

 **Banack's Bencher News**

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**LPIC PREMIUMS - REDUCED:** It's been a long time in coming, however, next year's LPIC premiums will be significantly reduced in part, because the 1994 deficit of \$150 million will be eliminated. As well, our insurance has moved much closer to a risk-based policy that recognizes areas of practice and years at the Bar. 1999 base premiums for a sole practitioner have been reduced from \$5,600. to \$3,600. and for a criminal lawyer (sole practitioner) from \$5,600. to \$1,666. Although the volume surcharge has been eliminated, the transaction levy has been retained.

**LAW SOCIETY DUES:** It is hoped that the coming year will also see a reduction in Law Society dues which will be another important step forward in bringing the cost of practising law back into reality. We have to wait for the 1999 budget. But have hope - Bencher elections are also on the horizon - expect an "election budget".

**FUTURE OF COUNTY LIBRARIES:** A working group completed Phase I of its Report entitled Beyond 2000: THE FUTURE DELIVERY OF COUNTY LIBRARY SERVICES TO ONTARIO LAWYERS. Copies were circulated to various lawyers' groups, however, you may receive your own Report by contacting the Law Society. The Report contains various recommendations and policy options which will affect and reflect the delivery of library services throughout the province in the coming years.

**LEGAL AID:** The provincial government introduced a Bill to effect a transfer of supervisory responsibility for Legal Aid from the Law Society to a corporation. The Bill has had second reading and I understand government officials are hopeful that the new system will be operational from April 1, 1999. A transitional Board of Directors is now being selected.

**PROJECT 200:** Staff work continues on this initiative intended to improve Law Society deficiencies and improve quality of service. The work of different departments continues to be rationalized and duplication of effort eliminated. These steps are intended to also reduce overall operational costs.

**ENHANCED CONTINUING LEGAL EDUCATION:** A province-wide Liaison Committee of lawyers met through the summer. Its draft conclusions have now been circulated through the Professional Development and Competence Committee. A comprehensive report is being prepared for consideration by Convocation that will propose a

blueprint to accomplish cost-effective, accessible continuing education throughout the province.

**LEGISLATIVE PACKAGE - BILL 53:** Much has recently been written concerning the positions of our various professional associations in response to the Law Society initiative in this respect. Strongly worded but divergent views of what is in the best interests of the profession and our clients were exchanged. All that information was given to the Attorney General and we will soon learn what, if any, improvements to our existing out-dated legislation might now be achieved. It will be unfortunate if the legislative package fails in its entirety at this stage because much needed reforms and modernization of our discipline process and regulatory functions will likely be unattainable during the tenure of this provincial government or in the foreseeable future.

**MULTI-DISCIPLINARY PRACTICES:** The Law Society's Task Force concluded that the existing tradition of our role as lawyers and safeguards for clients in respect of solicitor and client privilege will be compromised or lost in the event of partnerships between lawyers and other professionals. Although commonplace in Europe, this concept has not been approved elsewhere in North America other than in the District of Columbia. The entire report is available to you by contacting the Law Society.

**BENCHER ELECTIONS:** In previous Newsletters I made reference to the upcoming 1999 elections. Various groups including the Treasurer's Equity Advisory Committee have begun planning effective means of communicating the opportunity of running for Bencher and increasing voter participation in the election itself. If you are interested in discussing any aspect of the coming election, please do not hesitate to call or fax me or any other Bencher.

**FAX FEEDBACK:** I am interested in your views as to:

- (1) Whether you believe Benchers should run for multiple terms:
- (2) Whether you would consider it appropriate if I sought re-election:
- (3) What value, if any, do you think a lawyer actually receives in return for being a Bencher:

**LAW SOCIETY PAYMENTS - FIRST OF THE MONTH:** Some lawyers have pointed out to me the difficulty experienced in making payments on the first of the month if significant closings had taken place at month's end but had not yet been reported, nor trust funds transferred. Convocation's Finance and Audit Committee considered this request but rejected it even though Revenue Canada quarterly payments and LPIC may be paid on the 15th of the month. The rationale offered by Law Society staff was, in effect, that only a small number of practitioners are affected, with proper planning they could improve their own cash flow positions and after all, it would probably disrupt and cause administrative difficulties and increase banking charges. I suggest that the Committee has forgotten that those very

dues provide the salaries for Law Society staff which should have been instructed to "administratively" make it work for the benefit of whatever number of practitioners are adversely affected by the current requirement. Maybe "customer service" (to us) have not become the operative words of the day....yet.

**FAX FEEDBACK:** Convocation directed the Finance and Audit Committee to review this matter. Staff have already rejected the proposed change and I presume that without additional feedback, staff will not likely take a different position. Therefore, If you would favour or think it advantageous to change the date for payment of Law Society dues from the 1st to the 15th of the appropriate month, please print and return this Newsletter immediately.

**Have a happy and safe summer with family and friends. As in the past, if you have any questions, criticisms or suggestions, please do not hesitate to let me know.**