

Banack's Bencher News #86

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Larry Banack, Certified by the Law Society as a Specialist in Civil Litigation
Member of the ADR Institute of Ontario

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2010 LEVY: Following the distribution of extensive material and a Bencher information session which lasted about 1½ hours, Convocation took approximately ten minutes to approve, without any questions, a budget in excess of \$70 million. The approved budget results in a \$33.00 increase in the lawyers' annual levy to \$1,736.00 and for paralegals to \$933.00 for 2010. These nominal increases were achieved, in part, because of the growth in the number of lawyers and paralegals. The increase would have been significantly greater except that the budget utilizes \$1.9 million from the Unrestricted Fund and \$3.9 million was transferred from the E&O Fund. In addition to the levies paid by lawyers and paralegals, the Law Foundation of Ontario will provide a grant of \$960,000.00 to defray Law Society costs. The largest increases arose due to the expansion of the spot audit process and increased staff within the Complaints Resolution department. The levy includes an allocation of \$203.00 per lawyer to fund LibraryCo for County Libraries.

IMPORTANT DEVELOPMENTS—PLEASE READ

1. CONTINUING PROFESSIONAL DEVELOPMENT

The Profession is to be consulted until January 15, 2010 in regard to a new professional development requirement for all lawyers and paralegals. The proposal will require that all full fee paying licensees annually participate in 12 hours of continuing professional development, of which 25% shall be taken in ethics, professionalism and/or practice management. The evolution of this program is to ensure that we catch up with similar programs in British Columbia, Saskatchewan, New Brunswick, Quebec and many U.S. jurisdictions. The commitment is no greater than that which we expect of our car mechanics, doctors or dentists. Notice of the particulars will be published in the Ontario Reports, monthly e-bulletins and on the Law Society website.

2. GOVERNANCE.

At long last there is an opportunity for Convocation to consider reformation. A Task Force which has been meeting for over three years has delivered its final report for debate in December Convocation. Goals to be achieved include increased effectiveness of the governing body and enhanced opportunities for more lawyers to be elected as a Bencher. It is proposed that term limits be imposed on the length of time a person may serve as an elected Bencher. Current discussions contemplate a "full term" not exceeding 8 years or 12 years, in contrast to the current situation where a candidate may run for election without limit. In order to eventually reduce the size of Convocation, it is proposed that commencing in 2011, the status of life Benchers (who have previously served 16 years as a Bencher) will be ended. However, a yet to be defined "full term" Bencher will become an emeritus Bencher who can then otherwise contribute and participate in certain work at the Law Society. For the same reasons, it is proposed that ex officio status for former Treasurers and former Attorneys General be ended, with a grandparenting provision to permit the continuation of existing rights for anyone who has acquired that status to date. Convocation will also be asked to encourage the appointment of non-Bencher lawyers, paralegals and lay persons to Law Society Committees as already permitted. These initiatives are the outcome of years of study and consultation with the Profession and will engender significant debate in Convocation. The final report to Convocation of the Governance Task Force can be reviewed on the Law Society website.

PLEASE MAKE YOUR VIEWS KNOWN IN RESPECT OF BOTH OF THESE VERY IMPORTANT INITIATIVES, DIRECTLY TO THE TREASURER, COMMITTEE CHAIRS OR ANY BENCHER YOU ARE COMFORTABLE COMMUNICATING WITH.

BENCHER EXPENSES: There is likely consensus within the Profession, that Benchers ought to be reimbursed for reasonable expenses incurred in relation to work performed on behalf of the Law Society. However, that consensus has not yielded agreement among Benchers as to whether Convocation should adopt guidelines for discretionary Bencher expenses such as meals, drink, or miscellaneous items or publish the expenses incurred by individual Benchers. Undoubtedly, Benchers serving the Profession from outside the GTA incur enormous personal and financial expense relating to airfare, hotel, meals and time. This is a divisive issue. Notwithstanding, Convocation adopted a formal Bencher Expense Remuneration Policy and the Treasurer has decided to consult with Benchers and issue future guidelines in respect of Bencher expenses.

CONVOCATION REPORTS: All reports to Convocation can be viewed at <http://www.lsuc.on.ca/news/>. In order to more fully understand the issues facing Convocation, you may wish to review previous editions of Banack's Bencher News at http://www.kmlaw.ca/publications/banacks_bencher_news_home.aspx.

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