

# GAZETTE

PUBLISHED BY THE LAW SOCIETY OF UPPER CANADA / PUBLIÉE PAR LE BARREAU DU HAUT-CANADA

## **Celebrating Shirin Ebadi and the rule of law** Iran's first female judge and Nobel laureate inspires crowd at Law Society forum

### **FOCUS**

#### **Five-year review of paralegal regulation**

Paralegals: Well on their  
professional way

#### **Honour Roll**

Law Society awards recognize  
the best of the profession

Honorary doctorates  
presented to The Right  
Honourable Michaëlle Jean,  
Brian Greenspan, Dr. Shirin  
Ebadi and W. A. Derry Millar

#### **Call for input**

Proposed rule amendments

#### **Tour d'horizon**

Reportage sur le congrès  
de l'AJEFO à Collingwood

#### **In memoriam**

Leonard Austin Braithwaite  
1923–2012





## Notice

# Opening of the Courts September 12, 2012

Members of the judiciary, lawyers and paralegals are encouraged to attend the following events on September 12, 2012 to mark the Opening of the Courts for Ontario for 2012:

### Special Divine Interfaith Service: A Musical Celebration

Church of the Holy Trinity, 10 Trinity Square (Near the Eaton Centre)

10:00 a.m.

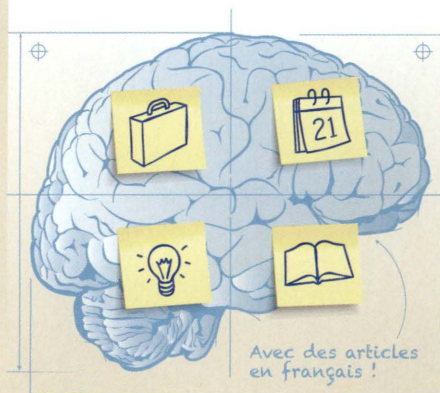
### Opening of the Courts

Courtroom No. 6-1, Toronto Court House, 361 University Avenue

3:30 p.m.

At the conclusion of the Opening of the Courts for Ontario, the Law Society of Upper Canada will host a **reception for members of the judiciary, lawyers and paralegals** in Convocation Hall, 130 Queen Street West, Toronto. Guests should enter the building through the main doors on the east side of Osgoode Hall.

Please join us to celebrate the accomplishments of our legal system.



**Know more. Often.**



# GAZETTE

## GAZETTE: ONLINE AND UP-TO-DATE

The *Gazette* is now online with practice tips, event information, rule changes, feature stories, photos and more.

"We're excited to offer the *Gazette* in this new format," said Roy Thomas, Director of Communications.

"It's an easy-to-use online version of the magazine you know, full of news and information for lawyers and paralegals," said Thomas, "and a great way to access the *Gazette* wherever you are, on whatever device you choose — computer, tablet or phone."

Recent articles have featured coverage of June's Call to the Bar ceremonies, wrap-ups of Pride Week and Aboriginal History Month events, a Q&A with The Right Honourable Michaëlle Jean and a variety of tips on how to better manage a busy practice.

To read the online *Gazette* yourself, visit [www.lawsocietygazette.ca](http://www.lawsocietygazette.ca)



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## Looking back, looking ahead

**WHAT AN HONOUR IT HAS BEEN TO SERVE AS THE TREASURER OF** the Law Society of Upper Canada!

I've learned much from the lawyers and paralegals I've met from across the province, throughout Canada, and from around the world.

As a family lawyer for more than 25 years, I am pleased by the part the Law Society has played in keeping alive the momentum for much-needed family law reform. We have a legislated mandate to facilitate access to justice, and over the past two years we have had some success in doing so.

In June, we launched the *Your Law: Family Law in Ontario* website. Its purpose is to consolidate the excellent family law resources, which are already available online, so that a 'one stop shop' exists for those members of the public with a family law issue. This website will contribute to a better justice system by educating the public about the questions they should ask and the issues they should consider when they face a family law problem.

I am also proud of the Law Society staff, our benchers and the profession, for the successful implementation of Continuing Professional Development—an initiative necessary

to demonstrate our commitment to our members' competence, and to reinforce public respect for our profession.

During my two-year term, we have also advanced the governance of the Law Society, by conducting the 2011 bench election online. As well, we have recently taken steps to improve our discipline system and increase its efficiency.

As you will read in the Focus section of this issue of the *Gazette*, the Law Society has completed its five-year review of paralegal regulation. Paralegals now operate within a regulatory structure very similar to the structure for lawyers. Over the past five years, we have established a well-regarded paralegal profession, and I fully



TREASURER LAURIE H. PAWLITZA

## MESSAGE DE LA TRÉSORIÈRE

### Une rétrospective pour penser à l'avenir

**QUEL HONNEUR J'AI EU D'AGIR COMME TRÉSORIÈRE DU BARREAU** du Haut-Canada !

J'ai beaucoup appris des avocats, avocates et parajuristes que j'ai rencontrés partout dans la province, au Canada et dans le monde entier.

En tant qu'avocate en droit de la famille depuis plus de 25 ans, je suis heureuse du rôle que le Barreau a joué pour maintenir l'élan de la nécessaire réforme du droit de la famille. Le mandat que la loi nous a confié vise à faciliter l'accès à la justice et nous y sommes parvenus dans une certaine mesure au cours des deux dernières années.

En juin, nous avons lancé le site *Web Your Law: Family Law in Ontario*. L'objectif de ce site est de consolider en un seul endroit les excellentes ressources en droit de la famille déjà offertes en ligne, pour les offrir aux membres du public concernés. Ce site Web contribuera à améliorer l'appareil judiciaire en informant les membres du public des questions qu'ils devraient poser et des enjeux qu'ils devraient prendre en compte lorsqu'ils ont un problème en droit de la famille.

Je suis aussi fière du personnel du Barreau, des membres de notre Conseil d'administration et de la profession, pour la réussite de la mise en œuvre de la formation professionnelle continue

— une initiative nécessaire pour démontrer notre engagement à assurer la compétence de nos membres et à renforcer le respect du public pour notre profession.

Pendant mon mandat de deux ans, nous avons aussi fait progresser la gouvernance du Barreau en menant en 2011 une élection en ligne. De plus, nous avons récemment pris des mesures pour améliorer notre système de discipline et en augmenter l'efficacité.

Comme vous le lirez dans le présent numéro de la *Gazette*, le Barreau a terminé son examen de la réglementation des parajuristes après cinq ans. Les parajuristes fonctionnent maintenant dans le cadre d'une structure réglementée très semblable à celle des avocats. Au cours des cinq dernières années, nous avons établi une profession parajuridique réputée et je m'attends à ce que la confiance du public en elle continue de se renforcer à mesure que la profession grandit.

Notre projet de rétention des avocates en pratique privée continue de montrer des signes de succès avec le récent lancement du programme d'encadrement professionnel pour les avocates en pratique autonome et en petits cabinets. De plus, le projet du Barreau Justicia, qui bénéficie de la collaboration de 58 grands



expect that public confidence in it will continue to strengthen as the paralegal profession matures.

Our Retention of Women in Private Practice Project continues to develop successfully with the recent launch of the Career Coaching Program for women lawyers in sole and small practices. As well, the Law Society's Justicia Project, which works with 58 of the larger law firms in the development of programs for the retention and advancement of women, has been extended to 2013. I am proud to say that the project is now being duplicated by a number of other law societies in Canada.

Through the excellent work of the Articling Task Force led by Thomas G. Conway, our new Treasurer, we are making significant progress in addressing our articling issues.

Our progress on these issues, and others, has been possible only with the co-operation, collaboration and commitment of a large number of people. It has been a real privilege to work with an incredible number of thoughtful and dedicated lawyers, paralegals and staff on these issues.

One of the most rewarding parts of being Treasurer has been to speak directly with many of our members about their challenges and successes.

I was honoured, as well, to meet Dr. Shirin Ebadi, Iran's first female judge, Nobel Peace Prize recipient and world-renowned human rights activist. Dr. Ebadi was our keynote

speaker at the Law Society's Rule of Law event in June. Stripped of her judgeship, and forbidden to practise law for a number of years because she was a woman, Dr. Ebadi was later imprisoned after she was allowed to practise. She was jailed simply because of the cases she took on. Her remarkable life experience reminds us clearly of the importance of the rule of law.

Many people have asked what I learned as Treasurer.

It was, simply, to look ahead. As I did so, it became clear that our profession is in a time of great change.

In Ontario, we must resolve the articling issue; there is little doubt that skills training will remain an ongoing challenge.

Globally, technology is transforming the way that we deliver legal services. The business of law now knows fewer and fewer geographic boundaries. These issues, in turn, demand changes to our regulatory regime.

Finally, I am delighted that our new Treasurer is Tom Conway. I can't think of anyone better equipped to lead us through the issues that face us. His acclamation to the Treasurership is well deserved.

I am very grateful to all of the benchers, the Law Society staff, my firm and the legal community for the advice and support given to me during my term.

It has been a tremendous privilege to serve as your Treasurer.



cabinets pour élaborer des programmes visant la rétention et l'avancement des femmes dans la profession, a été prolongé jusqu'en 2013. Je suis fière de dire que ce projet est aujourd'hui reproduit par plusieurs autres ordres de juristes professionnels au Canada.

Grâce aux accomplissements du Groupe de travail sur le stage, présidé par Thomas G. Conway, notre nouveau trésorier, nous faisons des progrès importants dans la résolution de nos problèmes à cet égard.

Ces progrès ont été rendus possibles grâce à la collaboration et à l'engagement d'un grand nombre de personnes. J'ai eu le réel privilège de travailler avec des avocats, des avocates, des parajuristes et du personnel incroyablement attentionnés et dévoués à la cause.

Une des parties de mon travail de trésorière les plus satisfaisantes a été de m'adresser directement à plusieurs de nos membres à propos de leurs difficultés et de leurs réussites.

Par ailleurs, j'ai eu l'honneur de rencontrer Mme Shirin Ebadi, première juge iranienne de sexe féminin, prix Nobel de la paix et militante en droits de la personne de renommée mondiale. Mme Ebadi était notre conférencière à l'événement du Barreau sur la primauté du droit en juin. Dépouillée de son titre de juge et interdite d'exercer le droit pendant plusieurs années parce qu'elle était une femme, elle a finalement reçu l'autorisation d'exercer le droit, pour ensuite être emprisonnée en raison des causes qu'elle

défendait. Sa remarquable expérience nous rappelle de façon éloquente l'importance de la primauté du droit.

Plusieurs personnes m'ont demandé ce que j'ai appris comme trésorière.

J'ai appris, tout simplement, à regarder de l'avant. Ce faisant, il m'est apparu clairement que notre profession est en plein changement.

En Ontario, nous devons résoudre les problèmes de stages; la formation des habiletés demeure indubitablement un défi.

Globalement, la technologie transforme la façon dont nous offrons les services juridiques. Le droit connaît de moins en moins de frontières. En revanche, cet état de fait exige des changements à notre régime de réglementation.

Enfin, je suis ravie que notre nouveau trésorier soit Tom Conway. Je ne peux imaginer meilleur choix pour nous faire relever les défis qui s'annoncent. Son acclamation comme trésorier était bien méritée.

Je suis très reconnaissante à tous les conseillers et conseillères, au personnel du Barreau, à mon cabinet et à la communauté juridique pour les conseils et l'appui que j'ai reçus pendant mon mandat.

Ce fut un immense privilège d'être votre trésorière.









# PARALEGALS: WELL ON THEIR PROFESSIONAL WAY

## FIVE YEARS AFTER ONTARIO'S PARALEGALS BECAME A REGULATED

profession and joined the ranks of legal services providers licensed by the Law Society of Upper Canada, many people find themselves with very different perspectives and in very different places. Take, for example, paralegals Cathy Corsetti of Mississauga, and Paul Cappa of London.

Whereas she was once sometimes reluctant to talk socially about what she did for a living, Corsetti is now one of her profession's public faces as elected Chair of the Law Society's Paralegal Standing Committee (PSC). And Cappa, a self-described former skeptic on the topic of regulation, recently became quite likely the first paralegal in Ontario to be made a law firm partner.

"There have been dramatic changes in the state and status of paralegal work," says Corsetti. "I take a lot of pride in being part of what has clearly become a profession, and regulation has been a big driver of the progress over the last several years."

That sentiment is echoed in the findings of a recent Law Society review of the implementation of regulation. It concluded that, collectively, the more than 4,000 licensed paralegals in the province are "well on the way to establishing a prestigious and well-regarded profession."

## A PRECEDENT-SETTING MOVE

Ontario was the first and remains the only North American jurisdiction to regulate paralegals (and possibly the only common law jurisdiction to do so). The need for regulation was deliberated as far back as the early 1990s. Growth in the number of paralegals appearing in Small Claims Court and elsewhere heightened the need for action, but consensus on choice of regulator and scope of practice was elusive.

In 2004, the Attorney General asked the Law Society to take on the responsibility. A task force report later that year outlined a regulatory framework that was ultimately reflected in amendments to the *Law Society Act*. Passage of these amendments in 2006 created a six-month window to put the comprehensive framework in place for a May 1, 2007 effective date.

This daunting task was guided and facilitated by several key principles. Practice in existing permitted areas of law was adopted as the starting point. Within that scope, regulation was to provide consumer protection, enhance access to

"There have been dramatic changes in the state and status of paralegal work. I take a lot of pride in being part of what has clearly become a profession, and regulation has been a big driver of the progress over the last several years."

— CATHY CORSETTI

justice and ensure paralegal competence. It was also to be as uncomplicated as possible and to mirror the regulation of lawyers as fully as possible.

## PUTTING THE PUBLIC INTEREST FIRST

As with the regulation of lawyers, the underlying and foremost objective was to protect the public interest. While many paralegals competently provided services pre-regulation, some clearly did not and, unfortunately, there were instances of client exploitation.

The simple reality, Corsetti says, was that "anybody could be a paralegal — anybody." There were no educational or other entrance requirements, and very limited means of dealing with the incompetent and unethical, and providing recourse for their clients.

John Tzanis, President of the Paralegal Society of Ontario, cites improved protection of the public as the most important benefit of regulation, and says the previous inability to deal with rogue practitioners was a source of great frustration.

"We all wanted those bad practitioners out and regulation has accomplished that," he says. "With good character and other requirements, only those who are operating legally and ethically are going to pass muster."



John Tzanis, President of the Paralegal Society of Ontario

< The Law Society of Upper Canada presented a copy of its five-year review of paralegal regulation to the Attorney General of Ontario on June 28. Here, from left to right are: Law Society Treasurer Thomas G. Conway, Law Society Paralegal Standing Committee Chair Cathy Corsetti, and Attorney General John Gerretsen.



The licensing process itself is key among the competency assurances now in place. Rules of conduct, continuing professional development (CPD) requirements, practice audits and trust accounting requirements provide additional, ongoing safeguards.

And, as a result of regulation, investigative and disciplinary procedures, an insurance requirement and recourse through a Law Society compensation fund are also available when concerns and problems arise.

## GOOD FOR CLIENTS, GOOD FOR BUSINESS

Among 1,000 recent users of paralegal services surveyed during the Law Society review, 80 per cent were confident that regulation ensures the competence of such services. Those who participated in focus groups also said they were more confident dealing with regulated paralegals; “people expect a standard from a profession,” one said.

And what benefits the public tends to benefit paralegals themselves. “Having the public confidence is paramount for any business structure,” says Robert Burd, President of



Robert Burd, President of the Licensed Paralegals Association of Ontario

the Licensed Paralegals Association of Ontario.

Cappa says he’s observed a higher comfort level among his clients at Cohen Highley: “They have more confidence in engaging paralegals to carry their matters forward. And that’s been positive from a marketing and practice development perspective, to be able to say ‘yes I am regulated and I have the Law Society behind me.’”

## RAISING THE BAR

There’s reason to believe that public confidence will increase further over time, since regulation was designed not just to set but to help raise professional standards.

All applicants must now graduate from a Law Society-accredited college paralegal program before writing their licensing exam. Programs are regularly audited against specific requirements relating to such things as hours and mix of instructional time, suitability of field placements and faculty expertise.

There’s been strong interest in paralegal education from both colleges and prospective students. Currently, 22 institutions across Ontario, up from nine just three years ago, offer a total of 24 accredited programs. Graduates of these programs already make up about half of all paralegals in Ontario.

Algonquin College in Ottawa was eager to transition an existing part-time program to a full-time accredited program. Business School Dean Dave Donaldson says the program is strengthened by the clarity of the accreditation requirements, and that students are attracted to an alternative entry point to the legal field. He notes that waiting lists are long, entry competitive and growth in demand “almost exponential.”

## RIGOROUS STANDARDS

The five-year review elicited some suggestions that college program standards should be made more rigorous. Survey and focus group findings (see chart below) also indicate mixed views among graduates on the effectiveness of their preparation for practice.

### Taking the Pulse

#### ONLINE SURVEY FINDINGS: 1,320 LICENSED PARALEGALS

% AGREEING

■ Regulation has been beneficial overall for the profession.	71%	
■ Regulation has improved the competence and conduct of paralegals.	70%	
■ Regulation has improved the public credibility/stature of paralegals.	67%	
■ The grandparenting process for obtaining licences was fair.	83%	
■ My college program was adequate preparation to practise as a paralegal.	49%	
■ The Law Society is the appropriate agency to regulate paralegals.	74%	

#### ONLINE SURVEY FINDINGS: 1,001 RECENT PARALEGAL CLIENTS

■ The results of the case were favourable the last time I used paralegal services.	59%	
■ Regardless of outcome, I was satisfied with the paralegal services I received.	74%	
■ The paralegal knew how to do their job and did it well.	74%	
■ Overall, the use of paralegal services was good value.	68%	
■ The justice system is made better by having regulated, licensed paralegals.	53%	
■ The regulation of paralegal services increased my access to justice.	45%	





Paralegal benchers Michelle Haigh, Paul Dray and Paralegal Standing Committee Chair Cathy Corsetti were early advocates of paralegal regulation. Former bencher and Chair of the Law Society's Paralegal Task Force William Simpson was instrumental in shaping the model on which the legislation is based. From left to right: Michelle Haigh, Paul Dray, Law Society Treasurer Thomas G. Conway, Attorney General of Ontario John Gerretsen, Cathy Corsetti and William Simpson.

Practising paralegals, however, say they are impressed with the calibre of recent graduates. Corsetti of the PSC, for example, regularly provides placements for students and says she's struck by the level and relevance of their skills.

And it's not only among these more recent entrants to the profession that regulation has improved professional standards and outlooks. Long-term paralegals note there's been enthusiastic uptake on the range of CPD opportunities now available, and that there's a higher level of networking and collaboration among paralegals generally.

Corsetti suggests this began to take root at the very outset of regulation, when some long-standing paralegals formed study groups to prepare for the licensing exams taken as part of the grandparenting process.

## A PROFESSIONAL IDENTITY EMERGES

Whatever the precise origin, there are clear and varied indications of a growing sense of professional identity and collegiality among paralegals — such as a large and active Ontario paralegal group on LinkedIn, and new interest in events such as association golf tournaments and other social events.

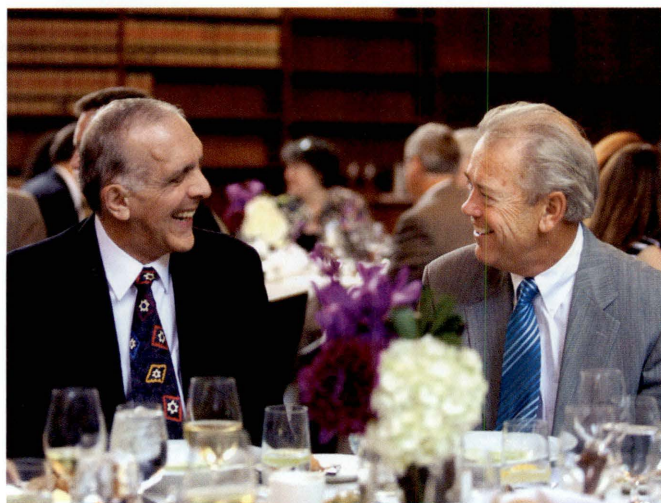
There are clear and varied indications of a growing sense of professional identity and collegiality among paralegals — such as a large and active Ontario paralegal group on LinkedIn.

Added opportunities for connections and cross learning are especially welcome within a profession where there are a particularly high number of sole practitioners, and where new entrants typically have to be ready to establish practices without the benefit of an existing firm's infrastructure.

That reality also increases the value to paralegals of the services the Law Society provides. These include a helpline and other practice management resources, mentoring opportunities, and the recent expansion of the Law Society Referral Service to include paralegals.

And at the same time that paralegals have begun to forge a stronger professional identity, they have earned enhanced respect within the broader legal world. Both Tzanis and Burd cite the example of recent meetings with the Attorney General — a level of access they say they did not have pre-regulation.





Justice Frank Marrocco (left), a former Law Society Treasurer, established the Paralegal Task Force that led to the Society's regulation of paralegals. Malcolm L. Heins LSM, (right), former Law Society CEO, oversaw the successful implementation of paralegal regulation during his tenure.

More than half of the roughly 1,300 paralegals surveyed during the Law Society's review agreed that regulation has already improved their credibility in the eyes of judges, lawyers and others in the tribunal process. And Law Society outreach to those stakeholders and submissions to the review confirm that they see improved professional standards among paralegals.

## COMPLEMENTARY PRACTICES AND WIDER ACCESS

Corsetti senses increased comfort on the part of lawyers about referring clients to paralegals — a view reinforced by the review research — and anticipates relationships between the two sets of licensees will continue to strengthen.

Cappa's recent elevation to the partnership at Cohen



Paul Cappa, Partner, Cohen Highley LLP, London, Ontario

Highley in London is a noteworthy example of the potential for complementary and even integrated practices, and reflects broader and ongoing trends.

Lawyer and Cohen Highley partner Joe Hoffer has worked closely with Cappa and other paralegals employed by Hoffer's firm through more than two decades of residential tenancy practice. He says this makes good business sense and promotes access to justice.

More than half of the roughly 1,300 paralegals surveyed during the Law Society's review agreed that regulation has already improved their credibility in the eyes of judges, lawyers and others in the tribunal process.

"The rationale is really that we want to find a way to deliver certain types of legal expertise and advocacy services at a reasonable cost," Hoffer says. He adds that this is especially important in a regional market where many clients have cost thresholds.

While there are certain legal matters that require the services of a lawyer, paralegal regulation has provided consumers throughout the province with more options and improved access to justice.

Hoffer points out that having licensed paralegals at boards and tribunals, and with consultative advice, makes justice affordable for many people who might otherwise give up on their matters or choose self-representation.

Hoffer says the case for making paralegals part of a broader legal team has become stronger with higher small claims limits, and with the devolution of more adjudicative functions from courts to administrative tribunals. And with greater client confidence post-regulation, he expects to see more practice arrangements of this type.

## LOOKING AHEAD

As the surveys and other review findings confirm, overall satisfaction with both the implementation and impact of paralegal regulation is very high. And there are equally strong indications that the public and the broader legal community have benefitted.

### Paralegals and Lawyers: COMPARE AND CONTRAST

	PARALEGALS	LAWYERS
TOTAL NUMBER	4,096	43,393
% Under Age 30	25%	6%
% Female	54%	39%
% Sole Practitioners	30%	23%
% Outside Metro Toronto	62%	42%



Outstanding issues and improvement opportunities, of course, remain. The one that is perhaps most consistently and forcefully raised by paralegals is the current lack of proportionate representation on Convocation. Two voting paralegal benchers represent more than 4,000 paralegals, whereas 40 lawyer benchers represent about 44,000 lawyers.

That particular disparity — which would require a *Law Society Act* amendment to address — is a function in part of the much larger-than-anticipated number of long-standing paralegals who qualified through grandparenting provisions, and of the substantial influx of new graduates from accredited college paralegal programs in the years since the outset of regulation.

And those factors are themselves among the clearest evidence of the emergence of an important new profession in Ontario — one that draws on long-standing expertise, meets a range of vital client needs, and whose future is widely seen as very bright indeed.

“I was maybe one of the skeptics back when regulation was first contemplated,” Cappa acknowledges. “But once it rolled out and we could see that expectations would mirror those of lawyers — and that the opportunities would as well — I think it has been refreshing and beneficial.”

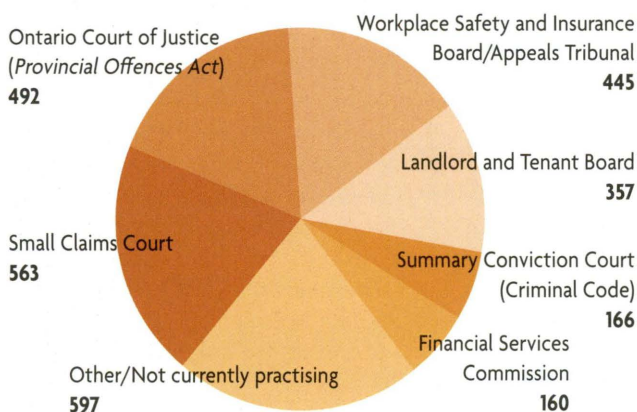
### Paralegals: What's in Scope?

The paralegal scope of practice includes matters within the jurisdiction of:

- Small Claims Court
- Traffic Court and Provincial Offences Court
- Tribunals — including most federal or provincial tribunals (e.g. Landlord and Tenant Board, Workplace Safety and Insurance Board)
- Criminal Court — for Criminal Code matters with maximum penalty of \$5,000 and/or a prison term of up to six months

Matters excluded from the paralegal scope of practice include family law, real estate, wills and powers of attorney.

### Major Areas of Practice\*



## Law Society Review of Paralegal Regulation

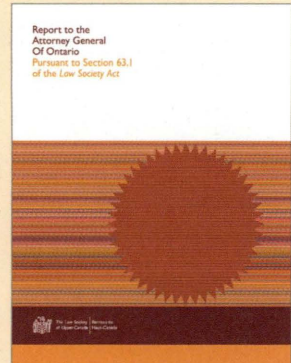
### MAIN CONCLUSIONS

- Regulation has advanced the public interest by balancing consumer protection with access to justice, and paralegals are establishing a well-regarded profession.
- The Law Society was the right choice of regulator, and has implemented regulation at a reasonable cost and without undue burden on paralegals.
- Paralegals who were providing legal service pre-regulation were integrated into the profession through a fair and transparent grandparenting process.
- Some submissions suggested a need for refinements to college programs, which will be considered through ongoing Law Society reviews of competency standards.
- Public awareness — particularly of the distinction between services provided by lawyers and paralegals — needs to be further improved.
- The governance structure is working well, with constructive relationships among Paralegal Standing Committee members and between the PSC and Convocation.
- Paralegals are largely satisfied with the overall progress of regulation and are benefitting from enhanced prestige and a range of Law Society services.

### KEY OUTSTANDING ISSUES

- Paralegals feel they are under-represented at Convocation relative to lawyers.
- Some anomalies remain in older statutes (e.g. *Solicitors Act* restricts charging fees for legal representation to lawyers).
- Exemptions to regulation continue to pose challenges, particularly the “friends” exemption, which remains open to some abuse.
- While 62 per cent of surveyed paralegals were satisfied with the existing scope of practice, some paralegals expressed the view that it should be expanded.

\*Among 1,320 paralegals surveyed as part of the Law Society review. Respondents could select more than one major area.





# Celebrating Shirin Ebadi and the rule of law

## IN A KEYNOTE ADDRESS AT THE LAW

Society's Rule of Law event, Nobel laureate Shirin Ebadi shared her experience defending human rights in Iran. Dr. Ebadi's account of a tireless quest for justice in an oppressive regime highlights the fragility of judiciaries and reinforces the important role an independent judiciary plays in supporting individual liberties.

At the June 14 forum, part of a series that aims to promote dialogue and increase human rights awareness, former Treasurer Laurie Pawlitza reflected on the Nobel laureate's visit to the Law Society.

"Dr. Shirin Ebadi has been described as a woman of steel, unbending in her will to defend democracy and human rights and challenge the leadership in her home country," Pawlitza said.

"The Law Society has a duty to maintain and advance the cause of justice and the rule of law and we were delighted to have a speaker whose passion for justice and the rule of law embodies the very principles that we promote."

After reading Dr. Ebadi's autobiography, *Iran Awakening*, Pawlitza had invited Dr. Ebadi to visit the Law Society and speak to members of Ontario's legal community.

Pawlitza recounted parts of the book to a crowd of about 290, focusing on Dr. Ebadi learning that because of her work as a lawyer defending victims of violence perpetrated by the Iranian regime, she was to be the next person killed by the Iranian death squad.

The devastating revelation was one of many Dr. Ebadi had already faced as a defender of justice in Iran.

When Dr. Ebadi took to the stage at Osgoode Hall, she encouraged the crowd, which included guests from Iranian Legal Professionals of Ontario, to demand that those who have violated human rights be prohibited from entering Canada.




Dr. Ebadi addresses the audience at the Law Society's Rule of Law event on June 14. She is pictured here with her interpreter and long-time friend Shirin Ershadi.

"Human rights is a global concept and no country has the right to violate it on the basis of cultural relativity," she said.

"The government of Iran has consented to all the international human rights conventions and has the obligation to follow them.

"However, continuously and repeatedly it violates human rights.

"Make the world smaller for perpetrators of such crimes," she said.

"Let's make the world smaller for dictators, let's bring them to justice and introduce them to the justice that awaits them." 

## CAREER HIGHLIGHTS

Dr. Ebadi received her law degree in 1968 and the following year became a judge. In 1979, during the Islamic Revolution, Dr. Ebadi and other women judges were removed from Iran's Bench because government officials believed women were not fit to serve as judges.

Dr. Ebadi was assigned to work as a clerk in the very court over which she had once presided.

In 1992, Dr. Ebadi returned to practising law in Iran, representing dissidents accused by the regime, as well as victims of child abuse. She was imprisoned for her efforts.

In 1995, Dr. Ebadi co-founded the Association for the Support of Children's Rights, and in 2001, co-founded the Human Rights Defenders Centre in Iran.

In 2000, while reviewing the disclosure for a case she had taken on related to the death of several intellectuals in Iran, Dr. Ebadi found out she was to be the next person killed by the Iranian death squad.

Dr. Ebadi was awarded the 2003 Nobel Peace Prize in recognition of her leadership promoting democracy and human rights, particularly for women, children, refugees and political prisoners. She was the first Iranian and the first Muslim woman to receive the prestigious award.




## Thomas G. Conway elected as Treasurer of the Law Society



**THOMAS G. CONWAY WAS ELECTED TO LEAD THE LAW SOCIETY AS ITS 64TH** Treasurer. Treasurer Conway succeeded former Treasurer Laurie H. Pawlitz on June 28, 2012.

"I am greatly honoured by the confidence of my fellow benchers," says Conway. "The legal profession, and the public we serve, are facing issues of great significance, particularly around access to justice. As Treasurer, I hope to continue to strengthen the leading role of the Law Society in regulating legal services and enhancing justice for the people of Ontario."


Treasurer Conway was first elected as a bencher of the Law Society in 2007, and was re-elected in 2011. He has served on a number of committees and was co-chair of the Retention of Women in Private Practice Working Group, which developed groundbreaking initiatives to support women in the legal profession. Most recently, he served as chair of the Professional Development and Competence Committee, chair of the Inter-Jurisdictional Mobility Committee and chair of the Articling Task Force. He is also a vice president of the Federation of Law Societies of Canada, for 2011 and 2012.

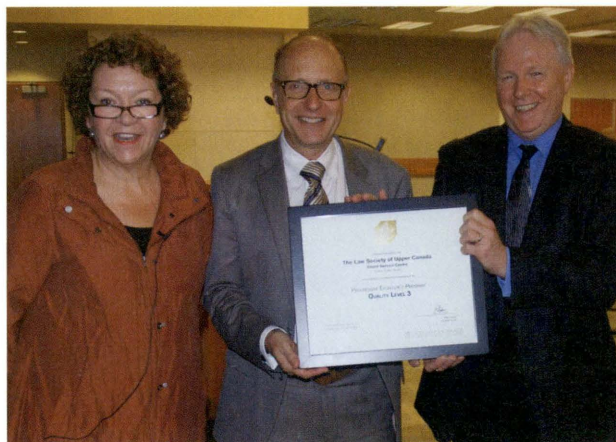
Treasurer Conway has practised civil litigation in Ottawa since his call to the Bar in 1989 and is currently a partner at Cavanagh LLP. He has extensive civil trial and appellate experience, acting as counsel in jury and non-jury trials in the Superior Court of Ontario, in the Ontario Court of Appeal, the Federal Court, the Tax Court of Canada, and the Supreme Court of Canada. In 2009, Treasurer Conway was selected by his peers to be included in the 2010 edition of *The Best Lawyers in Canada*® in the specialty of Corporate and Commercial Litigation. 

## Client Service Centre recognized by Excellence Canada

IN EARLY 2012 THE LAW SOCIETY'S CLIENT SERVICE CENTRE (CSC) RECEIVED notification that they had qualified for Level 3 certification in Excellence Canada's four-level Progressive Excellence Program, as well as for the prestigious Canada Award for Excellence (Silver). This award is based on Excellence Canada's "Framework for Organizational Excellence" and covers all aspects of an organization (leadership, planning, governance, ethics, people and health practices, processes, suppliers, partners and organizational results). Qualifying for the award involves a comprehensive written submission, followed by a site visit from an Excellence Canada verification team.

At a celebratory event held on May 23, Excellence Canada's Vice-President of Operations Russ Gahan complimented the CSC on its highly engaged staff and the strong sense of commitment that was evident during the site visit. He also quoted the lead verifier as being impressed with the CSC as a team

"clearly focused on setting an example and becoming a recognized model of excellence and innovation within the Law Society." 



The Law Society's Director of Membership and Complaints Services Terry Knott (left), Chief Executive Officer Robert Lapper (centre), and Manager, Corporate Resource & Training Centre Vaughan Kitson (right), with the Client Service Centre's Level 3 Certification from Excellence Canada's four-level Progressive Excellence Program.



## LAW SOCIETY AWARDS RECOGNIZE THE BEST OF THE PROFESSION



Standing, left to right: Brian J. Lawrie (Distinguished Paralegal Award recipient), Margaret Bloodworth, C.M., Treasurer Laurie H. Pawlitza, James R. Caskey, Q.C., and The Honourable Doug Lewis, Q.C. Seated: Professor Vern Krishna, C.M., Q.C., FRSC, LLD (Hon.), Mary P. Weaver, Q.C. (Laura Legge Award recipient), Mary M.S. Fox, and Keith J.F. Jobbitt (Lincoln Alexander Award recipient). J. Bruce Carr-Harris (not shown here), received his Law Society Medal at April Convocation.

**NINE MEMBERS OF THE LEGAL PROFESSION FROM ACROSS** Ontario whose careers represent the highest level of achievement and commitment to serving society and the profession received awards from the Law Society on May 23, 2012.

The Law Society Medal was established in 1985 and is given to outstanding lawyers in Ontario whose service reflects the highest ideals of the profession. This year's recipients are: **Margaret Bloodworth, C.M.; J. Bruce Carr-Harris; James R. Caskey, Q.C.; Mary M.S. Fox; Professor Vern Krishna, C.M., Q.C., FRSC, LLD (Hon.); and The Honourable Doug Lewis, 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 **Keith J.F. Jobbitt**.

The 2012 recipient of the Laura Legge Award, which recognizes an Ontario woman who has exemplified leadership within the profession, is **Mary P. Weaver, Q.C.**

The very first recipient of the Distinguished Paralegal Award is **Brian J. Lawrie**. The new award recognizes a paralegal who has demonstrated one or more of the following attributes: outstanding professional achievement, contribution to the development of the profession, devotion to professional duties, adherence to best practices and mentoring of others in best practices, a history of community service, and personal character that brings credit to the paralegal profession.

"The 2012 award recipients all have a remarkable record of public service, excellence in the profession and commitment to access to justice," said then-Treasurer Laurie H. Pawlitza. "We applaud them for their many contributions and for the strong commitment they have demonstrated to the public interest of Ontarians."

Speeches, where available, full bios and additional photos can be accessed through the online *Gazette* at: [www.lawsocietygazette.ca](http://www.lawsocietygazette.ca).





**MARGARET BLOODWORTH, C.M., LSM, OTTAWA**

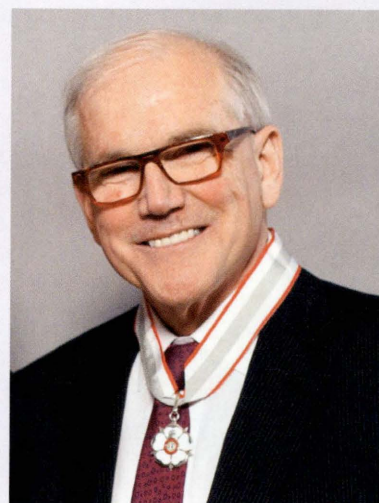
Recognized as one of the finest public servants of her generation, Margaret Bloodworth's years of outstanding leadership, high standards and strong judgment continue to make her an inspiring role model for those in public service, especially women.

During her career, she served as Deputy Minister of Transport and National Defence, and was the first Deputy Minister of Public Safety. She was Associate Secretary to the Cabinet and National Security Advisor to the Prime Minister. Now retired, she devotes her time to several charitable endeavours.

**J. BRUCE CARR-HARRIS, LSM, OTTAWA**

Known to the profession as one of Ontario's top or "go-to" litigators, J. Bruce Carr-Harris is lauded by his colleagues and members of the judiciary for his honesty, integrity and respect for the profession.

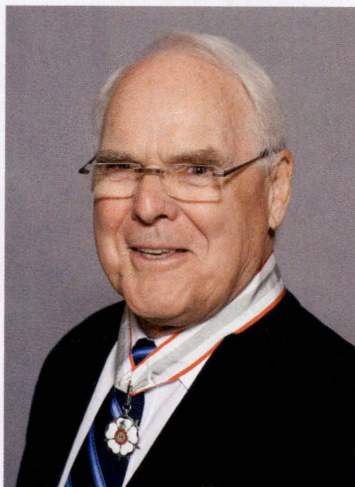
He has served as counsel on a number of high-profile complex matters, including the Royal Commission of Inquiry into the Deployment of Canadian Forces to Somalia and the Commission on Proceedings Involving Guy Paul Morin. He has also appeared as counsel for the Canadian Olympic Committee at numerous sporting and team selection arbitrations.



**JAMES R. CASKEY, Q.C., LSM, LONDON**

Long considered a pillar of the London and Middlesex County communities, James R. Caskey, Q.C., has consistently and significantly contributed to both the legal profession and the community for over 40 years.

Recognized by his peers and members of the judiciary for his integrity and skill in the courtroom, he is lauded as an outstanding lawyer who has served his clients and the profession in a most exemplary manner. He is a highly valued mentor to many young lawyers in his community, and is a former Law Society bencher.



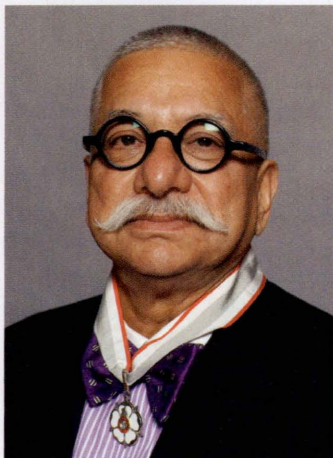
**MARY M.S. FOX, LSM, WINDSOR**

Widely recognized by her peers as a dedicated and outstanding professional who promotes greater access to justice, Mary M.S. Fox has a passion for family law and serves as an inspiring role model for all women in the profession.

Throughout her career, she has devoted countless hours to the profession and to reform initiatives supported by both the Bench and the Bar. The recipient of many honours for her professionalism, integrity and community leadership, she has organized and participated in public forums on public health issues, family law and civil justice.



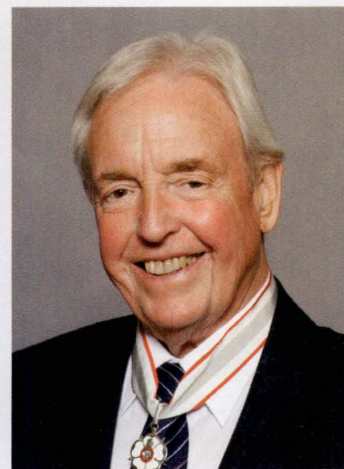
## HONOUR ROLL



**PROFESSOR VERN KRISHNA, C.M., Q.C., FRSC, LLD (HON.) LSM, OTTAWA**

A former Law Society benchler and Treasurer, Professor Vern Krishna is the architect of several ground-breaking initiatives, and is credited with helping to shape the landscape of today's legal profession.

Renowned as a legal educator and esteemed member of the Canadian legal profession, his work is often cited by the Supreme Court of Canada. He teaches taxation, business law and corporate finance at the University of Ottawa's Faculty of Common Law. He received an honorary LLD from the Law Society in 2004.



**THE HONOURABLE DOUG LEWIS, Q.C., LSM, ORILLIA**

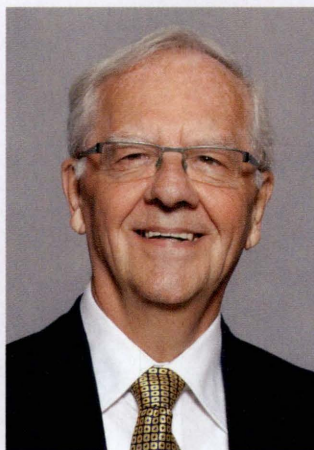
Recognized for serving Canada, his profession, his community and surrounding area with great distinction for more than 40 years, The Honourable Doug Lewis, Q.C., is a strong believer in access to justice for all.

The former Member of Parliament for Simcoe North is held in very high regard by his colleagues for his civility, mentorship of new lawyers and community leadership. He served in the cabinet of Prime Minister Brian Mulroney as Government House Leader, Attorney General of Canada, Minister of Justice, Minister of Transport, and Solicitor General. He is a former Law Society benchler.

**KEITH J.F. JOBBITT, THUNDER BAY**

A highly valued and respected member of the legal community in the Thunder Bay area since 1969, Keith J.F. Jobbitt has had a distinguished legal career while demonstrating remarkable community leadership and commitment to public service.

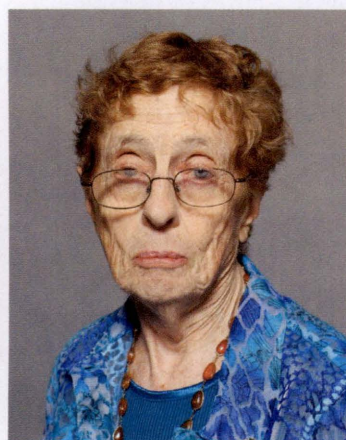
Now retired from his Thunder Bay office, he is lauded by his colleagues for his vision, tenacity, integrity and leadership. He has had a long-standing commitment to improving the health of citizens of northwestern Ontario and is widely acclaimed for his philanthropy and community involvement, particularly for his tireless fundraising efforts. He remains very involved in his community.



**MARY P. WEAVER, Q.C., SUDBURY**


Recognized as one of the first women lawyers in northern Ontario, and a cornerstone of her community, Mary P. Weaver, Q.C., is known for her leadership and exemplary service to clients and the profession.

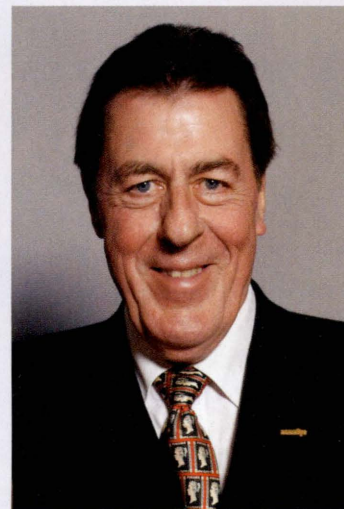
Throughout her career, she served as a significant mentor and role model to new lawyers — particularly women. Her strong leadership and resilience helped establish the respected presence of women in the Bar in Sudbury and northeastern Ontario. She was also the first woman lawyer from northern Ontario to be elected as a Law Society benchler, serving three terms.



**BRIAN J. LAWRIE, TORONTO**

Known by many as the "grandfather of paralegals," Brian J. Lawrie is recognized as a pioneer of best practices and professionalism for Ontario's growing paralegal profession. He is a major contributor to government initiatives in the areas of legislation, regulation and education of Ontario's paralegals.

He continues to demonstrate an outstanding commitment to integrity, professional conduct and client service — and plays a leading role in the ongoing evolution of the paralegal profession. The founder of POINTTS®, he has served on numerous advisory committees for the administration and implementation of paralegal college programs. 





## CALL TO THE BAR: LAW SOCIETY AWARDS HONORARY DOCTORATES TO FOUR REMARKABLE INDIVIDUALS

"If you embrace the legal community, it will embrace you. No less important than creating a community of colleagues is finding your passion. ... So find your passion. Be excited by your work. Be challenged by it and above all, it should sometimes just make you laugh."

LAW SOCIETY TREASURER LAURIE H. PAWLITZA

A TOTAL OF 1,363 NEW LAWYERS WERE CALLED TO THE BAR OF Ontario at five different ceremonies held in Toronto, Ottawa and London in June. More than half (739) were women.

As part of its call ceremonies each year, the Law Society awards honorary doctorates to distinguished people in recognition of outstanding achievements in the legal profession, the rule of law or the cause of justice. Recipients serve as inspirational keynote speakers for the graduating classes as they begin their careers.

This year, the degree of Doctor of Laws, *honoris causa* (LLD) was awarded to defence lawyer **Brian Greenspan**, Nobel laureate **Dr. Shirin Ebadi**, former Law Society Treasurer **W. A. Derry Millar**, and the 27<sup>th</sup> Governor General and Commander-in-Chief of Canada, **The Right Honourable Michaëlle Jean**, C.C., C.M.M., C.O.M., C.D.

Their speeches are available online at: [www.lawsocietygazette.ca](http://www.lawsocietygazette.ca).



JUNE 13, 2012

**Brian Greenspan** received the LLD in recognition of his numerous contributions to the legal profession through his teaching, writing, and his commitment to continuing legal education. He was also recognized for his extraordinary skill as a trial and appellate advocate, with more than 200 reported cases.

He spoke at the Call to the Bar ceremony in Toronto.

*"The option, if not the obligation to pursue your passion — that is the message that I urge you to nurture, to espouse, to promote, throughout your professional life in the pursuit of justice for your clients, in the pursuit of excellence in the quality of the legal services you provide, in the pursuit of the vitality and enrichment of legal education — and in the pursuit of collegiality and common purpose with your fellow lawyers. ...*

*It is your passion that will truly enrich your lives and transform "what a day" into "what a life."*

JUNE 15, 2012

**Dr. Shirin Ebadi** received the LLD in recognition of her lifelong work to maintain and promote the rule of law and human rights. She became Iran's first female judge in 1969, after studying law in Tehran. As a result of the Islamic Revolution, she was removed from her position in 1979. Despite being threatened, harassed and imprisoned, she





## HONOUR ROLL

continued to provide leadership in the field of law and to promote democracy and human rights, particularly for women, children, refugees and political prisoners.

She spoke at the morning Call to the Bar ceremony in Toronto.

*"Your profession helps bring justice to the people. It's a sacred profession, trying to defend and support the victims and the oppressed. I want to recommend to each and every one of you to accept pro bono cases each year and defend the victims of human rights.*

*... Fortunately, you live in a democratic country, you have freedom of expression and you are independent in your country. Use your freedom and be the voice of people who do not have voices. ... Since the Law Society is not independent in Iran, there is no one to support the attorneys. ... So use your freedom to help the victims."*



**W. A. Derry Millar** received the LLD in recognition of his dedication and numerous contributions to the legal profession and community throughout his distinguished career. He was also honoured for his guidance of the Law Society through a number of important initiatives during his term as its 62<sup>nd</sup> Treasurer.

He spoke at the afternoon Call to the Bar ceremony in Toronto.

*"We are blessed in this country to have an independent bar and an independent and impartial judiciary — many countries do not — and their citizens do not enjoy the rights and freedoms that we do. ...*

*As members of the legal profession, we each have a responsibility to uphold the rules that govern our conduct in order to provide professional and ethical services to our clients and to promote professionalism within our membership. We each have a responsibility to uphold the principles upon which our great profession was built."*




JUNE 19, 2012

**The Right Honourable Michaëlle Jean, C.C., C.M.M., C.O.M., C.D.** received the LLD in recognition of her distinguished work as a journalist, broadcaster, lecturer, social activist, and as Governor General and Commander-in-Chief of Canada from 2005 to 2010. In 2010, she was appointed as UNESCO Special Envoy for Haiti and co-founded the Michaëlle Jean Foundation which works to empower underserved youth in Canada.

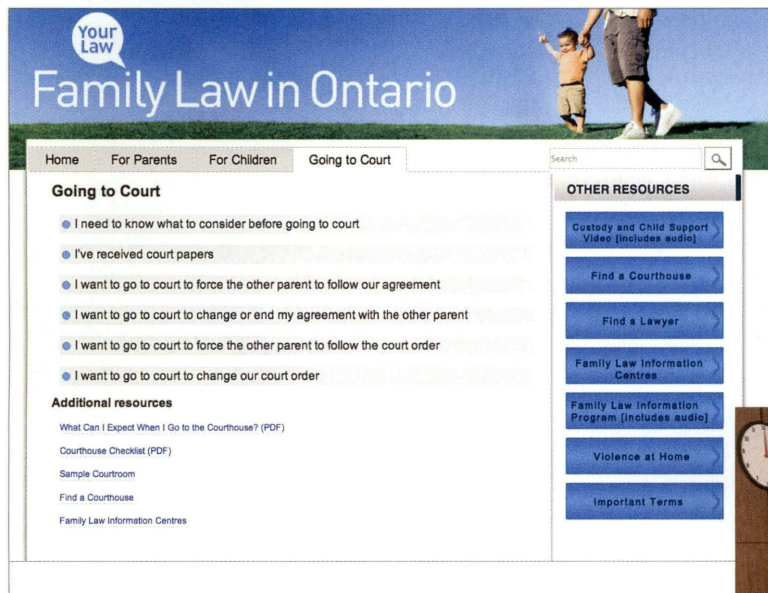
She spoke at the Call to the Bar ceremony in Ottawa.

*"In your new role as lawyers, you have a unique opportunity to defend Canada's founding principles, and to work towards a more accessible and equitable legal system, whether it is in the courtroom, in administrative tribunals, in corporate adjudication, or in family mediation.*

*... I implore you to remain engaged, committed and responsible. And to uphold the principles that make Canada one of the best countries in the world. Please make good on the knowledge and skills you have acquired and consider how you too can give back by becoming change-makers." *



## Law Society's new family law website a key tool for clients



“Legal clinics and judges can refer people to this website for help and family law lawyers can as well,” says former Law Society Treasurer Laurie Pawlitz. “The site will help people understand what lawyers do and why we do it and, in turn, help the family law justice system function more effectively.”



An interactive diagram on [yourontariolaw.com](http://yourontariolaw.com) shows how a courtroom is laid out and explains the roles of different people involved in the process.

THE LAW SOCIETY HAS LAUNCHED A NEW ACCESS TO JUSTICE initiative, the *Your Law: Family Law in Ontario* website, to help parents and children involved in a family breakdown navigate the legal system.

In addition to providing comprehensive guidance in plain language, the *Your Law* site pulls together information that already exists online to create a ‘first stop’ for people looking for family law information.

“Legal clinics and judges can refer people to this website for help and family law lawyers can as well,” says former Law Society Treasurer Laurie Pawlitz. “The site will help people understand what lawyers do and why we do it and, in turn, help the family law justice system function more effectively.”

One in three low- and middle-class respondents surveyed for the Ontario Civil Legal Needs Project said they prefer to resolve their legal needs by themselves, with legal advice. The Ontario Civil Legal Needs Project is a joint research project that the Law Society undertook with partners Legal Aid Ontario and Pro Bono Law Ontario, with the support of the Law Foundation. It involved a multi-phase study of the civil legal needs of Ontarians.

“As part of the Civil Legal Needs Project,” says former Treasurer Pawlitz, “we asked Ontarians what they need to help solve their legal problems, and we heard very clearly that they need access to easy-to-understand information. The *Your Law* website will educate the public about what questions they should consider when facing a legal issue.”

The *Your Law* site offers a series of easy-to-follow prompts offering users’ information that is most relevant to their situation, in brief, clear summaries.

With separate sections geared to parents and children, the *Your Law* site includes:

- helpful checklists
- definitions of common terms
- an interactive diagram of a courtroom
- links to videos and other resources.

The new website complements other access to justice initiatives led by the Law Society to help demystify some of the common legal issues that members of the public often face, and also demonstrates how lawyers and paralegals are helpful and accessible.

The interactive website was introduced at an event on June 12, to leading justice organizations whose content enriches the site, such as the Ministry of the Attorney General, Department of Justice, Legal Aid Ontario, Community Legal Education Ontario, and others.

Visit the site at [www.yourontariolaw.com](http://www.yourontariolaw.com). 



## CALL FOR INPUT: PROPOSED RULE AMENDMENTS

**THE LAW SOCIETY IS ASKING FOR INPUT ON** proposed amendments to the lawyers' *Rules of Professional Conduct*. The proposed amendments are intended to implement, within the Law Society's rules, the Federation of Law Societies of Canada Model Code of Professional Conduct.


The deadline to submit comments is August 31, 2012.

While most of the proposed amendments are minor, some, like the changes to the conflicts of interest rule, are more substantive and introduce new standards.

The Federation developed its Model Code of Conduct in an effort to achieve

consistency in ethical and professional standards of conduct across Canada and to meet the public's expectation that the same conduct requirements apply wherever their legal advisor may practice law. The Federation used the Law Society's rules of conduct as the basis for its Model Code.

A blackline version of the current rules and an information report explaining the more substantive proposed amendments to the rules are available for reference on the Law Society website at [www.lsuc.on.ca/rule-consultation/](http://www.lsuc.on.ca/rule-consultation/).

Make sure to submit your comments prior to the August 31 deadline. 



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## Enhanced tribunals model will improve efficiency of hearings process

A NEW TRIBUNALS MODEL, APPROVED AT JUNE CONVOCATION, supports the Law Society's commitment to a hearings process that is transparent, fair and effective for both the public and affected members. In developing the model, the Law Society focused on enhancing transparency, quality adjudication, cost effectiveness and leadership of the Tribunal, as well as further developing objective criteria for the appointment and evaluation of adjudicators.

### Highlights of the new model


- effective and dedicated leadership of the Tribunal through the appointment of a full-time non-bencher lawyer Chair and two part-time bencher Vice-Chairs of the Hearing and Appeal Panels
- an adjudicator application and appointment process that continues to reflect the regulatory role of the Law Society's benchers in adjudication as well as a commitment to broaden the base of adjudicators to include non-bencher lawyers and paralegals and lay appointees who meet the many needs of the Tribunal
- the development and implementation of consistent criteria for appointment to the Tribunal and an evaluation process for reappointment
- the continuation of the Tribunals Committee as the policy conduit by which the Chair, Vice-Chairs and committee members facilitate and provide policy proposals to Convocation
- processes to ensure timely adjudication and decision-making.

### BACKGROUND

In the late 1990s, the Law Society began to focus on the importance of a transparent and modernized hearings process. The first step was amendments to the *Law Society Act* in 1999, which established the Hearing Panel and the Appeal Panel.

In the thirteen years since, the Law Society has enhanced both the transparency of the Tribunals process and the separation of the Tribunals administration from that of investigations and prosecution. Initiatives include the establishment of a discrete Tribunals Office with a separate reporting structure from the Professional Regulation Division, posting of information on the Law Society website respecting regulatory notices and hearings; and posting reasons for decision on CanLii.

The Law Society has also made a number of individual enhancements to the adjudicative functions of the Hearing and Appeal Panels. Through its Tribunals Committee, which it established in 2005, it has developed policies for Convocation's approval directed at streamlining and enhancing quality, fairness and consistency. These initiatives include the development of *Rules of Practice and Procedure*, an Adjudicator Code of Conduct, and the implementation of a public hearing process.

The new model, which requires amendments to the *Law Society Act* to be fully implemented, supports the Law Society in developing a more systematic and effective structure and greater quality assurance measures for its adjudication functions. It continues the Law Society's commitment, through an ongoing process of reform, to an adjudicative system that is as effective and transparent as possible. 



# YOUR PRACTICE

## NEW WAYS TO EARN CPD HOURS

**BOTH EXPERIENCED AND NEW LAWYERS AND PARALEGALS CAN** now choose from a broader range of continuing professional development (CPD) programs and activities after Convocation amended the requirement to make completing CPD Hours more convenient.

The following changes apply retroactively for 2012.

### CPD programs and courses

- Viewing archived webcasts, video replays and recorded programs without a colleague is now an activity eligible for up to 6 CPD Hours per calendar year.
- Participating in online courses that prompt responses throughout the learning process, such as requiring participants to respond to questions before they move to the next module, now qualifies for up to 6 CPD Hours per calendar year.

Prior to these amendments, only participation in 'live' CPD programs, and other alternate educational activities, were eligible. Comments from lawyers and paralegals highlighted the difficulty for some members, particularly practitioners in smaller communities, to meet the interactive requirement. The changes confirm the value of a CPD requirement that brings members together to learn and have the benefit of one another's input and experience, but also recognizes the importance of ensuring access to relevant CPD and some flexibility in the completion of the requirement.

### New member requirement

- New members may now apply any program or activity containing a minimum of 0.5 Professionalism Hours toward the CPD requirement.

This change greatly expands new members' choice of programming. Previously, only programs and activities with 25 per cent professionalism content were eligible educational activities for new members. The amendment confirms the original intent of the new member requirement to expose new members to professionalism content in all their programming, but helps ensure that new members are able to choose from a broader selection of programs and activities.

Convocation amended the CPD requirement at its April meeting based on the recommendations of a working group with membership from the Professional Development & Competence and Paralegal Standing Committees. Although a full assessment of the CPD requirement and its operation is




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not due until 2013, the working group considered the main issues identified by members over the course of the first year of the CPD requirement to determine whether there were issues that called for early attention.

The five top issues identified were:

- a. "Participation" in CPD courses requirement
- b. The new licensee integrated 25 per cent professionalism requirement
- c. Limits on number of hours to be claimed under alternative activities
- d. The inability to carry-over credits into another reporting year
- e. The number of professionalism hours required.

The working group recommended changes in response to the first two issues and recommended that the remaining issues form part of the full review to take place in 2013. 

### NEWLY LICENSED?

If you recently became licensed to practice, your first reporting year begins on January 1 following the date on which you were called to the bar or licensed as a paralegal. However, you may begin accumulating CPD Hours and applying them to your 2013 requirement at any point after you become licensed. The reporting year for the CPD requirement is January to December.

### NEED MORE INFORMATION?

Everything you need to know about the CPD requirement is available on the Law Society website at <http://rc.lsuc.on.ca/jsp/cpd>.



# Career Coaching Program helps women lawyers with leaves

**PLANNING FOR AND TAKING MATERNITY, COMPASSIONATE CARE,** or parental leaves can present significant challenges for women lawyers in sole or small law practice. To provide assistance, the Law Society launched a Career Coaching Program on April 2, 2012.

Designed especially for women lawyers in sole practice and firms of five lawyers or fewer, the five-year pilot program offers eligible members up to **six free hours** of confidential career coaching to help them plan and transition effectively into a maternity, parental or compassionate care leave and return to practice.

Issues of work/life balance and personal challenges are included with support for business practices.

“The new program is the latest addition to the many initiatives developed under the Law Society’s Retention of Women in Private Practice Project,” says Law Society Benchers and Equity and Aboriginal Issues Chair Janet Minor.

“The goal is to ensure that clients of women lawyers in sole and small practices can continue to resolve their legal needs through the lawyer of their choice, in the location of their choice — and that each participating lawyer’s practice continues to thrive,” she adds.

## How it works

Offered free of charge, the program is structured to provide professional coaching as follows:

- two hours prior to the leave to assist participants in ramping down their practices
- two hours during the leave to help participants maintain their practices while they are away, and
- two hours following the leave to help participants with reintegration.


Participants are not required to use all six hours.

## Where and how it is offered

Independent career coaches — including those who are bilingual in French and English — are located throughout the province. While in-person coaching is the preferred mode, phone support will be used if face-to-face sessions are not feasible.

## Eligibility criteria

To be eligible for benefits under the Career Coaching Program, participants must meet the following requirements:

- be a woman lawyer who is either
  - about to take a maternity, parental or compassionate care leave\*
  - on a maternity, parental or compassionate care leave\*
  - returning from a maternity, parental or compassionate care leave\*
- be a member in good standing
- be a sole practitioner or a lawyer in a law firm of five or fewer lawyers. 

\*Maternity, parental or compassionate care leaves are for a period of up to one year.



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**MORE INFORMATION** is available via the Law Society’s Equity Initiatives Department at [coaching@lsuc.on.ca](mailto:coaching@lsuc.on.ca) or **1-800-668-7380, ext. 3954** or **416-947-3954**.

Guidelines and eligibility criteria are available at [www.lsuc.on.ca/coaching-criteria](http://www.lsuc.on.ca/coaching-criteria).



## Certified Specialist designation provides extra competitive edge for eligible lawyers

IN TODAY'S INCREASINGLY COMPLEX AND COMPETITIVE LEGAL climate, many lawyers are finding that the Law Society's Certified Specialist (CS) designation gives them an added edge in meeting clients' specialized needs. Advantages include greater public recognition and more potential business opportunities.

The Certified Specialist Program recognizes lawyers who have met high established standards of experience and knowledge requirements in designated areas of law and have maintained exemplary standards of professional practice. The current program began operating in 2004.

To be eligible, lawyers must have at least seven years of experience, with five years of involvement in their speciality area.

There are presently over 700 Certified Specialists throughout Ontario — approximately two per cent of the current lawyer membership.

One of the first women to become a specialist in criminal law, Benchers and Certified Specialist Board Chair Janet Leiper, of Toronto, became interested in the program as a way of raising her profile among fellow criminal lawyers, her clients and more broadly, to the public.

She has been a Certified Specialist since 1995 and says the program has benefited her practice over the years, both through her listing in the CS directory on the Law Society website and the number of referrals she receives from other lawyers.

"Achieving certification is the formal, public recognition of ongoing distinction and achievement in a chosen field of law," says Leiper. "It's a way of differentiating your practice from other practices that don't have the benefit of as deep or lengthy involvement in a particular area of law."

"While the program is good for individual lawyers, I think it is also good for the profession as a whole," she says. "It demonstrates the commitment to excellence within the profession."

She explains that all CS applications are reviewed and considered by the nine-member CS board, which oversees and regulates the program.

### Smaller Centre Advantages

CS Board member Fred Bickford, of Thunder Bay, says the designation is a big advantage in smaller, more remote communities, especially when clients or law firms from other areas of Ontario and the United States require a local lawyer who specializes in a particular field of practice.

A specialist in labour law since 1997, Bickford is one of four CS designation holders in a law firm of 13 lawyers.

"The designation gives us a competitive advantage relative to lawyers in larger cities who may or may not have a specialist designation. It puts us on a more even playing field and saves clients the costs of bringing in lawyers from other, larger centres," he explains.

Bickford notes that having four specialists within the firm also provides more credibility with larger, corporate and institutional clients, and also in responding to requests for proposals.

### Career Shift Advantages


Newest Certified Specialist Board member Kathryn d'Artois, of Ottawa, says the designation proved particularly helpful as she made the transition from many years of private practice to mediation.

A specialist in family law since 2006, she includes the CS designation at the top of her website pages, and the certificate is on display in her mediation room.

"Clients are concerned about legal fees, credentials and professionalism, and when they see that designation, it means something to them. I think it inspires client confidence. They realize that you've been vetted by your peers. From a lawyer point of view, it's a great marketing tool," she says.

d'Artois says it also gives her a sense of pride. "It represents a milestone and shows that you've put effort into learning and continuing education in a significant way."

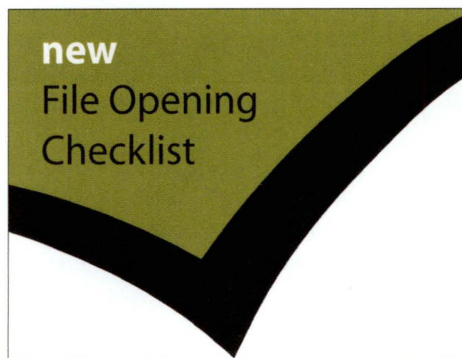


Information about the program, including eligibility criteria, application materials and fees, is available on the Law Society's Resource Centre at <http://rc.lsuc.on.ca/jsp/csp/index.jsp>. 

### Quick Facts

- As a Certified Specialist, your name will be included in the Law Society's online Certified Specialist Directory at <http://www1.lsuc.on.ca/specialist/jsp/directory1.jsp>.
- To qualify, you need at least seven years of experience in a particular area of law, with involvement in your speciality area during five of those years.
- You will be able to use the designation for the area of law you specialize in, along with the letters "CS" immediately after your name.
- You may hold up to two CS designations.
- As a Certified Specialist, you will be required to complete 12 hours of CPD annually, like all members.





### BEST PRACTICES? CHECK!

WHEN YOU TAKE ON A NEW CLIENT, the information-gathering stage is critical. That's why the Law Society created a new File Opening Checklist.

By following the checklist, you'll get guidance on best practices for obtaining information — from both your client and any opposing parties — when a retainer is first being established.

An accompanying user guide provides a detailed description of each section of the checklist, including references to the applicable Rules.

For more information, visit [www.lawsocietygazette.ca/your-practice/file-opening-checklist/](http://www.lawsocietygazette.ca/your-practice/file-opening-checklist/)

### PARALEGAL UPDATE

#### Success of paralegal regulation highlighted in report to Attorney General

**THE SUCCESS OF PARALEGAL REGULATION, BEGINNING IN 2007, IS THE** focal point of a five-year report presented by the Law Society of Upper Canada to Attorney General John Gerretsen on June 28. A requirement under the *Law Society Act*, the report shows that paralegals and the public have both benefited from regulation.

The extensive review looked at whether Law Society regulation had established fair and transparent licensing processes, reasonable standards of competence and conduct, and fair and transparent investigative and disciplinary processes for paralegals. It also examined the effect that regulation has had on licensed paralegals and the public who have used their services.

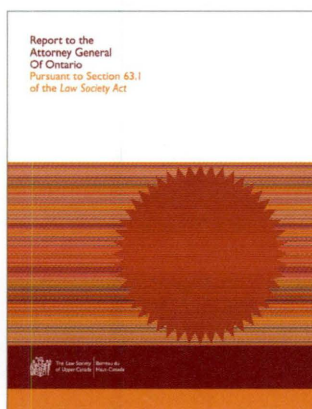
"Ontario was the first jurisdiction in North America to regulate paralegals, and this five-year review will help inform decisions about the future of the system we pioneered," said Attorney General Gerretsen.

As part of the review process, the Law Society solicited submissions from paralegals, lawyers, legal organizations and members of the public, and received 26 submissions — 12 from organizations and 14 from individuals.

All of these submissions were considered in the preparation of the report.

A consultant conducted extensive research, including focus groups with paralegals and members of the public who have used paralegal services. Online surveys of licensed paralegals and users of paralegal services were also conducted. These research findings helped to inform the report's analysis.

For more information about findings of the review, see the *Focus* section on pages 4-9 of this issue. The full report is available online at [www.lsuc.on.ca](http://www.lsuc.on.ca).



#### Analysis continues to look at growing variety of legal needs

**A REVIEW OF THE GROWING VARIETY OF CLIENTS'** legal needs in Ontario is expected to continue this fall as part of the Law Society's ongoing Legal Needs Analysis.

The analysis follows the Law Society's commitment in May 2010 to review the scope of paralegal practice and uses as a benchmark the practices identified in the 2000 report, *A Framework for Regulating Paralegal Practice in Ontario*.

The analysis began with small group consultations in June 2011 to obtain views on needs within the justice system that could be supported by the provision of alternative legal services in a variety of practice areas, and input on the knowledge, skills and abilities required to provide those services.

Input was provided by more than 50 individuals. Participants included lawyers and paralegals in sole or small firms with a broad base of practice experience, including those from smaller communities in a variety of practice areas. Adjudicators and judges from several levels of court also provided input.

Next steps include further consideration of the specific needs of the public regarding perceived gaps in the justice system, how these needs might be addressed by additional trained service providers, and the training required to provide any additional services.

Discussion will continue this fall and into 2013.



# PERSPECTIVES

A BETTER FOUNDATION FOR JUSTICE

## Access to Justice Fund proves its national worth



The National Aboriginal Achievement Foundation's Circle of Justice initiative is among the programs being supported by the ATJF. Participants in a delivery at the Native Learning Centre in Toronto are seen here.

TWO YEARS AFTER ITS LAUNCH THE LAW Foundation of Ontario's (LFO) national Access to Justice Fund (ATJF) is supporting innovative work from coast-to-coast, and has provided a particularly welcome boost for projects whose impacts cross provincial borders.

At the end of 2011, 44 grants with a total value of \$9.3 million had been approved. They span all five of the ATJF's current funding themes: Aboriginal peoples, consumer rights, domestic violence, linguistic minorities and rural residents, and self-help (people without legal representation). Many address multiple themes.

The ATJF was established using \$14.6 million received under the terms of a

class action settlement.<sup>1</sup> This was the first time a Canadian law foundation had received *cy-près* funds, which are awarded when it is impractical to distribute all settlement proceeds to class members. The timing was exceptionally good, as it coincided with a sharp drop off in regular LFO revenues due to historically low interest rates.

Establishment of the ATJF was a significant milestone for the LFO, notably because it extended the foundation's activities across Canada. While LFO trustees decide whether to approve grants, there has been close liaison with law foundations across the country regarding the fund's design and implementation.

As of the end of 2011, grants had been approved for every region of Canada, and a quarter of them were multi-jurisdictional in their scope.

"There's been particularly strong interest from organizations looking to fund work with a broad geographic scope," says ATJF Director Tanya Lee. "Other funding sources with an access-to-justice mandate are typically province specific, and that leaves something of a void that the ATJF has helped fill."

Examples include more than a dozen grants that address the needs of Aboriginal people, and that cross multiple jurisdictions. Another example is a grant to Pro Bono Students Canada (PBSC), intended to help it leverage its delivery model.


PBSC received \$217,000, which will enable it to hire a part-time program manager and extend its award-winning Family Law Project to at least six additional law schools across the country. National Director Nikki

Gershbain says it's extremely challenging to find national sources of funding that can enable PBSC to get the most value from its unique presence in every Canadian law school.

"Without support from this fund, we wouldn't be in a position to expand our family law program as quickly or as systematically as we are," says Gershbain. "And we would likely need to go to other funders one-by-one and build out one province at a time."

ATJF applications continue to be processed, although most of the funds received through the original *cy-près* order have either been allocated or are being held in reserve to support subsequent phases of long-term projects. This includes various Connecting Project initiatives that address the legal needs of linguistic minorities and rural residents in Ontario.

Encouragingly, however, the ATJF has already attracted \$1.6 million in additional *cy-près* funds, pursuant to three more recent class action settlements.<sup>2</sup> These involved diverse subject matter and settlement terms, and demonstrate the value of the *cy-près* mechanism in structuring comprehensive and equitable settlements.

This additional inflow of funding suggests the value and impact of the ATJF are gaining recognition, and that the fund may have the potential for longer-term operation. More details on its impact to date will be included in the upcoming LFO annual report for 2011. 

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

<sup>2</sup> *Smith Estate v. National Money Mart* 2010, ON S.C. 1334; *Skopit v. BMO Nesbitt Burns Inc.* 2010, ON S.C. 6039; *Wein v. Rogers Cable Communications Inc.* 2011, ON S.C. 7290

*The Law Foundation of Ontario receives all interest earned on the mixed trust accounts held by legal professionals in the province. It provides funding to Legal Aid Ontario, makes access-to-justice grants, awards fellowships, and supports the practice of public interest law and professional excellence. It updates the profession on its activities in each issue of the Gazette.*



## The Advocates' Society welcomes new President Peter H. Griffin

**THE ADVOCATES' SOCIETY (TAS) WELCOMED** its new President, Peter H. Griffin, Lenczner Slaght Royce Smith Griffin LLP at their annual End of Term Dinner, held June 6, 2012 at the Metro Convention Centre in Toronto. Peter Griffin has maintained a strong presence in the Society since 1996, as a member, teacher, director, and for the past four years as an Executive Committee member.

"It's an honour to serve an organization that plays such an important role in advancing the practice of advocacy in Ontario and across Canada," Mr. Griffin commented after the event. "The Advocates' Society is the premier organization for litigators. In taking on this role, I am gratified by the support of my Lenczner Slaght colleagues and look forward to contributing on behalf of the entire profession."

Mr. Griffin is a senior partner at Lenczner Slaght Royce



Smith Griffin LLP. His civil litigation practice focuses on commercial disputes, insolvency litigation, securities litigation, audit and accounting issues and professional liability matters. He graduated from Queen's University with an LL.B. and was admitted to the Ontario Bar in 1980. Mr. Griffin's broad experience and involvement in the cases of the day have led to his extensive participation at law schools and continuing education programs throughout the Province. He is a Fellow of the American College of Trial Lawyers.

Joining Peter Griffin on the Society's 2012-13 Executive Committee are Alan

H. Mark of Norton Rose OR LLP (First Vice President); Robert B. Bell of Borden Ladner Gervais LLP (Second Vice President); Peter J. Lukasiewicz of Gowling Lafleur Henderson LLP (Treasurer), and Martha A. McCarthy, Martha McCarthy & Company (Secretary). ☐

### CALL FOR NOMINATIONS

## THE CATZMAN AWARD for Professionalism & Civility

*The Catzman family, The Advocates' Society and the Chief Justice of Ontario's Advisory Committee on Professionalism are pleased to call for nominations for an award in memory of the late Justice Marvin A. Catzman, recognizing individuals who have demonstrated a high degree of professionalism and civility in the practice of law.*



Throughout his distinguished career both as an advocate and a judge, Justice Marvin Catzman earned an exemplary reputation for his knowledge of the law, his integrity, his fairness, his civility and his dedication to the highest ideals of the legal profession. He inspired younger lawyers by example and contributed to legal education by writing and lecturing with great insight and humour. He was unfailingly generous to colleagues with his time and expertise. Justice Catzman's career was characterized by all of the qualities that are encompassed by the terms professionalism and civility. The successful candidate for the Catzman Award will be a person who exemplifies these qualities. Nominations are invited for this year's Catzman Award, which will be presented by the Chief Justice of Ontario at the Opening of the Courts in September 2012.

**The deadline for nomination submissions has been extended to August 10, 2012.**

**Please provide a brief statement outlining the reasons for your nomination, the nominee's current c.v., and a minimum of two letters of support and forward nominations to:**

The Advocates' Society Institute for Civility & Professionalism  
1700-480 University Ave., Toronto, ON M5G 1V2

**Electronic submissions are encouraged. Please send to [heather@advocates.ca](mailto:heather@advocates.ca).**

### 2012 Committee Members:

Associate Chief Justice Dennis O'Connor, Justice Kathryn Feldman, Justice Marc Rosenberg, Julie Catzman, Thomas Conway and Peter Griffin.



## The 8<sup>th</sup> Annual Buggy and Ken Charity Golf Tournament helps stamp out hunger

MORE THAN \$49,000 WAS RAISED BY the 8<sup>th</sup> Annual Buggy and Ken Charity Golf Tournament on June 13. Held at the DiamondBack Golf Club in Richmond Hill, the popular event helps support the Toronto Lawyers Feed the Hungry Program, while paying tribute to the memory of criminal lawyers David H. Newman, Q.C., and Ken Danson.

"The Law Society Foundation gives a very special thank you to tournament founder, Michael Gary, and his dedicated organizing committee for their

hard work and ongoing support to make this event such a success every year," says Law Society Foundation Chair Marion Boyd.

Organizing committee members include: Jon Rosenthal, Rachel Grinberg, John Danson, Jeremy Lum-Danson, Peter Danson, Francesca Yaskiel, Adam Newman, and Dwayne White.

### You Can Make a Difference

Help stamp out hunger by making Lawyers Feed the Hungry your **charity of choice**. Sponsorship is a great way to help provide healthy, nutritious meals to some of the neediest residents of our communities.

Programs operate in Toronto, Ottawa, London and Windsor, and more than 90 cents of each dollar goes directly to operating the program.

Donations to the Lawyers Feed the Hungry Program can be made online at [www.lawyersfeedthehungry.ca](http://www.lawyersfeedthehungry.ca). You can also create a living legacy for the

### Approximate Costs for the Toronto LFTH Program

Cost of 1 meal: \$5

Cost of feeding 1 guest for 1 week: \$35 (includes brown bag lunch)

Cost to run the program per week: \$10,000

Here is what some of our meal guests have told us:

**"Without this program, I'd be dead."** – Mike

**"Out of all the programs, this is the best, from the way we are treated, to the portions that are served."** – Dan

program. To find out more, call **416-947-3412 / 1-800-668-7380, ext. 3412**, or send an email to [lsf@lsuc.on.ca](mailto:lsf@lsuc.on.ca).

Tax receipts are issued for all contributions of \$20 or more. When you donate online, a charitable donation receipt for tax purposes is generally issued within 24 hours.

When making a donation, please indicate which program you are supporting (Toronto, Ottawa, London or Windsor). ☐

Charitable Registration Number:  
11924 1719 RR0001





## Prudence est mère de sûreté

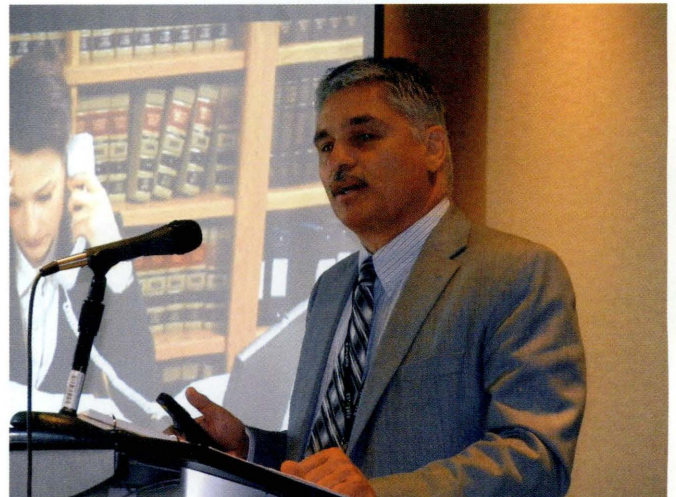
AU CONGRÈS DE L'ASSOCIATION DES JURISTES D'EXPRESSION française de l'Ontario en juin, M<sup>e</sup> Raymond Leclair, vice-président des affaires publiques chez LAWPRO, avait un message important pour les avocats et avocates en pratique : comment éviter une réclamation, un désastre ou la fraude.

En 2011, les réclamations ont coûté à LAWPRO 90 000 000 de dollars et ce chiffre augmente. Les réclamations sont de plus en plus complexes et plus dispendieuses à régler. Quatre avocats sur cinq auront au moins une réclamation au cours de leur carrière. Tous les avocats sont donc susceptibles de faire montre de faiblesses qui peuvent pourtant être évitées.

M<sup>e</sup> Leclair a exposé les principaux problèmes qui donnent lieu à des réclamations.

1. Les avocats sont perçus par la plupart des gens comme de grands communicateurs. Cependant, un des plus grands risques se trouve dans la **communication** entre avocat et client.  
  
Ne pas respecter les instructions de son client, promettre du travail et ne pas le terminer, oublier d'obtenir un consentement ou d'informer le client des développements de son affaire et ne pas clairement indiquer au client ce qu'on attend de lui sont des indications de mauvaise communication.
2. Les avocats sont responsables des **échéances et notations au calendrier**. Pourtant, c'est là une autre grande source de réclamations.  
  
Il arrive trop souvent que les avocats manquent des dates limites faute de les connaître ou d'avoir su les déterminer. Ils n'ont pas toujours d'aide-mémoire qui leur permettrait de noter des dates au calendrier ou ils ne consultent pas assez ce calendrier. Les avocats peuvent aussi se rendre coupables de procrastination et ne pas faire le suivi nécessaire pour s'acquitter de leurs tâches.
3. La télévision nous a habitués à voir des équipes d'avocats qui se doublent de fins détectives : pourtant, dans la réalité, les **enquêtes** sur les faits sont trop souvent inadéquates.

Peut-être par souci de tout faire, des avocats négligent parfois de bien mener leurs recherches. Dans le cas d'une fusion, une société peut, si l'avocat manque d'attention, acquérir les dettes de la société dont elle devient propriétaire ou perdre des droits acquis. Si l'avocat ne fait pas de recherche de titre pour un bail commercial ou



M<sup>e</sup> Raymond Leclair, vice-président des affaires publiques chez LAWPRO, au congrès de l'Association des juristes d'expression française de l'Ontario.

- ne vérifie pas l'exactitude de l'information reçue d'une personne inconnue, ou encore s'il ne confirme pas l'état civil ou l'actif dans un testament, il se rend vulnérable.
4. Les avocats font de longues études qui s'attirent l'admiration de la population : pourtant, les **lacunes dans la connaissance du droit** sont une autre source de réclamation.  
  
Ce risque fait peur. Le client se fie à son avocat pour le défendre et s'appuie totalement sur lui en ce qui concerne l'application des lois et des règlements. C'est à l'avocat de se tenir au courant des dernières décisions de la cour sinon, gare aux amateurs et à leur effet sur l'appareil judiciaire !
  5. Les avocats, peut-être pleins de bonnes intentions, font souvent des **erreurs de délégation**.  
  
Il est si facile de faire une erreur administrative en déposant une lettre au mauvais dossier ou en déléguant une tâche à un employé qui n'a pas encore fait ses preuves. Ce genre d'erreur donne facilement lieu à des réclamations !
  6. Avocates et avocats ne se méfient pas assez des **conflits d'intérêts**.

L'avocat peut être tenté de se monter une clientèle en recrutant les voisins et la famille. Mais si, par exemple, il traite avec la société de son voisin, il doit prendre soin de ne pas donner de conseils à titre d'ami aux dépens des actionnaires ou des autres dirigeants de cette société !



7. Et enfin, ils omettent trop souvent de prévoir les **conséquences fiscales** de leurs actes.

Et elles leur retombent sur le nez tôt ou tard...

M<sup>e</sup> Leclair avait heureusement des conseils pratiques à prodiguer.

Pour éviter une réclamation, suivez un processus rigoureux de gestion des dossiers : vérifiez s'il existe un risque de conflit en suivant non seulement les procédures, mais aussi votre instinct, et assurez-vous d'établir un mandat écrit qui décrit clairement les tâches et le moment où le mandat prend fin.

Contrôlez les attentes des clients dès le début du mandat : expliquez toutes les procédures et le temps qu'elles prennent; restez réaliste dans vos perspectives de succès et divulguez très tôt les coûts anticipés. Ne tenez jamais pour acquis que le client comprend : il peut croire qu'il comprend sans savoir qu'il ne comprend pas ! Tenez-le informé constamment de toutes les conséquences de décisions pour pallier cette éventualité et n'attendez pas la fin du mandat pour demander si vous avez réalisé ses attentes.

M<sup>e</sup> Leclair répète que pour éviter une réclamation, il est important de **créer une trace écrite**, que ce soit en confirmant les instructions reçues et les renseignements donnés, en prenant note des entretiens téléphoniques ou en envoyant vos lettres intermédiaires et finales.

Assurez-vous toujours d'obtenir toutes les données. **Évitez les raccourcis** et étudiez à fond les enjeux. Surtout, n'agissez pas sans connaître le domaine de droit visé !

La **technologie** peut entraîner des problèmes : gare aux courriels envoyés à la mauvaise personne et au langage trop familier ! Ayez un système de sauvegarde de vos données au cas où vous perdriez un ordinateur portable, que vous aurez bien sûr sécurisé auparavant !

Les **médias sociaux** sont une autre source de problèmes potentiels : restez professionnel et évitez les relations dues à un manque d'attention. Vous risqueriez de dévoiler qui sont vos clients en acceptant des amis ou des connaissances ! N'utilisez pas Facebook pour communiquer avec un client et méfiez-vous du partage de vidéos. Protégez votre confidentialité en utilisant par exemple, le site Mypermissions.org, un site qui vous alerte lorsque des applications ont accès à vos renseignements personnels et qui les « nettoie » en un seul clic.

Il y a des risques à reconnaître dans une **économie faible** : des clients mécontents chercheront quelqu'un à blâmer ou encore, ils essaieront de remettre les choses à plus tard. Pour contrer les conséquences fâcheuses, protégez-vous en évitant les mandats ambigus et la mauvaise communication. Prévoyez des plans B et C en cas de résultats non anticipés. Une économie faible peut aussi pousser l'avocat à l'imprudence. Il choisira mal ses clients, il essaiera d'aller trop vite et contournera peut-être quelques règlements. Pour aider ses voisins, sa famille ou ses amis, il tentera de se débrouiller dans un domaine du droit qu'il ne connaît pas.

« Contrôlez les attentes des clients dès le début du mandat : expliquez toutes les procédures et le temps qu'elles prennent; restez réaliste dans vos perspectives de succès et divulguez très tôt les coûts anticipés. Ne tenez jamais pour acquis que le client comprend : il peut croire qu'il comprend sans savoir qu'il ne comprend pas ! »


**Reconnaissez les clients difficiles.** Usez de toutes les précautions offertes pour vous protéger contre leurs réclamations. Fixez les attentes dès le début, gérez continuellement leurs attentes et ne cédez pas devant un comportement inapproprié. S'il le faut, retirez-vous lorsque c'est nécessaire.

Lorsque vous faites affaire avec un avocat hors de l'Ontario, comme par exemple aux États-Unis, méfiez-vous du fait que cet avocat peut ne pas être couvert. (De fait, **l'assurance responsabilité professionnelle n'est obligatoire que dans un des États des É-U.**) Après un accident d'avion aux États-Unis, un avocat ontarien avait référé son client à un avocat américain pour le dossier de poursuite. Lorsque l'avocat américain a omis de déposer les documents à temps, le client a poursuivi l'avocat ontarien. Si celui-ci avait conseillé à son client d'avoir un mandat direct avec l'avocat américain, il aurait évité bien des ennuis.

**Et après la retraite ?** Des réclamations peuvent être déposées après la retraite et même après le décès d'un avocat. Munissez-vous d'une assurance après la retraite et conservez vos documents le temps qu'il faut. **En cas de décès**, la succession demeure responsable des actes antérieurs de l'avocat décédé. À cet effet, vous pourriez avoir besoin d'une police dont la garantie peut être reconduite par la succession.

Évaluez vos faiblesses et préparez-vous en cas de désastre ! 93 % des sociétés qui ont perdu leur centre de données pendant plus de 10 jours **ont fait faillite dans l'année**. Quelque 5 500 portables sont volés chaque jour aux États-Unis.

Les réclamations sont réelles et peuvent être évitées. Servez-vous d'outils de gestion du risque et de stratégies. N'oubliez pas qu'une **interruption peut vous arriver** et **méfiez-vous de la fraude**.

À ce sujet, LawPRO a publié en français une fiche de renseignements. (Voir [www.practicepro.ca/practice/pdf/FraudInfoSheet\\_FR.pdf](http://www.practicepro.ca/practice/pdf/FraudInfoSheet_FR.pdf)) Les fraudeurs sont très forts et savent repérer leurs victimes. Ne soyez pas de celles-ci et suivez les conseils de LawPRO dont le site constitue une excellente source à ce sujet. La Gazette électronique reprendra les grandes lignes du dépliant sur la fraude dans un avenir prochain. 



# AMIS ET ADVERSAIRES



M<sup>e</sup> Guindon à gauche avec M<sup>e</sup> Nathalie Boutet

**LA COMMUNAUTÉ JURIDIQUE FRANCOPHONE EN ONTARIO EST ASSEZ grande pour mériter des services en français, mais assez petite pour que souvent, les avocats qui se croisent dans un litige se connaissent et même, soient des amis.**

La Gazette a parlé à M<sup>e</sup> Julie Guindon à ce propos. M<sup>e</sup> Guindon est une avocate, médiatrice et arbitre dans le domaine du droit familial et du droit successoral.

Il lui arrive souvent de se retrouver adversaire dans une motion ou dans un procès, contre de bons amis, parfois ses meilleurs amis. À ce sujet, elle dit : « C'est sûr que ça peut sembler difficile de faire la distinction entre son travail et l'amitié. Mais, par contre, nous n'avons pas de difficulté à rester courtois et civils parce que nous comprenons que nous avons un travail à faire et qu'on se doit de bien le faire. Nous pouvons arriver à laisser notre relation amicale de côté et redevenir amis lorsque c'est fini. »

**Néanmoins, il peut arriver que les parties soient en conflit dans la salle d'audience et que les clients veuillent voir leurs sentiments reflétés dans les relations de leur avocat. Y a-t-il un risque que ces sentiments se reportent sur la relation?**

M<sup>e</sup> Guindon affirme que : « Si on est au tribunal, chacun présente sa cause, au complet, de façon professionnelle. De plus, pour éviter de donner l'impression de mettre sa relation avant celle qu'on a avec le client, on s'adresse au tribunal et non l'un à l'autre. Nous sommes capables de laisser notre amitié à la porte de la salle d'audience. La plupart du temps, le client est avantagé par le fait que nous nous entendions bien avec l'avocat adverse, puisque leur cause sera assurément menée rondement dans la plus grande civilité. Et puis, si l'on connaît bien son collègue adverse, et qu'on est sur la même longueur d'onde, on aura tendance à négocier plus facilement. Ainsi, durant les échanges, on respectera les demandes de chaque partie. Cette situation est moins probable entre

avocats qui seraient à couteaux tirés, dans quel cas, il serait beaucoup plus difficile d'en venir à une entente. »

**Y a-t-il des problèmes éventuels à trop se connaître?**


M<sup>e</sup> Guindon trouve que « le problème peut surgir lorsqu'on se voit pour négocier et qu'on a aussi du plaisir. Le client en conflit est émotif et peut percevoir qu'on ne prend pas ses intérêts à cœur. Mais les avocats savent qu'ils ont un travail à faire et font attention. La nature de nos relations s'avère souvent un avantage pour la société, car si on peut arriver à des solutions plus rapidement, qui conviennent à toutes les parties concernées, on limite souvent les conséquences financières et émotives que peut entraîner un long procès. »

« Bien sûr, certains clients qui cherchent la victoire à tout prix et qui croient que la seule façon de gagner, c'est de se battre devant le tribunal, peuvent se sentir désavantagés si les deux avocats se connaissent bien et ont tendance à encourager la négociation. Pourtant, on peut essayer de leur faire comprendre que se rendre devant le juge n'est pas nécessairement un avantage, car personne ne sait ce que le juge décidera. »

« Lorsqu'on ne connaît pas l'autre avocat, le fait d'être ouvert à la collégialité ou à la bonne entente fait en sorte qu'on reste civil avec la partie adverse, tout en s'assurant de bien représenter les intérêts de son client. Bien sûr, la personnalité joue pour beaucoup dans les relations amicales. On se crée une réputation : c'est possible de travailler avec un tel ou une telle parce qu'il est facile d'échanger et de discuter. Évidemment, d'autres avocats resteront fermés et distants... cela reste une question de personnalité. »

**Que se passe-t-il lorsqu'on comparaît devant un juge qu'on connaît bien?**

« Si un collègue est nommé juge, il peut arriver que ce dernier soit appelé à siéger pendant une certaine période ailleurs qu'à la cour familiale pour établir une certaine distance. Ainsi, cela lui permettra de se familiariser avec d'autres domaines du droit et de prendre du recul. C'est évidemment plus difficile de comparaître devant un ancien collègue, mais il est important de mettre cela de côté et de bien structurer sa plaidoirie, car il faut toujours avoir à cœur les intérêts de son client. »

La conclusion de M<sup>e</sup> Guindon est que, dans son expérience, on peut fort bien rester impartial et défendre les intérêts de ses clients sans être influencé par ses relations avec ses pairs dans une situation adverse. « C'est la réalité du monde juridique franco-ontarien. On revoit souvent les mêmes personnes. Et si, le cas échéant, il y a apparence de conflit d'intérêts, le juge a un rôle à jouer pour assurer l'impartialité. » 



## FAIRE AVANCER LA JUSTICE




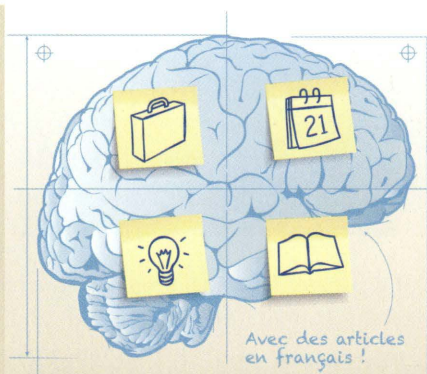
LORS DE SON CONGRÈS DE JUIN, L'ASSOCIATION des juristes d'expression française de l'Ontario (AJEFO) a remis la distinction de l'ordre du mérite à Mme **Sabine Derbier**, coordonnatrice des services en français du ministère du Procureur général de l'Ontario, pour son rôle dans l'avancement des services en français.

Mme Derbier a participé à la mise en place de l'Institut de développement professionnel en langue française, une

initiative reconnue à l'échelle nationale et à laquelle l'AJEFO a collaboré.

**Sabine (sur la photo avec le nouveau trésorier du Barreau Tom Conway)** a accepté l'ordre en remerciant son équipe et les partenaires de son ministère. Elle a remercié particulièrement l'AJEFO qui l'aide dans ses démarches, notamment pour mener à terme la mission du Plan stratégique sur les services en

français en Ontario dans le domaine de la justice. Si elle considère que son succès est attribuable aux liens qui se sont tissés entre les partenaires du secteur de la justice et qu'elle n'a fait que son travail, c'est quand même Mme Derbier qui a rassemblé tous les intervenants nécessaires pour mener des consultations et pour partager les ressources et les connaissances. Elle a été instrumentale dans la mise sur pied de l'Institut du développement professionnel en langue française, dont elle dit qu'il « est un exemple concret de collaboration entre la Division du droit criminel, notre bureau et l'AJEFO – afin d'outiller les professionnels de notre secteur – qu'ils soient procureurs de la couronne, employés des tribunaux ou des services aux victimes, avocats de service d'Aide juridique Ontario ou agents de la police provinciale de l'Ontario ». Notons aussi son rôle important dans le volet national de formation de moniteurs/procureurs de la Couronne grâce auquel « plusieurs procureurs de la Couronne de la Colombie-Britannique, du Manitoba et de la Nouvelle-Écosse peuvent maintenant soutenir la formation des professionnels des tribunaux de leur province respective ». 



GAZETTE

## LA NOUVELLE GAZETTE ÉLECTRONIQUE

Depuis quelques mois, le Barreau publie la *Gazette* sur le Web. Ainsi, vous pouvez lire plus souvent des articles vous tenant au courant des événements, vous donnant des conseils pratiques ou encore vous indiquant les changements aux règles professionnelles. Profitez de cette ressource sur votre téléphone intelligent, votre tablette ou votre portable ! Par exemple, le récent congrès de l'AJEFO fera l'objet d'articles sur des sujets d'intérêts pour toute la profession. Pour commencer, allez à [lawsocietygazette.ca](http://lawsocietygazette.ca) pour savoir ce que le **trésorier du Barreau Tom Conway** et le **directeur général Robert Lapper** ont dit lors de leur passage à Collingwood !



## IN RECOGNITION

*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.*

### CONSTANCE BACKHOUSE AWARDED LLD FROM WESTERN

**LAW SOCIETY BENCHER CONSTANCE BACKHOUSE, C.M., O.ONT., FRSC, LSM,** was awarded an honorary Doctor of Laws degree from the University of Western Ontario in June.

In her citation, Western's Classics professor Bonnie MacLachlan said: "Constance Backhouse reveals the power of people's stories to help us see how law was experienced at various moments in Canadian history. The history she writes about is our history, and the poignant human voices she unearths from the past carry challenging messages for us. Unveiling prejudice in its more blatant form forces us to acknowledge it in our own lives, and reflect on the power of the law to make change or reinforce inequities."

Professor Backhouse then addressed the 738 graduates of the Faculty of Education & Postdoctoral Studies and shared her story of being a new and inexperienced law professor and a feminist at Western University in the 1980s.

Today, Backhouse holds the positions of Distinguished University Professor and University Research Chair at the Faculty of Law, University of Ottawa. She is internationally known for her feminist research and publications on

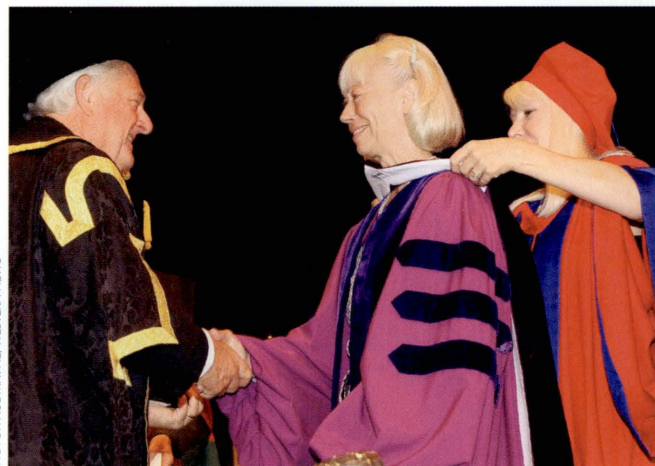



PHOTO: PAUL MAYNE, WESTERN NEWS

Constance Backhouse is congratulated by Western University Chancellor John Thompson while being hooded by Faculty of Education Dean Vicki Schwan.

sex discrimination and the legal history of gender and race in Canada. She is a graduate of the University of Manitoba, Osgoode Hall Law School, and Harvard University.

This is the third honorary LLD for Professor Backhouse. She received her second from the University of Manitoba in 2010 and her first from the Law Society of Upper Canada in 2002. 

### BARBARA J. MURCHIE RECOGNIZED FOR EXCELLENCE IN TEACHING

**THE ADVOCATES' SOCIETY HONOURED** Law Society Bencher Barbara J. Murchie in early June with the 2012 Award for Excellence in Teaching. Alan H. Mark of Norton Rose Canada LLP and Vice President of the Advocates' Society presented the award at the End of Term dinner.


The teaching award is given to instructors who have made outstanding contributions teaching advocacy skills both in the classroom and to the profession. Ms. Murchie has received consistent, exceptional participant evaluations as an instructor, shown an ongoing commitment to the Advocates' Society's education programs, and has demonstrated outstanding professionalism in all aspects of her participation in education programming.

She has been an instructor at Osgoode Hall Law School's Intensive Trial Advocacy Workshop and a team leader at the Advocates' Society Trial Advocacy Workshop. She co-chairs the Court-house Series, a group of programs that teach advocacy through demonstration and discussion. The series is presented by the Advocates' Society in cities across Ontario.

Ms. Murchie was elected a bencher of the Law Society of Upper Canada in 2011 and is an appointed director of LAWPRO. She is a partner and trademark agent at Bennett Jones LLP in Toronto and is co-director of its in-house advocacy training program. She has over 25 years of experience as counsel in a broad range of litigation matters. Her practice currently focuses on resolving or



PHOTO: EYA DONALD GREENLAND, KOTILSKY, ATELIER IVAN

litigating intellectual property disagreements, patent infringement and validity disputes. Ms. Murchie is a graduate of the University of Toronto (BA) and Osgoode Hall Law School (LLB). She was called to the Bar of Ontario in 1986. 





**LEONARD AUSTIN BRAITHWAITE, C.M., O.Ont., Q.C.  
1923–2012**

**LEONARD AUSTIN BRAITHWAITE, C.M., O.Ont., Q.C.**, died on March 28 at the age of 88, following a lifetime of significant contributions to civil rights, politics, law and community service in Ontario.

Born in Toronto's Kensington Market in 1923, Mr. Braithwaite was a ground-breaker and a pioneer in Canada and Ontario both in politics and in the legal profession. He became Canada's first Black parliamentarian when, in 1963, he was elected the Liberal MPP for Etobicoke, serving for three terms.

In 1999, Mr. Braithwaite was elected a bencher of the Law Society of Upper Canada, thus becoming the first Black bencher in its 202 year history. He served until 2003.

Former Law Society Treasurer Professor Vern Krishna remembers Mr. Braithwaite as a "great fellow" who had a strong interest in the self-regulation of the legal profession and equity issues. "His contribution to the profession was extremely valuable," Professor Krishna told the Ontario legal newspaper *Law Times*. "He was very forthright and spoke to what he was passionate about without fear or reservation."

In 2000, Mr. Braithwaite introduced The Most Reverend Archbishop Desmond Tutu to Law Society benchers when Tutu received an honorary Doctor of Laws degree from the Law Society.

Mr. Braithwaite's impressive legal career spanned more than 53 years. He was appointed Queen's Counsel in 1971.

One of five children born to a Barbadian father and Jamaican mother, Mr. Braithwaite attended Harbord Collegiate, then joined the Royal Canadian Air Force in 1943, serving with No. 6 Bomber Command in Yorkshire, England, for the final years of World War II. Upon his return to Canada, he earned a Commerce degree at the University of Toronto (1950), a Master in Business Administration at Harvard Business School (1952), and an LLB from Osgoode Hall Law School (1958).


On February 4, 1964, during his maiden speech at Queen's Park, Mr. Braithwaite called for the abolition of a 114-year-old law permitting racial segregation in Ontario schools. In a rare moment of self-congratulation, Mr. Braithwaite later called the law's deletion "perhaps my greatest accomplishment." In 1971, partly because of his efforts on behalf of gender equality,

girls were first chosen as Legislative Student Pages at Queen's Park.

"We have lost a trailblazer, a champion and a friend — but he leaves behind a tremendous legacy in the strong, diverse province he helped build," Premier Dalton McGuinty said in a statement.

Mr. Braithwaite's many honours include the Order of Canada (1997), the Order of Ontario (2005), the Queen's Golden Jubilee Medal for contributions to Canada (2002) and the Harry Jerome Award for Professional Excellence (2002).

His family members fondly remember him as a man who helped bring about positive social and political change, particularly for visible minorities. Through his leadership and common sense, he helped combat racism and injustice, opening the doors for others and, encouraging them to help find solutions to community problems.

A pioneer known for his dignity, dedication and integrity, he will be truly missed by the many people whose lives he touched. 



# CONVOCATION DECISIONS

## JUNE 2012 HIGHLIGHTS

### Success of paralegal regulation highlighted in report to Attorney General

The success of paralegal regulation by the Law Society, which came into effect in 2007, is the focal point of a five-year review report presented by the Law Society to Attorney General John Gerretsen at Convocation. A requirement under the *Law Society Act*, the report shows that both the public and paralegals are satisfied with and benefit from regulation.

### Enhanced tribunals model approved

Convocation approved enhancements to the Law Society's adjudicative model that support the Law Society's commitment to a hearings process that is transparent, fair and effective for both the public and affected licensees. The model includes the establishment of a full-time, non-bencher lawyer Tribunal Chair. The Chair will be supported by two part-time Vice-Chairs who are elected benchers. Other enhancements under the approved model include the appointment of additional non-bencher adjudicators to the Hearing Panel and appointment and evaluation criteria for adjudicators. The new model will be evaluated in the third year of the new Chair's first term.

### New policies approved re: cost awards in Law Society proceedings

Convocation approved a new tariff for the calculation of costs in Law Society proceedings. Convocation also approved the authority for the Law Society to automatically suspend a licensee's licence for failure to pay costs. An amendment to the *Law Society Act* is required to implement this decision. The amendment would authorize the suspension of a licensee's licence for failure to pay costs within the delay specified in the order until costs are paid in full. Licensees will be able to apply for an extension. Convocation also revoked two outdated policies relating to awards of costs.

### Policy re: funding for external organizations approved

Convocation approved a policy, application form and budget template for requests to the Law Society from external organizations for support and funding of initiatives that will assist the Law Society to fulfil its mandate.



### Audit and Finance Committees to be combined

The Finance and Audit Committees are to be combined into a new committee to be known as the Audit & Finance Committee. The merging of the committees will increase efficiency with additional emphasis on the assessment of the effectiveness and operational efficiency of Law Society programs.

## APPOINTMENTS

Bencher Ross F. Earnshaw and past Treasurer Laurie H. Pawlitza were appointed to the Law Society Hearing Panel for a term ending May 26, 2013.

## MAY 2012 HIGHLIGHTS

### Law Society requesting input on proposed changes to conduct rules

The Law Society is issuing a call for input from the profession on proposed amendments to the lawyers' *Rules of Professional Conduct* arising from the implementation of the Federation of Law Societies' Model Code of Professional Conduct. While many of the proposed changes are minor, some changes are more substantive and introduce new standards.



### Human Rights Monitoring Group intervention approved

Convocation approved the Human Rights Monitoring Group's proposed intervention in the following case: Colombia – Bounty offered for the assassination of lawyer José Humberto Torres. The Human Rights Monitoring Group was established to monitor human rights violations that target lawyers and judges as a result of the discharge of their legitimate professional duties.

### Articling Task Force submissions released

The Articling Task Force delivered an interim report to May Convocation, which included a summary of responses to the task force's consultation. The summary and full copies of written submissions received are now available on the Law Society website. The task force is reviewing and assessing the submissions as it develops recommendations for Convocation's consideration. The task force is planning to deliver its final report to Convocation in the fall.

### Adjudicator Code of Conduct amended

Convocation amended the Adjudicator Code of Conduct following a review to address redundancies, update language and reflect current legislation.

### APPOINTMENTS

The following benchers were reappointed to the Proceedings Authorization Committee effective June 3, 2012: Julian Porter (Chair), Beth Symes (Vice-Chair), Michelle Haigh, Gavin MacKenzie, Alan Silverstein.

### APRIL 2012 HIGHLIGHTS

#### Continuing Professional Development (CPD) requirement amended

Convocation amended the CPD requirement, recognizing two new types of eligible activities and allowing new licensees to choose from a broader selection of CPD programs and activities.

Viewing archived or recorded CPD programs without a colleague and participating in online courses that prompt responses throughout the learning process are now eligible activities for up to 6 CPD Hours per year. New licensees in their first two full years of practising law or providing legal services may apply any program or alternative activity that is accredited for professionalism, without requiring that each program or alternative activity have 25% professionalism

content, and provided that, overall, new licensees obtain three hours of professionalism content annually. The amendments are effective immediately and apply retroactively to any eligible programs or activities taken toward the 2012 CPD requirement.

### Update on Legal Needs Analysis delivered

The Treasurer provided an update to Convocation on the Law Society's legal needs analysis and review of the paralegal scope of practice. Research undertaken to date has raised issues which will be referred to the appropriate Law Society committee. A consultation phase is expected to begin in the fall of 2012.

### Financial statements approved

Convocation approved the audited annual financial statements for the Law Society for the year ending December 31, 2011. The Law Society's General Fund finished the year with an increase in the fund balance for lawyers of \$2.3 million and a decline of \$543,000 for paralegals. Convocation appointed Deloitte & Touche LLP as the Law Society and LibraryCo Inc. auditor for the 2012 financial year.

### Priority work plan approved

Convocation approved a work plan to achieve the priorities it established, in December 2011, for the 2011-2015 bench term.

### Université de Montréal law degree program approved

Convocation approved the Université de Montréal's proposed program leading to the conferral of a J.D. in North American Law, entitling graduates of the program to apply for admission to the Law Society.

### Finance Committee report

Convocation approved the updated Investment Policy and the continued retention of the Law Society's Investment Manager, Foyston Gordon & Payne and the Custodian, CIBC Mellon Global Securities Services Company.

### Human Rights Monitoring Group

Convocation approved interventions in the following cases:

- Spain – Conviction and ban from office of Judge Baltasar Garzón
- Iran – Imprisonment of lawyers Javid Houtan Kian, Abdolfattah Soltani and Nasrin Sotoudeh
- Burma – 32 disbarred lawyers
- China – Harassment and imprisonment of lawyers
- Russia – Impunity for Sapiyat Magomedova's attackers.



## FEBRUARY 2012 HIGHLIGHTS

### Guidelines for Residential School Abuse Cases revised

Convocation amended *The Guidelines for Lawyers Acting in Cases involving Claims of Aboriginal Residential School Abuse* to update references to the *Rules of Professional Conduct* and to add references to the Indian Residential Schools Settlement Agreement. The Guidelines were originally adopted by Convocation in October 2003.

### Lay benchers remuneration to be supplemented by Law Society

Lay benchers will now receive from the Law Society a supplement to the per diem amount paid to them by the Province of Ontario for their Law Society adjudicator work. With the supplement, lay benchers, who are appointed and paid by the Province, will be remunerated for adjudicator work at the same level as other non-bencher adjudicators. Convocation also decided that the Law Society will reimburse lay benchers for travel time and meal expenses on the same level as other benchers.

## APPOINTMENTS

Convocation reappointed Stindar K. Lal, Q.C., as the Complaints Resolution Commissioner under subsection 49.14(3) of the *Law Society Act* for a two-year term commencing April 1, 2012.

Roger Leclaire, Caroline Rowan and Ted Yao were appointed to the Law Society Hearing Panel pursuant to section 49.21 of the *Law Society Act* for a term ending May 26, 2013.

Visit the Law Society website to view the full reports to Convocation, at: [www.lsuc.on.ca/convocation.aspx?id=1031](http://www.lsuc.on.ca/convocation.aspx?id=1031)

## RECENT RULE AND BY-LAW AMENDMENTS

Convocation recently made the following amendments to Law Society Rules and By-Laws:

### JUNE 2012

#### By-Law 7 amended re: multi-discipline partnerships

By-Law 7 [Business Entities] was amended to permit licensees to form a multi-discipline practice with a non-licensee practising a profession, trade or occupation through a professional corporation.

### MAY 2012

#### Paralegal Rules of Conduct amended

Rule 3.02 of the *Paralegal Rules of Conduct* was amended by Convocation to clarify the requirement that paralegals be on guard against being used to facilitate dishonesty, fraud, crime or illegal conduct. The amendments also broadened the rule to refer to fraud or dishonesty by clients or others, rather than just clients. These amendments are consistent with amendments made to the lawyers' Rules at April Convocation.

The Paralegal Guidelines were amended by the Paralegal Standing Committee regarding limited scope retainers and to reflect the amendments to Rule 3.02.

### APRIL 2012

#### Rules of Professional Conduct amended

Rule 2.02(5) of the *Rules of Professional Conduct* and related commentary were amended to clarify the requirement that lawyers be on guard against being used to facilitate dishonesty, fraud, crime or illegal conduct.

#### By-Law 3 amended

By-Law 3 (Benchers, Convocation and Committees) was amended to implement the policy approved at February 2012 Convocation regarding the remuneration of lay benchers.

### FEBRUARY 2012

#### New Appeal Panel Rules approved

Convocation approved new Appeal Panel Rules of Practice and Procedure and related forms. Continuing the Law Society's commitment to an open and transparent adjudicative process, the new rules introduce new provisions and reform and enhance certain existing provisions. The new rules are effective July 1, 2012 and apply to proceedings that begin on or after that date. The current rule continues to apply to proceedings commenced prior to July 1, 2012.



## CONVOCATION ATTENDANCE

	Attendance				Motions*	
	Feb. 23	April 26	May 24	June 28	1	2
Anand, Raj	✓	✓	✓	✓	F	A
Backhouse, Constance	✓	✓		✓		
Boyd, Marion	✓	✓	✓	✓	F	A
Braithwaite, Jack	✓		✓	✓	F	F
Bredt, Christopher	✓	✓	✓	✓	F	A
Callaghan, John	✓	✓	✓	✓	A	F
Campion, John	✓	✓		✓		F
Chilcott, W. Dan		✓	✓			
Daud, Aslam	✓	✓	✓	✓	F	F
Dickson, Mary Louise	✓	✓	✓	✓	F	F
Doyle, Adriana	✓	✓	✓	✓	F	A
Dray, Paul	✓	✓	✓	✓	F	A
Earnshaw, Ross				✓	F	A
Elliott, Susan	✓	✓	✓	✓		
Epstein, Seymour		✓	✓	✓	F	A
Eustace, Lawrence	✓	✓	✓	✓	F	F
Evans, Robert	✓	✓	✓	✓	F	F
Falconer, Julian	✓	✓	✓	✓	F	F
Ferrier, Lee			✓	✓	F	A
Gold, Alan			✓			
Goldblatt, Howard	✓	✓	✓	✓	F	A
Haigh, Michelle	✓	✓	✓	✓		
Halajian, Jennifer	✓			✓	F	A
Hare, Susan		✓	✓			
Hartman, Carol	✓	✓	✓	✓	F	A
Horvat, Jacqueline	✓	✓	✓	✓	F	A
Hunter, George	✓	✓	✓	✓		
Krishna, Vern	✓	✓	✓	✓		F
Leiper, Janet	✓	✓	✓	✓		
Lerner, Michael	✓	✓	✓	✓	F	A
MacKenzie, Gavin	✓	✓		✓	F	A
MacLean, Virginia	✓	✓	✓	✓		
Marmur, Dow	✓	✓	✓	✓	F	A
Matheson, Wendy	✓	✓	✓	✓	F	A
McDowell, William	✓	✓	✓	✓	F	A
McGrath, Susan	✓	✓	✓	✓	F	A
Mercer, Malcolm	✓	✓	✓	✓	F	A
Millar, W. A. Derry						
Minor, Janet	✓	✓	✓	✓	F	A
Murchie, Barbara	✓	✓	✓	✓	F	A
Porter, Julian	✓	✓	✓	✓	F	A
Potter, Judith	✓	✓	✓	✓		
Pustina, Nicholas J.	✓	✓	✓	✓	F	A
Rabinovitch, Jack	✓	✓	✓	✓	F	A
Richardson, Jan	✓	✓	✓	✓	F	A
Richer, Susan	✓	✓	✓	✓	F	A
Robins, Sydney	✓	✓	✓	✓	F	A
Rock, Allan						
Rothstein, Linda			✓	✓		
Sandler, Mark	✓	✓	✓	✓	F	A
Scace, Arthur						
Scarfone, James	✓	✓	✓	✓	F	A
Schabas, Paul	✓	✓	✓	✓	F	A
Sikand, Baljit	✓	✓	✓	✓		
Silverstein, Alan	✓	✓	✓	✓	F	A
Strosberg, Catherine	✓	✓	✓	✓	F	A
Strosberg, Harvey		✓	✓			
Sullivan, Joseph	✓	✓	✓	✓	F	A
Symes, Beth	✓	✓	✓	✓		
Wadden, Robert	✓	✓	✓	✓	F	A
Wardle, Peter	✓			✓	F	A
Pawlitza, Laurie H. (Treas.)	✓	✓	✓	✓		
Conway, Thomas (Treas.)	✓	✓	✓	✓		
Gerretsen, John (Attorney General)				✓		

Motions\* A = AGAINST F = FOR Ab = ABSTAIN

## ROLL-CALL VOTES

June 28, 2012

## TRIBUNALS COMMITTEE REPORT

Mr. Anand presented the Report.

Re: Hearings Process Report – Tribunals  
Hearings Process Proposed Model

Motion 1: It was moved by Mr. Anand, seconded by Mr. Sandler that Convocation approve the enhanced adjudication model for the Law Society, as set out at paragraph 1 of the report.

Motion 2: It was moved by Mr. Campion, seconded by Mr. Falconer, that the motion in the Tribunals Committee Report respecting the Tribunals Hearings Process Proposed Model be tabled.

Lost. Vote: For – 9; Against – 35.

The main motion carried.

Vote: For – 41; Against – 1.

There were no motions at the Feb. 23, April 26 or May 24 Convocations requiring a roll-call vote.

## Non-voting Benchers in attendance:

**February 23, 2012** – R. Aaron, L. Banack, P. Furlong, G. Gottlieb, D. Murphy, R. Murray, H. Ross, C. Ruby, G. Swaye, J. Wardlaw, B. Wright

**April 26, 2012** – R. Aaron, L. Banack, P. Copeland, N. Finkelstein, P. Furlong, G. Gottlieb, R. Manes, D. Murphy, R. Murray, H. Ross, C. Ruby, G. Swaye, J. Wardlaw, B. Wright, R. Yachetti

**May 24, 2012** – R. Aaron, L. Banack, P. Furlong, R. Murray, H. Ross, C. Ruby, G. Swaye, J. Wardlaw, B. Wright, R. Yachetti

**June 28, 2012** – L. Banack, P. Copeland, A. Feinstein, P. Furlong, G. Gottlieb, R. Murray, C. Ruby, G. Swaye, J. Wardlaw, B. Wright





### **New bencher elected**

Ross F. Earnshaw of Kitchener was elected as bencher at June Convocation. Mr. Earnshaw was elected to fill the vacancy created by the election of Thomas Conway as Treasurer.

Mr. Earnshaw was called to the Bar of Ontario in 1979 and is a partner at the Waterloo Region office of Gowling Lafleur Henderson LLP where he practises civil litigation, with emphasis on commercial and real estate-related litigation, including construction liens. He has also worked in insurance law, estate litigation and banking, including collections, priorities and mortgage enforcement.



### **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 2012 meeting. The Chair is elected by the committee annually.

## **JUDICIAL APPOINTMENTS**

### **FEDERAL COURT**

*Effective June 1, 2012*

The Honourable Jocelyne Gagné

*Effective June 22, 2012*

The Honourable Catherine M. Kane

### **ONTARIO COURT OF APPEAL**

*Effective April 10, 2012*

The Honourable Edward W. Ducharme

The Honourable Sarah E. Pepall

*Effective June 30, 2012*

The Honourable Michael H. Tulloch

### **ONTARIO SUPERIOR COURT OF JUSTICE**

*Effective March 2, 2012*

The Honourable Dale F. Fitzpatrick

*Effective April 10, 2012*

The Honourable James R.H. Turnbull

The Honourable C. Stephen Glithero

The Honourable Denise M. Korpan

*Effective June 1, 2012*

The Honourable Thomas A. Heeney

The Honourable Robert F. Goldstein

The Honourable Ian F. Leach

*Effective June 22, 2012*

The Honourable Edward M. Morgan

### **ONTARIO COURT OF JUSTICE**

*Effective March 7, 2012*

Justice Jonathon C. George

Justice Diane M. Lahaie

*Effective April 25, 2012*

Justice Alain H. Perron

*Effective June 20, 2012*

Justice Franco Giamberardino

Justice Steven Paul Harrison

Justice Carolyn Jane Jones

*Effective June 27, 2012*

Justice Martin Lambert

*Effective July 11, 2012*

Justice Cynthia Johnston

Justice Allan Gary Letourneau



## LIFE MEMBERS

*Life membership is granted to members of the Law Society who have been entitled to practise law in Ontario for a period of 50 years. The following lawyers have been awarded life membership since the last issue of the Gazette.*

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Marvin Barkin, Q.C. — Toronto, ON  
Marianne Elizabeth Barrie — St. Thomas, ON  
Norman Biback, Q.C. — Toronto, ON  
Isaac Birenbaum — North York, ON  
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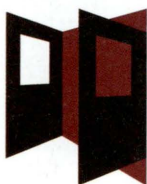
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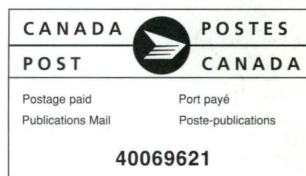
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