clientèle, les communications et la compétition poussent inéluctablement les praticiens du droit à s'informatiser

regroupant plusieurs sous-questions complexes et imbriquées. La préparation d'interrogatoires, de procès ou d'opinions s'en trouve grandement simplifiée.

Il importe par surcroît de percevoir les logiciels de traitement de texte de façon globale avec d'autres outils technologiques moins traditionnels. Ainsi, la lecture optique (*scanning*) de documents volumineux peut s'avérer fort utile avec un logiciel de reconnaissance de caractères. Elle permet d'abord d'éviter de retaper ces textes, s'il faut les remanier.

En outre, puisque les actes de procédure sur papier sont en voie de disparition, même au dossier de la Cour (voir à ce sujet Lundy, *supra*, quant au projet pilote des tribunaux ontariens, pp. 30-31), et que le courrier électronique remplace progressivement le télécopieur, l'archi-

vage passera de plus en plus par la voie électronique. Le reste des principaux documents du dossier pourra ainsi suivre ce mode de classement, rationnel quant à l'espace épargné. Le classement des documents sous forme numérique a surtout l'avantage de les rendre disponibles pour y effectuer des recherches plein texte (via Naturel, Folio, ou autres outils similaires), avec ou même sans indexation préalable des documents classés. Ces derniers peuvent donc être simultanément consultés, copiés, imprimés ou envoyés presque instantanément, par un ou plusieurs membres du cabinet, localement ou à distance.

Le traitement de texte moderne se marie aussi maintenant aux logiciels de dictée vocale via l'ordinateur (*Voice-Type Dictation* et *Dragon Dictate*). Ces derniers permettent de dicter rapidement dans un microphone relié à l'ordinateur, qui écrit automatiquement le texte avec relativement peu d'erreurs. Ainsi, au terme d'une quinzaine d'années de recherches, la dictée automatisée devient accessible même en français et écarte enfin cet «obstacle du clavier» qui ralentissait l'informatisation de notre profession. Elle permettra à moyen terme d'améliorer sensiblement notre productivité, notamment en permettant de travailler à distance, et de libérer notre secrétaire pour d'autres tâches, dont la comptabilité à laquelle nous arrivons tout de suite.

Bien entendu, les juristes n'utilisent généralement qu'une partie des options qu'offrent les logiciels modernes de traitement de texte, devenus puissants, bien que plus lourds et touffus. Ils doivent tout de même être réexaminés d'un oeil nouveau, car si leurs premières versions ont réussi à mettre rapidement au rancart les machines à écrire, jusqu'alors indélogeables, ils sont maintenant des outils ciblés à nos besoins, versatiles et bien intégrés aux autres leviers technolo-

giques désormais disponibles pour pratiquer le droit.

Les **logiciels comptables** représentent la seconde famille d'applications ayant réussi à forcer l'entrée de la technologie à l'intérieur de ces derniers remparts que représentaient à l'époque les études d'avocats. La plupart de ces logiciels facilite, bien entendu, le suivi autrefois fastidieux des comptes payables et recevables, des salaires et autres informations pour tant cruciales, dont la gestion des taxes de vente. Certaines applications, dont *Acc-pack* de Computer Associates et *Quick Books* de Intuit, sont très abordables et conviviales, bien que non spécifiques au domaine juridique. D'autres logiciels, beaucoup plus dispendieux, intègrent aussi cette comptabilité à une base de données et à d'autres fonctions de gestion de cabinets d'avocats auxquelles nous reviendrons dans notre prochain article.

Ces logiciels plus spécifiques assurent en outre une gestion du compte en fidéicomis (ou fiducie) en tout point conforme à la réglementation applicable.

Quant à ce dernier point notamment, un comité d'évaluation de logiciels pour les avocats, agissant en collaboration avec la Corporation de services du Barreau du Québec et présidé par l'auteur du présent article, s'est penché sur quelques applications comptables. Le lecteur intéressé pourra consulter le sommaire des rapports pertinents sur le site Internet de l'Association québécoise pour le développement de l'informatique juridique (AQDIJ) à l'adresse <http://www.juris.uqam.ca/aqdiij/> ou en communiquant avec M^e Jean Tanguay au (514) 989-1002, poste 30. Les prochains rapports, traitant plus spécifiquement des applications (fonctionnant notamment en français) de gestion du cabinet d'avocats, devraient être disponibles à l'automne à la même adresse ou sur le site du Barreau du Québec (<http://www.barreau.qc.ca>). En bref, même s'il s'agit d'un cabinet juridique d'un seul ou de quelques avocats, très rares seront ses gestionnaires qui pourront sérieusement prétendre avoir un

suivi comptable efficace et avoir sous la main instantanément les rapports nécessaires sans l'informatique.

Nous passons maintenant de cette comptabilité, une corvée bien nécessaire, aux **recherches juridiques en ligne**, qui ont aussi fait leur entrée très tôt dans la plupart des grands cabinets. Les QuickLaw, Soquij (pour le Québec), Lexis-

Le virage technologique s'accompagne d'une efficacité et d'une compétitivité accrues

Nexis et Westlaw (quant aux États-Unis) connaissent depuis longtemps une popularité croissante et bien méritée. Nous traiterons dans notre prochain article des recherches via l'Internet ou d'autres supports électroniques du droit, dont les disques compacts (CD-Rom). Il convient néanmoins de mentionner ici que les fournisseurs susdits offrent désormais des outils de recherche juridique extrêmement riches à cause de la qualité de leur contenu et de leur croissance ininterrompue.

Bien que certains les considèrent parfois complexes d'utilisation et dispendieuses, elles sont généralement très à jour et très rentables, vu leur puissance, sans parler du taux horaire du chercheur impliqué. À ce sujet, le logiciel *Juridix* de CyberConcept nous semble digne de mention. Fourni sur demande et gratuitement aux clients de Soquij, il automatise via une passerelle avec ce fournisseur les recherches en ligne selon une approche conviviale. Il semble accélérer sensiblement la consultation en ligne et permet la création de rapports fort intéressants, dont certains pour la gestion interne et la facturation immédiate. Les responsables de CyberConcept nous informent qu'ils

pourraient sous peu étendre la passerelle susdite aux clients de QuickLaw, mais que certaines démarches restent à finaliser.

La recherche informatisée fournit désormais clairement un avantage, tant au niveau des résultats obtenus, faciles à compléter par une recherche traditionnelle, qu'à celui des économies de temps (et donc d'argent) qu'elle assure.

Les logiciels conventionnels énumérés au présent article ne constituent en fait que la pointe de l'iceberg, au sujet duquel nous avons choisi d'amorcer ce dossier technologique. L'informatique juridique arrive maintenant à l'âge adulte. Les logiciels facilitant la gestion des cabinets ou des dossiers d'avocats, l'Internet, le courrier électronique et d'autres outils encore s'ajoutent à la technologie abordée rapidement plus haut pour constituer un arsenal intégré et très considérable. Ce dernier peut fournir un avantage parfois décisif face à un adversaire en particulier ou à la compétition toute entière au service d'une clientèle exigeante, et elle-même très informatisée. Nous invitons le lecteur à consulter à l'avenir le dossier technologie puisque c'est maintenant qu'il faut jouer cette carte maîtresse de l'informatique juridique. ■

M^e J.-M. Ferland (ferland@megalegal.com)
pratique le droit commercial, immobilier et international à Montréal. Avocat plaideur, il s'implique dans l'informatique juridique depuis une douzaine d'années, ayant notamment été président de l'AQDIJ.

Correction

L'auteur de l'article que nous avons publié dans le numéro précédent, à la rubrique Tribune, est Étienne Saint-Aubin. S'il y a eu confusion, nous prions l'auteur et nos lecteurs de bien vouloir nous en excuser.

Le travail en clinique juridique ou la pratique invisible

M^e Madeleine Hébert

MALGRÉ LA RÉFORME de l'aide juridique qui fait les manchettes, les cliniques communautaires poursuivent leur lutte au nom des groupes défavorisés.

Les cliniques juridiques communautaires fonctionnent sous l'auspice d'un comité du Barreau du Haut-Canada et il existe aujourd'hui 71 cliniques juridiques dans toute la province de l'Ontario. Elles furent créées pour combler les lacunes des mandats d'aide juridique. Les services offerts par les cliniques s'ajoutent à ceux qui nécessitent la délivrance d'un certificat d'aide juridique. Il y a trois cliniques juridiques désignées en vertu de la *Loi sur les services en français* et près de la moitié des autres sont en mesure d'offrir certains services en français. Depuis mars 1995, le Réseau francophone des cliniques juridiques de l'Ontario facilite la mise en oeuvre des services juridiques en français dans les cliniques et en promeut le développement par la création d'outils de travail.

L'an passé, notre clinique McQuesten a répondu à 2,518 appels pour obtenir de l'information juridique sommaire. Nous avons comparu à plus de 17 audiences durant les deux premiers mois de cette année, sans compter les comparutions en qualité d'avocat de service.

Le téléphone résonne avec persistance cette semaine, soit un total de 47 appels; entre autres, une danseuse exotique est congédiée car on commence à se rendre compte de sa grossesse. Une locataire a écrasé une souris dont son appartement est infesté en descendant dans sa cuisine dans la noirceur hier soir. Ce matin, elle s'est plainte à son propriétaire qui lui a répondu que, si elle n'était pas satisfaite, elle n'avait qu'à déménager. La mère d'une adolescente de quatorze ans, qui ne peut plus fréquenter l'école pour troubles mentaux, voit ses prestations d'aide sociale réduites car son enfant ne fréquente plus l'école. Elle a tenté en

vain de placer son enfant en institution, mais on lui a répondu qu'elle était responsable de son enfant jusqu'à l'âge de 16 ans. Une comptable de 57 ans souffre d'une maladie du sang incurable. Son espérance de vie est de 5 à 7 ans, si elle ne contracte pas la leucémie avant. Elle ne peut plus se concentrer et elle parvient à peine à demeurer éveillée pour plus de 8 heures par jour. Sa demande de pension d'invalidité a été rejetée par le Régime de pensions du Canada.

Les groupes défavorisés font face à maintes formes de décisions arbitraires de

Le droit et la justice
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la part des fonctionnaires et de discrimination devant les tribunaux. Ils sont vulnérables en raison de leur race, de leur situation sociale, de leur handicap ou de leur religion et luttent pour bénéficier de la protection de la loi. La question de l'accès aux tribunaux est fondamentale mais elle a perdu de son importance depuis que l'aide juridique est sur la sellette.

Les cliniques juridiques offrent une gamme de services juridiques spécialisés dans le droit de la pauvreté. Cela s'explique entre autres par l'émergence des tribunaux administratifs durant les vingt dernières années, qui a suscité le besoin de faire appel à des spécialistes dans le droit de l'indemnisation des accidentés de travail, de l'assurance-chômage, des pensions d'invalidité, des prestations gou-

vernementales, de l'immigration et des droits des locataires.

D'une part, les lois et règlements dans ces domaines sont complexes et d'importance majeure pour ceux qu'ils visent en premier lieu. La création de cliniques juridiques répond au besoin de spécialistes, étant donné que la plupart des avocats ne connaissent pas toutes les solutions et voies possibles.

D'autre part, l'individu qui n'a pas accès à un avocat, qui ne connaît pas son droit à l'assistance d'un avocat, ou encore qui ne comprend pas qu'il y a des recours pour protéger et faire respecter ses droits rappelle l'importance capitale de l'éducation, de l'information juridique et de l'organisation communautaire. Afin de mieux desservir les besoins collectifs des plus démunis, de protéger et de faire valoir leurs intérêts légitimes, les avocates et les avocats en clinique plaident également des causes en faveur de la réforme de droit et présentent des mémoires devant les organismes publics de prise de décision.

Le droit et la justice divergent trop souvent lorsqu'un individu n'a pas les moyens d'engager des poursuites judiciaires ou de se défendre. Une telle situation n'est pas toujours seulement due au manque d'argent, mais également à l'ignorance. Comment une personne peut-elle se prévaloir de ses droits si lesdits droits et recours sont généralement une énigme tant pour les juristes que pour leurs clients? Le développement des cliniques juridiques communautaires a permis aux plus démunis d'obtenir de l'assistance juridique et de faire valoir leurs droits dans les domaines juridiques non traditionnels. Il est important de sauvegarder ce service lors de la réforme de l'aide juridique. ■

M^e Madeleine Hébert exerce le droit à Hamilton dans les domaines de l'indemnisation des accidentés du travail et des droits des locataires.



PERSPECTIVE

Do good lawyers need silk robes?

By Wilfred Popoff

AS A PROFESSIONAL GROUP Ontario lawyers are slowly beginning to fade. This has nothing to do with their performance or wisdom, but it does have something to do with their courtroom attire. No longer are they being admitted to the rank of Queen's Counsel, an aged and revered order entitling members to gown in silk when in court and enjoy precedence over their less lustrous colleagues.

Ever since it was imported to Canada as an accessory to the British justice system, the honorific designation of Queen's or King's Counsel (depending on who's on the throne) has been beleaguered by controversy. Was a QC indicative of advocacy eminence or a simple spoil of patronage? The problem was that it was both, which sullied it for the deserving and doomed it to failure as a mark of distinction. The Liberal government of David Peterson ended the debate when it stopped naming QCs after coming to power in 1985. This is the only province to do so.

Ontario lawyers still had a chance for a federal dispensation, but that too ended when one of their number, Allan Rock, became minister of justice. No federal QC appointments have been made since the Liberals took office in 1993. So Ontario is left with only those QCs who had made it before the gates closed, and attrition is now reducing their ranks.

One would think there would have been louder protests from Ontario bar members left out in the cold. Their

Canadian colleagues could still look forward to receiving a provincial designation. And Commonwealth lawyers are still being selected. Does the lack of protest in Ontario indicate the accolade is simply not taken that seriously? Why risk inflating its importance by clamoring for its reinstatement?

Queen's Park

may revive

the QC

designation

Nevertheless, Queen's Park is conducting a review of the suspended practice and a spokesman for the Ministry of the Attorney General says the review could possibly lead to its return. But he insisted this is not the result of pressure from the bar.

In the United Kingdom, where the QC designation carries more weight because it is reserved for top level barristers, legal writers in newspapers and journals are denigrating it, saying a QC

no longer has the importance it once had. There barristers apply to the Lord Chancellor to be named; about 15 per cent of the 500 or so who seek the honor each year actually make the grade. But because the Lord Chancellor makes the appointments on the recommendation of colleagues, critics say this does not ensure that the best and brightest are chosen. In past centuries the British bar was so small the Lord Chancellor, the Lord Chief Justice and the Master of the Rolls knew or had seen most barristers in action and were able to determine those eligible for silk on first-hand experience. Today that is impossible.

One writer in *The Guardian* newspaper, after considering the selection system, has described the designation as a con job which persuades the public that lawyers with the title are more competent to do certain kinds of work and that they are worth the inflated fees it commands. Public perception appears to be the problem. In fact if one side in a civil action there has engaged a QC the client on the other side will often demand to do the same so as not to be at a disadvantage, no matter what the cost.

Rumpole's accolade

The status of the Queen's Counsel label in the United Kingdom is perhaps best illustrated by that fictional lawyer, the contumacious Rumpole of the Bailey, created by John Mortimer, himself a barrister and a QC. Although experienced and competent, Rumpole is not a QC, either because he never bothered to apply, or was passed over; Mortimer never explains. More likely he never applied because he calls QCs "Queer Customers" and views them with contempt. As a result he is still officially a "junior barrister." His wife Hilda addressed the sartorial aspect of this deficiency by attempting to buy him a silk dressing gown.

The issue in Britain over higher fees charged by QCs has spread to other parts of the former empire, most notably Singapore where there is talk of dropping this link with Britain. In Australia the designation has recently been changed to SC for Senior Counsel in anticipation of a republican constitution.

In Canada the notion that a QC will be more successful as an advocate of one's case and therefore deserving of a higher fee has never really caught on. Experience and success are the criteria by which we rate lawyers. The fact that many older ones will possess a QC is usually coincidental. While many may see the label as a product of political patronage, the selection process ensures a degree of respectability. Lists of eligible and deserving candidates are prepared by provincial law societies and provincial sections of the Canadian Bar Association and presented to a panel made up of the heads of these organizations, a senior judge and the attorney general. It is during the selection process that the attorney general can insinuate the political factor, however; more names are submitted than are finally given the appointment of "Her Majesty's counsel learned in the law."

Naming Queen's or King's Counsel began in 16th century England to create assistants to the attorney general and solicitor general, but it did not come

into prominence until 1604 when holders of the title appeared as barristers favored by the sovereign and court. Sir Francis Bacon (1561-1626) was one of the first appointed. Often these favorites gained their position by means of flagrant corruption and their irregular status continued until the 1830s when they went beyond being mere courtiers.

Given their original association with royalty it is not surprising that they took

The title has
always meant
different things
to different people

on a rich and foppish style of bar attire and wore silk instead of a stuff or wool gown. Originally the open black silk gown was decorated with lines of black braid and black tufts on the sleeves and skirt. In the eighteenth century the tufts gave way to gimp.

Christopher Hagerman, a Kingston lawyer who distinguished himself in the War of 1812, could be called Upper Canada's first King's Counsel. He was gazetted "His Majesty's Council in and for the Province of Upper Canada," although he was never formally appointed. And it was for his military service, not his ability as a barrister, that he was

nominated. Later, when the title was gaining distinction in Britain, Hagerman, by then attorney general of Upper Canada, introduced the title of Queen's Counsel (Victoria had become Queen in 1837) and had Lieutenant Governor Bond Head confer the honor on Allan McNab, John Cartwright and Henry Sherwood. Within several years lawyers began to complain the appointment had lost its distinction because it was being given to undistinguished lawyers with political connections.

Although there was talk of bringing the appointments under the strict control of the Law Society and thus divesting it of its political influence, the talk came to nothing. In 1871, when Ontario changed to electing rather than appointing benchers, Premier John Sandfield Macdonald proposed that some of them be elected by the province's Queen's Counsels. He was soundly rebuffed.

Edward Blake, the Opposition leader, said he would be more honored to be elected by the whole bar than by its QCs. Then as now the title could have different meanings to different people.

Would the label acquire universal distinction if it were shorn of its patronage associations and the bar given total monopoly over its assignment? No doubt it would, but good lawyers are able to achieve distinction without a title. ■

Mr. Popoff is a freelance writer and editor.

Solicitors in UK contemplate wounded professional image

SOLICITORS' BILLING PRACTICES – ever a rich seam of material for the press – burst back into the headlines this week. The trigger was the revelation that the Birmingham firm, James Beauchamp, had sent a bill of over £12,000 to the mother of a former employee of the firm who had committed suicide. On the face of it, based on the details that have emerged, the firm's conduct seems bizarre, and the matter is now to be investigated by the Office for the Supervision of Solicitors.

Predictably the press had a field day. The story not only offered a chance to reinforce the legal profession's reputation for greed, but also showed it to be utterly heartless and unmoved by personal tragedy. A tabloid journalist's gift. And

although the incident involved one firm, both the tabloids and broadsheets sought to widen the field to the point where yet again a serious wound was inflicted on the profession's image. There were stories of billing 'trade secrets' with quotes from unidentified solicitors. One is said to have described photocopying charges as a way of "printing money". Overall the image was of a profession which went about billing with a terrifying relentlessness and then piled in with "uplifts".

This kind of editorial coverage is a bitter pill to swallow for the thousands of firms whose solicitors charge modestly and who routinely do free initial work or waive fees where a clients' personal circumstances demand a humane approach.

This hidden *pro bono* work, in addition to the significant amount of organized *pro bono* that is done, gets utterly lost in the wash of press outrage when one firm shows itself up in a bad light.

Frustrating as it is for solicitors whose billing practices are scrupulously fair, the press will, given the slightest chance, continue to descend mercilessly. There is no way to stop this, even when the coverage goes over the top with sweeping generalizations.

However all solicitors can do themselves a favor by ensuring that fair billing practices are also seen to be fair. The traditional reluctance to bill in a completely transparent way serves solicitors badly. Solicitors should be fearlessly up front about their billing. Transparency in relation to costs is no threat to the fair billing majority. Instead it is an insurance policy. ■

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Technology always knocking at law office door

While the legal profession grapples with computers and office technology at the end of the 20th century, lawyers are dealing with changes that are similar to those faced by their counterparts of 100 years ago.

The late 19th century experienced a burst of technological innovation that would change law office operation forever. By the early 1900s standard office equipment included a telephone, a few manual typewriters and a mechanical press to make copies of office correspondence. The dictation machine is another invention that revolutionized lawyers' work.

The Ediphone Voicewriter and its competitor, the Dictaphone, were business applications of the phonograph and the graphophone, two ancestors of the seemingly unrelated modern dictating machine and the CD player. In 1877, Thomas Edison designed the tinfoil phonograph consisting of a cylindrical drum wrapped in tinfoil. A stylus etched the sound vibration pattern transmitted by a diaphragm to the rotating foil. Edison continued to improve the design through mid-1878 until his attention was diverted by the electric light bulb. The first phonographs had limited practical applications: they could only record a few words, the cylinders

were not reusable nor could they be reproduced. After the initial curiosity over this "magic" talking machine faded, nearly a decade passed before it was brought back to the fore.

Tainter to improve Edison's apparatus. The Bell-Tainter "graphophone" was released in 1887. Its cylinders were made of wax rather than cardboard and tinfoil, which allowed for longer and clearer recordings. The graphophone was sold with a "shaver" to remove dictation grooves so the cylinder could be reused as many as 30 times. Its stylus was also improved and the pitch problems associated with a hand crank were solved by replacing it with a foot treadle or an electric motor, thus regulating the speed of the machine.

Edison would not be left behind. He also replaced the tinfoil by a wax coating and developed a battery-powered motor to drive the implement. The Bell-Tainter camp (the Columbia Phonograph Company) struck back with a clockwork-driven machine. Amid a flurry of patent applications and lawsuits over the talking machines, a market for the device emerged. Edison's main interest in the phonograph was its capacity to record speech and he advocated its use as a dictation machine, but it was slow to catch in the office setting. What really "made" the phonograph was its ability to record music.

Although the phonograph was constantly being improved, the arrival of

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Ediphone Voice Writing offers a highly personalized service to every member of the legal profession. With an Ediphone at his elbow he can dictate at any time of the day or night, without the presence of a stenographer and be perfectly sure that all legal terminology dictated will be clearly heard and accurately transcribed later by the stenographer.

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Marketing for "voice recording implements," such as the above Ediphone ad from 1931, promised increasing efficiency for law offices.

The phonograph intensified the perennial rivalry between Alexander Graham Bell and Edison. Bell asked his cousin Chichester Bell and Charles

electronic recording cut a swath in its market. After the stock market crash of 1929, the phonograph could not compete with the free entertainment provided by the radio and, in November 1929, Edison and his associates stopped the production of phonographs. But if the phonograph and the cylinder disappeared from the home, they thrived in the office setting as dictating machines.

In the law office, voice recording implements increased efficiency by allowing typists to do productive work while their employer dictated letters and briefs; no more interruptions for phone calls and others business matters. Lawyers were no longer limited to regular office hours and could work even when the stenographers had left for the day. Practitioners could record their ideas while they were still fresh in their mind. In depositions, the first cylinder could be whisked away to a typist while another one was recorded and be returned while the witness was still there to confirm them. In 1932, the Ediphone

Company assured *Bench and Bar* readers that its device “pa[id] for its installation well within a year.”

In time, the cylinders were replaced with disks, which were succeeded by cassettes in 1972, just after Lanier, a distributor of the Ediphone since 1934, purchased the Edison Voicewriter divi-

Edison would
likely be
impressed by
today’s voice
recognition systems

sion from McGraw-Edison. Lanier’s current product line still features a “Voice Writer.”

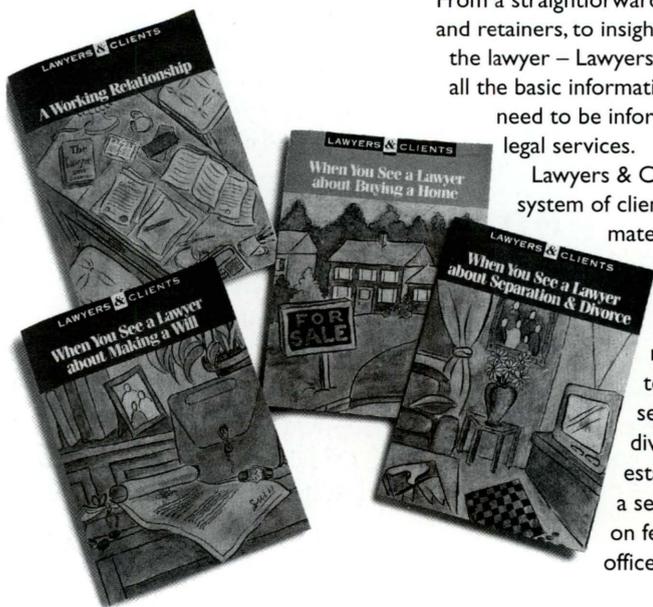
Ediphone’s main competitor, Dictaphone, was first registered as a trademark in 1907. The Dictaphone Corporation was organized in 1923 after the

business machine branch was purchased from the Columbia Graphophone Company. Dictaphone replaced its cylinders with “Dictabelt Records” in 1947 and it introduced its first mini-cassette unit in 1973.

Nowadays, companies such as Lanier and Dictaphone refer to their equipment as voice processing devices and they are facing new competitors for the voice recognition systems market. Voice recognition allows users to dictate directly into word processing or spreadsheet applications for example.

Newer systems accept dictation in a manner close to normal speech and are becoming increasingly speaker-independent (earlier versions needed to be “trained” to deal with each speaker’s idiosyncrasies). Suppliers have also targeted professional groups such as physicians and lawyers with companion modules and applications that address their specific use of language and vocabularies. Edison would be impressed. ■

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process. It is designed to meet the needs of lawyers for a practical, cost-effective tool for improved client communications and the effective management of client expectations. Lawyers & Clients is:

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- Accessible
- Substantial
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Call the Communications Department at (416) 947-3465 to receive an order form.

Members can also order Lawyers and Clients directly from the Law Society’s Website at:

http://www.lsuc.on.ca/private/services_lawyers_clients.html

(You’ll need to have completed the “Member Sign-in” to access this section of the site)



MEMBERSHIP

Discipline Digest

TWELVE MATTERS PROCEEDED before Convocation on June 26, 1997. Convocation ordered two disbarments, two permissions to resign, six suspensions, and administered two reprimands. Paul Le Vay offered his assistance as Duty Counsel.

FAILED TO COOPERATE WITH THE LAW SOCIETY / UNGOVERNABILITY

Funk, Harold Chalmers

Ottawa, Ontario

Age 63, Called to the Bar 1964

Particulars of Complaint

Professional Misconduct

- Failed to cooperate with the Law Society by failing to produce books and records of his practice for examination;
- Failed to file his Forms 2/3 within six months of the termination of his fiscal year ended December 31, 1995.

Hearing Panel's Recommendation (05/06/97)

- Disbarment, based upon a finding that the Solicitor is ungovernable, unless the Solicitor appears in person before Convocation and provides a persuasive justification for his conduct, in which case the penalty should be a suspension for a period to be determined by Convocation.

Convocation's Disposition (06/26/97)

- Disbarment (The Solicitor did not attend at Convocation in person or by counsel.)

Discipline Record

- On August 15, 1991, the Solicitor was reprimanded in Committee for failing to honour his duty to the Court and to other solicitors by failing to reveal the existence of a medical report.

Counsel for the Solicitor

Not Represented

Counsel for the Law Society

Janet L. Brooks

In May 1997, there were 42 hearing days on which discipline matters proceeded before hearing panels of Benchers of the Law Society. Discipline matters proceeded before hearing panels on 33.5 hearing days in June 1997.

CONDUCT UNBECOMING

Teller, Moshe

Scarborough, Ontario

Age 39, Called to the Bar 1984

Particulars of Complaint

Conduct Unbecoming

- On June 24, 1996, the Solicitor was convicted of the offence that between January 1992 and December 1995, being the trustee of funds held in whole or in part for the use or benefit of other persons, did with intent to defraud and in violation of trust, convert funds of a value exceeding five thousand dollars, to a use not authorized by the trust, contrary to Section 336 of the *Criminal Code of Canada*.

Convocation's Disposition (06/26/97)

- Disbarment

Discipline Record

- On March 21, 1996, the Solicitor was suspended for one month to continue indefinitely until his filings are made for failing to file his Forms 2/3 for the fiscal year ended January 31, 1996.

Counsel for the Solicitor

Not Represented

Counsel for the Law Society

Christina Budweth

MISAPPLICATION

Bellefeuille, Roger Edgar

Alexandria, Ontario

Age 46, Called to the Bar 1978

Particulars of Complaint

Professional Misconduct

- Acted in a conflict of interest when he purchased a piece of property from his client

and failed to adequately disclose the conflict of interest and failed to obtain the informed consent of the client to continue acting.

- Breached Rule 7 of the Rules of Professional Conduct by failing to advance to the client the entire purchase price on closing;
- Attempted to negotiate settlement of a matter directly with his former client, when the Solicitor knew the client was represented by counsel;
- Borrowed a total of approximately \$179,000 from six clients;
- Failed to deposit monies received from his client into his trust account;
- Misapplied approximately \$4,000 received from his client;
- Misled his client by providing him with executed documents purportedly signed by the Solicitor and the Solicitor's wife, when they had not been signed by the Solicitor's wife;
- Falsely declared on his Form 2 for the years 1989, 1990 and 1991, that he was not indebted to and had not borrowed money from a client or former client.

Committee's Recommendation (04/14/97)

- Permission to resign within 30 days, failing which, disbarment.

Is your contact information current?

It is extremely important that members keep the Law Society informed of any changes to contact information. This includes address, phone, fax or e-mail. You can notify the Law Society by:

- Mail: Accounting/Membership Department, Law Society of Upper Canada, Osgoode Hall, 130 Queen Street West, Toronto ON, M5H 2N6
- Fax: (416) 947-3916
- Phone: (416) 947-3318
- E-mail: records@lsuc.on.ca

Convocation's Disposition (06/26/97)

- Permission to resign, as resignation was tendered by the Solicitor.

Discipline Record

- On April 21, 1994, the Solicitor was suspended for thirty days and indefinitely thereafter until his filings are made, and was ordered to pay costs of \$500, for failing to file his Forms 2/3 within six months of the termination of his fiscal year ended January 31, 1992.
- On September 22, 1993, the Solicitor was suspended for a period of three months, and ordered to pay costs in the amount of \$1,000 for: failing to produce his books and records to the Law Society; failing to maintain proper books, records and accounts in connection with his practice; practising law while under suspension and borrowing from a client.

Counsel for the Solicitor

Not Represented

Counsel for the Law Society

Georgette Gagnon & Allan Lutfy

(Before the Hearing Panel)

Lesley Cameron (At Convocation)

**PRACTISED UNDER SUSPENSION
Donohue, Raymond Vincent**

Sarnia, Ontario

Age 67, Called to the Bar 1956

Particulars of Complaint

Professional Misconduct

- Breached order of Convocation that he suspend his practise for failing to pay his Errors & Omissions Levy, by practising law during the period September 22, 1995 to January 22, 1996.

Hearing Panel's Recommendation (05/20/97)

- Disbarment (based upon a finding that the Solicitor is ungovernable)

Convocation's Disposition (06/26/97)

- Permission to resign, provided the Solicitor provides to the Law Society a medical report and his outstanding filings dating back to 1994, within sixty days, failing which he be disbarred.

Discipline Record

- On June 27, 1996, the Solicitor was suspended for a period of six months to commence at the conclusion of his current administrative suspension and ordered to pay costs of \$500 for the following misconduct: failure to maintain his books and records on a current basis; failure to maintain sufficient balances in his trust account to meet trust obligations; practising under suspension during two separate time periods; and failure to reply to the Law Society.
- On April 27, 1995, the Solicitor was reprimanded in Convocation and ordered to pay costs of \$2,500 for improperly drawing money from his trust account by operating his general account transactions through his trust account for the purpose of avoiding creditors.

Counsel for the Solicitor

Not Represented

(Before the Hearing Panel)

Paul LeVay, Duty Counsel

(At Convocation)

Counsel for the Law Society

Rhonda Cohen

**MISAPPROPRIATION
Kramer, Bruce Benjamin**

London, Ontario

Age 48, Called to the Bar 1979

Particulars of Complaint

Professional Misconduct

- Misappropriated \$15,300;
- Fraudulently altered a previously cashed trust cheque in order to cover up the above misappropriation;
- Breached an Order of Convocation by practising law while under suspension during the period May 9, 1994 to June 3, 1994.

Convocation's Disposition (06/26/97)

- Two-year suspension commencing June 26, 1997;
- At the conclusion of the suspension, the Solicitor may return to practice only after a satisfactory report of a psychiatrist has been provided, which sets out certain facts regarding his treatment;
- All required filings must be up to date prior to the Solicitor resuming practice;
- For three years after returning to practice, the Solicitor shall have no authority with respect to trust accounts;
- Upon resumption of practice, the Solicitor will enrol in and cooperate with the Practice Review Programme.

Counsel for the Solicitor

Luigi Circelli

Counsel for the Law Society

Christina Budweth

**FAILED TO REPORT TO CLIENT
Roy, Bernadette Kelly**

Little Current, Ontario

Age 38, Called to the Bar 1989

Particulars of Complaint

Professional Misconduct

- Failed to report to her client with respect to a mortgage transaction (2);
- Failed to reply to the Law Society regarding a complaint (3);
- Failed to honour a financial obligation incurred in relation to her practice in the

amount of \$1,267.67;

- Failed to reply to the Law Society's letter advising that an audit had been instructed and requesting explanations.

Hearing Panel's Recommendation (05/21/97)

- Reprimand in Convocation and costs of \$900, if by the time the matter has been considered by Convocation she has complied with the following:

1) arranged for the reporting letters to be sent;

2) provided satisfactory replies to the Law Society regarding the three client complaints;

3) satisfied the financial obligation to a client in the amount of \$1,267.67;

4) replied satisfactorily to the letter from the Law Society's audit department.

- Two-month suspension, consecutive to any administrative and disciplinary suspensions and continuing indefinitely until conditions 1-4 above are fulfilled and costs of \$900, if she has not fulfilled the above conditions by the time the matter reaches Convocation.

Convocation's Recommendation (06/26/97)

- Two-month suspension, consecutive to any administrative and disciplinary suspensions and continuing indefinitely until conditions 1-4 above are fulfilled, as conditions were not met prior to the matter reaching Convocation.

Discipline Record

- On November 23, 1995, the Solicitor was ordered suspended for one month and indefinitely thereafter until her filings have been made, commencing at the conclusion of her administrative suspension and ordered to pay costs of \$450 for failing to file her Forms 2/3 within six months of the termination of her fiscal year ended June 30, 1994.

Counsel for the Solicitor

Not Represented

Counsel for the Law Society

Lesley Cameron

**FAILED TO FILE FORMS
Boughner, Laura Lee**

Windsor, Ontario

Age 46, Called to the Bar 1990

Particulars of Complaint

Professional Misconduct

- Failed to file her Forms 2/3 within six months of the termination of her fiscal years ended November 30, 1993, and November 30, 1994.

Hearing Panel's Recommendation (04/17/97)

- Reprimand in Convocation if the Solicitor has completed the necessary filings by the time the matter is considered by Convoca-

tion, failing which the Solicitor shall be suspended for one month, such suspension to continue indefinitely thereafter until her filings are completed.

Convocation's Disposition (06/26/97)

- One-month suspension to commence at the conclusion of all other suspensions, administrative and disciplinary, and to continue indefinitely thereafter until her filings are completed, as filings were not completed by the time the matter reached Convocation.

Discipline Record

- By the time this matter reached Convocation, a matter heard subsequent to the instant case reached Convocation on April 3, 1997, at which time the Solicitor was suspended for a period of three months to commence at the conclusion of her current administrative suspension and was ordered to pay costs of \$1,000 for the following misconduct: failing to serve a client in a conscientious, diligent and efficient manner; and failing to reply to communications from

the Law Society.
Counsel for the Solicitor
 Not Represented
Counsel for the Law Society
 Elizabeth Cowie

FAILED TO FILE FORMS

Green,Carolyn Reva
 Manotick, Ontario
 Age 46, Called to the Bar 1984
Particulars of Complaint
 Professional Misconduct

Membership Suspensions & Reinstatements

Members whose names appear below have been suspended for administrative reasons (non-payment of annual fees, errors and omissions insurance levies, or late filing); or have been reinstated after previously being suspended. The year after each member's name is the year of call to the Ontario bar. Enquiries regarding members listed below should be directed to (416) 947-3315.

ANNUAL FEE REINSTATEMENTS

BALL Debrah Agnes	1983	ENGLAND
BELFER-RIMER Heather Lynn	1990	Nepean ON
BROWN William Maurice Raymond	1983	Etobicoke ON
CHARLEBOIS Louis Hardy	1992	UK
CRITTENDEN Jon David	1979	Oakville ON
DEWAR Lawrence Alexander	1996	Whitehorse YT
DI MARTINO Peter Gabriel	1980	Brampton ON
DOHERTY Leslie Anne	1984	Cambridge ON
DRIESMAN John Murray	1956	London ON
FRASER Sean Robert	1996	Toronto ON
FRYERS Clifford Howard	1977	Calgary AB
GAHAN Jeffrey Mark	1985	Toronto ON
GOLDENBERG Edward Stephen	1985	Ottawa ON
HORNER Robert Dean	1995	Markham ON
HORWOOD Robert Allan	1974	Mississauga ON
HORWOOD Robert Earl	1987	Hull PQ
KUCHAR Leonard Andrew	1984	Ottawa ON
KWINTER Stephen	1979	Toronto ON
LEFAS Agnes Segolene	1982	FRANCE
LESARGE Paul Edward	1993	London ON
LEVY Harold Joseph	1970	Toronto ON
LOCKLEY Jane Elizabeth	1981	Calgary AB
MACFARLANE Craig Bryn	1976	Vancouver BC
MACLAUCHLAN Lucienne	1992	Odessa ON
MADISSO Merike	1978	Toronto ON
MICHNA Richard Scott	1979	Toronto ON
MITCHELL Brian Randall	1987	Montreal PQ
MORRIS Sandra Louise	1991	Toronto ON
MUKERJI Nipa Sraboni	1988	Willowdale ON
MURPHY Paul Joseph	1982	USA
ORTIZ Steffi Ursula Goehlich	1990	Ottawa ON
PEPE Michael Francis Gerrard	1981	USA
PITTMAN Shauna-Cecilia	1993	Ottawa ON
PRITTIE Thomas James	1995	Toronto ON
SAFER Rhonda Hilary	1989	Thornhill ON
SEHMI Paula Harbalwinder	1992	Vancouver BC
STERLING Helen Marion	1992	Brampton ON
TALAGA Monica Leslie	1991	Ottawa ON
TOBIAS Colin Arthur	1992	Scarborough ON
WANG Weimin	1996	CHINA
WARREN Priva Janice	1994	Toronto ON
WILSON Brian Henry	1956	Ottawa ON
WOLCH Jonathan David Morris	1995	Toronto ON
WYATT Douglass Walter	1976	Brockville ON

E & O LEVY REINSTATEMENTS

CLARKE Gordon Stanley	1975	Caledon East ON
CUSACK Patrick Leo Wayne	1985	Orleans ON

OBEEMBE Esther Olufunke	1992	Mississauga ON
RAGONETTI John Freeman	1994	Toronto ON
THAM Ping Sheung	1973	Richmond Hill ON
VUCINIC Sammy Simeon	1980	Amherstburg ON
WINCH Joel Wilfred	1964	Toronto ON
WONG Chi-Wah	1987	Toronto ON

ANNUAL FEE SUSPENSIONS - May 1, 1997

BUCKLE Gordon Douglas	1968	USA
CLARK Anne Katherine	1988	Toronto ON
FRASER Thomas Ogilvie	1949	Willowdale ON
FROST John Francis Anthony	1984	Toronto ON
JOHNSON Kenneth Wayne	1984	Embrum ON
LAMBO Donald Van	1979	USA
LOCKHART Robert Wallace	1996	Toronto ON
MARTIN James Ralph	1991	Harrow ON
MENDELSSOHN Steven Gary	1987	Weston ON
MILLIGAN Patricia Erin	1990	Toronto ON
NUNZIATA John	1982	Toronto ON
PICARD Claude Joseph	1984	Toronto ON
PITRE Karen Joan	1991	Toronto ON
SARTISON Delayne Marie	1989	Vancouver ON
STEINER Shelley Allyson Theresa	1990	FRANCE
TODD Paula Joy	1990	Toronto ON
VUJICIC Jovo	1995	Hamilton ON

E&O LEVY SUSPENSIONS - July 15, 1997

MCARTER Raymond Gary	1990	Burlington ON
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NSF SUSPENSIONS

The following members were suspended on **July 18, 1997** for NSF payment of the

1997 Membership Fee:

HELLER Nancy Carolyn	1996	Toronto ON
LAVEAUX Franck	1994	Ottawa ON
LEDWON Jane Ann	1993	Rutherglen ON

The following members were suspended on **July 15, 1997** for NSF payment of the

1997 E&O Insurance Levy:

KAZEMBE Courtney Akinwale	1995	Scarborough ON
LINGL Michelle Lee	1988	Toronto ON

CORRECTION

Wayne Norris Brooks (St. Catharines), Marie Cecile Brigitte Laplante (Hawkesbury), Rebecca Lyn Nelson (Toronto), and Paula Harbalwinder (Vancouver) should not have appeared on the list of suspended members which was published with the May/June 1997 Ontario Lawyers Gazette. Their names were included in error and the Lawyers Professional Indemnity Company and the Law Society regrets any embarrassment caused to these members.

- Failed to file her Forms 2/3 within six months of the termination of her fiscal years ended November 30, 1994, and November 30, 1995.

Convocation's Disposition (06/26/97)

- 30-day suspension to commence at the conclusion of her current administrative suspension and to continue indefinitely until she has completed her filings.

Counsel for the Solicitor

Not Represented

Representative for the Law Society

Audrey Cado (Before the Hearing Panel)

Counsel for the Law Society

Rhonda Cohen (At Convocation)

PRACTISED UNDER SUSPENSION

Miskin, Joel Sydney

Toronto, Ontario

Age 53, Called to the Bar 1974

Particulars of Complaint

Professional Misconduct

- Breached order of Convocation that he suspend his practice due to his failure to pay his Annual Fee, by practising law during the period May 9, 1994, to December 21, 1994;
- Failed to produce his books and records for the purposes of an investigation by the Law Society.

Convocation's Disposition (06/26/97)

- One-month suspension to commence at the conclusion of his current administrative

suspension and to continue indefinitely he complies with the following conditions: he produces his books and records to the Law Society for inspection; he responds satisfactorily to all questions or requests for particulars which may be made by the Law Society in reviewing his books and records; he enrolls in Practice Review upon the resumption of the practice of law; and he cooperates with the office of the Staff Trustee and the Law Society examiners in ensuring that his files receive the appropriate supervision during the time of his suspension.

Counsel for the Solicitor

Not Represented

(Before the Hearing Panel)

Paul LeVay, Duty Counsel (At Convocation)

Counsel for the Law Society

Allan Maclure (Before the Hearing Panel)

Glenn M. Stuart (At Convocation)

FAILED TO FILE FORMS

Semple, Michael John

Willowdale, Ontario

Age 41, Called to the Bar 1981

Particulars of Complaint

Professional Misconduct

- Failed to file his Forms 2/3 within six months of the termination of his fiscal year ended January 31, 1995.

Hearing Panel's Recommendation (04/17/97)

- Reprimand in Committee if filings are completed by the date of Convocation,

Accountant's Report to Lawyer within 6 months of their fiscal year ends. As most practices have converted their fiscal year ends to correspond with the calendar year end (as a result of the Spring 1995 federal budget), most practices should have made their filings by June 30, 1997, with respect to their 1996 fiscal activities. However, it appears that a significant number of law practices have elected to maintain non-calendar year ends. For example, if you maintained a February 28 year end, your filings are due August 31, 1997. Likewise, a March 31 year end would require filings to be made by September 30, 1997. If you have any questions as to your filing deadline, please contact Law Society Forms Services at (416)947-3932.

Erroneously Reported Fiscal Year Ends

On review of filings received to date, it

failing which suspension for one month and thereafter indefinitely until filings are completed.

Convocation's Disposition (06/26/97)

- One-month suspension to commence at the conclusion of his current administrative suspension and to continue indefinitely thereafter until his filings are completed.

Counsel for the Solicitor

Not Represented

Counsel for the Law Society

Rhonda Cohen

FAILED TO ACCOUNT TO CLIENT

Bazos, Anthony Chris

Toronto, Ontario

Age 72, Called to the Bar 1952

Particulars of Complaint

Professional Misconduct

- Failed to reply to the Law Society regarding a complaint;
- Failed to account to his client for monies paid to him on the client's behalf.

Committee's Recommendation (02/27/97)

- Reprimand in Convocation
- Costs of \$250, payable over 12 months.

Convocation's Disposition (06/26/97)

- Reprimand in Convocation

Counsel for the Solicitor

Not Represented

(Before the Hearing Panel)

Counsel for the Law Society

Lesley Cameron ■

Annual filings update

The Law Society has received a good portion of the filings required of members in private practice. However, for members who have not yet submitted their annual filings, there are a number of points to consider:

Filing Due Dates

Members who were engaged in the private practice of law solely as an employee in 1996 should have filed their *Private Practitioner Form* by June 30, 1997, with respect to the 1996 calendar year.

Those members who were engaged in the private practice of law as a sole practitioner or partner must submit their *Private Practitioner Form* and *Public*

appears that a number of members may have erroneously noted on their forms the date of completion of the form as their fiscal year end. As the information on the new forms is scanned and then input into the Law Society database, it is possible that the Law Society may have incorrect fiscal years for these members.

Members who suspect that they may have misfiled in relation to their fiscal years are asked to review their copies of their filings. Corrections should be sent to Law Society Forms Services either by E-mail (lsforms@lsuc.on.ca), by mail (to Law Society Forms Services, Osgoode Hall, 130 Queen Street West, Toronto, Ontario M5H 2N6) or by fax ((416)947-3990). Please do not telephone Forms Services to inquire about your recorded fiscal year at this time. Given the large volume of filings being received, members are requested to

defer telephone inquiries on this topic for a few weeks. Law Society staff are concentrating on processing the filings made during this peak period.

Accuracy and Completeness

Members are asked to review their filings for accuracy and completeness

before sending them in. A number of filings are received without membership numbers to either identify the member making the filing or, in the case of a joint filing, the membership number of the partner who is submitting the *Public Accountant's Report to Lawyer* on behalf of the firm. Please note that

these forms are partially reviewed by an automated process. Inaccuracies or incompleteness will initiate follow-up procedures which will be time consuming both for members and Law Society staff. This will also contribute to additional overhead costs to your governing body. ■



FYI

Thanks to 38th Bar Admission Course authors

PHASE THREE, FALL 1996

The Law Society of Upper Canada wishes to express its gratitude to the following authors who have so generously contributed their time and expertise to writing the Bar Admission Course Reference Materials.

BUSINESS LAW

Jennifer Babe	Jeremy Farr	Robert McMechan
Martin Black	Stan Freedman	Deen Olsen
Donald Burke	Susan Grundy	Gregory Sanders
Dan Dowdall	Geoffrey Howard	Donald Short
Jens Drees	Alan Kester	M. Lee Stratton

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Brian Budden	Cynthia Heinz	Christopher Staples
Andrew Burns	C. William Hourigan	David Stinson
Kathryn Daniels	Kathryn Knight	Bruce Treichel
Gideon Forrest	Jonathan Lancaster	
Christine Healy		

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The Honourable Judge Jeff Casey	Janet Leiper	Steven Skurka
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The Honourable Mr. Justice George Czutrin	The Honourable Mr. Justice Emile Kruzick	Victoria Vidal-Ribas
Stephen Cole Kathryn d'Artois Phil Epstein	Margaret McSorley	Frances Weisberg Jefferey Wilson

PROFESSIONAL RESPONSIBILITY

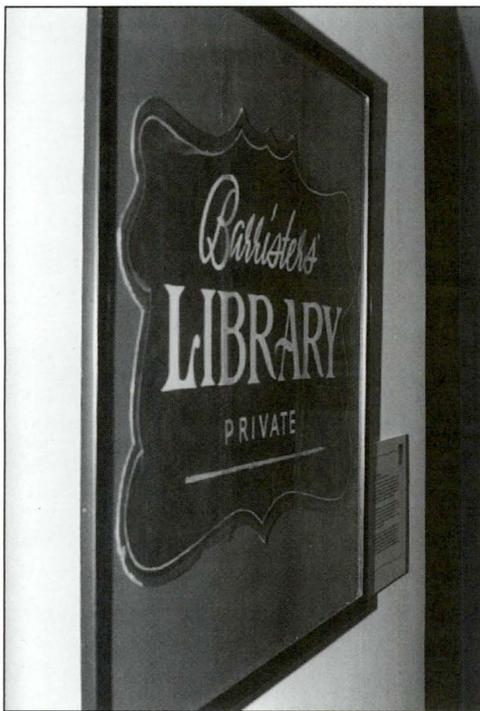
Frank Bennett Daniel R. Bennett E.A. Carman	The Honourable Mr. Justice Jean Côté	The Honourable Mr. Justice J. D. Ground	John Honsberger Cyril W. Johnston Carole Jordan Sylvia Morris Paul M. Perell Blane R. Prescott Beverley G. Smith John D. Townsend Stephen E. Traviss
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RESIDENTIAL REAL ESTATE

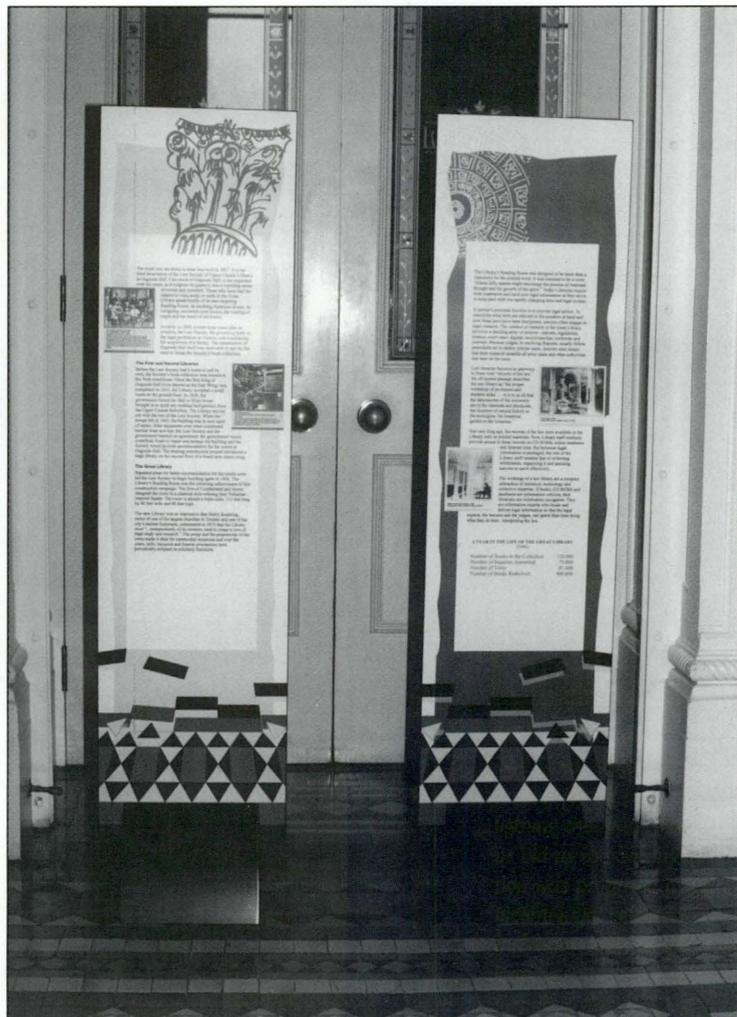
Douglas Christie James Hilton Michael Lamb Max Marechaux Barbara McGregor	Bradley McLellan Alicia Natividad Cindy Pinkus Louise Poulin Peter Quinn	Lou Radomsky Laird Rasmussen Brenda Rice Deborah Rogers Sid Troister ■
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Library exhibit

The Great Library and the Archives of the Law Society joined forces to produce an exhibition highlighting the inner workings of an institution almost as old as the Society itself. The Great Library exhibition was prepared as part of the Law Society's bicentennial celebrations and will be on display at the main doors of the Library and in the hallway leading to the east doors until the end of 1998.

(photos by Andrew Schalk)



Equity reports available

Members of the profession are advised that copies of a comprehensive, longitudinal study of male and female career patterns in law, and a report on the Law Society's equity work to date and future plans are now available.

In 1990, the Law Society conducted retrospective research into the career expectations of men and women in the legal profession. The project involved surveying a random sample of men and women called to the bar between 1975 and 1990. The resulting report, *Transitions in the Ontario Legal Profession* ("Transitions") was released in 1991 and widely distributed among members of the profession.

In 1995-96, the former Women in the Legal Profession Committee followed up *Transitions* with the *Ontario Transitions Re-contact Survey*. From this work came *Barriers and Opportunities Within Law: Women in a Changing Legal Profession* ("Barriers and Opportunities"), a report prepared by Dr. Fiona Kay.

In addition to this research, from 1991 to the end of 1996, Convocation's former Equity in Legal Education and Practice Committee identified initiatives and action plans aimed at

advancing equity and diversity within the profession.

On May 23, 1997, Convocation considered and accepted both *Barriers and Opportunities* and a report entitled *Bicentennial Report and Recommendations on Equity Issues in the Legal Profession* ("Equity Report"). The *Equity Report* represents an historical analysis of the Law Society's role in equity to date, an analysis of the *Barriers and Opportunities* findings, and a plan for the future.

The *Equity Report* may also be accessed on the Law Society's website at www.lsuc.on.ca. The *Equity Report* recommendations and a summary of *Barriers and Opportunities* will be available in French in August. Those seeking a copy of either report can contact:

Ms. Eleanor Sheehy
Research and Legislation
Osgoode Hall, 130 Queen St. W.
Toronto, ON M5H 2N6
tel: (416) 947-5230
fax: (416) 947-7623
e-mail: esheehy@lsuc.on.ca ■

The Osgoode Society for Canadian legal history

The Osgoode Society has existed since 1979. It is located in offices at Osgoode Hall. To date The Society has published 31 books, dealing with almost all aspects of the legal history of Canada.

Our publishing policy is to produce books which have two qualities. They must be readable and interesting to a general readership. And they must be based on research and sound scholarship. Inevitably some books have been more readable, others more scholarly, but we believe that anyone examining our list of books-in-print will find these publications meant to be read and enjoyed.

Two examples that stand out are Brendan O'Brien's sparkling legal mystery story, *Speedy Justice, The Tragic Last Voyage of His Majesty's Vessel Speedy*; and Beverley Boissery's fascinating account of the arrest, trial by court martial and exile to the Australian

penal colony of 58 French Canadians swept up in the Rebellion of 1838. And two of our 1997 books will

have wide popular appeal:

James W. St. G. Walker's *'Race', Rights and the Law in the Supreme Court of Canada: Historical Case Studies*; and Patrick Brode's *Casual Slaughters and Accidental Judgments, Canadian War*

Crimes and Prosecutions, 1944-1948.

One of The Osgoode Society's truly outstanding accomplishments is its Oral History Programme. To date we have interviewed 240 individuals with approximately 33,000 pages of transcript. These materials are deposited in the Ontario Archives and, unless closed by agreement, are open for purposes of serious research. Those interviewed include both outstanding individuals in

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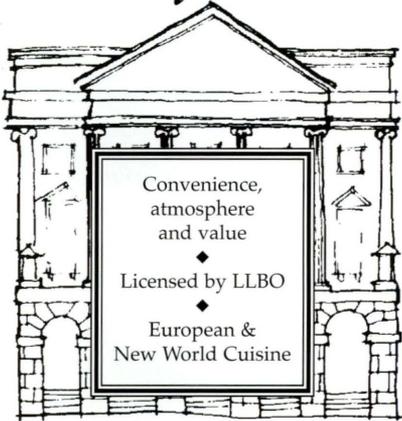
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OBAP

"I'm dancing as fast as I can"

Business was good, very good. In fact, Jay found that with the increased volume of court work, along with his dedication to two volunteer boards, that he was very busy. The fund raising campaign at the church was also about to begin. His days were long and very harried. He often got to his office by 7:00 am and did not get home until sometimes 10:00 pm or later. Lunch was a gulped sandwich or nothing at all at his desk while he talked on the phone. Dinner was drive-through on the way to another meeting. Coffee was a crutch. His weekends were just as full with office work to keep just barely ahead of his commitments to clients.

In what was left of his personal life, Jay was very unhappy. He could not remember the last time he had sat down to dinner with his wife and family. His kids were growing up, getting used to his absence. His wife did not seem to miss him any more and their love life was virtually nil. Sleep was difficult with racing thoughts, things that had to get done and fears of not being able to get everything finished at the highest quality he expected.

Eventually, Jay found that he was getting progressively more tired. He was irritable and found concentration more difficult. Chest pains, migraines and stomach cramps were common. His doctor kept telling him that nothing was wrong *physically*. He took no pleasure in his favorite pastime - the Blue Jays. In fact, during the World Series, he was at a meeting rather than at the final game. As his nervousness increased, he began to realize a tremendous loss of joy for life. At parties, he drank too much and ended up falling asleep snoring in a chair to the embarrassment of his wife, who would drive him home. Criticism by his wife about never going to his kids' games or talking to her were leading him to think about suicide - after

all, he was doing all this for his family.

Jay finally collapsed - physically and emotionally. A psychiatrist diagnosed severe depression caused by a chemical imbalance, along with an obsessive-compulsive disorder. With proper medication, self-awareness course work, 12-step Emotions Anonymous, family love and support and the help of an OBAP peer support lawyer who had experienced the same feelings and a similar life pattern, he returned to work some months later with a new view to balance in his life - self, family and work.

To learn about "Balance in Your Professional Life", the Ontario Bar Assistance Program, OBAP, is co-sponsoring a program with the Legal Profession Assistance Conference, LPAC, on October 17 and 18, 1997 in Toronto. Please call John Starzynski for details.

OBAP provides ongoing volunteer peer support to lawyers, judges and law students who suffer from addiction, eating disorders, stress and mental illness. If you are a Jay or know of a Jay, please telephone the OBAP 24-hour general helpline, in complete confidence, at 1-800-667-5722. The 24-hour women's helpline is 1-800-641-4409. To contact the volunteer Executive Director, call John Starzynski at 519-837-9459 or fax at 1-519-837 3396. ■

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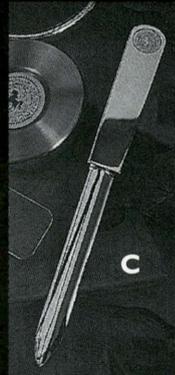
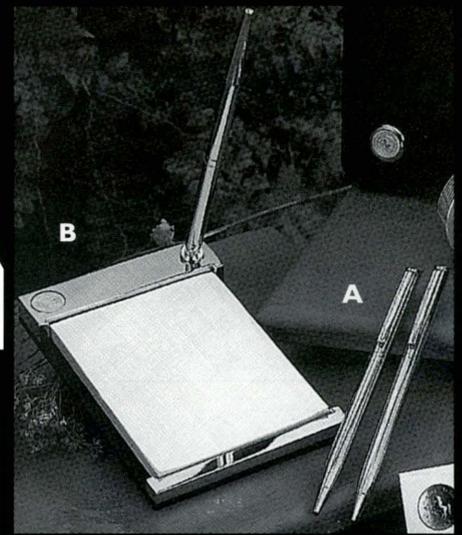
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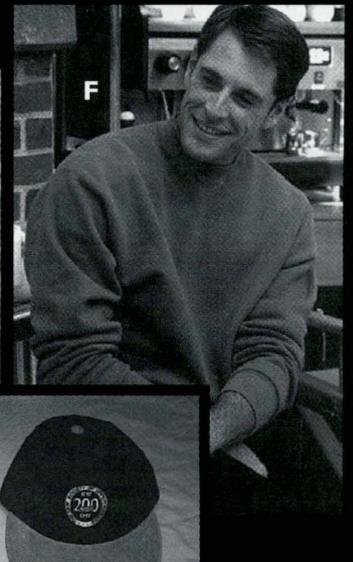
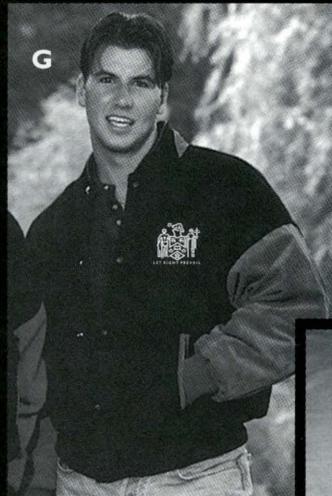
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