

# ONTARIO LAWYERS GAZETTE

LA REVUE DES JURISTES DE L'ONTARIO



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Q.C., LSM



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THE LAW SOCIETY OF UPPER CANADA

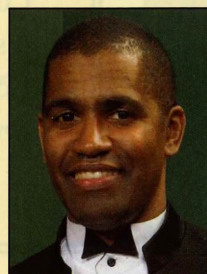
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The Law Society of  
Upper Canada

Barreau  
du Haut-Canada



Lincoln Alexander  
Award Recipient  
Roger Rowe

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# ONTARIO LAWYERS GAZETTE

LA REVUE DES JURISTES  
DE L'ONTARIO

Spring 2007

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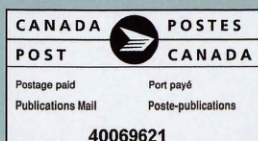
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## Treasurer Gavin MacKenzie Re-Acclaimed

GAVIN MACKENZIE HAS BEEN ACCLAIMED FOR A FURTHER TERM AS TREASURER OF THE LAW SOCIETY OF UPPER CANADA. HE WAS FIRST ELECTED TREASURER IN FEBRUARY 2006, AND WAS ACCLAIMED FOR A FURTHER ONE-YEAR TERM IN JUNE 2006.

During his tenure as Treasurer, MacKenzie has overseen the expansion of the Law Society's mandate to include the regulation of paralegals, a significant milestone in the history of the Law Society and an important step in the evolution of legal services in Ontario.

A partner in the Toronto office of Heenan Blaikie LLP, MacKenzie graduated from Osgoode Hall Law School at York University in 1975. He was called to the Ontario Bar in 1977 and has appeared as counsel before courts at all levels, including the Supreme Court of Canada.

He has been honoured by induction as a Fellow of the American College of Trial Lawyers and has been certified by the Law Society of Upper Canada as a Specialist in Civil Litigation since 1989. He is the author of *Lawyers and Ethics*, a leading text on professional responsibility and discipline.

MacKenzie is also a former director of the Advocates' Society and of the Lawyers' Assistance Program. He was first elected a bencher of the Law Society in 1995. Since then, he has held a number of high-profile positions, including Chair of the Society's Professional Regulation Committee (responsible for professional conduct and discipline), and Co-Chair of its Strategic Planning Committee and its Task Force on the Review of the *Rules of Professional Conduct*.



## TREASURER'S MESSAGE

### **Welcoming the new bench and reflecting on the contributions of the 2003-2007 bench**

This spring, I am very pleased to welcome the new and re-elected members of our Convocation. The re-election by the profession of the vast majority of incumbent candidates is a heartening validation of our efforts on the profession's behalf in the public interest. I am also extremely pleased that almost half our new bench is made up of women, appropriately reflecting the changing face of the profession.

At the same time, I take this opportunity to thank the benchers whose terms are now complete. During their four-year term, the benchers who made up the 2003 – 2007 bench, and who met regularly as Convocation, worked diligently and accomplished a great deal.

By contributing their unique perspectives, by engaging in stimulating and thought-provoking discussions and debates, and by bringing their concerns to Convocation, this bench has ably served the legal profession and the public. It has been my great honour and privilege to work with these remarkable individuals both in my capacity as bencher and as Treasurer. I am confident the new bench will build upon the many solid accomplishments of the past bench, some of which are referred to on the following pages.



**Treasurer  
Gavin MacKenzie**

## MESSAGE DU TRÉSORIER

### **Bienvenue au nouveau conseil – réflexion sur les contributions du Conseil de 2003 à 2007**

Je suis très heureux en cette saison d'accueillir les nouveaux membres élus et les membres réélus à notre Conseil. La réélection par la profession de la vaste majorité des conseillers et conseillères représente une approbation reconfortante de nos efforts faits au nom

de la profession dans l'intérêt du public. Je suis aussi extrêmement ravi que presque la moitié de notre nouveau conseil soit constituée de femmes, reflétant ainsi le nouveau visage de la profession.

Par ailleurs, je saisis l'occasion pour remercier les conseillères et conseillers dont le mandat est maintenant terminé. Durant leur mandat de quatre ans, ces hommes et femmes qui ont formé le Conseil de 2003 à 2007, et qui se sont réunis régulièrement, ont travaillé avec diligence pour accomplir un énorme travail.

En donnant leurs perspectives uniques, en s'engageant dans des discussions et des débats stimulants et en portant les préoccupations de leurs régions à l'attention du Conseil, ce groupe a bien servi la profession juridique et le public. J'ai eu le grand honneur et le privilège de travailler avec ces personnes remarquables, à la fois à titre de conseiller et de trésorier. Je suis certain que les nouveaux conseillers et conseillères sauront poursuivre le travail amorcé par les nombreuses réalisations du Conseil précédent.

*Gavin MacKenzie*



## RETROSPECTIVE:

# Accomplishments of the 2003 – 2007 bench

THE FOLLOWING ARE SOME OF THE HIGHLIGHTS OF CONVOCATION'S EXTENSIVE WORK. MUCH OF IT WAS DONE THROUGH THE TASK FORCES, WORKING GROUPS AND COMMITTEES CONVOCATION CREATED TO FOCUS ON SPECIFIC ISSUES AFFECTING THE LEGAL PROFESSION AND TO DEVELOP POLICIES AND STRATEGIES THAT WOULD ADDRESS THESE ISSUES.

### Paralegal Regulation

In January 2004, on the recommendation of the Government Relations Committee, Convocation established a Paralegal Task Force to develop a proposal for the regulation of paralegals, as requested by the Attorney General. The task force consulted extensively with the profession and other stakeholders and presented a report to the Attorney General later that year. Bill 14, *The Access to Justice Act*, was passed in October 2006, at which time Convocation established, in accordance with the act, the Paralegal Standing Committee. The committee is developing recommendations for Convocation's approval concerning the details of the regulatory model. Some of the comprehensive work done over the past few years to prepare for the regulation of paralegals includes the development of a code of conduct for paralegals, as well as a set of criteria and an application process for paralegals already in practice and for students already studying legal services. A competency profile has been created, and a set of by-laws has been adopted.

### New Licensing Process

Convocation adopted the recommendations made by the Task Force on the Continuum of Legal Education in its 2003 report, including

## LICENSING Process

its model for a new licensing process, and immediately set to work to design standardized competency requirements for admission to the legal profession. Extensive work that included consultations with 1,800 lawyers – who contributed over 7,500 hours – culminated in a new Licensing Process that was approved by Convocation in February 2005 and successfully implemented in May 2006. We now have a fully validated process that fulfils our regulatory mandate by ensuring that new lawyers have the competencies required to provide legal services effectively in the public interest. At the same time, the new process decreases licensing fees and enables candidates to be called to the Ontario Bar and practise law two months sooner.

### Sole and small firm practitioners

The Sole Practitioner and Small Firm Task Force, established by Convocation in March 2003, produced its final report

in March 2005. The task force's report and recommendations were based on its comprehensive survey of 700 lawyers. In March 2006, Convocation, in accordance with one of the task force report's key recommendations, established a working group consisting of two benchers, two representatives of the County and District Law Presidents' Association, and two representatives from the Ontario Bar Association. Its mandate is to identify strategies for implementation that will help sole and small firm lawyers flourish. Other recommendations include continuing to develop and enhance effective programs, tools and resources for sole and small firm lawyers; providing better information and education about private practice, including establishing practices; facilitating mentoring and resource-sharing programs; and educating the public about the vital role these lawyers play in meeting the public's legal needs.

### Independence of the Bar

In November 2006, one year after Convocation established it, the Task Force on the Independence of the Bar and the Rule of the Law produced a seminal report – a comprehensive reference work that articulates the reasons underlying the fundamental principle that an independent bar is essential to the rule of the law. Convocation commissioned the report –



and accompanying papers by legal experts – to serve as a solid resource for legislators, the courts and others to use to defend the independence of the bar, which has been under pressure in recent years for reasons including national security concerns.

### **Equality-seeking communities and the profession**

Over the past four years, the Equity and Aboriginal Issues Committee/Comité sur l'équité et les affaires autochtones, a standing committee of Convocation, has created and worked with a number of working groups and advisory groups to develop equity and diversity initiatives. These include the Equity Advisory Group, the Disability Working Group, the Aboriginal Working Group, the Anti-Semitism and Respect for Faiths/Spiritual Beliefs Working Group, the French Language Rights Working Group and the Retention of Women in Private Practice Working Group. These groups have developed a number of strategies to address barriers and inequities in the profession.

### **Retention of women in private practice**

The Law Society identified the retention of women in private practice as a significant issue in 2005, as a result of research findings that women still face inequalities and barriers in the legal profession. The Equity and Aboriginal Issues Committee created the Retention of Women in Private Practice Working Group in March 2006 to examine and address the issue. The working group has been consulting with women lawyers and with managing partners of law firms in Ontario to identify best practices, policies, programs and initiatives that will help retain women and influence the necessary cultural shift in the legal

profession. It will draw on and build on the extensive policy work done or commissioned by Convocation over the past years, including model policies and guidelines for the legal profession and law firms. These include the *Pregnancy and Parental Leaves and Benefits for Professional Legal Staff and Law Firm Equity Partners* and the *Guide to Developing a Law Firm Policy Regarding Accommodation Requirements*.

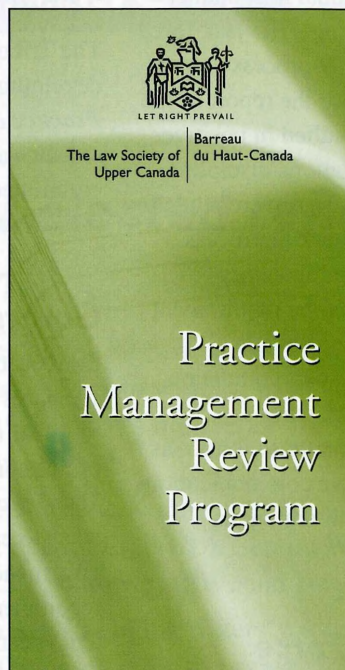
### **Human rights violations against lawyers and judges**

Convocation established the Human Rights Monitoring Group in April 2006 to address human rights violations that target lawyers and judges as a result of the discharge of their legitimate professional duties. The Law Society, at the recommendation of the Human Rights Monitoring Group, has so far intervened in 18 cases of alleged human rights violations against both lawyers and judges, originating from countries such as Algeria, China, the Democratic Republic of Congo, Georgia, Honduras, India, Iran, Philippines, Saudi Arabia, Sudan, Syria, Tunisia and Vietnam. Reports of incidents indicate these lawyers and judges have been subjected to various forms of persecutions, including harassment, intimidation, unlawful detentions, unlawful house arrests, violence, abuse and torture and assassinations. The Law Society has received responses from some authorities and legal associations expressing assurances that the human rights of lawyers and judges are and will be respected. The initiative has also led to collaboration opportunities with lawyers from other countries.

### **Practice Management Review Program**

In June 2006, Convocation approved the implementation of a Practice Management Review Program to review the practice management processes of lawyers who have been in practice for

up to eight years. This program is proactive and preventive in nature and complements existing competence programs that support lawyers. The program is an important quality assurance initiative that enhances the Law Society's commitment to professional excellence for all lawyers.



### **Mortgage fraud and real estate issues**

The Law Society established a Working Group on Real Estate Issues to address a range of issues arising in real estate practice. The working group includes benchers, representatives of the Ontario Bar Association Real Property Section, the County and District Law Presidents' Association, and the Ontario Real Estate Lawyers' Association. To help reduce the risk of mortgage fraud, the Working Group on Real Estate Issues drafted new *Residential Real Estate Transaction Guidelines*, which were reported to Convocation in January 2007, and amendments to the *Rules of Professional Conduct*, which were approved by Convocation in February 2007. The new guidelines and amendments are based on extensive consultations the working group held with the profession in 2006.



## Investigations Task Force

The Investigations Task Force, which Convocation created in November 2004, presented its report to Convocation in May 2006 following a thorough examination of the Law Society's investigations process with regard to allegations of professional misconduct and conduct unbecoming. The task force concluded that the many process amendments made since the report of the Hon. Griffiths have resulted in positive results for the investigations/discipline process. Recommendations were made to support this ongoing work in process improvement to ensure regulatory effectiveness, including the requirement for new staff policies addressing complainants and third party complaints, and the revocation of existing Convocation policies on those issues, as well as a comprehensive communications initiative to integrate all regulatory information.

## Tribunals Task Force and Tribunals Composition Task Force

Convocation established the Tribunals Task Force in September 2004 to identify ways to enhance the Law Society's tribunals process and procedures, making them more timely, transparent, consistent and publicly accessible. The task force reviewed all aspects of the Law Society's tribunal process – including the release and publication of orders and decisions and the process for hearings, appeals and decision-making. The task force made a series of recommendations and Convocation approved a number of them in May 2005, including the establishment of timeline benchmarks and the publication of hearings schedules and tribunal decisions. The task force also presented to Convocation four other possible models for the tribunals themselves, the relative merits of which were examined by the Tribunals

Composition Task Force. In April 2007, Convocation approved a recommendation that the hearing panel be expanded by the addition of up to four non-bench lawyer lawyers and up to four non-lawyers.

## Tribunals Committee

The Tribunals Committee continued its development of the new *Rules of Practice and Procedure* and its work to enhance adjudicator education. The committee also completed the *Adjudicator Code of Conduct*.

## Governance Task Force

Convocation was as vigilant about standards for itself and the Law Society as it was about standards for the legal profession. It established the Governance Task Force in March 2006 to find ways to enhance the Law Society's governance structure. The task force's recommendations, brought to Convocation one year later, are being implemented. These include the establishment of a formal strategic planning process, supported by a Priority Planning Committee that will enable Convocation to identify priorities for a strategic agenda and integrate priority setting with budget development.

## Law Commission of Ontario

Convocation voted, in November 2006, in favour of participating in the creation of a Law Commission of Ontario that will be a collaborative effort of the Law Society, the Ministry of the Attorney General, law firms, legal organizations and law schools. The new commission will be an important instrument of change to maintain and advance the cause of justice and the rule of law and to protect the public interest.

## National Mobility Initiatives

The Inter-Jurisdictional Mobility Committee continued to work on national mobility initiatives, including enlarging the scope of the *National Mobility Agreement* (NMA) by signing the *Territorial Mobility Agreement* in November 2006. The committee recommended in its June 2006 report that Convocation sign the agreement, which enables the territories to participate in aspects of the NMA. The NMA was first implemented in seven jurisdictions, including Ontario, in July 2003. Under the agreement, lawyers eligible for mobility may provide legal services for up to 100 days in a calendar year in another participating jurisdiction. Ontario lawyers who are entitled to practise and are of good character may also become permanent members, without having to write transfer examinations, in any of those jurisdictions participating in the NMA. ■





# THE LAW SOCIETY OF UPPER CANADA

## Benchers Election

### ONTARIO LAWYERS ELECT GOVERNING BODY:

## Highest number of women ever elected reflects the changing face of the profession

Ballots have been counted in the Law Society of Upper Canada's 2007 benchers election to determine who sits on the Law Society's governing body, Convocation, for the next four years.

This year, 18 of the 40 elected benchers are women, the highest number of women elected in Law Society history. In 2003, 11 women were elected. The previous high was 13, elected in 1995. (See sidebar on page 10.)

Every four years, Ontario lawyers elect 40 benchers – 20 from inside Toronto and 20 from outside Toronto. Eight of the 40 are regional benchers, who are the candidates with the highest number of votes from voters in their own electoral region.

The remaining 32 benchers include the 13 candidates from outside Toronto with the most votes from *all* voters and the 19 candidates from inside Toronto with the most votes from *all* voters.

The regions are: Northwest (NW), Northeast (NE), East (E), Central East (CE), Central West (CW), Central South (CS), Southwest (SW) and Toronto.

Of the 37,947 eligible voters, a total of 13,084 cast ballots. Of these, 5,604 were cast by Internet, 530 by phone, and 6,439 by mail. There were also 507 late ballots and 4 invalid ballots.

The following are all 40 elected benchers, listed in alphabetical order. Benchers from outside Toronto have their region listed following their name.

*Continues on page 10*

### Elected benchers in alphabetical order

#### Inside Toronto

Bob Aaron	Derry Millar
Raj Anand, LSM	Janet E. Minor
Larry Banack	Laurie Pawlitza
John A. Campion	Julian Porter, Q.C.
Carole Curtis	Linda Rothstein,
Mary Louise	LSM
Dickson, Q.C.	Clayton Ruby
Alan D. Gold	Mark J. Sandler
Gary Lloyd Gottlieb	Paul Schabas
Thomas G.	Beth Symes, LSM
Heintzman, O.C., Q.C.	Bonnie A. Tough
Gavin MacKenzie*	

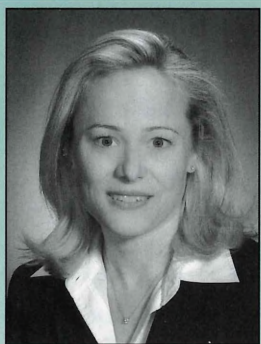
#### Outside Toronto

Melanie L. Aitken (E) <i>Ottawa</i>	Susan T. McGrath (NE) <i>Iroquois Falls</i>
Constance Backhouse, LSM (E) <i>Ottawa</i>	Judith M. Potter (SW) <i>London</i>
Kim A. Carpenter-Gunn (CS) <i>Hamilton</i>	Nicholas John Pustina, Q.C.
James R. Caskey, Q.C. (SW)* <i>London</i>	(NW)* <i>Thunder Bay</i>
Thomas G. Conway, (E)* <i>Ottawa</i>	Heather Joy Ross (SW) <i>Goderich</i>
Marshall A. Crowe, LSM (E) <i>Ottawa</i>	Joanne St. Lewis (E) <i>Ottawa</i>
Jennifer Halajian (CE) <i>Unionville</i>	Alan G. Silverstein (CW) <i>Mississauga</i>
Susan M. Hare (NE) <i>M'Chigeeng</i>	Gerald A. Swaye, Q.C. (CS)* <i>Hamilton</i>
Carol Hartman (NE)* <i>Sudbury</i>	Bonnie R. Warkentin (E) <i>Kingston</i>
Paul J. Henderson (CW)* <i>Oakville</i>	Bradley H. Wright (E) <i>Ottawa</i>
Hon. Doug Lewis (CE)* <i>Orillia</i>	

\*The eight regional benchers



# Benchers elected outside Toronto *(\*indicates Regional Bencher)*



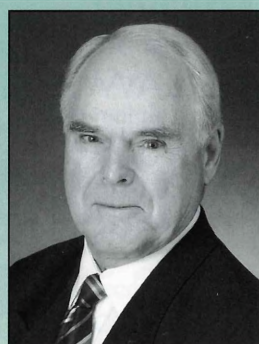
Melanie L. Aitken,  
(E) Ottawa



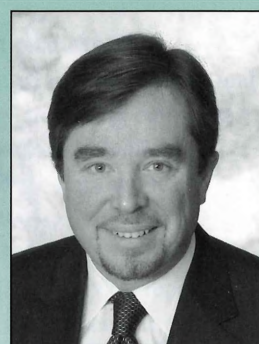
Constance Backhouse,  
LSM (E) Ottawa



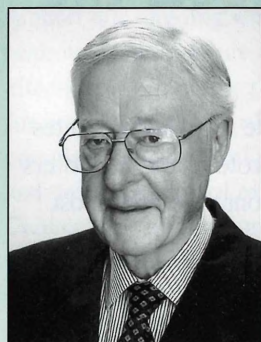
Kim A. Carpenter-Gunn  
(CS) Hamilton



\*James R. Caskey, Q.C.  
(South West) London



\*Thomas G. Conway (E)  
(East) Ottawa



Marshall A. Crowe, LSM  
(E) Ottawa



Jennifer Halajian  
(CE) Unionville



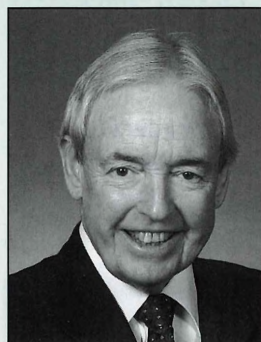
Susan M. Hare  
(NE) M'Chigeeng



\*Carol Hartman  
(Northeast) Sudbury



\*Paul J. Henderson  
(Central West) Oakville



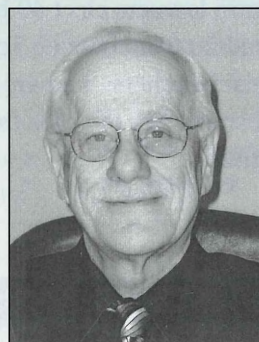
\*Hon. Doug Lewis, (CE)  
(Central East) Orillia



Susan T. McGrath  
(NE) Iroquois Falls



Judith M. Potter  
(SW) London



\*Nicholas John Pustina, Q.C.  
(Northwest) Thunder Bay



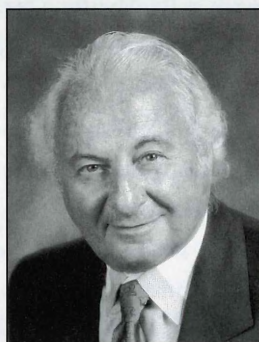
Heather Joy Ross  
(SW) Goderich



Joanne St. Lewis  
(E) Ottawa



Alan G. Silverstein  
(CW) Mississauga



\*Gerald Abraham Swaye, Q.C.  
(Central South) Hamilton



Bonnie R. Warkentin  
(E) Kingston



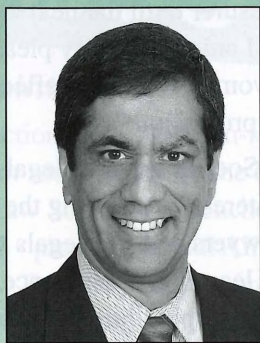
Bradley H. Wright  
(E) Ottawa



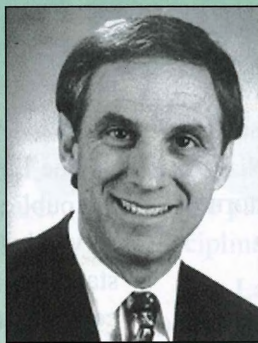
# Benchers elected inside Toronto *(\*indicates Regional Bencher)*



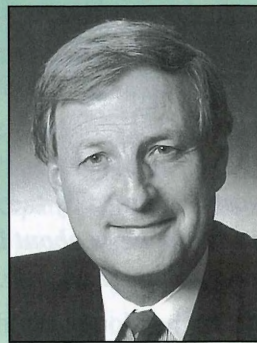
Bob Aaron



Raj Anand, LSM



Larry Banack



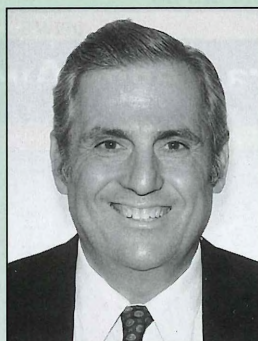
John A. Campion



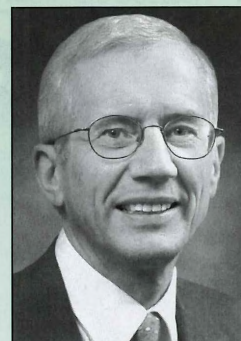
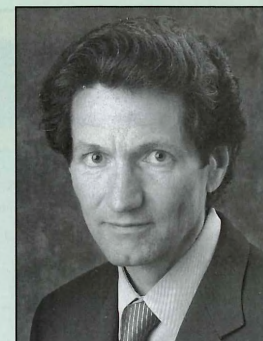
Carole Curtis

Mary Louise Dickson,  
Q.C.

Alan D. Gold



Gary Lloyd Gottlieb

Thomas G. Heintzman,  
O.C., Q.C.\*Gavin MacKenzie  
*Toronto*

Derry Millar



Janet E. Minor



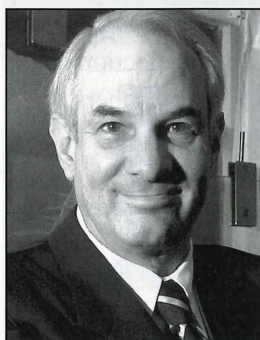
Laurie Pawlitz



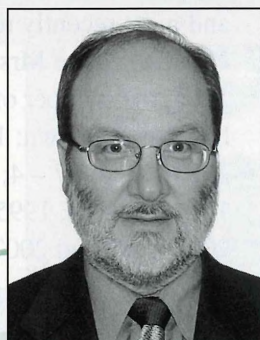
Julian Porter, Q.C.



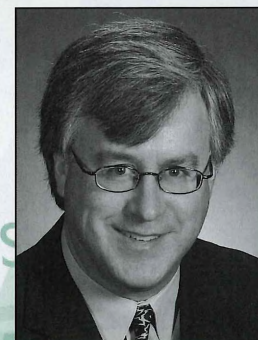
Linda Rothstein, LSM



Clayton Ruby



Mark J. Sandler



Paul Schabas



Beth Symes, LSM



Bonnie A. Tough



Continued from page 7

In addition to the 40 elected benchers, who are all lawyers, Convocation includes eight non-lawyer benchers, who are appointed by the province, and a number of ex-officio benchers. Because of the Law Society's expanded mandate to regulate all legal services providers in Ontario, this bench also includes two paralegal benchers who were appointed by the Attorney-General in 2006. See page 11 for news about lay bencher and paralegal bencher appointments.

"This new bench offers a tremendous breadth of experience and expertise and is well-positioned to lead the Law Society through the challenges and opportunities of

the next four years," said Law Society Treasurer Gavin MacKenzie, who was acclaimed for the second time to serve as Treasurer until the next Treasurer's election in June 2008. "I am particularly pleased to see the large number of women elected – reflecting the changes taking place in our profession."

The Law Society governs legal services providers in the public interest by ensuring the people of Ontario are served by lawyers and paralegals who meet high standards of learning, competence and professional conduct, and by upholding the independence, integrity and honour of the legal professions for the purpose of advancing the cause of justice and the rule of law.

## Laura Legge Award



Laura Legge, O. Ont, Q.C., was the first woman ever elected as a bencher and the first woman to serve as Treasurer. Twenty-two years later, this May, Convocation established the Laura Legge award, to be given annually to a woman member of the Law Society who has exemplified leadership within the profession. Mrs. Legge graduated from Osgoode Hall Law School in 1948 after earning a B.A. and a nursing degree. In 1955, she and her husband established the still active law firm of Legge & Legge.

Mrs. Legge has served as director and chair on a number of high-profile boards, including the Board of Trade for Metropolitan Toronto. She is also the recipient of several prestigious awards and most recently received the Order of Ontario. Since Mrs. Legge's election in 1975, the number of women benchers has slowly grown: 1975 – 1; 1979 – 1; 1983 – 3; 1987 – 4; 1991 – 10; 1995 – 13; 1999 – 10; 1995 – 13; 1999 – 8; 2003 – 11; and 2007 – 19.



For more information about the 2007 Benchers Election, visit the Law Society's website at [www.lsuc.on.ca](http://www.lsuc.on.ca).

### Lay benchers appointments:

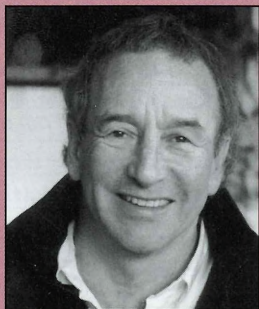
Following a benchers election, eight lay (non-lawyer) benchers are appointed or reappointed by the Lieutenant Governor. The current Law Society lay benchers are: Andrea Alexander (2003 - present); Abdul Ali Chahbar (1996 - present); Andrew F. Coffey (1999 - present); Anne Marie Doyle (2003 - present); Sy Eber (2003 - present); Richard Filion (2003 - present); Allan C. Gotlib (2003 - present); and Marion Boyd (January 2007 - present). Two paralegal benchers were also appointed in November 2006 by the Attorney General: Brian Lawrie,

and Paul Dray, who is a former lay benchers. (Once the new lay benchers appointments, or reappointments, are available, they will be posted on our website. They will also be announced in the next issue of the *Ontario Lawyers Gazette*.)

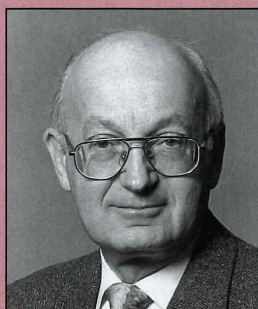
Lay benchers and paralegal benchers have all the responsibilities and duties of elected benchers, including active participation in the decision-making and disciplinary processes of the Law Society.

The Law Society was the first professional body in Ontario to officially include public representation in its governance. To learn more about how the Law Society is governed, visit our website at [www.lsuc.on.ca](http://www.lsuc.on.ca) and click on the tab "About the Society." ■

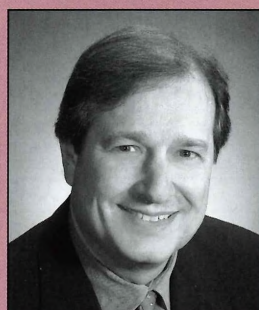
### LIFE BENCHERS



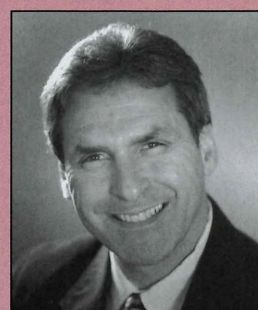
Paul Copeland



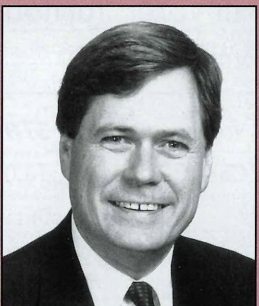
Abraham Feinstein, Q.C.



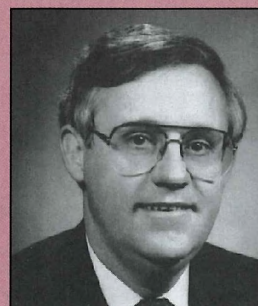
Neil Finkelstein



Ronald D. Manes

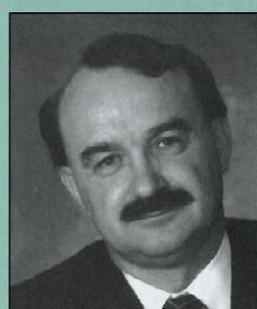


Ross W. Murray, Q.C.

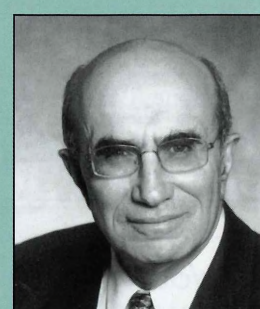


Robert C. Topp

### OUTGOING BENCHERS



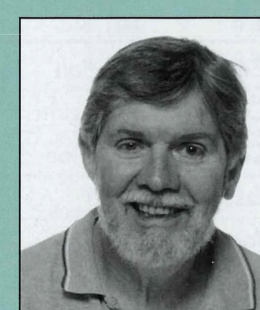
Gordon Bobesich



Earl A. Cherniak, Q.C.



Holly Harris



Robert Martin



Tracey O'Donnell



William J. Simpson



## THE LAW SOCIETY OF UPPER CANADA

**Bench**er Election**THE STATISTICAL STORY****2007 Voter Turnout by Voting Method – based on valid ballots cast**

Voting Method	MALE		FEMALE		ALL	
	Ballots Cast	% Vote	Ballots Cast	% Vote	Ballots Cast	% Vote
Mail	4,614	54.51%	1,825	44.42%	6,439	51.21%
Internet	3,537	41.79%	2,067	50.30%	5,604	44.57%
Telephone (IVR)	313	3.70%	217	5.28%	530	4.22%
<b>Total</b>	<b>8,464</b>		<b>4,109</b>		<b>12,573</b>	

**2007 Voter Turnout by Region – based on valid ballots cast**

	Eligible Voters	Ballots Cast	% Turnout
Central East Region	2,947	856	29.05%
Central South Region	2,303	828	35.95%
Central West Region	2,681	765	28.53%
East Region	5,176	1,769	34.18%
Toronto Region	18,465	6,695	36.26%
Northeast Region	596	302	50.67%
Northwest Region	296	152	51.35%
Outside Ontario	3,319	423	12.74%
Southwest Region	2,164	783	36.18%
<b>TOTAL</b>	<b>37,947</b>	<b>12,573</b>	<b>33.13%</b>

**2007 Voter Turnout  
by Sex – based on valid ballots cast**

2007	
Eligible Voters	37,947
% Turnout	33.13%
Eligible Male Voters	24,135
% Turnout	35.07%
Eligible Female Voters	13,812
% Turnout	29.75%

**2007 Overall Voter Turnout  
– based on total ballots cast**

Total Eligible Voters	37,947
Total Ballots Cast	13,084
Invalid Ballots	4
Late Ballots	507
Valid Ballots	12,573
% Overall Turnout	34.48%



## TORONTO

<i>Candidate Name</i>	<i>Votes</i>	<i>Percentages</i>
*MacKenzie, Gavin	5,050	40.17%
Gottlieb, Gary Lloyd	4,247	33.78%
Ruby, Clayton	4,126	32.82%
Rothstein, Linda, LSM	4,007	31.87%
Porter, Julian, Q.C.	3,788	30.13%
Aaron, Bob	3,681	29.28%
Pawlitza, Laurie	3,625	28.83%
Banack, Larry	3,616	28.76%
Anand, Raj, LSM	3,446	27.41%
Gold, Alan D.	3,344	26.60%
Minor, Janet E.	3,328	26.47%
Heintzman, Thomas G., O.C., Q.C.	3,304	26.28%
Curtis, Carole	3,068	24.40%
Millar, Derry	2,959	23.53%
Dickson, Mary Louise, Q.C.	2,947	23.44%
Symes, Beth, LSM	2,872	22.84%
Sandler, Mark J.	2,828	22.49%
Schabas, Paul	2,802	22.29%
Tough, Bonnie A.	2,690	21.40%
Campion, John A.	2,641	21.01%
Go, Avvy Yao-Yao	2,579	20.51%
Bredt, Christopher D.	2,563	20.38%
Hailey, Glenn	2,459	19.56%
Falconer, Julian N.	2,234	17.77%
Kaplan, William	2,204	17.53%
Morris, Kimberly T.	2,112	16.80%
Sossin, Lorne	1,959	15.58%
Botham, Louise	1,950	15.51%
Kwinter, Alfred M.	1,884	14.98%
MacLean, M. Virginia, Q.C.	1,845	14.67%
Rowe, Roger	1,792	14.25%
Bevan, Lynn	1,701	13.53%
Musgrove, James	1,698	13.51%
Landy, Keith M.	1,696	13.49%
Sherazee, Amina	1,617	12.86%
Bell, Karen	1,554	12.36%
Gray, Wayne D.	1,546	12.30%
Rook, John F.	1,352	10.75%
Lunney, Kevin	1,327	10.55%
Galati, Rocco	1,250	9.94%
Fedunchak, Ben	1,225	9.74%
Watson, Reg	1,151	9.15%
Persaud-Armstrong, Nirmala	1,135	9.03%
Drukarsh, Marshall	1,050	8.35%
Diges, Carmen L.	1,012	8.05%
Lipton, Wayne C.	904	7.19%
Hale, Kenneth J.	895	7.12%
Alexander, Basil	858	6.82%
Bates, Paul	842	6.70%
Roll, Tilda M.	755	6.00%
Rouben, Allan	707	5.62%

## OUTSIDE TORONTO

<i>Candidate Name</i>	<i>Votes</i>	<i>Percentages</i>
Backhouse, Constance, LSM (E)	4,222	33.58%
Aitken, Melanie L. (E)	3,644	28.98%
*Swaye, Gerald A., Q.C. (CS)	2,928	23.29%
Carpenter-Gunn, Kim A. (CS)	2,851	22.68%
*Caskey, James R., Q.C. (SW)	2,674	21.27%
McGrath, Susan T. (NE)	2,659	21.15%
Ross, Heather Joy (SW)	2,542	20.22%
Warkentin, Bonnie R. (E)	2,484	19.76%
Crowe, Marshall A., LSM (E)	2,443	19.43%
Halajian, Jennifer (CE)	2,407	19.14%
Hare, Susan M. (NE)	2,361	18.78%
St Lewis, Joanne (E)	2,361	18.78%
Potter, Judith M. (SW)	2,342	18.63%
Wright, Bradley H. (E)	2,264	18.01%
Silverstein, Alan G. (CW)	2,173	17.28%
Braithwaite, Jack (NE)	2,141	17.03%
*Conway, Thomas G. (E)	2,115	16.82%
Bobesich, Gordon Z. (CW)	2,014	16.02%
Simpson, William J., Q.C., LSM (E)	1,942	15.45%
Fleck, Carl E., Q.C. (SW)	1,932	15.37%
Eustace, Larry (NW)	1,901	15.12%
Wexler, Bev (NW)	1,897	15.09%
Richer, Susan Armatage (E)	1,813	14.42%
Kurke, Alex (NE)	1,762	14.01%
*Lewis, Hon. Doug (CE)	1,746	13.89%
*Hartman, Carol (NE)	1,664	13.23%
*Henderson, Paul J. (CW)	1,585	12.61%
Orkin, Andrew J. (CS)	1,578	12.55%
Caza, Ronald F. (E)	1,522	12.11%
White, Donald D. (CE)	1,234	9.81%
Mussani, Marina (CW)	1,186	9.43%
Howie, Jason P. (SW)	1,160	9.23%
Boulding, Jo-Anne M. (CE)	1,140	9.07%
Shanks, Donald Bryan (NW)	1,086	8.64%
MacKnight, Robin (CE)	1,067	8.49%
Chandra, Sudha (CW)	1,011	8.04%
Chapman, Joe (NE)	1,005	7.99%
Varley, John R. (CW)	961	7.64%
Dubuisson, Jean Claude (E)	944	7.51%
*Pustina, Nicholas John, Q.C. (NW)	884	7.03%
Sharma, Devi D. (CE)	826	6.57%
Covello, William A. (NW)	816	6.49%
Papasotiriou-Lanteigne, Demitry (CE)	763	6.07%
Macleod, Nigel (E)	744	5.92%
Panzica, Norman (CE)	736	5.85%
Posliff, Edward J. (SW)	690	5.49%
DeRusha, Haig (CW)	498	3.96%
Lakie, David (CE)	481	3.83%

\*Regional benchers



## SPOTLIGHT ON ...

### Continuing Legal Education Division develops and delivers programs for lawyers at all levels of learning

BEING A COMPETENT LAWYER INVOLVES A CAREER-LONG COMMITMENT TO EDUCATIONAL AND PROFESSIONAL DEVELOPMENT – FROM SELF-STUDY APPROACHES SUCH AS READING OR CONDUCTING RESEARCH TO ATTENDING AND PARTICIPATING IN CONTINUING LEGAL EDUCATION (CLE) PROGRAMS. A COMBINATION OF BOTH IS RECOMMENDED IN THE LAW SOCIETY'S "STATEMENT OF MINIMUM EXPECTATIONS." (SEE SIDEBAR.)

Lawyers' educational and professional development needs vary, depending on their area of practice and experience. To assist in ensuring competence, the Law Society's Professional Development and Competence (PD&C) Department develops and delivers a continuum of CLE programs and materials for lawyers at all levels of learning – from new to advanced – in a wide range of topics and formats. Programs are presented in traditional lecture-style, small-group workshops and facilitated "roundtable" discussions.

On-site sessions are held in the Donald Lamont Lecture Hall, which was redesigned in 2005 as a state-of-the-art Learning Centre, with sliding partitions and flexible seating. Since 2003, on-site sessions have been augmented by alternative delivery methods such as live webcasts, teleseminars, and videobroadcasts via the Interactive Learning Network. The addition of these more convenient and affordable methods has dramatically increased program accessibility.

So that lawyers can efficiently map out their individual learning strategies,

learning levels are designated on all programs: "Essential" programs are for new lawyers or lawyers refreshing their skills or changing practice areas; "Intermediate" programs are for lawyers who have mastered the essentials and are now dealing with more challenging issues in their practices; and "Advanced" programs are for senior lawyers who want to exchange ideas with peers on complex practice issues.

Supporting materials for CLE programs are known to be some of the most current resources available. Further, CLE staff strive to attract new speakers each year – in 2006, 43% were new.

The most popular CLE programs in 2006 focused on real estate, family law, Ontario's new *Residential Tenancies Act*, immigration law, and the passing of accounts. In 2006, PD&C presented 71 CLE programs to 18,340 attendees. Law Society CLE operates on a cost-recovery basis and is not funded by any portion of members' levies. Net revenues from CLE assist in funding the development and delivery of practice management resources that are made available to members at no additional fee.

"The main focus of the PD&C Department is to fulfil the Law Society's competence mandate," says Nancy Reason, Manager, Professional Development. "To assist lawyers in maintaining competence, we offer professional development programs that are as relevant, accessible and flexible as possible."

Reason, a lawyer with a background in education and training, is responsible for content development in connection with the Licensing Process, CLE, the Certified Specialist Program, and the Practice Management Helpline. Her team is made up of staff lawyers and administrative professionals. She and Jane Neveleff, Manager, Program Delivery, are responsible for approving proposed CLE programs.

"Over the past five years, PD&C has made extensive changes to focus on enhancing lawyers' existing skill sets and to create more efficient processes and project management," says Neveleff. "For CLE, this has involved hiring experienced production and marketing staff. As a result, we now have the capacity to ensure extensive marketing lead times to maximize member awareness." Neveleff's team is responsible for the delivery side of various programs including marketing, co-ordination and production.

PD&C employs two full-time planning counsel. Planning counsel develop CLE programs in a number of core practice areas. They research program ideas, consult with other departments within the Law Society, and network with practising lawyers to create content for programs and determine timely issues. They also work closely with the program chair – typically a lawyer who is a leader in his or her field – to develop appropriate topics for the agenda and to recruit program faculty. Lawyers volunteer their time to participate in CLE as chairs,





*Cathy Castaldo, Program Co-ordinator and Stephanie Spiers, Counsel, PD&C, at the Entertainment, Advertising and Media Law CLE program held at the Law Society on April 27 and 28.*

speakers and facilitators, and the Law Society shows its appreciation for their contribution through speaker gifts and complimentary program registration.

“Planning counsel keep abreast of developments in the law by checking various news sources, including Canada newswire, the Ontario government’s news service and law firm websites, on a regular basis,” says Stephanie Spiers, Counsel, PD&C. “Once we have a new program idea, we often consult with several leading professionals in the area of law in question to test the concept.”

Once a program is developed, it must be marketed so that the relevant audience is well aware of its availability. CLE

Marketing Team Leader, Kelly Lush, in conjunction with the relevant planning counsel and Program Co-ordinators Andrea Bosnjak, Cathy Castaldo and Kathy Stolarchuk, work to identify and target the right markets and formats for their programs. A program aimed at small firm lawyers, for instance, might be provided through the Interactive Learning Network (ILN). Through this format, live CLE programs are broadcast in real time to multiple locations across Ontario, enabling lawyers to attend and participate without incurring the costs of travel and absence from the office. In 2006, there were 1,125 program attendances through the ILN.

CLE programs are marketed according to area of law and experience level. “Essential” level programs are marketed to lawyers with up to five years of post-call practice experience, while certain “Advanced” level programs are advertised to lawyers with at least 10 years of practice experience.

It is particularly important that the programs appeal to the audiences for which they are intended, since Ontario, unlike some American states, does not have mandatory CLE. In Ontario, CLE is only mandatory as part of the Law Society’s Certified Specialist Program, which allows lawyers with seven years’ or more experience in a particular field to apply for and be designated a specialist in that field. To become a certified specialist in Ontario, a lawyer must participate in at least 18 hours of CLE (six hours of which must include attendance at CLE programs) and 12 hours of self-study.

PD&C also offers CLE programs for law clerks and legal assistants in a broad range of practice areas. Now that the Law Society’s competence mandate has expanded to include paralegals, PD&C is planning to develop programs specifically for paralegals in 2008.

For the full spring/summer CLE Calendar, visit our website at [www.lsuc.on.ca](http://www.lsuc.on.ca). ■

## ***From the Law Society’s Statement of Minimum Expectations***

The Law Society’s professional development expectation is articulated as a minimum: a basic number of hours of self-study and CLE that all lawyers should undertake without difficulty, regardless of their particular work circumstances. Clearly, for many lawyers, the minimum will be significantly lower than the actual number of hours they spend in self-study and in participation in CLE activities.

A reasonable minimum expectation for self-study hours is 50 hours per year. A reasonable minimum expectation for

participation in CLE activities is 12 hours per year. The Law Society encourages all lawyers to meet the minimum expectation. Since 2003, all lawyers in Ontario are required to report on the Member’s Annual Report how many self-study and CLE hours they have completed in the previous calendar year.

The full statement is available in the Law Society’s online Member Resource Centre under the CLE tab.



## AVOIDING COMPLAINTS:

# Supervision of non-lawyer employees or associates

Under the *Rules of Professional Conduct*, a lawyer is required to assume complete professional responsibility for all business entrusted to him or her and shall directly supervise staff and assistants to whom particular tasks and functions are delegated – Rule 5.01(2).

A number of complaints made to the Law Society stem from a level of supervision of non-lawyer employees that does not meet the requirements of Rule 5.01(2). The Law Society has found, particularly in certain areas of practice, that lawyers are delegating too much to non-lawyer employees or associates and are not exercising their own professional judgment on behalf of their clients.

A lawyer is responsible for being competent to undertake each matter for which he or she is retained. Part of competence is applying intellectual capacity, judgment and deliberation to all functions – as set out in Rule 2.01(1)(g).

In these cases, lawyers may be providing marginal supervision to non-lawyers – such as clerks or paralegals – who do the bulk of the work. The clients, meanwhile, may be incorrectly assuming the non-lawyers are in charge, or that the lawyers are much more involved in the files than they really are.

## Common complaint areas

There are four common areas of complaints the Law Society receives related to the improper supervision of non-lawyer employees: wills and estates, real estate, collections and immigration.

For example, a busy real estate or estates lawyer needs to keep in mind that it is good practice to meet with clients. While this is not a requirement under the *Rules of Professional Conduct*, it is considered good practice – as well as common sense. This is reflected in the Law Society's Real Estate Guidelines,

which recommend that, where possible, a lawyer should meet with the client before closing. The Guidelines are available on the Law Society's website, at <http://mrc.lsuc.on.ca/jsp/residential-RealEstate/>.

## Responsibilities:

My client

My judgment

My file

## Working with a Middle Person

Another issue arises from the situation where a non-lawyer employee offers to introduce new clients to a lawyer – and to assist the lawyer with these files. While this represents a wonderful business opportunity for the lawyer, it is important to remember that once the referrals become clients, they also become the lawyer's responsibility. The lawyer must review and supervise the work of the employee or associate. The lawyer must also ensure the clients understand who their lawyer is.

Although the *Rules of Professional Conduct* do not preclude having a "middle person" involved in a file, it is important to recognize that some of the

necessary information can be overlooked when there is inadequate supervision. It is imperative for lawyers to manage their practices in a way that enables them to carry out their professional responsibilities.

## Collection Work

Collection work represents a sizable amount of business for some lawyers, but situations arise in this area of practice that may result in complaints to the Law Society. If a lawyer agrees to represent a collection agency that employs several people and lets his or her name be used by the agency, the lawyer is responsible for all of the collection files.

Sometimes an adequate level of supervision is simply not possible due to the volume of work and the number of employees. No matter how routine the transaction, a lawyer must not agree to lend his or her name to collections if the lawyer is unable to take responsibility for the matters.

## Changes in the Works

To help clarify requirements and make the necessary changes as a result of paralegal regulation, the Law Society is looking at possible changes to the *Rules of Professional Conduct* later this year. ■

## Law Society Member Directory to go hardcover

The first issue of the Law Society's hardcover Member Directory will be available in the fall of 2007. It will comprise the latest business contact information as reported by our Licensees.

The hardcover directory will supplement the Law Society's online directory resources and will include information related to external services and supports that may assist lawyers in their day-to-day activities and the running of their offices. It will be published by LexisNexis.



# Improvements position LibraryCo for the future



A COMPREHENSIVE, UNIFIED PLATFORM that brings together all legal information services – including library services, electronic resources and other information sources – is the guiding vision for LibraryCo's future. A series of changes, currently in implementation, will position the organization to realize this vision.

"There is no question that LibraryCo has proved itself and achieved numerous successes over the last six years," says Diana Miles, Director of Professional Development and Competence at the Law Society. "It is now time to build on those successes. The vision is for all lawyers, regardless of location, to be able to go to one place to access all key information sources and supports. The improvements to LibraryCo that we are currently undertaking will help us get there."

Changes to the governance structure of LibraryCo will increase the effectiveness of policy-making. The size of the board

has been reduced and consultative processes built into the structure to ensure a voice for all stakeholders. The new board will be able to focus on policy-setting and strategy development, drawing on the knowledge of subject matter experts – particularly the librarians, who will provide valuable insight into the needs of lawyers.

"Another important change is the inclusion of the services of the Great Library into the LibraryCo system," says Miles. "Tremendous expertise and resources exist in the Great Library that we will be able to better leverage now that they will be brought into the system."

Administrative efficiencies will be gained with the relocation of the head office of LibraryCo to Osgoode Hall. The Law Society will provide administrative support and services to LibraryCo, including financial, budgeting and central

administrative activities.

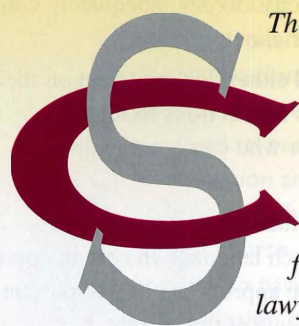
"The improvements

are about positioning

LibraryCo for the future," says Miles. "Lawyers will continue to receive an array of excellent information services from LibraryCo, and they will benefit from new developments in legal information as the platform evolves."

The changes to the system were proposed by a working group of representatives from the Law Society, the County and District Law Presidents' Association (CDLPA), and the Toronto Lawyers Association (TLA), and were recently approved by the TLA, CDLPA and Convocation. A report detailing the working group's proposals is available on the Law Society website at [www.lsuc.on.ca](http://www.lsuc.on.ca). See March 2007 Convocation news under the Convocation tab. ■

## Congratulations to our newest Certified Specialists



*The Law Society of Upper Canada is pleased to announce that the following lawyers have achieved the*

*Certified Specialist designation. Certified Specialists have met established standards of experience and knowledge requirements in designated areas of law and have maintained exemplary standards of professional practice.*

### Civil Litigation

Brian Donald Duxbury, Hamilton  
Helen Pelton, Hamilton  
Paul R. Sweeny, Hamilton

### Environmental Law

Joseph F. Castrilli, Toronto  
Michael M. Peterson, Toronto

### Estates and Trusts Law

Catherine A. Roberts, Toronto

### Family Law

Denis Haig DeRusha, Mississauga

### Health Law

Judie Leach Bennett, Ottawa  
William Douglas Tudhope Carter, Toronto  
John Joseph Morris, Toronto  
Pamela C. Spencer, Toronto

### Labour Law

David J. Bannon, Toronto

### Municipal Law

John Mascarin, Toronto  
*Local Government / Land Use Planning and Development*  
Michal E.T. Minkowski, Mississauga  
*Local Government / Land Use Planning and Development*  
Steven J. O'Melia, Waterloo  
*Local Government / Land Use Planning and Development*  
Kelly G. Yerxa, Oakville  
*Local Government / Land Use Planning and Development*  
Ted Yao, Brampton  
*Local Government / Land Use Planning and Development*

The entire list of Certified Specialists can be found in the online Directory of Certified Specialists at [www.lsuc.on.ca](http://www.lsuc.on.ca).

Visit the Member Resource Centre at [www.lsuc.on.ca](http://www.lsuc.on.ca) to learn more about the Certified Specialist Program, or phone us at 416-947-3315 or 1-800-668-7380, ext. 3315.



**MORTGAGE FRAUD:****New Residential Real Estate Transaction Guidelines and amendments to Rules of Professional Conduct will reduce risk**

TO HELP REDUCE THE RISK OF mortgage fraud, the Law Society's Working Group on Real Estate Issues has drafted new Residential Real Estate Transaction Guidelines and amendments to the *Rules of Professional Conduct*. Convocation approved these in January and February, respectively.

The Residential Real Estate Transaction Guidelines, which are available on the Law Society's website

at [www.lsuc.on.ca](http://www.lsuc.on.ca), were designed to inform and educate the profession on the generally accepted standards of practice by lawyers involved in residential real estate transactions and to demonstrate the inherent value in retaining a lawyer for a real estate transaction.

The amendments to Rules 2.02 and 2.04 of the *Rules of Professional Conduct* require a lawyer acting for a borrower and lender to make full disclosure of material facts to the lender

and borrower and to provide final reports to lenders within 60 days of the registration of a mortgage. Another amendment to Rule 2.04 simplifies the manner in which consent is obtained by the lawyer from an institutional lender to act jointly for the borrower and lender.

To help them draft the new guidelines and amendments, the working group held extensive consultations with the profession in 2006.

The working group was created to address a range of issues arising in real estate practice. Members include the Law Society benchers and representatives from the Ontario Bar Association (OBA) Real Property Section, the County & District Law Presidents' Association (CDLPA), and the Ontario Real Estate Lawyers Association (ORELA). ■

**French language rights: new guide developed**

TO HELP LAWYERS ADVISE CLIENTS OF THEIR FRENCH LANGUAGE RIGHTS, THE LAW SOCIETY'S WORKING GROUP ON FRENCH LEGAL SERVICES HAS PRODUCED A GUIDE THAT OUTLINES INFORMATION ABOUT LAWYERS' RESPONSIBILITIES.

The new resource, *Advising a Client of her or his French Language Rights in the Judicial and Quasi-Judicial Context: Information About the Lawyer's Responsibility*, is designed to promote equality within the legal profession in accordance with the *Bicentennial Report and Recommendations on Equity Issues in the Legal Profession*.

It is also aligned with a recommendation by professors of French common law at the University of Ottawa that provincial law societies conduct member awareness campaigns about the importance of accessing legal services in French.

To draft the guide, the Law Society consulted lawyers who are experts in language rights issues, members of the Association des juristes d'expression française de l'Ontario (AJEFO), members of the Official Languages Committee of the Ontario Bar Association, and professors of French common law at the University of Ottawa.

The guide is divided into six sections: Responsibilities under the *Rules of Professional Conduct*; Constitutional and Quasi-Constitutional Language Rights; Criminal Law; Languages of the Courts of Ontario; Quasi-Judicial and Administrative Tribunals; and Resources.

For example, the guide refers to Rule 2.01 of the *Rules of Professional Conduct*, which states that a lawyer who is incapable of communicating effectively with clients who request services, or appear to require such services in French, may not have the "ability and capacity" to deal adequately with legal matters on behalf of his or her client.

In such cases, the lawyer should either decline to act on the client's behalf or obtain the client's instructions to retain, consult or collaborate with a lawyer who can communicate effectively in French.

The guide also points out constitutional and quasi-constitutional rights to use the French language in certain courts and tribunals across Ontario. Where appropriate, it's important for a lawyer to advise his or her clients of those rights.

Sections of the *Law Society Act*, the *Canadian Charter of Rights and Freedoms*, *Official Languages Act*, *Criminal Code*, *Provincial Offences Act*, *French Language Services Act* and the *Courts of Justice Act* are all cited in the document, accompanied by commentaries.

The working group's document is available on the Member Resource Centre of the Law Society website ([www.lsuc.on.ca](http://www.lsuc.on.ca)) under "Model Policies, Publications and Reports." It is also available on the French side of the website. ■



## **Increase your client base: Lawyers and clients from all parts of the province connect through the Law Society's popular Lawyer Referral Service**

There are many reasons to join the Law Society's Lawyer Referral Service (LRS), but the resulting increase in traffic through your door stands out as the key reason. Every day, hundreds of potential clients are referred to lawyers across the province through the LRS.

Many clients have straightforward needs, such as buying a house or drawing up a will. Others contact the LRS to help them find a lawyer to fulfil a special requirement – for instance, one who practises in a less common area of law, or who speaks a particular language.

In addition to helping members of the public find a lawyer who can meet their

particular needs, the LRS helps those who may be unfamiliar or uncomfortable with the process of hiring a lawyer. A popular public service, the LRS provides reliable referrals to people at a reasonable cost and also provides free referrals to individuals in crisis.

If you speak more than one language, or if you work in a less populated area, your services are in particular demand. According to Terry Knott, Director, Client Service Centre, "We simply don't have enough subscribers to fulfil requests in certain areas. Increasingly, we have clients looking for lawyers who speak a language other than English and French.

We also receive a large number of calls from clients outside of Southern Ontario. If they have less common requirements, we occasionally have difficulty finding a lawyer within their community."

The LRS has excellent name recognition and is well-promoted through a number of channels – on the Law Society website, in both the print and online versions of the Yellow Pages and Super Pages, and through French and English brochures distributed to over 1,000 locations across the province.

If you are interested in joining the LRS, applications and rates can be obtained through the Member Resource Centre on the Law Society website. You can also request an application by calling 1-800-668-7380 ext. 5000 or by e-mailing at [lawrefer@lsuc.on.ca](mailto:lawrefer@lsuc.on.ca). ■

## **Help for lawyers dealing with the personal fallout from a complaint**

A complaint by a client against you is a traumatic event. Any number of factors may be the cause – being overwhelmed with work, stacks of messages, too many emails, demanding clients, deadlines – while simultaneously trying to fit in necessary prep time and a personal and family life. A breakdown in communication with your client can occur as you become stressed out and overloaded. Worse, stress may lead to misuse or abuse of alcohol, drugs (prescription and non-prescription), or behavioral addictions such as gambling or excessive Internet use. And of course, lawyers, like everyone else, are not immune to having a mental wellness challenge such as depression or bi-polar disorder.

So – who can you call to help you get through a trying time, or even better, to help you avoid this scenario altogether?

The Ontario Lawyers' Assistance Program (OLAP) offers peer support and short-term counselling to lawyers, law students and their immediate families to address the issues set out above. OLAP is a combination of two successful programs that served

the profession for a number of years – the former Ontario Bar Assistance Program and the former LINK Program.

The cornerstone of the program is **confidentiality**. **A lawyer's communications with the OLAP counsellor are held in strict confidence.** The Law Society supports OLAP in its commitment to the provision of confidential counselling. However, it is important to know that OLAP lawyer counsellors are bound by the provisions of Rule 6.01(3), which provides specific exceptions to the general principle of confidentiality. Under the Rule, a lawyer has an obligation to report to the Law Society upon learning that another lawyer is engaging in, or may in the future engage in, serious misconduct or criminal activity related to the lawyer's practice.

***There is a single point of entry to access the OLAP services of peer support and/or counselling. Simply call 905-238-1740 or 1-877-576-6227 toll-free to speak to OLAP staff.***





## Congrès annuel de l'AJEFO – Partager les intérêts de la francophonie

Cette année, le congrès de l'AJEFO suit une formule tout à fait nouvelle. Faisant preuve de créativité, les organisateurs ont concocté un congrès intitulé *Les arts, la culture et la ville* qui réunira l'Association française des municipalités de l'Ontario (AFMO) et Théâtre Action, en plus des partenaires habituels, soit l'Université d'Ottawa et le Barreau du Haut-Canada, du 21 au 24 juin 2007 à Ottawa.

Le président du comité organisateur de cette année, M<sup>e</sup> Marc Labrosse, explique que l'AJEFO consulte souvent l'AFMO sur des questions de droits des francophones. À son tour, l'AFMO consulte souvent Théâtre Action sur d'autres dossiers. Théâtre Action est un organisme qui, depuis 35 ans, regroupe différents organismes théâtraux pour promouvoir l'épanouissement culturel en français en Ontario. Les trois organisations ont donc décidé de mettre leurs congrès en commun pour bénéficier mutuellement de cette pluralité. Par exemple, explique M<sup>e</sup> Labrosse, un des panels réunira Gaétan Morency, vice-président du Cirque du Soleil, Sheila Copps, chroniqueuse politique, Michel Gauthier, directeur général d'International Flora et M<sup>e</sup> Ronald Caza pour parler de gestion des événements de grande envergure et des crises qui peuvent s'y rattacher. La conférence consistera à décortiquer les composantes culturelle, municipale, politique, financière et juridique de l'organisation d'un grand spectacle. De quoi élargir

les horizons de toutes les parties présentes.

Outre cette conférence réunissant les trois congrès, les pauses serviront également de lieu de rencontre. « Ce sera très intéressant de voir par après ce qu'auront pensé les congressistes de cette expérience nouvelle », dit M<sup>e</sup> Labrosse. Une aventure certainement à suivre.

# ajefo

Comme le fait remarquer M<sup>e</sup> Labrosse, cette formule novatrice n'empêchera cependant pas le congrès de l'AJEFO d'offrir une programmation permanente strictement conçue pour les juristes. Pour commencer la première journée, des ateliers seront consacrés à la langue, non seulement en fonction des droits linguistiques mais, autre nouveauté à ce congrès, en fonction de l'usage de la langue et des outils de recherche pour perfectionner les écrits et les

présentations des juristes francophones.

Au départ, M<sup>e</sup> Josée Bouchard, conseillère principale en matière d'équité au Barreau du Haut-Canada, fera une mise à jour sur les droits linguistiques et les obligations déontologiques, en se fondant sur la récente initiative du Barreau relativement au document intitulé *Informez les clients et les clientes de leur droit à l'emploi du français dans un contexte judiciaire et quasi judiciaire – Les responsabilités des avocats et des avocates*, qui fait d'ailleurs l'objet de deux articles dans le présent numéro de la *Revue des juristes*.

Les participants seront ensuite regroupés en quatre ateliers de terminologie juridique offerts conjointement par l'AJEFO, l'Association du Barreau du Comté de Carleton, le Centre de traduction et de documentation juridique et le ministère du Procureur général.

Ces petits groupes suivront en alternance un atelier sur le logiciel Antidote – un outil fort populaire de correction de textes français –, un atelier

### Association des juristes d'expression française de l'Ontario

de perfectionnement linguistique juridique, un atelier de terminologie juridique et enfin, un atelier sur la plaidoirie orale.

La deuxième journée du congrès portera sur les développements récents en droit, et notre trésorier, M<sup>e</sup> Gavin MacKenzie, fera une allocution de bienvenue. Le panel qui suivra fera des mises à jour sur les règles de procédure civile, sur le droit des assurances et sur le droit du travail.



Les défis du monde numérique seront au cœur d'une analyse centrée sur le monde du droit. Tour à tour, on abordera les aspects pratiques des instances à la lumière des technologies électroniques sur le marché, l'usage de la musique par Internet et les droits d'auteur, et le droit commercial dans le contexte de l'Internet.

Il sera question des situations difficiles dans lesquelles un avocat ou une avocate peut se retrouver. Dans cette optique, on discutera, avec M<sup>e</sup> Louise Hurteau, présidente de l'AJEFO et aussi avocate pour le service de discipline du Barreau, du processus de plainte contre un avocat, de la liquidation des comptes, et du rôle et des obligations de l'avocat. On abordera entre autres les craintes qu'un avocat peut avoir face à la partialité d'un juge et les motions de substitution.

La journée sera clôturée par un événement culturel réunissant les

trois organismes pour célébrer le pluralisme de la francophonie. Madame Madeleine Meilleur viendra souligner le 21<sup>e</sup> anniversaire de la *Loi sur les services en français*.

Le dernier jour sera consacré à différents aspects du droit de la famille, à l'impact des réformes du droit de la personne sur le justiciable francophone et à un atelier conjoint entre l'AFMO et l'AJEFO, pour examiner les municipalités sous différents angles.

Le congrès se terminera sur une note médiatique avec le journaliste Daniel Lessard de Radio-Canada. Une émission d'actualités sera servie aux congressistes et ratissera les nouvelles de la scène fédérale avec la nomination d'un nouveau commissaire aux langues officielles. Sur la scène provinciale, on abordera la politique d'aménagement linguistique du ministère de l'Éducation de l'Ontario et de l'Office des Affaires

francophones, les ravages des compressions budgétaires sur le plan linguistique (abolition du Programme de contestation judiciaire), le Prix de la Francophonie de 2006, côté culture et un portrait de grands pionniers ayant façonné le paysage linguistique en Ontario.

Ce congrès nouveau style s'annonce particulièrement intéressant et haut en couleur. La formule unique de congrès commun permet une ouverture sur les autres qui peut élargir l'accès à la justice pour les uns et le goût des arts pour les autres. Il permet en outre aux avocats et avocates bilingues de l'Ontario d'accumuler des heures de formation permanente et d'en apprendre sur les développements dans divers domaines de pratique. Le congrès se déroule du 21 au 24 juin 2007 au Centre des congrès du Hampton Inn à Ottawa. ■

## La diversité au sommet

Le 1<sup>er</sup> mai, la faculté de droit de l'Université de Toronto, le Barreau du Haut-Canada et la Fondation du droit de l'Ontario ont offert un sommet sur les genres et la diversité dans la profession juridique afin d'explorer comment surmonter les obstacles que doivent affronter les avocates et les juristes de communautés cherchant l'équité.

Ce sommet a fourni une occasion aux universitaires, juristes, juges et autres de discuter d'équité, de diversité et d'équilibre entre le travail et la famille. Les conférenciers et conférencières ont parlé des études qui démontrent que les juristes racialisés se retrouvent en moins grands nombres que les juristes non racialisés dans les emplois les plus

payants, qu'on les retrouve peu dans des postes d'associés et qu'ils sont moins satisfaits de leurs emplois. Ils exercent aussi plutôt à titre autonome ou en petit cabinet, et font souvent du travail d'aide juridique. Les juristes racialisés pratiquent plus souvent dans les domaines du droit pénal et de l'immigration. On a aussi appris que la plupart des personnes qui appellent pour se plaindre de discrimination et de harcèlement sont des femmes et que la plupart des appels concernent le sexe, la race et le handicap.

Le Barreau élabore des politiques modèles et des lignes directrices pour aider à promouvoir l'équité et la diversité et enrayer la discrimination dans la profession juridique. Le Barreau a élaboré des politiques modèles sur

les congés de maternité ou parentaux, l'antisémitisme, les partenaires de même sexe, le partage du travail et autres sujets qui peuvent être source de discrimination.

Le sommet a servi de lieu d'échange pour trouver les meilleurs moyens de combattre les obstacles à la diversité dans la profession, et à trouver une image de droit et de justice qui corresponde à l'image d'égalité qu'on s'en fait souvent, et que cette image soit en fin du compte, la réalité. Vous trouverez un compte rendu plus complet du sommet à la page 38.

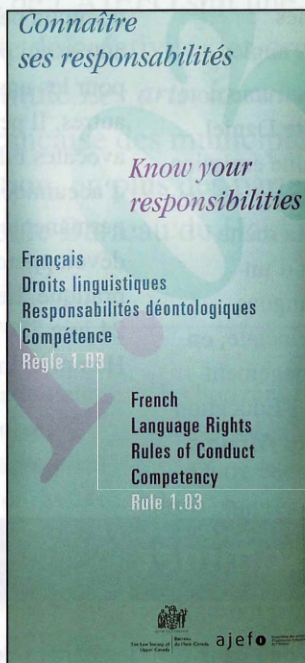


## Pour protéger les clients francophones

Le Barreau du Haut-Canada a publié récemment un document visant à souligner l'importance d'informer les clients et les clientes de leur droit à l'emploi du français dans un contexte judiciaire et quasi judiciaire – et plus particulièrement sur les responsabilités des avocats et des avocates.

Ce document, publié en anglais et en français, est le fruit des efforts du groupe de travail dont les membres sont issus du Comité sur l'équité et les affaires autochtones et du Groupe consultatif en matière d'équité, de l'Association des juristes d'expression française de l'Ontario et du Comité sur les langues officielles de l'Association du Barreau de l'Ontario. Le document s'adresse principalement aux avocats et avocates qui font affaire avec des parties de langue française désireuses de fonctionner en français dans notre appareil judiciaire. Il contient des mises au point dont peuvent s'inspirer les avocats pour savoir dans quelles situations il est impératif d'assumer cette responsabilité.

Considérant le fait que le Canada est un pays officiellement bilingue et que la profession doit agir dans l'intérêt public, et considérant que le français et l'anglais sont les langues officielles des tribunaux de l'Ontario, le Barreau a déjà, en 2000, modifié son *Code de déontologie* pour préciser les responsabilités des avocates et des avocats à cet égard. Le Conseil a ainsi ajouté un commentaire dans la règle 1.03 pour souligner l'obligation des membres d'informer leurs clients de leurs droits linguistiques. Ce commentaire indique que l'avocat ou l'avocate doit, s'il y a lieu, informer sa cliente ou son client de son droit à



l'emploi du français dans le traitement de son dossier et l'aviser notamment, selon le cas, du paragraphe 19 (1) de la *Loi constitutionnelle de 1982* sur l'emploi du français et de l'anglais dans tout tribunal établi par le Parlement, de l'article 530 du *Code criminel* concernant le droit d'un accusé de subir son procès devant un juge qui parle la langue officielle du Canada qui est celle de l'accusé et de l'article 126 de la *Loi sur les tribunaux judiciaires* qui stipule qu'une partie à une instance qui parle français a le droit d'exiger que l'instance soit instruite en tant qu'instance bilingue.

Ce droit linguistique est particulièrement important pour la communauté francophone : il permet à ses membres de se défendre dans leur langue et les encourage à poursuivre leurs efforts de résistance à l'assimilation. Il reconnaît également le rôle important des francophones dans l'histoire de la province.

En fait, le document tente d'aider les avocats et avocates à mieux comprendre comment les privilèges dont jouit la profession devraient naturellement les entraîner à respecter la diversité de la société ontarienne, à protéger la dignité des personnes et à respecter les lois sur les droits de la personne en vigueur en Ontario. Une façon d'adhérer à ce

passage du *Code de déontologie* du Barreau est d'informer rapidement son client ou sa cliente de son droit à l'emploi du français.

Le *Code de déontologie* du Barreau contient certains passages que l'on analyse dans ce document. Par exemple, le Code définit « avocat compétent » à la règle 2.01 (1) et stipule que l'avocat ou l'avocate doit non seulement respecter la norme de compétence énoncée, mais encore entretenir sa compétence sur une base continue. Autrement dit, un avocat ne doit pas influencer un client pour que celui-ci renonce à ses droits linguistiques lorsque l'avocat ne parle pas assez bien le français ou ne maîtrise pas la terminologie de la common law en français pour représenter son client avec compétence en Ontario.

Bien sûr, l'avocat ou l'avocate qui ne peut offrir des services juridiques de qualité en français au client ou à la cliente qui les a demandés, ou qui semble en avoir besoin, peut ne pas avoir la compétence pour le ou la représenter. Dans ce cas, celui-ci doit reconnaître son manque de compétence pour une affaire déterminée et reconnaître qu'en s'en chargeant, il desservirait les intérêts de son client ou de sa cliente; le cas échéant, il doit refuser le mandat ou obtenir la permission de son client ou de sa cliente d'avoir recours aux services d'avocates ou d'avocats compétents en la matière, de les consulter ou de collaborer avec eux.

Sur un autre plan, la règle 5.04 interdit toute discrimination. Dans le *Code des droits de la personne* de l'Ontario, toute discrimination fondée sur la langue ou l'accent d'une personne pourrait fort bien constituer une infraction à cette loi au titre d'un certain nombre de motifs connexes, tels l'ascendance, l'origine ethnique, le lieu d'origine et la race. Et comme la règle oblige les avocats et les avocates à respecter les exigences des lois ontariennes portant sur les droits de la personne, toute mesure discriminatoire pour le motif que la personne concernée



parle français ou a un accent en anglais risque fort d'enfreindre la règle.

Le document explore en détail les multiples facettes de la responsabilité qui incombe aux avocats et avocates. On y explique sous toutes les coutures l'importance de reconnaître les besoins et les droits linguistiques de la clientèle ontarienne francophone dans sa diversité.

Vous pouvez lire un compte rendu de ce document en anglais dans ce numéro de la Revue des juristes à la page 18. ■

## En bref

### Le grand dossier des parajuristes Droits acquis et transition

Le Conseil a approuvé les critères pour autoriser les parajuristes à fournir des services juridiques. Les demandes et les directives pour les remplir se trouvent en français sur le site Web du Barreau sous l'onglet des parajuristes.

### Code de déontologie approuvé

Le Conseil a approuvé en mars le nouveau *Code de déontologie* des parajuristes. Ce Code est basé sur le *Code de déontologie* des avocats.

### Assureurs

Les parajuristes autorisés auront le choix de deux assureurs pour leur couverture de responsabilité civile et professionnelle, soit avec A.M. Fredericks Underwriting Management Ltd. ou ENCON Group Inc.

### Quinze nouveaux règlements administratifs

Depuis le 1<sup>er</sup> mai 2007, les règlements administratifs du Barreau de 1 à 39 ont été remplacés par 15 nouveaux.

### Médaille du Barreau

Cette année, la médaille du Barreau a été remise entre autres à la juriste bilingue d'Ottawa, Martha Jackman. Elle a aussi été décernée à Rodney Hull, c.r. et Reuben Rosenblatt, c.r. de Toronto, et Angus McKenzie, c.r. et Claude Pensa, c.r. de London.



## La plaque, suite et fin

En 2004, le Barreau et l'AJEFO ont entrepris des démarches auprès du gouvernement de l'Ontario pour faire refaire la plaque commémorant les débuts du Barreau, sise à Niagara-sur-le-Lac, dans les deux langues officielles des tribunaux de l'Ontario. Depuis 1969, cette plaque soulignait la fondation du Barreau du Haut-Canada en anglais seulement. La situation du français en Ontario ayant bien évolué depuis, la plaque a été fondue version bilingue en bronze et présentée officiellement en 2005 au trésorier du Barreau. Depuis, la Fondation du patrimoine ontarien l'a remise à sa place à Niagara-sur-le-Lac. Les membres de l'AJEFO s'y sont retrouvés le 24 mai 2007 pour célébrer la nomination du juge Tory Colvin à la Cour de justice de l'Ontario et en ont profité pour voir de leurs yeux le fruit de tous ces efforts. Autour de la plaque, au 142 de la rue Queen, M<sup>e</sup> Nathalie Boutet, le juge Tory Colvin et M<sup>e</sup> Nathalie Desrosiers, anciens présidents de l'AJEFO, M<sup>e</sup> Louise Hurteau, présidente actuelle et M<sup>e</sup> Daniel Boivin, président sortant. Pour voir un compte rendu avec photos de la soirée en l'honneur du juge Colvin, visitez notre site web au [www.lsuc.on.ca](http://www.lsuc.on.ca), côté français.



## CONVOCATION May Highlights

### **New Bencher elected**

May Convocation began with the election of new bencher Avvy Yao-Yao Go. Ms. Yao-Yao Go was elected to fill the vacancy left by Linda Rothstein's election as regional bencher for the City of Toronto. In the recent bencher election, Treasurer Gavin MacKenzie was re-elected to the office of regional bencher for the City of Toronto. As he is continuing in his role as Treasurer, a vacancy was created which Ms. Rothstein was elected to fill.



**Avvy Yao-Yao Go**

### **Laura Legge award established**

The Laura Legge award, established at May Convocation, will be given annually to a woman member of the Law Society who has exemplified leadership within the profession. See page 10 for more information.

### **Convocation confirms discipline and conduct records should not be vacated**

Convocation reconsidered a decision it made in 1999, and determined that there are no circumstances in which a discipline or conduct record should be vacated.

### **Rule 6.08 of Rules of Professional Conduct amended**

Convocation amended Rule 6.08 to have a committee of Convocation, rather than Convocation, consider for approval requests to appear as counsel before the courts from retired judges who have returned to practice. Convocation appointed the Hearing Panel as the Committee of Convocation for the purpose of these approvals.

### **Paralegal Code of Conduct amended**

Minor housekeeping amendments were made to the *Paralegal Code of Conduct*.

### **French version of Paralegal Code of Conduct approved**

Convocation approved the French version of the *Paralegal Code of Conduct*. The English version was approved at March Convocation.

### **Finance and Audit Committee Report**

Convocation approved recommendations in the Finance and Audit Committee report, including the 2008 Budget Process and a Corporate Resolution regarding the administration of broker relationships.

### **Appointment**

Bencher Mary Louise Dickson was appointed the Law Society of Upper Canada's representative on the Ontario Courts Accessibility Committee.

### **By-Law 4 – Licensing**

Convocation adopted the French version of By-Law 4 – Licensing. ■

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

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



## Fifteen new by-laws

EFFECTIVE MAY 1, 2007, LAW SOCIETY BY-LAWS 1 TO 39 WERE REVOKED and 15 new by-laws, made at April Convocation, came into effect.

Bill 14 – *The Access to Justice Act*, passed by the government in October 2006, contained a number of amendments to the *Law Society Act*. These came into effect on May 1, and necessitated the creation of additional by-laws to implement paralegal regulation, as well as numerous revisions to existing by-laws.

The report of the By-Law Review Committee contains annotated versions of the new by-laws describing the changes.

### Additional policy for exemptions from regulation approved

Convocation approved additional recommendations from the Paralegal Standing Committee regarding exemptions from regulation.

A preliminary exemption policy was approved at March Convocation. At that time, Convocation asked the committee to review the category of exemption regarding persons whose work is supervised by a lawyer. The committee did so and determined that in-house advocates such as litigation clerks who appear before courts or tribunals should be required to have a licence – unless they fit under one of the specifically exempted categories. (\*See below.) The committee also determined that lawyers who use the services of individuals doing non-advocacy work, such as law clerks in law firms and independent document-preparers, must comply with the *Rules of Professional Conduct* governing supervision.

Convocation also approved a policy to exempt the following additional groups from regulation, with the understanding that all exemption categories will be reviewed in two years' time:

- a) Constituency assistants working in MPP's offices;
- b) Staff of the Office of the Worker Adviser;
- c) Staff of the Office of the Employer Adviser; and
- d) Law students working in Student Legal Aid Services' Societies, provided they are

supervised by a lawyer and covered by the lawyer's insurance.

\*Exemption categories approved to date are set out in Part V of the licensing by-law, By-law 4. These exemptions are in addition to exclusions placed in the *Law Society Act* by Bill 14. The criteria for exemption are based on need and appropriateness. The Paralegal Standing Committee will continue to consider additional requests for exemption and make further recommendations to Convocation where appropriate.

### Hearing Panel composition revised

Four non-bencher lawyers and four non-bencher non-lawyers will be added to the Law Society's Hearing Panel, as approved at April Convocation based on the recommendations of the Tribunals Composition Task Force. The addition of these eight adjudicators, who will be remunerated at the same rate as benchers, will assist in scheduling a lay representative as a panellist for every hearing and will provide the Hearing Panel with lawyer panellists who can contribute particular skills or expertise to the hearing process.

Convocation also approved the task force's recommendation that the Tribunals Committee consider the merits of establishing the office of Counsel to the Hearing Panel. The primary duty of the counsel would be to provide neutral advice on the Hearing Panel's written decisions to ensure consistency in the body of jurisprudence created by the Hearing Panel.



The Tribunals Composition Task Force was established in November 2005 to examine different models for the composition of Law Society Tribunals. The task force considered five tribunal models and identified a number of principles that informed its recommendations for the composition of the Hearing Panel.

### **Paralegal competency profile developed**

In preparation for the development of the paralegal licensing examination, the Paralegal Standing Committee produced a competency profile that sets out the required competencies for an entry-level paralegal professional. The profile will be referenced during the development of the paralegal licensing exam.

The competency profile reflects the *Paralegal Rules of Professional Conduct* approved by Convocation at its March meeting. The profile is not based on substantive areas of law, but rather on generic issues involving professional responsibility, practice management and ethics. The Law Society will work with the college sector to ensure the substantive areas are covered in the curricula of the approved college programs.

The competency profile was presented to Convocation for information purposes.

### **Insurance for licensed paralegals**

Licensed paralegals have a choice of two insurers when arranging required Errors and Omissions insurance coverage. The Law Society has approved insurance packages offered by A.M. Fredericks Underwriting Management Ltd. and ENCON Group Inc. The insurance may be arranged through an insurance broker. Paralegals who require a licence must have E&O insurance by May 1, 2007.

### **Hearing and Appeal Panel appointments**

To accommodate amendments to the *Law Society Act*, which came into effect on May 1, Convocation made a series of appointments and re-appointments to the Hearing and Appeal Panels. Larry Banack was re-appointed Chair and Mark Sandler was re-appointed Vice-Chair of the Hearing Panel. Alan Gold was re-appointed Chair and William Simpson was appointed Vice-Chair of the Appeal Panel.

### **Working group to review comments on Specialist Certification Program**

A working group of Specialty Committee members will review in detail comments from members of the Specialty

Committee respecting the future of the Specialist Certification Program.

The Professional Development, Competence and Admissions Committee circulated a report to Convocation on the Specialist Certification Program to all members of the Specialty Committee for their comment. As a result of the number of comments received, the committee determined the issue should be further examined before being debated by Convocation. The original committee report was on the agenda for February Convocation but was not reached.

### **Finance and Audit Committee Report adopted**

Convocation adopted the Finance and Audit Committee report. There were three matters for decision in the report:

- General Fund – Audited Financial Statements for the year ended December 31, 2006
- Lawyers Fund for Client Compensation – Audited Financial Statements for the year ended December 31, 2006
- Appointment of Law Society auditor for the 2007 financial year. ■

## **March Highlights**



## **Changes to LibraryCo set out focused path**

A SERIES OF CHANGES TO LIBRARYCO, APPROVED at March Convocation, set out the next steps in the advancement of the delivery of library services.

The changes were proposed by a working group of representatives of the Law Society, the County and District Law Presidents' Association, and the Toronto Lawyers Association.

Highlights of the changes include the incorporation of the Great Library into the LibraryCo system and greater co-ordination between the Great

Library and the Toronto Lawyers Association Library. The guiding principles of the corporation were revised to include recognition of the importance of centralized points of access to resources (the physical law library) and to reflect the value of consultation in decision-making. The board of LibraryCo was also reduced from 15 to eight members.

The County and District Law Presidents' Association previously voted in favour of the proposals.



Convocation also re-appointed the current Law Society representatives to board. The current appointees are Abraham Feinstein, Paul Henderson, Ross Murray and Gerald Swaye.

### **Clare Lewis, Q.C., re-appointed as Complaints Resolution Commissioner**

Convocation re-appointed Clare Lewis, Q.C., as Complaints Resolution Commissioner (CRC) for a three-year term. Mr. Lewis was first appointed to the position in February 2005.

### **Paralegal Rules of Conduct approved**

New *Rules of Conduct* for paralegals were approved at March Convocation. These are based on the existing *Rules of Professional Conduct* for lawyers and on principles set out in the 2004 *Report of the Task Force on Paralegal Regulation*, as well as on input received from stakeholders.

The *Rules* are structured around obligations to various parties, including general duties and duties to the client, the tribunal, other licensees and to the Society.

The Paralegal Standing Committee focused on the following principles when drafting the rules:

- consistency with the *Rules of Professional Conduct* for lawyers
- focus on the ethical and professional obligations of paralegals
- clarity and accessibility for paralegals and the public
- ability to enforce the rules within a fair and transparent process.

### **Task Force on Licensing and Accreditation established**

A new Task Force on Licensing and Accreditation is set to examine a number

of issues relevant to the licensing and accreditation of lawyers.

According to its terms of reference, the task force will:

- undertake an analysis of the most effective ways for the Law Society's established competency requirements to be achieved within the pre-and-post-call legal education continuum
- review the criteria for approving law degrees
- analyze the impact of increased numbers of applicants for admission to the bar from domestic and international sources.

Convocation also approved a budget of \$50,000 for the task force for 2007, including \$30,000 for consultation expenses and \$20,000 for research.

### **Priority Planning Committee established**

Convocation approved the recommendations of the Governance Task Force, including the establishment of a Priority Planning Committee and a priority-planning process.

The Priority Planning Committee will assist Convocation by recommending policy priorities for Convocation's approval. The task force recommended a formal structure for planning and prioritizing Convocation's policy agenda to improve the efficiency and effectiveness of Convocation and to integrate priority setting with the budget process. The Priority Planning Committee will also be responsible for tracking the status of Convocation's priorities.

Convocation also approved the recommendation to create an Audit Committee and a Finance Committee to replace the existing Finance and Audit Committee, and a policy whereby benchers whose rights and privileges as members of the Society are suspended are not permitted to participate in Convocation for the duration of the suspension.

The Governance Task Force was established in March 2006 to consider and recommend to Convocation improvements to the corporate governance of the Law Society.

### **Licensing by-law for paralegals and lawyers approved in principle**

Convocation approved, in principle, a licensing by-law that includes the new licensing process for paralegals and updates the language for the current lawyer licensing process to reflect the amended *Law Society Act*. The official by-law will be presented for approval at a future meeting of Convocation.

### **Policy for exemptions from regulation approved**

Convocation approved a preliminary policy exempting certain persons from regulation under the Law Society's expanded mandate to regulate the delivery of all legal services. The exemptions are in addition to exclusions placed in the *Law Society Act* by Bill 14. The criteria for exemption are based on need and appropriateness. The Paralegal Standing Committee will continue to consider additional requests for exemption and make further recommendations to Convocation where appropriate.

### **New by-law requirement will permit the Law Society to suspend lawyers for failure to pay LawPRO deductible**

Convocation approved a policy for a new by-law that will require members to pay the LawPRO deductible when obliged to do so. Once the by-law is approved, the Law Society will have the authority to summarily suspend a member for breaching the obligation.



### **Convocation authorizes Treasurer to vote the proxy in favour of proposed LAWPRO shareholder resolutions**

Convocation authorized the Treasurer to vote the proxy in favour of proposed LAWPRO shareholder resolutions at the Annual and General Meeting of Shareholders of the Lawyers' Professional Indemnity Company held April 25, 2007.

### **Proposed revisions to Regulation 30/99 approved**

Convocation approved a series of proposed amendments to Ontario Regulation 30/99, which addresses hearings before the Hearing Panel. The revisions include changes as a result of the passage of Bill 14 – *The Access to Justice Act* as well as a number of amendments reflecting the Law Society's experience with the Hearing and Appeal Panels since the regulation was originally

drafted. The revisions are to be recommended to the Ministry of the Attorney General for approval by the Lieutenant Governor-in-Council.

### **Errors and Omissions Insurance Fund Financial Statements approved**

Convocation approved the audited combined financial statements for the Errors & Omissions Insurance Fund for the year ended December 31, 2006. ■

## **February Highlights**

### **Paralegal 'Grandparent status' and 'Transitional' applicant criteria approved**

CONVOCATION APPROVED THE CRITERIA FOR PARALEGAL APPLICANTS WHO ARE established in their career and are seeking 'grandparent status' with the introduction of paralegal regulation. In general, the criteria apply to applicants who have worked as paralegals within the permitted scope of practice for at least three of the last five years and who wish to apply for a licence to provide legal services.

Convocation also approved criteria for 'transitional' applicants. These criteria apply to applicants with some work and / or educational experience who do not fully meet the 'grandparent' criteria.

Applications will be accepted between May 1 and October 31, 2007.

### **Paralegal startup budget approved**

Convocation approved the budget associated with the startup of paralegal regulation by the Law Society. The budget includes costs for developing the licensing process, professional regulation, communications, and information systems development. The funds to cover these initial costs will be drawn from existing Law Society reserves and will be repaid over time through paralegal fees.

### **By-Law 7 (Benchers) amended**

The bencher remuneration policy was added to By-Law 7. The policy was approved by Convocation in the fall of 2005 following a member referendum.

### **Rules of Professional Conduct amended to assist in preventing mortgage fraud and to reflect other obligations**

Amendments to the *Rules of Professional Conduct* aimed at reducing the risk of mortgage fraud were approved by Convocation. The amendments require a lawyer acting for a borrower and lender to make full disclosure of material facts to the lender and borrower and to provide final reports to lenders within 60 days of the registration of a mortgage.

The changes were based on proposals of the Society's Working Group on Real Estate Issues. The working group held extensive consultations with the profession on the draft rule amendments, which helped



to inform the substance of the amendments.

The working group also prepared new Residential Real Estate Transaction Guidelines that were reported to Convocation in January and are now available on the Law Society's Member Resource Centre website.

Another amendment to the *Rules of Professional Conduct* simplifies the manner in which consent is obtained by the lawyer from an institutional lender to act jointly for the borrower and lender.

The *Rules of Professional Conduct* were also amended to require lawyers to report certain offences to the Law Society, as set out in By-Law 20 (Reporting Requirements), adopted by Convocation in December 2005.

### **Protocol on law office searches adopted**

Convocation voted to approve in principle the Federation of Law Societies of Canada Draft "Protocol on Law Office Searches." The protocol will act as a working document for the purposes of consultation with the Ministry of the Attorney General and other stakeholders with respect to procedures to be followed when a search warrant is to be executed at a lawyer's office.

### **By-Law 18 (Record-Keeping Requirements) amended**

By-Law 18 was amended to extend the time for reconciliation of members' trust accounts from the 15th day of the following month to the 25th day.

### **Appointments**

W. Michael Adams was appointed to preside over the bench election as the current Treasurer is a candidate in the election. ■

## **January Highlights**

### ***New resource for members: Advising a client of her or his French language rights***

MEMBERS NOW HAVE ACCESS TO A NEW LAW SOCIETY RESOURCE: *Advising a Client of her or his French Language Rights in the Judicial and Quasi-Judicial Context*.

Prepared by the Working Group on French Legal Services, the resource is part of an awareness campaign to communicate the importance of access to legal services in French. It will be translated into French and posted on the Law Society's Member Resource Centre website.

Members of the working group include members of the Equity Advisory Group/Groupe consultatif en matière d'équité (EAG), representatives of the Association des juristes d'expression française de l'Ontario (AJEFO), and representatives of the Official Languages Committee of the Ontario Bar Association. *See page 18 for more information.*

### ***Law Society to contribute to McMurtry Gardens of Justice Project***

The Law Society will contribute \$100,000 to the McMurtry Gardens of Justice Project. Sculptures in the Gardens of Justice are to represent the values enshrined in the Canadian justice system. The Gardens will pay tribute to Chief Justice Roy R. McMurtry, who is retiring this spring, and will be located between Osgoode Hall and the 361 University Avenue Courthouse.

### ***Law Society to review law program requirements***

Convocation voted to review its law program requirements with a view to establishing modern, relevant criteria. The requirements were last amended in 1969. Graduates of law school programs approved by the Law Society

are eligible for admission to the Law Society's Licensing Process without the need for further accreditation of their educational qualifications.

Convocation also reviewed a law program proposal from Lakehead University and voted to defer its decision on the proposal until Lakehead has the opportunity to respond to certain Law Society concerns.

### ***Appointments***

Marion Boyd was appointed to the Paralegal Standing Committee and Larry Banack was re-appointed Chair of the Hearing Panel. ■



# CONVOCATION ATTENDANCE AND ROLL-CALL VOTES

	Attendance	Motions*	
	May 25	1	2
Aaron, Robert	✓		
Aitken, Melanie	✓	F	F
Alexander, Andrea	✓	F	Ab
Anand, Raj	✓	F	A
Backhouse, Constance	✓	A	A
Banack, Larry	✓	A	F
Boyd, Marion			
Campion, John	✓	A	F
Carpenter-Gunn, Kim	✓	A	A
Caskey, James	✓	F	A
Chahbar, Abdul Ali	✓	F	A
Chilcott, W. Dan	✓	A	A
Coffey, Andrew	✓	F	A
Conway, Thomas	✓	F	F
Crowe, Marshall	✓	A	F
Curtis, Carole	✓	F	F
Dickson, Mary Louise	✓	F	F
Doyle, Anne Marie			
Dray, Paul	✓	F	A
Eber, Sy	✓	F	A
Elliott, Susan	✓		
Filion, Richard	✓		
Finlayson, George D.	✓	F	A
Go, Avvy	✓		
Gold, Alan			
Gotlib, Allan			
Gottlieb, Gary L.	✓	A	F
Halajian, Jennifer	✓	F	F
Hare, Susan	✓	F	F
Hartman, Carol	✓	F	A
Heintzman, Thomas G.	✓	F	F
Henderson, Paul	✓	F	F
Hunter, George			
Krishna, Vern	✓	F	F
Lawrie, Brian	✓	F	A
Legge, Laura			
Lewis, Doug	✓	F	F
McGrath, Susan	✓	F	A
Millar, Derry	✓	A	F
Minor, Janet	✓	F	F
O'Brien, Brendan			
Pawlitza, Laurie	✓	F	A
Porter, Julian	✓	F	A
Potter, Judith			
Pustina, Nicholas J.	✓	F	F
Robins, Sydney			
Rock, Allan	✓	A	F
Ross, Heather	✓		
Rothstein, Linda	✓	F	A
Ruby, Clayton	✓	F	A
St. Lewis, Joanne	✓		
Sandler, Mark	✓	F	F
Scace, Arthur			
Schabas, Paul	✓	F	A
Silverstein, Alan	✓	F	A
Strosberg, Harvey			
Swaye, Gerald	✓	F	A
Symes, Beth	✓	F	A
Tough, Bonnie			
Warkentin, Bonnie			
Wright, Bradley	✓	F	A
MacKenzie, Gavin (Treas.)	✓		

## Non-voting benchers in attendance:

May 25, 2007 –  
P. Copeland, P. Furlong, A. Lawrence, D. Murphy, R. Murray.

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

# Roll-Call votes

January 25, 2007

## Re: Benchers Election

It was moved by Mr. Robins, seconded by Ms. Ross, that the matter be referred back to the committee for further discussion. Carried. Vote: For – 24; Against – 20.

February 22, 2007

## Re: Paralegal Startup Budget

1. It was moved by Mr. Millar, seconded by Mr. Dray, that Convocation approve the paralegal startup budget. Carried. Vote: For – 40; Against – 5.

## Re: Paralegal Startup Expenditures and Funding

2. It was moved by Mr. Millar, seconded by Ms. Symes, that Convocation authorize spending of paralegal startup expenditures from the existing cash reserves of the Law Society's General Fund. These amounts, less any fees for services received from paralegals, are to be repaid by the paralegals over a reasonable period of time. Carried. Vote: For – 32; Against – 13.

3. It was moved by Mr. Silverstein, seconded by Mr. Aaron, that the following words be added at the end of the motion at paragraph 63 under Tab C: "not to exceed 10 years bearing interest at the Bank of Canada rate with updates to be provided to Convocation yearly." Lost. Vote: Against – 27; For – 18.

## Re: Amendments to Rules of Professional Conduct 2.02 and 2.04 and Commentaries

4. It was moved by Mr. Ruby, seconded by Mr. Heintzman, that Convocation make amendments to the Rules of Professional Conduct.

It was moved by Mr. Aaron, seconded by Mr. Gottlieb, that the commentary to rule 2.02 (15) set out at page 4 be deleted. Carried. Vote: For – 27; 15 Abstentions.

March 29, 2007

## Re: Tribunals Committee Report

### Re: Proposed Revised Ontario Regulation 30/99

It was moved by Mr. Sandler, seconded by Ms. Warkentin, that Convocation approve the proposed revisions to Ontario Regulation 30/99 set out at Appendix 1 to the Report to be recommended to the Ministry of the Attorney General for approval by the Lieutenant Governor-in-Council. Carried. Vote: For – 29; Against – 3; 1 Abstention.

April 26, 2007

## Re: Report of the Paralegal Standing Committee

### Re: Exclusions and Exemptions Policy

It was moved by Mr. Dray, seconded by Mr. Simpson, that Convocation approve the policy on exemptions set out in the Report. Carried.

It was moved by Ms. Curtis, seconded by Ms. Potter, that a review of the exemptions take place in one year. Lost. Vote: Against – 35; For – 8; 1 Abstention.

## Re: Report of the Tribunals Composition Task force

It was moved by Mr. Sandler, seconded by Mr. Banack, that Convocation approve the eligibility of four non-benchers lawyers to be members of the Law Society's Hearing Panel. Carried. Vote: For – 26; Against – 19.

Convocation approve the eligibility of four non-benchers non-lawyer persons to be members of the Law Society's Hearing Panel. Carried. Vote: For – 33; Against – 12.

If Convocation approves Recommendation 1, two years after implementing the recommendation, Convocation will authorize a review of the manner in which the non-benchers lawyers and the non-



bencher non-lawyer persons have served as adjudicators on the Law Society's Hearing Panel, the results of which are to be reported to Convocation. Carried. Vote: For – 44; 1 Abstention.

The Tribunals Committee be invited to consider the merits of establishing the office of Counsel to the Hearing Panel. Carried.

It was moved by Mr. Sandler, seconded by Ms. Doyle, that the vice-chair of the Hearing Panel be a non-bencher. Lost. Vote: Against – 37; For – 8.

May 25, 2007

### Re: Vacating Discipline and Conduct Records

It was moved by Mr. Ruby, seconded by Mr. Heintzman, that Convocation decide there are no circumstances in which a discipline or conduct record should be vacated after some period of time. Carried. Vote: For – 33; Against – 9.

### Re: Amendments to Rule of Professional Conduct 6.08

#### [Approval Process]

It was moved by Mr. Heintzman, seconded by Mr. Gottlieb, that the words "upon the recommendation of a committee struck for that purpose" be added to subrule 6.08 (3). Lost. Vote: Against – 22; For – 19; 1 Abstention. ■

## CONVOCATION ATTENDANCE AND ROLL-CALL VOTES

	Attendance					Motions*									
	Jan 25	Feb 22	Mar 29	Apr 26	1	1	2	3	4	1	1	2	3	4	5
Aaron, Robert	✓	✓	✓	✓		A	F	F	F	F	F	A	A	F	A
Alexander, Andrea	✓	✓	✓	✓	F	F	F	F	Ab	F	A	F	F	F	A
Backhouse, Constance	✓	✓	✓	✓	A	F	F	A	F	F	A	F	F	F	F
Banack, Larry		✓		✓		F	A	F	F		F	F	F	F	A
Bobesich, Gordon		✓	✓			A	A	F	F						
Boyd, Marion		✓	✓	✓		F	F	A	F	F	A	F	F	F	A
Campion, John	✓	✓	✓	✓	F	F	F	F	F		A	F	F	F	A
Carpenter-Gunn, Kim	✓	✓	✓	✓	F	F	A	A	Ab		A	A	F	F	A
Caskey, James	✓	✓	✓	✓	A	F	F	A	F		A	F	F	F	A
Chahbar, Abdul Ali	✓	✓	✓	✓	F	F	F	A	F	F	A	A	F	F	A
Cherniak, Earl	✓		✓	✓						F	A	F	F	F	A
Chilcott, W. Dan															
Coffey, Andrew	✓	✓		✓	F	F	F	A	F		A	A	F	F	A
Copeland, Paul	✓	✓	✓	✓	A	F	F	F	Ab	F		F	F	F	A
Crowe, Marshall	✓	✓	✓	✓	F	F	F	A	F	F	A	A	F	F	A
Curtis, Carole	✓	✓	✓	✓	A	A	A	F	F	F	F	A	A	F	A
Dickson, Mary Louise	✓	✓	✓	✓	A	F	F	A	F	F	A	F	F	F	A
Doyle, Anne Marie	✓		✓	✓	A					F	A	F	F	F	F
Dray, Paul	✓	✓	✓	✓	F	F	F	A	F	F	A	A	F	F	A
Eber, Sy	✓	✓	✓	✓	F	F	F	F	F	F	A	F	F	F	A
Elliott, Susan															
Feinstein, Abraham	✓	✓	✓	✓	A	F	F	A	F		A	F	F	F	F
Filion, Richard	✓	✓	✓	✓	F	F	A	A	F		F	F	A	F	A
Finkelstein, Neil	✓														
Finlayson, George D.	✓		✓		A										
Go, Avvy	✓		✓	✓	A					F	A	F	F	F	A
Gold, Alan	✓				F										
Gottlib, Allan		✓	✓	✓		F	F	A	Ab		A	F	F	F	A
Gottlieb, Gary L.	✓	✓	✓	✓	A	A	A	F	F	A	Ab	A	A	F	A
Harris, Holly	✓	✓	✓	✓	A	F	F	A	F	F	A	A	F	F	A
Heintzman, Thomas G.	✓	✓	✓	✓	A	F	F	A	Ab	F	A	F	F	F	A
Henderson, Paul	✓	✓	✓	✓	F	F	F	A	F	F	A	A	A	F	A
Hunter, George															
Krishna, Vern	✓	✓	✓	✓	F	F	A	F	Ab		A	A	F	F	A
Lawrie, Brian	✓	✓	✓	✓	F	F	F	A	Ab	F	A	A	F	F	A
Legge, Laura	✓	✓	✓	✓	F	F	F	F	F	F	F	A	A	F	A
Manes, Ronald			✓							F					
Martin, Robert	✓		✓	✓	F						F	A	A	Ab	A
Millar, Derry	✓	✓	✓	✓	F	F	F	A	F		A	F	F	F	A
Minor, Janet	✓	✓	✓	✓	F	F	F	A	F	F	A	F	F	F	F
Murray, Ross	✓	✓	✓	✓	A	F	A	F			A	A	A	F	A
O'Brien, Brendan															
O'Donnell, Tracey		✓	✓			F	F	A	F	F					
Pawlitza, Laurie	✓	✓	✓	✓	A	F	F	A	Ab	F	A	F	F	F	F
Porter, Julian	✓	✓	✓		F	F	F	F	Ab	F					
Potter, Judith	✓	✓	✓	✓	A	F	A	F	Ab	Ab	F	A	A	F	A
Robins, Sydney		✓		✓	F	F	F	A	Ab		A	F	F	F	A
Rock, Allan															
Ross, Heather	✓	✓	✓		F	F	A	F	Ab	A					
Ruby, Clayton	✓	✓	✓	✓	A	F	F	A	F		A	A	A	F	A
St. Lewis, Joanne	✓	✓	✓	✓	A	F	A	F	Ab		A	F	F	F	F
Sandler, Mark	✓	✓	✓	✓	A	F	F	A	Ab	F	A	F	F	F	F
Scace, Arthur															
Silverstein, Alan	✓	✓	✓	✓	F	F	A	F	F		A	F	F	F	A
Simpson, William	✓	✓	✓	✓	F	F	F	A	Ab	F	A	F	F	F	A
Strosberg, Harvey															
Swaye, Gerald	✓	✓	✓	✓	F	F	F	A	F	A	A	A	A	F	A
Symes, Beth	✓	✓	✓	✓	A	F	F	A		F					
Topp, Robert		✓		✓		A	A	F			F	A	A	F	A
Warkentin, Bonnie	✓	✓	✓	✓	A	F	F	A	F	F	A	F	F	F	F
Wright, Bradley	✓	✓	✓	✓	F					F	A	F	F	F	A
MacKenzie, Gavin (Treas.)	✓	✓	✓	✓											

#### Non-voting benchers in attendance:

Jan. 25, 2007 –

A. Lawrence, P. Furlong, D. Murphy.

Feb. 22, 2007 –

P. Furlong, A. Lawrence.

Mar. 29, 2007 –

P. Furlong, D. Murphy, J. Wardlaw.

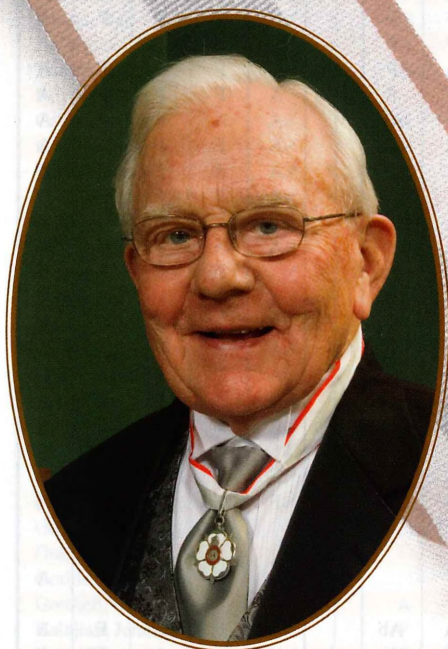
Apr. 26, 2007 –

P. Furlong, A. Lawrence, D. Murphy, J. Wardlaw, R. Yachetti.

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



## 2007 LAW SOCIETY MEDAL RECIPIENTS



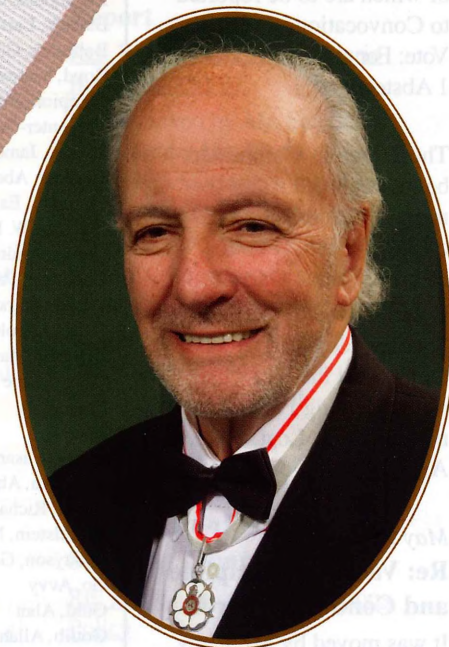
A career in the Law ought not to be a static thing. One's career should evolve somewhat after the fashion of Shakespeare's stages of man. I have been most fortunate, as I have passed through the various stages thus far, to have had the opportunity to do the things that interested me and brought satisfaction. To have received a high honour for doing what you like and enjoy seems to me to be double payment. Nonetheless, I am most grateful to have been awarded the Law Society Medal since I consider receiving favourable recognition from one's peers to be a particular honour.

**Angus L. McKenzie,  
Q.C., LSM**



I am honoured by the award of the Law Society Medal. I take it as a reflection of the value not only of my own scholarly and other work to advance the equality rights of women and those living in poverty, but also as a recognition by the Law Society and our peers of the enormous efforts made by lawyers from across the province – who are working in legal clinics, law reform and equality-seeking organizations, as well as traditional practice – to narrow the gap between law and justice.

**Professor Martha Jackman, LSM**



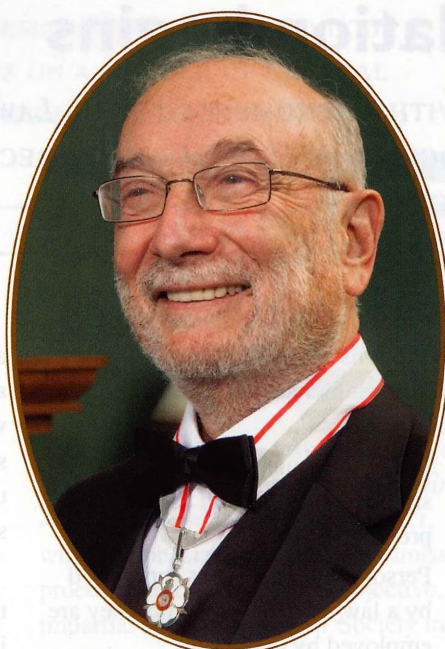
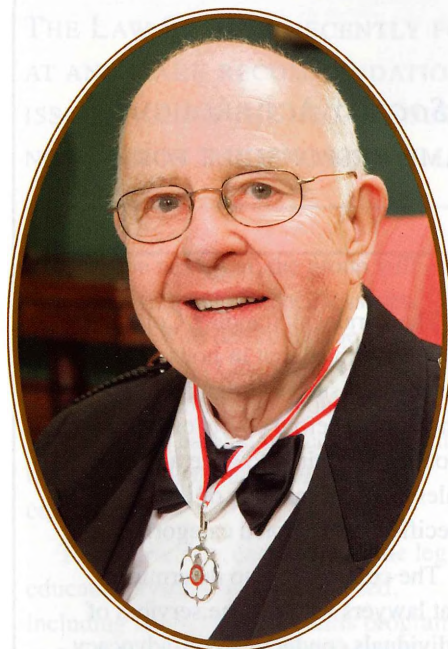
I am sure all lawyers aspire to the Law Society Medal in part because it is supported by the judgment of one's peers. At the ceremony in Convocation Hall, I reflected on the good fortune of myself and my colleagues who were instructed there by icons of the profession: G. Arthur Martin, Walter Williston, Austin Cooper, William Howland and Sidney Robbins, to name a few. We were blessed with a distinguished staff of lecturers headed by the redoubtable and eccentric Dean Smalley-Baker. We were further blessed because following lectures we could walk over and attend the Courts. I am truly grateful to the Law Society and all those who supported me.

**Claude M.V. Pensa, Q.C., LSM**





## 2007 LINCOLN ALEXANDER AWARD RECIPIENT



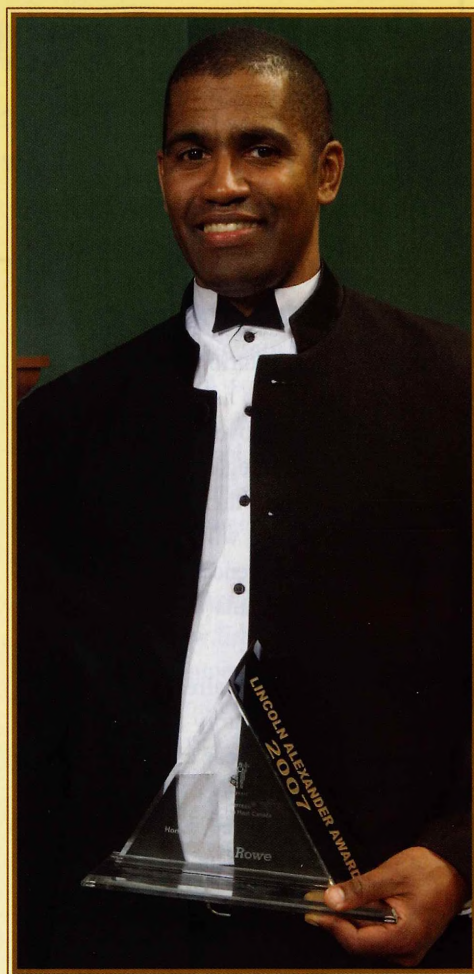
I am deeply grateful to the Law Society of Upper Canada for awarding the Law Society Medal to me, and I am profoundly proud of myself for receiving this great honour that crowns any achievement I may have made in the law. My involvement with the law as an advocate led me at an early stage in my career to legal writing, which led to teaching, lecturing and mentoring, and which led further to the wonderful fellowship with which this great profession is blessed.

**Rodney Hull, Q.C., LSM**

I shared with Convocation a dream I had the night after Treasurer Gavin MacKenzie called to tell me I was one of the recipients of the Law Society Medal. I was in a deep sleep when I heard a voice saying, "Wake up, Ruby, wake up." "I can't," I said, "I'm in the middle of a dream." The voice was persistent. "Why do I have to wake up?" I said. "I'm dreaming."

"Because," said the voice, "In a few weeks you have to address Convocation, and in less than two minutes you have to thank a lot of people – your family and friends, your Minden, Gross family, the Benchers, Gavin MacKenzie, Roy McMurtry and all your colleagues." "That's impossible," I said. "I can't thank everyone responsible in less than two minutes." "You're right," said the voice, "Keep dreaming." Thanks for all the dreams.

**Reuben M. Rosenblatt, Q.C., LSM**



I am honoured to be named as this year's recipient of the Lincoln Alexander Award. It is especially gratifying to be recognized in this way by one's peers. I'd like to accept this award on behalf of all the hardworking volunteers who have laboured tirelessly to make a positive difference in their communities, and whose efforts often go unnoticed. With the privilege of being a lawyer, there is a responsibility to give something back to the community.

**Roger Rowe, Lincoln Alexander Award Recipient**



## Paralegal regulation begins

ON MAY 1ST, IN ACCORDANCE WITH AMENDMENTS TO THE *LAW SOCIETY ACT* BROUGHT ABOUT BY BILL 14, THE LAW SOCIETY OF UPPER CANADA BECAME RESPONSIBLE FOR REGULATING THE PARALEGAL PROFESSION.

As a result, independent paralegals practising in Ontario are the first in North America to have a formal regulatory body oversee their profession. Paralegals will play an important role in their own governance. The Law Society will be issuing the first paralegal licences in early 2008 to approved applicants who pass the examination.

Much work has already been done to build the regulatory framework for the profession. These efforts have been led by the 13-member Paralegal Standing Committee, which is made up of paralegals and benchers.

Completed work to date includes a *Paralegal Rules of Professional Conduct*, as well as a set of criteria and an application process for paralegals already in practice and for students already studying legal services. A Competency Profile has also been developed to reflect the *Rules of Professional Conduct* and to develop the examination that all paralegal applicants will be required to pass. Further, a total of 15 new by-laws were passed at April Convocation, to replace By-laws 1 to 39, which have been revoked.

### Exemptions

Convocation also approved additional recommendations from the Paralegal Standing Committee regarding

exemptions from regulation. These exemptions are in addition to exclusions included in the *Law Society Act*:

- In-house paralegals employed by a single employer, such as municipal prosecutors
- Persons whose work is supervised by a lawyer, whether or not they are employed by the lawyer
- Persons who are not in the business of providing legal services and occasionally provide assistance to a friend or relative for no fee
- Articling students
- Employees of legal clinics funded by Legal Aid Ontario
- Employees of organizations similar to legal clinics that provide free services to low-income clients, provided they meet certain criteria as to their non-profit status and funding
- Aboriginal Court Workers
- Staff of the Office of the Worker Adviser
- Staff of the Office of the Employer Adviser
- Constituency Assistants working in MPP offices
- Law students working in student legal aid services' societies, provided they are supervised by a lawyer and covered by the lawyer's insurance.

The Paralegal Standing Committee also determined that in-house advocates – such as litigation clerks who appear before courts or tribunals – should be required to have a licence, unless they fit into one of the specifically exempted categories.

The committee also determined that lawyers who use the services of individuals conducting non-advocacy work, such as law clerks in law firms and independent document-preparers, must comply with the *Rules of Professional Conduct* governing supervision.

The Paralegal Standing Committee will continue to consider additional requests for exemption and make further recommendations to Convocation.

Exemption categories will be reviewed by the Law Society in two years – prior to May 1, 2009 – in tandem with the requirement of the *Law Society Act* to review and assess paralegal regulation within that same timeframe.

For updates on the by-laws – and to check out other new developments regarding paralegal regulation – visit the Law Society website at [www.lsuc.on.ca](http://www.lsuc.on.ca). ■



# New task force to examine licensing and accreditation issues

THE LAW SOCIETY RECENTLY FORMED A TASK FORCE TO LOOK AT AND MAKE RECOMMENDATIONS ON A NUMBER OF CRITICAL ISSUES FACING THE LEGAL EDUCATION LANDSCAPE – BOTH NOW AND IN THE FUTURE.

Over the next year, the group will examine a number of specific issues, including how to determine the most effective way the Law Society's established competency requirements for the call to the bar can be achieved within the pre- and post-call legal education continuum.

To achieve this, each level of the legal education system will be analyzed, including law school, the skills program and articling portions of the Licensing Process, as well as post-call education.

The task force will also review the criteria for approving law degrees and make recommendations on more appropriate standards. It has been more than 35 years since a review of these requirements has taken place and the current criteria are considered to be outdated.

## LICENSING Process

Another factor the task force will take into consideration is Bill 124, the *Fair Access to Regulated Professions Act*, which emphasizes the need for admission processes to be transparent, objective, impartial and fair. The Law Society must ensure its processes meet the necessary criteria as a result of the legislation.

As more foreign-trained professionals enter the profession as a result of Bill 124, and as the "double cohort" high school graduates completing law school reaches its zenith, the number of candidates in the Licensing Process is expected to be correspondingly higher. With this in mind, the task force will also

examine the impact of increased numbers of applicants for admission to the bar – both from domestic and international sources – as well as the viability of the current Licensing Process.

### Broad Consultation

To help ensure a thorough and collaborative approach to this analysis and review, the task force will consult with a number of organizations, including law schools and law deans both within and outside of Ontario, the Ontario Bar Association, the County and District Law Presidents' Association, other legal organizations such as the Advocates' Society, the Criminal Lawyers' Association, and those representing Aboriginal and other equity-seeking groups.

Additional stakeholders to be consulted include large law firms that hire articling students, government lawyers, the National Committee on Accreditation, the Federation of Law Societies of Canada, the Ontario government, Legal Aid Ontario, the Law Foundation of Ontario, and the judiciary.

The task force is slated to provide interim progress reports to Convocation next winter and a final report is tentatively scheduled for June 2008. ■

## Anti-Money Laundering: client identification and verification rule imminent

THE ANTI-MONEY LAUNDERING COMMITTEE OF THE FEDERATION OF LAW SOCIETIES OF CANADA (FLSC) HAS DEVELOPED A MODEL RULE ON CLIENT IDENTIFICATION AND VERIFICATION THAT IS BEING REVIEWED BY ALL THE LAW SOCIETIES. THE COMMITTEE HAS ALSO BEEN CONSULTING WITH THE DEPARTMENT OF FINANCE ABOUT THE PROPOSED RULE.

Once its precise language and form of implementation is worked out with the law societies and the Department of Finance, the model rule will become part of Canadian law societies' regulatory regimes as well as Canadian lawyers' responsibilities to clients.

The proposed model rule was developed to ensure lawyers follow certain client identification and verification procedures when the lawyer engages on behalf of a client or gives instructions on behalf of a client in respect of the activities specified in the proposed model rule.

It follows the amendment of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* by Bill C-25 in 2006 to, among other things, enhance identification and verification measures applicable to financial institutions and intermediaries. The amendments were made in response to recommendations from the Financial Action Task Force to "make regulations



concerning customer due diligence and record-keeping requirements for professional intermediaries.” The Standing Senate Committee on Banking Trade and Commerce had also noted, in its mandated report on the act, that there was a need to “close the ‘gap’ in the anti-money laundering regime by imposing legislative requirements for lawyers.”

As with the No-Cash Rule recently developed and implemented by the FLSC, law societies would monitor and enforce the model rule. Information recorded by lawyers pursuant to the model rule could be obtained by law societies only for the purpose of ensuring compliance with the applicable law society rules. Information obtained by Law Societies would not be provided to state authorities without a court Order that gives due consideration to solicitor-client confidentiality and privilege existing in respect of the information. It is likely that some, if not all, of the provisions of the model rule will be included in a by-law. Otherwise, provisions will be added to the *Rules of Professional Conduct*.

The model rule respects the threshold between constitutional

and unconstitutional requirements imposed on lawyers when it comes to the gathering of information from clients: A lawyer must obtain and keep all information needed to serve the client, but must not obtain any information that serves only to provide potential evidence against the client in a future investigation or prosecution by state authorities.

The model rule would apply when a lawyer engages on behalf of a client or gives instructions on behalf of a client with respect to receiving, paying or transferring funds other than in certain specified circumstances (similar to the requirement in the Federation’s Model Rule on Cash Transactions), or with respect to purchasing or selling securities, real properties or business assets or entities.

When engaged in these activities, including non-face-to-face transactions, the proposed model rule would prescribe specific requirements for obtaining information, verifying identity and keeping records. There would also be a requirement to withdraw where there is reasonable suspicion of wrongdoing, and to keep a record of that withdrawal. ■

## A Quality Milestone for the Client Service Centre

The Client Service Centre (CSC) reached a significant milestone in March 2007 with the attainment of Level 2 certification through the National Quality Institute’s (NQI) Progressive Excellence (PEP) Program.

The PEP program is based on the NQI’s Canadian Framework for Business Excellence and the Canadian Quality Criteria for Public Sector Excellence. It is

designed specifically to assist organizations in developing a planned, target-driven approach to organizational excellence.

The CSC attained Level 1 certification in mid-2005. To reach Level 2, an internal team of CSC volunteers worked on various aspects of project preparation and promotion. Four members of this team also completed a course of study in Organizational Excellence Assessment at NQI’s Toronto offices.



CEO Malcolm Heins; Vaughan Kitson, CSC Service and Quality Specialist; Terry Knott, Director of Client Services; and Treasurer Gavin MacKenzie proudly accept the NQI Award of Excellence.

Next, the CSC conducted an internal assessment to ensure the department was ready to move forward. The team then submitted a written application to the NQI. Finally, the CSC underwent a mandatory site verification conducted by NQI representatives.

At a celebratory breakfast held on April 5th, NQI Vice-President and Chief Operating Officer Kathryn Cestnick awarded the PEP Level 2 plaque to the Client Service Centre.

“We have found that the

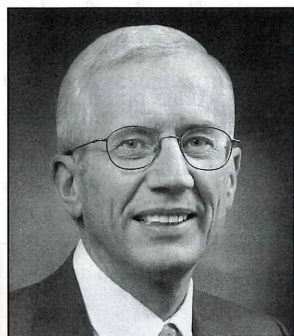
Progressive Excellence Program provides us with a well-organized, manageable method by which we can pursue our ongoing goal of excellence,” says CSC Director Terry Knott. “The program helps us build on our strengths, while identifying opportunities for growth and continuous improvement.”

There are four levels in the PEP program.

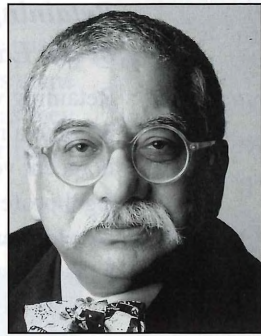


## New Priority Planning Committee to boost effectiveness of Convocation

THE ESTABLISHMENT OF A PRIORITY PLANNING COMMITTEE IS THE CORNERSTONE OF A NEW PRIORITY SETTING PROCESS RECOMMENDED BY THE GOVERNANCE TASK FORCE AND APPROVED AT MARCH 2007 CONVOCATION.



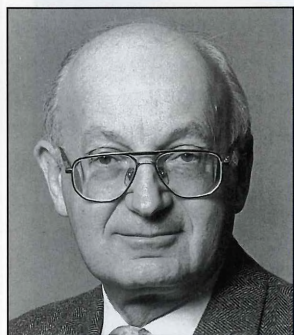
**Thomas Heintzman**



**Vern Krishna**



**Sy Eber**



**Abraham Feinstein**



**Janet Minor**



**William Simpson**

The Governance Task Force, created in March 2006, has focused on improving the corporate governance of the Law Society, exploring options for increasing the effectiveness of Convocation, improving co-ordination between the board and operational management, and enhancing priority setting. Thomas Heintzman (Chair), Vern Krishna (Vice-Chair), Sy Eber, Abraham Feinstein, Janet Minor and William Simpson served as members of the task force.

Convocation agreed with the task force's view that establishing a formal strategic planning process, supported by

a Priority Planning Committee, will enable Convocation to identify priorities for a strategic agenda and integrate priority setting with budget development. This, in turn, will ensure the Law Society focuses on key priorities.

The priority planning process will begin with the new bench term. Benchers will meet to consider priorities and will have the opportunity to bring forward matters for consideration as strategic objectives to be addressed within the bench term. These strategic objectives are to be informed by the functions of the Law Society as set out in

the *Law Society Act* as well as the benchers' vision for the Society.

The Priority Planning Committee will assess these objectives and recommend for Convocation's approval a focused set of priorities. The result will be a formalized, strategic plan for the Society – one that will be refreshed each bench term.

The Priority Planning Committee's ongoing responsibility will be to review the progress of the strategic plan and assess new matters in light of the plan – linking financial decisions to overall priorities.

With respect to matters of financial management, controls and reporting, Convocation approved the Governance Task Force's recommendation to create an Audit Committee and a Finance Committee to replace the existing Finance and Audit Committee. Convocation agreed that as the Audit Committee's role is of vital importance to the financial integrity of the Law Society, it should have a separate status. Its primary role will be to independently scrutinize the Society's financial policies and statements. The Finance Committee's responsibilities will entail budget planning and related matters.

Convocation also approved the task force's recommendation that a bench member whose license to practice law is suspended not be permitted to participate in Convocation for the duration of the suspension.

At its December 2006 meeting, Convocation approved the task force's recommendations to improve procedures for the Treasurer's election. The recommendations, which have been incorporated in By-Law 3, deal with electronic voting, the nomination process, the voter's list and breaking a tie. Convocation also approved a recommendation to create a process by which certain matters may be placed on Convocation's agenda. ■





# A SUMMIT ON GENDER AND DIVERSITY IN LAW

## MOVING FORWARD AS A PROFESSION

WOMEN LAWYERS ARE ENTERING THE LEGAL PROFESSION IN GREATER NUMBERS THAN EVER BEFORE, BUT THEY ARE STILL FACING BARRIERS AND GENDER INEQUITIES THAT ARE CAUSING THEM TO LEAVE IN DISPROPORTIONATE NUMBERS. PARTICIPANTS AT THE MAY 1ST SUMMIT ON GENDER AND DIVERSITY IN LAW ATTENDED IN LARGE NUMBERS TO DISCUSS STRATEGIES TO DIVERSIFY THE LEGAL PROFESSION AND TO RETAIN FEMALE LAWYERS WITHIN ITS RANKS.

Presented by the University of Toronto Faculty of Law, in conjunction with the Law Society of Upper Canada and the Law Foundation of Ontario, the day-long summit featured a number of speakers, including academics, lawyers and judges.

### **Balancing Act**

Many women lawyers are opting to postpone having children, said Fiona Kay, an associate professor of sociology at Queen's University, who cited recent statistics that indicate 43 per cent of women lawyers are childless compared to 25 per cent of their male counterparts. This, she said, is because work-life (family) balance is still predominantly seen as a women's issue rather than one of gender inequity.

Brenda Cossman, a professor at the University of Toronto Law School, noted that another trend is the "Opting-Out Revolution," with many highly trained women choosing to stay at home with their children rather than continue with their law careers. She attributed this phenomenon to a lack of accommodation within the profession and the fact that

many women feel they can't have both a career and a family.

Law Society Discrimination and Harassment Counsel (DHC) Cynthia Peterson told participants she receives hundreds of calls in her capacity as DHC, many of which are related to family status issues. She said she has heard from some women associates who have been advised to shorten their maternity leaves to avoid risking their goals of partnership.

Deborah Gillis, Executive Director of Catalyst Canada, reported that her organization's survey of 1,400 lawyers found that balancing work and family is still far more difficult for women. She noted lawyers are expected to meet "face time" norms to prove their commitment and subsequently succeed. "Not surprisingly, 63 per cent of male partners versus 18 per cent of female associates are satisfied with the level of flexibility," said Gillis. "Redefining what success looks like will help in the satisfaction levels of women – which will help in the retention of women."

### **Retaining women a major focus of the Law Society**

Retaining women in private practice has become a major focus of the Law Society in recent years. As regulator of Ontario's legal profession, the Law Society develops and implements model policies on issues such as maternity leave and flexible work arrangements.

"We want to increase the representativeness of the legal profession," Law Society Equity Advisor Josée Bouchard told the summit. "Although there is a prevailing attitude in law firms that the increase in women entering the profession means things will eventually change – without firms having to do much about it – our research indicates that women lawyers will continue to leave unless there is a strong cultural shift in the profession."

The Law Society's Retention of Women Working Group was established to identify best practices to retain women in private practice and explore ways to support and retain women in the legal profession. Laurie Pawlitza, who is co-chair of the working group, and a partner at Torkin Manes LLP, as well as a Law Society benchler, said that one idea is a 'commitment pledge' by law firms to undertake pilot projects regarding the retention of women, and to share and publish the results of these projects. The working group is also looking at successful gender equity initiatives and programs operating in the United States. Pawlitza noted that big law firms in



particular are impacted by the loss of women lawyers. It costs an estimated \$315,000 to lose a lawyer who has been with a firm for seven to 10 years.

While the big firms are “not there yet,” according to Chia-yi Chua, a partner at Fraser Milner Casgrain LLP, some are trying. His firm, for instance, is attempting to keep women lawyers in the loop while they’re away on maternity leave, by communicating with them on a regular basis. The firm is also providing flextime arrangements on a case-by-case basis. Chua suggested women lawyers come forward to discuss their needs, as they might be surprised at what their firm can arrange. ■



### Renowned equity advocate

The Honourable Bertha Wilson, the first woman appointed to both the Court of Appeal for Ontario and the Supreme Court of Canada, passed away on April 28, 2007 after a long battle with Alzheimer’s disease. She was 83. She was renowned for her groundbreaking judicial decisions and her landmark report *Touchstones for Change, Equality, Diversity and Accountability*, which looked at the status of women in the legal profession.

## Tipping the balance of inequities relating to race and disability

Racialized lawyers and lawyers with disabilities have managed to break down some barriers within the legal profession, but there is still much work to be done, participants at the Summit on Gender and Diversity were told.

One idea to address these barriers has been found in the United States, Law Society Equity Advisor Josée Bouchard said. Some firms there are promoting themselves to clients based on their equity and diversity policies, as certain large corporations will now work only with law firms that employ equity and diversity initiatives. She suggested that, with the increased competition with American law firms, Canadian firms should and are likely to follow this example.

In addition to law societies, law firms, legal organizations and law schools developing and implementing equity and diversity initiatives, it is equally important for racialized lawyers to seek out mentors, said Joanne St. Lewis, an assistant law professor at the University of Ottawa, as well as a benchler and chair of the Law Society’s Equity and Aboriginal Issues Committee. Although there are still fewer members of these groups in the profession, she noted, it is not necessary for the mentor to be “like” the mentee for the relationship to be beneficial.

Justice Michael Tulloch, of the Ontario Superior Court of Justice, also stressed the importance of mentorship, while noting that this has been a problem for racialized lawyers, who are often not accorded the same opportunities for mentorship or acculturation within the profession. He and other speakers, including University of Toronto Assistant Law Professor Darlene Johnston, and Janet Oh, who is Chair of the Canadian Bar Association’s Standing Committee on Equity, stressed that while it is critical for law schools and law firms to have

good recruitment policies and workplace guidelines and practices, it is also critical that the schools and firms actually use them – and that senior managers and partners show they fully support these policies. As well, they said, there must be an ongoing focus on the retention and advancement of Black, Aboriginal and other racialized lawyers, not just on the recruitment.

Lawyers with disabilities are also still facing barriers, said Phyllis Gordon, the executive director of ARCH Disability Law Centre, who told the summit that the false stereotype persists that it is expensive to accommodate lawyers with disabilities. However, she noted, larger and middle-sized firms do have the budget for inclusiveness, especially since accommodations usually cost less than \$500.

David Lepofsky, a human rights lawyer with the Crown Law Office (Criminal), called for immediate joint action by legal organizations, law societies, law firms and law schools to address the lack of accommodation for persons with disabilities by developing and implementing an action plan. “We have the roadmap,” he said, noting that Justice Rosalie Abella’s report on equality 17 years ago had provided the first part of the roadmap. Work done by a group of lawyers with disabilities, along with laws made by the Hon. R. Roy McMurty, Chief Justice of Ontario, that ensure accessibility to the courts, constitute the remaining parts, he said. “Following this roadmap would get us substantially along the way. So why don’t we start now?”

For more information about the Law Society’s Equity Initiatives Department or its Mentorship Program for students, law students and lawyers from diverse backgrounds, visit the Law Society’s website at [www.lsuc.on.ca](http://www.lsuc.on.ca). ■



## DHC Program offers advice to help stop discrimination and harassment

SINCE 1999, THE LAW SOCIETY'S DISCRIMINATION AND HARASSMENT COUNSEL (DHC) PROGRAM HAS BEEN WORKING TO HELP STOP HARASSMENT AND DISCRIMINATION WITHIN THE LEGAL COMMUNITY.

Available free-of-charge to lawyers, law students, articling students, law firm staff and the general public, the program operates independently and at arm's length from the Law Society, but is funded by the Law Society as part of its efforts to enable equity and diversity in the workplace and the profession.

Confidential assistance, advice on the various options available, and dispute resolution are offered, where appropriate.

Last year, the DHC Program received 156 calls from members of the public and the legal profession who believed they were being harassed or discriminated against by a lawyer. Their complaints were based on the following prohibited grounds, in order of most frequent occurrence: sex, disability, race, age, ethnic origin, place of origin, family status, sexual orientation, religion and ancestry.

### Types of Complaints

While the majority of complainants were women, the types of complaints varied.

For example, a woman lawyer working in a legal clinic reported that she was harassed and discriminated against at work because she took two maternity leaves in rapid succession.

In another instance, a female lawyer reported that during a job interview she was asked whether she had any children. Another complaint came from a recently hired female legal assistant who reported that a male lawyer terminated her employment without cause shortly after she disclosed her pregnancy.

Several complaints to the DHC were also related to disabilities. A woman lawyer working in a legal clinic reported that her employer was refusing to accommodate her psychiatric disability and was threatening to terminate her employment if she could not complete her duties without accommodation.

A male lawyer complained that his employer refused to accommodate his disability, saying, "We are not a rehab clinic," then terminating his

employment shortly after he requested the accommodation.

Ageism is another subject of complaints. A male lawyer reported that he was asked, "How old are you?" in a job interview. Another male lawyer, who was recently called to the bar, complained that he was not given a job interview for a position for which he was highly qualified because of his age – 52.

Complaints received also include those made by students. For example, a female Filipino articling student reported that a female partner in her law firm swore at her, verbally abused her and suggested she work as a nanny for one of the other partners in the firm.

Another articling student complained about sexual harassment from a male partner in her law firm. She also suffered from reprisals in the workplace when she reported this harassment to another male partner at the firm.

### Complaints from Clients

A significant number of public complaints to the DHC Program come from clients. For example, a woman complained that a male lawyer was pressuring her to have sex with him. She also reported that he told her she could not change lawyers because she had retained him on a legal aid certificate.

Public complaints were received from litigants complaining about counsel for the opposing party in their case. Last year, a visually impaired litigant complained that opposing counsel refused to accommodate his disability and was exploiting his disability.

### Advised of Options

When complainants contact the DHC Program, they are advised of various options they may wish to pursue, including filing an internal complaint within their workplace, filing a complaint with the Ontario Human Rights

### DHC Services

The DHC helps individuals to:

- Identify discriminatory and harassing behaviour
- Clarify the issues
- Understand their options, such as filing an internal complaint or filing a complaint with the Ontario Human Rights Commission or the Law Society
- Assess the advantages and disadvantages of each option



Commission/Tribunal or the Law Society, or contacting a lawyer for advice about other possible legal actions.

They are also given information about how to file a complaint, possible costs involved in pursuing an option, the processes involved (investigation, conciliation or a hearing), as well as the remedies that may be available and any related time limits.

Where appropriate, complainants are offered the mediation services provided by the DHC Program.

### **Educating to Prevent Harassment and Discrimination**

Last year, the DHC continued to work with the Law Society's Equity Advisor to offer workshops to law firms on the prevention of harassment and discrimination in the workplace. The DHC also spoke about the program and professional responsibility to law students at various law schools.

Brochures about the DHC Program are available in English, French, Chinese and Braille, and these continue to be circulated to legal clinics, community

centres, libraries, law firms, government legal departments and faculties of law.

For more information about the DHC Program, visit the DHC website at [www.dhcounsel.on.ca/](http://www.dhcounsel.on.ca/).

Anyone who feels they have experienced human rights-based discrimination or harassment from a lawyer or within a legal clinic or law firm can contact the DHC Program 24 hours a day and leave a confidential message on voice-mail at 1-877-790-2200. Confidential e-mail can be sent to [assistance@dhcounsel.on.ca](mailto:assistance@dhcounsel.on.ca) ■

## **Law Society intervenes in human rights violations against lawyers and judges**

BASIC HUMAN RIGHTS AND the independence of the bar are easily taken for granted in a country such as Canada, where lawyers seldom need consider their safety or freedom when taking on cases. In many other countries, however, lawyers and judges are experiencing violations of their basic human rights simply for doing their jobs.

In China, there are reports that lawyer Gao Zhisheng, an outspoken defendant of a number of activists, including members of the banned spiritual movement Falun Gong, has been the subject of continuous surveillance and other forms of harassment and intimidation by authorities.

In India, reports indicate that human rights lawyer and Secretary General of the Threatened Indigenous Peoples' Society, Lietanthem Umakanta Meitei, was

arrested without a warrant, then allegedly interrogated and tortured by police. The Chief Judicial Magistrate ordered his release on bail due to lack of evidence. Meitei refused to pay the bail on the basis that the charges against him were false. He was later released and all charges against him were dropped.

In Syria, reports indicate that lawyer Anwar Al-Bunni, who is the founding member of the Syrian Human Rights Association and head of the Committee for the Defence of Prisoners of Conscience, was arrested after drawing up a petition signed by 274 Syrian and Lebanese human rights activists asking Syria to improve its diplomatic relations with Lebanon by respecting Lebanon's independence and sovereignty. He remains in prison, charged with "undermining national pride,

incitement to racial and sectarian hatred" and "slander of public administrative and governmental bodies."

Last year, in response to reports about these and other disturbing events, the Law Society established the Human Rights Monitoring Group, which monitors human rights violations that target members of the legal profession and the judiciary as a result of the discharge of their legitimate professional duties.

Based on the group's recommendations, the Law Society has so far sent letters of intervention to various foreign authorities regarding 18 cases.

The Law Society has a long history of speaking out in support of just causes, both national and international, and has intervened periodically in a variety of cases. The

establishment of the Human Rights Monitoring Group formalizes the role of Law Society as an advocate for the rule of law and the independence of bar on the global stage.

The Human Rights Monitoring Group is supported by the Law Society's Equity Initiatives Department, and information provided by organizations dedicated to promoting the rule of law and human rights internationally. When intervention is appropriate, the group recommends responses to Convocation for approval. The group's members are benchers Paul Copeland (Chair), Anne Marie Doyle, Heather Ross, Mark Sandler and Joanne St. Lewis.

*More information about the activities of the Human Rights Monitoring Group is available on the Law Society website under the Member Resource Centre tab.*



## Private Practice Refresher Program

The launch of the Private Practice Refresher Program (PPRP) could not have gone better, according to Judith Young, Counsel Administrative Compliance, who is responsible for reviewing PPRP applications and liaising with lawyers in the program.

"The program is really achieving its objective, which is helping lawyers who have been out of private practice get up-to-date on current standards of good practice," she says. "We've had some lawyers complete all the modules within two or three weeks, and the feedback we've received so far is positive."

The PPRP came into effect January 1, 2007. Self-study and module-based, it was created for lawyers who have not been in private practice for at least twelve months of the five years prior to the time they wish to enter or return to private practice status. Applicants are

assessed and assigned the modules that reflect gaps in their experience. Six of the eight modules contain an assessment component similar to an open-book, take-home exam.

Approximately 53 lawyers had registered in the program and 20 had completed it, as of May 2007.

"The success of the program can be attributed to its usefulness and flexibility," says Terry Knott, Director, Client Service Centre. "It's full of practical information lawyers can study at their own pace – moving quickly if they prefer – and the modules are available for download at no cost. We've even had a few lawyers who did not need to complete the program review the materials voluntarily – which is a testament to the quality of information."

Most lawyers finish the program prior to changing to private practice status,

although those who need to change status immediately can be accommodated. Each module takes only 3 or 4 hours to complete, and the Law Society is committed to reviewing the assessments within a week. The results are pass/fail.

The PPRP is part of the Law Society's larger focus on improving quality assurance within the profession. "Quality assurance programs such as the PPRP help lawyers attain high levels of competence in their practice management procedures, which in turn serves the public interest," says Diana Miles, Director, Professional Development and Competence. "So by providing quality assurance programs, we are fulfilling two key parts of our mandate."

*More information about the Private Practice Refresher Program is available on the Law Society website under "Status Changes" at the Member Resource Centre tab. ■*

## NEWS • ROUNDUP



### 175th Anniversary of Osgoode Hall

The 175th Anniversary of Osgoode Hall is being celebrated throughout 2007 with a number of activities and events. These began with an Anniversary reception that included the launch, by Lieutenant Governor James K. Bartleman, of exhibits showcasing Osgoode Hall and its grounds. The celebratory activities and events will culminate in a Canadian Legal History Symposium at Osgoode Hall in October 2007. Shown here: The Honourable James K. Bartleman, O. Ont., speaking at the commemorative reception on February 6, 2007.





## Ontario's Black lawyers celebrate Black History Month with the Law Society

More than 150 members of the legal community and public gathered to celebrate diversity and excellence in the legal profession at a reception held at Osgoode Hall on February 7 in honour of Black History Month. Hosted by the Law Society and the Canadian Association of Black Lawyers (CABL), the event was part of the Law Society's 2007 Equity Public Education Series. Shown here, from left to right: Frank Walwyn, President of CABL; Vanita Banks, President-Elect of the National Bar Association in the United States; and Gavin MacKenzie, Law Society Treasurer.

## Forum addresses mental health and criminal law

The Law Society and Arch Disability Law Centre, in collaboration with the Criminal Lawyers' Association, hosted the fourth annual forum on disability and the law on February 21. Some 125 mental health service providers, consumers, psychiatric survivors and criminal justice professionals attended the event to discuss important issues in mental health, developments in Ontario's forensic mental health system, criminal procedures and practice in the justice system. Panellists also discussed the role of lawyers in dealing with clients with mental illness, as well as the range of community-based services that are available. The event was part of the Law Society's 2007 Equity Public Education Series. Here, panel members field questions from the audience.



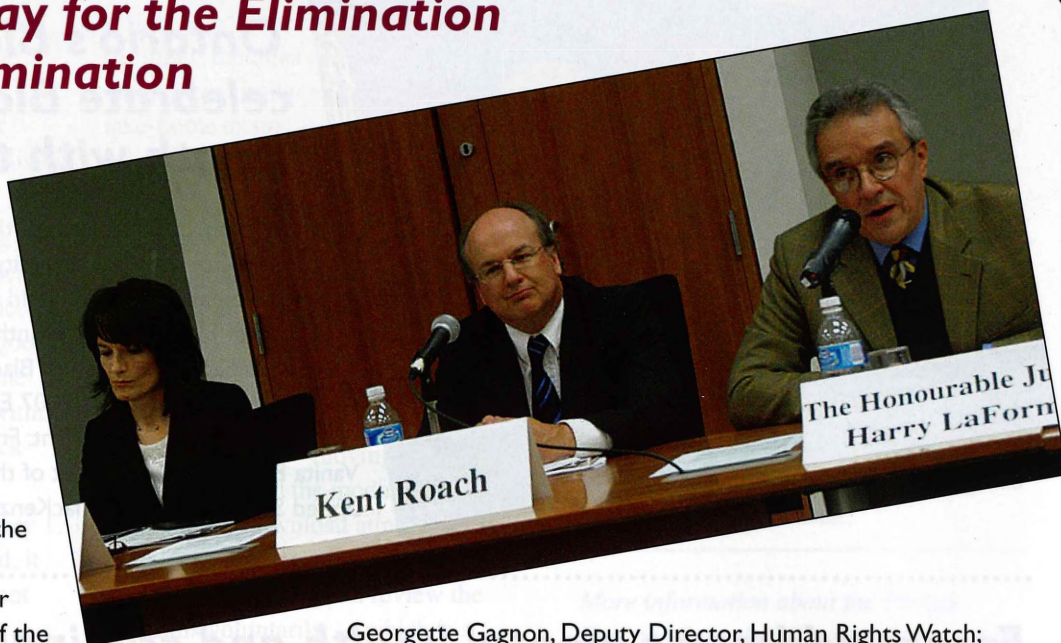
## International Women's Day

Several prominent women lawyers shared their inspirational stories of challenge and survival in the field of law at the annual International Women's Day forum and reception held at the Law Society on March 7. The event was part of the Law Society's 2007 Equity Public Education Series. Shown here: Bencher Joanne St. Lewis, the first Black woman to graduate from UBC Law School.

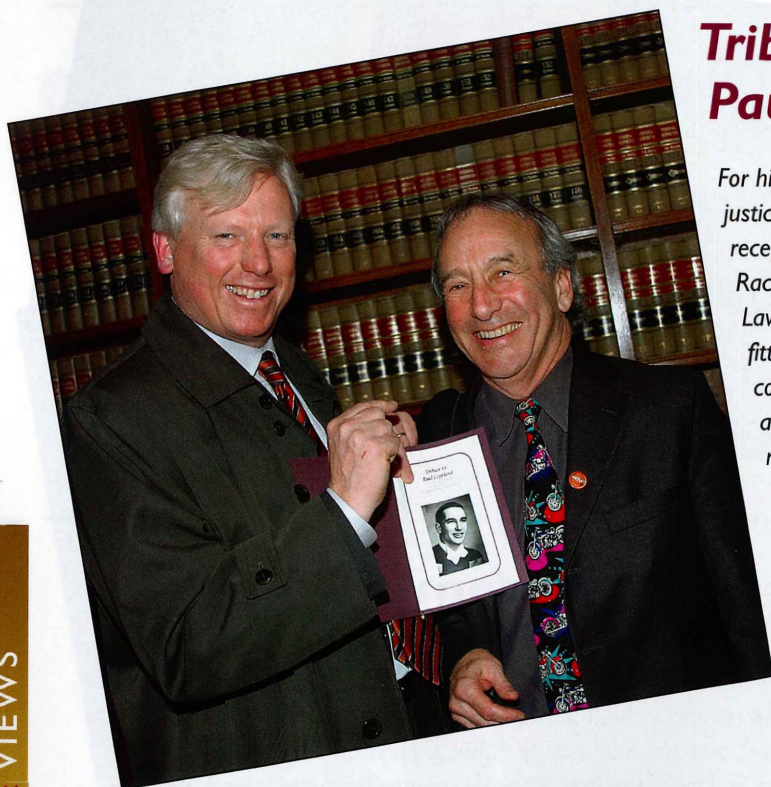


## International Day for the Elimination of Racial Discrimination

The Law Society, in partnership with Human Rights Watch, presented a public panel discussion entitled "The Rule of Law and Activism" on March 28. Legal experts who made up the panel discussed national and international legal, social and political developments and their impact on the rule of law. Each expert provided a different perspective on legal activism and the rule of law; all agreed that legal activism is a critical component for the protection and sustainability of the rule of law. The event was part of the Law Society's 2007 Equity Public Education Series. Shown here, from left to right:



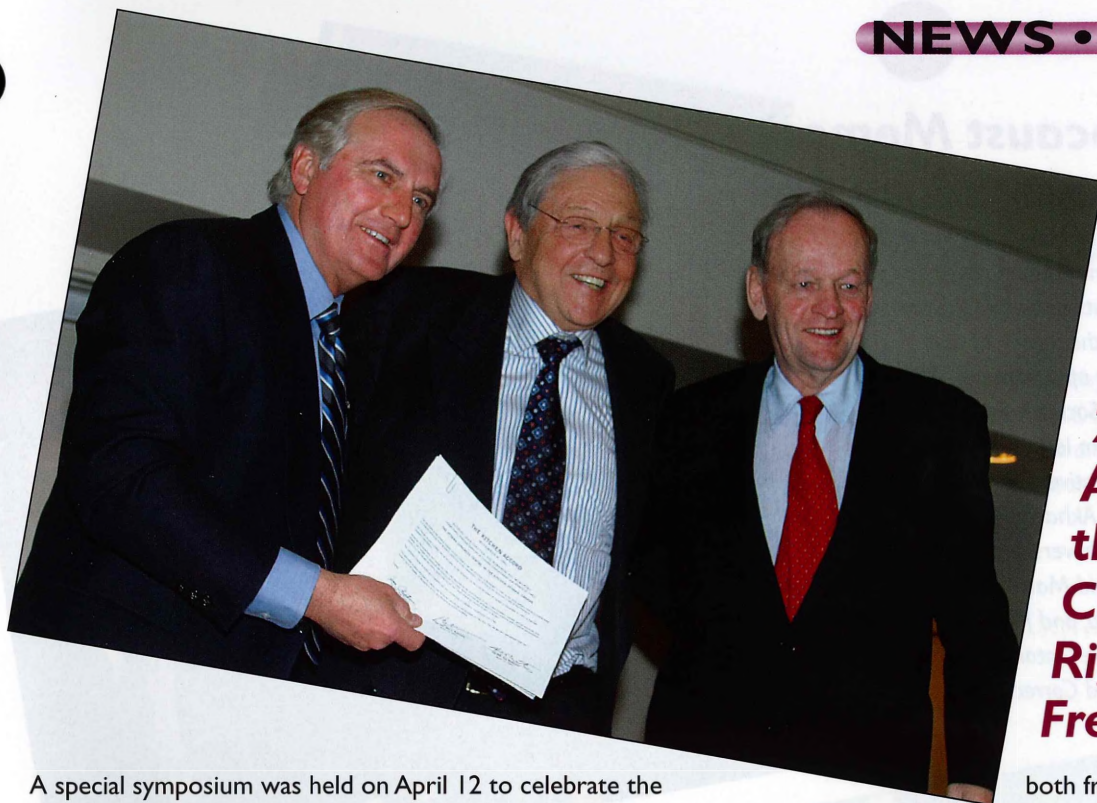
Georgette Gagnon, Deputy Director, Human Rights Watch; University of Toronto Faculty of Law Professor Kent Roach; and Justice Harry S. LaForme, Court of Appeal for Ontario.



## Tribute to bencher Paul Copeland

For his long-term work defending human rights, equality and social justice, bencher Paul Copeland was honoured by a special tribute at a reception to commemorate International Day for the Elimination of Racial Discrimination. Treasurer Gavin MacKenzie, on behalf of the Law Society's Equity and Aboriginal Issues Committee, noted it was a fitting occasion to honour Paul Copeland for his exceptional commitment and support of human rights causes here in Canada, and internationally. He also noted that Mr. Copeland has most recently been defending people charged under the Canadian anti-terrorism law and subjected to the national security process. Shown here, from left to right: Mayor David Miller and bencher Paul Copeland.





## 25th Anniversary of the Canadian Charter of Rights and Freedoms

A special symposium was held on April 12 to celebrate the 25th Anniversary of the *Canadian Charter of Rights and Freedoms* and to honour Chief Justice of Ontario R. Roy McMurtry's pivotal role in this historic event. The symposium was hosted by the Law Society of Upper Canada, the Advocates' Society, and Osgoode Hall Law School. Senior members of the judiciary and political leaders from across the country came together to discuss the inception and impact of the charter,

both from a Canadian and international perspective. Shown

here, from left to right: former Saskatchewan premier Roy Romanow, Chief Justice of Ontario Roy McMurtry, and former prime minister Jean Chrétien pose with the original, two-page, hand-written "kitchen accord" they brokered 25 years ago in a hotel kitchen. The accord resulted in the charter and has been sent to Library and Archives Canada.

## Tribute to R. Roy McMurtry, Chief Justice of Ontario



Following the symposium, a gala dinner was held to honour R. Roy McMurtry, Chief Justice of Ontario, who retires this spring. Family, friends and colleagues lauded the Chief Justice for his numerous accomplishments over the years, as well as his dedication to the development of a fair, just and enlightened society. Proceeds from both the symposium and the gala dinner will go to the McMurtry Gardens of Justice, an outdoor sculpture garden devoted to the values that underlie the Canadian justice system.



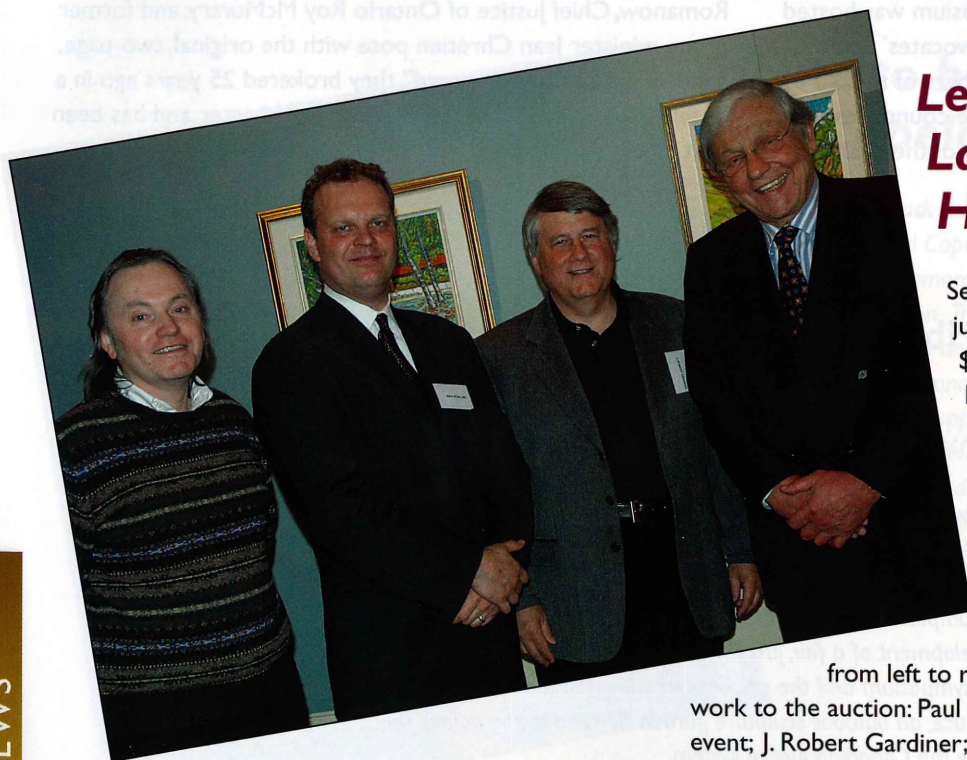
## National Holocaust Memorial Day

In commemoration of National Holocaust Memorial Day, the Law Society and the League for Human Rights of B'nai Brith Canada partnered to present a panel discussion at Osgoode Hall on April 16. Panellists discussed the lessons learned from the Holocaust and the legacy of the Nuremberg Trials. The event drew approximately 100 people and was part of the Law Society's Equity Public Education Series. Shown here, from left to right: Adam Dodek, SJD Candidate in Comparative Constitutional Law, University of Toronto; Payam Akhavan, Associate Professor, Faculty of Law, McGill University; Faige Liebman, Holocaust Survivor; David Matas, Senior Legal Counsel, B'nai Brith Canada; and Jillian Siskind, Senior Policy Advisor to the Ontario Minister of Community Safety and Correctional Services.



## Legal Easel for Lawyers Feed the Hungry

Several works of art created by lawyers and judges and sold via silent auction raised \$15,000 for the Lawyers Feed the Hungry Program. Called "Legal Easel," the art exhibit and auction was held from April 23 to May 2 in the Museum Room at Osgoode Hall and featured art in various media, including oils, watercolours, photography and sculpture. All 29 pieces of art donated for auction were sold, and 97 purchase bids were made. Shown here



from left to right are four of the artists who donated work to the auction: Paul Sanderson; John McMillan, organizer of the event; J. Robert Gardiner; and the Hon. R. Roy McMurtry, Chief Justice of Ontario.





## New bencher Raj Anand to be honoured

Raj Anand, LSM, was chosen by the Indo-Canada Chamber of Commerce (ICCC) to receive their 2007 Professional Male Award. He will receive the award at the ICCC's annual awards ceremony on June 16.

## Asian Heritage Month

To celebrate Asian Heritage Month, a panel of experts gathered at Osgoode Hall to discuss the impact of the Canadian Charter of Rights and Freedoms on multiculturalism and various laws and public policies over the past 25 years. The forum and reception that followed were hosted by the Law Society of Upper Canada and the South Asian Legal Clinic of Ontario. More than 130 people attended the event, which was part of the Law Society's Equity Public Education Series. Shown here, from left to right: panel moderator Raj Dhir, Counsel, Ontario Human Rights Commission; Professor Carissima Mathen, Faculty of Law, University of New Brunswick; Mahmud Jamal, a partner at Osler, Hoskin & Harcourt LLP; Dr. Lilian Ma, Chair, Ontario Landlord and Tenant Board; and Haroon Siddiqui, Editorial Page Editor Emeritus, the Toronto Star.





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*New this fall* – The Law Society is pleased to bring you a great selection of live CLE events directly to your computer desktop. Previously offered through BAR-eX, live webcasts provide you with a “real-time” conference experience from the comfort of your home or office. Materials are posted online in PDF format so you can follow along with the program and build your own electronic CLE library. You will receive access to the webcast for one month after the program — go back and view it whenever you like, as often as you like.

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Lawyers practising outside of the Toronto area can participate in legal education programs closer to home. Live videoconferences of many CLE programs are offered across the province in an interactive, collegial setting. Visit the Law Society's website for a listing of locations for programs scheduled on the Interactive Learning Network.

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