

Banack's Bencher News #52

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PARALEGALS: In December, 2003, the new Attorney General wrote to the Treasurer inquiring whether Convocation favoured his support of the Law Society as a regulator of legal services, including the regulator of paralegal services. In an unusual move, the Attorney General attended in Convocation to strongly underscore his request. In the absence of a proper regulatory scheme, some stop gap measures have been introduced to protect the public by the Financial Services Commission of Ontario. The Federal Department of Citizenship and Immigration has circulated draft regulations for debate and the Supreme Court of Canada has recently dealt with this issue. As it is apparent that the Government will implement regulation of paralegals, the critical question is whether the Law Society, experienced in regulating legal services, with a mandate to govern in the public interest, is best placed to set standards for all legal services, including paralegal services. The alternative could be a separate regulatory body that might result in a "regulatory maze" as describing the situation in England and Wales. The Attorney General has indicated that the legislative amendments required to regulate paralegals will be the subject of a free vote in the legislature. Convocation overwhelmingly approved in principle that the Law Society begin to work with government officials to develop a detailed implementation proposal for future consideration on the basis that any such proposals should be revenue neutral for the Law Society.

BOARD OF LEGAL AID ONTARIO: The previous Government permitted the appointment of all members to the Legal Aid Board nominated by the Law Society, the Government-appointed members and the Chair of the Board to expire. In the absence of new appointments, the incumbents continue to sit. An advertisement was placed in the Ontario Reports soliciting applications for those wishing to be considered as Law Society nominees. A Selection Committee considered the 115 résumés received.

J. SHIRLEY DENISON FUND: Mr. Denison was a former Treasurer of the Law Society. By reason of his bequest, the Law Society is authorized to make awards. The original sum donated was \$195,000. The balance of the fund is currently at \$353,000. Convocation approved payments of approximately \$30,000 to members with debilitating medical conditions, a married student with a family of six requiring assistance to complete course work in order to be called to the bar and a spouse of a deceased member who suffered from a medical condition and alcoholism resulting in deplorable professional and financial circumstances.

PROFESSIONAL DEVELOPMENT: As disclosed by Members' Annual Reports for 2002, lawyers devoted approximately 66 hours in that year to continuing legal education, in addition to approximately 240 hours related to file specific and general reading self-study. The Law Society practice advisory service receives over 5,000 calls per year. There were 1,057 spot audits conducted in 2003 with only 56 being referred to investigations or resulting in other action.

OSGOODE HALL – NORTH WING RENOVATIONS: The Bar Admission Course, for so long as it is offered, has plans to move to the Ryerson University Campus. That relocation offers the Law Society the opportunity to consolidate its administrative and continuing education functions under one roof, rather than maintain leased premises at 393 University and 1 Dundas Street West. The proposed renovation of approximately 74,000 square feet may not be completed before 2006 at an estimated cost of \$9 Million.

MORTGAGE FRAUD: The Professional Regulation Division established a Mortgage Fraud Team. At the end of December, 2003, 28 members were undergoing a serious and urgent investigation in respect of 1500 separate properties. Eleven members were subject to investigation of intermediate severity and 38 additional members were under investigation. If appropriate, such investigations result in discipline proceedings.

SPECIALIST CERTIFICATION: Three new areas of specialization have been added: Corporate and Commercial, Estates and Trusts, and Real Estate. There are 14 areas of specialization at this time. The program helps lawyers acquire the requisite skills and knowledge to qualify for certification after having practiced for a minimum of seven years and complying with professional development and professional standards requirements. For more information visit www.lsuc.on.ca/services_en.jsp or telephone 416-947-3315.

LAW SOCIETY MEDAL/LINCOLN ALEXANDER AWARD: The deadline for letters of nomination is February 27, 2004. These awards recognize lawyers for their community service, pro bono work or contributions to the law or the justice system.

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