

# **BENCHER'S REPORT**

**DECEMBER 2015**

November Convocation was held on Friday, December 4<sup>th</sup> to accommodate out of town Benchers planning to attend the annual holiday party on Saturday, December 5<sup>th</sup>. Again, as the practice, Convocation was webcast to the profession. There were a number of issues presented either for decision or information.

Early in the New Year, the Law Society will begin a consultation with the profession on compliance-based entity regulation. There will be a number of questions to be addressed which will be formulated into a comprehensive survey report for release and further consultation. Once again, prior to making a decision that will significantly impact the profession, the Law Society and Convocation are reaching out to our members seeking comment, advice or suggestions. Compliance based regulatory models are based upon the Regulator encouraging and supporting improved practices at the ground level. The goals and expectations will be identified and important information will be provided to assist all law firms and legal practices in meeting the newly established goals.

The Priority Planning Committee has adopted the priority items identified at the Bencher retreat in October. These priorities will remain for the entire Bencher term through June, 2019. Benchers adopted five primary initiatives at that retreat including, leading as a professional regulator, prioritizing life-long competence for lawyers and paralegals, enhanced pre-licence competency evaluation, promotion of access to justice but improved engagement and communications with stakeholders and the public. I believe you will see the most dramatic changes to pre-licencing competency and the requirement for candidates to be called to the bar.

Convocation was addressed by Jeff Hirsch, a former Treasurer of the Law Society of Manitoba, who is currently the Chair of the Federation of Canadian Law Societies. The Federation's major

initiative is to adopt consistent standards, qualifications and competencies prior to formal licencing. Given the current mobility of lawyers between provinces, national standard is preferred. Notwithstanding any assessment or examination that might be introduced by the Federation, it is likely that Ontario will also have its own assessments in which every candidate will have to demonstrate a basic level of competency in a variety of core subject matters.

A number of members of the local Association have spoken to me about the marketing, promotion and advertising practices of several “firms” primarily practicing in Toronto but elsewhere throughout the province and the manner in which they are presenting themselves to the public. During Convocation, I asked the Chair of the Professional Regulation Committee what steps the Committee is taking to identify and control “misleading, fraudulent and exaggerated” advertisements. Unquestionably, the ability to advertise is being abused and the Law Society will have to decide whether to allow this type of advertising to continue or whether to be permitted to advertise as some currently do is in the best interests of the public. I was assured that this issue is high on the Committee’s agenda. Public consultation on advertising was open until October 15, 2015. If anyone has a specific interest in this topic, I strongly recommend that you cheque the Law Society website and forward a written submission to the Professional Regulations Committee with a copy to me and I will ensure that it is included in the Committee’s deliberations. Hopefully, notwithstanding the fact that submissions were due approximately two months ago, any submission will still be considered. Coincidentally the same issue was identified by the real estate bar particularly relating to “fixed fees.” Again, practitioners are urged to forward submissions to the Professional Regulation Committee.

I know that Police Record Checks has been the subject of concern amongst many, but particularly the Criminal Bar. I refer you to the Police Record Checks Act 2015 that was recently passed but yet to be proclaimed by the provincial legislature earlier this month. It has particular impact upon what police services may report when a record check is requested and it prohibits

the disclosure of absolute and conditional discharges, absolutely in some instances and after time has elapsed in others.

Finally, I want to extend my very best wishes for a Merry Christmas, Happy Holiday and a healthy and prosperous New Year to all members of the Association as well as everyone else that helps make London, Ontario the best place to practice law in the province. It is always a pleasure to work with you.

Finally, I want to extend my very best wishes for a Merry Christmas, Happy Holiday, and Best Wishes for the New Year to all members of the Association as well as those others including Judges, Court Officers and Officials, Courthouse staff and librarians who make our system the very best Justice system in the world. I am proud to have the opportunity to work with all of you.

MML/kw

5654764.1