



# Benchers Bulletin

June 1993 Vol. 1 No. 9

## Comments sought on proposed non-discrimination rule

Members of the legal profession are invited to comment on the draft of a proposed non-discrimination rule which is being circulated to all Ontario lawyers with this issue of the *Benchers Bulletin*.

If passed, it would become Rule 28 of the Rules of Professional Conduct. The draft is a restatement of Commentary 5 to Rule 13 "Responsibility to the Profession Generally" which prohibits discrimination on the grounds set out in the Ontario Human Rights Code. In addition, twelve individual commentaries have been provided elaborating on its various provisions. The examples

of discriminatory behaviour cited in the commentaries are ones which have been found by courts and tribunals to violate the Human Rights Code (HRC) or may be, according to human rights professionals, in violation of the Code. Citations of recent court and tribunal decisions are appended to the draft.

The primary purpose of the draft rule is to alert members to the extent of their professional responsibility consistent with the HRC. The committee drafting the rule benefited from discussions held with managing partners during the course of focus

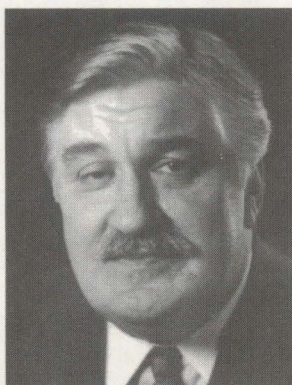
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## New Treasurer to head Law Society

Paul Lamek of Toronto was elected the Law Society's 55th Treasurer on June 25. Mr. Lamek assumed the post immediately following his third ballot victory in an election which was also contested by fellow benchers Marc Somerville of Kitchener and Colin McKinnon of Ottawa.

Elected a bencher twice since 1987, Mr. Lamek has served on several Law Society committees and has chaired the Discipline Policy Committee and most recently, the Legal Education Committee. A certified specialist in civil litigation, he is a partner in the Toronto firm of Genest Murray DesBrisay Lamek where he carries on a civil litigation practice.



**Paul Lamek**

The focus of Mr. Lamek's term as Treasurer will be on establishing priorities among the Society's many programs and activities at a time when financial resources are scarce and members of the profession expect the Society to hold the line on fees.

"The Law Society has an obligation to ensure that it functions responsibly as a governing body. This obligation extends to both members of the profession who fund our activities and the public who expect value for the privilege of self-governance," Mr. Lamek said.



group sessions in Ottawa, London, Hamilton and Toronto to review hiring practises and procedures for selecting articling students and new lawyers. Law firm partners charged with the task of hiring employees expressed a strong interest in receiving guidance from the Society on these matters.

Although non-discrimination provisions have existed in the Rules of Professional Conduct for some considerable time, highlighting and elaborating the rule will assist law firms in dealing with upcoming employment equity legislation which the Ontario Government intends to pass in the near future. The legislation will apply to four target groups: women, visible minorities, disabled persons and aboriginal peoples.

Programs designed to encourage greater representation of visible minorities in Ontario law schools, have increased enrolment levels among visible minorities and aboriginal peoples to 20 per cent of first year classes. Greater numbers of minority students are now beginning to graduate from law school and are seeking entry into the legal profession through traditional articling and employment channels. Law Society statistics for the last two successive years show that these students are over-represented among those unable to secure articles or permanent employment following their call to the bar. It is imperative that the profession accommodate these students and the proposed rule ensures that the legal profession will provide the necessary leadership on this important social issue.

Comments and suggestions regarding the draft rule should be received in writing by August 15 and addressed to the attention of Mr. Donald Crosbie, Under-Treasurer, Law Society of Upper Canada, Osgoode Hall, 130 Queen St. W., Toronto, M5H 1N6. Fax (416) 947-5967

## New guidelines for articling interviews

The Law Society has approved a set of interim guidelines to assist members who are recruiting articling students over the next few months. The guidelines alert members to the non-discrimination provisions of the Ontario Human Rights Code and suggest appropriate interview protocols to deal with the issues of hiring criteria and inquiries that can properly be

made during the course of an interview. They were developed in conjunction with the Equity Committee's work on the proposed non-discrimination rule.

Following articling student interviews in 1992, the Law Society received reports from students that some lawyers conducting interviews were asking questions that appeared to contravene the Human Rights Code. According to data gathered from Law Society questionnaires administered to incoming bar admission students, candidates for positions reported being asked questions relating to their age, religious affiliation, heritage, marital status and childbearing plans.

It is expected that the interim guidelines will be replaced with a more comprehensive policy sometime in the fall. Members may request copies of the guidelines by contacting the Placement Office at (416) 947-3420.

## Non-bencher lawyers needed to serve on LSUC committees

Twelve members of the Ontario legal profession are being sought to serve on Law Society committees when they reconvene in September 1993. This marks the second year that non-bencher representatives are being recruited to participate in the work of eight of the Society's standing committees. Through the involvement of non-bencher members, the Society seeks to broaden its representation and benefit from the expertise found in the profession.

Members are being recruited for the following committees: research and planning, communications, legal education, women in the legal profession, professional standards, discipline policy, professional conduct and compensation fund.

Application packages with further details may be requested by contacting Simon Hodgett at (416) 947-3425. Only those completing an official application form will be considered by the selection committee. Members must apply before August 15th.



## Legal Aid pilot project update

- **Immigration law**

The Ontario Legal Aid Plan will be establishing a staff office in Toronto to represent refugee claimants at hearings before the Refugee Division of the Immigration and Refugee Board. The staff office will consist of six lawyers, six paralegals and three support staff. The pilot project, which will run for a three-year period, will serve approximately 1,150 clients annually at a cost of \$1.1 million.

- **Family law**

The Legal Aid Committee will be releasing its final recommendations with respect to family law pilot projects in the fall of 1993. It is expected that the committee will come forward with a proposal to create two staff office models: a limited service model offering assistance only with uncontested divorces and adoptions and a women's family law centre which would offer both legal and non-legal services such as advocacy, crisis counselling, interpreter services and law reform lobbying.

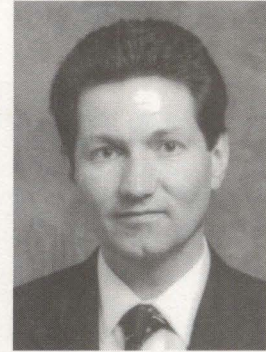
For further details on the pilot projects please see this month's issue of the Legal Aid Bulletin.

## Coming in the fall

- **Family law checklist.** Practitioners will receive a practical reference guide to assist them in the delivery of competent services to family law clients. The content of the material is designed to take lawyers through a family law case beginning with the initial interview through to trial and the enforcement and variation of orders. The guide has been developed in consultation with the Society's Errors & Omissions and Complaints Departments.
- **Client information system.** To assist lawyers in developing a consumer-focused orientation, the Law Society will be publishing a series of brochures for distribution exclusively through lawyers offices, which are geared towards managing client expectations of lawyers' services and the legal process. Written entirely from a consumer point-of-view, the brochures address the common issues and concerns that arise in the solicitor-cl-

## Law Society chief prosecutor departs

Senior discipline counsel Gavin MacKenzie joined the Toronto firm of Davies Ward & Beck as a partner on July 1, ending his three-year appointment as the Law Society's Discipline Director in which he appeared regularly before discipline hearing panels, admissions committees, Convocation and the courts.



**Gavin MacKenzie**

"Mr. MacKenzie has made a positive and lasting contribution to the Society's discipline department. He will be missed by both benchers and staff. I know he will approach his new endeavours with the same rigour and integrity which he applied to his work with us. We all wish him well," said Law Society Secretary Richard Tinsley.

Mr. MacKenzie is the author of *Lawyers and Ethics: Professional Responsibility and Discipline* which is being released by Carswell publishers this summer.

ent relationship. They have been developed in consultation with consumers, practitioners and a leading Canadian social marketing firm. The first four brochures in the series will be sold at cost beginning in October. The theme chosen for the series is reflected in the title of the lead brochure: "Lawyers & Clients: a guide to a successful relationship".

## List of suspensions

Pursuant to s.36 of the *Law Society Act*, the following member was suspended effective June 25, 1993 for not complying with annual filing requirements and failing to pay late filing fees:

Thomas Holyoake Box

Aurora



## Upcoming Events

September 23 Discipline Convocation  
September 24 Regular Convocation

### See you in September...

The Treasurer, senior management and staff of the Law Society wish members a pleasant and safe summer. *Benchers Bulletin* will publish again at the end of September.

A special thanks to all members who responded to our readership survey last month. More than 1,000 responses have been received to date. If you haven't sent us your copy, please forward by fax or mail by July 12th. Your input and suggestions will help us to serve you better.

## Planning a visit to Toronto?

Don't miss "*Crossing the Bar: A Century of Women's Experience Upon the Rough and Troubled Seas of Legal Practice in Ontario*". The exhibit runs until August 27, 1993 at the Law Society of Upper Canada Museum, Osgoode Hall.

The exhibit is open Monday to Friday from 10:00-4:30.

The Law Society  
of Upper Canada



Le Barreau  
du Haut-Canada

### Benchers Bulletin

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## Convocation attendance and roll-call votes

June 25, 1993	Attend		Motions*
	a.m.	p.m.	
Arnup, John			
Bastedo, Thomas	✓	✓	
Bellamy, Denise	✓	✓	
Bragagnolo, Rino	✓		
Brennan, Lloyd	✓	✓	
Campbell, Colin	✓		
Carter, Robert	✓		
Copeland, Paul			
Cullity, Maurice	✓	✓	
Curtis, Carole			
Elliott, Susan		✓	
Epstein, Philip	✓		
Feinstein, Abraham	✓		
Finkelstein, Neil	✓	✓	
Goudge, Stephen	✓	✓	
Graham, Netty	✓	✓	
Hickey, Michael			
Hill, Casey	✓	✓	
Howie, Kenneth			
Howland, William	✓		
Kiteley, Frances	✓	✓	
Krishna, Virender			
Lamont, Donald	✓		
Lax, Joan	✓	✓	
Legge, Laura	✓		
Lerner, Samuel			
Levy, Earl	✓		
McKinnon, Colin	✓	✓	
Manes, Ronald	✓		
Martin, Arthur			
Mohideen, Fatima	✓		
Murphy, Daniel	✓	✓	
Murray, Ross	✓		
O'Brien, Brendan			
O'Connor, Dennis			
O'Connor, Shirley	✓	✓	
Palmer, Julaine	✓		
Peters, Patricia	✓		
Richardson, Nora	✓	✓	
Robinette, John			
Rock, Allan			
Ruby, Clayton			
Scace, Arthur			
Scott, David	✓	✓	
Sealy, Hope	✓	✓	
Somerville, Marc	✓		
Strosberg, Harvey	✓		
Thom, Stuart	✓	✓	
Topp, Robert	✓		
Wardlaw, James	✓	✓	
Weaver, Mary	✓	✓	
Yachetti, Roger	✓		
Lamek, Paul (Treas.)	✓	✓	

### Non-voting Benchers in attendance

R. Cass, A. Lawrence, G.H. Farquharson, P. Furlong, K. Jarvis

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

There were no motions requiring a roll-call vote at the June 25 Convocation.