



# Benchers Bulletin

March 1994 Vol. 2 No. 6

## New requalification policy stresses competence

The payment of annual fees will no longer guarantee lawyers the right to practise law in Ontario, according to a requalification policy approved by Convocation in March.

The new policy (which will apply prospectively) will go into effect July 1, 1994, and replace the current policy requiring members to requalify if they have been suspended for non-payment of Law Society fees or levies for a period of five or more consecutive years. Qualification to practise will now be based on the exercise of legal skills rather than on the payment of fees. The former policy favoured financially well-off members and often prejudiced those—primarily women—who withdrew from practice to raise families or pursue other activities and were subsequently suspended because they were unable to pay their fees.

In order to determine their qualified status, lawyers will be asked to complete a form, along with their annual fees, indicating whether they make substantial use of their legal skills on a regular basis in their current work. Those engaged in the following types of employment will be deemed automatically to be in the qualified category:

- private practice in Ontario or another jurisdiction
- in-house counsel
- clinic lawyer
- M.P. or M.P.P.
- government lawyer
- policy analyst or legislative drafter
- member of an administrative tribunal
- arbitrator, mediator, conciliator
- legal teacher and/or legal writer
- legal researcher

Members will also have the option to select the “other” category and provide an explanation which will be assessed to determine whether they meet the criteria for qualified status.

Lawyers who do not fit into the qualified category for a period of five years or more will have to fulfil certain individually tailored requirements before they can resume private practise. However, they will be exempted from requalifying if they obtain employment as government lawyers or in-house counsel since the rationale for the requalification policy is to protect consumers. In order to avoid requalifying for entry into private practice, those

members must remain employed in the government or corporate sector for a minimum of one year.

A pre-emptive regime will be established so that members who do not meet criteria for qualified status will be advised immediately. A wide range of measures will be prescribed both for those who will need to requalify and for those who wish to avoid requalification after a five year period. Depending upon a member's prior history, these may include attendance at continuing legal education programs or bar admission courses, volunteer employment at a shelter or legal clinic, practising under supervision and restricting practice to certain areas of law.

## Lawyer Referral policy change

In response to a growing number of complaints from female victims of domestic violence, the Lawyer Referral Service (LRS) has broken with its long-standing gender-neutral policy of refusing to grant referrals on the basis of sex.

Based on the principle that clients, as individuals, are entitled to representation by counsel of their choice, the LRS will begin accommodating requests from members of the public who express a preference for either a male or female lawyer.

The 23-year old gender neutral rule was established when the LRS was set up in 1971 to ensure that female lawyers would not face discrimination in what was then a male-dominated profession. Today, the incidence of callers refusing referrals to women lawyers is almost non-existent. Over the past few years the LRS has been receiving an increasing number of requests for women lawyers by prospective female family law clients alleging physical or child abuse.

The LRS refers 500 people per day to lawyers on its 3,000 member panel. Approximately 30 per cent of all referrals are in the area of family law.

The Society's Equity in Legal Education and Practice Committee has been asked to examine whether race and/or ethnicity should also be added to the criteria upon which to base referrals.



## Over 200 students need articles

A record 18 per cent of students scheduled to complete law school this spring and enter phase one of the bar admission course are without articles for the 1994/95 articling term commencing in September.

The Law Society asks that members and their firms make a special effort to find placements for the approximately 200 candidates who continue to seek articles. Members are reminded that a number of special hiring arrangements are possible including part-time and shared articles with other firms.

If your firm is able to offer an articling student the opportunity to complete his/her education or if you would like to explore the various options available for hiring an articling student, please contact the Law Society's Placement Office at (416) 947-3420.

## WCB specialty now available

Applicants are now invited to seek specialist certification in the area of workers' compensation law. Certification standards for those seeking to qualify are available by contacting the Certification Office at (416) 947-4062.

## Roll call votes

### Communications—Lawyer Referral Service

1. That the recommendation of the Communications Committee to allow gender as a criterion on which to base lawyer referrals be deferred until such time as the issues of race and ethnicity have also been considered. Lost 33 to 2 with one abstention.
2. That the Lawyer Referral Service amend its policy to allow gender as a criterion upon which to base a referral when requested by a member of the public. Carried 32 to 4.
3. That the Equity in Legal Education and Practice Committee be asked to consider and report upon whether race and/or ethnicity should be added to the criteria upon which to base referrals when requested by a member of the public. Carried 20 to 16

### Legal Aid

4. That the Law Society's omnibus grant application to the Law Foundation be amended to include a request for a \$5 million grant to be paid to the Legal Aid Plan from the Foundation's reserves. Lost 26 to 6 with three abstentions.

The Law Society  
of Upper Canada



Le Barreau  
du Haut-Canada

### Benchers Bulletin

is published nine times annually by  
The Law Society of Upper Canada  
Communications Department  
Osgoode Hall,  
130 Queen Street West  
Toronto, Ontario M5H 2N6  
Tel: (416) 947-3465  
Fax: (416) 947-3991



Printed on  
paper containing  
recycled material

## Convocation attendance and roll-call votes

Mar. 25, 1994	Attend	Motion*			
		1	2	3	4
Arnup, John	✓	A	F	F	A
Bastedo, Thomas	✓	A	F	A	A
Bellamy, Denise	✓	A	F	F	Ab
Bragagnolo, Rino					
Brennan, Lloyd					
Campbell, Colin	✓	A	F	F	A
Carter, Robert					
Copeland, Paul	✓	Ab	F	A	F
Cullity, Maurice	✓	A	F	F	A
Curtis, Carole	✓	A	F	F	F
Elliott, Susan	✓	A	F	F	A
Epstein, Philip	✓	A	F	A	A
Feinstein, Abraham	✓	A	F	F	A
Finkelstein, Neil	✓	A	F	F	A
Goudge, Stephen	✓	A	F	F	
Graham, Netty					
Hickey, Michael	✓	A	F	A	A
Hill, Casey	✓	A	F	A	Ab
Howie, Kenneth					
Howland, William	✓	A	F	F	A
Kiteley, Frances	✓	A	F	F	F
Krishna, Virender	✓	A	F	F	A
Lamont, Donald	✓				A
Lax, Joan					
Legge, Laura	✓	A	F	A	A
Lerner, Samuel					
Levy, Earl					
McKinnon, Colin	✓	A	A	F	A
Manes, Ronald					
Martin, Arthur					
Mohideen, Fatima	✓	A	F	F	F
Moliner, Marie	✓	A	F	F	Ab
Murphy, Daniel					
Murray, Ross	✓	A	F	F	A
O'Brien, Brendan	✓	A	F	F	A
O'Connor, Dennis	✓	A	F	A	A
O'Connor, Shirley	✓	A	F	A	F
Palmer, Julaine	✓	A	F	F	A
Peters, Patricia	✓	F	A	A	F
Richardson, Nora	✓	A	F	F	
Rock, Allan					
Ruby, Clayton					
Scace, Arthur					
Scott, David	✓	A	A	A	A
Sealy, Hope	✓	A	F	A	A
Somerville, Marc	✓	A	F	F	A
Strosberg, Harvey	✓	F	F	A	A
Thom, Stuart	✓	A	F	A	A
Topp, Robert	✓	A	A	A	A
Wardlaw, James					
Weaver, Mary	✓	A	F	A	A
Yachetti, Roger	✓	A	F	A	A
Lamek, Paul (Treas.)	✓				

### Non-voting Benchers in attendance

R. Cass, G. H. Farquharson, P. Furlong, P.B.C. Pepper

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

Text of the motions that required a roll call vote at Mar. 25 Convocation are summarized in an article on this page.



# Membership Reinstatements and Suspensions

## March 1994

Members whose names appear below have been reinstated after previously being suspended for administrative reasons (non-payment of either annual fees, errors and omissions levies or latefiling fee). A listing of newly suspended members appears on the overleaf. The year after each member's name is

the year of call to the Ontario bar. Enquiries regarding members listed should be directed to the Admissions and Records Department, (416) 947-3318.

### REINSTATEMENTS

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#### *ERRORS AND OMISSIONS*

Jennings Linehan Sheila Kathleen	1993	Ottawa, ON
Kazman Marshall Stephen	1984	Downsview, ON
Kravetz Shayna Bella	1981	Toronto, ON
Morris Melanie Ann	1993	Ottawa, ON

#### *ANNUAL FEES*

Aylward Carol Ann	1991	Halifax, NS
Barnhorst Sherrie Suzanne	1978	Toronto, ON
Bryans Wendy Elizabeth	1981	Standford, CA., USA
Clark Sheila	1986	Toronto, ON
Culverhouse Graham John	1990	Marlow Bucks, UK
De Resendes Raul Manuel De Oliveira	1982	Toronto, ON
Dennis Michael Mark	1968	New York, NY., USA
Glassco John Meredith	1988	Sydenham, ON
King Andrew George Robin Prior	1982	Toronto, ON
Kirby Alison Lynn	1989	Vancouver, BC
Kormos Peter Eric	1980	Toronto, ON
Krueger Alan David	1991	Denfield, ON
Kuzmyk Daniel Edward	1992	Bradford, ON
Li Christopher Chun Maw	1989	Hong Kong
Lerner Yale Howard	1987	Winnipeg, MB
Novak Lisa Mary	1988	Etobicoke, ON
Parlan Virginia	1979	Toronto, ON
Payne Susan Margaret Law	1987	London, UK
Rotenberg Charles Myer	1980	Ottawa, ON
Shinya Wayne Masuo	1981	Ottawa, ON
Wehrle Deborah Kim	1992	Ottawa, ON



## ANNUAL FILING REINSTATEMENTS

Allport David Arthur	1963	Mississauga
Bitz Martin Aylmer	1949	London
Christopher Alexander Peter	1979	Newmarket
Clarke John William	1979	Alliston
Dagenais Mary Brenda Anne	1986	Ottawa
Donohue Raymond Vincent	1956	Samia
Landers Richard William	1983	Mississauga
Lawson Peter Daniel	1991	Toronto
Lovas Sidney Irving	1977	Toronto
Markin Joseph	1974	Downsview
Di Martino Peter Gabriel	1980	Brampton
Matsui Marcia Evelyn Yoshi	1984	Toronto
McQuaid Kenneth Gerard	1981	Toronto
Morgan Henry Desmond	1963	London
Newman Mark Harrison	1986	Toronto
O'Donnell John Victor Patrick	1970	Etobicoke
Pang Janly Cho-Lun	1974	Hong Kong
Riley William Leo	1970	Ottawa
Rollo Douglas Edward	1956	Toronto
Rothel John	1977	Timmins
Singer Warren Arnold	1991	Toronto
Spurr Trevor Basil	1975	Toronto
Wiseman Sheldon Samuel	1968	Ottawa
Zuker Alan Murray	1962	Brampton

## APOLOGY

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Donald Charles Schlichter of Kingston, ON appeared on the list of suspended members which was published with the February 1994 Benchers Bulletin. His name was included in error and the Society regrets any embarrassment caused to the member.

## SUSPENSIONS

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The following member was suspended on March 25, 1994, for tendering a NSF cheque for payment of E&O levy:

Christopher James Holman	1977	Barrie, ON
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