



Benchers Bulletin

April 1994 Vol. 2 No. 7

Law Society fees frozen for second consecutive year

There will be no increase in Law Society membership dues in 1994/95. The cost of full fee-paying membership has been frozen at \$1,132 for the second consecutive year. The fee for members employed outside the practice of law and for unemployed members will remain at \$566 and \$283 respectively.

Once again this year the fee setting exercise was preceded by a rigorous examination of all existing Law Society programs and initiatives that was conducted by the Special Committee on Priorities and Planning, chaired by Toronto benchers Thomas Bastedo. Over a three-month period beginning in January, committee members—which also include Abe Feinstein, Casey Hill and Hope Sealy—met with Law Society department heads and committee chairs to scrutinize all budget proposals for the next fiscal year to determine potential cost reductions and efficiencies.

A number of measures were taken in order to meet Convocation's goal to hold the line on fees. Law Society management and professional staff salaries were frozen and program cuts were made in a number of areas, including the county and district libraries which were affected by a \$155,000 decrease in funds granted by the Law Foundation of Ontario. Modest program cuts were also made in the following areas: professional conduct, research and planning, secretariat, human resources and computer information systems.

Funds generated from fees paid by newly called lawyers combined with the reordering of internal priorities will allow for expansion of services more directly related to the Law Society's regulatory responsibilities.

Services to members such as the practice advisory service, which provides ethical and practice management advice to private practitioners, and the professional standards program, which provides a peer mentoring service to members who have been the subject of service or com-

petence complaints, will receive additional staff resources to assist in carrying out their mandate. Similarly, the audit, complaints and discipline departments will receive an additional nine staff members to help cope with increased workload in their respective areas.

The Law Society's global budget approved at the April Convocation is set at \$29.5 million for fiscal 1994/95.

Insurance claims rise in first quarter

A total of 864 new insurance claims were received by the Lawyers Professional Indemnity Company (LPIC) in the first quarter ending March 31st—exceeding last year's figure by 16. The average value of each claim also rose by \$1,723 to \$15,790. The aggregate value of all claims received (prior to the application of members' deductible) is \$13.6 million compared with \$11.9 for the same period last year.

The largest number of claims—just over 45 per cent—was generated in the real estate area, primarily in the mortgage-related category which accounted for 26 per cent of all claims received. While the number of mortgage-related real estate claims has risen, the average value of those claims is now \$15,642 or approximately \$5,000 less than last year.

Claims are also up in the following areas of law: automobile, commercial (especially leases), civil litigation, and wills, estates and trusts. Matrimonial and family law and liens and chattel mortgages are showing a modest decline in the number of claims received. Claims are evenly split between Metropolitan Toronto and outside regions.

Response to mission statement survey encouraging

More than 1,500 members responded to a Law Society survey conducted to gauge attitudes towards its proposed mission statement. The 56-word draft statement was included in the February mailing to the profession as part of a newsletter entitled "Focusing the vision: What should your Law Society be doing?". Members were asked to provide their views on a series of principles and assumptions that underlie the mission statement. Some 20 questions comprised the survey members were asked to complete and return to the Society by April 15th.

The following are some of the highlights of the survey results:

- 9 out of 10 respondents agreed/agreed strongly that it was the Law Society's role to uphold the independence of the legal profession
- Almost 95 per cent agree/agreed strongly that it was the responsibility of the Society to exercise authority with respect to entry to the profession, standards of practice, insurance requirements, professional conduct and discipline.
- 9 in 10 agree/strongly agree that it is the Law Society's responsibility to ensure that members continue to be fit, qualified and competent once admitted to practice.

Strong levels of consensus broke down on a few issues, most notably the following:

- Public interest vs. professional interest. More than one-third of respondents disagree/disagree strongly that the Society must subordinate the interests of the profession to those of the public when such interests conflict. A further 18 per cent of respondents indicated they were neutral on this issue.

Similarly, almost half of respondents disagreed/disagreed strongly with the statement that it was **not** the Law Society's role to advance its members interests in society. This was one of only two statements in the entire survey where agreement with the Law Society's position was less than 50 per cent.

The Subcommittee on the Role of the Law Society will review responses prior to finalizing the role statement in June.

The Law Society
of Upper Canada



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Convocation attendance and roll-call votes

Apr. 22, 1994	Attend	Motion*
Arnup, John	✓	
Bastedo, Thomas	✓	
Bellamy, Denise	✓	
Bragagnolo, Rino		
Brennan, Lloyd		
Campbell, Colin	✓	
Carter, Robert		
Copeland, Paul	✓	
Cullity, Maurice	✓	
Curtis, Carole		
Elliott, Susan	✓	
Epstein, Philip	✓	
Feinstein, Abraham	✓	
Finkelstein, Neil	✓	
Goudge, Stephen		
Graham, Netty		
Hickey, Michael		
Hill, Casey	✓	
Howie, Kenneth	✓	
Howland, William	✓	
Kiteley, Frances	✓	
Krishna, Virender		
Lamont, Donald	✓	
Lax, Joan	✓	
Legge, Laura		
Lerner, Samuel	✓	
Levy, Earl	✓	
McKinnon, Colin	✓	
Manes, Ronald	✓	
Martin, Arthur		
Mohideen, Fatima		
Moliner, Marie		
Murphy, Daniel	✓	
Murray, Ross		
O'Brien, Brendan	✓	
O'Connor, Dennis		
O'Connor, Shirley		
Palmer, Julaine	✓	
Peters, Patricia		
Richardson, Nora		
Rock, Allan		
Ruby, Clayton	✓	
Scace, Arthur	✓	
Scott, David	✓	
Sealy, Hope	✓	
Somerville, Marc	✓	
Strosberg, Harvey	✓	
Thom, Stuart	✓	
Topp, Robert		
Wardlaw, James		
Weaver, Mary	✓	
Yachetti, Roger		
Lamek, Paul (Treas.)	✓	

Non-voting Benchers in attendance

R. Cass, A. Lawrence

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

There were no motions that required a roll call vote at Apr. 22 Convocation.