

LET RIGHT PREVAIL

The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

**2008  
Annual Report  
Performance  
Highlights**

**MAINTAIN HIGH STANDARDS AND ENSURE  
EFFECTIVE COMPETENCE**

**PROFESSIONAL REGULATION**

**ACCESS TO JUSTICE**

**DIVERSITY WITHIN THE LEGAL PROFESSION**

**SMALL FIRMS AND SOLE PRACTITIONERS**

**PARALEGAL REGULATION**

**STRATEGIC COMMUNICATIONS**

**GOVERNANCE STRUCTURE**

# Mandate

The Law Society of Upper Canada regulates the lawyers and paralegals of Ontario in the public interest. The Law Society ensures that every individual who practises law or provides legal services in Ontario meets standards of learning, professional competence and professional conduct that are appropriate for the legal services provided.

The Law Society has a duty to protect the public interest, to maintain and advance the cause of justice and the rule of law, to facilitate access to justice for the people of Ontario, and to act in a timely, open and efficient manner.

# Performance Highlights

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## TREASURER'S MESSAGE

# Effective collaboration with key partners



The Law Society of Upper Canada is entrusted with the duty of regulating Ontario's lawyers and paralegals in the public interest and promoting equal access to justice for all citizens. In fulfilling these responsibilities, the Society often collaborates with other legal stakeholders. It is through collaboration that we can best achieve our common goals.

### Licensing process

In 2008, the Society consulted with the profession about the licensing process and resounding support for the articling process was revealed. This led to the formulation of a new online Professional Responsibility and Practice Course, which will be introduced for the 2009/2010 articling year. The licensing process is an essential component of our priority to maintain high standards, beginning with entry level competence.

### The Retention of Women in Private Practice

The Report of the Retention of Women in Private Practice Working Group was approved by Convocation in May 2008 after extensive consultation with lawyers across the province. Work began immediately on implementing its recommendations, resulting in the launch of Justicia, a project that is the collaboration of more than 50 medium and large firms across the province who will share best practices on policies and programs to retain and advance women. One of the Law Society's priorities is to have a legal profession that draws on the skills, knowledge and experience of diverse groups to ensure that the justice system is responsive to the needs of all Ontarians.

### Ontario Civil Legal Needs Project

The Law Society's mandate states that we have a duty to maintain and advance the cause of justice and the rule of law, as well as to facilitate access to justice for the people of Ontario. An open and accessible justice system is one that serves the needs of people regardless of their economic status and is inclusive on grounds of gender, race, religion, language and sexual orientation. In June 2008, Convocation approved the Law Society's participation in the Ontario Civil Legal Needs Project. This is a joint project with Pro Bono Law Ontario and Legal Aid Ontario, supported by the Law Foundation of Ontario, in which we will work together to better understand the civil legal needs of low and middle income Ontarians and devise strategies to meet those needs.

### Sole and small firm practitioners

Another facet of our access to justice work is to provide support for sole and small firm practitioners. This segment of the bar comprises the majority of lawyers in Ontario. They play an integral role in individuals' access to justice in personal legal transactions, like buying or selling a house or writing a will, or in relation to their small businesses. Sole and small firm practitioners also handle the vast majority of legal aid cases and provide the majority of legal services in languages other than English, French and Italian. It is essential that this segment of the profession is healthy and vibrant to ensure that Ontarians can access the justice system when they need it.

The Law Society is working with the Ontario Bar Association and the County and District Law Presidents' Association to provide support for sole and small firm practitioners in a co-ordinated and collaborative way. We recognize the vital role that each of us has to play, particularly in the promotion of regional and local networks to provide support and mentoring to alleviate the isolation that can be a negative part of the sole practitioner's experience.

### **Paralegal regulation**

Work on the establishment of a regulatory scheme for paralegals continued throughout 2008. While all the departments of the Law Society were part of this process, we also have to recognize the contributions of the Attorney General's office, the courts and provincial tribunals, the Paralegal Society of Ontario and the Licensed Paralegals Association of Ontario in ensuring the establishment of a viable, fair system of regulating paralegals. The first licensing examinations were held in January and we were pleased to welcome the first licensed paralegals to the Law Society at receptions held around the province in May 2008. As we transitioned from licensing grandparented candidates to newly trained candidates, the Law Society worked with the Ministry of Training, Colleges and Universities and with colleges themselves to establish nine accredited courses of study.

### **Civility and professionalism**

The Law Society is committed to working with stakeholders on the issue of the perception of declining professionalism. Concerns about the lack of civility in the profession and its adverse effect on the administration of justice were expressed in the Honourable Coulter Osborne's *Civil Justice Reform Project* and *The Report of the Review of Large and Complex Case Procedures* conducted by the Honourable Patrick LeSage and Professor Michael Code.

Our review of the issue indicated that a broader, more collaborative approach with the engagement of the courts and the profession would yield greater and more sustainable results. For that reason, we participate in the work of committees like the Chief Justice of Ontario's Advisory Committee on Professionalism, and organizations like The Advocates' Society's Institute for Civility and Professionalism and the University of Toronto's Centre for the Legal Profession.

The Law Society is committed to working with stakeholders on the civility issue – the judiciary, the bar, the government, Legal Aid Ontario and other legal organizations – to raise standards. As the regulator of the legal profession, we must

ensure compliance with the *Rules of Professional Conduct* on issues of civility and educate our members with respect to this issue.

The Law Society has taken a number of steps in response to the recommendations of the Code/LeSage Report. First, I have asked our Professional Regulation Committee to consider what specific action we should take to address courtroom misconduct and what we can do to address the issues that underlie the conduct of lawyers. Second, I have met with the President of the Criminal Lawyers' Association (CLA) to discuss how the Law Society and the CLA can work together to develop additional mentoring support for the criminal bar. Third, I have met with Chief Justice Winkler, Chief Justice Smith and Chief Justice Bonkalo and representatives of the bar to develop a mechanism to facilitate the reporting of conduct issues that arise in the courts and to ensure that the Law Society is aware of the current issues facing judges and lawyers in the courts. A committee has been struck composed of a Law Society benchers, a superior court judge and Chief Justice Bonkalo that is working to develop a protocol for handling complaints.

This message has provided me with the opportunity to give you a brief overview of some initiatives undertaken by the Law Society of Upper Canada in 2008, in collaboration with other legal stakeholders.

The Law Society is committed to continuing to work with those involved directly in the justice system – government officials, Legal Aid Ontario, judges, lawyers, and paralegals – to achieve our common goals. It is through our collaborative efforts that we can best ensure that we fulfil our obligations to the public that we serve and in doing so, protect the independence of our legal system.

I want to thank the benchers for their support, both of me personally in the transition to my new role as Treasurer, and for their continued dedication to the profession and their commitment to the issues that lawyers and paralegals face in providing legal services to the public. I also wish to thank our chief executive officer, Malcolm Heins, and all of the staff at the Law Society for their very valuable contributions to our work.



**W. A. Derry Millar**  
Treasurer

# Convocation's priorities direct Law Society work



In the autumn of 2007, benchers established priorities for the Law Society's work over the 2007-2011 term. The Priority and Planning Committee, in conjunction with the senior management team, then developed a strategic operational plan that incorporates these priorities as well as initiatives to improve and extend core programs.

The highlights of the progress made on these priorities are summarized here. In the departmental reports that follow, you will find more detailed descriptions of the organization's activities with respect to these priorities over the course of the year.

***Priority 1: Maintain high standards and ensure effective competence, provide quality assurance of post-licensing competence and access to quality improvement programs***

Following extensive consultations by the Licensing and Accreditation Task Force, Convocation, in September, approved a new licensing process that will be introduced in the 2009/2010 licensing year. A new online Professional Responsibility program will be integrated with the 10-month articling period. Convocation also approved a post-call professional development requirement of 24 hours of continuing legal education within the first two years of practice. The introduction of the post-call requirement will serve to ensure that new lawyers receive the practical training they need during the early years of practice.

To enhance quality assurance of post-licensing competence, we will also increase the number of spot audits and practice management reviews. In order to more efficiently utilize our resources, we will strengthen our use of risk-based selection criteria for the practice management review program. Both programs have been well received by those subject to audit and review. Furthermore, the audit program was expanded at the end of 2008 to audit paralegal practices.

We also extended the reach of our quality improvement programs with the introduction of a continuing education series for paralegals and the launch of AccessCLE, an electronic database of CLE materials.

Quality assurance and quality improvement programs are essential components of an effective regulatory regime. Not only do these programs promote standards in the profession and enhance competence, but they also serve to protect our privileges as a self-regulating profession and bolster public accountability.

***Priority 2: Professional regulation***

Important changes to the *Rules of Professional Conduct* and the Society's by-laws were made in 2008 in an effort to make lawyers less vulnerable to the perpetration of fraud and to protect the public. Most real estate conveyances now require that vendors and purchasers have their own lawyer representing them during the transaction.

Effective December 31, 2008, the Law Society implemented the Federation of Law Societies of Canada's model rule on client identification and verification. The model rule tracks Canada's *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* and regulations. Information has been published to assist lawyers to comply with the new identification and verification requirements and incorporate client identification procedures into their day-to-day practice procedures. The new requirements are another measure that will assist in preventing potential fraudulent or criminal activities and increase public protection.

Efforts have also been made to improve the efficiency of the discipline process. For instance, greater use is being made of the interlocutory suspension process. In addition, major revisions have been drafted to the *Rules of Practice and Procedure*. These changes went to Convocation early in 2009. The Professional Regulation Committee and staff are continually

reviewing our regulatory processes and by-laws to ensure that the Law Society's regulatory processes are the most effective and efficient, given the resources available.

As well, we have developed a discipline history database, improved resources for discipline counsel with precedents for particulars and penalty charts, and increased professional development for discipline counsel and adjudicators.

### ***Priority 3: Access to justice***

We believe that we have to play a leadership role among legal stakeholders in ensuring an open and accessible justice system that serves the needs of people without regard to their economic status. Access to justice is a broad concept that has many facets, which means that our work in this regard is varied and entails working with many partners in the justice system.

In June 2008, Convocation approved the Law Society's participation in the Ontario Civil Legal Needs Project, a joint project with Pro Bono Law Ontario and Legal Aid Ontario, supported by the Law Foundation of Ontario. The steering committee for this project is chaired by the Honourable R. Roy McMurtry. Upon completion of this project we should have a clearer picture of how the civil legal needs of low and middle income Ontarians can be better met.

### ***Priority 4: Diversity within the legal profession***

In 2008, we began a major initiative on the Retention of Women in Private Practice. Convocation approved nine important recommendations. Work is well underway on all of the recommendations. More than 50 firms are participating in the Justicia project whereby they have committed to adopting programs to retain and encourage the advancement of women in the firm. Plans are well underway for the Women's Leadership and Professional Development Institute. We also saw the announcement of the launch of the parental leave program in the spring of 2009.

Other highlights of work this year are the implementation of the Disability Mentoring Program and the conclusion of the Aboriginal Bar Consultation.

### ***Priority 5: Small firms and sole practitioners***

The value of sole practitioners and small firms in terms of providing access to justice for many people on the "everyday" transactions of life cannot be underestimated. For many Ontarians, they are the face of justice. An ongoing part of our work is to provide support to this part of the bar so as to sustain the viability of their legal services to the public.

Resources we have put in place range from practice management information, to providing networking and mentoring opportunities, to the development of locum and

articling placement registries. The Small Firm and Sole Practitioner Working Group, made up of representatives from the Law Society, the Ontario Bar Association and the County and District Law Presidents' Association, have developed a range of new initiatives to deal with the issues facing sole practitioners and small firms.

### ***Priority 6: Paralegal regulation***

A fair and transparent regulation system for paralegals is now firmly embedded in the organization's structure and processes. Licensing examinations began in January and by May we were issuing the first licences. In June we were delighted to welcome 965 newly licensed paralegals at six receptions held across the province. By the end of December, we had issued 2,311 paralegal licences. At the end of the year, we finalized the two-year review of the new regulatory regime for submission to the Attorney General in 2009.

The Paralegal Standing Committee considered a wide variety of policy issues over the first year of regulation, ranging from the operational budget and the setting of annual fees, to the establishment of the Paralegal Compensation Fund and permitted business structures.

### ***Priority 7: Strategic communications, through effective media relations, the measurement of public opinion and attitudes, and proactive communication***

Three issues underlie the need for strategic communications initiatives:

- ▶ the role of the Law Society in protecting the public interest is not widely recognized;
- ▶ members are often unaware of the range of professional support the Law Society has available; and
- ▶ media coverage typically focuses on the small number of lawyers and paralegals in the disciplinary process.

A qualitative study was completed in 2008 to better understand the public perceptions of lawyers and lawyer regulation and governance. The research will help to develop strategic messaging and improve Law Society communications with the public, lawyers, paralegals and other stakeholders. We also worked collaboratively with other legal associations and agencies in the justice system to broaden our messaging to lawyers and paralegals.

### ***Priority 8: Governance structure***

In September, Convocation approved a plan for consultation within the profession to consider improvements to the corporate governance structure of Convocation. Good governance is a key factor in successful self regulation, and in the fulfilment of the Law Society's mandate to regulate in the public interest. These consultations will take place in the spring of 2009.

## 2009 budget

The budget is always a challenge. However, in 2008 it was more so given the rapidly worsening economy and the declining capital markets. As a result, we delayed the 2009 budget presentation and revisited our plans for the year. Certain projects were deferred or delayed and we cancelled plans to take on more space. As a consequence, we were able to mandate modest fee increases in keeping with the mood in these financial times, but at the same time properly fund our core responsibilities to regulate lawyers and paralegals in the public interest.

## The year ahead

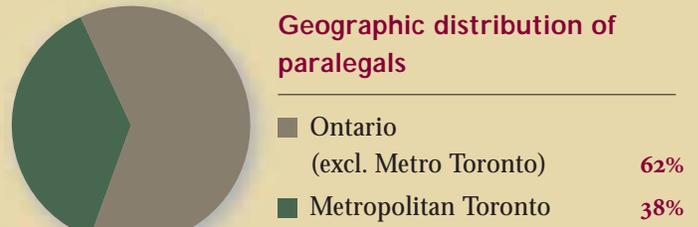
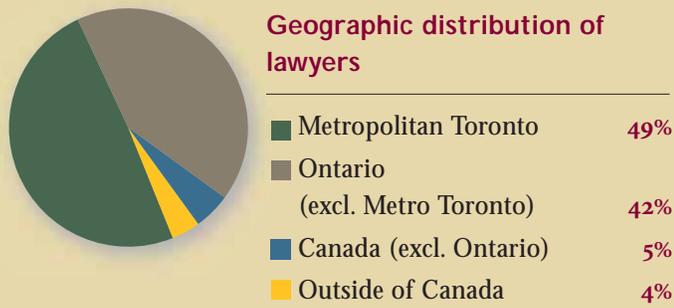
The full impact of the economic downturn is still to be revealed. However, the need for access to justice and for excellence in professional regulation will not diminish. I know that I can continue to count on the support and dedication of

the management team and all Law Society staff as we work to ensure that the people of Ontario receive legal services that meet high standards of professional competence and conduct.

It has been a pleasure to work with our new Treasurer, W. A. Derry Millar, and I would like to again acknowledge the contributions and dedication of the outgoing Treasurer, Gavin MacKenzie. The public and the legal profession are fortunate to be able to continue to attract members of such high calibre to lead the organization.



**Malcolm Heins**  
Chief Executive Officer



# Membership data

## Lawyers by age and gender

AGE	2006	2007	2008
<b>Over 65</b>			
Men	2,971	3,105	3,356
Women	176	195	226
<b>50 to 65</b>			
Men	8,941	9,147	9,336
Women	2,722	2,973	3,239
<b>40 to 49</b>			
Men	6,016	6,025	5,917
Women	4,162	4,325	4,468
<b>30 to 39</b>			
Men	5,216	5,210	5,245
Women	5,382	5,591	5,747
<b>Under 30</b>			
Men	977	963	978
Women	1,344	1,345	1,352
<b>Total</b>			
Men	24,121	24,450	24,832
Women	13,786	14,429	15,032
<b>Total</b>	37,907	38,879	39,864

## Paralegals by age and gender

AGE	2008
<b>Over 65</b>	
Men	65
Women	5
<b>50 to 65</b>	
Men	545
Women	195
<b>40 to 49</b>	
Men	310
Women	322
<b>30 to 39</b>	
Men	226
Women	271
<b>Under 30</b>	
Men	105
Women	239
<b>Total</b>	
Men	1,251
Women	1,032
<b>Total</b>	2,283

## Size of law firms

	NO. OF FIRMS	NO. OF LAWYERS/PARALEGALS IN THOSE FIRMS
Sole practitioner	7,390	7,390
2 to 10 lawyers	1,924	6,374
11 to 25 lawyers	145	2,251
26 to 50 lawyers	38	1,301
51+	30	4,534
<b>Total</b>	9,527	21,850

## Size of paralegal firms

	NO. OF FIRMS	NO. OF PARALEGALS IN THOSE FIRMS
Sole practitioner	617	617
2 paralegals	57	114
3 paralegals	13	39
4 paralegals	5	20
5 paralegals	3	15
6 to 10 paralegals	5	38
<b>Total</b>	700	843

# Advancing policies to promote our mandate

The Policy Secretariat provides support to benchers in their policy-making role, acting as secretaries to Convocation's standing committees, task forces and working groups.

Depending on the nature of the policy under development, policy counsel may:

- ▶ research the history of the policy and related policies
- ▶ determine how other law societies and professional regulators in Canada and internationally have dealt with the issue
- ▶ consult with stakeholders, including the profession, legal organizations and government.

Policy counsel also draft submissions to government and other bodies in response to proposals. In addition, they review draft legislation and, if relevant, bring it to the attention of Convocation for response.

## Governance of paralegals and lawyers

A large part of the Policy Secretariat's work in 2008 related to the governance of paralegals and lawyers, including:

- ▶ support of the Paralegal Standing Committee's work in establishing policies and necessary by-laws, and consideration of exemption requests
- ▶ preparation of the report on the first two years of paralegal regulation for submission to the Attorney General of Ontario as required by the *Law Society Act*
- ▶ the development of rules for lawyers and paralegals relating to client identification and verification
- ▶ the Licensing and Accreditation Task Force, which undertook a major review of the Skills & Professional Responsibility program and articling, and reported to Convocation in September 2008 with its recommendations
- ▶ the Governance Task Force, which is currently preparing to consult with lawyers and paralegals on the effectiveness of the Law Society's governance structure

- ▶ the development of a new set of Rules of Practice and Procedure governing the hearings conducted by Law Society tribunals
- ▶ the development of a set of priorities and a work plan to achieve the priorities set by Convocation for the 2007 – 2011 bencher term
- ▶ the development of a response to the labour mobility provisions of the Ontario/Quebec bilateral agreement
- ▶ review of the lawyer and paralegal oaths
- ▶ revisions to the publication policies dealing with tribunal decisions.

## Federation of Law Societies of Canada

Staff in the Policy Secretariat also support the work of the Federation of Law Societies of Canada, which in 2008, included:

- ▶ the Task Force on the Approved Canadian Law Degree
- ▶ the Anti-Money Laundering Committee, where the national implementation of the model rule on client identification and verification was monitored
- ▶ a response to the Competition Bureau's study of regulated professions
- ▶ preparation of comments on amendments to the Agreement on Internal Trade
- ▶ the harmonization of provincial rules regulating foreign legal consultants
- ▶ the development of rules for the reciprocal mobility of lawyers from Quebec and the rest of the country.

## The Tribunals Office

The Tribunals Office is responsible for the efficient administration of the Law Society's tribunals – the Hearing and Appeal Panels. This includes the scheduling and clerking of hearings; review and service of orders; review, delivery and publication of reasons of the tribunals; and the provision of support to adjudicators.

In 2008, 139 lawyers and paralegals had matters before the Law Society's Hearing Panel. Hearings were scheduled on 226 days in 2008, or on 91 per cent of available calendar days.

In 2007, Convocation approved the addition of eight non-bencher adjudicators to the Hearing Panel. In January 2009, Convocation approved four lawyer adjudicators and four lay adjudicators for appointment to the Panel.

## Government Relations

Staff in the Government Relations Unit build and maintain effective working relationships with all levels of government – federal, provincial and municipal. They anticipate, monitor and address government initiatives that may affect any part of the Law Society's mandate. Issues in 2008 included:

- ▶ proposals to combat mortgage fraud, and associated proposals for changes to real estate law practice
- ▶ consultation and participation in the implementation of the Osborne Report on Civil Justice and the Justice on Target initiative in the criminal justice system
- ▶ internationally trained professionals and the establishment of the Office of the Fairness Commissioner
- ▶ liaison with government officials on inter-provincial mobility of lawyers
- ▶ Legal Aid Ontario funding and policies
- ▶ the Civil Legal Needs project
- ▶ ongoing liaison with the provincial government on the implementation of paralegal regulation.



## Ontario Civil Legal Needs Project

In June 2008, Convocation approved the Law Society's participation in the **Ontario Civil Legal Needs Project**. This is a joint project with Pro Bono Law Ontario and Legal Aid Ontario, supported by the Law Foundation of Ontario, which will create a comprehensive picture of the civil legal needs of low and middle income Ontarians and identify how those needs can be better met.

The project will examine the “everyday” legal problems experienced by low and middle income Ontarians to obtain a better understanding of needs and priorities. The rising cost of legal services is just one of a number of barriers to justice, as legal needs are often interwoven with other social needs. The objective of the project is to produce a holistic view of the civil justice system and to identify new and innovative services to meet client needs.

The core components of the project are:

- ▶ An assessment of the civil legal needs of low and middle income Ontarians including family, employment and administrative law areas.
- ▶ Focus groups with front-line legal and social service providers to identify gaps in services and areas for collaboration amongst the agencies.
- ▶ A mapping of existing services that promote access to the broad range of civil justice mechanisms.

# Assuring competence and quality

The *Law Society Act* requires that the Law Society ensures that Ontario lawyers and paralegals meet appropriate standards of learning, competence and professional conduct. The Professional Development & Competence Department achieves this through a two-pronged approach: quality assurance programs and quality improvement activities. Quality assurance programs focus on ensuring compliance with established standards, while quality improvement activities involve developing tools to facilitate improved practices.

## **Quality assurance programs**

Quality assurance programs include the Spot Audit and Practice Review programs for lawyers and Practice Audits for paralegals. These focus on ensuring compliance with established standards, and together, are methodically and positively making inroads into the maintenance and enhancement of competence in the profession.

### ***Spot audit programs (lawyers)***

Spot audits measure the integrity of law firm financial filing, and assess ongoing compliance with financial record-keeping requirements and the *Rules of Professional Conduct*. A primary goal, which reflects a proactive, remedial approach, is to provide on-site guidance aimed at helping law firms correct minor deficiencies with record-keeping practices before they lead to serious non-compliance or misconduct issues.

Law Society quality assurance activities have resulted in measurable benefits. Statistics show that newly formed firms that have received a spot audit have a significantly increased chance of survival over those that do not. In 2008, the Law Society conducted 1,071 financial spot audits.

### ***Practice audits (licensed paralegals)***

The Law Society began providing practice audits for licensed paralegals in November 2008, and will conduct 75 per year. Practice audits are proactive and preventive and are designed to support the goals of licensed paralegals to be efficient, effective and competent. Practice audits focus on the practice management systems for client service and communication, file management, financial management, technology, professional management, time management and personal management.

Practice audits are remedial in nature and are consultative involving the paralegal and the reviewer working together every step of the way. All licensed paralegals are eligible for selection.

In 2008, a Basic Management Checklist for paralegals was developed. This is a self-assessment tool that assists paralegals to identify their strengths and any areas of improvement and is used when conducting paralegal practice audits. A *Bookkeeping Guide* for paralegals was also developed in 2008 and is available at no charge from the Resource Centre at <http://rc.lsuc.on.ca>.

### ***Practice review program (lawyers)***

The practice review program now includes: focused reviews, random practice management reviews and the new private practice re-entry requirements.

We continually update our CLE offerings – this year with a new format, Teleseminar Plus, new programs for paralegal members, and the launch of Access CLE, an online database of past CLE articles.



The recently introduced private practice re-entry requirement replaces the Private Practice Refresher Program. The Law Society now requires lawyers who are returning to private practice as sole practitioners, or to a firm of five or fewer lawyers, after an absence of 48 months over the past five years, to undergo a practice management review within 12 months of establishing their practice. Processes and resources for the new private practice re-entry requirement were implemented in February 2009.

Both the random practice management review and the private practice re-entry requirement reflect the Law Society's emphasis on quality assurance in service of the public interest. The programs are proactive and preventive – designed to support the goals of lawyers to be efficient, effective and competent.

- ▶ Lawyers receive personalized, on-site guidance aimed at assisting them to address and correct any practice deficiencies.
- ▶ Reviewers assist lawyers in creating efficiencies in their practice, which will lead to a better managed and more effective practice.
- ▶ Lawyers receive specific advice early in their careers, tailored to their own practice, on setting and meeting best practice expectations.

As a substantial number of regulatory enforcement proceedings and professional liability claims continue to be related to practice management issues, the practice review program has proven fundamental to the Law Society's quality assurance and improvement efforts. In addition, lawyers who have experienced a review found the experience to be both positive and beneficial.

In 2008, 30 focused practice reviews and 282 practice management reviews were conducted.

### **Continuing legal education (CLE)**

The Law Society offered 77 CLE programs in 2008 using a variety of formats and delivery methods, including live programs, webcasts, teleseminars, and video and audio streams. There were 18,598 attendees at these programs. The

*Six-Minute Family Law Lawyer 2008* held on December 3 was the most popular program of the year, drawing approximately 600 registrants.

In 2008, the Professional Development & Competence Department launched the first Teleseminar Plus, a dynamic new program format that adds an online visual presentation to the audio component of our teleseminars. The program, *Administrative Law Update 2008*, was a tremendous success, attracting 214 listeners.

The first teleseminar designed specifically for paralegals, *Trust Accounting and Financial Record Keeping*, was also held, attracting over 204 participants. Additional CLE programs for paralegals were launched in the "Best Practices" series: *Best Practices for Paralegals - An Introduction to Accident Benefits Cases at the Financial Services Commission of Ontario* and *Best Practices for Paralegals before the Workplace Safety and Insurance Board of Ontario and the Workplace Safety and Insurance Appeals Tribunal*. These programs are designed to provide paralegals with an overview of substantive issues, explain relevant procedures, and offer practical tips for navigating these arenas.

The *CLE Presenter Training Program* featured a series of complimentary workshops for volunteer CLE chairs and presenters on such topics as presentation and facilitation skills, PowerPoint presentations, Teleseminar Plus development, and online legal research. Sessions were recorded and are available for viewing by future CLE presenters.

Staff from CLE and the Great Library worked together to create a new electronic library product called AccessCLE. This full-text, online database allows users to search hundreds of Law Society CLE articles from 2004 forward, and to purchase individual articles through the e-transactions website.

Convocation approved a post-call requirement that will require newly called lawyers to take 24 hours of professional development within the first two years of practice.

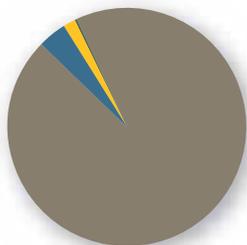
## Licensing process – Lawyers

Convocation approved the Licensing and Accreditation Task Force Report in September 2008. The task force recommended an integrated approach to professional responsibility and practice training. The licensing process will include a new online Professional Responsibility and Practice Course integrated with the articling program to replace the current in-person Skills and Professional Responsibility Program. Successful completion of the articling requirement, including the new online program, and the licensing examinations, are the requirements to be called to the Bar of Ontario. The new licensing process will be introduced for the 2009/2010 licensing year.

The task force also made a number of recommendations for enhancements to the articling process including:

- an online articling registry to improve information on articling opportunities
- increased outreach to assist in promoting articling initiatives and additional job placements
- a voluntary bridging program for internationally trained candidates to support their integration into the Ontario legal profession
- streamlined articling requirements for internationally trained lawyers
- simplified administration of the program for articling principals.

During the 2008 licensing process, 1,530 lawyer applications were received. An additional 155 candidates returned to complete the licensing process from previous years.



### Candidates called to the bar in 2008

Licensing candidates	1,394
Mobility candidates	60
Transfer candidates	23
Academic candidates	2
<hr/>	
Male	717
Female	762
<hr/>	
Total	1,479

During the licensing examinations sessions in 2008, held in March, May/June and November, a total of 1,686 new and returning candidates wrote the Barrister Licensing Examination and 1,721 wrote the Solicitor Licensing Examination.

In 2008, approximately 150 candidates remained unplaced for articling positions by the end of December. Candidates have three years from the time of their registration in the licensing process to secure an articling position. The Law Society approved 1,013 repeat articling principals and 374 new principals in 2008.

## Licensing process – Paralegals *Grandparented/transitional applicants*

At the end of December 2008, the first year of paralegal licensing, we had issued 2,311 paralegal licences, including new registrants into the paralegal licensing process that are now arriving from college programs throughout the province.

## College programs and non-college applicants

Ontario public and private colleges were provided an opportunity to apply for accreditation of their paralegal education programs. All colleges wishing to graduate qualified candidates for the Law Society's Paralegal Licensing Process must be accredited by June 2010. In the interim, the Law Society reviews the transcripts of every public or private college candidate on a case-by-case basis, ensuring that their curriculum meets with required competencies training.

Nine educational institutions submitted accreditation applications for review against established course competencies for paralegal training. Nine paralegal programs from seven different schools met the criteria and were granted accreditation. These accredited programs provide a range of options to potential paralegals – certificate, diploma and degree programs offered in various locations around the province. All accredited paralegal education programs will be subject to an audit process by the Law Society on an ongoing basis to ensure that they continue to meet accreditation standards.

## Practice management

The Professional Development and Competence Division continues to maintain and improve current supports for lawyers and paralegals. The Resource Centre is a dedicated section on the Law Society's website that provides tools and resources to assist lawyers and paralegals in their day-to-day practice. The site provides easy access to a wide array of resources such as the Practice Management Guidelines,

2,311

Paralegal licences  
issued in 2008

282

Practice management  
reviews conducted  
in 2008

18,598

Attendees at  
77 CLE programs  
in 2008

5,776

Calls on the Practice  
Management Helpline

and practice portals for family law, real estate, and estates and trusts (with more portals to come). The Knowledge Tree, research guides, real estate practice resources and a whole range of other supports are available through the Resource Centre.

### ***Practice portals***

Three online practice portals were developed in 2008: Real Estate Practice Portal, Family Law Practice Portal and the Estates and Trusts Practice Portal. More portals in other areas of law will be launched in 2009.

The new practice portals give members easy and immediate access to important information in a specific area of law. The new portals are a gateway to up-to-date and relevant information including case law, upcoming CLE, commentary, forms, precedents and current awareness for a specific area of law.

### ***Practice Management Helpline***

The Practice Management Helpline deals with approximately 500 telephone calls per month from lawyers and paralegals on issues such as confidentiality, conflicts of interest, communication with clients, accounting issues, practice management and various other ethical and/or practice issues.

### ***Practice Management Mentorship Initiative***

Law Society members who have previously volunteered for various projects were invited to participate as mentors in the Practice Management Mentorship Initiative. There are currently 154 mentors with experience in one or more of 24 practice areas.

### **The "Top 10" most popular subjects about which lawyers have questions are:**

1. Commissioners for Taking Affidavits, Notaries Public
2. Books and records
3. Advocacy
4. Solicitor's liens
5. Retainers
6. Fees and disbursements
7. Trust accounts
8. File destruction
9. Undertakings
10. Acting for two or more clients, joint retainers

### ***Client identification and verification requirements***

The Professional Development and Competence Department, in consultation with the Professional Regulation Division, developed an information package to assist lawyers and paralegals to comply with the new rules and requirements for client identification and verification and to incorporate client identification procedures into their practice procedures.

# Assisting the public and supporting members



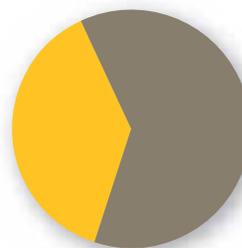
The Client Service Centre (CSC) performs two primary services within the Law Society. The first is to deal effectively with a wide range of inquiries from the public, lawyers and paralegals and anyone else with an interest in issues affecting the Law Society.

The second role is process-related. The CSC is responsible for the initial handling and file creation for all complaints about lawyers and paralegals; maintenance of the Law Society's database; adjustments to the annual fees; certificates of standing; management of many of the Law Society's by-law related procedures including the Member's Annual Report (MAR) and the Paralegal Annual Report (PAR); and the administration of all aspects of the Lawyer Referral Service (LRS).

Last year was a transitional year for the CSC, with many key processes and activities modified to accommodate the implementation of paralegal regulation. The Administrative Compliance area, for example, was responsible for the development and distribution of the new PAR, made available for the first time to 2,283 licensees in December 2008. Modeled on the existing MAR, the primary distribution method for the PAR was in electronic format.

## Contacts

The addition of this new group of paralegals also had an impact on the Call Centre and Complaints Services areas. The Call Centre received 262,793 calls in 2008, up from 254,360 the previous year, and Complaints Services also experienced an increase in activity, with 6,880 complaints received in 2008 compared with 6,157 in 2007. This change appears to have been the result of increased public awareness of the Law Society's role as a regulator of both lawyers and licensed paralegals.



### Contacts from

Membership	64%
Public	36%

### Total contacts

	2006	2007	2008
	468,022	492,493	471,689

### Contacts over the year

Call Centre	262,793
Membership Services	96,619
Administrative Compliance	85,655
Complaints Services	24,061
Paralegal Services	2,561
<b>Total</b>	<b>471,689</b>

# 47,980

Calls received for  
Lawyer Referral Service

# 262,793

Phone calls received  
at the Call Centre  
in 2008

# 38,404

The number of  
Member's Annual Reports  
received in 2008

# 2,283

The number of  
Paralegal Annual Reports  
distributed in 2008

### Total complaints

Professional Regulation Intake Unit	4,591	67%
Client Service Centre resolution	415	6%
Client Service Centre – outside mandate and/or closed by Complaints Services	1,874	27%
<b>Total</b>	<b>6,880</b>	

*Includes re-opened complaints.*

### How did Membership Services support members?

General member service requests	41,142
Lawyer Referral Service	25,360
Window transactions	8,607
Clarification of members requests	6,013
Phone calls	15,497

Overall, however, the total number of CSC contacts declined from 492,493 in 2007 to 471,689 in 2008. Although contacts in most areas increased, the overall decline was almost exclusively attributable to Paralegal Services, where contacts dropped from 30,909 in 2007 to 2,561 in 2008. This was not unexpected, since the 2007 figure consisted primarily of document handling and inquiries related to the new paralegal licensing process, and the six-month window for accepting “grandparent” applications fell within the 2007 calendar year.

Other changes affecting the CSC in 2008 included the implementation of a verification process for lawyers wishing to change their address and/or status. This is a new process to increase security measures to protect member information.

### Corporate Resource and Training Centre

During 2008, this department provided assistance to other Law Society divisions on a variety of internal projects, including a program for new employees designed to offer information and resources to help them understand the mandate, structure, culture and technology of the Law Society. Staff also worked with representatives from the Centre for Addiction and Mental Health to provide training to Law Society staff on assisting complainants and others with addiction and mental health issues.

# Regulating lawyers and paralegals in the public interest

The Law Society's primary responsibility as regulator of Ontario's legal profession is public protection. Central to the responsibility to protect the public is a complaints process that is transparent and accessible. The complaints within the Society's mandate range from minor service-related problems, such as a failure to provide adequate services, to more serious allegations like the misuse of trust funds.

All lawyers and paralegals are required to conduct themselves according to rules of professional conduct and applicable laws including the *Law Society Act*, its regulations and by-laws. The Law Society monitors lawyer and paralegal conduct and, within its mandate, responds to complaints about conduct, competence and capacity.

The Law Society's Professional Regulation division carries out a variety of activities in the course of lawyer and paralegal regulation, including working with complainants, lawyers and paralegals to resolve complaints received by the Law Society, and, when necessary, undertaking investigations, which may result in disciplinary prosecutions.

## New complaints received by the Law Society

Received by Law Society (Client Service Centre)	6,751
Outside the Law Society mandate and/or closed	2,160
Received by Intake Department	4,591
Closed/resolved by Intake	1,545
Transferred by Intake:	
To Complaints Resolution	1,960
To Investigations	1,191
To other departments	52
Cases completed in Complaints Resolution	
Complaints closed	1,706
Complaints transferred out	76
Complaints completed in Investigations	
Complaints closed	761
Complaints transferred out	256

## Complaints received by area of law

Administrative/immigration	4%
Civil litigation	24%
Corporate/commercial/business	4%
Criminal/quasi criminal	9%
Estates/wills	7%
Matrimonial/family	19%
Real estate	23%
Employment/labour	2%

## Paralegal regulation

Under the *Law Society Act*, in order to be licensed as a lawyer or paralegal, an applicant must be of “good character.” To assess an applicant’s good character, the Law Society requires all applicants to make certain disclosures – for example, all applicants must disclose any criminal convictions, or whether they have been subject to a penalty imposed by a court, administrative tribunal or other regulatory body. Over the course of 2007 and 2008, Professional Regulation received a larger than expected number of cases in which licensing applications raised good character issues. In total, 443 paralegal good character cases were received by the division in 2007 (298) and 2008 (145), and 179 cases were closed. As at December 31, 2008, there were 185 active paralegal good character cases in the division.

In 2008, the Professional Regulation division also began receiving complaints with respect to licensed paralegals.

## Complaints about licensed paralegals

Received by Professional Regulation Intake	161
Closed/resolved by Intake	55
Transferred by Intake:	
To Complaints Resolution	62
To Investigations	29
Cases completed in Complaints Resolution	13
Complaints completed in Investigations	16

## The Complaints Process – Path of a complaint from receipt to closure

### Complaints Services

Once a written complaint about a lawyer or paralegal has been received by Complaints Services, and has been identified as being within the Law Society’s mandate, it is transferred to the Intake department of the Professional Regulation division.

### Intake – Case Management

The role of Intake is to identify any regulatory issues revealed by an incoming complaint, ensure the complainant has provided adequate documentation to support the allegations of misconduct, and then stream the case to the appropriate regulatory department. Intake also has an important case management function in tracking and streaming cases to ensure that cases concerning the same lawyer/paralegal or cases dealing with similar issues are dealt with consistently.

In 2008, Intake received 4,591 new complaints, a 15 per cent increase over 2007 (3,991). During this period, 1,545 complaints were closed on the basis of an early resolution or other early determination and 3,151 complaints were streamed to Complaints Resolution and Investigations for further action. A review of these cases showed that the number of cases referred for additional action rose in 2008 (66 per cent compared with 63 per cent in 2007), indicating that a greater number of cases included substantive issues requiring investigation.

### Complaints Resolution

The role of Complaints Resolution is to investigate and resolve complaints that may involve less serious breaches of the *Rules of Professional Conduct* and to seek authorization for disciplinary proceedings where necessary.

Complaints Resolution is responsible for a large volume of complaints which are investigated and resolved by the department’s staff of lawyers and complaints officers. This year, the department experienced a significant increase in new cases. In addition to an increase in its usual caseload relating to issues like failure to serve or respond to clients, the

## Complaints resolution issues

CONFLICTS <i>(Lawyer in position of conflict, business/financial relations with client)</i>	10%
GOVERNANCE <i>(Failure to co-operate with Law Society, unauthorized practice)</i>	11%
INTEGRITY <i>(Civility, counselling/behaving dishonourably)</i>	57%
CLIENT SERVICE ISSUES <i>(Fail to account, fail to communicate, fail to serve client)</i>	67%

*Figures are greater than 100% because some files relate to more than one issue.*

department also received a growing number of unauthorized practice allegations and the first complaints against licensed paralegals. In 2008, the department closed 1,706 complaints, approximately 86 per cent of the total complaints received.

### Investigations

The primary responsibility of the Investigations department is to investigate allegations of lawyer/paralegal misconduct, incapacity, unauthorized practice or other wrongdoing – as defined by the *Law Society Act*, the by-laws, or the *Rules of Professional Conduct* and *Paralegal Rules of Conduct* – that could result in formal discipline.

In 2008, almost 28 per cent (1,270) of the 4,591 complaints received by the Professional Regulation division were directed to the Investigations department. This represents a significant increase in the caseload and is attributable to paralegal good character cases related to grandparent applicants for license, increases in unauthorized practice complaints, and a general increase in case types typically received in the department, particularly those involving integrity and governance issues. The department responded by significantly increasing its rate of case completion in 2008, by closing or transferring 60 per cent more cases in 2008 than 2007. The department's staff includes lawyers, investigators and auditors.

Once this department has completed an investigation, if further action is indicated the complaint is referred to the Proceedings Authorization Committee (PAC). The remaining cases are closed as not found or are resolved without formal action. The PAC consists of benchers appointed by Convocation to authorize staff to proceed to prosecution. The PAC may also authorize a file closure or a remedial outcome.

### Unauthorized Practice

New files opened	337
Closed in Intake	122
Transferred for investigation (to <i>Complaints Resolution or Investigations</i> )	218
Investigation completed	204
No evidence of unauthorized practice	24%
Discontinued	58%
Evidence of unauthorized practice	18%

### Investigations issues

#### CONFLICTS

*(Lawyer in position of conflict, business/financial relations with client)*

11%

#### FINANCIAL

*(Mishandling trust accounts, misappropriation, real estate/mortgage schemes)*

40%

#### GOVERNANCE

*(Failure to co-operate with Law Society, unauthorized practice)*

31%

#### INTEGRITY

*(Civility, counselling/behaving dishonourably)*

31%

#### CLIENT SERVICE ISSUES

*(Fail to account, fail to communicate, fail to serve client)*

35%

#### SPECIAL APPLICATIONS

*(Capacity, admission)*

16%

*Figures are greater than 100% because some files relate to more than one issue.*

*The Law Society has a procedure it can use to expedite disciplinary proceedings against lawyers or paralegals who put the public at risk. This is the interlocutory suspension, which involves the suspension of the lawyer or paralegal's licence pending completion of an investigation and a hearing into conduct. In 2008, five were obtained, with two more lawyers agreeing to voluntary restrictions on their practice just prior to the authorization of the interlocutory suspension.*

## Discipline

The Discipline department represents the Law Society in a variety of matters, including lawyer misconduct, non-compliance, incapacity and incompetence, as well as applications for admission to the Law Society, and applications for reinstatement or readmission.

### Discipline issues

CONFLICTS <i>(Lawyer in position of conflict, business/financial relations with client)</i>	6%
FINANCIAL <i>(Mishandling trust accounts, misappropriation, real estate/mortgage schemes)</i>	38%
GOVERNANCE <i>(Failure to co-operate with Law Society, unauthorized practice)</i>	34%
INTEGRITY <i>(Civility, counselling/behaving dishonourably)</i>	23%
CLIENT SERVICE ISSUES <i>(Fail to account, fail to communicate, fail to serve client)</i>	33%
SPECIAL APPLICATIONS <i>(Capacity, admission)</i>	18%

*Figures are greater than 100% because some files relate to more than one issue.*

Discipline counsel represent the Law Society before the Hearing and Appeal Panels, and in the courts when appeals are taken from Panel decisions. They provide advice for cases in the investigations and resolution processes, many of which are settled or closed without formal disciplinary action.

Discipline counsel are also responsible for responding to urgent regulatory issues that require applications for interlocutory suspension, where there is an immediate concern for public protection. With the introduction of the Appeal Panel in 1999, the Discipline caseload has included a number of appeals from Hearing Panel decisions.

## Discipline 2008

Number of matters heard and disposed of by Hearing Panels

<b>Conduct Total</b>	<b>99</b>
Admonitions	2
Reprimands	25
Suspensions	50
Permission to resign/surrender of licence	4
Disbarments/revocations	14
Dismissed	2
Withdrawn	1
Fine/terms only	1
Interlocutory suspension	5
Capacity	2
Reinstatement	5
Licensing (including readmission)	2
<b>Total</b>	<b>113</b>

## Complaints Review

When a complaint is closed by Law Society staff after an investigation and the complainant is dissatisfied with the result, they may ask the Complaints Resolution Commissioner (CRC) to review the matter. In 2008, 188 requests for review were received by the Office of the CRC and 158 reviews were conducted.

The CRC is mandated to conduct an independent and impartial review of the Law Society's investigation and decision to close the complainant's file.

After reviewing the Law Society's decision, the CRC has two options: to agree that the Law Society's investigation and outcome are reasonable and the file will remain closed, or to refer the matter back to the Law Society with a recommendation to take further action. In 2008, out of 158 reviews conducted, the CRC referred 17 complaints (almost 11 per cent) back to the Law Society with a recommendation for further action.

The current CRC is former Ontario Ombudsman Clare Lewis, who was reappointed in April 2007 for a three-year term. Mr. Lewis's role includes providing alternative dispute resolution services for members of the public and lawyers or paralegals who are the subject of complaints.

### **Monitoring & Enforcement**

Monitoring & Enforcement is responsible for enforcing Hearing Panel orders, monitoring undertakings, ensuring that bankrupt lawyers and paralegals comply with by-law requirements, and enforcing judgments obtained by the Society, and judgments and mortgages obtained by or assigned to the Compensation Fund.

As of December 31, 2008, Monitoring & Enforcement had 383 discipline and proposal orders, 86 bankruptcies, and 369 undertakings that restrict lawyers or paralegals and/or require active monitoring. The department had 44 open enforcement files where there were allegations of breach of an order or undertaking under investigation and 44 restitution or other court orders.

In 2008, Monitoring & Enforcement collected and recovered almost \$205,000 in costs, bankruptcy dividends and Rule 6.07 fees.

### **Trustee Services**

The Law Society has authority under the *Law Society Act* (section 49.47) to obtain trusteeship of a lawyer's or paralegal's practice where a lawyer or paralegal has abandoned their practice, has had their licence revoked or has otherwise ceased to practise/provide legal services. Once it obtains an order of the court, the Trustee Services department takes possession of the business, with the objective to ensure an orderly transition of the practice for the clients and others dealing with it.

The Trustee Services department also provides information and assistance to lawyers and paralegals who are closing their practices. In 2008, 15 trusteeships were obtained under the *Law Society Act* and the department obtained trusteeships by negotiated agreement with lawyers in seven additional cases.

In 2008, Trustee Services collected and recovered \$316,000 in court-ordered costs and recoveries, of which \$103,000 was paid to the Compensation Fund.

### **Unclaimed Trust Funds Services**

The Law Society has a program (established under the *Law Society Act*) that enables lawyers and paralegals to submit unclaimed trust funds that they have held for at least two years to the Law Society. Members of the public who believe they are entitled to these funds are able to make claims for these funds.

### **Unclaimed Trust Fund 2008**

Files received	341
Approved	248
Denied	93
Pending	52
<b>Total received</b>	<b>\$174,000</b>

### **Compensation Fund**

The Compensation Fund is a long-standing consumer protection measure that the Law Society provides for the public. This Fund, which is paid for by lawyers and paralegals, helps clients who have suffered financial loss as the result of a lawyer's or paralegal's dishonesty. Clients can apply to the Fund for reimbursement of lost money or property.

Over the last 50 years, the Fund has paid compensation to reimburse clients for their losses. The Paralegal Compensation Fund was established in 2008 and is funded by licensed paralegals. Pursuant to the general guidelines for the determination of grants, the Fund can be used to reimburse individuals for up to a maximum of \$150,000 (for lawyers) and \$10,000 (for paralegals) where it is shown that the loss of the claimant was due to the dishonesty of the lawyer or paralegal.

### **Compensation Fund 2008**

New claims/applications received	169
<b>Total amount of grants</b> (paid out on 78 claims)	<b>\$1,481,000</b>

# Promoting equity and diversity

A cornerstone of the Law Society's work is a strong commitment to the promotion of equality, diversity and access to justice, within the legal profession and the Law Society. The Law Society develops initiatives and programs that promote a legal profession that reflects the communities it serves.

## Justicia and the Retention of Women

One of the Law Society's priorities this year included a consultation with the legal profession across Ontario to develop recommendations aimed at enhancing the retention and advancement of women in private practice. The recommendations of the Retention of Women in Private Practice Report received the overwhelming support of Convocation and the profession in May.

The Retention of Women recommendations include a three-year pilot project called the Justicia project.

More than 50 medium and large firms across Ontario have committed to participate in the project which involves firms sharing best practices and adopting programs to promote the retention and advancement of women in the private practice of law, including policies on pregnancy and parental leave and flexible work arrangements, as well as gender-based programs on mentoring, leadership and networking opportunities.

The Law Society also began the implementation of other recommendations to support women in sole and small practices, such as the creation of a practice locum directory and the development of online resources, as well as the Women's Leadership and Development Institute to be held in the fall of 2009.



COMMITTED TO  
**JUSTICIA**  
ON S'Y ENGAGE

## Change of Status Survey

In 2008, the Law Society developed a change of status survey, a survey that will be conducted with lawyers who change their primary businesses or status in the legal profession. The purpose of the survey will be to identify trends and compile information relating to reasons for movement in the legal profession.

## Career Choice Study

In 2007-2008, some 5,000 licensing process candidates and lawyers called to the bar within the last two years were surveyed to study the impact of high tuition fees and the effectiveness of debt relief programs, as well as other factors that affected their career choices. The results were presented to Convocation in June 2008. The Law Society will continue to survey lawyers at the end of their first year of call to the bar on an annual basis to gather longitudinal information about the profession to inform the types of programs and services we develop.

## Bencher Election Campaign Study

In 2007-2008, the Law Society surveyed candidates in the 2007 bencher election to identify campaign strategies and financial expenditures. The purpose of the study was to identify barriers to the bencher election process and determine whether there is a need for reform.



Bencher Joanne St. Lewis, actor and humanitarian Danny Glover and the Hon. Jean Augustine attend the gala fundraiser at the conclusion of the *Routes to Freedom: Reflections on the Bicentenary of the Abolition of the Slave Trade Conference*, held at the University of Ottawa in March.

### Promoting equity and diversity through working groups

The Equity and Aboriginal Issues Committee is a standing committee of Convocation which develops policy options for the promotion of equality and diversity in the legal profession, as well as for all matters related to Aboriginal Peoples and the Francophone community.

**The Equity Advisory Group** is composed of lawyers and legal organizations with expertise in the area of equality and diversity. This group assists the Equity and Aboriginal Issues Committee by providing input on the planning and development of policies and practices related to equity within the profession and within the Law Society.

**The Retention of Women in Private Practice Working Group** is composed of benchers and women lawyers with experience in developing programs for women in the legal profession, and more particularly in private practice. The Women's Equality Advisory Group will be formed to oversee implementation of the Retention of Women in Private Practice recommendations.

**The Aboriginal Working Group** presented the *Final Report of the Aboriginal Bar Consultation* which is the culmination of a four-year project designed to create a demographic profile of the Aboriginal bar in Ontario; assess the Law Society's existing support initiatives for Aboriginal lawyers and licensing candidates; and identify potential enhancements to address gaps in support programs and initiatives for the Aboriginal legal community. Several important initiatives to support Aboriginal lawyers were proposed which will be the focus of work in 2009.

**The Disability Working Group** launched the Disability Mentoring Program in March 2008. The program arose out of the Disability Working Group's consultation with law students and lawyers with disabilities to identify systemic issues faced by people with disabilities in the legal profession. The

mentoring program will provide mentoring between students and junior and senior lawyers, and peer relationships between lawyers with similar experiences, and is designed to assist lawyers with disabilities in their careers.

### Ontario Regulators Access Consortium (ORAC)

The Law Society is a member of ORAC, a group of 25 regulatory bodies that collaborate to exchange information about best practices to assist internationally trained professionals who want to be licensed to work in Ontario. In 2008, ORAC, with funding from the Ontario government, developed a *Managing Cultural Differences* module for staff and board members of regulatory bodies who provide services to internationally trained professionals. It was delivered to more than 200 members of regulatory bodies. ORAC also published, with funding from the Ontario government, *Bridging to Success: A Learning Day about Bridging Programs in Regulated Professions*, a guidebook on the development of bridging programs. The Law Society is also working in close collaboration with the Office of the Fairness Commissioner and Global Experience Ontario, an office that provides information to internationally trained professionals.

### Human Rights Monitoring Group

The Human Rights Monitoring Group reviews information about human rights violations throughout the world that target lawyers and judges in the performance of their professional duties, and recommends Law Society interventions where warranted. In fulfilling its mandate, the group works as part of a network of other national and international legal and human rights organizations, including the Canadian Bar Association, Lawyers' Rights Watch, Human Rights Watch and Amnesty International. In 2008, the Law Society intervened in over 30 cases by writing letters to foreign authorities and by publishing public statements about these alleged human rights violations.

## Discrimination and Harassment Counsel Program

The Discrimination and Harassment Counsel (DHC) Program has been in operation for almost 10 years, providing free, confidential advice, in French and English, to members of the public and the legal profession who believe they have been harassed or discriminated against by a lawyer or a paralegal.

In the first half of 2008, 79 people contacted the DHC with new matters; 22 raised specific complaints of discrimination or harassment by a lawyer, paralegal, or law firm in Ontario. More than half of the complaints came from women reporting sexual harassment or sexual discrimination, a trend that has been consistent over the life of the program. Complaints are based on the enumerated grounds under the Ontario *Human Rights Code*. The most common grounds raised in complaints in the first half of 2008 were sex, race and disability.

An important component of the DHC's work is delivering professional development programs to law firms, legal organizations and law faculties on how to address harassment and discrimination in the workplace and in the delivery of services. In 2008, the Law Society and the DHC delivered these programs to approximately 500 people.

## Collaborating with communities

Collaboration with legal organizations and community agencies has been a hallmark of our equity initiatives. We believe that by working together with our stakeholders, we can do more to promote equity and diversity in the profession than if we worked alone.

Collaborating organizations include: the Advocates' Society, ARCH Disability Law Centre, the Arab Canadian Lawyers' Association, *Association des juristes d'expression française de l'Ontario*, the Canadian Association of Black Lawyers, the Hispanic Ontario Lawyers' Association, the Nishnawbe-Aski Legal Services, Rotiio> tatives Aboriginal Advisory Group, the Sexual Orientation and Gender Identity Committee of the Ontario Bar Association, the South Asian Bar Association (SABA), the South Asian Legal Clinic of Ontario, and the Women's Law Association of Ontario.

## Mentorship

Central to the Law Society's outreach efforts is the Equity and Diversity Mentorship Program, which matches mentors who are experienced members of the bar with new lawyers, bar admission candidates and students in law school, university and high school. In 2008, 180 members of the Law Society were registered as volunteers, and 21 mentoring relationships were established. The program is offered throughout Ontario.

## Career symposiums for Aboriginal students

In 2008, the Law Society organized its fifth career symposium for Aboriginal students, giving Aboriginal students from Ontario law schools an opportunity to meet with Aboriginal members and leaders of Ontario's legal profession. Three events were held, in Toronto, Windsor and Ottawa. Students and lawyers discussed navigating career paths, the licensing process and work-life balance. The relationship with Aboriginal law students continues into the licensing process through the Aboriginal Student Support Program and through the participation of Aboriginal Elders at the calls to the bar.

## Public education equality series

The Law Society works in partnership with a number of legal stakeholders including legal associations and community organizations, law schools and universities, and governments to promote awareness, education and discussion among members of the public and the legal profession on the challenges and opportunities for Francophone, Aboriginal, and equality-seeking communities in law and the legal profession. This program includes panel discussions, public forums, seminars, workshops and consultations.

Events are planned throughout the year to mark local, national and international dates of public significance including Black History Month, International Women's Day, National Holocaust Memorial Day, National Aboriginal Day, South Asian Heritage Month, Access Awareness Week and Pride Week.

# Getting the message out strategically

Strategic communication is a key priority in support of the Society’s role as a regulatory body. Our specific goals are to build a greater public understanding of the role of the Law Society in serving the public interest and to enhance awareness of the value of lawyer and paralegal governance in protecting the public and facilitating access to justice.

New tactics and initiatives were implemented to promote media coverage of key issues, measure public opinion and attitudes, and collaborate with other legal organizations to raise awareness of the work of lawyers and paralegals in enhancing access to justice.

### Strategic initiatives

In 2008, the department undertook quantitative and qualitative research to measure public perception about the Law Society, lawyers and self regulation. Results were used to build specific messaging for the public, lawyers, paralegals and other stakeholder groups, and support policy development.

As well, a comprehensive corporate communications strategy was developed to heighten public understanding and appreciation of the Law Society’s work as the regulator of legal services in Ontario. Components of this plan will continue to roll out through 2009.

### Media relations

The Law Society values the critical role the media serves in disseminating information to the public, lawyers and paralegals. Overall, there were 332 mentions of the Law Society in print media coverage over the past year. A total of 266 media inquiries were received from media outlets and reporters, including 33 requests for interviews.

### The top ten issues for which we received media inquiries were:

1. Discipline cases
2. Paralegal regulation
3. Retention of Women in Private Practice/ Justicia pilot project
4. CLE programs
5. Lakehead University/Ontario law schools
6. X-Copper
7. Licensing & accreditation (articling)
8. Call to the bar
9. Convocation news
10. Access to justice

At the end of 2008, the *Report to the Attorney General of Ontario on the Implementation of Paralegal Regulation* was prepared in English and French. This summarized our work since the amendments to the *Law Society Act* in October 2006, and our response to the recommendations of the 2004 Task Force on Paralegal Regulation Report to Convocation.

Also in 2008, the Law Society:

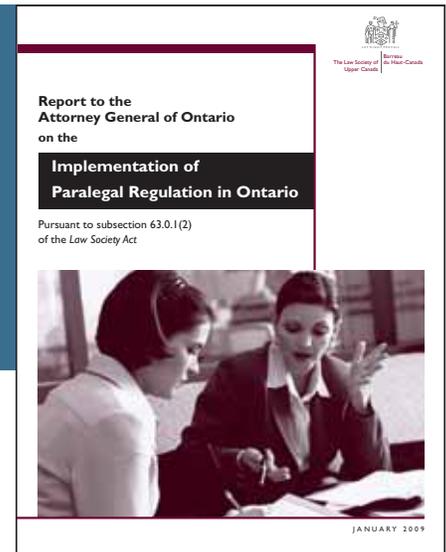
- ▶ Distributed 69 media releases and advisories (47 in English, 22 in French) on a variety of issues of importance to the public and the profession.
- ▶ Distributed nine Tribunal decision news releases, and 19 weekly decision summaries. Numerous media outlets throughout the province routinely report these hearing results.
- ▶ Received increased media coverage of paralegal regulation issues.

### Publications

The *Ontario Lawyers Gazette* – the Law Society’s flagship publication – continued to focus on useful resources and in-depth articles geared towards the interests and needs of Ontario’s lawyers. Over the past year, highlighted issues included: civility, new client identification requirements, the retention of women, licensing and accreditation, and the two-lawyer rule for transfers of property.

Published three times per year, this full-colour publication is an important source of information for the profession and continues to garner positive feedback. It is distributed to almost 40,000 lawyers and stakeholders, and is also available online.

The Law Society’s Communications Department also produces and distributes a number of informative, user-friendly brochures to help the public understand how we can help address their concerns and questions. In 2008, we created a new brochure explaining the services offered by lawyers and paralegals. Approximately 38,000 copies of the publication were distributed to some 1,600 legal organizations, courts, libraries and public information centres throughout the province.



### Issues management

The Communications department played a significant role in stakeholder and issues management in 2008. Working closely with other departments, particularly Policy and Government Relations, the department researched and developed 24 issues briefs, backgrounders and sets of talking points. These materials supported a variety of Law Society initiatives and helped to ensure that our activities and positions on key issues were communicated clearly and accurately to each stakeholder group.

### Electronic media

Our public website continued to be a primary communications tool for communicating with our stakeholders. Throughout 2008, hundreds of pages of new or revised material were added to the site, particularly the Paralegal section, which contains extensive regulatory information as well as news items designed to support paralegals.

We maintained high levels of traffic throughout 2008, with over one million page views. In addition to the website, the Law Society regularly uses selected distribution lists to send information directly to lawyers or paralegals by e-mail to keep them informed of breaking news, including current and emerging issues that affect the profession and changes to Law Society regulations.

# Improving technology to deliver services

**The Information Systems (IS) division is responsible for managing the computing infrastructure, communication networks, websites and databases of the Law Society.**

To fulfil the Law Society's mandate to govern lawyers and paralegals in the public interest, and because we are an information-intensive organization, it is essential that we ensure that our computing and communications infrastructure is supported by current business applications. In 2008, we renewed our IS strategy with four main focuses:

- green computing and paper reduction, through Project Evergreen and the availability of more reports online
- greater user access to information to increase staff efficiency and effectiveness
- modernization of older applications to ensure they continue to operate effectively
- enhanced security to ensure the protection of confidential information.

## **New systems**

The successful development of systems and other operational enhancements to support the implementation of paralegal regulation was a priority during 2008. This included systems to support licensing, case management, insurance, reporting and billing, as well as the re-development of the online, searchable lawyer and paralegal directory.

In addition to paralegal-related work, incremental improvements to various business applications have been introduced to enhance functionality in different capacities.

## **Project Evergreen**

We continued to implement Project Evergreen, our program to replace outdated desktop, laptop and server computers with more energy efficient models. By March 2008, all outdated and inefficient computers were replaced, allowing our staff to be more effective in their work, while using less energy and saving overall costs to the organization. Through our recycling and disposal policy, the Law Society has donated old

computers to charity where possible, or disposed of them in an environmentally friendly manner.

## **E-filing Member's Annual Reports (MAR) and Paralegal Annual Reports**

As part of our commitment to reduce paper, we successfully implemented a new e-filing system for both lawyer and paralegal annual reports. Lawyers have had the option to e-file for several years, and last year, over 70 per cent of all MARs were filed electronically. To encourage our members to take up this environmentally friendly option, lawyers and licensed paralegals have been sent e-mails with links to e-filing web pages.

## **Website accessibility**

In 2008, we developed standards, guidelines and a supportable architecture to ensure that our websites have a consistent look and approach to navigation, search and accessibility.

The accessibility of our website is an important component of our commitment to promote access to justice for all people of Ontario. We adhere to the World Wide Web Consortium – Web Content Accessibility Guidelines (W3C WCAG), which provide standards and guidelines for designing and maintaining websites that are accessible to people with various disabilities.

We undertook a study at the University of Toronto's Adaptive Technology Resource Centre to assess our website's accessibility via focus groups of users with impaired vision and other physical disabilities that affect the way that they access the Internet.

Additions to the website this year included a new section aimed at paralegals, as well as the paralegal and lawyer directory. We have continuing high volumes of traffic on all sections of the website, for lawyers and paralegals, as well as the general public, with over 1.6 million visits to the site in 2008.

# Developing employee excellence

**We believe in the importance of a thriving workplace that establishes the Law Society as an employer of choice, and ensures that we can provide high quality service to the public, lawyers and paralegals.**

## **Greater Toronto's Top Employers**

October 2008 marked the third year the Law Society had been named one of Greater Toronto's top employers. In a marketplace where talent recruitment and retention are essential to the Law Society's success, this designation recognizes the Law Society as one of Greater Toronto's exceptional places to work. Being publicly recognized as an industry leader is an important validation of our efforts to employ best human resources practices.

## **Employee Satisfaction Survey**

We were also pleased with the results of our fourth Employee Satisfaction Survey, which was conducted in April 2008. With a participation rate of 80 per cent, the results show that employees at the Law Society are both highly engaged with their work and satisfied with their work environment.

## **People strategy – our Leadership Edge Program**

Strong effective leadership is an important part of the Law Society's culture, and leadership development is about enhancing the Law Society's performance. It's also about exposing managers to new ideas and talking about what leadership means at the Law Society. With this in mind, we are providing managers with new tools to create an even stronger leadership culture in our work environment.

In 2008, the second Leadership *Edge* Program was delivered by the Rotman School of Management at the University of Toronto. The program comprises four modules delivered over eight months, and covers topics as diverse as consensus building, decision making, change leadership and strategic thinking. In 2008, two groups of 30 from management

positions across the Law Society graduated from the program, and all were ready to incorporate the training into the workplace.

We believe that outstanding leaders within our organization bring a sense of integrity to their work that helps them deliver to the best of their abilities – and that helping these leaders develop themselves to their full potential will in turn help the Law Society to achieve its vision to be a “best in class” regulator.



*Rotman School of Management graduates from the Law Society.*

# Managing our financial resources to deliver our public interest mandate

The annual financial statements of the General Fund and Compensation Fund, set out in a separate publication, reflect the stewardship of the Law Society in regulating the lawyers and paralegals of Ontario in the public interest.

## Results of operations – General Fund

The General Fund is composed of a number of funds: the Unrestricted Fund, the primary operating fund of the Society, and a number of restricted funds, such as the Capital Allocation, County Libraries and Paralegal Funds.

The Society's General Fund did not suffer a major impact from declining global economic conditions during 2008, ending the year with a surplus of \$3.9 million with positive variances from budget in both revenues and expenses, particularly in Professional Development and Competence. This is unlikely to be replicated in 2009, particularly in continuing legal education. Investment income has grown from \$3.5 million to \$4.8 million in recent years, but this increase slowed in 2008 and will certainly decline in 2009. For instance, surplus investment income transferred from the Errors & Omissions Insurance Fund is budgeted to decline from \$3.75 million in 2008 to \$2 million in 2009. Income from other investment activities will decline with falling interest rates and declining equity values.

Convocation has established eight priorities for the 2007-2011 bench term, which are outlined in more detail earlier in this report. Two of the priority areas are:

- Maintain high standards and ensure effective competence
- Professional regulation, particularly the efficiency and transparency of the discipline process and quality assurance.

The largest expenditure of Law Society resources supports these two functions:

- 44 per cent of annual operating expenses was spent on our regulatory responsibilities. In recent years, we have increased funding to conduct investigations and prosecutions, particularly in relation to mortgage fraud.
- 32 per cent of annual operating expenses was spent on licensing and professional development programs. Competence includes support for sole and small firm practitioners, another priority area, and resources for this program were supplemented in 2008.

The Law Society has also spent over \$4.5 million over the last two years to establish the infrastructure for the regulation of paralegals, primarily on member databases, application processing, examination development and admissions. These expenditures were funded by paralegals.

## Results of operations – Compensation Fund

The Compensation Fund is maintained to mitigate loss sustained by a client as a consequence of a lawyer or paralegal's dishonesty. The balance in the Compensation Fund stands at \$19.9 million, after a deficit for the year of \$1.6 million due to an increase in grants paid and grant applications received. The Fund balance is still regarded as appropriate to meet the Fund's needs.

## Library Services

The largest component of restricted fund revenues and expenses within the General Fund comprises funding for the county law libraries at \$7.7 million in 2008 (2007: \$7.2 million). LibraryCo provides the central management of the Ontario County and District Law Library System. As part of the Law Society's annual report, the financial statements of LibraryCo Inc. are provided, and disclose a surplus for the year of \$58,000 (2007: deficit of \$111,000) on operations that were substantially similar to 2007.

In addition, as part of Law Society competency initiatives, Ontario lawyers support two other types of library-related services through their fees: the Great Library and the Canadian Legal Information Institute (CanLII).

### Overall annual fee

The Law Society's General Fund and Compensation Fund are primarily funded by lawyers and paralegals in Ontario paying annual fees as set out below. Lawyers' annual fees also fund the operations of the County and District Law Libraries under the administration of LibraryCo Inc. In November 2008, Convocation approved the 2009 budgets for lawyers and paralegals, which were structured to accommodate Convocation's new initiatives such as the Retention of Women program, increasing volumes of activity and the impact of a weakening economy.

Lawyer Annual Fee			
	2007	2008	2009
General	\$1,102	\$1,143	\$1,212
County Library	\$224	\$235	\$220
Compensation Fund	\$200	\$200	\$226
Capital	\$75	\$75	\$45
<b>Total</b>	<b>\$1,601</b>	<b>\$1,653</b>	<b>\$1,703</b>

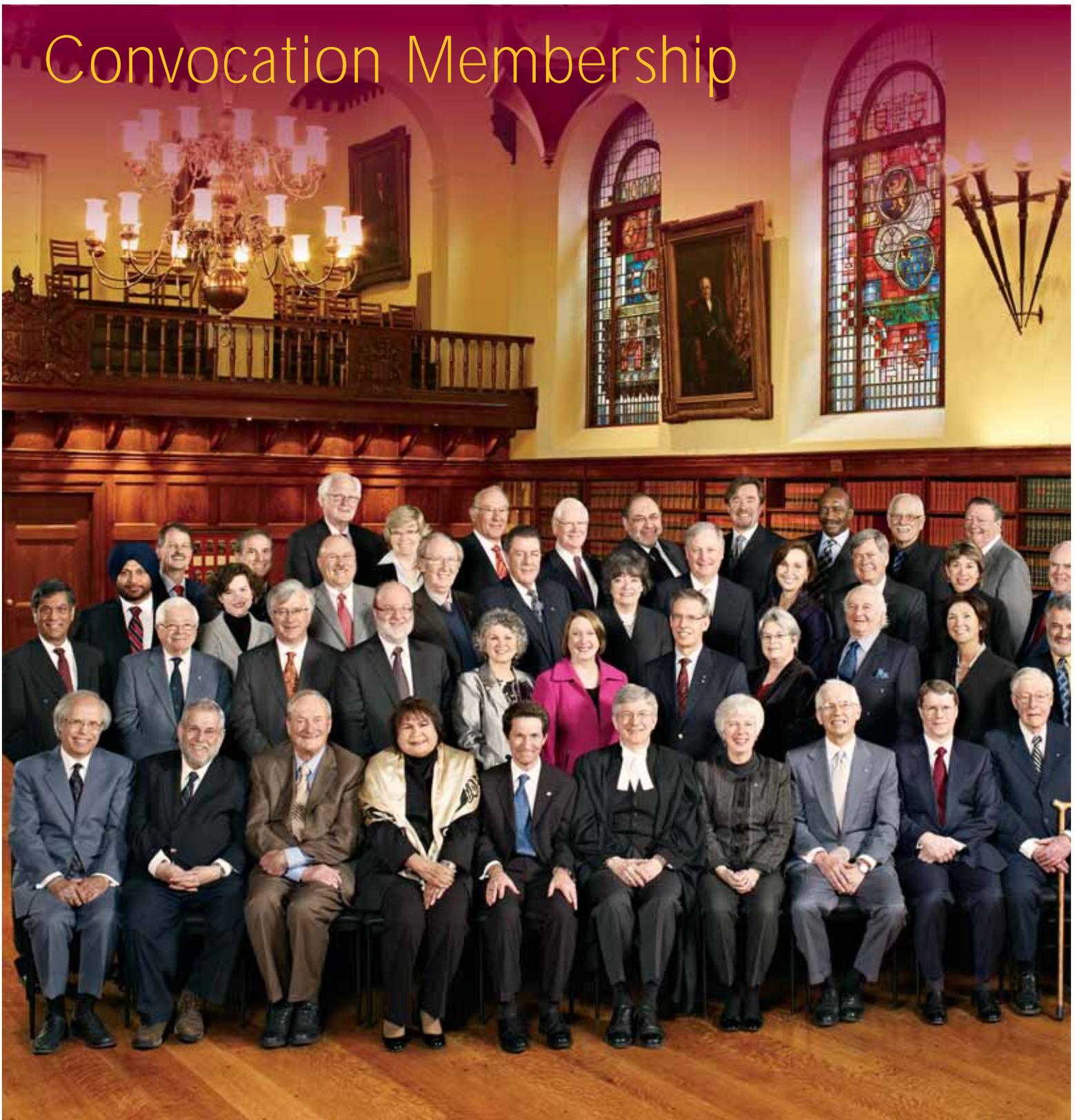
Paralegal Annual Fee			
	2007	2008	2009
General	-	\$625	\$710
Compensation Fund	-	\$145	\$145
Capital	-	\$75	\$45
<b>Total</b>	<b>-</b>	<b>\$845</b>	<b>\$900</b>

Law Society membership numbers continue to increase. In 2008, there was a net increase of 984 lawyers, bringing the total number of lawyer members to nearly 40,000. Last year was the first year of licensing for paralegals, with approximately 2,300 entering the profession.

### Looking ahead

In 2008 we saw another increase in activity levels in all departments at the Law Society reflected in increased revenues and expenses. After the surplus in 2008 and with the 2009 budget being geared to a slowing economy, the Law Society is on a solid financial footing, with strong reserves able to sustain core operations during very difficult economic times.

# Convocation Membership



## NEW BENCHERS

Christopher Breidt was elected a bencher on January 24, 2008 as a result of the appointment of Carole Curtis to the Ontario Court of Justice.

Jack Braithwaite was elected a bencher on April 24, 2008 as a result of the appointment of Kim Carpenter-Gunn to the Superior Court of Justice.

Glenn Hainey was elected a bencher on June 26, 2008 as a result of the vacancy created by the election of Treasurer, W. A. Derry Millar.

William J. Simpson was elected a bencher on September 25, 2008 as a result of the appointment of Bonnie Warkentin to the Superior Court of Justice.



## BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

### *TREASURER*

W. A. Derry Millar

### *ELECTED BENCHERS*

Bob Aaron

Melanie L. Aitken

Raj Anand, LSM

Constance Backhouse, C.M.,  
LSM

Larry Banack

Jack Braithwaite

Christopher D. Bredt

John A. Champion

James R. Caskey, Q.C.

Thomas G. Conway

Marshall A. Crowe, LSM

Mary Louise Dickson, O. Ont.,  
Q.C.

Avvy Yao-Yao Go

Alan D. Gold

Gary Lloyd Gottlieb, Q.C.

Glenn Hainey

Jennifer A. Halajian

Susan M. Hare

Carol Hartman

Thomas G. Heintzman, O.C.,  
Q.C.

Paul J. Henderson

The Hon. Doug Lewis,  
F.C.A., Q.C., P.C.

Susan T. McGrath

Janet E. Minor

Laurie H. Pawlitza

Julian Porter, Q.C.

Judith M. Potter

Nicholas John Pustina, Q.C.

Heather Joy Ross

Linda R. Rothstein, LSM

Clayton Ruby, C.M.

Mark Sandler

Paul B. Schabas

Alan G. Silverstein

William J. Simpson, Q.C., LSM

Joanne St. Lewis

Gerald A. Swaye, Q.C.

Beth Symes, LSM

Bonnie A. Tough

Bradley H. Wright

### *APPOINTED BENCHERS*

Marion Boyd

Abdul A. Chahbar

S. M. Aslam Daud

Seymour Epstein

Dow Marmur

Jack Rabinovitch

Baljit Sikand

Catherine Strosberg

### *PARALEGAL BENCHERS*

W. Paul Dray

Brian J. Lawrie

### *EX-OFFICIO BENCHERS*

The Hon. Christopher Bentley

The Hon. Michael J. Bryant

The Hon. W. Dan Chilcott, Q.C.

John T. Clement, Q.C.

Austin M. Cooper, Q.C.

Paul Copeland

E. Susan Elliott, LSM

Abraham Feinstein, Q.C., LSM

Neil Finkelstein

The Hon. James M. Flaherty,  
P.C., MP

Patrick Garret Furlong, Q.C., LSM

The Hon. John D. Ground, Q.C.

Howard G. Hampton, MPP

Charles A. Harnick, Q.C., LSM

George D. Hunter

Vern Krishna, C.M., Q.C., FRSC

Laura L. Legge, O. Ont., Q.C.

Gavin MacKenzie

Ronald D. Manes

The Hon. R. Roy McMurtry,  
O. Ont., Q.C.

Daniel J. Murphy, Q.C.

Ross W. Murray, Q.C.

Alan W. Pope, Q.C.

The Hon. Sydney L. Robins,  
Q.C., LSM

The Hon. Allan M. Rock, P.C., Q.C.

Arthur R. A. Scace, C.M., Q.C.

Norm W. Sterling, MPP

Harvey T. Strosberg, Q.C.

Robert C. Topp

J. James Wardlaw, Q.C., LSM

Roger D. Yachetti, Q.C.

David S. Young

### *HONORARY BENCHERS*

His Royal Highness Prince  
Charles, Prince of Wales

The Right Honourable  
Margaret Thatcher

The Hon. Lincoln M. Alexander,  
Q.C., LSM

## DEATHS

The Honourable George Finlayson, Q.C., a former Treasurer, passed away on March 23, 2008.

Ronald W. Cass, Q.C., LSM, a life bencher, passed away on July 18, 2008.

The Honourable Allan F. Lawrence, P.C., Q.C., LSM, an ex-officio bencher, passed away on September 6, 2008.

# Senior Management

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This report is available on the Law Society of Upper Canada website: [www.lsuc.on.ca](http://www.lsuc.on.ca).  
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