



## Interim errors & omissions levy set

An interim errors and omissions insurance levy of \$2175—equal to that set in January—will be billed to members in private practice next month. Members may face an additional levy after November 1 once a specially constituted insurance task force reviews a number of measures proposed to deal with the funding of insurance claims and the accumulated deficit in the errors and omissions fund.

It is expected that the claims in 1994 will at least equal those in 1993, which are estimated at \$83 million. As of December 31, 1993, the insurance fund had an estimated deficit of \$122 million, which could increase if claims develop at an unanticipated rate or if insufficient levies are collected to fund this year's claims.

Benchers voted to defer the imposition of a final levy for the last six months of the year until a comprehensive report has been completed detailing all potential options available relating to the structure and coverage of the insurance program which compensates clients for their lawyers' negligence.

The Society received comments and suggestions about the insurance program from over 350 members and held a special meeting for members on the subject at Osgoode Hall on June 11. Chief among the concerns was that the incomes of many private practitioners, particularly those working part-time and those with a predominantly legal aid practice, were insufficient to absorb a substantial levy hike given current economic conditions. Others, primarily criminal lawyers, indicated that their practices generated so few claims as to be virtually risk free and that they should not have to pay the same levy as those who practised in higher risk areas such as real estate and civil litigation.

In order to avoid fragmenting the profession and alienating substantial numbers of those with lower incomes, benchers decided to assign further consideration of alternatives to an insurance task force which has been asked to report to Convocation in October. The task force, which is to meet during the summer months, will consult widely with various members and

segments of the bar.

Among the options to be studied by the task force are the following:

- Increasing the basic deductible from the current \$6,000 per occurrence to \$10,000.
- Eliminating innocent partner coverage or making it optional with a separate levy.
- Asking lawyers to pay all or a portion of their insurance defense costs even if a claim against them is successfully defended.
- Changing insurance coverage from a uniform policy

## Vote on legal aid cuts averted

A vote on proposed recommendations to cut \$21 million from the cash-strapped Ontario Legal Aid Plan has been postponed until benchers have had another opportunity to make their case for increased funding to the provincial government.

Benchers were unprepared to approve the cuts which would have resulted in a number of discretionary legal aid services being temporarily withdrawn until the Plan was restored to financial health. The Plan is currently facing a \$65 million deficit at the end of its financial year in March 1995. The Legal Aid Committee had recommended a moratorium on certain services—primarily in the area of civil law—including divorces. Cuts were also proposed in certain criminal law and young offender services.

In addition to more funds, benchers are also seeking a firm commitment from the Attorney General that the province is committed to the delivery of legal services through the judicare system.

Law Society Treasurer Paul Lamek and Stephen Goudge, who replaces Fran Kiteley as chair of the Society's legal aid committee, will commence discussions with the Ministry of the Attorney General in the coming weeks.



to variable levels of coverage.

- Exploring the possibility of a variable levy based on areas of practice and attendant risk.
- Changing the Rules of Professional Conduct so as to prohibit lawyers from acting for both sides in real estate transactions. This practice currently gives rise to a number of conflict-based insurance claims.
- Instituting a transaction-based levy to be applied to the registration of real estate documents such as deeds and mortgages.

At the same time, the Society will be reviewing the selection of defence counsel retained by the Lawyers' Professional Indemnity Company and the fees charged. In addition, the Society will be reviewing the factors that have led to the very significant increase in the deficit in the insurance fund.

A comprehensive account of all findings and options will be made available to the profession in the fall when the task force reports to Convocation. However, even if the Society decides to proceed with any or a number of options proposed above, a further insurance levy may be required and members are advised to make the necessary financial preparations.

## Treasurer re-elected

Paul Lamek has been acclaimed Law Society Treasurer for a second one-year term. Mr. Lamek, a partner in the Toronto firm of Genest Murray DesBrisay Lamek, has served as Treasurer since June 1993.

## Roll call vote

*Legal Aid.* That Convocation postpone consideration of the report of the Legal Aid Committee and the motion to discontinue certain pilot projects until the completion of further discussions with the Government by the Treasurer and the Chair of Legal Aid. Carried 20 to 14, with one abstention.

***Benchers Bulletin returns in September. The Law Society wishes all members a safe and enjoyable summer.***

The Law Society  
of Upper Canada



### Benchers Bulletin

is published nine times annually by  
The Law Society of Upper Canada  
Communications Department  
Osgoode Hall,  
130 Queen Street West  
Toronto, Ontario M5H 2N6  
Tel: (416) 947-3465  
Fax: (416) 947-3991



Printed on  
paper containing  
recycled material

## Convocation attendance and roll-call votes

June 24, 1994	Attend		Motion*
	a.m.	p.m.	
Arnup, John			
Bastedo, Thomas	✓	✓	A
Bellamy, Denise	✓		
Blue, Ian	✓	✓	A
Bragagnolo, Rino	✓		
Brennan, Lloyd	✓		A
Campbell, Colin	✓	✓	A
Carter, Robert	✓	✓	F
Copeland, Paul	✓	✓	F
Cullity, Maurice	✓	✓	A
Curtis, Carole	✓	✓	F
Elliott, Susan	✓	✓	F
Epstein, Philip	✓	✓	A
Feinstein, Abraham	✓	✓	
Finkelstein, Neil	✓	✓	
Goudge, Stephen	✓	✓	F
Graham, Netty	✓	✓	A
Hickey, Michael	✓	✓	F
Howie, Kenneth	✓	✓	
Kiteley, Frances	✓	✓	A
Krishna, Virender	✓	✓	
Lamont, Donald	✓	✓	F
Lax, Joan	✓	✓	F
Legge, Laura	✓	✓	A
Lerner, Samuel	✓	✓	
Levy, Earl	✓	✓	A
McKinnon, Colin	✓	✓	F
Manes, Ronald	✓	✓	F
Martin, Arthur			
Mohideen, Fatima	✓	✓	F
Moliner, Marie	✓	✓	Ab
Murphy, Daniel	✓	✓	F
Murray, Ross	✓	✓	F
O'Brien, Brendan			
O'Connor, Dennis	✓		
O'Connor, Shirley	✓	✓	
Palmer, Julaine	✓	✓	F
Peters, Patricia	✓	✓	F
Richardson, Nora	✓	✓	F
Rock, Allan			
Ruby, Clayton	✓	✓	F
Scace, Arthur			
Scott, David	✓	✓	A
Sealy, Hope	✓	✓	A
Somerville, Marc	✓	✓	F
Strosberg, Harvey	✓	✓	
Thom, Stuart	✓	✓	A
Topp, Robert	✓	✓	F
Wardlaw, James	✓	✓	A
Weaver, Mary	✓		
Yachetti, Roger	✓	✓	F
Lamek, Paul (Treas.)	✓	✓	

### Non-voting Benchers in attendance

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

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

Text of motions that required a roll-call vote are outlined in an article on this page.



# Membership Reinstatements and Suspensions

## June 1994

Members whose names appear below have been reinstated after previously being suspended for administrative reasons (non-payment of either annual fees, errors and omissions levies or late filing fee). A listing of newly suspended members appears on the overleaf. The year after each member's name is the year of call to the Ontario bar. Enquiries regarding members listed should be directed to the Admissions and Records Department, (416) 947-3318.

### REINSTATEMENTS

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#### ANNUAL FEES REINSTATEMENTS

Allan James Alexander	1991	Toronto, ON
Benesch Peter Raymond Martin	1989	Hong Kong
Bregman Patricia Sue	1984	Toronto, ON
Cleary James Albert	1970	Indian Rocks Beach, FL., USA
Connor John Andrew	1980	New York, NY., USA
Crozier Karen Lea	1991	Toronto, ON
DeFranco Lorenzo Antonio	1975	Nepean, ON
Dingle John Rorie	1973	Scarborough, ON
Fabbro David Alfio Joseph	1979	Sault Ste. Marie, ON
Fay Francis Xavier	1969	Toronto, ON
Gleason Marie Germaine	1986	Toronto, ON
Goldhar Martin Gary	1985	Downsview, ON
Goldstein Leslie	1979	Toronto, ON
Johnson George Edward	1988	Hamilton, ON
Kinnaird Timothy Michael	1990	Ajax, ON
Kramer Bruce Benjamin	1979	London, ON
Lovas Sidney Irving	1977	Toronto, ON
Millard James Allan	1982	Etobicoke, ON
Mills Allan Vincent	1978	Hamilton, ON
Mullen Gale Leslie	1992	West Hollywood, CA., USA
Palamar William	1953	Toronto, ON
Pothier Jennifer Lynne Elizabeth	1990	Ottawa, ON
Raso Francesco	1993	Hamilton, ON
Rosenthal Stuart Elliot	1985	Toronto, ON
Roy Francois-Allan	1989	Boston, MA., USA
Shaughnessy Terence Gordon	1977	Hamilton, ON
Stein Abbie	1983	Weston, ON
Walker Sandra Lee	1988	Toronto, ON



Williams Norman Franklin	1971	Hamilton, ON
Wilson Douglas Robert	1979	Toronto, ON
Zimmerman Michael Arthur	1973	Downsview, ON

#### *ERRORS AND OMISSIONS LEVY REINSTATEMENTS*

Anderson Cara Louise Elizabeth	1991	Cabo San Lucas, Mexico
Berman Samuel Mark	1984	Toronto, ON
Best Michael Roy Geoffrey	1980	Hyde Park, ON
Boughner Laura Lee	1990	Windsor, ON
Browne Margaret Anne	1977	Toronto, ON
Gabor Robert Paul	1993	North York, ON
Greenberg Bruce Carey	1980	Toronto, ON
Harvey Gwen Marie	1993	North York, ON
Herman Murray	1965	Thornhill, ON
Kennard Allan Beatty	1988	Toronto, ON
Kimura Donald Isamu	1971	Stouffville, ON
Leger Joseph Noe Marcel	1986	Sudbury, ON
Lythgoe Catherine Victoria	1992	Ottawa, ON
Moore Douglas Howard	1985	Vancouver, BC
Morton Wendy Jane	1991	Beaconsfield, PQ
Mussani Marina	1984	Mississauga, ON
Opoka-Okumu Christopher	1991	North York, ON
Ratushny Edward Joseph	1972	Ottawa, ON
Roach Pierre Simon Joseph	1987	Ottawa, ON
Speciale Anthony Michael	1975	Mississauga, ON
Topp Dennis Michael	1975	North York, ON
Webb Jon Milton	1979	Etobicoke, ON

#### *ANNUAL FILING REINSTATEMENT*

Hovland David Samuel	1992	Toronto, ON
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### **SUSPENSION**

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The following member was suspended on June 24, 1994 for NSF payment of dues:

Kelly Thomas Alan	1981	Toronto, ON
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### **APOLOGY**

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Saul Katz, Edmonton, AB; Lois Delia Figg, Hong Kong; should not have appeared on the list of suspended members which was published in the April 1994 Benchers Bulletin. Their names were included in error and the Society regrets the embarrassment caused to the members.