



The Law Society of
Upper Canada

Barreau
du Haut-Canada

ONTARIO LAWYERS GAZETTE • LA REVUE DES JURISTES DE L'ONTARIO

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13TH COLLOQUIUM ON THE LEGAL PROFESSION

LAWYERS, LEGENDS, LEGACIES AND LESSONS FROM ONTARIO LEGAL HISTORY

On November 1 and 2, 2010, the Chief Justice of Ontario's Advisory Committee on Professionalism will host the 13th Colloquium on the Legal Profession at the Law Society of Upper Canada and the University of Toronto. This two-day colloquium explores professionalism in Ontario's legal community through legal history and biography.

For more information including the program for each day and costs, visit: <http://ecom.lsuc.on.ca/cpd/product.jsp?id=FINCOL10-9991199>.

To register, go to: <http://ecom.lsuc.on.ca/cpd>.

For questions about registering, please call 416-947-3315 or 1-800-668-7380 ext. 3315.



COMITÉ CONSULTATIF DU JUGE EN CHEF SUR LE PROFESSIONNALISME

13^e COLLOQUE SUR LA PROFESSION JURIDIQUE

AVOCATS, PERSONNALITÉS, LEGS ET LEÇONS DE L'HISTOIRE JURIDIQUE DE L'ONTARIO

Le 1^{er} et le 2 novembre 2010, le comité consultatif du juge en chef de l'Ontario sur le professionnalisme tiendra le 13^e colloque sur la profession juridique au Barreau du Haut-Canada et à l'Université de Toronto. Ce colloque de deux jours explore le professionnalisme dans la communauté juridique de l'Ontario par le biais de son passé juridique et de biographies.

Pour tous renseignements supplémentaires, y compris le programme quotidien et les frais, visitez le : <http://ecom.lsuc.on.ca/cpd/product.jsp?id=FINCOL10-9991199>.

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Finding creative solutions for changing needs

I am delighted to write my first message to you as Treasurer.

It was an incredible honour to be elected by the benchers as the new Treasurer at our June Convocation and I want to thank the benchers for showing such confidence in me.

I also want to acknowledge my fellow candidates, Beth Symes and Bill Simpson, who are both long-term and active benchers. The profession has benefited a great deal from their work over the years, and I look forward to their continuing contributions and wise counsel.

On behalf of all of our lawyer and paralegal members, I would also like to express my gratitude to our outgoing Treasurer, W. A. Derry Millar. His term as Treasurer was quite extraordinary, and we are indebted to him for his service as a bencher and as Treasurer of the Law Society.

Included in Treasurer Millar's many accomplishments was the introduction of the continuing professional development requirement. The introduction of CPD will do much to ensure that lawyers and paralegals maintain and improve their skills and knowledge. Treasurer Millar also instituted the *Civility*

Forum, through which he tackled an issue fundamental to our professionalism. During his term of office, Treasurer Millar was also responsible for implementing governance reform, as well as overseeing the implementation of the regulatory structure for paralegals. Finally, he gave his unqualified support to the implementation of the Retention of Women in Private Practice Project recommendations.

I have had the privilege of serving as a bencher for the past seven years. Working in Osgoode Hall, I cannot help but be reminded of the rich history of our profession. I am also mindful of the fact that, despite women now making up 38 per cent of our lawyers and 48 per cent of our paralegals, I follow only two other female Treasurers in our 213-year history: Laura Legge and Susan Elliott.



Treasurer Laurie H. Pawlitz

Message de la trésorière

Aborder les changements avec créativité

C'est avec joie que j'écris mon premier message en tant que trésorière.

J'ai été très honorée d'être élue par les conseillers et les conseillères comme trésorière à la réunion du Conseil de juin et je veux les remercier de leur confiance.

Je salue aussi mes collègues candidats, Beth Symes et Bill Simpson, deux conseillers qui travaillent activement depuis longtemps. Ils se sont beaucoup donnés pour la profession au cours des ans et je compte avec bonheur sur leurs précieuses contributions et leurs sages conseils.

Au nom de tous nos membres avocats et parajuristes, je voudrais aussi exprimer ma gratitude à notre trésorier sortant, W. A. Derry Millar. Nous lui devons une fière chandelle pour son extraordinaire mandat de trésorier ainsi que pour ses services comme conseiller du Barreau.

Le trésorier Millar est responsable entre autres de l'introduction de l'exigence de perfectionnement professionnel permanent, qui assurera le maintien et l'amélioration des habiletés et des connaissances des avocats et des parajuristes. M^e Millar a aussi créé le forum sur la politesse, où il s'est

attaqué au fondement du professionnalisme. Pendant son mandat, il s'est également chargé de mettre en application la réforme de la gouvernance ainsi que de faire le suivi de la structure de réglementation des parajuristes. Enfin, M^e Millar a donné son appui absolu à la mise en œuvre des recommandations issues du projet de rétention des femmes en pratique privée.

J'ai eu le privilège d'agir comme conseillère ces sept dernières années. Travailler à Osgoode Hall me rappelle le riche passé de notre profession. Je remarque cependant que même si les femmes comptent pour 38 pour cent de nos avocats et 48 pour cent de nos parajuristes, je ne suis que la troisième femme trésorière en 213 ans après Laura Legge et Susan Elliott.

Notre profession a une histoire extraordinaire – mais nous devons faire face à des changements considérables.

L'écart entre les personnes qui ont besoin de services juridiques et celles qui peuvent se les payer continue de s'élargir. Nos lois et nos processus juridiques deviennent de plus en plus complexes. Les avocats et le public ont plus de

We are a profession with an extraordinary history – but we are facing considerable change.

The gap between those who require legal services and advice and those who can afford it continues to widen. Our laws and legal processes are becoming more complex. It has become more difficult for lawyers and the public alike to navigate our system effectively. Technological advances increase the speed of communication and the availability of legal information, but the legal system has yet to fully address the impact of these changes.

The Law Society mandate requires us to maintain and advance the cause of justice and the rule of law, as well as to facilitate access to justice for the people of Ontario. Access to justice is a broad concept which includes the ability of people to resolve problems both inside and outside of the court system. Our justice system must evolve to meet society's changing needs.

In May, Convocation received the first report of the Ontario Civil Legal Needs Project, entitled *Listening to Ontarians*. This research report documents the way in which low- and middle-income Ontarians deal with civil legal issues in their daily lives and confirmed what we had long expected: the complexity of our laws and our processes can be a barrier to access to justice.

Message de la trésorière

mal que jamais à se retrouver dans notre appareil judiciaire. Les progrès technologiques font augmenter la vitesse des communications et la disponibilité de l'information juridique, mais le système juridique ne tient pas encore compte de l'impact de ces changements.

Le mandat du Barreau exige que nous défendions la cause de la justice et la primauté du droit en plus de faciliter l'accès à la justice pour la population de l'Ontario. L'accès à la justice est un concept large qui vise la capacité des gens de régler des problèmes à l'intérieur et à l'extérieur de l'appareil judiciaire. Notre système de justice doit évoluer pour répondre aux besoins changeants de la société.

En mai, le Conseil a reçu le premier rapport du projet sur les besoins juridiques civils de l'Ontario, intitulé *À l'écoute de l'Ontario*. Ce rapport de recherche rend compte des façons dont les Ontariens et les Ontariennes à revenu faible et moyen abordent leurs problèmes juridiques civils dans le quotidien et confirme ce que nous pensions : la complexité de nos lois et de nos processus peut bloquer l'accès à la justice.

Je crois qu'en partageant l'information et les ressources, les nombreux participants du système juridique peuvent collaborer pour trouver des solutions créatives à ces problèmes.

I believe that by sharing information and resources, the many participants in the legal system can work together to find creative solutions for these problems.

Family civil legal needs were highlighted in the report as the most common civil legal need. The breakdown of a marriage or common law relationship causes disruption to families that can last for years and extends to other areas of their lives, including housing and employment.

As a family lawyer, I am acutely aware of these issues. Identifying projects where the Law Society can work collaboratively with others in the justice system to improve the system is an area of special interest for me.

I intend to move this issue and others forward over the next two years. With the support of my fellow benchers, our lawyer and paralegal members and the dedicated staff at the Law Society, I am confident that we can meet the challenges that we face.

On a final note, I hope to spend a good deal of time over my term, meeting lawyers and paralegals – both at and away from Osgoode Hall.

I look forward to meeting you. 



Les besoins juridiques civils en matière familiale ont été soulignés dans le rapport comme étant les plus courants. La fin d'un mariage ou d'une relation de common law en Ontario bouleverse parfois les familles pendant des années et d'autres aspects de leurs vies, comme le logement et l'emploi.

À titre d'avocate en droit de la famille, je suis très sensibilisée à ces problèmes. Les projets auxquels le Barreau peut travailler avec d'autres partenaires du secteur de la justice pour améliorer le système m'intéressent particulièrement.

J'ai l'intention d'aborder de telles questions au cours des deux prochaines années. Avec l'aide de mes collègues conseillers et conseillères, nos membres avocats et parajuristes et le personnel dévoué du Barreau, je suis convaincue de pouvoir relever les défis qui nous attendent.

En conclusion, j'espère, pendant mon mandat, rencontrer de nombreux avocats et parajuristes – que ce soit à Osgoode Hall ou ailleurs.

Au plaisir de vous rencontrer. 



The face of the profession is changing – is the profession changing too?

To comprehend how the legal profession has changed, one need simply look to the cover of this issue of the OLG: the newly elected Treasurer, Laurie H. Pawlitzka, is just the third woman to serve in that post in the Law Society's over 200-year history.

In two years' time, her face will join those of other former Treasurers on the walls of Osgoode Hall – walls which are currently dominated by portraits of distinguished, older white men. However, times are changing, not only was Treasurer Pawlitzka one of two women competing for the post in the past election, the 2007 bench election saw the highest number of women benchers ever elected – 18 out of 40.

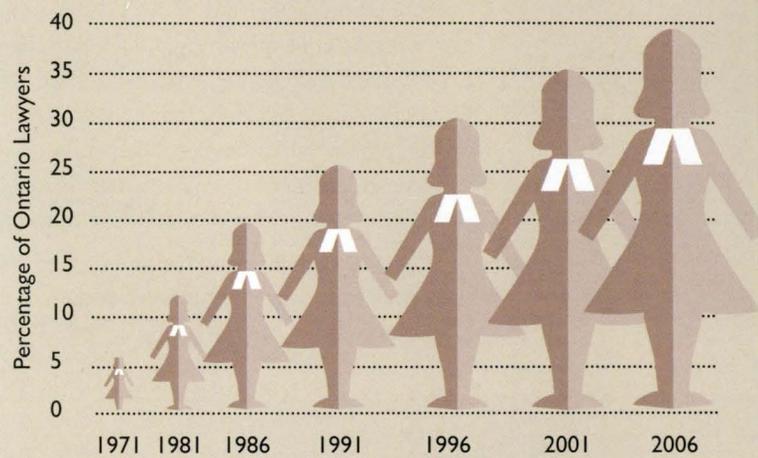
The changing profession

Michael Ornstein, director of the Institute for Social Research at York University, has dedicated a great deal of time over the last decade and a half to studying the demographics of the legal profession, primarily through detailed analysis of Canadian census data. He has written three reports for the Law Society, the first in 2001. The latest report, released in April this year¹, focuses on data collected through the 2006 census but reaches back as far as 1971 when just five per cent of lawyers were women. Ornstein chronicles with great detail how that number has changed over the years from 20 per cent in 1986, to 30 per cent in 1996 and almost 40 per cent in 2006 (see Figure 1). All signs indicate that the trajectory will continue: in recent years, women have consistently made up more than 50 per cent of new calls to the bar.

Thanks to Ornstein's work and the detailed nature and extensive reach of the long-form census, we know a great deal about Ontario's lawyers, including where they work and how much they earn. The detailed picture that emerges, however, is not as encouraging as the overall growth in numbers.

Women lawyers earn less than their male counterparts, even when factors such as age and type of work are taken into account. Relative to men, the

FIGURE 1 Percentage of Ontario lawyers aged 25 to 64 who are women, 1971-2006



earnings of women lawyers increased significantly between 1970 and 1995, but have improved very little in the last decade. In fact, according to Ornstein, there is strong evidence that the wage gap is no longer decreasing but has settled where women lawyers from mid-career on are making 20 to 30 per cent less in mean earnings than male lawyers.

Women also continue to be more likely to work as law firm associates and employees and less likely to be partners (41 per cent of women versus 27 per cent of men) and women are more likely to work in government (21 per cent of women versus 11 per cent of men) rather than in private practice.

That women lawyers tend to take different career paths than their male colleagues is not news to those with an interest in the profession, although the dogged

The impact of increasing diversity on the legal profession is win-win across the board – for clients, legal employers, and for male and female lawyers.

Ritu Bhasin
principal of bhasin consulting inc.

persistence of the trend may be. What is new is the amount of information available about why women tend to occupy different places in the profession than men.

Striving for balance

The Law Society has undertaken two initiatives in the past few years which taken together paint a detailed picture of the priorities women are bringing to the profession.

The 2010 change of status survey² asked lawyers who changed their work status – for example those who moved from associate to partner or private practice to government work – why they were changing jobs.

Unsurprisingly, the results showed that women were more likely than men to move out of private practice and the longer a woman had been at the bar, the less likely she was to be in private practice.

More tellingly, the study revealed that moves out of private practice are strongly related to life stage. Both women and men with young children (under six years of age) are more likely to move out of private practice than those at other stages of life and women are much more likely than men to move at this stage, by a margin of almost two to one.

When asked the reason for their career change, responses were varied; however, women more often stressed the need to balance work with other

responsibilities, or the need for more control over their hours.

Not only are women more likely than men to leave private practice, they are less likely to go into it in the first place. In January 2008, the Law Society released the career choices survey³ which asked new lawyers and licensing candidates a series of detailed questions about where they articulated and why; where they planned to work and why; and what area of law they chose and why. Again, distinct gender differences came to the surface.

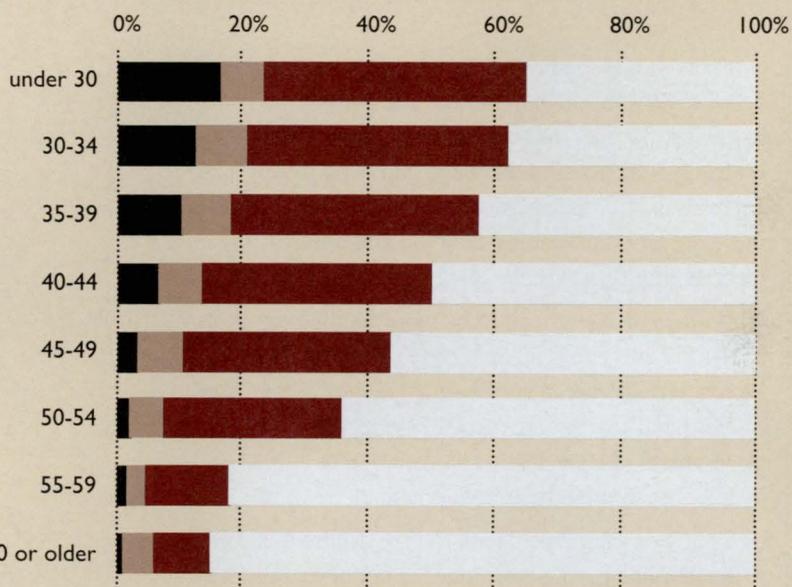
From the very beginning of their careers, women are less likely than men to want to enter private practice, particularly at large firms in Toronto, (16 per cent of female respondents indicated this practice setting as their top preference compared to 29 per cent of male respondents), though the proportion who do land in private practice at a larger Toronto firm is much closer (18 per cent of men and 15 per cent of women).

When asked what influenced their choice of position, women were twice as likely as men to identify good work-life balance (19 per cent of women and 8 per cent of men).

The power of numbers

It seems almost certain that in the near future,

FIGURE 2 Racialization and gender of lawyers by age, Ontario 2006



Racialized women driving increase in women lawyers

In the last decade, gains in the representation of women are attributable largely to increased numbers of racialized women. Racialized women account for no less than 16 per cent of all lawyers under the age of 30, compared to just five per cent of lawyers 30 and older; racialized men account for seven per cent of lawyers under 30, compared to six per cent of lawyers 30 and older.



50 per cent of Ontario's lawyers will be women, which raises the question of what, if anything, this dramatic change in demographics means to a profession that has been, in Ornstein's words, "primarily white and male" for most of its long history.

While it is naive to assume that such a diverse group of individuals (see Figure 2) is bringing to the profession a homogenous point of view, it is clear that as a whole, women are concerned with ensuring they have time for responsibilities and pursuits outside of work, and this preference has led them to pursue specific career paths that tend to preclude private practice.

Whether this preference is a result of free choice or systemic forces is a matter of some debate. Susan Pinker is a psychologist and journalist who has written extensively about gender issues. In a recent article, "A qualified man is hard to find; Glass ceiling? That's so 1980s," she argues that free choice, not systemic sexism, is the reason women enter certain occupations and not others, and that one of the best ways to attract women to a profession is to be flexible about "career paths that were laid down when the work world was mostly male."⁴

The sheer number of women entering the legal profession may make this debate irrelevant. According to Ornstein, "However strong the aspirations of women to work in particular areas of the profession and the structural pressures to encourage them to do certain types of legal work, as women become a larger and larger presence, there is no 'niche' disadvantaged or not, large enough to provide employment for all women lawyers."

Looking to the future

Increased diversity across all elements of the profession is great news not only for lawyers but also for their clients, according to Ritu Bhasin, principal of bhasin consulting inc., a consulting firm that focuses on talent management and diversity strategies in the legal profession. The impact of increasing diversity on the legal profession is "win-win across the board – for clients, legal employers, and for male and female lawyers," says Bhasin. "We know diversity increases creativity and quality of decision-making. It is important to have more women, more diversity; this brings more ideas to the table."

Bhasin recognizes that women traditionally have greater pressures outside of their careers than men and that they tend to bear the main responsibility for child-rearing and other family duties. "There is more pressure on women," says Bhasin, "and that pressure

is not sustainable." The pressure will continue to shift to employers, posits Bhasin, as they work to retain top talent.

This pressure may be one of the reasons why the Law Society's *Justicia* Project, an initiative of the Retention of Women in Private Practice Working Group, is so well received. The Law Society established the Retention of Women in Private Practice Working Group in 2005. With its mandate evident in its name, the working group quickly decided that it should avoid repeating previous studies and focus instead on identifying concrete and practical solutions that would help women stay in private practice. To this end, the working group launched an extensive consultation with the profession, hearing from over 900 lawyers and students from across the province.

The working group brought forward nine recommendations, including proposals for the *Justicia* Project and a Parental Leave Assistance Program, to Convocation in 2008 where they were unanimously supported. The goal of the *Justicia* Project was to create a group of large- and medium-sized firms committed to identifying and adopting principles and best practices aimed at keeping women in private practice. "We targeted the 60 firms with 25 or more lawyers, as well as the two biggest firms in regions mainly populated with smaller practices," says Josée Bouchard, equity advisor at the Law Society. "More than 55 firms have signed on, which is quite remarkable."

The firms have each signed written commitments to achieve ambitious goals in four areas including flexible work arrangements. "Women lawyers are committed to their profession, but they need flexibility to allow them to stay in private practice," says Bouchard. "What we are seeing through the *Justicia*

Women lawyers are committed to their profession, but they need flexibility to allow them to stay in private practice.

Josée Bouchard
equity advisor at the
Law Society

Women Law Society Treasurers



Laura L. Legge,
O. Ont., Q.C.
1983-1985, 1988



E. Susan Elliott, LSM
1995-1997



Laurie H. Pawlitza
2010-

“One trend you might see, is law firms being more proactive in helping people with other aspects of their lives.”

Mary Jackson
chief officer, legal personnel and professional development at Blake, Cassels & Graydon LLP

Project is the firms’ commitment to helping them stay.”

Mary Jackson, chief officer, legal personnel and professional development at Blake, Cassels & Graydon LLP, shares Bhasin’s opinion that women experience greater pressure which leads to a greater focus on finding balance. “Women still have more responsibilities to manage, so they have to be more concerned with work-life balance,” says Jackson.

While Jackson sees the trend of women migrating to positions like in-house counsel continuing, she also is seeing a change in private practice. “I see longer [maternity/parental] leaves now – women taking a year versus four months and it is more accepted.” She also sees more effort in helping with the transition to and from maternity/parental leave.

“One trend you might see,” says Jackson, “is law firms being more proactive in helping people with other aspects of their lives. [Our firm] has an association with an emergency child care provider... We also have an intranet for women’s initiatives, so women can share information such as vacation planning or where to find a nanny.”

These types of ideas are exactly what the Justicia Project is looking for. “One of the main goals of the Justicia Project is to identify and share best practices,” says Bouchard.

Both Bhasin and Jackson stress the need to think inclusively about family responsibility and the search for balance and to avoid focusing narrowly on women with small children. Many women have other responsibilities such as elder

care or community work – and many men are struggling to find balance as well.

“As society’s values change, we also note that men are increasingly taking on family responsibilities and looking for flexibility,” says Bhasin.

According to Jackson, men’s commitment is changing to focus more time on family. “Before, they needed to focus on work. Now, with more couples working, men’s commitments have changed.”

Indeed it is likely that women’s search for balance and flexibility will benefit their male colleagues. More men are taking advantage of parental leave and almost 27 per cent of the applicants for the Law Society’s Parental Leave Assistance Program were men.

Are women changing the legal profession? It certainly seems so. What is clear is the different set of values women are bringing to legal work and the commitment the profession is demonstrating to accommodate those values. **OLG**

¹ M. Ornstein, *Racialization and Gender of Lawyers in Ontario: A Report for the Law Society of Upper Canada* (April 2010)

² The Strategic Counsel, *Change of Status Quantitative Survey: Report of Research Findings* (April 2010), prepared for the Law Society of Upper Canada

³ The Strategic Counsel, *A Report to the Law Society of Upper Canada: Career Choices Study* (January 2008),

⁴ Susan Pinker, “A qualified man is hard to find; Glass ceiling? That’s so 1980s,” *The Globe and Mail*, Report on Business Magazine (May 28, 2010)

Women’s Online Resource Centre – let WORC work for you

The Law Society is launching a new resource specifically for women lawyers. The Women’s Online Resource Centre (WORC) is a collection of practical supports and information on a variety of topics including mentoring, managing work-life balance, networking and establishing a vibrant practice.

WORC is one of many resources developed to respond to the needs of women lawyers set out in the Law Society’s *Report on the Retention of Women in Private Practice*.

WORC will be available this fall on the Law Society’s website, in the Resource Centre at: <http://rc.lsuc.on.ca>.

Law Society's honour roll of 2010



The Law Society Medal was established in 1985 and is presented to lawyers whose service reflects the highest ideals of the profession. This year's recipients are **Mary Elizabeth Atcheson, R. Douglas Elliott, Robert W. Hubbard, Horace Krever, Q.C., M. Virginia MacLean, Q.C., Terrence O'Sullivan, John M. Rosen and Harvey T. Strosberg, Q.C.**

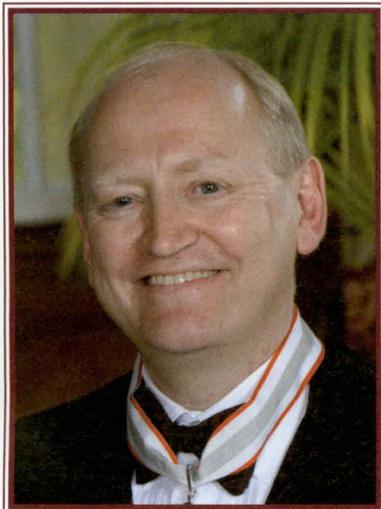
The recipient of the Lincoln Alexander Award – given to a lawyer who has demonstrated a commitment to the public and its well-being through community service – is **Aly N. Alibhai**. This year, the recipient of the Laura Legge Award – which recognizes an Ontario woman lawyer who has exemplified leadership within the profession – is **Crocetta (Chris) Gruppuso**.

“In honouring these lawyers, we are not only recognizing the contributions they have made to the profession, but we are identifying them as role models to other members and reaffirming the public's confidence in our profession,” said former Treasurer W. A. Derry Millar at the ceremony held at Osgoode Hall. “We have a responsibility to promote the values and traditions upon which the legal profession was built, and these awards are a way of doing so. Providing models of excellent leadership, and honouring those models, is an integral part to fulfilling our mandate.”

Excerpts from the remarks of the recipients upon receiving their awards follow.

Mary Elizabeth Atcheson

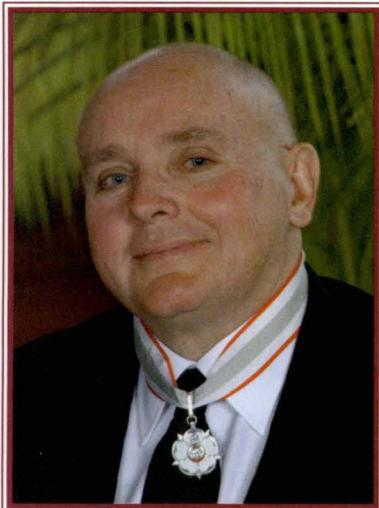
“I believe that law is inherently creative and innovative. Forward movement is not an automatic process, it does need to be animated – but what an amazing thing that each of us, wherever we come from, can play an active role, big or little, as an animator. I celebrate that as lawyers, we have a clear role to play in the development of our society. Dr. Ursula Franklin has said, in another context, that peace is not the absence of war, it is the presence of justice. The ‘presence of justice’ is a high standard, but we have to believe it is achievable. I am glad that the bar is set high, and what a privilege it is to be able to contribute. I am truly honoured to receive this recognition.”



R. Douglas Elliott

“I am deeply conscious of the fact that it is not really one man, but the work, that is being honoured. This is a landmark moment for my community, as it is the first time an openly gay man is being recognized. I have been blessed to be a lawyer during this exciting and transformative period for the LGBT community.

“It is the nature of medals such as this that they can only go to one person. In fact, this medal honours the work of many hands. There would be no cases without courageous clients, or the brave people who have stood up for their rights against injustice. When I have stood up on my hind legs, I have been able to do so thanks to the hard work of the fine people at our firm, our partners, associates, students and staff.”

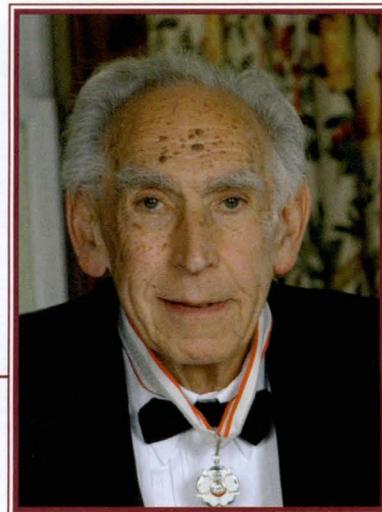


Robert W. Hubbard

“Litigation can have its stresses and challenges; however, it is the same stresses and challenges that keep the process engaging and rewarding. Importantly, the litigation process also means that there is constant exposure to a wide variety of people – be they colleagues, opposing counsel, judges, court staff, police, civilian witness, accused and any others caught up in the court system. It is the people component that has made my work so interesting. Much of what I have done professionally has provided its own reward. It is nice, however, to be given external recognition for any contributions I have made to the profession. I am very appreciative of this honour. I will continue to attempt to deserve it.”

Horace Krever, Q.C.

“My public-speaking days are behind me. I shall therefore restrict myself to congratulating my fellow recipients, thanking my nominators, the selection committee and the benchers for this signal honour.”



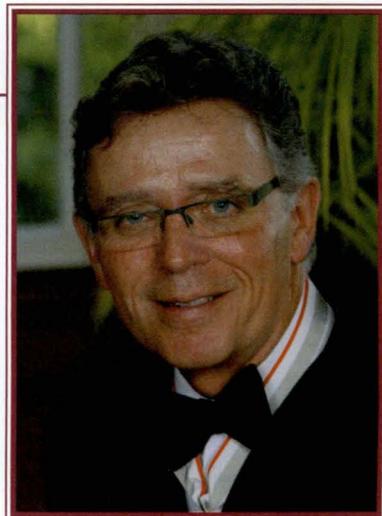
M. Virginia MacLean, Q.C.

“The esteemed nature of the award, the very august company in which it is being presented and the need to say something meaningful beyond an expression of gratitude make delivering this speech a very daunting task. I am extremely honoured and grateful to be selected a recipient for the 2010 Law Society Medal, the most prestigious of all awards presented to members of the legal profession. I am humbled by this experience and I sincerely thank everyone who has made this possible. Clearly, the role of women lawyers in the profession has changed significantly from being a minority, which often meant being ignored, to total equality. I could not state it better than to quote from William Shakespeare: ‘I can no other answer make, but thanks and thanks.’”



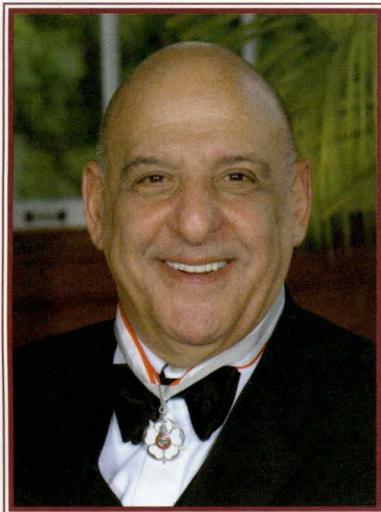
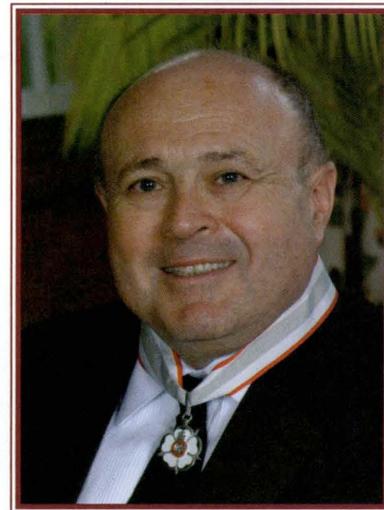
Terrence O’Sullivan

“I am deeply honoured to be receiving this award in the company of so many worthy recipients. I must say that I have enjoyed every minute of the work I have done for the profession. Each challenge was different and interesting in its own way because of the very fine people with whom I worked. I saw how dependent we are on the labours of so many – whether they be lawyers, judges or court administrators – without whose hard work we would not have a justice system that works as well as it does and we certainly would not have a profession that enjoys the benefits of self-regulation and high public esteem. So I say to all of them, thanks – I accept this award on your behalf too.”



John M. Rosen

“It is with great humility and much emotion that I accept this award, intended as a form of recognition by and on behalf of my peers for my professional skill and achievements as a criminal trial and appellate counsel. In truth, however, this medal is the tangible reward that I now accept on behalf of many others who too often have gone unmentioned and unrecognized. I accept this medal on behalf of my fellow criminal lawyers who, day in and day out strive in their own unique way to represent the poor, the underprivileged, the dispossessed and the reviled. Their search for truth and justice, their efforts to hold state actors accountable ensures the freedom and protection of all of us. Most pointedly, I accept this medal in honour of the many accused men and women that I have been privileged to represent over the years. They put their trust and their lives in my hands, and by doing so, allowed me to participate in some small way in the great debate about the meaning of liberty, justice and freedom in this great country.”

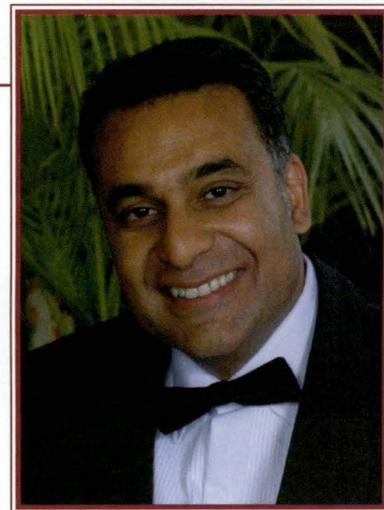


Harvey T. Strosberg, Q.C.

“I am humbled to be in the company of my fellow medal recipients, each of whom has made significant contributions to our community and our profession. In 1966, I fell in love with the law and my love has blossomed in the ensuing 44 years. I love the opportunity to seek justice for my clients. I love that the law is the engine that drives our free and democratic society, that precedent is important but that the law is malleable and evolves in response to changing circumstances and values. I love that the members of our profession feed the hungry, provide *pro bono* services, participate in legal aid and often stand a lonely vigil between the individual and the might of the state. I am thankful for this honour which I will always treasure.”

Aly N. Alibhai – Lincoln Alexander Award

“While I stand before you most grateful for having recognized me with this prestigious honour that bears the name of such a distinguished member of the legal profession in Ontario and indeed a great Canadian, I am profoundly humbled that my contributions to the public and its well-being, through my community service, have been acknowledged in such a conspicuous way by my professional peers. It was the American children’s rights activist, Marian Wright Edelman, who said that ‘service to others is the rent we pay for living on this planet’. In accepting this award, I pledge to continue doing whatever I can to ‘pay my rent’ for living on this planet and to work to the best of my ability to emulate the example of the Honourable Lincoln Alexander.”



Crocetta (Chris) Gruppuso – Laura Legge Award

“Entering the field of criminal law 18 years ago as a young female lawyer held many challenges. What I came to understand and appreciate over time was the contribution made by women like Laura Legge, who helped pave the way for me. I am honoured to receive this award, but I would consider it an even greater honour if I could be seen as a positive influence to even one young lawyer starting out in their career. Being a woman in the legal profession, especially in the area of criminal law, has never been easy. This award is an acknowledgment of all that we have gone through to get where we are today, and it allows me to appreciate the destination all the more.” **OLG**

2010 Call to the Bar ceremonies

A total of 1,262 new lawyers were called to the Bar of Ontario at five ceremonies held in June in London, Ottawa and Toronto. More than half of the candidates were women.

Every year, the Law Society acknowledges the outstanding achievement of distinguished members of the profession by awarding honorary degrees at the Call to the Bar ceremonies.

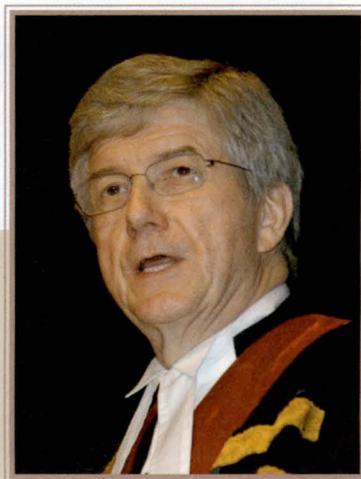
This year, the degree of Doctor of Laws, *honoris causa* (LLD), was awarded to: **The Honourable Thomas A. Cromwell, the Chief Justice of Ontario Warren K. Winkler, Diana Lynn Fuller, Gavin MacKenzie, and Abdulrahim Ali Chahbar.** Detailed biographies of each of the recipients are available on the Law Society website at www.lsuc.on.ca, along with the full texts of their speeches.

Former Treasurer W. A. Derry Millar addressed the new lawyers, saying, “A vibrant and independent legal profession is the foundation of a free and democratic society. It is essential to the maintenance of the rule of law and the proper

functioning of the administration of justice.

“As a member of the legal profession you also have an obligation to undertake public service. Use your newly acquired professional skills to make this world a better place – you can do legal aid or *pro*

bono work, lobby for the rights of the underprivileged, or work to eradicate miscarriages of justice or correct wrongful convictions. The possibilities are endless and you will find deep satisfaction in public service.”

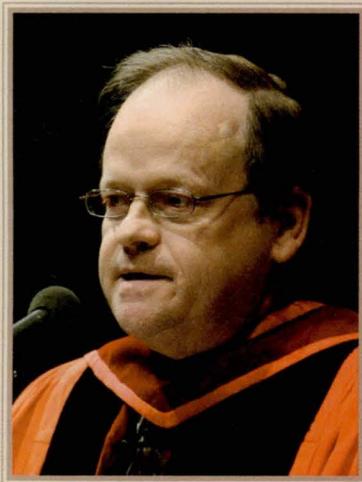


**Former Treasurer
W. A. Derry Millar**

The Honourable Thomas A. Cromwell spoke at the Call to the Bar ceremony in Ottawa on June 9. “I would like to leave you with three words: Passion, Resiliency and Responsibility. I worry that especially in these tough economic times and with mounting student debts that you may be tempted by the pressures of jobs and ambitions that belong to others and are not your own. The profession of law is a tough business.

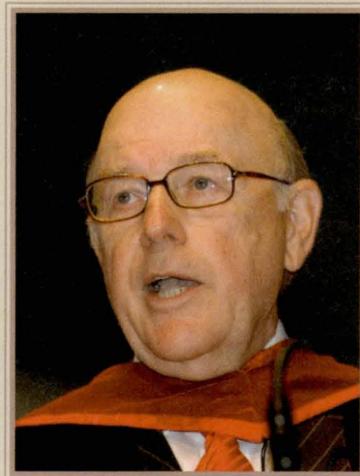
“You will face your share of tough clients and unlightened adversaries, and if you choose to practise outside of Canada, a cantankerous judge or two. You will overcome all these obstacles if you have passion and if you love what you do. Resiliency is the quality that allows you to recover from setbacks. When you are trounced in court, when professional ambition is denied to you, you will have to pick yourself up and keep going. And

despite all of these obstacles, you must never lose sight of the importance of your work to others. Even in the heat of advancing your client’s cause, remember your responsibility to the profession and the administration of justice.”



Chief Justice of Ontario Warren K. Winkler

spoke at the first Call to the Bar ceremony in Toronto on June 15. “First, and most importantly, you must recognize that to practise law is not a right, but a privilege. The



privilege of calling yourself a lawyer comes with many responsibilities. Chief among these responsibilities is the duty to serve the public ethically, diligently and competently. I can tell you that a lawyer without high ethical standards is an empty vessel, a mere technician, whose relationship to the

client amounts to nothing other than a casual, superficial commercial transaction.

“Were it not for the strict ethical code by which lawyers are required to conduct themselves, they would have no right to command a monopoly over the services they render in the practice of law.

“Law is a learned and noble profession. So, as you join it, you do so on the solemn undertaking that you will act in accord with your distinguished office, which is to say

that you will act professionally. To each of you, I extend my sincere congratulations on becoming a lawyer. Having achieved this glorious milestone, may your lives be forever enriched.”

Diana Lynn Fuller spoke at the morning Call to the Bar ceremony in Toronto on June 16. “As you step over that threshold – from ‘mere mortal’ to lawyer and member of the Law Society – realize that this transition vests you with a new and elevated status in our society. But remember: to whom much is given, much is expected – by the Law Society, by those you represent, by your community and ultimately by yourself.

“As a professional, you must demonstrate the core competencies and the core values of the profession. Your achievement of the former is acknowledged by your being here today. However, demonstrating the core values of the legal profession is something you will have to practise every day. Let me suggest three factors that promote professionalism: maintain boundaries, discover a mentor to guide you on issues of practice and ethical issues, and continuing education is a career-long responsibility, essential to maintain and improve your legal skills. Discipline, integrity, civility, diligence – these qualities must be reflected in your work, to uphold the Law Society’s elegantly simple motto, ‘Do right.’”

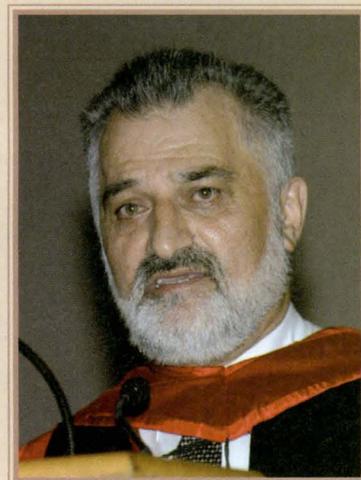


Gavin MacKenzie spoke at the afternoon Call to the Bar ceremony in Toronto on June 16. “I remember my Call to the Bar. In the photograph I am wearing my gown and tabs and wing collar for the first time, and I am accompanied by my parents, who are beaming. My parents were rural Ontarians, the offspring of dour Scottish immigrants, and they were not famous for beaming. I was a second-generation Canadian but a first-generation lawyer. My parents believed in the value of hard work and learning, and that photograph is a treasured memento... Most Convocation speeches consist of unoriginal advice offered up by a self-important speaker wearing a gown in which he looks ridiculous. I intend to continue that tradition.

“So here is my advice: continue your education; adapt to change; always look at the other side; don’t be too sure that you’re right; be an optimist; be disciplined; move on. Above all, give back. There have never been more opportunities in the law than there are today. The legal profession knows no bounds. You have skills and knowledge and habits that can take you anywhere. There is no greater profession, and there is no higher calling than the one you have chosen.”

Abdulahim Ali Chahbar spoke at the Call to the Bar ceremony in London on June 21. “As lawyers, you are the caretakers of the law and clients will entrust you with their most important affairs. But lawyers are more than simple advocates for their clients. One of the most revered and trusted personalities in American history, Abraham Lincoln, who himself was a lawyer, recognized this and eloquently advised all lawyers when he said, ‘Discourage litigation. Persuade your neighbours to compromise whenever you can. As a peacemaker, the lawyer has the superior opportunity of being a good man. There will still be business enough.’

“Remember these words as you go forward. Billable hours are important. Targets must be met and deadlines will be set, but you must remember that you must not let your work consume you entirely. Make time for family and friends. Make time for yourself. The truly happy amongst us are those who are able to strike a balance between our work and family. Remember this as you go forward.” **CLC**





Comprehensive study sheds light on Ontario public's civil legal needs

Civil legal problems are a pervasive and invasive presence in the lives of many low- and middle-income Ontarians and innovative solutions from the legal community are required to help resolve them, says a recently released report.

Listening to Ontarians: The Report of the Ontario Civil Legal Needs Project draws on data collected through an extensive telephone survey of the public and focus groups with legal service providers to paint a detailed picture of the civil legal needs of low- and middle-income Ontarians and how those needs are being met. The report, a joint initiative from the Law Society, Legal Aid Ontario and Pro Bono Law Ontario, concludes with a discussion of

ways to improve access to justice through innovative solutions.

One of the main findings of the study is the need for the legal community to better help people understand and access the justice system. "The complexity of the legal system itself can become a systemic barrier that stands in the way of justice," says the Honourable R. Roy McMurtry, chair of the Ontario Civil Legal Needs Project Steering Committee.

According to the report, when faced with a legal problem, people most often turn to lawyers for advice and they are satisfied with the assistance they receive. Moreover, for those who sought legal advice from a lawyer, fully half were able to access free help or resolve their legal problem for less than \$1,000 in fees.

However, the study also revealed misperceptions about the legal system and the costs of legal services. Despite the fact that a large group of respondents were able to resolve the problem at a reasonable cost, 80 per cent of those surveyed believed the legal system works better for the rich than the poor.

"Education is needed to demystify the justice system so that Ontarians can

Quick Facts

- Low- and middle-income Ontarians is defined as those living in households with incomes of \$75,000 or less.
- One-third of study participants had a civil legal problem or issue in the last three years, and one in 10 had experienced multiple legal problems.
- Three-quarters of those reporting legal problems said they experienced at least some disruption in their daily lives as a result of their problem.
- Sixty-six per cent of respondents agreed that the laws and justice system in Canada are essentially fair.
- One-quarter of those surveyed indicated that they had experienced a civil legal problem or issue in the past three years for which they had sought legal assistance.
- When faced with a legal problem, people most often seek assistance from a lawyer in private practice (41 per cent); followed by a friend or relative (30 per cent); and the Internet (27 per cent).
- Respondents believed that in the future they would likely experience legal problems related to wills and powers of attorney (17 per cent); family relationship problems (14 per cent); and real estate transactions (12 per cent).
- The project consistently revealed that family relationship breakdown is the primary reason why most Ontarians enter the civil justice system. Of those surveyed who indicated they had experienced a family law problem, 81 per cent sought legal assistance and 30 per cent of that group indicated they had difficulty obtaining that legal assistance.

better identify when they have a legal issue to be resolved, where the points of entry are to the legal system, and how to make more informed decisions when they purchase legal services,” says Marion Boyd, Law Society bencher and steering committee member.

The study also points to the need for innovation and collaboration from the legal community. “The fact that a large number of respondents indicated that they prefer to solve their legal problem on their own, with legal advice, points to the need for new models in the delivery of legal services,” Boyd adds.

Legal service delivery traditionally assumes individual representation and direct legal support from a lawyer in a traditional litigation model. More contemporary views augment the traditional model with an appropriate mix of alternative service models and providers based on an assessment of client needs. *Listening to Ontarians* points to the need to expand self-help resources and the use of technology.

The study also reinforces the value in continuing to rethink how legal services are provided to clients. Breaking down legal services into their component parts could in some cases provide clients the option of choosing which parts of a legal issue they resolve on their own and which parts are appropriate for professional help.

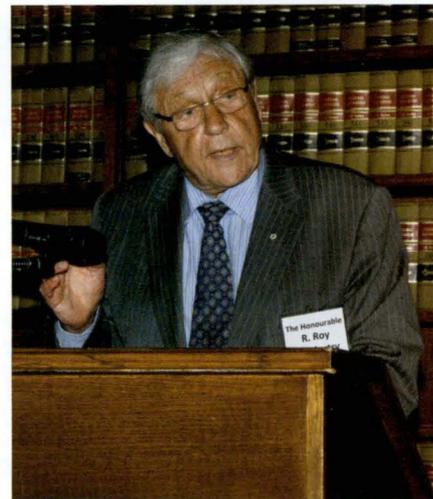
“There are opportunities for the project partners and the legal profession to play a leadership role in broadening access to information about legal processes and sources of self-help and introducing alternative delivery models for legal services,” says John McCamus, chair of Legal Aid Ontario.

Until now, there has been no empirical data on how often low- and middle-income Ontarians have a civil legal issue, where they turn for assistance, how well they are helped and what type of help they would like. This study provides robust information

about civil legal needs and points to strategies to be considered as the Law Society, Legal Aid Ontario and Pro Bono Law Ontario and other legal organizations continue to develop access to justice policies and initiatives.

“The value of this report will continue to grow as all three project partners enhance their programs and services for low- and middle-income Ontarians seeking to resolve a civil legal need. We fully expect that other agencies and organizations who provide related services will find significant learnings from the report as well,” says Lorne Sossin, vice-chair, Pro Bono Law Ontario.

A second phase of the report, a mapping project, will be released at a later date. The Law Society, Legal Aid Ontario and Pro Bono Law Ontario are partners in the project and provide financial and other resources. The Law Foundation of Ontario also provides financial support. Steering committee members are: the Honourable R. Roy McMurtry (chair); Marion Boyd, former attorney general of Ontario and Law Society bencher; John McCamus, chair of Legal Aid Ontario;



The Honourable R. Roy McMurtry, former Chief Justice of Ontario and chair of the Project Steering Committee released 'Listening to Ontarians: Report of the Ontario Civil Legal Needs Project' at an event at the Law Society on May 31. The event was attended by lawyers, paralegals, judges and other members of the legal community.

and Lorne Sossin, vice-chair of Pro Bono Law Ontario. The steering committee would like to thank Lorne Sossin for the work and time he dedicated to the preparation of the report. The full report and research results are available on the Law Society website at www.lsuc.on.ca. 



The formal presentations were followed by a spirited question-and-answer period and a reception. Here, steering committee members Marion Boyd, Lorne Sossin and John McCamus sign a copy of the report.

Guide to Retention and Destruction of Closed Client Files

The Guide to Retention and Destruction of Closed Client Files was launched on the Law Society website this summer. The guide is free to all members and is available online at: <http://rc.lsuc.on.ca/pdf/practiceGuides/retentionDestructionGuide.pdf>.

As more firms use a variety of methods – paper and electronic – to store and track files, questions arise about how and when files should be retained and/or destroyed. This new guide addresses some of these challenges, including dealing with the increasing volume of retained records such as closed client files and other administrative records, for both paper and electronic files.

The guide can be used as a reference tool to assist lawyers to control the volume and type of records that they retain; to manage risk; to meet their professional responsibilities; and to recognize and instill a practical system for organizing, retaining and eventually destroying closed client files properly and securely. To do so, the guide contains several useful appendices, including a sample file retention policy as an example of best practice; cases and materials dealing with the issue of document ownership; information on dealing with file contents when closing the file; and a checklist for closing, retaining and destroying files.

The guide is not intended to replace a lawyer's professional judgment or to establish a one-size-fits-all approach to the retention and destruction of closed files in the practice of law.

Reasons for file retention

There are a number of reasons why lawyers should retain client files after completion of the client matter, including:

- **To defend against allegations of malpractice**
 - Retaining client files makes it easier to respond to negligence or other claims. Claims founded in negligence can be made well after the alleged

negligence has occurred. LAWPRO encourages lawyers to ensure that files are well-documented and handled in accordance with appropriate file closure, retention and destruction procedures.

- **Legal requirements**
 - A lawyer might retain client documents in a file to meet statutory obligations. An example is the *Income Tax Act*, which sets out certain minimum time periods for which accounting records must be kept.
- **To comply with regulatory requirements**
 - By-Law 9 made pursuant to the *Law Society Act* requires lawyers to maintain specific books or records as part of their law office accounting systems. For example, lawyers are required to maintain trust accounting records or documents for 10 years immediately preceding their most recent fiscal year end.
- **For future use**
 - The lawyer may retain the file for his/her future use or may agree with the client to retain the file so that it is available for future use by the client.

Closing client files

To simplify the task of closing files, a lawyer should establish a file closure policy. A sample file retention and closure policy is provided in the guide, together with reference material to help in establishing your own.

The guide states that a file should be closed only after all matters relating to the file have been completed and after all undertakings have been satisfied.

- **Prior to closing a file, the guide suggests that the lawyer should ensure:**
 - All of the work that the lawyer was retained to complete has been completed.
 - The lawyer has reported to the client.
 - Any amount owing has been settled or paid off, or else has been written off by the firm.
 - All undertakings have been satisfied.
 - The lawyer has dealt with any balances to the credit of the client in the lawyer's trust account.
- **The guide includes suggestions about steps to take prior to closing a file, including:**
 - Return all documents that originally belonged to the client and were produced in connection with the matter.
 - Purge the materials in the file and ensure documents that may be required in the future are retained.
 - Communicate the file closure, retention and destruction policy to the client at the outset of the retainer.
 - Determine the file destruction date.

The guide suggests that, generally, based on the provisions of the *Limitations Act, 2002*, an appropriate retention period for client files is 15 years after the file is closed. However, lawyers should be guided by ethical, legal and professional considerations as well as economic and practical factors when determining how long to retain a file. Each file should be considered individually. **CTG**

FAQs about the new CPD requirement

Beginning in 2011, lawyers and paralegals will be required to complete 12 hours of continuing professional development (CPD) annually. CPD maintains and enhances lawyers' and paralegals' professional knowledge, skills, attitudes and professionalism throughout their careers. CPD is also an essential component of the commitment they make to the public to practise law or provide legal services competently and ethically.

What is the new Continuing Professional Development (CPD) requirement?

Starting January 1, 2011, lawyers and paralegals must complete at least 12 hours of continuing professional development in eligible educational activities in each calendar year. No less than three of the 12 hours must be on topics related to ethics, professionalism and/or practice management. New lawyers and paralegals in their first two full years of practising law or providing legal services are required to take 12 hours per year of programming which also integrates topics related to ethics, professionalism and practice management, as accredited by the Law Society.

Who is required to complete the CPD requirement?

Lawyers and paralegals who practise law and provide legal services, respectively. Those in the 100 per cent fee-paying category and lawyers excused from paying fees and who practise law will be subject to the requirement.

Are there any exemptions?

There are exemptions for those in the 50 per cent and 25 per cent fee-paying categories. In addition, lawyers and paralegals who are subject to the CPD requirement may seek an exemption in circumstances falling under the *Human Rights Code* and/or such other or additional circumstances as the director of Professional Development and Competence, or a designate, deems appropriate.

Can a lawyer or paralegal claim an exemption because the lawyer or paralegal is too busy to complete the requirements?

No. There is no exemption from the requirement on the basis that the lawyer or paralegal is too busy.

Can a lawyer or paralegal claim an exemption because the lawyer or paralegal practises law outside of Ontario?

No. There is no exemption from the requirement on the basis that the lawyer or paralegal practises law outside of Ontario.

Continued on page 18

Will CPD hours obtained outside of Ontario count toward the requirement?

Yes, as long as the activity is an eligible educational activity for the CPD requirement. See the list of **Eligible Educational Activities** on the Resource Centre website at <http://rc.lsuc.on.ca/jsp/cpd/index.jsp>.

If a lawyer or paralegal completes more than 12 hours of accredited CPD in a year, is the lawyer or paralegal entitled to carry over the balance into the next year?

No.

What is the consequence for a lawyer or paralegal who does not meet the requirement by the December 31, 2011 deadline?

Following the completion of the calendar year, the summary suspension benchers will be provided with the names of lawyers and paralegals who have failed to comply with the requirement and who are subject to administrative suspension from practice.

Lawyers and paralegals who are administratively suspended may be re-instated by completing the missing hours and providing proof of completion to Membership Services.

How can lawyers and paralegals be assured that they will obtain the required ethics, professionalism and practice management programming?

The Law Society assumes primary responsibility for delivering the required ethics, professionalism and practice management content that those subject to the CPD

requirement must meet, without a charge for program registration.

I'm a Certified Specialist. How does this new CPD requirement affect me?

The CPD requirements do not differ for Certified Specialists.

Can self-study be accredited?

Self-study will not be accredited. Self-study is defined as reading or reviewing recorded material on one's own.

Do lawyers still have to report the number of self-study hours they complete on their Annual Report?

Yes. Lawyers will continue to report annually on the Lawyers Annual Report the number of self-study hours they complete. The minimum expectation for self-study hours remains at 50 hours. The number of hours is not mandatory, but reporting is. Reporting of self-study hours is not part of the CPD requirement.

Must the subject matter of educational activities deal primarily with Ontario law?

Educational activities that qualify for credit will not be limited to subject matter dealing primarily with the practice of Ontario or Canadian law. Subject matter related to the law of other provinces and countries and to non-legal subjects will receive credit, if relevant to the lawyer or paralegal's practice.

Are listservs, forums and network sites available for credit?

These types of learning are not available for credit. 

Law Society Annual Reports go 'PAPERLESS' in 2010

Lawyers and paralegals will be required to file their annual reports electronically (e-file) beginning with the 2010 reporting year.

In May 2010, Convocation approved an amendment to By-Law 8, adopting e-filing as the single method of filing the Lawyer and Paralegal Annual Reports. The decision was made after considering various benefits of e-filing, including efficiency, cost-effectiveness and decreased environmental impact. Under this new initiative, paper filing will be considered only in exceptional circumstances.

Beginning this year, all communication relating to annual filing will be sent electronically by email, along with a year-end email containing a link to access the e-filing site. It is important that lawyers and paralegals ensure their email address information is up-to-date with the Law Society in order to receive important annual report communication.

To change an email address, please contact the Law Society Resource Centre at 416-947-3315 or 1-800-668-7380 ext 3315.

Revamped Contract Lawyers' Registry will provide easier access

The Law Society recently revamped its online Locum Registry to make it easier to access and use. Now called the Contract Lawyers' Registry, this free resource tool is designed to provide lawyers with access to short-term assistance by arranging for contract lawyers to fill in for them while they are away on vacation or leave, busy with a trial, or require assistance with large files.

The program was originally launched in November 2009 as one of the nine recommendations of the Retention of Women in Private Practice Working Group.

"Although the program was initially designed with a focus on maternal and parental leaves, we recognize that it has much broader applications, particularly for sole and small firm practitioners," explains Alison Hurst, lawyer liaison counsel with the Law Society. "It is such a great support for busy lawyers. We wanted to make it easier for lawyers to use and access the registry, so we have made some changes and renamed it so that people know what it is."

The redesigned registry now organizes registered lawyers by geography and practice area so that busy practitioners who want to hire a contract lawyer can quickly zero in and find what they are looking for.

Provides support & flexibility

Hurst explains that the registry is ideal for lawyers who want to take a leave or extended vacation, or may require another lawyer to work with them on a particular file, but can't commit to hiring someone permanently. In most cases, the contract

lawyer would be retained either full-time or part-time, to work in the contracting firm/lawyer's office and be able to deal with appropriate files handled by the practice.

"The overall goal is to provide support and flexibility for lawyers who require temporary assistance to allow them to keep their practices running smoothly. They can turn to the registry to find the help they need, when they need it," she explains.

Although there is no minimum practice experience requirement for lawyers who wish to provide contract services, the average number of years since current registrants were called to the bar is more than 18.

"We have lawyers from every region in Ontario who are interested in working as contract lawyers. As the registry continues to grow, the breadth of talent will increase, but it's already very good," says Hurst. "We want members to know that there are many experienced lawyers available who could add value to the firms that require their temporary services."

The registry is just one of the many supports the Law Society has developed to help lawyers better serve their clients. 

Although the program was initially designed with a focus on maternal and parental leaves, we recognize that it has much broader applications, particularly for sole and small firm practitioners.

Alison Hurst,
lawyer liaison counsel

The Contract Lawyers' Registry is available on the Law Society's website at <http://rc.lsuc.on.ca/jsp/contractLawyer/index.jsp>.

The LSUC Portal is to be launched in September!

The screenshot shows the LSUC Portal website. At the top left is the logo for The Law Society of Upper Canada and Barreau du Haut-Canada. To the right are links for Français, Help, and Log Out. Below the header is a navigation bar with tabs for Home, Change of Information, and Manage My Profile. A date bar indicates Wednesday, May 19, 2010, and Last Visit: Wednesday, May 19, 2010. The main content area features a welcome message: "Welcome to the LSUC Portal! This portal is designed for lawyers and paralegals. It is a secure environment that will allow users to submit changes and access information important to the profession. The portal will be ever growing. Future plans include on-line fee payments, adjusted billings and downloadable tax receipts. If you would like to make any comments or suggestions, please contact us at portal@lsuc.on.ca." Below the text is a photograph of a large, classical-style building. At the bottom of the page is a footer with links for Home, Legal Notices, and Contact Us.

Callout boxes on the left side of the screenshot point to specific navigation elements:

- Change of Information tab**: Points to the "Change of Information" tab in the navigation bar.
- Notices to the Profession**: Points to the "Notices to Profession" link in the left sidebar.
- Forms**: Points to the "Applications & Forms" link in the left sidebar.

Over the past year, the Law Society has been developing a web portal to allow Ontario's lawyers and licensed paralegals to submit online changes of information to Membership Services. Looking forward, the portal will be the means by which lawyers and paralegals can report their completed continuing professional development (CPD) in accordance with the new requirements.

"This is very exciting. Our lawyers and paralegals will now be able to manage their own information which makes the process much more efficient," says Terry Knott, director of Membership & Complaints Services.

"The possibilities are endless. This portal will allow the Law Society the ability to connect with its membership in an entirely new way. It will streamline processes and create efficiencies for both the legal profession and the regulator," she adds.

"This is the first of a number of new portal initiatives the Law Society is embarking on," says John Matos, director of Information Systems. "The portal will also be the reporting tool used

for the CPD requirement for both lawyers and paralegals which will be launched January 2011. We are also in the process of examining what the next stages of this project will be."

The portal recently underwent rigorous testing over the summer to ensure that the user experience will meet high quality standards.

In the fall, watch the portal for a listing of upcoming programs accredited by the Law Society to meet the CPD requirements.

Effective January 2011, the portal will launch the CPD reporting tool to allow lawyers and paralegals to report their continuing professional development hours.

Access to the portal requires a unique email address. If you haven't provided the Law Society with a unique email address, you will not be able to access the portal.

To update your information, please contact the Membership Services Department at 416-947-3315. 

Mission Strasbourg

Au début de juillet 2010, l'Association des juristes d'expression française de l'Ontario (AJEFO) tenait son 31^e congrès à Strasbourg. Cette destination avait été choisie dans la tradition de l'AJEFO de tenir un congrès dans un pays francophone à l'extérieur du Canada tous les cinq ans. Après Montpellier et Paris, c'était au tour de la capitale européenne de recevoir les congressistes franco-ontariens dans le cadre enchanteur de ce trésor du patrimoine mondial. Le Barreau du Haut-Canada, partenaire de l'AJEFO, avait organisé une des conférences sur le droit international pénal pour parler des développements récents dans ce domaine et pour offrir une occasion de perfectionnement professionnel permanent en français.

Au dire de tous les participants, ce fut un autre congrès formidable. Et au dire d'un des participants, Jean-François Morin, ce fut une première mission hors du commun. En effet, le cabinet d'Anthony Pylypuk, qui a pignon sur rue à Welland, a embauché Jean-François Morin, un francophone d'origine québécoise ayant étudié à Ottawa, comme stagiaire. Jean-François avait envoyé son curriculum vitae à M^e Pylypuk dont il avait eu les coordonnées par le site de l'AJEFO. M^e Pylypuk est devenu un ardent défenseur des droits linguistiques français après avoir travaillé sur le dossier opposant la fermeture du bureau d'enregistrement immobilier de Welland, seul endroit où l'enregistrement électronique était offert en français. M^e Pylypuk ne prévoyait pas embaucher de stagiaire, mais envisageait plutôt de travailler avec un avocat francophone, quand il a reçu l'offre de service de Jean-François. Saisissant là une occasion d'ouvrir l'accès à la justice en région et en français, il lui a proposé un poste accompagné d'une première mission plutôt alléchante. En effet, pour Anthony Pylypuk, le Congrès de l'AJEFO en France constituait une excellente occasion de faire plonger son stagiaire en plein cœur de la communauté juridique francophone pour qu'il crée des liens et se mette au parfum des développements juridiques en français. C'est ainsi qu'avant même d'avoir commencé son stage en août 2010, Jean-François prenait l'avion pour Strasbourg, heureux de sa décision d'avoir postulé un stage en région plutôt

qu'en ville! Welland et ses environs comptent une forte population francophone et le cabinet de M^e Anthony Pylypuk est conscient des services que cette clientèle peut espérer. La *Revue des juristes de l'Ontario* a recueilli les impressions de Jean-François sur cette expérience unique :

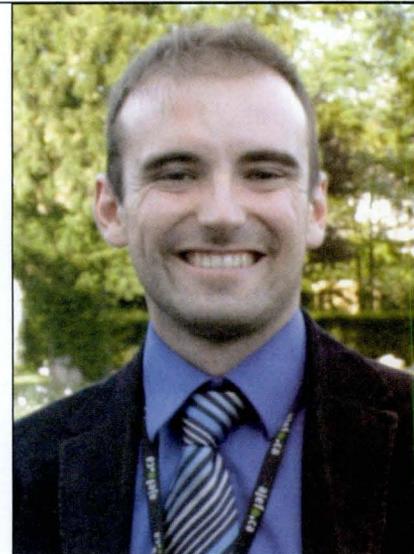
Quelles ont été vos impressions en apprenant que vous alliez au congrès?

J'étais absolument excité, car au-delà du congrès, c'était ma première visite en Europe et mon baptême de l'air!

J'ai senti immédiatement que mon maître de stage, M^e Anthony Pylypuk, voulait m'intégrer le plus tôt possible dans la communauté de juristes franco-ontariens. Quelle belle marque de confiance! J'ai su tout de suite que c'était une occasion unique pour faire du réseautage. J'étais vraiment excité, j'ai même apporté plein de feuilles de papier pour prendre des tonnes de notes lors des panels, un peu comme à l'université!

Quel a été le moment le plus fort durant ce congrès sur le plan professionnel?

Honnêtement, il y en a tellement eu! J'ai rencontré des gens absolument extraordinaires qui ont su m'inclure aisément à l'équipe. La dégustation du



Jean-François Morin

crémant d'Alsace était aussi un moment mémorable, ainsi que la merveilleuse gastronomie française! Toutefois, ma discussion avec l'ancien juge de la Cour suprême du Canada, M^e Michel Bastarache, a probablement été le moment le plus fort. J'ai vraiment profité de sa présentation sur un arrêt qui a changé le droit administratif canadien en 2008 (l'arrêt *Dunsmuir*). Comme j'ai suivi mon cours de droit administratif en 2006, cette mise à jour était essentielle.

Croyez-vous que cette expérience servira votre employeur?

Oui. J'ai appris beaucoup de nouvelles choses sur le plan théorique qui serviront je crois dans le cadre de

mon stage. Par exemple, des panélistes (tous des juges) ont fait une mise à jour jurisprudentielle en Ontario. Ça m'a été très utile. De plus, je suis convaincu que mon réseautage servira mon employeur.

Croyez-vous que vous continuerez de travailler en français?

Oui. Environ 25 % de la population de Welland parle français. C'est clair qu'il y a un marché très intéressant pour les jeunes avocats francophones. Si mon stage se déroule comme je le veux, j'aimerais beaucoup y développer ma pratique de façon à desservir la communauté francophone de la région de Niagara. Ça représenterait un défi génial à relever! **OLG**

Sous le ciel de Strasbourg

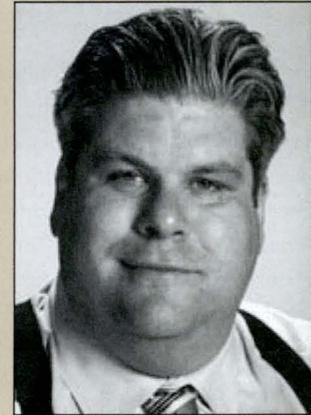
Le conseil d'administration de l'Association des juristes d'expression française de l'Ontario (AJEFO) s'est élu un nouveau président durant son congrès strasbourgeois. **M^e Claude Lacroix**, de Sudbury, succède donc au président sortant M^e Sean McGee. De plus, cette année, l'Ordre du mérite a été décerné à **M^e Daniel Boivin**, lui-même ancien président de l'AJEFO en 2004-2005.

M^e Claude Lacroix, associé au cabinet Lacroix Forest, un cabinet inscrit au projet du Barreau *Justicia*, pratique depuis 1998 en litige civil et commercial, en droit de la construction et en droit des assurances. Homme fort occupé et engagé dans sa communauté, il est gouverneur et membre du comité exécutif du Bureau des gouverneurs de l'Université Laurentienne et membre du Comité exécutif et directeur de Science Nord. M^e Lacroix a annoncé la couleur de son mandat : « Nous avons une équipe très forte à l'AJEFO et je m'engage à travailler avec le ministère du Procureur général pour mettre en œuvre les

recommandations publiées dans le deuxième rapport annuel du Commissariat aux services en français pour le secteur de la justice. Ces mesures amélioreront l'accès à la justice, notamment en ciblant trois domaines : les lacunes dans l'administration de l'appareil judiciaire, le manque de juges bilingues et l'absence de critères pour la traduction des règlements. »

M^e Daniel Boivin, associé chez Gowling Lafleur Henderson s.r.l. à Ottawa, enseigne également à temps partiel le droit de la preuve à la Faculté de droit et collabore avec le Barreau pour réviser les examens du processus d'accès à la profession.

L'AJEFO s'est aussi doté dernièrement d'une nouvelle directrice générale. C'est ainsi que **M^e Danielle Manton** remplace **M^e Sonia Ouellet**, qui a occupé ce poste pendant les sept dernières années avec brio. M^e Manton a déjà été membre du corps professoral du Barreau où elle travaillait comme avocate au service de formation professionnelle. **OLG**



M^e Claude Lacroix

Et que vive la francophilie!

Le 18 mars 2010, le groupe FrancOsgoode, une association d'étudiants en droit de l'Université York fondée en 2007, organisait un débat sur les avantages d'être bilingue. D'abord appelée la Société francophone d'Osgoode, ce groupe de francophiles compte quelque 120 membres inscrits et organise des événements formels et informels pour que les étudiants se rencontrent et communiquent en français.

Le débat du 18 mars présentait trois points de vue d'avocats bilingues de Toronto sur l'utilité du français dans leur pratique. Tout d'abord, Christian Paquette, faisant remarquer que l'Ontario recense plus de 500 000 francophones et que le Québec est en majorité francophone, a expliqué pourquoi le bilinguisme était important pour les avocats de l'Ontario. M^e Paquette travaille pour Heenan Blaikie s.r.l. à Toronto, et fait très souvent affaire avec les dirigeants d'entreprises du Québec, le partenaire d'affaires principal de l'Ontario. Même si le Québec a un système civiliste, on y retrouve de nombreux aspects de common law. De plus, il travaille auprès des conseils scolaires francophones et des clients de pays de la francophonie qui préfèrent communiquer en français avec leurs avocats.

Comme plaideur, il est utile d'être bilingue quand le client parle français, même si le client choisit parfois de déposer des actes de procédure en anglais à l'intention d'une partie unilingue anglaise. Par-dessus tout, dans une relation d'affaires, les francophones sont heureux de pouvoir s'exprimer dans leur langue, tout comme les témoins dans des cas litigieux.

M^e Paquette a aussi souligné que plusieurs organismes et associations défendent le français en Ontario et que la *Loi sur les tribunaux judiciaires* y fait du français une langue officielle. Il faut donc à la fois du personnel judiciaire bilingue et des juristes pour s'occuper des droits des francophones



M^{es} Frédéric Duguay, R. Lee Akazaki, Christian Paquette

en Ontario. Un autre avantage d'être bilingue porte sur les coûts : pas besoin d'engager des coûts supplémentaires de traduction pour lire la divulgation en français par exemple. De plus, dans le cadre d'un procès ou d'un interrogatoire préalable bilingue, l'avocat bilingue peut saisir toutes les nuances au lieu de se fier à un interprète. À ce propos, il semble y avoir une pénurie d'arbitres bilingues en Ontario. Qu'on se le dise. Un autre aspect positif du bilinguisme juridique est lié à la recherche. En effet, comme le Parlement promulgue les lois canadiennes dans les deux langues, chacune ayant force de loi, il peut être pratique de lire les débats parlementaires ou les lois et les projets de loi dans les deux langues officielles pour trouver des arguments convaincants. On dénicherait parfois des perles dans la jurisprudence méconnue du Québec. M^e Paquette a appuyé son argument à cet égard en donnant pour exemple un mémoire qu'il devait

rédigé sur les bons de souscription. Après une vaine recherche dans les ressources anglaises, c'est dans les documents français qu'il a trouvé ce qu'il cherchait.

Pour M^e Paquette, le vrai problème n'est pas le manque de soutien, mais peut-être l'oubli par les avocats de la règle 1.03 du *Code de déontologie* du Barreau du Haut-Canada : les avocats devraient expliquer à leurs clients, lorsqu'approprié, leur droit à l'emploi du français dans le traitement de leurs dossiers et les avantages qui en découlent. De la même manière, les francophones ne devraient pas se gêner de demander des services en français. Sa conclusion : demandez vos services en français et ces services seront mieux développés.

M^e Lee Akazaki, de Gilbertson Davis Emerson

s.r.l., a pris la parole avec humour pour contredire M^e Paquette, en tentant de démontrer que le bilinguisme ne servait à rien en Ontario. M^e Akazaki a gentiment dénoncé les francophones qui refusent de parler français lorsqu'ils sont en situation minoritaire. Généralement, ils se mettent à l'anglais s'il se trouve même un seul anglophone dans leur groupe. M^e Akazaki a soutenu sur une note plus sérieuse qu'il vaut mieux parler français pour son héritage culturel, par amour de la langue, mais pas pour être bilingue. Pour son mot de la fin, il a imploré les francophones et les allophones comme lui, de faire savoir qu'ils parlent français au plus grand nombre de personnes possible, en acceptant tous les accents de la francophonie, pour en permettre un sain épanouissement.

M^e Frédéric Duguay était le troisième participant au débat et a présenté le point de vue des francophones pour qui garder leur français en milieu de travail relève du

défi dans un milieu anglophone. M^e Duguay est procureur à la Commission des valeurs mobilières de l'Ontario. Tout se passe en anglais dans son travail, même lorsque les employés s'expriment en français. Cette situation ne lui permet pas de maintenir ses connaissances de la terminologie juridique en français. M^e Duguay a admis que son bilinguisme ne lui permet pas toujours de briller dans un entretien

professionnel en français s'il lui arrive de chercher ses mots quand vient le moment d'expliquer un point technique. De plus, la maîtrise d'une seconde langue ne contribue pas aux évaluations de personnel et ce n'est pas toujours perçu comme un atout par les employeurs. M^e Duguay rapporte que souvent, ses collègues recourent à son bilinguisme pour traduire une phrase ici et là, et pour un avocat qui veut faire du

droit, ce n'est pas ce qu'il y a de plus stimulant. Il a conclu en disant que le seul moment où son bilinguisme lui est utile, c'est pour créer des liens avec les collègues francophones.

Pour FrancOsgoode, le débat a été une réussite. Et malgré les défis que les panélistes ont opposés au bilinguisme, les avantages semblent être sortis gagnants pour tous les membres présents. **OLG**

Le goût du français

Le Barreau du Haut-Canada offre des services en français et ses efforts ne sont pas vains. Prenons le centre d'appels du service à la clientèle qui peut répondre dans les deux langues officielles aux membres du public et de la profession; ou le service des normes administratives qui publie dans les deux langues les déclarations annuelles des avocats et des parajuristes, anciennement connues comme DAM et DAP.

Le Barreau propose par ailleurs des expositions en français dans son musée virtuel comme l'exposition actuelle sur les jardins intitulée Côté cour côté jardin, et un enregistrement audio en français pour faire la visite guidée de l'édifice historique.

Le service du perfectionnement professionnel fait aussi une grande part pour la francophonie au sein du Barreau. Le service d'aide aux juristes offre des conseils en français aux avocats et aux parajuristes sur la pratique du droit ou sur la prestation de services juridiques, qu'il s'agisse de déontologie ou de gestion de la pratique. De plus, le service est responsable de la préparation des examens du Barreau et a mis au point un système de contrôle du matériel de référence et des examens pour en assurer la cohérence. Tout est revu par des juristes francophones et des réviseurs linguistiques. L'an dernier, le cours obligatoire a été remplacé par un site web de scénarios et d'explications s'adressant aux candidats et candidates du processus d'accès à la profession. Le site offre les vignettes et le contenu en français.

Le public peut acheminer au Barreau ses plaintes en français. Au-delà de ce stade, la division de la réglementation de la profession offre aux juristes de l'Ontario des services en français pour la résolution des plaintes, les enquêtes et la

discipline. Le greffe du tribunal coordonne des audiences en français et fait également le suivi des décisions en français par écrit.

La division des politiques met à jour les *Codes de déontologie* régulièrement en français et le Conseil approuve les modifications aux règlements administratifs dans les deux langues, simultanément. Les renseignements sur nos élections sont toujours offerts dans les deux langues. Les consultations auprès de la communauté se déroulent dans les deux langues la plupart du temps, et le service de l'équité organise des activités portant sur le fait français en Ontario.

Le rapport annuel du Barreau est traduit chaque année en français et nos dépliants d'information, qu'ils soient adressés au public ou aux avocats et parajuristes, sont disponibles en français. L'information sur le site web général est offerte dans les deux langues officielles dans la mesure du possible.

Le Barreau travaille en partenariat avec l'AJEFO et l'ABO pour offrir des ateliers de perfectionnement professionnel en français. Par exemple, le Barreau est un partenaire de l'Institut annuel de droit de l'ABO et du congrès annuel de l'AJEFO. M^e Josée Bouchard, conseillère principale en équité et M^e Louise Hurteau, avocate à la discipline au Barreau et ancienne présidente de l'AJEFO, siègent au Comité des langues officielles de l'ABO. De plus, M^e Bouchard participe au Conseil d'administration de l'AJEFO ainsi qu'au Comité consultatif de la magistrature et du Barreau sur les services en français. Ce travail permet le développement continu de l'offre de services en français aux juristes ontariens.

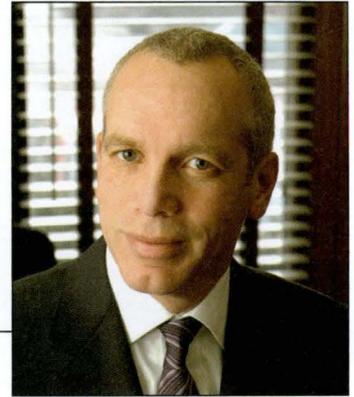
Si vous désirez recevoir votre correspondance officielle du Barreau en français, il vous incombe cependant d'en faire la demande exprès directement au Barreau. Le processus pour faire changer votre langue de préférence au français est simple et facile. Vous n'avez qu'à contacter le Centre de ressources à records@lsuc.on.ca ou à appeler le 416-947-3315 ou le 1-800-668-7380, poste 3315 pour communiquer votre préférence. Merci de soutenir les services en français du Barreau! **OLG**

CONVOCATION



August 2010 highlights *New bencher elected*

Julian Falconer of Toronto was elected as bencher at the August 25, 2010 Convocation. Mr. Falconer was elected to fill the vacancy created by the election of Laurie Pawlitza as Treasurer at June Convocation.



Appointments

Convocation approved a series of committee and external appointments.

Law Society committee chairs and vice-chairs:

Access to Justice

Marion Boyd (co-chair)
Paul Henderson (co-chair)
Bonnie Tough (vice-chair)

Appeal Panel

Mark Sandler (chair)
Thomas Heintzman
(vice-chair)

Audit

Christopher Bredt (chair)

Compensation Fund

Susan McGrath (chair)

Equity and Aboriginal Issues

Janet Minor (chair)
Raj Anand (vice-chair)

Finance

Carol Hartman (chair)
Linda Rothstein (vice-chair)

Governance Task Force

Thomas Heintzman (chair)
Vern Krishna (vice-chair)

Government Relations

James Caskey (co-chair)
Doug Lewis (co-chair)
Julian Porter (vice-chair)

Hearing Panel

Alan Gold (chair)
Raj Anand (vice-chair)

Heritage

Constance Backhouse (chair)

Inter-Jurisdictional Mobility

Paul Henderson (chair)
Susan McGrath (vice-chair)

Ontario Lawyers' Gazette

Heather Ross (chair)
Jennifer Halajian (vice-chair)

Paralegal

Cathy Corsetti (chair)
William Simpson
(vice-chair)

Priority Planning

Laurie H. Pawlitza (chair)

Proceedings Authorization

Julian Porter (chair)
Beth Symes (vice-chair)

Professional Development & Competence

Thomas Conway (chair)
Mary Louise Dickson
(vice-chair)
Alan Silverstein (vice-chair)

Professional Regulation

Glenn Hainey (chair – PAC)
Carl Fleck (vice-chair)

Summary Disposition Bencher

Bonnie Tough
Paul Schabas (alternate)

Tribunals

Mark Sandler (co-chair)
Linda Rothstein (co-chair)
Alan Gold (vice-chair) 

**Visit our website
for full Convocation
reports:**

All reports and materials noted in Convocation highlights are available through the Law Society's website at www.lsuc.on.ca.

*A full list of committee and external appointments
is available on the Law Society website.*

June 2010 highlights



New Treasurer elected

Laurie H. Pawlitza was elected to lead the Law Society of Upper Canada as its 63rd Treasurer and third woman Treasurer. Treasurer Pawlitza succeeded former Treasurer W. A. Derry Millar on June 29, 2010.

Law Society working group to study ‘unbundling’ of legal services

A Law Society working group will consider issues related to the unbundling of legal services. ‘Unbundling’ refers to the circumstances in which the client agrees with a lawyer or paralegal that he or she will provide legal services for part, but not all, of the client’s legal matter, and that the client is otherwise self-represented. The working group will examine the regulatory and procedural issues that may arise in providing unbundled services.

***Diversifying the Bar: Lawyers Make History* web project launched**

The Heritage Committee launched *Diversifying the Bar: Lawyers Make History*, an ongoing web project that enriches the history of the legal profession in Ontario by preserving the stories of ground-breaking lawyers from diverse communities. The aim of this project is to recognize early and exceptional lawyers of the past and present from many diverse communities. The *Diversifying the Bar* project is available in the history section of the website. (See report on page 33.)

Federation’s Mobility Defalcation Compensation Agreement approved

Convocation approved the Federation of Law Societies of Canada’s *Mobility Defalcation Compensation Agreement*, which ensures uniform protection for the public across Canada in the event of misappropriation of funds by mobile lawyers. Convocation approved the agreement formally at its June meeting; however the agreement’s public protection measures were already in place through provisions in the LAWPRO base insurance policy.

Recommended reforms to CanLII governance approved

Convocation approved the Canadian Legal Information Institute (CanLII) By-Law and the CanLII Agreement proposed by the Federation of Law Societies’ CanLII Futures Committee. The CanLII Futures Committee was formed in 2008 to make recommendations regarding the governance, management and funding of CanLII.

Human Rights Monitoring Group

Convocation approved the Human Rights Monitoring Group’s proposed intervention in the case of the disbarment and disappearances of lawyers in China.

Law Commission of Ontario

Convocation reaffirmed the Law Society’s support in principle for the mandate of the Law Commission of Ontario (LCO) for a further five years subject to budgetary considerations. The LCO was launched in 2007 with a mandate to recommend law reform measures to increase the legal system’s relevance, effectiveness and accessibility; to clarify and simplify the law; to consider technology as a means to enhance access to justice; and to stimulate critical debate about law and promote scholarly legal research.

It was established by five partners: the Ministry of the Attorney General, Osgoode Hall Law School at York University, the Law Deans of Ontario, the Law Foundation of Ontario and the Law Society.

Finance Committee report

The decision items in the Finance Committee report were approved by Convocation. 

May 2010 highlights

Law Society Treasurer proposes civility measures

Proposals to improve civility were presented by former Treasurer W. A. Derry Millar in a report on the *Civility Forum*, his initiative to discuss the challenge of civility among lawyers and paralegals. Over 900 lawyers, paralegals, students and members of the judiciary attended a series of 11 meetings across the province from November 2009 to February 2010. (See report on page 32.)

Enhancements to the Lawyer and Paralegal Directory

Enhancements to the Lawyer and Paralegal Directory, to be in place later this year, will improve the accessibility of the publicly available information about lawyers' and paralegals' discipline history and current practice restrictions. Described in the Professional Regulation Committee's report to Convocation, these changes provide for new sections in the directory entry for each lawyer or paralegal on public information about discipline cases from February 27, 1986 forward. They will also include any practice restrictions maintained by the Monitoring and Enforcement or Trustee Services Departments in the Professional Regulation Division.

Term limits set for paralegal committee members

Convocation approved a recommendation from the Paralegal Standing Committee to set a 12-year term limit for elected paralegal members of the committee. The term limit mirrors the term limit set in December 2009 for elected lawyer and paralegal benchers. By-Law 3 was amended to implement the policy.

Human Rights Monitoring Group

Convocation approved the proposed intervention in the case of Judge Diego Fernando Escobar Munera of Columbia.

Law Society survey shows increase in move to non-private practice

Findings of a Law Society study suggest that law firms wanting to retain lawyers in the early stages of their careers – particularly women – may wish to provide more flexible work environments. The Change of Status Survey examined the movement of lawyers within the profession related to practice settings.

Adjustment to CPD calculation of hours for new lawyers and paralegals

New lawyers and paralegals may begin to accumulate their annual Continuing Professional Development (CPD) credit hours immediately following their call to the bar or licensing, rather than waiting until the following January as was originally approved by Convocation. This adjustment gives additional time to accumulate the required accredited

programming hours for their first calendar year of practice. The CPD requirement of 12 hours per calendar year for practising lawyers and paralegals who provide legal services comes into effect January 1, 2011. (See report on page 17.)

Requirement to submit lawyer and paralegal annual reports electronically

Convocation adopted e-filing as the single method of filing Lawyer and Paralegal Annual Reports, with paper filing available only in exceptional circumstances. The change helps to reduce costs and is consistent with the Law Society's increasing use of electronic capability for regulatory functions. (See report on page 18.)

Guidelines for assessing requests for sponsorship

Convocation adopted guidelines to be applied in assessing requests for sponsorship of external access to justice initiatives and events.

Appointments

Bencher Sydney Robins was removed from the Appeal Panel at his own request. **OLG**

April 2010 highlights

Paralegal Integration Licensing Project: Eligible groups determined

Convocation approved the exempted groups to be included in the Paralegal Integration Licensing Project, in addition to collection agents. The Paralegal Integration Licensing Project is a new process that gives certain groups, currently exempt from the Law Society paralegal licensing requirement, the opportunity to become licensed. (See report on page 31.)

Audit Committee report

Convocation approved the audited Annual Financial Statements for the Law Society for the year ending December 31, 2009. The Law Society remains financially sound. The General Fund balance increased by \$750,000 to \$9.8 million over the course of 2009. The Compensation Fund balance in total increased by almost \$1.4 to \$20.8 million over the course of 2009. The E&O Fund saw a large reduction in 2009 from \$76 million to \$57 million, primarily as a result of the retroactive impact on the cost of claims of \$10.5 million as a consequence of HST legislation in Ontario.

Convocation appointed Deloitte & Touche LLP as the auditor of the Law Society and LibraryCo Inc. for the 2010 financial year.

Law Society settles lawsuit with former auditors and actuaries

Law Society CEO Malcolm Heins reported to Convocation on the resolution of the lawsuit by the Law Society and LAWPRO against their former auditors, Ernst & Young, and former

actuaries, Tillinghast. The action was settled in February 2010 following a mediation conducted by the Honourable Warren K. Winkler, Chief Justice of Ontario. As a result of the settlement, the Law Society received payment of \$8 million from the defendants. The lawsuit related to the calculation and reporting of claims liabilities incurred in the period 1991 to 1994 in the Law Society's Insurance Plan. No party made any admission of liability as part of the settlement.

Racialized women drive increase in women lawyers

Nearly 60 per cent of the youngest lawyers in Ontario are women, a significant demographic shift driven in large part by the increasing number of racialized women entering the profession, says the *Ornstein Report* presented to Convocation. According to the report, racialized women account for 16 per cent of all lawyers under 30, compared to just five per cent of lawyers 30 and older.

The number of visible minority lawyers aged 25 to 34 grew from six per cent in 1991 to 20 per cent in 2006. The number of Aboriginal lawyers in that age group grew from 0.9 per cent in 1991 to 1.9 per cent in 2006. (See feature item on page 5.)

Human Rights Monitoring Group

Convocation approved the interventions recommended by the Human Rights Monitoring Group in the following cases:

- Malaysia – Lawyers and judges facing harassment, threats of violence and intimidation
- Vietnam – Lawyer Le Cong Dinh
- Turkey – Lawyer Muharrem Erbey.

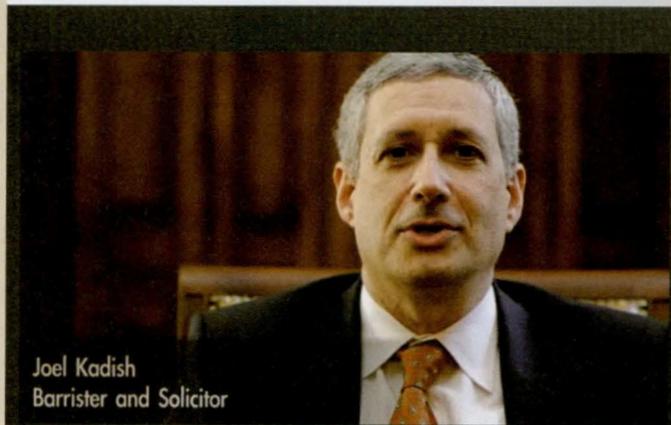
Your Law

October will see the launch of **Your Law**, a new section of the Law Society website for the public. Your Law showcases short videos that show the public how lawyers help them in the legal transactions that affect their day-to-day lives.

Each video features two practitioners talking about how they help clients deal with their legal problems. The initial videos look at real estate transactions, personal injury cases and wills and estates. Family law and the role of paralegals will be added later in the fall.

Your Law also highlights links to how to find a lawyer, as well as relevant publicly available resources.

Real Estate Transactions.



Joel Kadish
Barrister and Solicitor

Finance Committee report

Convocation approved the recommendation from LAWPRO's Board to defer consideration of a special levy to replenish the Errors and Omissions Insurance Fund to fund the impact of the HST on LAWPRO's claims reserves. Convocation also approved the revised investment policy for the Law Society.

Convocation authorizes Treasurer to sign the proxy in favour of proposed LAWPRO shareholder resolutions

Convocation authorized the Treasurer to sign the proxy in favour of proposed LAWPRO shareholder resolutions at the Annual and General Meeting of Shareholders of the Lawyers' Professional Indemnity Company which was held April 28, 2010. 

Roll-call votes

May 27, 2010

GOVERNANCE TASK FORCE REPORT

Mr. Heintzman presented the Report.

Re: By-Law 3 Amendments (Benchers, Convocation and Committees)

It was moved by Mr. Heintzman, seconded by Mr. Banack, that the amendments made to By-Law 3 distributed under separate cover be approved.

It was moved by Mr. Aaron, seconded by Mr. Gottlieb to table the Governance Task Force Report. Lost. Vote: For – 12; Against – 38.

It was moved by Mr. Strosberg, seconded by Mr. Aaron, that there be an amendment to the By-Law that emeritus benchers be permitted to ask that their rights and privileges be put in abeyance. Not Put.

The chair undertook to examine the issue.

The main motion was approved. Vote: For – 37; Against – 11; 2 Abstentions.

PROFESSIONAL REGULATION COMMITTEE REPORT

Ms. Rothstein presented the Report.

Re: Amendment to By-Law 8 (Reporting and Filing Requirements) Respecting the Electronic Filing of the Lawyer and Paralegal Annual Reports

It was moved by Ms. Rothstein, seconded by Mr. Porter, that Convocation approve in principle an amendment to By-Law 8 (Reporting and Filing Requirements) to require that the Lawyer and Paralegal Annual Reports be submitted electronically. Carried. Vote: For – 46; Against – 1. 

CONVOCATION ATTENDANCE AND ROLL-CALL VOTES

	Attendance				Motions*		
	Apr. 22	May 27	June 29	Aug. 25	1	2	3
Aaron, Robert	✓	✓		✓	F	A	
Anand, Raj	✓	✓	✓	✓	A	F	F
Backhouse, Constance	✓	✓	✓		F	A	F
Banack, Larry	✓	✓	✓		A	F	F
Boyd, Marion	✓	✓	✓	✓	A	F	
Braithwaite, Jack	✓	✓		✓	A	F	F
Bredt, Christopher	✓	✓	✓	✓	A	F	F
Campion, John	✓		✓	✓			
Caskey, James	✓	✓	✓		A	F	F
Chilcott, W. Dan	✓	✓			F	F	F
Conway, Thomas	✓	✓	✓	✓	A	F	F
Crowe, Marshall	✓	✓	✓	✓	F	A	F
Daud, Aslam	✓	✓	✓	✓	A		
Dickson, Mary Louise	✓	✓	✓	✓	F	F	F
Dray, Paul	✓	✓	✓	✓	A	F	F
Elliott, Susan	✓	✓	✓	✓	A	F	F
Epstein, Seymour	✓	✓	✓		F	A	F
Eustace, Lawrence	✓	✓	✓	✓	A	F	F
Falconer, Julian				✓			
Fleck, Carl	✓	✓	✓	✓	A	F	F
Go, Avvy	✓	✓	✓	✓	A	F	F
Gold, Alan	✓	✓	✓		A	F	F
Gottlieb, Gary L.	✓	✓	✓	✓	F	A	A
Haigh, Michelle	✓	✓	✓		A	F	F
Hainey, Glenn	✓	✓	✓	✓	A	F	F
Halajian, Jennifer	✓	✓	✓	✓	A	F	F
Hare, Susan	✓	✓	✓	✓	A	F	F
Hartman, Carol	✓	✓	✓	✓	A	F	F
Heintzman, Thomas G.	✓	✓	✓	✓	A	F	F
Henderson, Paul	✓	✓	✓	✓	A	F	F
Hunter, George							
Krishna, Vern	✓	✓	✓	✓		A	F
Legge, Laura		✓	✓		F	A	F
Lewis, Doug		✓	✓	✓	A	F	F
MacKenzie, Gavin	✓	✓	✓	✓	A	F	
Marmur, Dow		✓	✓	✓	A	F	F
McGrath, Susan	✓	✓	✓		A	F	F
Minor, Janet	✓	✓	✓	✓	A	F	F
Porter, Julian	✓	✓	✓	✓	A	F	F
Potter, Judith	✓	✓	✓	✓	A	A	F
Pustina, Nicholas J.	✓	✓	✓	✓	A	F	F
Rabinovitch, Jack	✓	✓	✓	✓	A	F	F
Robins, Sydney	✓	✓	✓		F	Ab	
Rock, Allan							
Ross, Heather			✓	✓			
Rothstein, Linda	✓	✓	✓		A	F	F
Ruby, Clayton		✓	✓				F
Sandler, Mark	✓	✓	✓		A	F	F
Scace, Arthur							
Schabas, Paul	✓	✓	✓		A	F	F
Sikand, Baljit	✓	✓	✓	✓			
Silverstein, Alan	✓		✓	✓			
Simpson, William	✓	✓	✓	✓	A	F	F
Strosberg, Catherine	✓	✓	✓	✓	A	F	F
Strosberg, Harvey		✓	✓	✓	F	A	F
Swaye, Gerald	✓	✓	✓	✓	F	A	F
Symes, Beth	✓	✓	✓		A	Ab	F
Tough, Bonnie	✓	✓	✓	✓	A	F	F
Wright, Bradley	✓	✓	✓	✓	F	A	F
Millar, Derry (Treas.)	✓	✓	✓				
Pawlitza, Laurie (Treas.)	✓	✓	✓	✓	A	F	F

Non-voting benchers in attendance:

April 22, 2010 – D. Murphy, R. Murray, J. Wardlaw.
 May 27, 2010 – P. Furlong, R. Murray, J. Wardlaw, R. Yachetti.
 June 29, 2010 – A. Feinstein, P. Furlong, R. Manes, D. Murphy, R. Murray.
 August 25, 2010 – P. Furlong, R. Murray.

*Motions A=against F=for Ab=abstain

There were no motions in the August 25, June 29 and April 22 Convocations requiring a roll-call vote.

RULE AND BY-LAW AMENDMENTS

April Convocation amendments

Rules of Professional Conduct amended re: conflicts of interest

Rule 2.04 of the *Rules of Professional Conduct* was amended to implement the policy approved January 2010 on the conflicts of interest standard for Pro Bono Law Ontario short-term limited legal services.

May Convocation amendments

Paralegal Rules of Conduct amended re: duty as prosecutor

Rule 4.01 of the *Paralegal Rules of Conduct* was amended to include a provision addressing a paralegal's professional responsibilities when acting as a prosecutor, reflecting comparable wording in the lawyers' *Rules of Professional Conduct*.

By-Law 3 [Benchers, Convocation and Committees] amended

By-Law 3 was amended to implement Convocation's decisions in December 2009 on changes to the Law Society's governance structure. Some of the changes required amendments to the *Law Society Act*, which are now in place through Bill 16 (royal assent, May 18). The amendments to By-Law 3 set a term limit for elected benchers; create the new status of emeritus bencher for those reaching the term limit and for former Treasurers; and set out the voting and participation rights of grandparented *ex officio* benchers.

By-Law 12 [Compensation Fund] amended

By-Law 12 was amended to reflect Convocation's January 2010 decision to change the structure of the Compensation Fund Committee.

By-Law 12 was also amended to change the threshold for grants for paralegal dishonesty that require the Committee's review from over \$5,000 to over \$1,500.

June Convocation amendments

By-Law 4 amended re: integration program

By-Law 4 [Licensing] was amended to implement the integration program for certain groups exempted from paralegal licensing. Individuals who are members of certain groups exempt from Law Society licensing requirements, and Ontario collection agents, will have the opportunity to become licensed paralegals through the new integration program.

There is a 12-month period, from October 1, 2010 through to September 30, 2011, during which applicants may apply to the program. (See report on page 31.)

By-Law 4 amended re: exemptions to paralegal regulation

By-Law 4 [Licensing] was amended to implement policies previously approved at January Convocation regarding modifications to the exemptions to paralegal regulation.

The amendments include:

- changes to the provisions regarding 'family and friends' creating a much more limited exemption for 'friends,' who are limited to three matters per year, while retaining a relatively permissive exemption for family members
- the removal of municipal committees of adjustment from the ambit of the provision of 'legal services'
- the deletion of the exemption for members of the Canadian Society of Professionals in Disability Management
- the change to the title of the exemption formerly called 'Constituency Assistants' to 'Member of Provincial Parliament'
- the new exemptions for paralegal college students on field placements in a legal aid clinic and on field placements other than in a legal clinic.

The issue of the removal of the exemption for the Ontario Professional Planners Institute (OPPI) was deferred to September for further consideration and discussions with the OPPI.

Rules of Practice and Procedure amended

The Rules of Practice and Procedure were amended by Convocation to complete the implementation of the expansion of the Summary Hearing Process. Ontario Regulation 167/07 (Hearings before the hearing and appeal panels) which also required changes to implement the policy, was amended by the Ontario cabinet in March 2010.

Convocation approved an expansion of the summary hearing process in September 2009 to provide that a single member of the hearing panel may hear cases involving failure to report to LAWPRO and breaches of By-Law 8 [Reporting and Filing Requirements]. By-Law 8 includes certain reporting and filing requirements such as the requirement to notify the Law Society of bankruptcy or insolvency. 

PARALEGAL UPDATE

Integration Licensing Process offers unique opportunity for some exempt groups and collection agents

The Law Society is offering a new licensing process to integrate collection agents and members of some of the groups previously exempt from paralegal licensing.

The Integration Licensing Process was proposed by the Paralegal Standing Committee to February Convocation following consultations with exempt groups, many of whom expressed interest in further opportunities to become licensed. The necessary amendments to Law Society By-Law 4 (Licensing) were approved by June Convocation.

Applicants will have 12 months to apply for licensing – from October 1, 2010 to September 30, 2011 – and must complete all the requirements of the integration process by May 31, 2014.

Eligible groups

In addition to collection agents, individuals who wish to become licensed under the Integration Licensing Process may apply if they belong to one of the following groups:

- In-house legal services providers – such as municipal prosecutors
- Legal clinics – employees – such as community legal workers
- Not-for-profit organizations – such as Human Rights Legal support staff
- Members of the:
 - Human Resources Professionals Association of Ontario
 - Ontario Professional Planners Institute
 - Board of Canadian Registered Safety Professionals
 - Appraisal Institute of Canada
- Office of the Worker Adviser and Office of the Employer Adviser
- Injured workers groups funded by the WSIB

- Trade unions and people designated by the Ontario Federation of Labour.

The new integration process will **not** be available to individuals not included in an exempt category who were eligible to become licensed paralegals under the grandparent licensing process, but chose not to apply by the 2007 deadline.

Requirements

To qualify, applicants to the integration process must be members of one of the eligible groups, have three years of experience in their field (within the previous five years), provide references, complete the Professional Conduct and Advocacy online course

and Paralegal Licensing Examination, and have or be able to obtain professional liability insurance. They will also be required to fulfil the good character requirement **before** being entitled to write the examination.

This new licensing process provides a unique opportunity for those who are eligible. The legal community is encouraged to share this information with eligible people who may be interested in becoming licensed.

Eligible individuals who wish to take advantage of this opportunity to become licensed paralegals must meet the requirements within the specified timeframe – otherwise they will need to take an accredited two-year college program.

Additional information will be posted on the Law Society website in September. The application form will be available online in October. [OLS](#)

The Honourable Madam Justice Katherine B. Corrick appointed judge of the Superior Court of Justice



The Law Society congratulates The Honourable Madam Justice Katherine B. Corrick on her appointment as judge of the Superior Court of Justice of Ontario in Toronto.

Madam Justice Corrick joined the Law Society in 1991 as a faculty member of the bar admission course. Most recently, she held the position of director, Policy and Tribunals, where she advised the Treasurer, CEO and benchers on legal matters affecting the Law Society, including corporate governance, director's duties, administrative law and procedure.

Treasurer's Report on the Civility Forum

Former Treasurer W. A. Derry Millar presented his Report on the Civility Forum to May Convocation. The proposals to improve civility were developed out of discussions during the Civility Forum, the former Treasurer's initiative to raise the issue of civility among lawyers and paralegals.

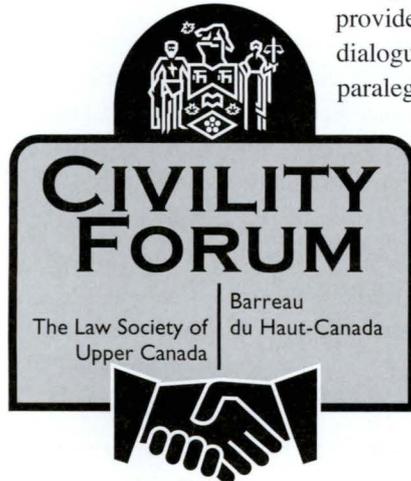
Over 900 lawyers, paralegals, students and members of the judiciary attended the *Civility Forum*, a series of 11 meetings across the province from November 2009 to February 2010.

"The objective of the meetings was to provide an open forum to promote dialogue among lawyers and paralegals on the importance of civility," former Treasurer Millar told Convocation.

"I am gratified that a great number of lawyers and paralegals participated in the meetings, demonstrating their ongoing commitment to best practices."

Participants discussed their experiences with

incivility, their thoughts on its causes, and possible solutions to the problem. From these discussions, the



former Treasurer proposed five avenues for the Law Society to explore, in collaboration with key players in the justice system. These are:

- Working with professional associations to increase the availability of mentoring, including support for new licensees and those needing help with specific issues.
- Providing education for lawyers and paralegals on civility as part of continuing professional development on substantive and procedural issues.
- Working with professional associations to develop an 'urgent response' mechanism to respond to requests for assistance from lawyers and paralegals on immediate issues.
- Proposing that the Chief Justice's Advisory Committee on Professionalism hold an annual session for lawyers, paralegals, law faculty and students on current issues relating to civility.
- Continuing to augment the Law Society's provision of information to the public on the justice system and the role of lawyers and paralegals.

"It is essential for the administration of justice and the public's respect for our system of justice that lawyers and paralegals act with civility and professionalism in their dealings with clients, each other and the courts," said former Treasurer Millar. "I believe that these proposals support the Law Society's mandate to govern lawyers and paralegals in the public interest by ensuring high standards of behaviour."

The full report is available on the Law Society's website. [CLG](#)

Members are going digital with the Ontario Reports

The digital version of *Ontario Reports* has been available since March 2010, and 84 per cent of members have opted for this version over the paper one.

As the digital *Ontario Reports* comes straight to your email and is now downloadable to be read offline, the digital edition is not only an environmentally friendly option, but also a space-saving option.

The digital edition of the reports has features that the paper version does not, including:

- A format that is easy to search, navigate and read
- Tools to bookmark, share, link and save articles
- Online access to searchable, archived issues
- Hyperlinks and hotlinks.

Recent enhancements to the digital *Ontario Reports* include the option of downloading a PDF version for offline reading, a specially designed online reader for the iPad and the iPhone, and the ability to share articles via email or social networking sites. The PDF download option allows for offline reading of the digital *Ontario Reports* at the reader's convenience on any mobile device that handles PDF documents.

The strong level of support from members is having a noticeable environmental impact as well. Since its launch, we have saved 103,632 kg of paper – 6,096 kg per week.

The digital version of *Ontario Reports* is sent by email to all subscribers, so please ensure that the Law Society has your up-to-date email address. [CLG](#)

The Law Society launches

Diversifying the Bar: Lawyers Make History website

In June, the Law Society launched Diversifying the Bar: Lawyers Make History, an ongoing web project that enriches the history of the legal profession in Ontario by preserving the stories of early and ground-breaking lawyers of diverse communities.



The Heritage Committee first proposed the project to Convocation in September 2008 to identify men and women from various cultural, ethnic, religious, Aboriginal and Francophone communities who have brought diversity to the Ontario Bar, and to recognize the challenges they faced in doing so. The project provides biographical snapshots of these trail-blazers, both living and deceased, and celebrates their accomplishments.

From the founding of the Law Society in 1797 until the 1970s, the majority of the legal practitioners in Ontario were Anglophone men. Today, more women, Aboriginals, Francophones and individuals from equality-seeking communities are entering the profession than ever before.

The diversification of the bar has been a positive and important development in the history of access to justice and the law. These innovative lawyers have made history by changing the face of the legal profession in Ontario and by serving as leading advocates for their communities, delivering legal services to communities whose access to the law might otherwise be limited.

“Our goal has been twofold,” says chair of the Heritage Committee, Constance Backhouse. “First, we wanted to involve as many diverse communities as possible and second, to encourage these communities to take an active role in identifying their members for inclusion. We put out calls to over 100 associations and organizations and there are still many gaps, but we now have 279 profiles from 40 diverse communities, and their stories are publicly accessible through the Law Society website.”

Project manager Allison Kirk-Montgomery, PhD, contacted a wide range of legal and community organizations affiliated with specific diverse communities and invited them to nominate early and exceptional lawyers from their communities. Those who were nominated were then asked to

identify the names of those who had preceded them as lawyers from their communities. The lists were supplemented with primary research from the Law Society archives, newspapers, and secondary sources.

Kirk-Montgomery notes that the representation of diverse groups varies considerably, and depends in part on the availability of primary and secondary sources and the response from organizations associated with the communities. “There are a number of ethnocultural and visible minority groups – Filipino, Southeast Asian, Latin American, Portuguese, among others – who are underrepresented or whose early lawyers are not yet recognized among the biographies,” she says. “But this is an ongoing project, and we hope that we will receive more nominations now that the project is online.”

Each profile contains basic biographical facts and a short biography. Many lawyers wrote or edited their own biographical details. This fall, phase two of the project begins, with detailed interviews with some of the lawyers profiled in the project and videotaped round table group discussions.

To browse the full biographies of lawyers, visit the History section of the Law Society website at www.lsuc.on.ca/about/a/history/. The biographies are ordered chronologically, by call to the bar year, and also by diverse community. 

Contact us

If you have suggestions for additional nominees to the roll of early and exceptional lawyers from diverse communities send an email to: allison@historymatters.ca or the Archives Department at pleather@lsuc.on.ca.

Attend the New Legal Career Symposium on November 19

Lawyers are encouraged to participate in *Articling & Beyond – Finding Work That Works for You*. This is a legal career symposium presented by the Law Society, in partnership with the County & District Law Presidents' Association and the Ontario Bar Association. The event will take place on November 19, 2010 at the Law Society of Upper Canada.

The symposium is an opportunity for law students, articling candidates and new lawyers to obtain the information and tools they need to explore a variety of articling and career opportunities, with a particular emphasis on careers in smaller firms and communities. Attendees will participate in interactive workshops and meet with lawyers from a variety of practice areas and communities across the province.

The Law Society and its partners hope that the symposium will help to address the growing issue of the 'greying of the bar' by encouraging new lawyers to pursue careers in smaller communities throughout Ontario, many of which are or will be most affected by the aging bar.

The symposium is a great opportunity for lawyers or law firms to make valuable connections with students and new lawyers from across the province, and for lawyers to encourage interest in their practices and their communities. If you are seeking to hire an articling candidate, looking for a lawyer to join your practice, or contemplating retirement and are interested in selling your practice, attend the November 19 symposium.

Registration is free. More information will be available on the Law Society website in October. 

Articling resources

The Articling Registry

The Articling Registry was launched in June 2009 as a recruitment and job search tool that is available to law firms, legal organizations, law students and licensing candidates. Firms can post available articling positions and search articling candidates' profiles, while candidates can use the registry as a tool in their job search to review articling opportunities.

Non-traditional articling placements

The Law Society encourages firms who would not typically be able to employ an articling candidate to consider non-traditional articling structures, such as joint articles and part-time articles.

For joint articles, a student-at-law can split his or her time between two or more articling principals in many different ways – the student can spend 2.5 days a week at each firm or one week at one firm and the next at the other. The firms can submit joint or individual education plans, and normally share the articling candidate's salary.

Lawyer Referral Service sees a boost in phone calls

Changes introduced to the Law Society's Lawyer Referral Service (LRS) in January 2010 have resulted in a 181 per cent increase in calls.



The \$6 administrative charge formerly billed to all LRS callers via a Bell Canada 1-900 line has been eliminated. As of January 1, 2010 Ontario residents can now phone the LRS at 1-800-268-8326 (or 416-947-3330 within the GTA) at no charge, to receive a referral based on their requested location and area of law.

LRS callers who phone the 800 line are provided with the name of a subscribing lawyer who agrees to provide a free consultation of up to 30 minutes. The service is available only by telephone (walk-in visitors cannot be accommodated with referrals) and is available from 9 a.m. to 5 p.m., Monday to Friday.

The service, which has been matching lawyers with potential clients since 1970, is designed to serve two purposes – it can be an important source of potential clients, and it is also a way of "giving back" to the community and enhancing the accessibility of legal services in Ontario.

According to callers' comments and an informal poll of LRS subscribers, the recent changes to the LRS have been very well received. For example, respondent S.E. called the LRS an "excellent source of legal assistance," and subscribing lawyer A.K. had this to say: "All of the people who are directed to call my office by the LRS have the kinds of legal issues in the employment law area that are within my field of expertise. As a result, I am almost always able to assist with their particular legal problems."

Although the billing period for the LRS is from January to December, lawyers who wish to join the service part way through the year can receive a reduced rate for the first year. To learn more about the LRS or to start your subscription, please call 1-800-268-8326 ext. 5000, or visit our website at <http://rc.lsuc.on.ca/jsp/membershipServices/lrsSubscription.jsp>.

A pro-rated fee schedule for the remainder of this year can be found on the 2010 New Member Application Form, also available through the web link or phone number above. 

Resources available to women through the Ontario Lawyers Assistance Program

Recent reports have highlighted issues related to women in the legal profession, and in particular, the reasons many women leave private practice. These include the Ornstein Report of April 2010, which reviews statistics regarding demographics within the profession, comparisons with other professions, and the earnings of members of the profession based on demographics.

Prior to that, in February 2008, the *Report of the Retention of Women in Private Practice Working Group* highlighted the numbers of women leaving private practice, and recommended several initiatives, including flexible work arrangements, mentoring and leadership skills development, the Parental Leave Assistance Program, the Women's Online Resource Centre, and access to practice management and career development advice as a possible means of addressing and stemming the number of women leaving the profession.

The practice of law often makes excessive demands on time, commitment and energy, making it difficult to achieve a healthy work-life balance, and to handle the obligations of household maintenance and child care. (Professional women still do the lion's share of housework, no matter what their spouse's job is, including judges who are women).

Flexible work hours are difficult to find, especially in sole or small firms with fewer supports than larger firms, and difficulties are magnified when a woman is a single parent. These challenges can occasionally lead to depression, use, misuse or abuse of substances, burnout and even feelings of discouragement and disillusionment that result in some women leaving the profession of law altogether.

OLAP has services in place and staff on hand to provide support. We offer a quarterly Women's Wellness luncheon in association with the Women's Law Association of Ontario. Topics of discussion have included:

- Building Your Best Law Career: Is this Really What I Want to Do with My Life?
- Considering Alternative Careers
- Financial Fitness: Financial Advice for Lawyers
- Depression Overview with Karen Liberman, executive director of the Mood Disorders Association of Ontario; and
- Women in Law – Exploring Options with guest speakers Alison Hurst from the Law Society and Nina Moritsugu from Cognition.

For details of future events, please contact Jill Keaney at 1-877-576-6227 or j.keaney@olap.ca.

OLAP staff is both aware of and sensitive to the issues facing women in the profession. Two of our case managers, Terri Wilkinson and Jill Fenaughty, are women lawyers, and our program manager, Leota Embleton MSW, is certified in International Addictions Counselling. The assistant manager of counselling services, Judy Grout MSW, focuses on family issues. Their combined experience provides OLAP with valuable observations about women callers to OLAP.

In addition, OLAP has women peer support lawyers who are available to talk to and support other women lawyers. They can relate to and understand the issues of the legal profession and share their experience, strength and hope with other women.

Support Initiatives

For both men and women, OLAP has two support initiatives. The Lawyers' Group is a support group, held the first and third Wednesday of each month at the OBA offices at 20 Toronto Street, Toronto, from 5:30 to 7 p.m. The group gives attendees a chance to talk with other lawyers about the issues affecting their personal and professional lives.

As well, there is a 12-step group for recovering alcohol users and other substance users at Bellwoods Health Services every Monday night at 1020 McNicoll Road, Toronto (lower level) at 7 p.m. The group is open to lawyers only, so recovery is tailored to the profession.

OLAP also provides counselling services to our clients in their local communities, free-of-charge, relating to virtually any issue the client needs to address.

The Ontario Lawyers Assistance Program is a 24-hour peer support and counselling program that offers help to lawyers, law students and their immediate families with issues of stress, burnout, addictions and mental wellness concerns.

To have your needs assessed and to find out how OLAP can help you, contact:

Leota Embleton, MSW,
IACAD, leota@olap.ca,

Doron Gold, BA, LLB,
doron@olap.ca,

Terri Wilkinson, BA, LLB,
RN, terri@olap.ca or

Jill Fenaughty, BA, MA,
LLB, jill@olap.ca, at 1-877-576-6227.

You can reach the volunteer executive director, John Starzynski at 1-877-584-6227 or john@olap.ca. 



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

Pioneering lay bencher Reginae Tait, C.M., turns 100



One of the Law Society's first lay benchers, Reginae Tait, C.M., celebrated her 100th birthday this summer. Mrs. Tait, Roseanne Sutherland, Noel Ogilvie and Joseph Carrier were appointed by the attorney general in 1974. These appointments shattered the tradition that only members of the legal profession could sit on the Law Society's governing body, as well as the male exclusivity of Convocation. Mrs. Tait served as lay bencher until 1987.

In her post as lay bencher, she made many significant contributions both at Convocation and in the preservation of the Law Society's history. She was a long-time chair of the Muniments and Memorabilia Committee, the predecessor to today's Heritage Committee. Recalling her appointment, Mrs. Tait says,

"When I was made chair, I said to the Treasurer 'You've given me the chair of a committee that does nothing!', and the Treasurer said, 'So do something.' And I introduced the idea of recording the history and having an archives."

Mrs. Tait was adamant about the value of the Law Society's documentary holdings and, in 1982, won support to establish a program directed by a professional archivist. Operating since 1983, the Law Society's archival program is now a dynamic component of Law Society activities, with a mandate to collect, preserve and make available the permanent records of the Law Society and records relating to the Ontario legal profession received through private donation. Included in the collection are a number of rare and valuable documents, photographs and items in other media, including correspondence of William Osgoode and John Graves Simcoe.

In her efforts to maintain and showcase the rich history and architectural wonders of the Law Society and Osgoode Hall, Mrs. Tait undertook to make Convocation aware of the necessity of a museum to display both historical records and unique artifacts. She was successful and, in 1983, the museum program began in earnest.ⁱ

Stained-glass windows

One of Reginae Tait's most significant contributions was the installation of the stained-glass windows in Convocation Hall. For a long time a place of gathering for the profession, Mrs. Tait saw that

the hall was in need of a transformation, and proposed turning the 10 windows into stained-glass panels as a memorial to the heritage of law.ⁱⁱ "I was in England, and I decided because I was a bencher, I would go to all the Inns of Court, and I saw these glorious windows and I thought, that's what should happen to Osgoode Hall, they should have stained-glass windows in that very old building."

Initially, the idea was not well received.

However, with her persistence, Convocation approved the installation of the windows, provided that the costs were covered by donations. Mrs. Tait set about raising the money (which amounted to approximately \$30,000 per window) and glassmaker Christopher Wallis of London, Ontario, was hired to design the windows. Installed between 1986 and 1989, the windows were sponsored by individual lawyers, law firms and legal associations.

Each window was designed with a legal theme. "The windows are the largest windows in heraldic design in North America and a Canadian treasure," says Mrs. Tait.

A complete description on each window is on display in Convocation Hall.

As Reginae Tait celebrates her milestone birthday, the Law Society would like to thank her for her ardent advocacy in the preservation of the documentary heritage of the legal profession and historic Osgoode Hall. [osgoodehall.com](http://www.osgoodehall.com)

ⁱ Roy Schaeffer, Volume XXII, Number 3, September 1988 Gazette

ⁱⁱ Christopher Moore, *The Law Society of Upper Canada and Ontario's Lawyers 1797 – 1997*, University of Toronto Press

Ontario Civil Needs Project

The recent report of the Ontario Civil Legal Needs Project, Listening to Ontarians, caught my eye – not only because my practice is principally in civil litigation, but also because the supply and demand of legal services is an issue that is at the heart of the work of the County & District Law Presidents' Association (CDLPA).

The focus of *Listening to Ontarians* is the demand for legal services for low- and middle-income persons. Obviously, these individuals are greatly affected by the cost of civil litigation (which, for the purposes of the report, included family law).

The report suggested a review of the idea of the *unbundling* of legal services. Also called *limited scope representation* and *pro se*, the idea is that the traditional retainer model is replaced with task-specific work completed by the lawyer for the client, be it the drafting of pleadings, advice related to steps in the litigation process, legal research or appearances in court on a limited basis. This is a serious alternative for those low- and middle-income persons for whom being represented by a lawyer in a civil case is not financially feasible.

Unbundling of legal services is on the legal horizon. Indeed, at June Convocation, benchers decided that a working group should be formed to examine the issue. In the United States, most bar associations have considered unbundling and many have implemented rules and guidelines in this area.

There are many issues to consider, however. Is it appropriate or ethical for a lawyer to be a ghostwriter for documents filed in court? What are the best practices for lawyers who provide unbundled services? What are the risks of negligence claims

arising out of limited retainers? What can lawyers do to minimize the risk?

There will likely be resistance to this approach going forward. However, as *Listening to Ontarians* identified, over 40 per cent of those surveyed who did not seek legal assistance for a civil legal need stated that they did not contact a lawyer because of the perceived high cost. This is a fact that cannot be ignored, especially when juxtaposed with the survey result that if a low- or middle-income person did seek legal assistance with a lawyer, three in 10 received services *pro bono*, two in 10 were charged less than \$1,000 and only a third paid more than \$1,000.

For lawyers, this identifies a significant gap between perception and reality – one that needs to be addressed. As an aside though, the fact that this one-third of individuals resolved their civil legal issues for less than \$1,000 serves to reinforce my perception that there are many lawyers in this province who are assisting low- and middle-income persons.

Unbundling legal services presents a dual opportunity. First, it will assist lawyers to address the perceptual misinformation about lawyers' fees. Second, from a business perspective, it will present an opportunity for lawyers to service those within the 40 per cent of the individuals surveyed who wouldn't contact a lawyer at all.

The report also suggested that there is greater need for self-help tools for litigants. While increasing the available self-help material for the public is a laudable goal, we should not lose sight of the fact that lawyers provide something that self-help tools cannot, namely the ability to assess a legal problem from an objective point of view.

I raise this as *Listening to Ontarians* recounts that a large percentage of low- and middle-income Ontarians wish to have legal information, but would prefer to essentially solve their own legal problems. While what the public, as surveyed, may or may not want is certainly relevant, I would caution those faced with such information that solving one's own problems can sometimes be code for not listening to those who deliver an objective view of a legal problem.

Moving forward, and in keeping with CDLPA's work arising from the Sole Practitioner and Small Firm Task Force, we look forward to the third phase of the report, namely mapping the supply of legal services across Ontario for low- and middle-income persons. 



Robert Zochodne,
chair of County and
District Law Presidents'
Association



ONTARIO
BAR ASSOCIATION
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Canadian Bar Association

Bonnie Tough receives 2010 OBA Award for Excellence in Civil Litigation



Bonnie Tough, Law Society benchler and vice-chair of the Access to Justice Committee, is this year's recipient of the OBA Award for Excellence in Civil Litigation, given to recognize contributions and achievements in outstanding advocacy skills and the enhancement of the practice of civil litigation and leadership in the civil litigation bar.

Tough has had an outstanding career as a litigator, educator and advocate

for the profession. She has served as a director of the Toronto Lawyers Association and The Advocates' Society and is a past vice-chair of the Law Society Civil Litigation Certification Committee and the Professional Regulation Committee.

The award presentation to Ms. Tough took place at a dinner in her honour on September 29 at the Fairmont Royal York.

OBA elects new board



The Ontario Bar Association (OBA) has announced the results of elections for its 2010-2011 board of directors. Joining incoming president Lee Akazaki is Paul Sweeny of Evans Sweeny Bordin LLP as first vice-president. Mr. Sweeny, a native of Hamilton, Ontario

was acclaimed to his position in March. Morris Chochla was elected to the newly created role of second vice-president. Mr. Chochla is a partner with Forbes Chochla LLP, based in Toronto.

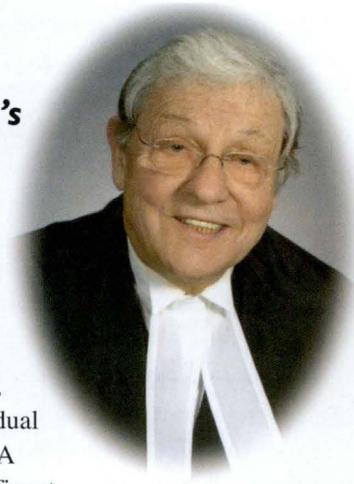
The new board of directors took office on August 15, 2010. Members of the board are elected by OBA Council. The OBA Board of Directors meets monthly and governs the Association when the OBA Council is not in session.

For a full list of those elected to the OBA Board of Directors, please visit: www.oba.org.

The Honourable Roy McMurtry awarded the OBA's President's Award

On June 17, The Honourable Roy McMurtry, O.C., O. Ont., Q.C., was awarded the Ontario Bar Association's (OBA's) President's Award, which recognizes an individual who, in the view of the OBA president, has made a significant contribution to the advancement of justice in Ontario and elsewhere.

Roy McMurtry, O.C., O. Ont., Q.C., is the former Chief Justice of Ontario, High Commissioner to Great Britain and Attorney General for Ontario. He was presented with the OBA President's Award in recognition of his efforts to break down barriers for equity seeking groups, playing a pivotal role in the repatriation of the Constitution as Attorney General, the creation of the *Charter of Rights and Freedoms*, the first steps to making Ontario's legal system bilingual and opening the way for same-sex marriages in Ontario and across the country.



LAWYERS FEED THE HUNGRY UPDATE

From east to west

Ottawa Lawyers Feed the Hungry hosted its first meal on April 20, 2010 at the Ottawa Mission. Dinners are now served monthly on the third Wednesday of each month to the homeless and the needy of the city.

A similar program will kick off in Windsor this fall. The program is being organized by lawyer Colleen Caza of Goldstein DeBiase Manzocco. The Law Society Foundation will be reaching out to the Windsor legal community for financial donations and volunteers.

One year of meals served to Windsor's most vulnerable residents will cost approximately \$20,000.

If you are interested in making an online donation for any of the programs, please visit www.lawyersfeedthehungry.ca. You can also send a cheque to The Law Society Foundation, 130 Queen Street West, Toronto, M5H 2N6.



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TORONTO LAWYERS ASSOCIATION

Law Firm Bowling Challenge

Sunday, April 11, 2010
Playtime Bowl • 12-3 p.m.

FUNDRAISER IN AID OF LAWYERS FEED THE HUNGRY PROGRAM

2010 Law Firm Bowling Challenge raises \$85,000

The Toronto Lawyers Association and Teplitsky Colson LLP made a strike against hunger by hosting the 2010 Law Firm Bowling Challenge. This year's event raised more than \$85,000.

Special thanks to all of the sponsors and participants who have generously supported the event. We are especially grateful for the very generous support of the smaller law firms who have supported this very worthy cause.



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Sixth Annual Buggy and Ken Charity Golf Tournament scores big win for Lawyers Feed the Hungry

June 9 marked the Sixth Annual Buggy and Ken Charity Golf Tournament. The event is held annually in memory of David H. Newman, Q.C. (Buggy) and Ken Danson. It is organized by a large committee and supported by friends, colleagues and family.

Organizers and the Law Society Foundation extend thanks to the golfers and supporters for all the generous donations. This year's tournament raised almost \$60,000 to benefit Lawyers Feed the Hungry and Camp Oochigeas, a summer camp for children with cancer.

The Law Society Foundation would like to extend their gratitude to the organizers of the event:

David Cohn	Richard Goldman
John Danson	Rachel Grinberg
Victoria Danson	Irwin Isenstein
Peter Danson	Adam Newman
Jeremy	Jon Rosenthal
Lum-Danson	Marcy Segal
Michael Gary	

Lawyers rock for Lawyers Feed the Hungry!

Mark your calendars: Four lawyer bands and one showcase band from participating producer League of Rock will be 'rocking out' in aid of the Toronto Lawyers Feed the Hungry Program on May 6, 2011 at the Courthouse at 57 Adelaide Street East.

For more details, visit www.lawyersfeedthehungry.ca or call event organizer John McMillan at 416 364 4771.

Experts discuss human rights in pluralistic society



From left to right: Chair Michael T. Doi and panellists Haroon Siddiqui, Sonia Lawrence and Marie Chen.

A group of experts gathered at Osgoode Hall on May 10 to debate the need for a new framework for discussing human rights in a pluralistic society. The event, held to celebrate Asian and South Asian Heritage Month, was presented by the Law Society in partnership with the Federation of Asian Canadian Lawyers, the Metro Toronto Chinese and Southeast Asian Legal Clinic, the South Asian Bar Association of Toronto and the South Asian Legal Clinic of Ontario.

A panel discussed recent issues that have re-ignited debates involving multiculturalism, discrimination, and the accommodation of difference in an increasingly diverse Canadian society.

At the reception, Professor Vern Krishna, bencher and former Law Society Treasurer, shared his experience as an early racialized lawyer and bencher.

The Asian and South Asian Heritage Month event is held annually and is part of the Law Society's Public Education Equality Series. **OLG**

Pride Week event examines religious freedom and equality rights of lesbian, gay, bisexual, and transgender (LGBT) persons

The Law Society celebrated Pride Week 2010 by hosting a forum and reception with the Ontario Bar Association (OBA). Moderated by Milé Komlen, chair of the Law Society's Equity Advisory Group and the OBA's Sexual Orientation and Gender Identity Section, the panel discussed the balance between religious freedom and LGBT equality rights.

Lawyers Cynthia Petersen (Sack Goldblatt Mitchell LLP) and Raj Dhir (Human Rights Commission) discussed the Ontario Human Rights Tribunal's decision in *Heintz v. Christian Horizon*, involving sexual orientation discrimination and religious rights. The panel also looked at the marriage commissioners reference case in Saskatchewan that involved marriage commissioners refusing to perform wedding ceremonies for same-sex couples, claiming it was against their religious beliefs.

Reverend Brent Hawkes of the Metropolitan Community Church of Toronto spoke about the religious

perspectives that have been brought to the courts that discriminate against LGBT communities. Reverend Hawkes expressed the need to ensure that LGBT rights including the right to worship are recognized in the courts and in our laws.

The Pride reception featured a speech by Douglas Elliott, a 2010 Law Society Medal recipient. Elliott spoke

to a packed Convocation Hall, calling for unity during Pride Week and to remember what the Pride movement is about: "It is first and foremost about our freedom to be who we are, without fear... we had to fight long and hard for our rights against oppressive laws and negative social attitudes, in order to create a legal and social environment where it was safe to be out." **OLG**



From left to right: chair Milé Komlen and panellists Cynthia Petersen, Raj Dhir and Reverend Brent Hawkes.

Rule of Law

Christopher Alexander, Canada's former Ambassador to Afghanistan, from 2003 to 2005, and former United Nations Deputy Special Representative of the Secretary-General for Afghanistan from 2005 to 2009 (left), poses with former Law Society Treasurer W. A. Derry Millar at the Law Society's Rule of Law event on March 24. Alexander shared his first-hand experiences of promoting peace, human rights, justice and the rule of law while posted in Kabul.

The event was hosted by the Law Society, in partnership with the Canadian Lawyers for International Human Rights, Amnesty International and Canadian Lawyers Abroad. The Rule of Law series is designed to promote discussion and increased awareness of human rights and rule of law issues.

The former ambassador said that Canada's presence in Afghanistan is making a difference. He also said that Canadians did some of the toughest work in Afghanistan and the insurgency is weaker today as a result. "We owe nothing less than a debt of honour to the Afghans. It's an important issue for our time. World security will depend on the outcome of this project," he told the audience. 



Left to right: Former Law Society Treasurer W. A. Derry Millar, Bencher Susan Hare and Mr. Justice Leonard Mandamin of the Federal Court.

National Aboriginal History Month

Mr. Justice Leonard Mandamin, who is a member of the Wikwemikong Unceded Indian Reserve on Manitoulin Island, talked about the developments in Aboriginal law that he has observed over the course of his legal career.

The celebration was hosted by the Law Society in partnership with the Toronto Aboriginal City Celebration Committee, the Indigenous Bar Association, Aboriginal Legal Services of Toronto and the Aboriginal Working Group of the Law Society's Equity and Aboriginal Issues Committee. The event is held annually as part of the Law Society's Public Education Equality Series, to encourage the exchange of information, ideas and action on issues affecting Aboriginal, Francophone, and equality-seeking communities. 

Holocaust Memorial Day

A panel of experts gathered at the Law Society on April 12 to discuss effective responses to human rights violations and war crimes, and Holocaust era efforts to bring perpetrators to justice. They also talked about the effectiveness, successes and failings of modern day responses to war crimes and crimes against humanity. Entitled, *Is Justice an Elusive Dream? From Nuremberg Forward – Challenges and Successes of Bringing War Criminals to Justice*, the public education session was held in commemoration of National Holocaust Memorial Day.



Front row, left to right are panellists: Hilary Earl, associate professor, Nipissing University, Department of History; and David Matas, international human rights lawyer and senior legal counsel, B'nai Brith Canada. Back row: The Honourable Marc Rosenberg, judge, Court of Appeal for Ontario (panel chair and moderator); Matt Eisenbrandt, legal co-ordinator, Canadian Centre for International Justice; Robert Petit, counsel, Justice Canada, Crimes Against Humanity and War Crimes Section; and Alain Goldschlager, professor, University of Western Ontario, and chair of the National Task Force on Holocaust Education, Remembrance and Research.



Special Recognition

David Matas, noted international human rights lawyer and senior legal counsel for B'nai Brith Canada (third from left), is presented with a gift of recognition at the National Holocaust Memorial Day reception held at the Law Society on April 12. He was recognized for receiving the Order of Canada and on being a nominee for the 2010 Nobel Peace Prize. Presenting the award, from left to right are: Professor Alain Goldschlager, chair of the National Task Force on Holocaust Education Remembrance and Research, Ruth Klein, national director of the League for Human Rights of B'nai Brith Canada and W. A. Derry Millar, former Law Society Treasurer. **OLG**



The Advocates' Society 2010-11 executive

Marie T. Henein will serve as president of The Advocates' Society for the 2010-11 term. Joining Ms. Henein on the executive committee are Mark D. Lerner (first vice-president); Peter H. Griffin (second vice-president); Alan H. Mark (treasurer); and Robert B. Bell (secretary).

Among the initiatives announced by Ms. Henein for the coming term is the creation of practice-based and regional forums on the society's website, to facilitate interactive blogs, postings, and outreach to members across the province and beyond. In addition, the society's Young Advocates, now an official committee, will be reaching out to assist the needs of newer members of the bar.

Biographical information about the society's executive committee and board of directors is available at: www.advocates.ca.

LIFE MEMBERS

Life membership is granted to members of the Society who have been entitled to practise law in Ontario for a period of 50 years. Following is a list of those members who have been awarded life membership since the last issue of the Ontario Lawyers Gazette.

Paul A. Adams, Q.C. – Sauble Beach, ON	Sheldon Kosky – Kitchener, ON
Muni Basman – Toronto, ON	John J. Lawlor, Q.C. – Richmond Hill, ON
Joseph L. Bloomenfeld – Toronto, ON	James H. Little, Q.C. – London, ON
John D. Bogart, Q.C. – Toronto, ON	Frederick Luchak, Q.C. – Hamilton, ON
Gary H. Bomza – Toronto, ON	Charles F. MacKewn – London, ON
Howard D. Brown – Oakville, ON	Desmond J. MacKey, Q.C. – Mississauga, ON
Earl A. Cherniak, Q.C., LSM – Toronto, ON	David R. McGregor – Toronto, ON
Harold Cohen, Q.C. – Toronto, ON	Miles R. Merwin – Oakville, ON
Marshall A. Cohen – Toronto, ON	William Morris, Q.C. – Hamilton, ON
Harry J. Daniel, Q.C. – St. Catharines, ON	Nicholas P. Paul, Q.C. – Toronto, ON
James J. Doane – Downsview, ON	Bert Raphael, Q.C., LSM – Thornhill, ON
John P. H. Ford, Q.C. – Oakville, ON	Archie Richman – Toronto, ON
John J. Freeman, Q.C. – Toronto, ON	John P. Sanderson, Q.C. – Vancouver, BC
Martin L. Friedland – Toronto, ON	Linton W. Scott, Q.C. – Toronto, ON
Michael L. J. George – Fort Erie, ON	Sonia J. Sinica, Q.C. – Etobicoke, ON
Irving Gleiberman – Markham, ON	Mendel M. Somer, Q.C. – Waterloo, ON
The Hon. Senator J. S. Grafstein – Toronto, ON	James Stephenson, Q.C. – Toronto, ON
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Burton H. Kellock, Q.C. – Toronto, ON	Bohdan B. Zarowsky, Q.C. – Toronto, ON

JUDICIAL APPOINTMENTS

Court of Appeal for Ontario The Honourable Madam Justice Andromache Karakatsanis
(Effective March 26, 2010)

Superior Court of Justice *Effective August 6, 2010*
The Honourable Madam Justice
Katherine B. Corrick

Effective February 10, 2010
The Honourable Mr. Justice Thomas M. Wood
The Honourable Mr. Justice Ronald P. Kaufman
The Honourable Mr. Justice A. Duncan Grace

Effective March 24, 2010
Case Management Master Pierre E. Roger

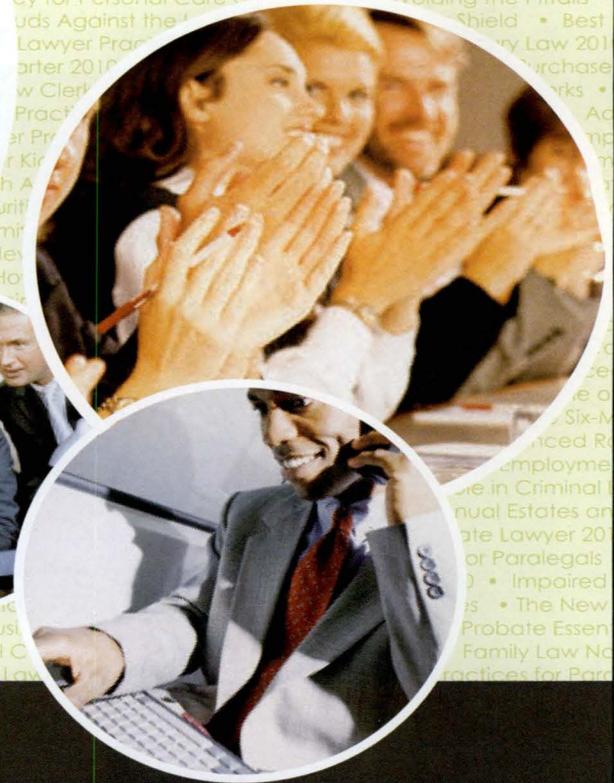
Effective May 18, 2010
The Honourable Mr. Justice Mark L. Edwards
The Honourable Mr. Justice Kevin W. Whitaker

Effective June 18, 2010
The Honourable Mr. Justice Peter B. Annis
The Honourable Mr. John A. McMunagle

Ontario Court of Justice *Effective April 28, 2010*
The Honourable Justice Esther Rosenberg

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