



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

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

#### FOCUS ON

## New Lawyers, Accolades and Articling

CALL TO THE BAR  
LAW SOCIETY MEDALS  
ARTICLING TASK FORCE

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## Special Divine Interfaith Service

TO MARK THE OCCASION OF THE OPENING OF  
HER MAJESTY'S COURTS OF JUSTICE FOR THE YEAR 2011,  
a Special Divine Interfaith Service will be held  
at the Church of the Holy Trinity, 10 Trinity Square  
(located next to the Toronto Eaton Centre)  
on Tuesday, September 13, 2011 at 10 a.m.

This Service, which has been held each year since 1955,  
has been made possible by an anonymous donor  
in memory of the late Chief Justice of Ontario and  
former Treasurer of The Law Society of Upper Canada,  
The Honourable Newton Wesley Rowell.

Members of the judiciary, lawyers, paralegals and  
members of the public are invited to attend.  
Lawyers need not gown for the service.

## Service œcuménique spécial

POUR MARQUER L'OUVERTURE DES COURS DE JUSTICE DE  
SA MAJESTÉ POUR L'ANNÉE 2011, un service œcuménique  
aura lieu à l'église Holy Trinity, située au  
10 Trinity Square à Toronto (derrière le Centre Eaton)  
le mardi 13 septembre 2011 à 10 h.

Ce service, qui a lieu chaque année depuis 1955,  
est rendu possible grâce à un don anonyme  
en mémoire de feu le juge en chef de l'Ontario et  
ancien trésorier du Barreau du Haut-Canada,  
l'honorable Newton Wesley Rowell.

Les membres de la magistrature, les avocats et les  
parajuristes ainsi que les membres du public sont invités.  
Les avocats n'ont pas besoin de porter leur toge pour  
le service.



## Priorities, plans and preparing for change

The 2011 to 2015 bench term is now underway. On behalf of Convocation, I wish to extend my gratitude and say farewell to my bencher colleagues whose terms have ended. You have served the profession with tremendous commitment. Thanks to your hard work, we have moved forward with our mandate to govern the profession while protecting the public interest, and advancing access to justice, equity and diversity.

Our new bench is very strong, with an excellent balance of experience and fresh ideas which will help guide us over the next four years. I am privileged to continue to lead the Law Society and work with such a wonderful group of benchers and staff.

I am also very pleased to see so many women engaged in the leadership of the profession. In the April election, 19 of the 40 benchers elected were women. They are role models for the increasing number of women called to the Bar each year.

As I presided over the five call ceremonies held in London, Toronto and Ottawa, in June, the experience underscored for me just how much our profession has grown and changed. As the regulator of the legal profession, we must continue to adapt to this change.

Articling remains one of our key challenges. Our mandate requires that we ensure the competence of our members. This

includes ensuring new calls have the appropriate skills training and can demonstrate the necessary entry-level competencies – both in skills and in substantive knowledge of the law – to competently serve the public. Unfortunately, the profession is unable to produce enough articling positions to allow all candidates who have passed their licensing examinations to complete this requirement. For this reason, I announced the formation of the Articling Task Force at June Convocation.

Family law reform will also remain a core area of focus. As a family lawyer, I know first hand that the unrepresented litigant underlies many of the issues in our family law system. Courts are reporting that between 50 and 70 per cent of their litigants appear without counsel. Over the past several years, the legal community has mobilized in an effort to achieve meaningful family law reform. I want to acknowledge the following important steps taken by our justice



Treasurer Laurie H. Pawlitz

## Message de la trésorière

## Priorités, plans et préparation au changement

Le mandat des conseillers de 2011 à 2015 est en cours et au nom du Conseil, je souhaite exprimer ma gratitude et rendre un dernier hommage à mes collègues conseillers et conseillères dont le mandat a pris fin. Vous avez servi la profession avec un engagement inestimable. Grâce à votre travail acharné, nous avons fait progresser notre mandat visant à gouverner la profession tout en protégeant l'intérêt public, ainsi que l'accès à la justice, l'équité et la diversité.

Notre nouveau Conseil, très solide, offre un excellent ensemble d'expériences et d'idées nouvelles pour nous aider au cours des quatre prochaines années. Je suis privilégiée d'être toujours à la tête du Barreau et de travailler avec un groupe de conseillers et un personnel aussi formidables.

Je suis également ravie de voir autant de femmes engagées dans la direction de la profession. À l'élection d'avril, 19 des 40 conseillers élus étaient des femmes. Elles servent de modèles à un nombre croissant des femmes admises au Barreau chaque année.

J'ai observé, en présidant les cinq cérémonies d'assermentation à London, Toronto et Ottawa en juin, combien notre profession s'élargit et se transforme. Comme organe de réglementation de la

profession juridique, nous devons continuer de nous adapter à ce changement.

Le programme de stages demeure un problème clé. Notre mandat nous demande d'assurer la compétence de nos membres et notamment, de veiller à ce que les nouveaux avocats aient une formation pertinente et puissent démontrer des compétences de base – tant du côté pratique que théorique du droit – afin de bien servir le public. Malheureusement, la profession ne produit pas assez de stages pour permettre à tous les candidats qui ont réussi leurs examens d'admission, de remplir cette condition. Pour cette raison, j'ai annoncé la formation d'un groupe de travail sur le stage lors de la réunion du Conseil en juin.

La réforme du droit de la famille est une autre source de défis. Moi-même avocate dans ce domaine, je sais bien que les parties non représentées sous-tendent les nombreuses difficultés de notre appareil judiciaire. Les tribunaux indiquent qu'entre 50 et 70 % de leurs justiciables ne sont pas représentés. Au cours des dernières années, la communauté juridique s'est mobilisée pour réaliser une réforme significative dans ce domaine de droit. Je désire reconnaître les efforts considérables de nos partenaires en justice qui comprennent bien les besoins du public de l'Ontario.



partners which demonstrate a real understanding of the needs of the Ontario public.

At the Opening of the Courts in 2008, Chief Justice Warren Winkler led the way when he announced that the time had arrived to "implement a properly serviced family court system that meets the needs of all Ontarians."

The Attorney General is introducing province-wide, "up-front" services for family litigants in the Ontario Court of Justice and the Superior Court of Justice. Initiatives currently being implemented include mandatory information programs for litigants, enhanced access to duty counsel, family law information centres, and mediation services.


Chief Justice Heather Smith has led the initiative to expand the Dispute Resolution Officer Program in the Superior Court of Justice. The Superior Court's strategic plan also calls for collaboration with justice partners to support a fully resourced family court branch.

Finally, the Ontario Court of Justice, led by Chief Justice Annemarie Bonkalo, has launched the Integrated Domestic Violence Court, allowing families who are dealing with domestic violence and family law issues to have both their cases heard by the same judge.

The Law Society recognizes the commitment that lawyers are devoting to these programs. All lawyers who present a

mandatory information program in their region will be accredited a total of 4 CPD Hours toward their annual requirement – .5 hours of professionalism credit and 3.5 hours of substantive credit. Dispute Resolution Officer training activities are also eligible for CPD credit. For more information, please visit the LSUC Portal at <https://portal.lsuc.on.ca>.

This fall, Convocation will formulate its strategic priorities and goals for the next four years. The Society's Priority and Planning Committee has also evaluated the progress of the priorities Convocation approved for the previous bench term and concluded that much of the work from that term has already been completed, with some work ongoing.

I would be remiss if I did not acknowledge Malcolm Heins, the Law Society's Chief Executive Officer, who, in June, announced his intention to retire in early 2012. Convocation is extremely grateful to Mr. Heins for the operational progress the Law Society has made in implementing the priorities set by Convocation during his 11 years as Chief Executive Officer, and for his remarkable contribution to the Society and to the profession. Thanks to his exemplary leadership, there is a strong management team in place that will continue to work with Convocation and members of the legal community to build on the Society's achievements and address new challenges. 

## Message de la trésorière

Le juge en chef Warren Winkler a ouvert le chemin aux initiatives suivantes lorsque, à la rentrée des tribunaux en 2008, il a dit qu'il était temps de mettre en œuvre un bon réseau de services en droit de la famille qui réponde aux besoins de tous les Ontariens et Ontariennes.

Le procureur général offre aux justiciables en droit de la famille des services accessibles dans toute la province à la Cour de justice de l'Ontario et à la Cour supérieure de justice. On retrouve ainsi des programmes d'information obligatoire pour les justiciables, un meilleur accès aux avocats de service, des centres d'information en droit de la famille et des services de médiation.


La juge en chef Heather Smith s'affaire à élargir le programme destiné aux agents de règlement des différends à la Cour supérieure de justice. Le plan stratégique de la Cour supérieure fait également appel à la collaboration des partenaires en justice pour appuyer une division de la Cour de la famille dotée de toutes les ressources nécessaires.

Enfin, la Cour de justice de l'Ontario, dirigée par la juge en chef Annemarie Bonkalo, a lancé le Tribunal intégré pour l'instruction des causes de violence familiale, qui permet aux familles qui vivent la violence domestique et des problèmes de droit de la famille de faire entendre les deux types de cause par le même juge.

Le Barreau reconnaît l'engagement des avocats dans ces programmes. Tous les avocats qui présentent un programme

d'information obligatoire dans leur région, pourront réclamer un total de quatre heures de FPC – une demi-heure applicable aux heures de professionnalisme et trois heures et demi au droit de fond. Les activités de formation d'agents de règlement des différends sont également admissibles au crédit de FPC. Pour plus de renseignements, visitez le portail du BHC à <https://portal.lsuc.on.ca>.

À l'automne, le Conseil établira ses priorités stratégiques et ses objectifs pour les quatre prochaines années. Le Comité de planification des priorités du Barreau a évalué les progrès accomplis quant aux priorités que le Conseil avait approuvées pour le précédent mandat de ses membres, et a conclu que de nombreux projets ont déjà été menés à terme tandis que d'autres sont en cours.

Je m'en voudrais de ne pas mentionner M<sup>e</sup> Malcolm Heins, directeur général du Barreau, qui en juin, annonçait son intention de prendre sa retraite au début de 2012. Le Conseil lui est extrêmement reconnaissant pour avoir aidé le Barreau à mettre en œuvre les priorités établies par le Conseil durant ses 11 ans en poste, et pour avoir contribué de façon remarquable au Barreau et à la profession. Grâce à sa direction exemplaire, l'équipe de gestion est forte et bien placée pour travailler avec le Conseil et les membres de la communauté juridique afin de développer ses assises et de relever de nouveaux défis. 



## ON THE COVER

# Celebrating equality and the rule of law

*"We live in a society which has, as its fundamental principle, the rule of law. What is the rule of law? It's simply this: no one is above the law – no government, and no individual. In Canada, I think, we take the rule of law for granted. We take as a 'given': That we cannot be convicted of a crime without a fair trial; that we cannot be threatened to give a false confession; and that our laws must give each of us equal rights and protection – no matter our religion, our sex, or the colour of our skin."*

Law Society Treasurer Laurie H. Pawlitza delivered these remarks to new lawyers at the Toronto call to the Bar ceremony on the morning of June 16, 2011. The ceremony brought together prominent members of the legal community who had been involved in two early cases regarding equality provisions under the *Charter of Rights and Freedoms*. They came together to celebrate the call of two new lawyers affected by the successful outcome in both cases, in whose lives the rule of law made a difference.



**Back row, left to right: lawyer David Wright, Cathy Paul. Front row, left to right: The Honourable Justice Todd Ducharme, new lawyer Devon Paul, The Honourable Justice Robert Sharpe.**

In 1985, Robert Sharpe (now The Honourable Justice Sharpe of the Ontario Court of Appeal) was a Constitutional law professor to students Todd Ducharme (now The Honourable Justice Ducharme of the Ontario Superior Court of Justice) and classmate David Wright. David and his wife Cathy wanted to give their soon-to-be born baby Cathy's surname. Joined in their cause by David's classmate, Justice Ducharme, they decided there should be a Constitutional challenge to the provision of the *Vital Statistics Act* that required children born to married women to have their husband's last name. The

Act was contrary to the equality provisions of the *Charter of Rights and Freedoms*, which had just come into force. The three approached Justice Sharpe who agreed to argue the case *pro bono* and, in late 1985, the Crown conceded. Six months after Devon was born, he had his mother's last name. Devon Paul was called to the Bar at the June 16 ceremony where Justice Sharpe was awarded the degree of Doctor of Laws, *honoris causa* (LL.D.) and Justice Ducharme presided over the court proceedings of the call.





**Back row, left to right: Law Society Treasurer Laurie H. Pawlitza, Roberta Benson, Miriam Kaufman, Law Society Bencher Janet Minor. Front row, left to right: The Honourable Justice James Nevins, new lawyer Jacob Kaufman, Former Attorney General and Law Society Lay Bencher Marion Boyd.**

In the mid-1980s, a lesbian couple, Miriam Kaufman, a doctor, and Roberta Benson, a lawyer, decided that they would raise a family together. Miriam gave birth to two children: a son, Jacob and a daughter, Aviva. Despite the fact that they were clearly a family, the law did not recognize Roberta as the legal parent of the two children. The obvious answer was for Roberta to adopt Jacob and Aviva. However, at that time, the adoption legislation only allowed opposite sex couples to adopt their partner's children.

In 1994, Ontario's first female Attorney General, Marion Boyd, introduced legislation to amend all Ontario laws, so same-sex couples would have the same rights as opposite-sex couples. Ms. Boyd believed that, otherwise, Ontario's laws infringed the equality provisions of the *Charter of Rights and Freedoms*. There was a great deal of controversy over this bill. Ultimately, a free vote was held in the legislature. Some of the members of government voted against the bill, and it was defeated on second reading. In the provincial election that followed, the issue of same sex benefits was a major campaign issue. Miriam, Roberta, Jacob and Aviva, were left legally vulnerable.

After the bill's defeat, with three other lesbian families, Miriam and Roberta decided to take action. They retained the now Treasurer, Laurie H. Pawlitza, to bring a Charter challenge to the adoption legislation that prevented them from both being the legal parents of their children. When the challenge was launched, Attorney General Boyd intervened in the adoption case, and asked her lawyer, Crown Attorney and now Law Society Bencher, Janet Minor, to make arguments both for and against the validity of the adoption legislation. The Attorney General also conceded that the legislation was unconstitutional.

The case came before the Honourable Justice James Nevins of the Ontario Court of Justice. Justice Nevins found that the law precluding the adoptions was unconstitutional. In May 1995, he granted adoption orders to four non-biological mothers who were co-parenting their partners' children. The children, son, Jacob and daughter, Aviva, were part of that group.

Jacob Kaufman was called to the Bar at the June 16 ceremony. Together at the call were former Attorney General and Lay Bencher Marion Boyd, Bencher Janet Minor and the Honourable Justice Nevins. Treasurer Laurie H. Pawlitza, the Benson-Kaufman's lawyer in the adoption case, presided over the call. [ontario.org](http://www.ontario.org)



## 2011 call to the Bar ceremonies



**Marion Boyd, a former Ontario Attorney General and well-known community champion, receives the doctoral hood from Law Society Benchers Constance Backhouse in London on June 14.**

A total of 1,250 new lawyers were called to the Bar of Ontario at five different ceremonies held in June in London, Toronto and Ottawa. More than half of the candidates were women – continuing a trend the Law Society has witnessed for more than a decade.

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* (LL.D.), was awarded to: **Marion Boyd**, a former Ontario Attorney General; **The Honourable Justice Robert J. Sharpe**, Court of Appeal for Ontario; and **Professor John D. McCamus, LSM**, Chair of the Board of Directors of Legal Aid Ontario.

Law Society **Treasurer Laurie H. Pawlitza** congratulated the new lawyers, offering words of encouragement and wisdom gleaned from her years of practice.

“You have so very many options. You can join the public service, draft merger agreements, run

*“Embrace the collegiality of our profession; be passionate about what you do; cultivate resilience. If you do these three simple things, I guarantee that you, too, will love life as a lawyer. Welcome to a wonderful profession.”*

Law Society Treasurer Laurie H. Pawlitza

businesses, defend the indigent or work for an NGO. You can negotiate, mediate, litigate and arbitrate.

And don’t limit your passion to paid work. You have been given the precious gift of a legal education and training. It is your obligation to use those skills and talents – to give back to your broader community. Serve on a board. Feed the hungry. Organize a fundraiser. Take on a *pro bono* case.

If you can adapt to the world as it changes around you, you can shift your sails and still catch the wind.

So, embrace the collegiality of our profession; be passionate about what you do; cultivate resilience. If you do these three simple things, I guarantee that you, too, will love life as a lawyer. Welcome to a wonderful profession.”

**Marion Boyd**, a former Ontario Attorney General, spoke at the call to the Bar ceremony in London, Ontario, on June 14.

“You, who are celebrating your entry to the legal profession today, may be the key to our salvation. You are just beginning your careers; you are still at the stage when you ask why an issue is approached in a certain way and are still likely to be dissatisfied with the answer, ‘Because that’s the way we’ve always done it.’

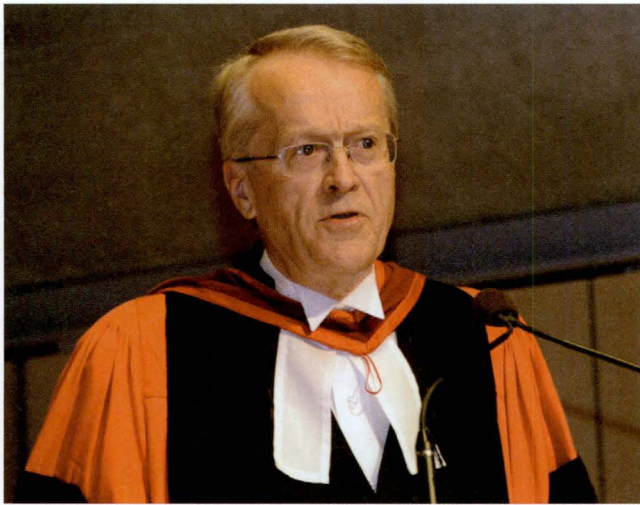
Your education has been based in computer technology and you understand its possibilities to improve the efficiency of the system.

You may be able to hear the demands and suggestions of the public about what concerns and priorities they



*“Lawyers can make a difference. Lawyers do make a difference. I know that you will make a difference. I also know that it will be great fun for the rest of us to watch you do so.”*

John D. McCamus, LSM, Chair of the Board of Directors of Legal Aid Ontario



**The Honourable Justice Robert J. Sharpe, of the Ontario Court of Appeal, delivers the keynote address to newly called lawyers at the morning ceremony in Toronto on June 16.**

want addressed in the justice system rather than pronounce what you think they need.

One thing is certain: change is inevitable.

I am convinced that the legal professions will prosper only if they are willing to evolve and to drive reform within the justice system in the public interest.

I hope, as lawyers, you will play an active role in encouraging and informing this change process.”

**The Honourable Justice Robert J. Sharpe, of the Ontario Court of Appeal, spoke at the morning call to the Bar ceremony in Toronto on June 16.**

“Canada aspires to be a just society. Canada’s laws, legal institutions and lawyers are a central feature of that aspiration.

A sound legal system is essential to peace, prosperity and our democratic way of life. As men and women learned in the law, you hold the key that unlocks the door to justice.

Without your knowledge and skill, the ordinary citizen cannot enter. When you take the barrister’s oath, you will promise that: ‘You shall neglect no one’s interest’ and that ‘you shall not refuse cases of complaint reasonably founded.’


As you take up your task and accept all the benefits of your legal education, please remember that you also

undertake the duties of a custodian to serve the public interest by serving your clients.”

**Professor John D. McCamus, LSM, Chair of the Board of Directors of Legal Aid Ontario, spoke at the afternoon call to the Bar ceremony in Toronto on June 16.**

“If asked to identify the most dramatic and exciting social transformation that has taken place in our community during my lifetime, I would unquestionably rate as number one, the gradual transformation of Ontario society and the broader Canadian community from a society in which attitudes of intolerance and bigotry were far more common than they are now, to a multicultural and tolerant society that is rapidly becoming known as a model for others.

There is no doubt in my mind that lawyers in every location and in every type of legal work can make a difference in the lives of their clients and their communities by doing their professional work well and with integrity – highlight integrity, the indispensable component of professional success – and also, by giving back to their communities through various forms of public service.

Lawyers can make a difference. Lawyers do make a difference. I know that you will make a difference. I also know that it will be great fun for the rest of us to watch you do so.” 



**Professor John D. McCamus, LSM, Chair of the Board of Directors of Legal Aid Ontario, pictured here with Law Society Treasurer Laurie H. Pawlitza, signs the doctoral citation at the afternoon call to the Bar ceremony in Toronto on June 16.**



# The Law Society's 2011 honour roll



From left to right: Law Society Medal recipients Cynthia Petersen, Roderic Graham Ferguson, Q.C., Ronald G. Slaght, Q.C., Treasurer Laurie H. Pawlitza, David Nahwegahbow, I.P.C., Alfred Mamo, Carol Shames. Seated: Lincoln Alexander Award recipient Stanley M. Tick, Q.C., Laura Legge Award recipient Fay K. Brunning.

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: **Roderic Graham Ferguson, Q.C., Alfred Mamo, David Nahwegahbow, I.P.C., Cynthia Petersen, Carol Shames and Ronald G. Slaght, 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 **Stanley M. Tick, Q.C.**

This year, the recipient of the Laura Legge Award – which recognizes an Ontario woman who

has exemplified leadership within the profession – is **Fay K. Brunning.**

“We are very pleased to honour the 2011 award recipients for their extraordinary contributions to the legal profession and to their communities,” said Law Society Treasurer Laurie H. Pawlitza.

“These individuals embody the highest ideals of the profession and serve as role models for current and future generations of lawyers.”

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



**Roderic Graham Ferguson, Q.C., LSM**

"Even in our own bailiwick of Midland, Ontario, I am known to take on the case of any needy person who approaches me. I get more pleasure helping someone who other lawyers chose to eschew. I am, after all, a member of a profession to which

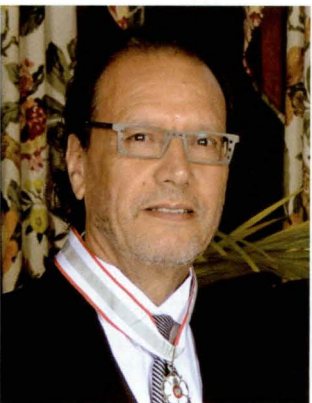
special knowledge, skill and art have been gifted.

The gift is a conditional gift – it is intended to be used to aid society, all of society, not just those with the money to pay the hourly fee or the large case with a big payback at the end of the rainbow.

I take it as a compliment that I can't say no to a hard luck story. Frankly, those are the clients I have found to be most appreciative. They are also very good at referrals when their family or friends need the name of a lawyer.

I would like to add a few words about a pet concern: I am discouraged when I hear that it is difficult to recruit lawyers to small town Ontario – something I must say has never been a problem for me.

Once settled, there is no reason not to remain part of mainstream practice. By keeping active with your province-wide or nation-wide colleagues in their volunteer efforts, you keep and make valuable contacts, keep favourable impressions of your abilities and avoid having to prove yourself to the colleagues who practise in your field."

**Alfred Mamo, LSM**

"The issue of reform to the family justice system is something that is very near and dear to my heart. The commercialization of the practice of law with emphasis on its business aspects has set

our profession on a dangerous path away from our obligation to serve the public.

The justice system is not ours as lawyers to mine for our own benefit in the pursuit of the good life. We are the guardians of a sacred trust that obligates us to ensure that the justice system, as a vital institution of democracy, is accessible and affordable to all. Without a justice system that is easily available to the public, without the ability of people to be able to feel confident that there is a way to resolve disputes in a cost effective, timely, fair and reasonable process, our democratic system will fail.

It is how well we discharge this fiduciary duty, that we, as lawyers will be individually and collectively judged by the public we serve.

I don't know if I am ever going to be able to live up to the great honour of receiving this medal, however, I can promise you that I will try very hard to be worthy of this award. My wish is that younger members of our noble profession will also work diligently to help create a justice system that we can all be proud of."

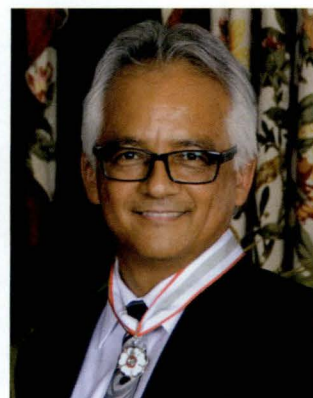
**David Nahwegahbow, I.P.C., LSM**

"I want to take the opportunity to say just a few words about the issue that gives reason to be in the legal profession – the rights of Indigenous Peoples.

We have come a long way in Canada since 1927, the year section 141 was added to the *Indian Act*, making it illegal for a lawyer to be hired by an Indian to prosecute a claim. Progress in the 30 short years that I have been a lawyer has been significant and lawyers have played a crucial role.

I was called in 1982, the same year that section 35 was put into the *Constitution Act, 1982*, recognizing and affirming Aboriginal and treaty rights.

Since that time, there have been numerous progressive judgments from the Supreme Court of Canada and provincial appeal courts.





However, despite these developments, governments continue to resist recognizing and affirming Aboriginal and treaty rights; their policies are out of step with the spirit of the law and the public remains oblivious to the history, rights and conditions of Canada's First Peoples. In my view, this has impeded the ability of Indigenous Peoples to rise out of their deplorable social conditions.

The Law Society has and needs to continue to vigorously build public awareness around these issues. It needs to advocate for respect of the constitutional rights of Indigenous peoples, and for reconciliation of Aboriginal peoples with non-Aboriginal peoples in Canada."

### Cynthia Petersen, LSM



"I thank my clients, without whom – it goes without saying – I would not have a legal career. In particular, I would like to acknowledge those clients who retained me to represent them in Charter equality rights and other public interest litigation.

They are brave individuals, from marginalized communities, who had faith that the court system would render justice in their cases, when governments and legislatures had failed them. They endured the intrusions into their private lives that accompany the media scrutiny of high profile test-case litigation, as well as the emotional bruising that our adversarial legal system inflicts on litigants.

They made these personal sacrifices, not only to preserve their own dignity interests and rights, but also to establish important precedents that benefit us all. Their efforts resulted in legal reforms that have made our society a more equitable place for all of us to coexist."

### Carol Shames, LSM

"I would not be here if not for my nominators: Madame Justice Helen Pierce, Senior Regional Judge for the Northwestern Region, and Ellen Nightingale. We were

colleagues in Sault Ste. Marie, Ontario, for many years. They both left the Sault several years ago and I do think that the adage 'Distance makes the heart grow fonder' applies here.

They both went above and beyond the call of friendship to nominate me – they tried to find out information about me from my long-time staff, and I had no idea. I am very grateful to you.

Thank you to the Medal advisory committee. I believe they made a bold choice in selecting me. When I first received the letter my first comments were 'I don't deserve this.'

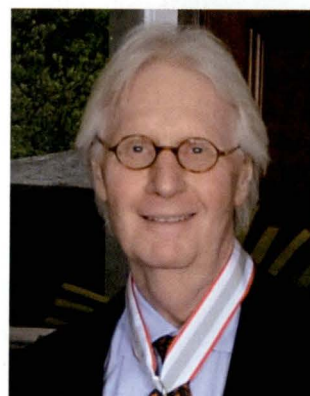
I am one of hundreds of lawyers around the province in small towns and cities who volunteer in their communities as members of non-profit boards and in their local law associations. I would like to accept this medal, if I may, on behalf of all of those lawyers who will not be recognized as I am today."

### Ronald G. Slaght, Q.C., LSM

"I have spoken before about the life of the lonely barrister. I lived it again when I was recently preparing for an appeal.

I was thinking back to the earlier years when I was much more anonymous and just as hard-working and it was a friend who said to me 'You know, you should get out of yourself, you need to do something, you're going to go from beginning to end... and it will all be wonderful, but, you need more than that.'

I wonder sometimes, if I hadn't been pushed, whether I would have done whatever little things I have done. It



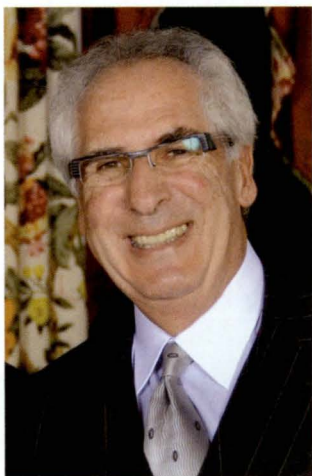


was that impetus, or, that person saying: 'Get on with it, do something for the rest of us,' that really caused me to get interested in serving in some capacity or other which has been such a reward to me.

We never do the things we do for this kind of reward, but it is wonderful to receive it nonetheless and I am grateful to all those who were instrumental in my receiving it.

A word about civility: It was my now partner, Mark Veneziano, who came into my office one day with a letter that had been written in the most outrageous tone. Looking around for something to do, I thought: maybe we can do something about this and I've tried to do it ever since."

**Stanley M. Tick, Q.C.**  
– Lincoln Alexander Award



"Ever since I was a young boy I wanted to be a lawyer. I considered the practice of law to be the most honourable of professions. When I was able to come back to Hamilton, Ontario, and set up practice, I was very proud to be not only a lawyer, but a Hamilton lawyer.

Practising law in Hamilton has always been a joy. The Hamilton Bar lacks pretension, but not professionalism – takes its duty seriously, not itself.

From the Bench, Judge Gordon Sullivan set an example of the importance of preparation, civility to your opponents and their clients and the sanctity of the law for all of us who practised before the courts.

Over the years I have had many mentors. Of course my parents, Jack and Rae of blessed memory, worked so very hard to keep our family comfortable and sacrificed to allow me to attain my education.

They set standards for me that have guided me in the governance of my life and career: to help, to care, to contribute, to be thankful for all our good fortune and to become involved as a means of giving back to our community something of what it has given to us."


**Fay K. Brunning – Laura Legge Award**

"What is leadership? I believe that in Canada, leadership is a gift of trust from one to another, earned over time. Leaders are trusted by others to lead on issues that are within their sphere of influence. If a person displays passion, interest, energy, aptitude and integrity around an issue or within a firm or organization, the gift of leadership is often given.



Is leadership by women different? Not always, but I observe that women are more comfortable with "inside out" form of leadership rather than "top down." From within our firms, from within our communities, from within our profession, women work hard to support others and ideas and earn the trust of others from the inside. Women assume leadership from within, when they feel they have the trust of the group to do so.

Women are often worker bees and the first ones to raise their hands to volunteer for the "soft" work that it takes to bring things to fruition. The health and well-being of our workplaces, legal communities, firms and profession attract our natural instincts.

We now know that firms, communities, organizations and our legal system function better when both men and women are working together in ways that they can contribute their best. We need to find ways to properly value those contributions within our legal profession. We need to ensure that women and men of substance and integrity, who are ready to lead, are given the support they need to take that step." 



## Task force to address articling requirement



The Law Society's mandate includes the requirement to ensure that all candidates are competent at entry into the profession. Entry level competence currently requires 10 months of articles, a requirement which was overwhelmingly supported by the profession when consulted in 2008 by the Licensing and Accreditation Task Force. The actual control over the number of articling positions and the placement of candidates, however, does not rest with the Law Society. That control has in effect been outsourced to the profession. Unfortunately the number of articling positions available has remained static for the past several years, while the number of candidates seeking placement continues to increase. The lack of new positions is despite the Law Society's efforts in 2009-2010 in contacting almost 8,000 firms in an attempt to expand the number of articling positions and facilitate joint articles. No new positions were created.

Practical training as a requirement for entry into the profession is an essential element of the Society's statutory mandate to ensure appropriate standards of learning, professional competence and professional conduct for those whom it licenses. However, is it appropriate that articling is the only way that licensing candidates can receive their training, particularly when the Law Society does not control the number of available positions? Such a situation may have been acceptable in the past, but the current mandate of the Law Society at least compels it to examine the issue.

"As the number of unplaced candidates continues to rise, we will face increasing scrutiny," says Law Society Treasurer Laurie H. Pawlitz. "Articling must be a bridge, not a barrier, to candidates interested in being legal professionals and in responding to the needs of the public in Ontario."



In June, Convocation approved an Articling Task Force to examine the objectives of the articling requirement and the challenges that licensing candidates face in completing articles. "Given the evolving needs of the public and the profession, we have established the Articling Task Force to determine how our skills training requirement can best be met," says Treasurer Pawlitza, who is a member of the Task Force. "We need to ensure that all of the components of the Licensing Process are accessible and fair. At the same time, we also need to make sure that our licensing criteria ensure that all candidates can demonstrate the entry-level competencies required to serve their clients competently immediately after being called to the Bar."

#### **The Articling Task Force will:**

- examine the competency-related principles that articling is intended to address – as well as the program's effectiveness in addressing those principles;
- examine the historic and current approaches to articling;
- identify the challenges facing the current program, including the increasing number of unplaced candidates;
- consider additional or alternative approaches to articling; and
- make recommendations to Convocation about the future of the articling system.

### **Growing number of candidates**

Benchers and Articling Task Force Chair Thomas Conway explains that, in recent years, there has been a growing number of licensing candidates, due to a number of factors, including increasing law school enrolments and more nationally and internationally trained candidates seeking placement in Ontario.

"Presently, there are approximately 200 licensing candidates from the 2010-2011 licensing period who are seeking but cannot find articling positions. This is further compounded by those unplaced from previous years who are also still seeking placements," he says.

Traditionally, the majority of articling positions have been in larger firms in large urban centres because those firms have the infrastructure and support systems

in place that enable them to support articling candidates on a regular basis. Overall, 79 per cent of articling placements in Ontario are found in Ottawa and the National Capital Region, Toronto and the Greater Toronto Area, with 65 per cent found within Toronto.

***"Presently, there are approximately 200 licensing candidates from the 2010-2011 licensing period who are seeking but cannot find articling positions. This is further compounded by those unplaced from previous years who are also still seeking placements."***

Articling Task Force Chair Thomas Conway

### **Ongoing efforts**

The articling requirement, along with other aspects of the pre-call educational process, has been the subject of ongoing review by the Law Society.

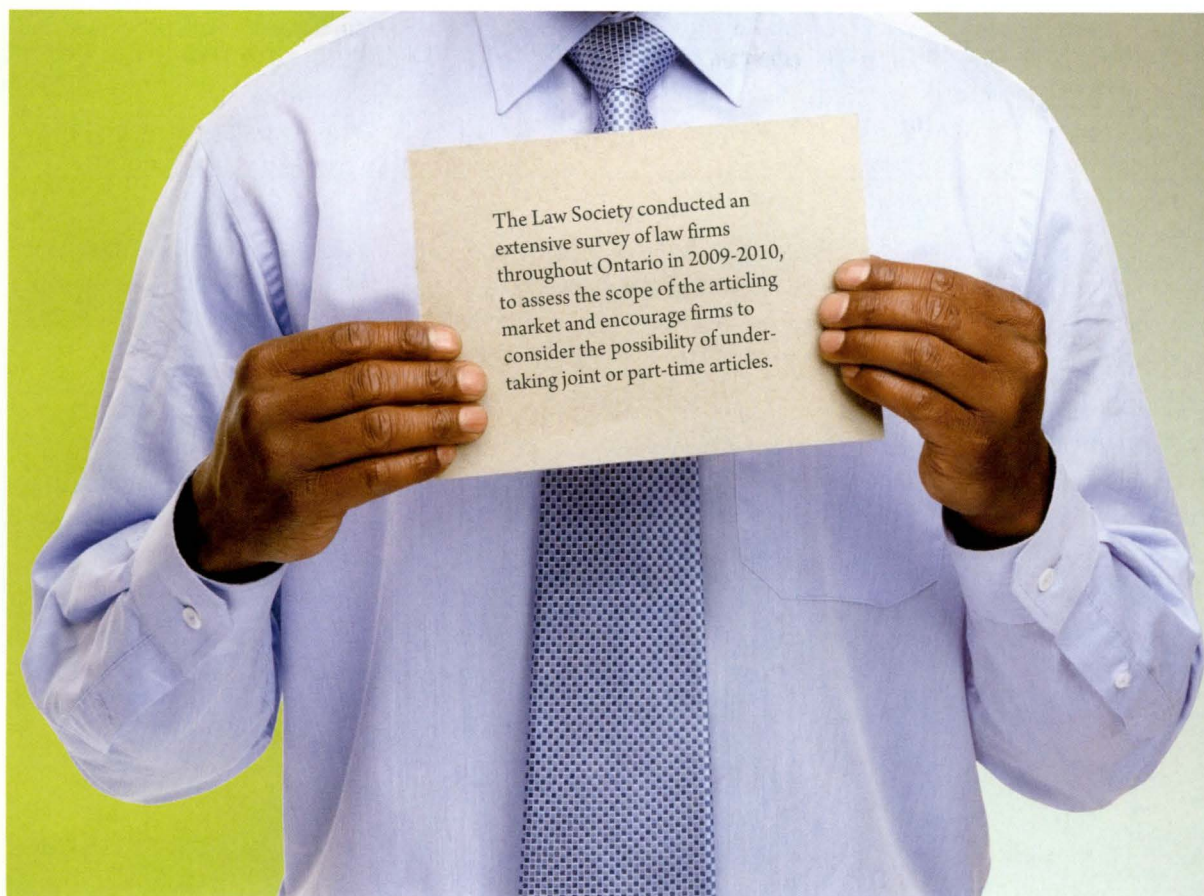
"We've been monitoring articling issues for several years now and we've invested significant resources in trying to help the profession support the current articling process," Treasurer Pawlitza explains.

Most recent changes were made in 2008, following consultation with the profession and recommendations from the Licensing and Accreditation Task Force. These include:

- simplifying the administrative requirements of the articling process;
- encouraging flexibility through joint articling and part-time articling; and
- allowing an exemption from the articling requirement for lawyers who have practised for more than 10 months in a common law jurisdiction outside of Canada.

"An articling registry was also created on the Law Society website to enable employers and candidates to post and search for articling positions," says Conway. "It has become a viable recruitment and job search tool for firms and candidates, but it has not alleviated the





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increased need for more positions.” In 2010, there were more than 150 postings on the registry.

The Law Society also continues to provide training to licensing candidates looking for assistance with their resumé and job interview skills.

In addition, the Law Society hosted an articling symposium and career fair for law firms and candidates in 2010 and another is scheduled for November 18. (See related story, pg. 16.)

“Unfortunately, all of these efforts do not appear to have altered the situation,” says Treasurer Pawlitza. “We have an increasing number of candidates who cannot fulfil the articling requirement because they can’t obtain a placement.”

## Articling Survey

The Treasurer also points out that the Law Society conducted an extensive survey of law firms throughout Ontario in 2009-2010, to assess the scope of the articling

***“Unfortunately, all of these efforts do not appear to have altered the situation. We have an increasing number of candidates who cannot fulfil the articling requirement because they can’t obtain a placement.”***

Treasurer Laurie H. Pawlitza

market and encourage firms to consider the possibility of undertaking joint or part-time articles.

A total of 7,749 (94 per cent of the total) law firms participated in the telephone survey and approximately 2,300 indicated a general interest in hearing more about how to support articling opportunities. Despite follow up by the Law Society, new positions did not materialize.



***“Through the survey, it became very clear that, at this time, under the current circumstances, the profession does not appear to be willing or able to expand articling opportunities within the market.”***

Treasurer Laurie H. Pawlitza

“Through the survey, it became very clear that, at this time, under the current circumstances, the profession does not appear to be willing or able to expand articling opportunities within the market,” Treasurer Pawlitza explains.

Highlights of the Articling Survey are contained in a recent report prepared by the Professional Development and Competence Department, which can be found on the Law Society website at <http://www.lsuc.on.ca/articling-task-force/>.

The newly formed task force began meeting over the summer and will provide a brief report to Convocation in the fall, followed by a full report by May 2012.

“I am confident that, after examining and discussing the issues, the task force will be able to develop some solid recommendations over the next 12 months,” says Conway. **OLG**

### Articling Task Force Members

Treasurer Laurie H. Pawlitza, and benchers Thomas Conway (Chair), Raj Anand, Adriana Doyle, Jacqueline Horvat, Vern Krishna, Dow Marmur, Janet Minor, Barbara Murchie, Paul Schabas, Joseph Sullivan and Peter Wardle

## Articling & Beyond offers chance to build networks, generate ideas

One of the numerous initiatives the Law Society has launched to provide resources for licensing candidates and newly called lawyers is an annual half-day symposium and career fair called, “Articling & Beyond.”

Held for the first time last fall, the inaugural event drew more than 400 people – including law students, licensing candidates, new lawyers and experienced sole and small firm practitioners.

The symposium will take place this year at the Law Society on **November 18**, from **1 p.m. to 5 p.m.** and will follow a similar format as last year, kicking off with a panel discussion about finding and creating work opportunities. The plenary session will be followed by several breakout workshops focusing on specific issues related to practising in smaller Ontario communities.

**Licensing candidates and new lawyers will have an opportunity to talk with established sole and small firm practitioners and gauge current and future needs or opportunities in communities around the province.**

Participants will be able to choose the workshops they wish to attend, visit the career fair, and take a tour of historic Osgoode Hall.

Benchers and Articling Task Force Chair Thomas Conway says that there will be a focus on creating mutual opportunities for all who attend – whether they are licensing candidates, new lawyers, or employers.



This year, there will be more registration spots available for newly called lawyers.

“We look at this as a facilitation exercise, so that students and new lawyers can take advantage of the resources we offer and work to create some new opportunities for themselves,” he says. “It’s essentially about building relationships in the profession, as an alternative to traditional, large firms.”

## Gauging current and future needs

The breakout sessions and career fair will give licensing candidates and new lawyers an opportunity to talk with established sole and small firm practitioners and gauge current and future needs or opportunities in various communities around the province.

Lawyer employers who are participating in the career fair are not required to have an immediate need for an

articling candidate or a newly called lawyer. “A key goal of this event is to give sole and small firm practitioners throughout Ontario a chance to promote their communities and the benefits of working in a smaller firm to new and future lawyers,” Conway says.

The event is being presented by the Law Society, the County and District Law Presidents’ Association and the Ontario Bar Association.

Interested participants are encouraged to register soon. Last year, more than 300 people registered almost immediately and there was a lengthy waiting list for cancellations.

Lawyers who wish to register as employers at this upcoming event can do so on the Law Society’s website at <http://ecom.lsuc.on.ca/articlingandbeyond>. Law students and articling candidates will be able to register through their career offices. [OLG](#)



## Articling & Beyond

FINDING WORK THAT WORKS FOR YOU

NOVEMBER 18, 2011 | 1 PM – 5 PM

THE LAW SOCIETY OF UPPER CANADA, TORONTO

## What is Articling & Beyond?

**It’s a Symposium and Career Fair for law students and new lawyers.**

**WHY? To provide them with the information and contacts they need to explore great opportunities in smaller firms and smaller communities throughout Ontario.**

### Why should an ESTABLISHED lawyer like me attend?

- ▶ Plan to one day retire and actually sell your practice.
- ▶ Promote the wonderful community you live and practise in.
- ▶ Connect with new lawyers who can help you build and transition your practice.

### Why should a NEW lawyer like me attend?

- ▶ Learn about practice and lifestyle opportunities in smaller communities.
- ▶ Explore paths to success beyond Bay Street.
- ▶ Network with lawyers from across the province.



Join us on Facebook (search Articling and Beyond) to take part in our exclusive programming poll and to find out about the programs on offer, the firms and practitioners attending, and other special updates.

**Last year, registration filled up fast.  
Don’t be left out! Register online:  
[ecom.lsuc.on.ca/articlingandbeyond](http://ecom.lsuc.on.ca/articlingandbeyond)**

[ Did we mention it’s FREE? ]

PRESENTED BY:



ONTARIO  
BAR ASSOCIATION  
A Branch of the  
Canadian Bar Association



The Law Society of  
Upper Canada



The County & District  
Law Presidents’ Association  
L’Association Des Bâtonniers  
De Comtés Et Districts



## Earning CPD Hours while avoiding the classroom

**Did you know that you can earn CPD Hours without stepping into a lecture hall or logging on to a webinar?**

Teaching, acting as an articling principal, supervising a paralegal field placement, mentoring or being mentored, writing and editing books or articles and participating in study groups are all eligible CPD activities. With appropriate content, they may be accredited for Professionalism Hours.

The Law Society asked a few practitioners who have taken advantage of these alternate activities to share their experiences.



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### Bringing the profession together

**Adam Weisberg**

Called in 2003

Adam Weisberg is a sole practitioner with an office in a law chambers in Toronto. To help meet the CPD requirement, he set up a study group with the other lawyers in his chambers.

"I knew there were going to be new CPD requirements so I was looking at the Law Society website and I saw (the study group) as an available option," he said. "I thought it would be a great way to get everyone in our chambers together and share experiences.

"On the website, there was a detailed explanation about how to go about everything, so I submitted a proposal."

The proposal Weisberg submitted outlined the topics to be discussed at five two-hour sessions. Since the discussion topics included a significant amount of professionalism content, the Law Society approved the proposal and accredited the sessions for a number of Professionalism Hours.

"A different member of our chambers has been volunteering to mediate each session. They prepare discussion topics and case law that is relevant for the area. We all meet and discuss, usually for about two hours."

Weisberg credits the group's success in large part to a pre-set schedule that allowed the participants to book the sessions well in advance. "The main thing that has helped us be successful so far is that we have a rigid schedule."

"The unexpected result is that it brought everyone in our chambers closer together. Thanks to those meetings we feel more comfortable asking questions and sharing information with each other."

### Strengthening your networks

**Laura Groshok**

Grandfathered as licensed paralegal in 2008

Laura Groshok has been a paralegal for more than six years. She works for a property management company in the areas of Small Claims Court and landlord and tenant matters and runs her own business. She also runs a successful study group for paralegals in the London, Ontario area.



"When we first heard about the CPD Hours and that study groups would qualify, a few of my colleagues here in London thought that it would be a great opportunity for us to network and to stay informed," she said.

There are now 25 paralegals in the group, according to Groshok, with more asking to be added to the email list. On average, 12 people attend each session, which keeps the discussion manageable. "We were just trying the waters to see how it went, what was involved and who wanted to participate. The response from London-area paralegals has been great."

Groshok admits that she was concerned about making the commitment at first. "I was afraid that I would not be able to make the time for it, but now that I am involved, I'm finding it's easy to get my hours. In June, I had all my hours but I will still continue with the study group and I will be going to a few more courses in the fall."

For those considering starting a study group, Groshok emphasizes that it's not only a great learning experience, it's a great opportunity to strengthen your network. "You get to know what your colleagues are like, you get to know the experience that they have and you won't have trouble handing business to them. It's about networking as well as the educational aspect of learning from your colleagues."

## Learning from your students

### Earl Marshall Green

Called in 1975

Marshall Green is a Certified Specialist in civil litigation and a senior partner in a medium-sized law firm. He has acted as an articling principal several times and has recently applied his activities as an articling principal against the annual requirement of 12 CPD Hours.

"As a senior partner at the firm, I was the one who was most interested in being the principal for our articling student," he said. "Everybody else thought it was going to take up too much time or be too demanding, but I've done it several times in the past, so I volunteered. I love the experience."

"I enjoy the challenge of having the articling candidate ask me questions. A lot of things you do by rote but it's interesting to have to sit back for a second and explain ... (and) it's very interesting and very enlightening to have a candidate start a project differently than I would have done it."

Green urges members of the profession to consider acting as an articling principal. "Lawyers should not be

scared by the whole mentoring aspect. It does not take that much time out of your schedule. Besides being a duty that I think we owe the profession, it's a great opportunity to exchange thoughts with some younger people and gives you an opportunity as well to critically challenge the way you have been doing things."

As a last word of encouragement, Green adds, "And working with the young students is a great way to keep up. They have the law, the latest law at their fingertips."

## Accommodating family needs

### Siona Sullivan


Called in 1985

Siona Sullivan recently returned to full-time practice as a sole practitioner after several years working in a variety of legal positions part-time while she raised her three young boys. She organized a study group that began as an informal way of keeping current and connected.

"The study group started as a monthly lunch with my girlfriends so I would have regular contact with others in my field and could bounce ideas off them, get legal advice or discuss changes to the law in our area," she said. "We called it, jokingly, the Amazon lunch. It grew quickly to include their junior associates."

When the CPD requirement came into effect, the group decided to structure the sessions and Sullivan volunteered to be the coordinator. "I contacted the Law Society for accreditation and they were very helpful."

"For the younger women in our group it is wonderful to be able to get the CPD over the lunch hour. They have children they have to pick up and drop off at daycare locally and so getting to Toronto or even Hamilton for the whole day can be problematic. We've had babies attend too!"

Sullivan has advice to offer members thinking of setting up a study group: "Take full advantage of the Law Society setup. It's easy. Keep the group around eight to 10. Set it up for a regular date – once a month works for us – and then it's easier to plan around it and be free to attend. Be willing to teach a session (you get more CPD Hours that way) and keep it casual. It's definitely worthwhile." 



Continuing  
Professional  
Development



## Alternative career strategies: Consider the possibilities



Last spring, Toronto lawyer **Bill Ford** found himself in a top hat and morning suit escorting his wife to the Queen's Plate. Neither Ford, lead counsel at Woodbine Enterprises, nor his wife, a Bay Street lawyer, had ever expected to attend the celebrated horse race, but when the opportunity arose through Ford's work, the idea intrigued them.

Ford's successful transition from a traditional corporate law practice to an

in-house position for a competitive sports company highlights the range of employment opportunities available to those who have been called to Ontario's Bar.

"I never thought in a million years before I went to law school that I would end up in this industry," he says.

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**Ford's successful transition from a traditional corporate law practice to an in-house position for a competitive sports company highlights the range of employment opportunities available to those who have been called to Ontario's Bar.**

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Armed with a law degree, five years of experience at a downtown law firm and an abiding enthusiasm for sports, Ford felt prepared when an opportunity to combine his expertise and passion, as well as the chance to cultivate a latent interest in business arose, in 2003, in the form of an in-house position at Magna Entertainment.

Ford believes leaving Bay Street was a good choice for him and admits he is as amused as he is surprised by the occasional perks the change has afforded him.

"My positions both here and at Magna have been remarkably varied. I never know what will land on my plate on any given day and I find that energizing. I want to come to work," Ford says.

As more lawyers opt to apply their legal education beyond private practice, the need for awareness

around the breadth and nature of available opportunities intensifies.

The Law Society encourages lawyers to explore the range of career options available within the profession through initiatives like the Annual Alternative Careers for Women in Law Program – a program organized by the Women's Law Association of Ontario and the Law Society. In May of this year, the program ran for a fifth consecutive year. Attendance tripled to more than 150 female and male lawyers, reflecting a growing interest in these options.

### A bounty of options

**Aimée Israel** is one of many lawyers who has made the transition to an alternate career.

Fresh out of law school, Israel practised at a law firm to gain the experience she believed would make her an ideal candidate for an in-house position in the future.



Later, in 2001, after three years as corporate counsel at Cadbury (now Kraft Foods), Israel and fellow lawyer, Michael Held, founded and launched LifeSpeak, a company that provides busy employees access to

renowned experts in health and wellness, professional development and personal growth through digital media.

While Israel could not have predicted what sort of business she would end up in, she credits her law degree with helping to position her for success beyond the legal world.

"A law degree and experience practising law served me very well when I looked to enter the business world," she says.



***“Certain aspects of practising law such as writing, negotiating and dealing with contracts are skills I still draw on in running my own business.”***

Aimée Israel

Named by *Profit Magazine* as one of Canada’s Top 100 Women Entrepreneurs in 2009, Israel believes practising law exposed her to the benefits of maintaining a high standard of professionalism.

“Law reinforced the importance of being responsive, knowing the etiquette and having a real attention to detail. That environment also helped me to develop a strong work ethic.

“Certain aspects of practising law such as writing, negotiating and dealing with contracts are skills I still draw on in running my own business. My legal career also reinforced the value of relationship building and networking. I appreciated the collegiality within my law practice and that has served me well in my business.”

## The new vanguard

Women are leaving private practice for a range of reasons that include – but are not limited to – childcare responsibilities. While the decision to have children informed the timing of career changes Israel aimed to make, the desire for a family was not an exclusive motivation for the transition.

“I believe there’s a bit of a misperception when people see my online biography, or see me as a woman leaving law – that they think it was for the flexibility,” Israel says.

“That was certainly a consideration, but I think more the driving factors were the viable idea and the desire to cross over from law to business.”

**Sharon Davis**, President of the Women’s Law Association of Ontario, is familiar with the oft-recited narrative suggesting that success in the legal profession can be at odds with parenting.

Davis acknowledges that lawyers leaving practice or considering a change can benefit from knowledge about the experiences of others. She was gratified that at the Annual Alternative Careers for Women in Law Program, a panel of influential female lawyers could lend insight and wisdom to participants. Davis believes that education around alternative career strategies offers an advantage to lawyers at firms and across every industry.



***“The most interesting people I meet generally have had varying careers over time...whether it is as in-house counsel, litigation or working for non-profit organizations and government.”***

Sharon Davis

“In the general population, people change jobs five times in a career and so why shouldn’t or couldn’t we do that within the practice of law itself?” Davis asks.

After more than 15 years as a lawyer on the senior management team at a publishing company, Davis is, for the first time in her career, practising at a law firm.

“Just because you’re not in private practice does not mean you’re not a lawyer. I think that is the notion with which a lot of us are preoccupied. I think that thinking needs to change and people need to understand they do have alternatives.”

Any trepidation Davis had about her transition from an in-house role to private practice has been replaced with confidence about the range of engaging opportunities that exist for Ontario lawyers.

“The most interesting people I meet generally have had varying careers over time – people who have done a wide variety of things – whether it is as in-house counsel, litigation or working for non-profit organizations and government,” Davis says.

“Or, they go all over the place, or they change an area of law – or they do something completely different. The profession of law offers an awful lot of choice. There are a lot of things you can do with a law degree and with a membership in the Law Society. I think what we need to do as a profession is take away the stigma and value the many wonderful opportunities we have as lawyers both within and outside the traditional practice of law.” [OLG](#)



## PORTAL UPDATE

To date, nearly 27,000 licensees have registered for the Law Society Portal, with more than 19,000 of those reporting Continuing Professional Development (CPD) hours for 2011. These numbers are encouraging, but they demonstrate that about half of all Ontario licensees still need to catch up.

By now you're well aware you need to take 12 hours per year of continuing professional development in eligible educational activities. If you've been in practice for two years or less, you need to complete all of those hours in programs or activities accredited for New Members. Experienced lawyers need a minimum of three hours of accredited programs or activities on topics related to professional responsibility, ethics and/or practice management ("Professionalism Hours"). However, the remaining nine hours for experienced lawyers ("Substantive Hours") don't need to be accredited. For more information, please refer to <http://rc.lsuc.on.ca/jsp/cpd/index.jsp>.

Once you've earned CPD hours, you need to report them to the Law Society using the LSUC Portal. Remember — if you fail to complete this requirement by the end of the calendar year, you will be subject to administrative suspension from practice as of January 1, 2012.

### Need help?

For a refresher on how to log hours or activities, see **The ABCs of CPD**, sidebar. To enter your CPD hours, log in to your account on the LSUC Portal at <https://portal.lsuc.on.ca>. And if you haven't registered yet, you can do so at <https://portal.lsuc.on.ca/wps/portal/register>.


Or simply give us a call at 416-947-3315, or 1-800-668-7380 ext. 3315, Monday to Friday from 9 a.m. to 5 p.m. We're here to help with registration, logging hours and activities, or any of your Portal needs.

### Portal enhancements

In response to your feedback, we have enhanced the CPD component of the LSUC Portal. Highlights include improved listings of upcoming Professionalism programs, an improved search function, and a simpler way to enter Substantive Hours. For a better look, log on at <https://portal.lsuc.on.ca>.


### First, change of information...

#### Now, annual report filing coming soon

You already know the LSUC Portal is the place to go to review and update your status and contact information. But as of January 1, 2012, the Annual Report e-FORM will also be a part of the Portal. You'll now only need one username and password in order to report your CPD hours, update your status and contact information and file your Annual Report. 

**Program**

Substantive programs and content address substantive and procedural law topics and/or related skills and are eligible for **Substantive Hours**. Substantive Hours **do not need to be accredited** by the Law Society.



☐ Professionalism Program/Content 

☒ Substantive Program/Content

To enter Substantive Hours for programs, please complete all fields.

Program Name:

Provider:  Location:

Start Date:   End Date:  

Substantive Hours:



Note: Enter hours as a decimal number e.g. 1.50 = 1 1/2 hours

Area of Law:

**Activity**

Only Substantive Hours for CPD Activities may be entered on this page. CPD activities include a broad range of learning methods such as teaching, writing, mentoring and participation in study groups of two or more colleagues. For more information, please refer to [CPD Requirement](#). To be eligible for Professionalism Hours, CPD activities must be approved by the Law Society in advance. See [CPD Accreditation](#) for more information.

Activity Type:

Start Date:   End Date:  

Substantive Hours:

Note: Enter hours as a decimal number e.g. 1.50 = 1 1/2 hours

## THE ABCS OF CPD

Log in to the portal at <https://portal.lsuc.on.ca>.  
Select the CPD tab, then...

### TO LOG PROGRAMS THAT CONTAIN PROFESSIONALISM HOURS

1. Select Update My CPD Program
2. Select Professionalism Program/Content
3. Click Search
4. Fill in one or more of the search fields or leave blank to return all programs
5. Click Search
6. Click on program to select and submit

### TO LOG SUBSTANTIVE PROGRAMS

1. Select Update My CPD Program
2. Select Substantive Program/Content
3. Enter program information
4. Click Submit

### LOGGING ACTIVITIES

1. Select Update My CPD Activity
2. Select the Activity Type from the drop down list
3. Complete the required fields
4. Click Submit

To obtain Professionalism Hours for activities other than programs, submit an application for accreditation to [cpdacc@lsuc.on.ca](mailto:cpdacc@lsuc.on.ca). Applications can be found on the Law Society's website.



## Law Society takes proactive approach to combatting unlicensed practitioners



Contact Information	
Full Name	John Smith
Licence Type	Lawyer
Real Estate Insured †	
Status <u>Status definitions</u>	In Private Practice
Business Name	
Business Address	123 Main Street Ottawa Ontario K2P 0C0
Phone	613 123 4567
Fax	613 123 4567
Email address	
Current Practice Restrictions	None
Trusteeships	None

### Need legal help?

**Make sure you are protected.**

Check the Law Society's free online directory to make sure anyone who is offering legal help to you is licensed and insured.

The Law Society is strengthening its efforts to inform the public of the importance of hiring a licensed legal professional, and planning targeted communications to communities which may be especially vulnerable to unauthorized practitioners.

"We have noted that certain individuals are targeting particular communities and exploiting those communities' lack of familiarity with the Law Society's regulatory role," says Zeynep Onen, Director of Professional Regulation at the Law Society. "To fulfil our mandate and fully protect the public, we must not only prosecute unauthorized practitioners who are brought to our attention, we must also try to prevent unauthorized practice from occurring in the first place."

Members of the public, in particular, new Canadians, may not be aware of the legal requirement that lawyers and paralegals be licensed in order to practise law or provide legal services in Ontario. They also may not realize that if they hire an unlicensed individual they are not protected and there is little recourse if something goes wrong.

"Our primary concern," says Roy Thomas, Director of Communications at the Law Society, "is to educate the public on the importance of hiring a licensed lawyer or paralegal and to let them know how the Law Society can help them do this. The Lawyer and Paralegal Directory on the Law Society website is a powerful tool for the public. We want to emphasize the value of using it to verify that the lawyer or paralegal who is offering you legal services is legally able to provide them."

The Law Society is currently working with partners in the social service and legal communities to develop the best approaches to reach vulnerable communities.

The Law Society is also redesigning its website and augmenting the existing content to make it easier for members of the public to use online information and resources. [OLG](#)

### Unauthorized practice complaints

The number of unauthorized practice (UAP) complaints received by the Law Society increased following amendments to the *Law Society Act* in late 2006, which expanded the Law Society's mandate to include the regulation of paralegals.

The number of UAP complaints more than doubled between 2007 and 2008 – from 143 to 337. The following year, 2009, saw another large increase with a total of 445 UAP complaints received. In 2010, 330 complaints were received and the Law Society expects to receive in excess of 300 complaints in 2011.

The Professional Regulation Division undertakes an escalating approach to UAP complaints.

In many cases, a cease and desist letter to the subject of a complaint ends the activity and is sufficient to protect the public. In other cases where, for instance, the individual is persistent or the public is directly at risk, the Law Society conducts a full investigation, establishes the likelihood of UAP and requests that the unlicensed individual sign an undertaking to stop the unauthorized practice.

In cases where an undertaking is not agreed to, or where more concerted measures are required in order to ensure public protection, the Law Society will initiate court proceedings. The Law Society has the option of prosecuting UAP as a provincial offence or seeking an order in the nature of a permanent injunction from the Superior Court, followed by contempt proceedings if the UAP persists.

Because of this escalated approach to UAP, which focuses on what is necessary to protect the public, relatively few complaints result in costly court proceedings. For instance, in 2010, the Law Society initiated 10 new proceedings, eight of which have already concluded with either convictions or orders enjoining the respondents from future breaches of the *Law Society Act*. The others are ongoing.



# Explore Canada's rich legal history

**The Osgoode Society, a Toronto-based organization dedicated to Canadian legal history scholarship, has carved out a successful publishing niche that is the envy of academics around the world.**

Founded by former Attorney General and Chief Justice of Ontario, The Honourable R. Roy McMurtry, the organization has, since 1981, promoted public interest in the history of Canadian law through the publication of more than 80 books.

Jim Phillips, a University of Toronto law and history professor who acts as the Osgoode Society's editor-in-chief, says the organization's prolific output has garnered the respect of academics throughout other common law countries.

"When I go to Australia, New Zealand, the United States or Britain, legal scholars immediately recognize the Osgoode Society name and its accomplishment of having published a vast collection," he says.

The Osgoode Society's trove includes biographies of Supreme Court of Canada judges Bora Laskin, Brian Dickson, Bertha Wilson, Emmett Hall and Ivan Rand, surveys of the law as it relates to women and ethnic minorities across provinces and throughout various eras, as well as historical accounts of several provincial courts and legal education.

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***"When I go to Australia, New Zealand, the United States or Britain, legal scholars immediately recognize the Osgoode Society name and its accomplishment of having published a vast collection"***

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Professor Jim Phillips

The Osgoode Society has also created a substantial oral history archive – one of the largest collections in the world – containing interviews with more than 500 noteworthy legal professionals.

While the release of some archive material is embargoed until interview subjects' deaths, thousands of pages of transcripts are available to researchers.

Judges, lawyers and paralegals less engaged in Canadian legal history research often identify the Osgoode Society by its association to books written by colleagues.



## The Osgoode Society

In 2011, the organization published the Honourable Robert J. Sharpe's non-fiction account of a pivotal case heard in Prince Edward County in the late 19th century.

Justice Sharpe's work, entitled *The Lazier Murder: Prince Edward County, 1884*, is the Osgoode Society's 84th published title.

Professor Phillips believes the contribution of Justice Sharpe, LL.D., of the Ontario Court of Appeal, and others like it reflect a successful dynamic that exists between those within Canada's legal profession and those within academe.

"The Law Society of Upper Canada has helped foster an atmosphere of collaboration," Professor Phillips says.


"Previous works acknowledge the importance of Canadian legal history, make people aware that there's a venue for publishing and provide examples to inspire them.

"Our aim is to produce books that are readable and of interest to the profession but nonetheless meet the usual standards for any kind of scholarly publication."

In addition to the publication of a title each year, the Osgoode Society supports Canadian legal history scholars through fellowships and awards.

"There is an appetite for Canadian legal history," Professor Phillips says.

"I think Canadians are aware that it's important to understand our history. It gives one a much better appreciation of where we are and how we got here."

The organization has sustained its work through the ongoing support of its members, the Law Society, patron law firms and the Law Foundation of Ontario. 



## Congrès de l'AJEFO : au cœur des générations

Cette année, le programme du Congrès de l'AJEFO a été agréé par le Barreau pour l'exigence annuelle de formation professionnelle continue. La *Revue des juristes de l'Ontario* a demandé à des participants de témoigner de ce qu'ils ont retiré des communications auxquelles ils assistaient.

Le panel sur le contentieux civil discutait des nouvelles règles de procédure et des aspects pratiques de l'exercice de la profession. En tant que nouveau juge, l'honorable Peter Annis a fait ressortir que la pression est énorme et que les juges apprécient toujours l'aide résultant du travail bien fait par les avocats plaidants. Le juge Annis a généreusement prodigué ses conseils : il faut présenter des écrits détaillés de façon claire, nette et précise afin d'aider le juge à comprendre les causes rapidement. Une partie qui présente un dossier auquel il manque des éléments risque de nuire à sa cause. Par ailleurs, comme les juges se déplacent beaucoup, ils aiment recevoir par voie électronique des documents où sont soulignés les éléments les plus importants. De plus, les avocats doivent essayer d'offrir des solutions. Ce sont eux en définitive qui connaissent le mieux leur cause : ils doivent décrire les faits, la question et l'application recherchée du droit. Présenter les motifs. Savoir analyser le litige, lier les faits et le droit et ne pas s'exprimer de façon trop générale. Et surtout, ne pas laisser le juge se débrouiller tout seul pour comprendre. Le mémoire doit être le résultat d'une réflexion et non une ébauche. Il faut penser comme un juge, utiliser les outils voulus pour situer le contexte, comme la chronologie, une liste des acronymes, un résumé bien rédigé qui recoupe efficacement les titres et les faits. Et ne pas abuser des motions. Un processus bien suivi aidera le juge à trancher et à rendre une décision juste et éclairée.



**M<sup>e</sup> Lai-King Hum**, de McMillan, a dit : J'ai appris du vocabulaire juridique et aussi ce que les juges s'attendent à

trouver chez les plaideurs. Pour ma pratique, j'ai bénéficié de la présentation de M<sup>e</sup> Saikaley à propos notamment de l'arrêt *Pate c. Galway-Cavendish and Harvey*. M<sup>e</sup> Saikaley nous décrivait comment M. Pate a été congédié après que son employeur a bâclé son enquête sur des allégations de vol, comment, bien qu'il ait gagné un procès pour congédiement injustifié et poursuite abusive, la réputation de M. Pate avait déjà été ternie et sa vie changée, et comment la Cour d'appel a ordonné un nouveau procès en admettant la preuve de malveillance. M<sup>e</sup> Saikaley a conclu en soulignant à quel point les employeurs doivent donner la chance aux employés de se défendre dans un cas de congédiement avant d'appeler la police, par souci de justice.

### Le statut du français dans la réglementation des professions en Ontario

Cette conférence a donné un aperçu des différences entre les services en français offerts par l'Ordre des enseignants et des enseignantes, le Barreau du Haut-Canada et le Collège des médecins et des chirurgiens de l'Ontario. Une discussion entre les panélistes, soit M<sup>es</sup> Daniel Boivin, Pierre Champagne, M. Michael Salvatori et **M<sup>e</sup> Josée Bouchard** pour le



Barreau, a permis de faire ressortir les progrès accomplis et qui restent à faire dans les organismes visés. On peut lire la présentation PowerPoint de M<sup>e</sup> Bouchard à [ajefo.ca](http://ajefo.ca).





**M<sup>e</sup> Sonia Ouellet**, de la Commission d'appel et de révision des professions de la santé, a dit : Cette présentation m'a permis de faire des comparaisons pour situer l'avancement des services en français de ma commission. Par ailleurs, l'information reçue m'a aidée à

identifier les prochaines étapes que nous pourrions prendre pour améliorer certains processus internes afin d'offrir de meilleurs services en français.

## Gestion de la pratique : 25 règles d'or

Conseil à retenir : un juge heureux est un client heureux. La juge Lafrance-Cardinal a rappelé aux membres de confirmer et de reconfirmer les points à régler; de présenter un plan, de ne pas se répéter, de choisir judicieusement au plus trois décisions pour illustrer la jurisprudence. M<sup>es</sup> Chantal Beaupré, Samantha Iturregui, Any Mayer et Mme Julie Marcotte ont parlé, entre autres, des difficultés des procès avec des parties non représentées (documents trop longs, attentes déraisonnables), de la gestion des comptes en fiducie; de retraite (planifier et payer ses dettes); et de transfert de dossiers (ne pas transférer un dossier complexe avant une décision et ne pas en donner l'historique).



**Darlène Lozis**, stagiaire chez Lafleur et associés, a dit : En tant qu'étudiante et stagiaire, on n'entend pas parler de la préparation de la retraite ni de la gestion des comptes en fiducie. Grâce à cette présentation, j'ai pu mieux faire le lien entre par exemple, le

Règlement administratif n° 9 du Barreau et l'obligation de déposer sans délai les fonds dans un compte en fiducie, et l'importance de bien expliquer les coûts au

client dès le début, de tenir ses registres et de savoir déceler la fraude.

## Secret professionnel et conflits d'intérêts



**M<sup>e</sup> Christian Paquette**, de Heenan Blaikie, croit avoir été, à titre de conférencier, un des grands bénéficiaires du Congrès. Les scénarios qu'on retrouve dans les décisions qu'il a mentionnées (comme *Succession Macdonald c. Martin* [1990] laquelle

portait sur l'obligation de confidentialité d'un cabinet dans le cadre d'une migration d'un avocat lors d'une fusion de cabinets; *R. c. Neil* [2002], arrêt clé dans lequel un accusé a demandé l'arrêt des procédures au motif que ses avocats étaient en conflit d'intérêts; et *Strother c. 3464920* [2002], concernant les intérêts personnels d'un associé dans une entreprise faisant concurrence à l'un des clients du cabinet) se produisent régulièrement. Se familiariser avec de telles causes permet de s'améliorer et d'approfondir certains aspects du droit. Dans le cas des conflits d'intérêts, les avocats ont tout à gagner à demeurer alerte, autant pour les éviter, si possible, que pour les gérer une fois déclarés. On peut lire la présentation de M<sup>e</sup> Paquette sur [ajefo.ca](http://ajefo.ca).

## Questions touchant les jeunes, les autochtones et la famille

Cette conférence animée par la passion de M<sup>e</sup> Anne Lévesque, de la Pr. Sophie Thériault et de Mme Danielle-Kelly Raymond, sur le rôle de l'enfant dans la médiation (voir le PowerPoint de Mme Raymond sur [ajefo.ca](http://ajefo.ca)), sur l'iniquité des services d'aide à l'enfance sur les réserves, sur le lien entre la sécurité alimentaire des Inuit et les lois qui affectent le climat, a beaucoup touché les participants.





**M<sup>e</sup> Céline Allard**, de Allard Labrosse, a dit : Comme la travailleuse sociale le disait, la voix de l'enfant doit être entendue par les juges, même s'ils ne sont pas toujours d'accord. J'aimerais qu'il existe un protocole pour préparer l'enfant à paraître au tribunal.

L'enfant doit se sentir en confiance. Il faut encourager les relations parentales en favorisant des rencontres communes avec l'enfant.

## Successions et tutelles

**M<sup>e</sup> Jean-Jacques Desgranges**, du gouvernement fédéral, a dit : La présentation de M<sup>e</sup> Escayola sur fond de l'arrêt *Kaptn c. Kaptn*, tuait le mythe voulant que la succession absorbe les dépens dans les litiges successoraux. En décrivant cet arrêt, qui portait sur deux requêtes distinctes pour directives dans la même succession par deux fiduciaires testamentaires incapables de travailler ensemble, il nous a présenté certains pièges du litige découlant de la planification successorale et de certains comportements déraisonnables des fiduciaires contre qui le juge a sévi lors de l'attribution des dépens.




## Ordre du mérite



Le Congrès s'est terminé par la remise de l'Ordre du mérite à **M<sup>e</sup> François Boileau**, commissaire aux services en français de l'Ontario, et à **M<sup>e</sup> Sonia Ouellet**, vice-présidente à la Commission d'appel

et de révision des professions de la santé, pour leur engagement exceptionnel dans l'accès à la justice en français. **M<sup>e</sup> Boileau** a mis à profit sa riche expérience en droits linguistiques dans la fonction publique fédérale et auprès d'organismes francophones. Il a œuvré pendant une dizaine d'années à la Fédération des communautés francophones et acadienne du Canada, qu'il a représentée devant la Cour d'appel de l'Ontario dans l'affaire Montfort. Aujourd'hui, M<sup>e</sup> Boileau travaille à améliorer la qualité des services en français en Ontario pour répondre aux besoins de la communauté francophone.

Engagée activement au sein de la communauté francophone dès ses années d'enseignement à Kingston (1989 à 1993) suivies de sa pratique chez Gowlings (1998 à 2003), **M<sup>e</sup> Ouellet** a siégé à divers comités et conseils d'administration dans le but de faire la promotion de la francophonie et de revendiquer l'amélioration des services en français en Ontario. M<sup>e</sup> Ouellet reçoit l'Ordre du mérite pour son dynamisme et son engagement pendant ses sept ans à la direction générale de l'AJEFO (2003 à 2010). 

## Développement linguistique

La ministre déléguée aux Affaires francophones, Mme Madeleine Meilleur, a profité du Congrès de l'AJEFO pour annoncer l'adoption d'un nouveau règlement obligeant les tierces parties qui offrent des services pour le compte des ministères et autres organismes gouvernementaux à le faire en français. L'adoption de ce règlement, pris en application de la *Loi sur les services en français*, fait suite à une recommandation du commissaire aux services en français, M<sup>e</sup> François Boileau. Pour en savoir plus, visitez [ontario.ca/francophones-nouvelles](http://ontario.ca/francophones-nouvelles).



# Des avocats toujours prêts

Le Barreau du Haut-Canada a mis sur pied un registre d'avocats à contrat qui permet aux avocates et avocats ayant besoin de s'absenter de leur pratique de le faire en toute quiétude, sachant qu'à leur retour une avocate ou un avocat compétent aura gardé le fort.



© ISTOCK.COM/M

« Le Registre d'avocats à contrat peut être extrêmement utile pour parer au problème d'avocats et d'avocates qui partent en congé ou qui ont besoin d'aide, indique la trésorière du Barreau Laurie Pawlitz. C'est un outil efficace de service à la clientèle lorsqu'on requiert une aide temporaire pour faire face à diverses situations ».

Le Registre des avocats à contrat est en fait une liste d'avocats et d'avocates chevronnés qui sont disponibles pour travailler à court terme, sur une base flexible. Le Registre est organisé par régions et par domaines de pratique pour faciliter la recherche aux utilisateurs. Le Registre est une tribune d'entraide entre avocats qui peut également servir dans les deux sens. Il sert aux avocats qui cherchent du travail pendant une certaine période tout comme aux avocates qui, par exemple, partent en congé parental; aux avocats qui désirent travailler à temps partiel tout comme à ceux qui entament un long procès ou qui ont besoin d'aide dans un dossier très complexe. La liste des occasions où vous pourriez avoir besoin de l'aide d'un avocat à contrat est aussi ouverte que votre imagination. Avec le Registre, le Barreau vous offre une solution bien organisée et sans frais. En effet, vous pouvez consulter le Registre en ligne gratuitement.

## Pourquoi consulter le Registre ?

En ce moment, la liste des avocats à contrat compte environ 140 personnes (dont 15 parlent français) prêtes à remplacer une personne en congé ou ayant besoin d'assistance. Toutes ces avocates et tous ces avocats compétents sont prêts à répondre à la demande. Les cabinets ont beaucoup d'avantages à tirer de ce programme.

Vous êtes avocate, en cabinet ou en solo, et vous partirez bientôt en congé de maternité. Que faire de vos clients? Embauche une avocate à contrat qui prendra soin de vos dossiers en attendant votre retour. Vous entamez un gros procès qui vous retiendra hors du bureau pendant des mois, et entretemps, vous craignez de négliger vos autres dossiers? Embauche un avocat à contrat qui veillera à vos affaires jusqu'à la fin de votre absence! Vous avez besoin de prendre de longues vacances avant de sombrer dans la dépression! Embauche un avocat à contrat. Vous avez besoin d'aide pour une raison ou une autre, mais vous ne pouvez pas embaucher un autre avocat à temps plein? Embauche un avocat à contrat à temps partiel et pour une durée limitée!

Le Barreau veut que ses membres sachent que de nombreux avocats et avocates comptant de multiples années d'expérience peuvent les aider lorsqu'ils ont besoin de services temporaires. Ces avocats peuvent être des avocats à la retraite qui ont une expertise pertinente à vous offrir dans certains dossiers, ou encore des avocates qui font partie du grand nombre de femmes qui quittent la pratique privée pour mieux équilibrer leur vie familiale et leur vie professionnelle. Une chose est sûre, la liste des avocats à contrat vise toutes les régions et tous les domaines.

## Où trouver l'information?

Le site web du Barreau offre tous les renseignements dont vous pouvez avoir besoin pour vous inscrire ou pour trouver un avocat à contrat. Il suffit d'aller à [rc.lsuc.on.ca/jsp/contractLawyer/index.jsp](http://rc.lsuc.on.ca/jsp/contractLawyer/index.jsp) pour trouver la liste des avocats par régions, les formulaires d'offre de services d'avocat et des renseignements pour aider les avocats à embaucher ou à trouver un contrat et enfin, les critères d'acceptabilité. **CLE**





## June 2011 highlights

### Treasurer Laurie H. Pawlitzka elected by acclamation for second term

Treasurer Laurie H. Pawlitzka has been elected by acclamation for a second term as head of the Law Society. "I am grateful to my fellow benchers for supporting me in the continuation of the work we began over the past year on critical issues such as the articling requirement and access to justice," she said. "The Law Society has a significant role to play in addressing the needs of self-represented individuals, particularly in the area of family law, and we will be defining that role in the coming months."

### Articling Task Force formed

Convocation approved the establishment of the Articling Task Force to address concerns about the articling program, relating in particular to the growing number of unplaced candidates. The Task Force will examine the competency-related principles that articling is intended to address, its effectiveness in addressing those principles and consider additional approaches to articling. The Law Society has been monitoring articling issues for several years, and has invested significant resources in trying to help the profession support the current articling process. A recent report by the Professional Development and Competence Department highlights the continuing difficulties with articling placement and the likelihood of these difficulties increasing. These and other issues will be thoroughly examined by the Task Force.

### Working Group on Bencher Election established

Convocation approved the establishment of a Working Group on the Bencher Election. The Working Group's review will include examination of election processes and procedures following completion of the 2011 election, including the nomination process, the length of the election period and voting period, and campaign materials and methods.

#### VISIT OUR WEBSITE FOR FULL CONVOCATION REPORTS:

All reports and materials noted in Convocation Highlights are available through the Law Society website at [www.lsuc.on.ca](http://www.lsuc.on.ca).

### Adjudicator Code of Conduct amended

Convocation amended the Adjudicator Code of Conduct to reflect its decision of April 28, 2011 to prohibit all members of the Hearing and Appeal Panels from acting as representatives of licensees who are the subject of an investigation by the Law Society.



## Statistical snapshot of lawyers and paralegals in Ontario

As part of its commitment to supporting diversity in the legal profession, the Law Society asked lawyers and paralegals to answer a voluntary demographic question in their 2009 annual report to the Law Society. The response rate was excellent. Approximately 58 per cent of paralegals and 51 per cent of lawyers answered the question, providing an accurate 'snapshot' of the demographic makeup of the profession. View the snapshot on the Law Society website at <http://www.lsuc.on.ca/with.aspx?id=1176>

## June 3, 2011 Special Convocation Highlights

### Committee and other appointments

Convocation approved appointments to its committees and working groups and to several external boards that include Law Society appointees at a Special Convocation. The appointments follow the April 29 election of benchers for the 2011-2015 term.

#### Committee Chairs and Vice-Chairs:

**Access to Justice:** Marion Boyd (Chair), Michelle Haigh (Vice-Chair)

**Appeal Panel:** Mark Sandler (Chair), Linda Rothstein (Vice-Chair)

**Audit:** Christopher Bredt (Chair)

**Compensation Fund:** Susan McGrath (Chair)

**Equity and Aboriginal Issues:** Janet Minor (Chair), Raj Anand (Vice-Chair), Susan Hare (Vice-Chair)

**Finance:** Carol Hartman (Chair), Alan Silverstein (Vice-Chair)

**Government and Public Affairs:** Julian Porter (Co-Chair), Christopher Bredt (Co-Chair),  
Marion Boyd (Vice-Chair)

**Heritage:** Constance Backhouse (Chair)

**Inter-Jurisdictional Mobility:** Thomas Conway (Chair)

**Litigation:** John Campion (Chair)

**Paralegal Standing Committee:** Cathy Corsetti (Chair), Susan McGrath (Vice-Chair)

**Priority Planning:** Laurie H. Pawlitza (Chair)

**Proceedings Authorization Committee:** Julian Porter (Chair), Beth Symes (Vice-Chair)

**Professional Development and Competence:** Thomas Conway (Chair),  
Mary Louise Dickson (Vice-Chair), Alan Silverstein (Vice-Chair)

**Professional Regulation:** Paul Schabas (Chair), Susan Richer (Vice-Chair), Julian Porter (Vice-Chair)

**Summary Disposition Benchers:** Malcolm Mercer, Peter Wardle

**Tribunals:** Raj Anand (Chair), Adriana Doyle (Vice-Chair)



## May 2011 highlights

### Paralegal licensing receptions to begin November 2011

Beginning November 2011, the Law Society will host receptions to welcome new paralegal licensees. There will be two receptions each year, in April and November. The receptions were approved by the Paralegal Standing Committee following a survey of paralegal licensing candidates that indicated an overwhelming majority were in favour of holding the events.

### 2010 Change of Status Research Report released

Convocation received the 2010 Change of Status Research Report, for information. The report presents findings from an online survey of a sample of Law Society lawyers who changed professional status in 2009 and 2010. This is the second annual change of status report commissioned by the Law Society aimed at uncovering trends, including gender-related trends, in the movement of lawyers within the profession.

### Human Rights Monitoring Group

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

- Lawyers in Bahrain
- Lawyers in China

### Audit report

Convocation adopted Accounting Standards for Not-For-Profit Organizations as set out in Part III of the *Canadian Institute of Chartered Accountants Handbook* for the Law Society's financial reporting starting in the 2012 fiscal year. Convocation also approved the Law Society's revised Business Conduct Policy.

### Hearing Panel Appointments

Convocation appointed members of the Hearing Panel for a two-year term. Bencher Alan Gold was re-appointed Chair and Bencher Adriana Doyle was appointed Vice-Chair.

## April 2011 highlights

### Financial statements approved

Convocation approved the audited Annual Financial Statements for the Law Society for the year ending December 31, 2010. The Law Society remains in a sound financial position. For 2010, the Law Society is reporting an operating surplus of \$7.2 million. The surplus arises largely from the results of the Errors & Omissions Insurance Fund and the Compensation Fund. The General Fund, which reports the bulk of the Society's operations related to its regulatory and competence mandate, incurred a deficit of \$3.4 million. This deficit was smaller than budgeted. The 2010 budget incorporated the use of \$6.7 million from the General Fund balance to fund operating expenses. Convocation appointed Deloitte & Touche LLP as the Law Society and LibraryCo Inc. auditor for the 2011 financial year.



## Lakehead and Thompson Rivers University law degree programs approved

Convocation approved the proposed law degree academic programs of Lakehead University and Thompson Rivers University for the purpose of enabling graduates to enter the Law Society's Licensing Process without having to satisfy any additional requirements. The programs were approved with certain conditions including receiving appropriate governmental approval for the formation of a law school. The Federation of Law Societies of Canada recommended approval of the programs to law societies following a committee review.

## Report of the Return to Practice Working Group

Convocation received the Return to Practice Working Group Report, for information. The working group was created as part of the Retention of Women in Private Practice Project with a mandate to identify strategies and develop resources to facilitate the return of women lawyers to practice.

The Law Society has begun implementing the Working Group's recommendations to

- add to its website informational resources for lawyers and paralegals focused on the departure from and return to the practice of law or provision of legal services
- explore ways to provide or augment educational initiatives currently available for women who are transitioning back into practice by partnering with external associations to promote and assist in the delivery of their programs.

## Policy to prohibit benchers and members of the Hearing and Appeal Panel from representing licensees under investigation

Convocation approved a policy that prohibits benchers from representing licensees who are the subject of an investigation by the Law Society. Convocation also approved the policy as applicable to all members of the Hearing and Appeal Panels and authorized an amendment to the Adjudicator Code of Conduct to include the prohibition.



### Cathy Corsetti re-elected Chair of the Paralegal Standing Committee

Cathy Corsetti was re-elected the Chair of the Paralegal Standing Committee at its April 2011 meeting. The Chair is elected by the committee annually.



## Bill C-35 to authorize licensed paralegals to appear before immigration board

Bill C-35, *An Act to Amend the Immigration and Refugee Protection Act*, received Royal Assent on March 23, 2011. The Act comes into force on a date to be proclaimed. Once in force, the Act will authorize paralegals licensed by the Law Society to appear at the Immigration and Refugee Appeal Board without having to become a member of any other body. The Law Society made a submission to the Standing Committee on Citizenship and Immigration in November 2010, requesting that the bill be amended to permit licensed paralegals to provide immigration consulting services.

## Law Society to respond to Law Commission report on POA

The Law Society will make a submission to the Law Commission of Ontario regarding its interim report: “Modernizing the *Provincial Offences Act*: A New Framework and Other Reforms”, indicating that:

- the Law Society has no objection to the transferring of parking violations (Part II offences under the *Provincial Offences Act*) to the Administrative Monetary Penalty (AMP) process, but the Law Society continues to have concerns about the independence of screening and hearing officers and the availability of multi-language translation services; and
- the Law Society opposes the transfer of *Provincial Offences Act* Part I offences to the AMP process, particularly offences under the *Highway Traffic Act* and other offences related to preserving public safety.

## Paralegal award working group to be appointed

The Treasurer will appoint a working group to develop appropriate criteria for the creation of a Law Society Paralegal Professional Achievement Award.

## Revisions to licensing examination processes approved

Revisions approved at April Convocation will ensure that the lawyer and paralegal licensing examination writing processes remain fair and defensible and will establish greater consistency in the lawyer licensing process across provinces. The revisions, which include limiting the number of attempts to write and pass the licensing examinations, were approved in principle. Convocation will be asked to approve by-law amendments implementing the policy at a future meeting.

## Rules of Practice and Procedure amended to prohibit photography, etc. in hearings

Convocation approved an amendment to Rule 18 of the *Rules of Practice and Procedure* to prohibit photography, etc. in hearings. The prohibition is similar to a provision that was included in the previous version of the rules and is modelled on the language of s.136 of the *Courts of Justice Act*.



## Bencher News



### New Bencher elected

Peter C. Wardle was elected Bencher for the City of Toronto electoral region. Mr. Wardle fills the vacancy created by Laurie H. Pawlitza who, as Treasurer, is an *ex officio* bencher and does not hold office as an elected bencher.



### New Lay Bencher appointed

Jan Richardson was appointed a Lay Bencher of the Law Society by the Government of Ontario. Ms. Richardson is a manager with Community Services for the City of London. She is also a consultant and trainer on a wide range of topics including board governance.

## Recent Rule and By-Law Amendments

### June 2011 Convocation

#### By-Law 4 (Licensing) amended

Convocation amended By-Law 4 to reflect its April 28, 2011 policy decisions regarding revisions to the licensing examination process. The revisions, which include limiting the number of attempts to write and pass the licensing examinations, ensure that the lawyer and paralegal licensing examination writing processes remain fair and defensible and establish greater consistency in the lawyer licensing process across provinces. Convocation also amended the by-law to correct a qualification relating to the provision of legal services by law students, other than articling students.

### April 2011 Convocation

#### By-Law 9 and rules of conduct amended Re: trust account requirements

Convocation amended By-Law 9 (Financial Transactions and Records) and subrule 2.02(5) of the *Rules of Professional Conduct* to implement its decision in February 2011 regarding trust account requirements.

The rule amendments emphasize that a trust account must not be used for purposes outside the provision of legal services. The By-Law amendments introduce a requirement for licensees to record the purpose for which they are receiving or withdrawing funds from a trust account. Convocation also approved similar amendments to Rule 3.02 of the *Paralegal Rules of Conduct*.

#### By-Law 6.1 (Continuing Professional Development) amended

Convocation amended By-Law 6.1 (Continuing Professional Development) to clarify that out-of-Ontario legal practice experience relating to the CPD requirement for lawyers in their first two full years of practice in Ontario is limited to Canadian legal practice.

#### By-Law 4 (Licensing) amended

Convocation amended By-Law 4 (Licensing) to implement its decision, made February 2011, to provide for educational equivalency for members of adjudicative tribunals. Individuals with five or more full-time years of experience on one of the listed adjudicative tribunals are now exempt from the educational requirement for a paralegal licence.



## Roll-call votes

April 28, 2011

Access to Justice Committee Report:

Re: Proposed Submission to the Law Commission of Ontario on the Interim Report on the *Provincial Offences Act*

Ms. Boyd presented the report.

It was moved by Ms. Boyd, seconded by Ms. Haigh, that the Law Society make a submission to the Law Commission of Ontario in response to the release of the interim report: "Modernizing the *Provincial Offences Act*: A New Framework and Other Reforms," indicating that,

- the Law Society has no objection to the transferring of parking violations (Part II offences under the *Provincial Offences Act*) to the Administrative Monetary Penalty (AMP) process, and
- the Law Society opposes the transfer of *Provincial Offences Act* Part I offences to the AMP process, particularly offences under the *Highway Traffic Act* and other offences related to preserving public safety.

A friendly amendment was accepted to add the following to paragraph a.: "but the Law Society continues to have concerns about the independence of hearing and screening officers and the availability of multi-language translation in an AMP process."

Carried. For: 34; Against: 5; Abstentions: 5.

### Non-voting Benchers in attendance:

April 28, 2011 – P. Copeland, A. Feinstein, N. Finkelstein, P. Furlong, D. Murphy, R. Murray, J. Wardlaw, R. Yachetti

May 26, 2011 – R. Aaron, L. Banack, A. Feinstein, P. Furlong, G. Gottlieb, D. Murphy, H. Ross, G. Swaye, J. Wardlaw, B. Wright

June 3, 2011 – R. Aaron, L. Banack, G. Gottlieb, H. Ross, C. Ruby, G. Swaye, B. Wright

June 23, 2011 – L. Banack, A. Feinstein, P. Furlong, G. Gottlieb, R. Manes, D. Murphy, R. Murray, H. Ross, C. Ruby, G. Swaye, B. Wright

### CONVOCATION ATTENDANCE AND ROLL-CALL VOTES

	Attendance				Motions*
	Apr. 28	May. 26	Jun. 3	Jun. 23	
Pawlitza, Laurie H. (Treas.)	✓	✓	✓	✓	I
Aaron, Robert	✓				A
Anand, Raj	✓	✓	✓	✓	F
Backhouse, Constance	✓	✓	✓	✓	A
Banack, Larry	✓				Ab
Boyd, Marion	✓	✓	✓	✓	F
Braithwaite, Jack	✓	✓			F
Bredt, Christopher	✓	✓		✓	Ab
Callaghan, John		✓	✓	✓	
Campion, John	✓	✓	✓	✓	F
Caskey, James	✓				F
Chilcott, W. Dan	✓	✓			F
Conway, Thomas	✓	✓	✓	✓	F
Crowe, Marshall	✓				A
Daud, Aslam					
Dickson, Mary Louise	✓	✓		✓	F
Doyle, Adriana		✓	✓	✓	
Dray, Paul	✓			✓	
Elliott, Susan		✓		✓	
Epstein, Seymour	✓	✓	✓		A
Eustace, Lawrence	✓	✓	✓	✓	F
Evans, Robert		✓	✓	✓	
Falconer, Julian	✓	✓	✓	✓	F
Fleck, Carl	✓				F
Go, Avvy	✓				F
Gold, Alan	✓	✓		✓	F
Goldblatt, Howard		✓	✓	✓	
Gottlieb, Gary L.	✓				F
Haigh, Michelle	✓		✓	✓	F
Halajian, Jennifer	✓	✓	✓	✓	Ab
Hare, Susan		✓		✓	
Hartman, Carol		✓	✓	✓	
Heintzman, Thomas G.	✓				F
Horvat, Jacqueline		✓		✓	
Hunter, George		✓	✓	✓	
Kaplan, William E.					
Krishna, Vern	✓	✓	✓	✓	
Leiper, Janet		✓	✓	✓	
Lerner, Michael		✓	✓	✓	
Lewis, Doug	✓				F
MacLean, Virginia		✓		✓	
MacKenzie, Gavin	✓				F
McDowell, William		✓		✓	
McGrath, Susan	✓	✓		✓	F
Marmur, Dow	✓	✓		✓	Ab
Matheson, Wendy		✓	✓	✓	
Mercer, Malcolm		✓	✓	✓	
Millar, W.A. Derry					
Minor, Janet	✓	✓	✓	✓	Ab
Murchie, Barbara		✓		✓	
Porter, Julian	✓	✓	✓	✓	F
Potter, Judith	✓	✓		✓	F
Pustina, Nicholas J.	✓	✓		✓	F
Rabinovitch, Jack	✓	✓	✓	✓	F
Richardson, Jan		✓	✓	✓	
Richer, Susan	✓	✓	✓	✓	F
Robins, Sydney	✓	✓			F
Rock, Allan					
Ross, Heather	✓				A
Rothstein, Linda	✓			✓	
Ruby, Clayton	✓				
Sandler, Mark	✓	✓		✓	F
Scace, Arthur					
Scarfone, James		✓	✓	✓	
Schabas, Paul	✓	✓	✓	✓	F
Sikand, Baljit	✓				F
Silverstein, Alan	✓	✓	✓	✓	F
Simpson, William	✓				F
Strosberg, Catherine	✓	✓	✓	✓	F
Strosberg, Harvey		✓	✓	✓	
Sullivan, Joseph		✓	✓	✓	
Swaye, Gerald	✓				F
Symes, Beth	✓	✓		✓	F
Tough, Bonnie					
Wadden, Robert		✓		✓	
Wardle, Peter		✓			
Wright, Bradley	✓				F

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

There were no motions at the May 26, June 3 or June 23 Convocations requiring a roll-call vote



## REMEMBERING BONNIE TOUGH

Bonnie Tough grew up in Elliot Lake, where she was known as the girl who did well in school and pegged as someone who would succeed. Tough graduated from Osgoode Hall Law School in 1976 and completed her Master of Laws degree at Oxford University.

Since Tough's passing on May 6, 2011, colleagues have described her as one of Canada's pre-eminent lawyers, credited with helping to secure a class action settlement for tainted blood victims that was once the largest in Canada's history.

"She had beautiful judgment," said former Law Society Treasurer, Harvey Strosberg, Q.C., LSM, who worked with Tough to win the settlement. "She wanted to get down to the real issue, all the time. It was wonderful dealing with her; it was a joy."

Clerking at the Supreme Court of Canada marked the beginning of her 30-year-long law career. Tough practised at Blake, Cassels and Graydon LLP and later at Hodgson Tough. In 2005, with Kathryn Podrebarac, she founded Tough and Podrebarac LLP.

Tough served as a Law Society Benchers between 2007 and 2011 and was awarded an Honourary Doctor of Laws degree this spring.

In 1998, the Courts appointed Tough as one of four lawyers to oversee the dispersal of a \$1.5-billion dollar settlement fund for tainted blood victims. The landmark decision helped secure Tough's reputation as a talented litigator with an unwavering commitment to obtaining justice for those she represented.

British Columbia lawyer J. J. Camp, Q.C., who worked with Tough on the tainted blood case, recalls the admiration that even legal adversaries had for her. "She was simply an outstanding negotiator and therefore an outstanding lawyer," Mr. Camp said.

"When Bonnie passed, we advised all the participants in the hepatitis C community. The lawyer for the provincial and territorial governments said that he had been very privileged to have worked with such a fine negotiator."

Toronto lawyer Douglas Elliott, LSM, first met Tough at school in Elliot Lake, but lost track of where she ended up after graduation. As an articling student, Elliott says he was surprised to encounter Tough at a

legal proceeding and, later, rattled when she laid out a convincing argument and won the case.

"As tough as Bonnie was in the courtroom, she was a very kind and

compassionate person," Elliott said. "She really cared about her clients." Tough's distinct voice and infectious laugh won her friends easily and stoked affection and regard among those closest to her, he said.

A gourmand who hosted lively dinner parties with her spouse, Connie Reeve, and who enjoyed spending time at the couple's country home, Tough also ran half-marathons and practised yoga. "After years of happy life together, the fact that they married at a time when Bonnie was battling cancer was very moving for us all," Elliott said.

It was Tough's civility and intelligence that cemented his admiration. "She was just a model of how lawyers should conduct themselves."

According to Lay Benchers Cathy Strosberg, Tough met her cancer diagnosis with the same determination she applied to all challenges. "Bonnie's way was to deal with things head on: get the best information you can and get on with things," she said. "We talked about the sadness of dying, more than the anger. I admired her strength in being able to talk about it. She was always concerned about the other person. Bonnie was much more concerned about the people she was leaving behind."

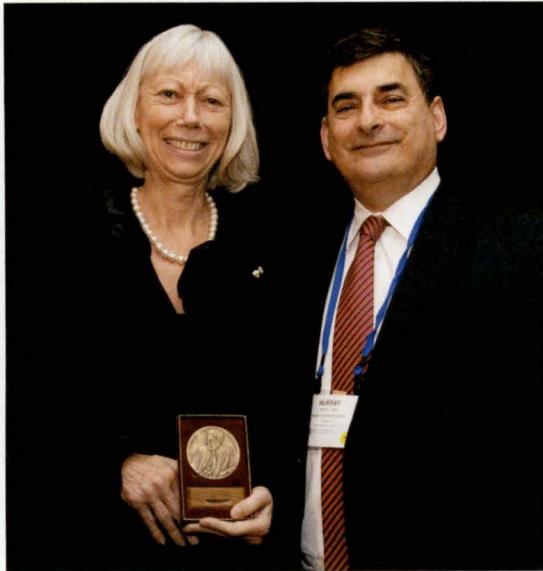
In late September 2010, friends, family and colleagues from across the legal profession turned out for an Ontario Bar Association Award ceremony honouring Tough with the Award for Excellence in Civil Litigation, and offered a thunderous applause as she accepted the honour.

"Bonnie cared deeply about the legal profession, she was a superb lawyer," Elliott said. "We're all so sad that she was taken from us too early." **OLG**





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



ONTARIO BAR ASSOCIATION

### Constance Backhouse honoured by OBA

Law Society Benchers Constance Backhouse was honoured by the OBA as it celebrated women in law at its 2011 Annual Awards Gala in May. An advocate for women in law and a prolific writer, Backhouse received the Mundell Medal for legal writing.

A law professor at the University of Ottawa, Professor Backhouse is internationally recognized as a legal historian for her feminist research and publications on gender and race within the Canadian legal system. She is the recipient of numerous awards and honours, including an honorary doctorate in 2002 and the Law Society Medal in 1998. She was also awarded the Order of Canada in 2008 and the Order of Ontario in 2010. She has served as an elected benchers since 2002.



### Treasurer Pawlitza receives WLAO 2011 President's Award

Law Society Treasurer Laurie H. Pawlitza (right) receives the Women's Law Association of Ontario (WLAO) 2011 President's Award from WLAO President Sharon Davis at the WLAO Annual Awards Gala in Toronto on June 7. The Treasurer received the award in recognition of her extraordinary contribution to the legal profession and, in particular, for her significant role in promoting the interests of women lawyers in Ontario.

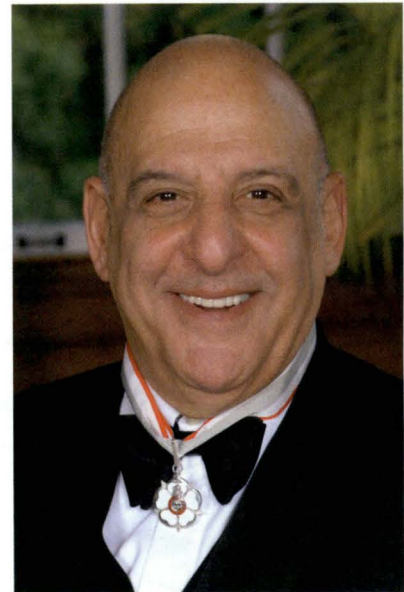
### Harvey Strosberg, Q.C., named winner of 2011 OBA Award for Excellence in Civil Litigation

Former Law Society Treasurer Harvey Strosberg, Q.C., is this year's recipient of the OBA Award for Excellence in Civil Litigation. The award recognizes contributions and achievements in outstanding advocacy skills, professionalism, integrity and civility, the teaching of civil litigation and the enhancement of the practice of civil litigation.

"He is a pioneer in the development of class action law in Ontario and he epitomizes the highest ideals of civility, professionalism and achievement in our profession," said Audrey Ramsay, Chair of the OBA's Nomination and Selection Committee.

A senior partner at Sutts, Strosberg LLP, Strosberg is considered a leading counsel in Canada and is widely recognized for his service to the governance of the profession. He was elected as a Law Society Benchers in 1987, 1991 and 1995. He served as Law Society Treasurer from June 1997 to June 1999. He was the primary author of the Insurance Task Force Report to Convocation which provided a blueprint for retiring the Law Society's insurance deficit in 1994. He also played a pivotal role in helping to make the Law Society's successful Lawyers Feed the Hungry Program a reality.

The award presentation will take place at a dinner in Mr. Strosberg's honour on October 25, 2011 at the Fairmont Royal York Hotel. For ticket information please visit [www.oba.org/civilaward](http://www.oba.org/civilaward)





## Lieutenant Commander Ken W. Osborne awarded US Meritorious Service Medal

Lieutenant Commander Ken W. Osborne, a member of the Law Society of Upper Canada, and a serving member with the Canadian Forces' Office of the Judge Advocate General, recently returned from his second tour in Afghanistan where he served as a Legal Mentor to the Afghan National Army's Judge Advocate General. He also served as a Canadian lawyer with the United States Combined Security Transition Command – Afghanistan (CSTC-A). As a Canadian lawyer serving with Operation Enduring Freedom, he was awarded the Meritorious Service Medal by the United States Government. The citation for the award reads as follows:

*"For exceptionally meritorious service while deployed in support of Operation Enduring Freedom as a Legal Advisor to the Afghan National Army for the Office of the Staff Judge Advocate, NATO Training Mission – Afghanistan and Combined Security Transition Command – Afghanistan. His outstanding leadership, experience and unwavering dedication brought about significant advancements in the rule of law. His performance of duty in a combat zone reflects great credit upon himself, the NATO Training Mission – Afghanistan and Combined Security Transition Command – Afghanistan, the United States of America and Canada."*

The US Meritorious Service Medal (US MSM) is presented to members of the US Armed Forces and to Foreign Military members who serve with US forces who distinguished themselves by outstanding meritorious achievement or service to the United States. To receive this award, the individual must exhibit exceptionally meritorious service at a high level of responsibility. Lieutenant Commander Osborne's award of the US MSM was published in the *Canada Gazette* on May 28, 2011.



MICHAEL FILIPPO OF M&L FOTOGRAHICS, AURORA, ONTARIO



### The Advocates' Society 2011-12 executive

**Mark D. Lerner** of Lerner's LLP in London, Ontario, will serve as President of The Advocates' Society for the 2011-12 term.

Joining Mark Lerner on the Society's 2011-12 Executive Committee are Peter H. Griffin of Lenczner Slaght Royce Smith Griffin LLP in Toronto (First Vice President); Alan H. Mark of Norton Rose OR LLP in Toronto (Second Vice President); Robert B. Bell of Borden Ladner Gervais LLP in Toronto (Treasurer), and Peter J. Lukasiewicz of Gowling Lafleur Henderson LLP (Secretary).

In remarks delivered at the Society's end-of-term dinner, Mr. Lerner focused on the Society's commitment to enhancing member services, including its creation of website-based practice groups that enable members in diverse geographic areas to connect with each other and to benefit from practice-specific news, blogs, question-and-answer exchanges and networking events. He also noted that the Society, enjoying record-breaking registration in its education programs, would continue to expand its educational offerings to provinces beyond Ontario.

Biographical information about The Advocates' Society's executive committee and board of directors is available at [www.advocates.ca](http://www.advocates.ca).



## THE LAW FOUNDATION OF ONTARIO – A BETTER FOUNDATION FOR JUSTICE

## Following the trail: From mixed trust account interest to access to justice

Most Ontario lawyers and paralegals are probably aware that interest earned on their mixed trust accounts goes somewhere – there's that annual compliance form to file after all – but may not have a full understanding of where the money ends up or how it's used.

Closing that circle, by informing legal professionals as to what's being achieved with this revenue, is the purpose of this new regular editorial contribution to the *Gazette* from the Law Foundation of Ontario. The LFO was created in 1974 and is the statutory body that receives all mixed trust account interest.

The LFO's mandate is to advance access to justice and to promote professional excellence, which it does in various ways including:

- *Funding for Legal Aid Ontario* – By law, 75 per cent of net mixed trust account revenues are directed by LFO to LAO, providing what is typically a significant supplemental income stream.
- *Grants* – Dozens of grants every year support law-related work on the part of diverse non-profit organizations, ranging from prominent groups with province-wide mandates such as Pro Bono Law Ontario through to small grassroots initiatives such as the Ontario Black History Society.
- *Support for Law Schools* – Annual multi-purpose grants to each of the province's law schools enable them to undertake educational enrichment and better achieve a margin of excellence.
- *Fellowships* – Various fellowships support articling positions at public interest organizations and at agencies serving remote communities and linguistic minorities, and help to forge better links between community leaders and academia.

The significant collective impact of this work includes: enabling better and often more innovative service delivery to Ontarians who face barriers in accessing justice; enabling more law students to enter into public interest careers; and supporting professional excellence through legal education for both students and the practising bar.

And while the work of the LFO is by no means the only public service initiative for which Ontario's legal community can claim credit, it is certainly among the most significant.



Such work is of course not without its challenges, and the LFO's approaches are continually evolving.

Key among current challenges are rock-bottom interest rates which are affecting mixed trust account revenues. These revenues rebounded moderately in 2010, but at \$13.8 million they were well below both a 10-year average of \$36.6 million and a 2007 peak of \$76.9 million.

Fortunately, this revenue impact was offset to a degree by last year's launch of the national Access to Justice Fund. Its creation was made possible by the receipt of \$14.6 million under the terms of a class action settlement.<sup>1</sup> This represented a precedent-setting use of *cy-près* funds and is one of the most significant milestones in the LFO's history. Grants have been approved for projects relating to Aboriginal Peoples, linguistic minorities and rural residents, legal self-help, domestic violence and consumer rights.

Further information regarding LFO activities and recent developments is available in its just-released 2010 annual report (pictured above) at: [www.lawfoundation.on.ca/annual.php](http://www.lawfoundation.on.ca/annual.php). And watch this space for future updates and information... 

<sup>1</sup> *Cassano v. Toronto Dominion Bank 2009 Can LII 35732 (ON S.C.)*



CONNECTING  
COMMUNITIES

## Bridging language and distance for greater access to justice

New immigrants are not able to rent an apartment because they are told they need references from a landlord in Canada. Migrant farm workers are not paid the wages they're legally entitled to and are afraid to complain. Low-income rural residents are caught in questionable energy contracts and, without access to transportation, can't get to the agencies that could help them.

These scenarios are all too common for newcomers and people living in rural or remote communities as they often face significant barriers to accessing legal information and services.

Connecting Communities, a three-year pilot project funded by the Law Foundation of Ontario (LFO), is addressing some of these barriers through innovative training projects. These projects strengthen connections between legal and community organizations and build the capacity of front-line workers to provide legal information and effective referrals to people who do not speak English or French, or who live in rural or remote communities.

As Atulya Sharman of the South Asian Legal Clinic of Ontario puts it: "A lack of information can especially impact people from disadvantaged groups, such as immigrants, women, and racialized communities. Accurate legal information at an early stage is essential to prevent disasters and to ensure a higher chance of successful resolution of the problem."

The LFO has given CLEO (Community Legal Education Ontario/Éducation juridique communautaire Ontario) responsibility for leading this initiative. For over 35 years, CLEO has produced reliable and accessible legal information about people's most critical legal rights.

"The Connecting Communities Consortium focuses on increasing access to justice and building capacity in underserved communities," says Mark Sandler, chair of the LFO. "We are very excited that we have had the opportunity to undertake this project through our Access to Justice Fund, thanks to a *cy-près* award that was directed to the Foundation in a recent class action."

"Our work has always involved working with community partners," says Julie Mathews, CLEO's Executive Director. "And Connecting Communities is leading to greater collaboration between organizations to ensure that people recognize their legal rights and know how and where to get the appropriate legal advice or services."

In the first of the training projects, the Centre for Equality Rights in Accommodation has partnered with COSTI Immigrant Services and the Advocacy Centre for Tenants Ontario to train settlement workers to better help their newcomer clients understand and protect their housing rights.



**Vivien Green (on the right), talking to two participants at the Ontario Council of Agencies Serving Immigrants (OCASI) Professional Development Conference held in May 2011.**

One worker said that her clients had experienced every kind of issue raised in the training. "It is so important to learn about how to assist our clients to respond when these things happen to them."

In an upcoming training project, Community Law School (Sarnia-Lambton) Inc. is partnering with Pro Bono Students Canada, Community Legal Services at the University of Western Ontario, North Lambton Social Services, and Lambton College to train front-line service providers on consumer protection issues faced by people in rural communities. This project will develop local advisory groups in four rural regions of Ontario to identify training needs and provide ongoing coordination of services to vulnerable rural residents.

A Training Committee, made up of service providers from agencies actively involved in community legal education, is guiding the individual training projects. The next step will be to promote better practices and new ideas through a provincial community legal education network.

"One of the most exciting aspects of this initiative is the commitment to looking deeply into communities and working with the trusted intermediaries, the people who really have access to those who need legal information," says Vivien Green, Connecting Communities Project Manager.

"We are also interested in training people who may not traditionally be seen as those who might help someone who has a problem with a legal aspect to it – and if training a librarian or Meals-On-Wheels volunteer will help people get the legal information or referral they need when they need it, this project is going to really make a difference."

For more information about Connecting Communities, contact Vivien Green at [green@lao.on.ca](mailto:green@lao.on.ca). 



## A privilege to serve and protect



ONTARIO  
BAR ASSOCIATION  
A Branch of the  
Canadian Bar Association

L'ASSOCIATION DU  
BARREAU DE L'ONTARIO  
Une division de l'Association  
du Barreau canadien

Privilege is at the centre of lawyers' ability to serve their clients. However, like many of the fundamentals of our justice system, it is easy to take privilege for granted and, the more it is taken for granted, the easier it is to chip away at it, especially inadvertently. Two centuries into its history, privilege is still in need of vigilant protection. This was proven twice as 2010 drew to a close.

In August 2010, the federal government proposed tax reform legislation that required "advisors" to disclose certain "reportable transactions." The broad definition of advisors included lawyers and the reporting requirements, on their face, included a requirement to disclose privileged information. The Canadian Bar Association highlighted the potential threat to privilege and advocated for an amendment to protect that fundamental right of solicitors' clients. In its response to the CBA, the government indicated that there was no intention to undermine privilege and committed to reviewing a possible amendment that would make explicit the commitment to protect privilege.

A few months later, it was the Ontario Bar Association's turn to come to the aid of the administration of justice and clients who rely on privilege. In November 2010, the Ontario Government introduced Bill 122, the *Broader Public Sector Accountability Act, 2010* ("BPSAA"). The Act, which was passed in December 2010, was designed to respond to much-publicized concerns about the use of public funds to pay lobbyists and other consultants. Of concern to the OBA was the BPSAA's requirement that public sector organizations disclose certain details about their use of "consultants." The Act defined consultant as

a person or entity that under an agreement, other than an employment agreement, *provides expert or strategic advice and related services for consideration and decision-making.*

The solicitor/client relationship was, possibly inadvertently, caught by the definition of consultant and, therefore, by the disclosure requirements.

In its submission to government and the legislative committee, the OBA identified the potential for a violation of privilege and advocated for appropriate exclusions.


In response to these concerns, the Bill was amended at standing committee such that the BPSAA now provides:

Nothing in this Act shall operate so as to require the disclosure of information that is subject to solicitor-client privilege, litigation privilege or settlement privilege.

As a further response to the OBA's submission, the directives made pursuant to the BPSAA provide more specific protection. Recognizing the OBA's position that the retention of a solicitor is itself privileged in at least some instances, the solicitor/client relationship has been exempted from disclosure requirements. The directives for Local Health Integration Networks, for example, provide that these clients are:

...not required to report on instances where they have retained lawyers and law firms to provide legal advice, draft legal documents, conduct litigation on their behalf, or otherwise for the purpose of providing legal services...

Given the intelligent and careful response by both levels of government to the concerns raised by the CBA and the OBA, it is clear that privilege is a right that governments respect. In addition, some may say that the need for explicit legislative provisions to protect privilege is mitigated by jurisprudence holding that legislated disclosure requirements do not override privilege unless they do so explicitly. These factors are unlikely to be sufficient comfort for lawyers and clients who are put in the position of determining whether or not they are complying with the law. Privilege may be waived in the name of risk-avoidance and will become less powerful. No one wants to be a test case and no one should have to be. Where legislated disclosure requirements could be interpreted to infringe on privilege, explicit protections are necessary.

To view the OBA's submission on the BPSAA and learn more about the OBA's public policy advocacy on behalf of the profession and the administration of justice, visit [www.oba.org/submissions](http://www.oba.org/submissions). 




# Congratulations, you are officially a lawyer!

## Now what?

You have worked hard, very hard. You have survived years of undergraduate study, the competition to get into law school, the rigorous demands of legal academia, learning to think like a lawyer, articling and seeking the right position. Now what? When the call to the Bar ceremony is over and it's time to carve a career path as a lawyer, some people handle the transition well. Others may find the challenges a bit overwhelming.

### Here are 10 tips to help you manage your new responsibilities:

1. Realize that learning the law continues daily after law school and articling and in all your years of practice. The law is not static and you will always need and want to improve your skills, adapt to changing legislation and incorporate new techniques into your day-to-day business.
2. Use the many resources available to you through the Law Society website at [www.lsuc.on.ca](http://www.lsuc.on.ca). In the "For Lawyers" section, you will have access to Membership Services, as well as Continuing Professional Development (CPD) information and resources.
3. There will be times when you will need to rely heavily on your emotional intelligence to bring you the result you need. This means you will need to develop confidence. You will also need to motivate yourself and take initiative, and to build fruitful and productive relationships. It also means you will need to exercise patience, be flexible, treat others with respect, and to accept what you can and cannot control. The online Coaching Clinic available through LAWPRO's practicePRO ([www.practicepro.ca](http://www.practicepro.ca)) has modules that help you learn the "soft skills" that are critical for becoming more productive and effective in your personal and professional life.
4. To help you learn about risk management, claims prevention and law practice management, access the resources, precedents and checklists at [practicepro.ca](http://practicepro.ca). The "Managing" series is a great resource to deal with lawyer/client relationships, conflicts of interest, finances, privacy and security of electronic data, and more.
5. Reflect on what you really want as a lawyer, as well as your personal and professional boundaries – and how you maintain them. If you find that you are disillusioned, re-evaluate whether the problem is the practice of law itself or your particular type of practice. Then make changes. Do not throw your law career away until you have explored all your options within the legal field. Having a law degree opens many doors and gives you lots of choices.
6. Stay connected to your peers. This will help you evaluate how you are doing and whether the demands of practice are reasonable. These connections will also give you a social outlet to maintain friendships. This is one of the most powerful tools you can use to maintain perspective and balance.
7. Recognize that not all lawyers make large amounts of money. If money is your complete focus, that will govern your choices in practising law.
8. Recognize that even though lawyers are great problem solvers, they sometimes need assistance too. Call OLAP (1-877-576-6227) for peer support from lawyers who understand your issues and the lawyer culture. OLAP offers free counselling for issues with stress, burnout, addictions and mental wellness.
9. Take care of yourself physically. Maintain balance in your nutrition and get enough rest. Cut down on or cut out alcohol, caffeine and smoking. Take time to have a break at regular intervals during the day to rest your mind and body.
10. Establish your own personal 'board of directors.' Ask people who can guide you to meet for breakfast once a month to look at areas of life that affect you, but are interesting to everyone at the table, such as the day-to-day balance in law and in life, financial planning and values.

You deserve to wake up in the morning looking forward to another day, rather than wishing you did not have to go to the office. 



*John Starzynski is the Volunteer Director, Peer Support and Liaison at the Ontario Lawyers Assistance Program. The number for 24-hour, confidential, free peer support and counselling is 1-877-576-6227. Access a range of resources at [www.olap.ca](http://www.olap.ca)*



## Rule of Law: Road to Justice event



*Pictured here, from left to right, are: Vice-President of the Federation of Asian Canadian Lawyers, lawyer Paul Saguil; lawyer, Director of the Metro Toronto Chinese and Southeast Asian Legal Clinic and former Law Society Benchers, Avvy Go; lawyer, Chinese Canadian historian, Dora Nipp; The Honourable Justice Maryka Omatsu; and lawyer and leading Redress Campaign activist, Gary Yee.*

On March 29, the Law Society and the Metro Toronto Chinese and Southeast Asian Legal Clinic (MTCALC) co-launched a website, [roadtojustice.ca](http://roadtojustice.ca), dedicated to increasing awareness about the historical injustices to people of Chinese descent.

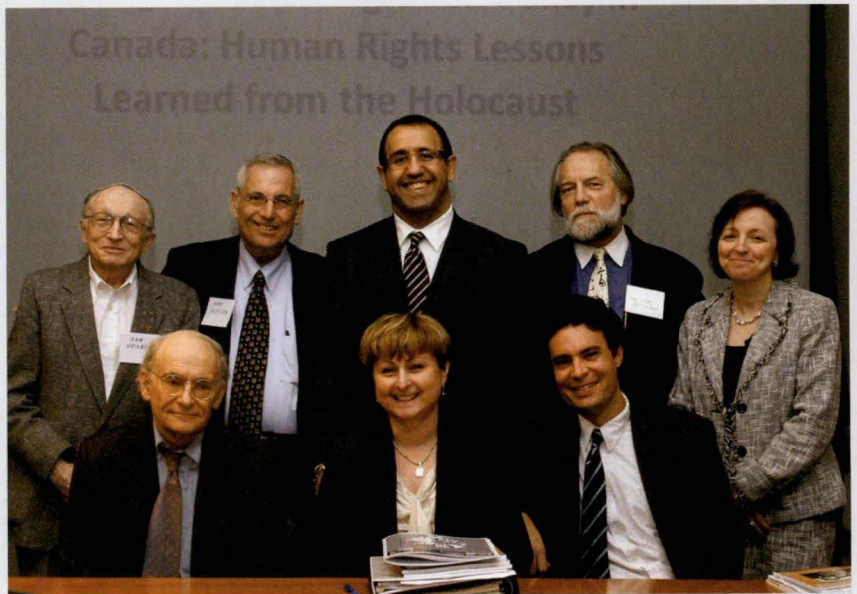
The Honourable Justice Maryka Omatsu, lawyers Avvy Go, Paul Saguil and Gary Yee, as well as lawyer and Canadian historian Dora Nipp, were among the panellists who gathered in the Lamont Learning Centre at Osgoode Hall to discuss the historical use of law by governments to restrict the rights of Chinese Canadians.

## Holocaust Remembrance Day

The Law Society and the League for Human Rights of B'nai Brith Canada hosted a public forum on May 2, commemorating Holocaust Remembrance Day. Holocaust survivor Sam Weisberg was a guest of honour.

Benchers Janet Minor, Chair of the Equity and Aboriginal Issues Committee, welcomed a panel of legal experts who discussed how best to implement lessons learned from the plight of Holocaust-era refugees. Panellists included: Angus Grant, a lawyer specializing in constitutional, immigration and refugee law; David Matas C.M., senior legal counsel with B'nai Brith and international human rights lawyer; Guidy Mamann, an immigration lawyer; Nancy Weisman, a lawyer with the Immigration and Refugee Board of Canada; and Anita Bromberg, National Director of Legal Affairs B'nai Brith.

Professor Alain Goldschlager, who is also the Ontario Region Chair of the League of Human Rights of B'nai Brith, offered closing remarks.



*Shown here standing, from left to right, are: Holocaust survivor Sam Weisberg; Law Society Benchers Gary Gottlieb; immigration lawyer Guidy Mamann; Ontario Region Chair of the League of Human Rights of B'nai Brith, Professor Alain Goldschlager; National Director of Legal Affairs B'nai Brith, Anita Bromberg; Seated are: Senior Legal Counsel with B'nai Brith and international human rights lawyer, David Matas C.M.; Immigration and Refugee Board of Canada lawyer, Nancy Weisman; and Angus Grant, a lawyer specializing in Constitutional, immigration and refugee law.*



## Asian and South Asian Heritage Month event examines diversity and success in today's workplace



Moderator André Bacchus, Director, Professional Development at Heenan Blaikie LLP, (standing on left) with panel members Andrew Pinto, Partner, Pinto, Wray, James LLP; Malliha Wilson, Assistant Deputy Attorney General, Legal Services, Government of Ontario (standing); Dal Bhatthal, Chief Executive Officer and Managing Director, Eastern Canada, The Counsel Network® (seated on left); and Gail Wong, Director, Student Programs, McCarthy Tétrault LLP (seated on right).

A panel of experts discussed diversity in the workplace and looked at how law firms, governments and businesses are redefining the notion of finding the 'right fit' when hiring lawyers, particularly lawyers from diverse backgrounds, at an event held at the Law Society on May 24 to celebrate Asian and South Asian Heritage month.

More than 200 lawyers, paralegals and members of the public attended the panel discussion and 150 remained for the networking reception. Celebrating Asian and South Asian Heritage Month is an opportunity to celebrate the increasing diversity of the legal profession and to showcase the achievements and contributions of Asian and South Asian Canadian lawyers. The event was hosted by the Law Society of Upper Canada, the Federation of Asian Canadian Lawyers, and the South Asian Bar Association.

## National Aboriginal Heritage Month

The Law Society hosted a seminar on June 9, exploring the nature of Aboriginal business practices. Corporate lawyer Bernd Christmas, of Bernd Christmas Law Group, outlined best practices for corporations doing business with and providing legal services to First Nations, Métis and Inuit communities.

At a reception following Mr. Christmas' seminar, Tom Molloy, O.C., Q.C., counsel with Saskatoon law firm MacPherson Leslie & Tyerman LLP and renowned treaty negotiator, spoke about landmark Aboriginal claims. Mr. Molloy is currently involved in the negotiations taking place between the Haudenosaunee/Six Nations and the Ontario government regarding disputed lands in Caledonia, Ont.



Pictured here, from left to right: Marisha Roman, Law Society Counsel, Aboriginal Issues; Tom Molloy, O.C., Q.C., counsel with Saskatoon law firm MacPherson Leslie & Tyerman LLP and renowned treaty negotiator; Law Society Benchers, Susan M. Hare; and Ojibway Elder Alex Jacobs, Waasaanese.





Standing, from left to right: Laurie Letheren, staff lawyer with the ARCH Disability Law Centre; lawyer David Rosenfeld at Koskie Minsky LLP; lawyer Karen R. Spector, sole practitioner; Front row, left to right: Ravi Malhotra, Associate Professor, Faculty of Law, University of Ottawa; Marianna Adams and Andreas Prinz – each self-advocates with Advocating for a Better Future.

## Access Awareness

On June 20, the Law Society hosted an Access Awareness symposium where panellists discussed recent developments and unique ways to advance disability rights beyond charter litigation.

Panel members included lawyer Laurie Letheren, staff lawyer with the ARCH Disability Law Centre; Ravi Malhotra, Associate Professor, University of Ottawa Faculty of Law; lawyer Karen R. Spector; lawyer David Rosenfeld; as well as Marianna Adams and Andreas Prinz from Advocating for a Better Future.

## Pride Week

A group of panellists looked at the issues and challenges of lesbian, gay, bisexual and transgender (LGBT) immigrants and refugees at a Law Society forum on June 23 to celebrate Pride Week. The event was hosted by the Law Society of Upper Canada and the Ontario Bar Association's Sexual Orientation and Gender Identity Section.



Shown here, front row, left to right: Lisa Gore, LGBTQ Newcomers Services Co-ordinator, The 519 Church Street Community Centre; Sam Laredo, Interview Working Group Leader, Immigration and Refugee Board of Canada; and Arsham Parsi, Executive Director, Iranian Railroad for Queer Refugees. Back row, left to right: Milé Komlen, Chair of the OBA's Sexual Orientation and Gender Identity Section; Michael Battista, immigration lawyer; and Trisha Steinberg, Women's Outreach and Education Program Consultant, Asian Community AIDS Services.

Cynthia Petersen, LSM (right), poses with Law Society Benchers Janet Minor, and OBA Sexual Orientation and Gender Identity Section Chair, Milé Komlen, at the 2011 Pride Week reception at the Law Society on June 23. Petersen, who is also the Law Society's Discrimination and Harassment Counsel, was this year's Pride Honoree and reception keynote speaker. In May, she received the Law Society Medal in recognition of her work in advancing the equality rights of lesbian, gay, bisexual and transgender (LGBT) people through her legal work.



## Events held to assist Lawyers Feed the Hungry

Each year, special events are held by members of the legal community to raise funds for the Lawyers Feed the Hungry Program. Operated by the Law Society Foundation, the program is aimed at providing hunger relief to persons in need and is funded completely by donations, with administrative support provided by the Law Society. More than 90 per cent of funds raised go directly to operating the program.

The Lawyers Feed the Hungry Program needs your help so that it may continue to provide approximately 10,000 meals a month to residents in need, as well as provide funding to other hunger relief organizations. To find out how you can make a tax-deductible contribution to support the Lawyers Feed the Hungry Program which operates in Toronto, Ottawa, London and Windsor, visit the website at: <http://www.lawyersfeedthehungry.ca/>



### Bugsy and Ken Charity Golf Tournament

More than 100 golfers participated in the seventh annual Bugsy and Ken Charity Golf Tournament on June 15 in Richmond Hill, which raised more than \$60,000 to help the Toronto Lawyers Feed the Hungry Program. The event is held in tribute to the memory of David H. Newman Q.C., and Ken Danson.

The event included a reception, dinner and live auction. Special thanks go to tournament founder and lead organizer Michael Gary and his organizing team for continuing to make this event happen each year:

- Jon Rosenthal
- Rachel Grinberg
- John Danson
- Jeremy Lum-Danson
- Francesca Yazkiel
- Peter Danson
- David Cohn
- Marcy Segal
- Adam Newman
- Richard Goldman
- Victoria Danson
- Irwin Isenstein
- Harry Frymer

In total, the annual tournaments have raised over \$300,000 for the Toronto Program.

*At the tournament, are: Larry Banack of Koskie Minsky LLP (kneeling), and standing from left to right: Stan Kugelmass, of Blaney McMurtry LLP, Dr. Alan Banack and Ian MacInnis, of Fogler Rubinoff LLP.*

### Rockin' the Courthouse Concert

Lawyers "rocked" at the Rockin' the Courthouse concert held on May 6. The concert was a sold-out event that generated funds to provide approximately 2,800 meals to Toronto's residents in need through the Toronto Lawyers Feed the Hungry Program. Featuring lawyer bands and a showcase band from League of Rock™, the event was the first of its kind for the Toronto Lawyers Feed the Hungry Program.



*Rockin' the Courthouse event organizer John McMillan, plays Led Zeppelin on his harp guitar, with lawyer band, "The Loopholes."*

Thanks go to all event sponsors: The League of Rock™; McMillan Law Professional Corporation; Gardiner Roberts LLP; Howie, Sacks & Henry LLP; and Paliare Roland Rosenberg Rothstein LLP.

### Lawyers Feed the Hungry Program receives special donation from Thomson, Rogers



PHOTO BY RAPPORT COMMUNICATIONS & DESIGN INC.

Toronto law firm Thomson, Rogers celebrated its 75<sup>th</sup> anniversary on June 7 at the Four Seasons Centre for the Performing Arts in Toronto. To commemorate this milestone, the firm made a special donation of \$75,000 to the Toronto Lawyers Feed the Hungry Program during the anniversary gala. Pictured from left to right are: Douglas Goudie, Q.C., retired partner; Kenneth Howie, Q.C., partner; Lawrence Mandel, Q.C., partner; managing partner Alan Farrer and Malcolm Heins, Chief Executive Officer of the Law Society of Upper Canada and a Trustee of the Law Society Foundation.



## JUDICIAL APPOINTMENTS

### **Federal Judicial Affairs**

*Effective August 15, 2011*

Mr. William Brooks  
Commissioner for Federal Judicial Affairs

### **Ontario Superior Court of Justice**

*Effective June 24, 2011*

The Honourable Kenneth L. Campbell  
The Honourable F. Bruce Fitzpatrick

### **Ontario Court of Justice**

*Effective May 25, 2011*

Her Worship Justice of the Peace Sylvie-Émanuelle Bourbonnais  
Her Worship Justice of the Peace Carol Anne Chernish  
Her Worship Justice of the Peace Julie Lauzon  
Her Worship Justice of the Peace Karen Marie Murphy  
Her Worship Justice of the Peace Linda Elizabeth Christine Pearson  
Her Worship Justice of the Peace Nancy Elizabeth Rogers-Bain  
Her Worship Justice of the Peace Lauren Mary Scully  
Her Worship Justice of the Peace Claire Thérèse Robinson Winchester

*Effective July 19, 2011*

Her Worship Justice of the Peace Bridget Irene Forster  
Regional Senior Justice of the Peace for the West Region

*Effective July 29, 2011*

Her Worship Justice of the Peace Carol Ann May Allison  
His Worship Justice of the Peace D. Wayne Buchanan  
His Worship Justice of the Peace Mohammed Brihmi  
Her Worship Justice of the Peace Leslie Ann Kirke  
Her Worship Justice of the Peace Rhonda Roffey  
Her Worship Justice of the Peace Cristina M. Almeida Santos

*Effective October 22, 2011*

Her Worship Justice of the Peace Linda Kay  
Regional Senior Justice of the Peace for the Central East Region

### **Correction**

In the Life Members list in the Spring 2011 issue of the *Ontario Lawyers Gazette*, Vol. 15, No. 1, the surname of Donald K. Johnston of Welland, Ontario was misspelled. We regret the error.



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