



ANNUAL REPORT

2015



FEDERATION OF ONTARIO
LAW ASSOCIATIONS

FÉDÉRATION DES ASSOCIATIONS
DU BARREAU DE L'ONTARIO

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CHAIR'S REPORT

To borrow a phrase, “the state of our federation is strong”.

In late 2015 at our bi-annual Plenary in November, I took the reins as Chair of the Federation of Ontario Law Associations and took charge of an organization that has never been stronger or more influential, but the biggest news coming from that Plenary was the change to our name.

After years of being known by the awkward name of “The County & District Law Presidents’ Association”, the entire executive, led by our Chair, Cheryl Siran, decided that we needed a re-branding.

The process of changing our name was the culmination of a long and arduous process that engaged the Executive, our Past Presidents and many other stakeholders across Ontario. You can view a video of the actual debate we conducted at Plenary at this [link](#), but I can tell you that the discussions took place over the months leading to Plenary and in the halls and hospitality suites well into the evening. I’m pleased with the end result, and I think we made an important move to rebrand our association to better reflect what we are doing and what we hope to do in the future.

From the beginning, we set out to modernize while respecting the long history of the County & District Law Presidents’ Association. We have worked hard to make it clear that our intent is to remain true to our original mandate: to be the voice of the practising lawyer in Ontario. At our Board strategic retreat last June, we came to the conclusion that a name change was needed simply because “KEDULPA” was an awkward acronym and there were too many elements of the name that confused, rather than described what we were doing on a daily basis and who we represent.

Our new name, the **Federation of Ontario Law Associations**, as well as our new and refreshed logo and all the other elements of the rebranding gave us an excellent opportunity to remind the practising bar, our partners in other associations and all the stakeholders involved in the justice system that local law associations represent the lawyers “at the coal-face” of the justice system. Practising, private-bar lawyers who are members of local law associations working in towns, cities and communities across Ontario, in firms of all sizes, are an essential, but all-too-often forgotten element of the justice system.

Our new name also reflects the critical role of local associations in providing the regulators and governors of our justice system, such as the Law Society and Attorney General, with a perspective on how the system is working in every community of the province. This is a mandate that “CDLPA” has always had and the Federation will continue. Our new name makes it easier for us to communicate that role in the media and with all our stakeholders.

Operationally, the Federation is financially sound, as the Treasurer’s report found later in this document attests. Even with much higher levels of activity, engagement on even more issues, participation in even more



CHAIR'S REPORT

committees and the addition of a full-time Executive Director, our budget is balanced and, in fact, 2015 saw us turn a small surplus. Expenses, especially related to travel and office administration are down, even though our 2015 executive was helmed by a chair from Kenora, which is probably the farthest possible, and most expensive point that one could travel from in Ontario. Three years ago, the Board projected a budget deficit running into or past 2016, mostly as a result of the extra costs associated with having a Director of Public Affairs/Executive Director, but we are proud to say that we balanced this budget a year ahead of schedule and will continue to balance this budget into the future.

The year also saw the activity and influence of "CDLPA" grow through a variety of debates and initiatives where we were active. We were vigorous participants in the sometimes heated debate over "Alternative Business Structures"; we were active contributors to the Bencher election working to get voter turnout improved and to encourage more solicitors to run; we have pushed forward initiatives to improve the real estate bar and we have been engaged in the work, along with other organizations, that have seen significant investments in our legal aid system. In the following pages, our regional and committee reports will give more insight into all the work we have done and have been participant in across the entire justice system.

In 2016, we will continue to move forward on all of these initiatives and more. We expect a robust debate around compliance and entity regulation that will engage our membership in every county, town and local association. Similarly, we know passions will run high on the contentious idea that paralegals should have their scope of practice expanded to allow their participation in family law matters as a way to overcome the "self-rep" problem in the family courts. We will continue to be active participants in the ongoing discussion of how to improve the economic viability of the real estate bar, especially in light of what is expected to be a softer real estate transaction market. And, of course, we anticipate another year of debate and focus on the future of our practice resource centres. We've been saying this for a few years now, but I believe we can move the system forward in a collaborative and coordinated manner. We have good people on this file and I am optimistic we can finally begin to see progress.

Tangential to all of these activities, but no less relevant to our work, we will be watching the race to become the new Treasurer of the Law Society with great interest. Treasurer Minor's term ends in June and, as of the writing of this report, the rumours are swirling about who will step forward to contest for the prestigious and important job. We have enjoyed a tremendous and collaborative relationship with Treasurer Minor over the past two years and will work to establish the same level of open dialogue and engagement with the new Treasurer. While tradition dictates that the past Treasurer steps away from day-to-day Law Society governance, we know that Treasurer Minor will remain an engaged champion for the profession and I am sure we will find other ways to work with her into the future.

Some of our Regional Reps ended their terms at this Plenary. **Barb Morgan** from the Northwest served one term and represented her area with great passion. **Jackie McGaughey-Ward** from the Northeast was eager to continue to serve, but her health is a higher priority and that is where her focus is now. We thank them both for their service to the practising bar and, in particular, wish Jackie a return to good health soon.

In late 2015, we welcomed four new members to the Board for the current term. **Nathan Baker** takes over as Central East regional representative, but has the benefit of having Alf Schorr remaining on the Board as our

CHAIR'S REPORT

appointment on the paralegal committee. **Sonya Jain** joins as our Family Law committee chair just as the debate around paralegal expanded scope of practice gets underway. **Lisa Barazzutti** joins as the North East Regional representative, filling the big shoes of Jackie McGaughey-Ward. **Rene Larson** joins as the North West Regional representative and has already demonstrated that he will be a passionate advocate for lawyers who practice across Northern Ontario.

A special thank you to my predecessor, **Cheryl Siran**, who leaves a strong legacy of achievement from her term. Her energy and enthusiasm for the Federation is overwhelming and set a standard for everyone who will follow. A lot is made of how leadership of this association is a time-consuming and all-encompassing endeavour (and I'm learning first-hand how true that is) but I'm especially impressed considering the great distances that Cheryl had to travel. Those of us "down east" easily forget how large a province Ontario is and that Cheryl is in a different time zone. That distance never stopped Cheryl during her 18 month term. She accomplished a great deal (CDLPAs response to ABS; modernizing the administration of the association; raising our profile with so many partner groups ... the list goes on) and never missed a meeting, despite the great distance. Most importantly, she did it all with good humour and demonstrated great leadership at every turn. She set a standard for all of her successors. I'm also pleased that Cheryl has agreed to join the LibraryCo Board as one of the CDLPA/FOLA appointees so her travel schedule to Toronto will continue to be rigorous for the foreseeable future.

Please take a few moments to read this report in its entirety and to providing feedback, input and insight to me and any other member of the Executive. We count on your advice and engagement to make this Federation as strong as it can be.



Eldon Horner, Chair

FINANCIAL STATEMENTS

FINANCIAL STATEMENTS

The following pages highlight a financial status of our association that demonstrates prudent management.

Three years ago, the association projected a deficit for at least the next three years, but we are pleased to report a balanced budget a year ahead of schedule. In fact, we managed to book a \$21,000 surplus, which is over \$50,000 better than budgeted. To achieve balance, both sides of the ledger have received our attention.

On the revenue side, we have benefited from four positive forces. First, in 2014, the Toronto Lawyers Association increased its contribution by \$10,000, from \$25,000 to \$35,000 in recognition of the valuable partnership that we share. Second, a number of the local law associations across Ontario have increased their own membership numbers through proactive outreach, improved service level and recruitment. These increased membership levels result in a larger levy back to CDLPA/FOLA. Third, we have undertaken a more aggressive effort to engage more sponsors at our Plenary meetings and for other activities. Fourth, we have enjoyed tremendous success with a travel program to China that has proven to be a popular and lucrative fundraiser for the Federation and we are hoping to expand this offering in 2016.

On the expense side, we have taken a number of steps to reduce our administrative and travel costs. We now use of a more effective and cheaper teleconferencing solution, a savings alone worth \$5,800. We have converted most of our paper files to a cloud-based document storage system and our printing and mailing costs have been reduced dramatically because we almost exclusively use electronic mail and no longer print plenary materials. Our improved website utilizes a simple and very inexpensive platform with a monthly hosting charge of less than \$20. We have implemented a more rigorous travel and expense policy that has seen our strategic planning, Plenary and executive meeting travel and accommodation expenses reduced overall. All of these savings will continue to be realized in future years, and we are always looking for ways to continue reducing our costs.

In the summer of 2015 we were asked by the Law Society to submit another three-year funding proposal, which we did and which was accepted by the Audit & Finance Committee and by Convocation in the Fall. Our proposal called for a modest increase to our budget request, in line with inflation, and a 1% annual increase was accepted. In practice, for the past number of years we have consistently come in “under-budget”. The Law Society has a legislated mandate to consult the bar in every county and judicial district in Ontario and our association helps the Law Society efficiently fulfil this mandate through our Plenary meetings and other events. In return, the Law Society subsidizes some of the cost of travel associated with bringing all the Presidents to Plenary and also the costs associated with travel and accommodation at the Executive meetings. Notably, the total contribution from the Law Society has fallen from 42% of total expenditures 2014 to 36% in 2015 and we intend to see this ratio continue to fall.

The plan in 2016 is to continue to show this prudent management through expenditure control and revenue growth through fundraising. Our 2015 financial statements are presented in the following pages.

FINANCIAL STATEMENTS

THE COUNTY AND DISTRICT LAW PRESIDENTS' ASSOCIATION
PROFIT & LOSS
PREVIOUS YEAR COMPARISON
For the Year Ended December 31, 2015

	Actual	Actual	Variance
	2015	2014	\$ Change
INCOME			
Fees and Levies	235,525.00	227,675.00	7,850.00
Interest	1,376.56	1,719.48	-342.92
Advertising - Website Initiative	0.00	0.00	0.00
Donations	35,000.00	35,000.00	0.00
Exhibitors/Sponsors	17,000.00	6,500.00	10,500.00
Law Society	195,110.26	207,669.03	-12,558.77
Meals - May Plenary	0.00	0.00	0.00
Meals - November Plenary	0.00	0.00	0.00
Fundraising	43,321.42	9,123.89	34,197.53
TOTAL INCOME	527,333.24	487,687.40	39,645.84
EXPENSES			
General Expenses			
Bank Charges and Interest	45.25	61.00	-15.75
Contingencies	500.00	0.00	500.00
Gifts and Awards	1,879.08	1,328.68	550.40
Newsletter/Brochure	0.00	0.00	0.00
Other Appointee Expenses	0.00	695.54	-695.54
Total General Expenses	2,424.33	2,085.22	339.11
Contract Services			
Computer Services (IEP Mntnce)	0.00	0.00	0.00
Consultant	450.00	540.00	-90.00
Contingencies	0.00	0.00	0.00
Professional Fees	2,350.00	2,400.00	-50.00
Total Contract Services	2,800.00	2,940.00	-140.00
Executive Meetings			
Accommodation	12,759.75	18,250.05	-5,490.30
Meals	12,742.52	13,676.49	-933.97
Mileage	2,639.06	4,260.88	-1,621.82
Parking	698.24	950.86	-252.62
Taxi	103.11	526.12	-423.01
Travel	27,028.62	26,584.00	444.62
Total Executive Meetings	55,971.30	64,248.40	-8,277.10

FINANCIAL STATEMENTS

THE COUNTY AND DISTRICT LAW PRESIDENTS' ASSOCIATION PROFIT & LOSS

PREVIOUS YEAR COMPARISON

For the Year Ended December 31, 2015

	Actual 2015	Actual 2014	Variance \$ Change
Outreach Meetings			
Accommodation	4,011.86	7,416.05	-3,404.19
Meals	2,991.93	3,350.81	-358.88
Mileage	3,265.59	3,085.64	179.95
Miscellaneous	4,388.75	600.00	3,788.75
Parking	945.63	1,248.34	-302.71
Taxi	423.66	881.85	-458.19
Travel	5,014.59	8,558.43	-3,543.84
Total Outreach Meetings	21,042.01	25,141.12	-4,099.11
Office Expenses			
Conference Calls	2,313.69	8,184.40	-5,870.71
Courier	2,881.67	2,829.50	52.17
Insurance - Directors E&O	702.00	589.68	112.32
Internet	1,233.36	1,531.00	-297.64
Long Distance	870.14	1,038.18	-168.04
Phone (incl Blackberry)	2,560.34	3,325.11	-764.77
Photocopies	98.70	222.52	-123.82
Postage	1,056.52	495.84	560.68
Printing	1,269.29	1,784.50	-515.21
Rent	2,499.96	2,499.96	0.00
Storage	0.00	750.00	-750.00
Total Office Expenses	15,485.67	23,250.69	-7,765.02
Office Supplies			
Cheques	0.00	300.00	-300.00
Envelopes	0.00	55.39	-55.39
Equipment	547.92	0.00	547.92
Letterhead	0.00	0.00	0.00
Miscellaneous	5,018.43	4,658.38	360.05
Total Office Supplies	5,566.35	5,013.77	552.58

FINANCIAL STATEMENTS

THE COUNTY AND DISTRICT LAW PRESIDENTS' ASSOCIATION
PROFIT & LOSS
PREVIOUS YEAR COMPARISON
For the Year Ended December 31, 2015

	Actual	Actual	Variance
	2015	2014	\$ Change
Payroll			
Executive Assistant			
Executive Assistant	51,500.02	51,500.02	0.00
Benefits - Group Insurance	5,399.70	5,455.89	-56.19
Benefits - RRSP Contribution	0.00	0.00	0.00
Employer CPP Contributions	2,479.95	2,425.50	54.45
Employer EI Contributions	1,302.94	1,279.24	23.70
Other (Annual Bonus)	2,000.00	2,000.00	0.00
Total Executive Assistant	62,682.61	62,660.65	21.96
Director of Public Affairs			
Director of Public Affairs	0.00	0.00	0.00
Benefits - Group Insurance	0.00	0.00	0.00
Employer CPP Contributions	0.00	0.00	0.00
Employer EI Contributions	0.00	0.00	0.00
Total Director of Public Affairs	0.00	0.00	0.00
Executive Director			
Professional Services	122,916.66	121,824.78	1,091.88
Bonus	10,239.28	0.00	10,239.28
Total Executive Director	133,155.94	121,824.78	11,331.16
Bookkeeping	8,580.00	8,490.00	90.00
Honorarium	69,999.96	69,999.96	0.00
Total Payroll	274,418.51	262,975.39	11,443.12

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THE COUNTY AND DISTRICT LAW PRESIDENTS' ASSOCIATION
PROFIT & LOSS
PREVIOUS YEAR COMPARISON
For the Year Ended December 31, 2015

	<u>Actual</u> <u>2015</u>	<u>Actual</u> <u>2014</u>	<u>Variance</u> <u>\$ Change</u>
Long Range/Strategic Planning			
Accommodation	2,240.00	3,640.81	-1,400.81
Hospitality Suite/Meeting Rooms	605.21	1,135.15	-529.94
Meals	2,262.47	2,648.75	-386.28
Travel	2,163.80	5,625.36	-3,461.56
Total Long Range/Strategic Planning	<u>7,271.48</u>	<u>13,050.07</u>	<u>-5,778.59</u>
Plenary - May			
Accommodation	9,458.99	36,532.98	-27,073.99
Hospitality Suite/Meeting Rooms	3,185.92	2,195.55	990.37
Meals	14,742.59	1,626.04	13,116.55
Miscellaneous	4,060.00	2,500.00	1,560.00
Supplies	94.95	21.82	73.13
Travel	25,247.25	18,709.28	6,537.97
Total Plenary - May	<u>56,789.70</u>	<u>61,585.67</u>	<u>-4,795.97</u>
Plenary - November			
Accommodation	15,759.75	12,483.81	3,275.94
Hospitality Suite/Meeting Rooms	1,903.41	425.00	1,478.41
Meals	29,532.06	26,674.54	2,857.52
Miscellaneous	3,730.63	3,646.25	84.38
Supplies	236.26	477.93	-241.67
Travel	13,956.38	12,655.56	1,300.82
Total Plenary - November	<u>65,118.49</u>	<u>56,363.09</u>	<u>8,755.40</u>
TOTAL EXPENSES	<u>506,887.84</u>	<u>516,653.42</u>	<u>-9,765.58</u>
NET INCOME	<u>20,445.40</u>	<u>-28,966.02</u>	<u>49,411.42</u>

COMMITTEE REPORTS

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PRACTICE RESOURCE CENTRE REPORT

2015 was a year of relative stability for the county law library system after a year of upheaval in 2014. In late 2014 the staff of LibraryCO were let go and a new Board was appointed with the mandate to look at the operations with a view to reforming the system, to make it more responsive to the needs of practising lawyers across Ontario and to better animate the spaces that our members cherish. The operational work previously done by LibraryCO staff were assumed by Law Society staff or fell back to the front-line staff, a situation that has not gone without its challenges, but is by-and-large working for the time being.

The new Board of LibraryCO, under the direction of Chair **Janet Whitehead** has set out with a “transition” mandate and has worked hard to reimagine a system that can meet the competing demands of the various stakeholders. The Board itself, however, went through a transformation over the year starting when **Susan Elliott**, a Law Society designate to the Board and a former Treasurer of the Law Society, was appointed to the Superior Court Bench necessitating her resignation from the Board. She was immediately replaced by **Derry Millar**, also a former Treasurer of the Law Society. Derry assumed Susan’s position as Chair of the Board’s “Transition Committee”. Also joining the Board in 2015 was **Gisèle Chrétien**, a lay-bencher of the Law Society from Sudbury, Ontario. Ms. Chrétien was President of Collège Boréal until 2006 and then became President of TFO - Télévision française de l’Ontario. These roles give Ms. Chrétien a great appreciation of the challenge faced in delivering service to many rural and remote communities in Ontario and brings that perspective to the LibraryCO board.

The Toronto Lawyers Association appointee to the Board was also changed. **Mark Crane** stepped down and was replaced by **Dirk Derstine**. Dirk is very familiar with the “library file” and is a passionate advocate for the system.

Among the “CDLPA/FOLA” appointees there was also some change, starting with the resignation of **Rebecca Bentham**, the Executive Director of the Hamilton Law Association. In late 2014, she pledged one year to the effort and fulfilled that year. Her replacement on the Board was **Ted Chadderton**, the past President of the Simcoe County Law Association. When **Jaye Hooper** moved up to 1st Vice Chair of the Federation, she resigned from the Board of LibraryCO to prevent any appearance of conflict and in recognition of the time-commitment that is required to the Federation. She was replaced on the Board by **Cheryl Siran**, the immediate Past-Chair of CDLPA.

In late 2015, the Board and Transition Committee felt that in order to move their work forward a “Needs Analysis” and advice from a professional consultant was needed. The Board went to work procuring the specialized consultant and one was chosen in late 2015 and contracted in early 2016 with a report expected by approximately June or July of 2016. The “Needs Analysis” is going to study the current and future needs of practising lawyers across Ontario by looking at their research needs, habits and skills, but also examine the true nature and scope of the service provided in our local law libraries.

The other major item of note to report is that the November Plenary of CDLPA/FOLA was held jointly with the annual Conference of Ontario Law Association Libraries (COLAL) as a symbol of the important relationship

COMMITTEE REPORTS

between local associations and their law libraries. This event was an important opportunity for the Presidents and other Plenary delegates to talk to the front-line library staff and vice versa. The event was a great success and many of the Presidents and front-line staff were complementary of the effort that was made to hold these meetings jointly so that ideas and perspectives could be shared.

In 2015, we also noted a number of changes among the front-line library staff. The Federation of Ontario Law Associations and all the stakeholders welcome the new staff, honour the retiring staff and mourn the staff that we lost in 2015 and early 2016. Our Practice Resource Centres could not operate without the dedicated professionals who work on behalf of the practicing bar in Ontario.

New Members in 2015

Kirsten Clement (Hamilton)
Karen Thuss-Hardy (Perth)
Jackie Lachance (Cochrane)
Grace Paluzzi (Peel)
Lindsay Parsons (Toronto)
Ciara Ward (Northumberland)
Shannon Whitmaack (Temiskaming)

Retirements / Departures in 2015

Anne Bowers (Northumberland)
Wendy Djakalovic (Peel)
Nancy Frivald (Toronto)
Judy Giordano (Brant)
Jackie Lefebvre (Temiskaming)
Wendy Hearder-Moan (Perth)
Mary Jane Kearns-Padgett (Hamilton)
Nira Persaud (Hamilton)
Erin Steinstra (Peel)

Deaths 2015

Lisa Doracka (Cochrane) January 19, 2015
Paul Dumond (Stormont-Dundas-Glengary) – January 2, 2016
Pat MacPhee (York) February 29, 2016

While 2015 was a year of study and contemplation of the law library system, we expect that 2016 will be a year of greater change. We anticipate that this change will be positive and are working hard with all the stakeholders to ensure that the changes we make are productive and continue to serve the profession.

COMMITTEE REPORTS

PARALEGAL COMMITTEE

Licensing & Accreditation of Paralegals

At our May Plenary, we heard from Stephen Parker, President of the newly formed Ontario Paralegal Association (OPA) who said they were working hard to raise the professional standards of paralegals in Ontario. Mr. Parker acknowledged that the previous tests and accreditation process was not adequate and needed to be stronger. Priya Bhatia, Manager of Licensing & Accreditation at the Law Society, reported that a new, stricter and more difficult licensing test would be implemented this year.

In August of 2015, this new licensing test began and 565 candidates sat for this new licensing exam. This new test regime, together with the new higher standards for education being imposed on the paralegal schools should improve the overall competence of paralegals entering practices.

The Ontario Paralegal Association reported that their membership, as of November was at just over 1,000 and the OPA had greatly expanded its programme of CPD in an effort to continuously improve the competence of paralegals in practice.

Scope of Practice

Lingering in the background of any discussion on paralegals in 2015 were the rumblings from some quarters that there would soon be a push to eventually increase the scope of practice of paralegals in Ontario. This is a topic that regularly comes up especially in relation to the high proportion of unrepresented litigants in the family court and family law system. Many have pointed out that this large group of unrepresented litigants, which some estimate to be between 50% and 80% of all people who have a family law matter, could be represented economically by a paralegal. We paid particular attention to an article in which Marian Lippa, a paralegal benchler, is quoted to the effect that paralegals would be a good answer to the access to justice issues, particularly in family law. The article can be found at this [link](#).

Throughout 2015 we also tracked a number of formal and informal working groups examining the issue of family law access to justice. Inevitably in these discussions the idea of using paralegals or other professionals comes up as a possible “solution” to the family law access challenge. CDLPA/FOLA worked hard to be aware of these discussions and to be present at them, so we could make the strong case that family law is an exceptionally complex area of law and that great care should be taken before heading down this path. We have made the case, where we can, that the solution should not be to take un-trained or unqualified professionals to “train them up” in the basics of family law, thinking that this will improve the service. Instead, we believe that a family law lawyer should be the central advocate for a litigant and that this lawyer should be better trained in how to bring other professionals, such as mediators, financial planners, social workers, etc. to the table in order to best represent the interests of the individual.

Further, given the experience in other areas of law where paralegals practice, we simply do not believe that there would be significant cost-savings to either the client or to the legal system, though scant evidence exists for either argument. Gathering specific and quantified evidence to support our argument in this area will be a key focus of ours in the coming months.

COMMITTEE REPORTS

We are also watching with great interest for trends and pressures that seek to increase the scope of practice in criminal law. We are aligned with the Criminal Lawyers Association in their concern that Legal Aid Ontario, for example, is expanding the use of paralegals in the criminal courts and skating close to the line of what is appropriate.

In early 2016, as of the time of writing this annual report for 2015, the Ontario Attorney General has announced a consultation that will take the better part of 2016 to examine how paralegals, law clerks and law students might help provide access to justice in family law by representing more litigants in the system. The Federation is expected to be very active in these discussions throughout 2016 and beyond.

Advertising

The Committee and the ad hoc Paralegal Working Group chaired by Joseph Neuberger (Past President of the TLA), which CDLPA is active with, have also identified the issue of misleading paralegal advertising as one of concern. The Committee has found much anecdotal evidence that some paralegals are engaged in misleading advertising about the scope of their practice or their fees, and this is particularly endemic in multicultural and multilingual media across Ontario. We are lead to believe that in some languages, there is no distinction between a paralegal and lawyer in the language and this is something exploited by paralegals who advertise themselves as “licensees of the Law Society”, implying that they are lawyers. In CDLPAs submission to the Professional Standards Committee on the Rules of Professional Conduct with respect to proposed rule changes around advertising, we made the case that (a) any rule changes applied to lawyers should automatically also apply to paralegals, (b) that paralegals be required to make it more clear in their advertisements that they are “paralegal licensees” and (c) that the process to file a complaint about misleading advertising should be much simpler. We argued that the Law Society should be authorized to launch an investigation with a simple copy or picture of an advertisement that is misleading. We further recommended that the Law Society be given the power to demand an English or French translation of any advertisement that is published in another language.

While 2015 was a busy year on the paralegal file, we expect 2016 to be even busier.

COMMITTEE REPORTS

LEGAL AID

The legal aid space has been very active in 2015 and the news has been mostly positive as the new money to expand legal aid eligibility started to flow. This money was first announced in the 2014 Provincial Budget (which was overtaken by the election) and reiterated in the 2015 Budget so it was not until the summer of 2015 that the money began to flow.

Expanded eligibility and more certificates

Working through the Alliance for Sustainable Legal Aid, CDLPA/FOLA has been strong in working to hold Legal Aid Ontario to its stated promise that most of the new money will flow through to the private bar certificate system.

For first three months of expanded eligibility, a report from LAO shows that they are on-target in this respect. According to a report given to ASLA in late September and made public in early October, 5,650 more low-income Ontarians received a legal aid certificate, compared to the same three month period in 2014.

According to the LAO release:

Between June 1 and August 31, LAO issued, throughout Ontario, certificates to:

- *more than 9,000 adults charged with minor Criminal Code offenses such as mischief under \$5,000, thief under \$5,000 and simple assault—an increase of 34 per cent over the year before*
- *nearly 3,400 people experiencing domestic violence as part of their family law case—an increase of 71 per cent over the year before*
- *more than 2,100 people in other family law cases—an increase of 62 per cent over the year before.*

(Note: Specific numbers were not yet published, but at the time of this writing we are told that these trends continued through to the end of the calendar year 2015. LAO has committed to providing ASLA more regular updates on data so that we can monitor the progress of these positive trends.)

The LAO also provided to ASLA a good summary of the new certificate coverage, comparing the status today to 1994, before the steady erosion of service that has taken place since then. This summary is provided at the end of this report, and we would encourage the reader to make sure that all lawyers in your district who do legal aid certificates are aware of this expanded scope of eligible services. More detail can be found at this [link](#).

We did express a concern that too much of the new money announced in the Budget is flowing to administrative overhead. LAO announced that 10% of the new money would be going to administrative cost, which is in line with their current administrative overhead budget. Our contention, however, was that the current infrastructure of Legal Aid Ontario should not need to grow by a full 10% in order to administer the

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flow of money out. The existing infrastructure (IT, people, processes, etc.) should be able to accommodate that growth with a more modest increase, freeing more money to go to front-line legal service.

Our second expressed concern continued to be the ever-growing expansion of in-house legal counsel at LAO. Ten years ago, the in-house complement was 60 lawyers and today it is 360 and growing. Considering that 750 private bar lawyers do 80% of the criminal legal aid cases, this continued growth of in-house counsel (while overall crime rates are declining) means the Legal Aid staff are becoming increasingly competitive to the private bar. LAO continues to vociferously deny that they are building a parallel “judicare” system and we respect their stated position, we remain wary and ever vigilant.

Domestic Violence Consultation

In response to Premier Wynne’s focus on addressing domestic violence, LAO has taken the lead on a comprehensive consultation to develop a strategy on domestic assault. This consultation took place over the summer and fall. The details can be found at this [link](#). That consultation was built around a comprehensive Consultation Paper, which can be found at this [link](#). We think it is safe to assume there will be greater resources dedicated from LAO to this area of domestic violence, especially in dealing with power imbalances and abuse in the family court, and we continue to support these investments of money and attention.

Federal Election

ASLA took advantage of the Federal election to bring the issue of legal aid and access to justice to the three main federal parties. A letter was sent to all parties asking for their positions with respect to funding of access to legal aid for aboriginal Canadians and for refugees seeking status in Canada. A text of that letter is provided here:

Re: Federal Support for Legal Aid and Access to Justice

The Alliance for Sustainable Legal Aid (ASLA) is a coalition of the leading legal organizations in the province of Ontario. In the context of the current election campaign, I am writing on behalf of our member organizations to ask for your views and to seek your support for an enhanced federal role in support of legal aid. We are united in our shared belief that a sustainable legal aid program is the cornerstone of an accessible justice system.

Urgently in need of investment are the justice needs of Canada’s Aboriginal peoples, to address over-incarceration, lack of access to representation, poor facilities, translation needs, etc., in addition to the needs of children and young Canadians involved in the justice system. In the criminal law system generally, there has been an increase in the number of unrepresented persons, especially racialized minorities and the mentally ill. There are also systemic problems in Canada’s family law system, including the chronic underfunding of the legal aid system.

We are particularly concerned about the insufficient support from the federal government for the key area of refugee law. It would be timely to increase the federal contribution to the existing Federal-Provincial legal aid agreement for refugee law, and to make a longer multi-year commitment. In addition, in view of the current refugee crisis, we believe there is a real opportunity for a new programme of support that would see targeted legal help offered to those trying to bring refugees to

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Canada. If you or any of your staff would like a further briefing on these issues, we would be pleased to arrange it at your convenience.

We would very much appreciate hearing your views on these issues, and would look forward to meeting with you once the election campaign is over.

Thank you for your consideration of our views - we would be pleased to work with you on this important file.

Yours truly,

Alliance for Sustainable Legal Aid

Per: Lenny Abramowicz, Chair

On behalf of our member organizations:

Association of Community Legal Clinics of Ontario

County and District Law Presidents' Association

Criminal Lawyers Association

Family Lawyers Association

Law Society of Upper Canada

Ontario Bar Association

Refugee Lawyers Association

The Advocates' Society

Mental Health Legal Committee

Since the Liberal Party won the election, an excerpt from their response is provided:

...

A Liberal government will rebuild the relationship between the federal government and civil society. We will develop new policy the same way that we built our platform -- by actively consulting with those directly affected, their advocates, other orders of government, and experts in relevant fields. We greatly value the important work and input of organizations such as yours and we look forward to working collaboratively with you to identify, plan, and implement policies and programs that will make Canada a better place.

...

Anna Gainey, President

Liberal Party of Canada

Local Items of Concern:

CDLPA/FOLA continues to have an ongoing dialogue with LAO which allows us to bring items of concern to local associations across Ontario to the attention of senior management at LAO. We meet with LAO officials at least once per quarter and have an open invitation to bring matters of concern to their attention. On each

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of our Regional calls, we ask our Presidents to report on any concerns with Legal Aid and also remind them that they should invite the LAO Directors General from their region to at least one call per year to report. We also urge our Presidents to build a relationship and rapport with their local LAO staff so that issues can be addressed directly. By continuing to work to build this dialogue, we believe many of the “small” issues that have, in the past, festered for years can be addressed and dealt with before they become “big” issues.

New LAO CEO

In December of 2015, long-time CEO of Legal Aid Ontario, Bob Ward, retired and his replacement was announced. David Field is the new President & CEO, effective January 1, 2016. Prior to this role, Mr. Field was Director and Chief Financial Officer at the Ministry of the Attorney General and in the most immediate past role was the Vice President of Strategic Planning and Compliance at LAO.

On the day of his appointment, Mr. Field reached out to the Federation and promised a continued close working relationship with our Association in the coming years. We appreciate this gesture and look forward to working with him and his colleagues at LAO on this critical file.

Comparing Certificate Coverage: 1994 – 2015

CRIMINAL COVERAGE	COVERAGE 1994?	COVERAGE 2015?
Loss Of Liberty	Yes	Yes
Secondary Consequences/ Loss Of Livelihood	Yes	No
Bail Reviews/Proceedings	Yes	Limited to loss of liberty
Appeals	Yes	Limited to loss of liberty
First Offenders/ Person Without Criminal Record	Yes	Limited to loss of liberty
Aboriginal Clients	Yes	Limited to loss of liberty No coverage for Aboriginal clients facing charges that are protected by their Treaty and <i>Indian Act</i> rights.

REFUGEE	COVERAGE 1994?	COVERAGE 2015?
Hearings	Yes	Yes
Deportation	No	No
Humanitarian and	Yes	Limited

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FAMILY	COVERAGE 1994?	COVERAGE 2015?
Services for DV Clients	Yes	Yes
Custody, Support, Access	Yes	Yes
Property	Yes	No
Variations	Yes	Limited to complex matters
Divorce	Yes	Limited
Teens, Young Adults	No	Limited
First Nation, Métis, Inuit	No	Limited. No coverage for matrimonial property.
Pre-Litigation CFSA	No	Limited
Third Party CFSA	No	Limited
Unbundled Legal Services	No	No
Intersecting Legal Needs	No	No
Pre/Post Litigation	No	Limited to ILA, Separation Agreements

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MENTAL HEALTH	COVERAGE 1994?	COVERAGE 2015?
Services For Clients With Mental Health/Addictions	Yes	Limited to loss of liberty, CCB, ORB

CIVIL/POVERTY LAW	COVERAGE 1994?	COVERAGE 2015?
Wrongful dismissal, poverty law matters, other civil matters	Yes	No

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ALTERNATIVE BUSINESS STRUCTURES AD HOC COMMITTEE

Beginning in 2014, but continuing well into 2015, the debate over “Alternative Business Structures” was one that engrossed the practising bar and our membership. CDLPA took a cautious approach to the issue, but without a doubt, many of our members expressed grave concern with where ABS would take the profession.

Our submission to the Law Society is summarized here:

The Law Society of Upper Canada struck a working group in 2012 to look at Alternative Business Structures (ABS) and consider what, if any, forms of ABS could be implemented in Ontario. The Working Group released its initial Report to Convocation on February 27, 2014 outlining four potential structures for ABS. After further consideration and discussion, Treasurer Minor requested the Working Group draft a Discussion paper, designed to reframe the discussion around ABS to provide additional assistance to stakeholders in understanding and responding to the issue. The Discussion Paper was released on September 26th, 2014 outlining additional considerations to help frame the discussion.

The County and District Law Presidents’ Association (CDLPA) supports the Treasurer’s position that education and consultation occur before any form of ABS are considered, including hearing from the practising bar and other stakeholders.

We offer the following response to the Discussion Paper to begin that process and continue the dialogue to what we hope will be an appropriate outcome. The decisions reached by Convocation on this matter have the potential to affect the entire justice system and as such requires due care and consideration.

alternative
BUSINESS STRUCTURES
The Future of Legal Services



Alternative Business Structures and the Legal Profession in Ontario: A Discussion Paper

Alternative Business Structures Working Group Members
Malcolm Mercer, Co-Chair | Susan McGrath, Co-Chair
Constance Backhouse | Marion Boyd | Ross Earnshaw | Susan Elliott | Carol Hartman | Jacqueline Horvat
Brian Lawrie | Jeffrey Lem | Jan Richardson | James Scarfone | Alan Silverstein | Peter Wardle

The Law Society of Upper Canada | Barreau du Haut-Canada

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SUMMARY OF CDLPA'S POSITION

It is the position of CDLPA that the Law Society first define the true problem (or problems) it is seeking to solve. At this stage, neither the problems they seek to correct, nor the solutions they are proposing, are adequately described, nor necessarily directly connected. As such, pursuing ABSs further in the short term without a careful examination of the practical effects on the profession and the legal resources market could put the public in direct risk of harm and cause irrevocable harm to the profession.

What is under consideration is not a mere tinkering with the current regulatory system. To consider non-licensee majority ownership of law firms would be transformative for the legal profession in Ontario and unique in this country. One cannot simply consider what might be accomplished under such a regime. One must also consider what unintended consequences might come along with it. Simply put: would the Law Society be creating more problems than are being solved?

CDLPA represents a constituency that forms the backbone of the legal profession in Ontario. Our membership is mostly comprised of solo and small firms spread across Ontario that operate on the front-lines of the legal system. We view our membership as the “grassroots” of the legal profession who struggle every day to provide the best representation possible for their clients and to run viable, profitable businesses at the same time.

The initial “gut” reaction from much of our membership has, so far, been quite negative to ABS. At the same time, that reaction has also revealed that our membership feels inadequately informed of the discussion (both the pros and cons of the various models) and they desire more information and more rigorous dialogue and consultation. To that end, we appreciate the cautious and consultative approach taken by the Law Society to this point and acknowledge that the Treasurer and Committee have resisted any efforts to unnecessarily accelerate the process.

In response to this consultation and echoing the cautious approach of the Law Society, the CDLPA executive have taken the cautious and, we believe, prudent view that it is premature to consider implementing any form of ABS without the full range of issues being clarified and further empirical evidence on the effect of ABSs becoming available. In other words, we believe there is merit in some parts of the discussion about ABS and it is our desire to use this discussion as a platform for a broader discussion about the modernization and improvement of the regulatory structure under which the legal profession operates in Ontario.

SUMMARY RECOMMENDATIONS

More specifically, CDLPA makes the following recommendations to the Law Society of Upper Canada in response to the Discussion paper:

- 1) The vision for ABS in Ontario must be further clarified if true consultation is to occur. Further, a clearer answer on the rationale for alternative business structures needs to be offered. Will the vision lead to a successful outcome for both the profession and for legal consumers?

The mandate of the Law Society is to regulate the legal profession in the public interest, but we do not yet fully understand, or frankly accept, the connection between the public interest and ABS. Care

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must be taken in this examination that the protection of the public and the impact on the profession is realistic and not only theoretical.

- 2) In the Discussion Paper, technology and innovation emerge as themes and this is a welcome discussion. In our view, however, the Law Society should review and consider the use of technology in law to provide clearer guidance to the profession on the use of technology in practices, in particular to support solo and small firms as the predominant service providers to Ontarians. If more technology and innovation in the practice of law is a goal of the Law Society, guidance on the use of same should be provided first and outside the scope of a broader discussion on ABS. We believe that such a discussion could prove more fruitful, and carry much less risk, than a discussion about the current regulatory regime.
- 3) We recommend that the Law Society move the discussion away from “ABS” exclusively and into a more fruitful and less politically charged discussion about potential improvements and modernization of regulation. In one respect, “ABS” is a broad and far-ranging theoretical discussion about regulatory modernization, but at the same time focusing on ABS is also, in our view, limiting discussion about positive changes that can – and should - be made to the overall regulatory regime.

There are many interesting ideas arising from the discussion of regulatory modernization. There are also regulations that can be modernized to make more sense, better protect the public and help with our lawyers’ interactions with key stakeholders. We agree it is time to get the regulator and the profession adapting to the realities of the current legal system, including “access to justice” issues, rapidly changing technologies and changes to the needs and wants of the 21st century client. However, moving the discussion to better opportunities around modernization that are not necessarily ‘ABS’, reframes the goal of this exercise to, what we believe to be, a more fruitful discussion.

...

Since this consultation, the Law Society has gone through a Bencher election (reported on in greater detail later in this report) where the issue of ABS was a topic of much discussion. The new Convocation has dramatically slowed their work on the topic. While some form of “ABS” remains on the agenda of the Law Society into 2016, the appetite to move forward quickly has dissipated. The Law Society has also decided to remove the notion of non-lawyer ownership of law firms, if the firm does work related to the owners interest. In other words, the Professional Standards Committee looking at ABS recommended against ownership of law firms by lenders, title insurers, real estate agents, etc. if the firm does real estate work, for example. This concession has greatly relieved many of our members who have expressed a concern with Alternative business structures.

Moving into 2016, we continue to be vigilant on this file and ready to participate in any debate and dialogue on the topic. We do not expect it to come back onto the agenda in a significant way until after the election of a new Treasurer in June of 2016.

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PROFESSIONAL STANDARDS – ADVERTISING & MARKETING

In 2015, the Professional Standards Committee of Convocation also took a look at the rules respecting marketing and advertising, conflicts of interest, short-term legal services and handling incriminating physical evidence. CDLPA was mostly concerned with the rules respecting marketing and advertising. Our submission to the Law Society is summarized here:

Subject to our comments below, we are generally in agreement with the proposed changes relating to Conflicts, Doing Business with Clients, Short Term Legal Service and Incriminating Physical Evidence. However, we have significant comments and concerns with respect to the proposed amendments on Marketing, and therefore we begin our submission here.

Section One: Marketing

As a start, we note that Rule 4.2-0 of the proposed amendments maintains the existing definition of “marketing”. To the extent that this is a definition section, we submit that it should be updated and made explicit to include all internet based advertising including websites and social media. Very clearly, law firms, like other professional services, are taking to the internet to market their services. This includes not just a law firm website, but also social media including Facebook, Twitter, and You Tube.

In reviewing the Report to Convocation of June 25th, 2015 from the Professional Regulation Committee, we were encouraged, particularly on reading the section entitled “Issues Raised About Advertising” on pages 128 and 129. However, on reading the actual proposed changes to Rule 4.2 and the corresponding Commentary, we felt that the proposed rule changes fell short of the mark in a few specific areas.

For ease of reference, we have prepared a chart (below) quoting the various sections under the heading entitled “Issues Raised About Advertising”, and then, in the next column, quoted the relevant proposed rule/commentary change followed by a third column which contains our comments. We hope this method will be easy to follow.

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Issues Raised About Advertising	Proposed Rule Amendment	Comment
<p>(a) Lawyers sometimes use endorsements and awards in their advertising. This advertising may refer to professional publications and awards conferred by consumer organizations. The advertisements often contain insufficient detail about the award which means that it is difficult for members of the public to determine whether the lawyer paid to receive the award (either directly or indirectly through advertising); nor is it clear whether the lawyer received the award based on merit or any selection criteria.</p>	<p>Rule 4.2-1.1: For greater certainty, the following marketing practices would contravene the requirements of Rule 4.2-1:</p> <p>(f) referring to awards or endorsements unless accompanied by information sufficient for the public to make an informed assessment of the award including: the source of the award, the nomination process and any fees paid by the lawyer, directly or indirectly;</p> <p>Commentary [2]: Examples of marketing practices which may contravene these requirements include: (d) advertising awards and endorsements from third parties without disclaimers or qualifications.</p>	<p>We agree with the sentiment expressed that lawyers and law firms are currently using endorsements in their advertising when such endorsements are often for a fee or without any sense as to how an award or endorsement was bestowed upon the lawyer or law firm or what voting process took place for the lawyer or law firm to receive the award. However, we find it confusing that the proposed rule 4.2-1.1(f) states that referring to such awards or endorsement without additional information “would contravene” the requirements of rule 4.2-1 when commentary [2](d) seems to suggest that such marketing practices “may contravene” rule 4.2-1. CDLPA supports the proposed wording in rule 4.2-1(f) and submits that commentary [2](d) is superfluous, confusing and unnecessary.</p>
<p>(c) Some advertisements contain statements about fee arrangements, such as contingency fees, without a disclaimer. The advertising contains no reference to the client’s responsibility to pay the lawyer’s disbursements. For example, the client may well be required to cover the costs incurred by the lawyer such as photocopying, even if the litigation is unsuccessful.</p>	<p>Commentary [2](c): referring to fee arrangements offered to clients without qualifications.</p>	<p>We agree with the sentiment expressed by section (c) in the Issues Raised About Advertising. However, we find that commentary [2](c) falls short of that sentiment. We submit that commentary [2](c) is overly vague, as the profession may have some considerable difficulty understanding to what “without qualifications” is referring. While we agree that the commentary should not provide an exhaustive list of fee arrangement qualifications, at least some guidance or example should be provided. We suggest that commentary [2](c) should be</p>

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		<p>amended to read “Referring to fee arrangements offered to clients without qualifications such as whether the client is responsible to reimburse the lawyer for the disbursements incurred on the file, even if the litigation is unsuccessful”.</p> <p>CDLPA’s real estate group has further and more specific commentary with respect to “all in” fee quotes and “disbursements” specific to a real estate transaction. Their commentary is provided separately below.</p>
<p>(d) Some advertising may contain misleading information about the size of the firm, the number of offices or the areas of practice; The fact that the lawyer will likely refer the work to others is not indicated in the advertisement. The nature of the service provided to the client is in fact a referral for legal services, and not legal representation.</p>	<p>Commentary [2](b):</p> <p>misleading about the size of the lawyer’s practice or the areas of law in which the lawyer provides services</p>	<p>Again, we endorse the sentiment expressed in paragraph (d) in the Issues Raised About Advertising. However, the sentiment is not reflected in the proposed amendment to commentary [2](b). What is missing in the proposed commentary is the size of the firm, the number of firm offices and the fact that the lawyer will likely refer the work to others for a referral fee.</p> <p>Our research has disclosed a number of objectionable practices within the profession. These objectionable practices are referenced in paragraph (d) in the Issues Raised About Advertising. First, some law firms misrepresent the size of the law firm (as opposed to the size of the lawyer’s practice). Specifically, some law firm advertising, especially on their websites, will contain a firm photograph that includes not just the lawyers in the firm but any other person who is employed by the firm including law clerks and legal assistants. This gives the public a misleading sense that the law firm is much larger than it actually is in terms of the number of professionals on staff. (Note, we do not object to recognizing the non-lawyer staff on a web-site, but would simply suggest that it be made clear which staff are professional staff and which are support.)</p> <p>Second, a number of law firms advertise that they have offices in various cities across the province. Very often it turns out that these other locations are unstaffed empty offices to which a lawyer from the</p>

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		<p>law firm's head office can attend if it is <u>necessary</u> to meet with a client in that locality. The result is that law firms who are advertising such offices give misleading information to the public as to the overall size of the law firm, ie, that it is a province wide law firm as opposed to a local law firm with rented space in other cities or towns. In those circumstances where a lawyer serving a particular rural or remote clientele has other offices to which she or he utilizes, we would simply suggest that they note in their advertising the address of the main office and denote which offices are secondary or temporary offices.</p> <p>Third, the Law Society and the profession knows that there are some law firms that spend very large sums of money to advertise when in fact they are little more than a referral source for legal services. We would submit that all three of these concerns should be reflected in commentary [2](b). These concerns are referenced in paragraph (d) under the Issues Raised About Advertising. We would suggest that commentary [2](b) be amended to read "misleading about the size of the firm, including the number of lawyers, the number of serviced offices or the areas of law in which the lawyer provides services".</p> <p>We would then recommend an additional paragraph (e) to commentary [2] which would state "advertising legal services without disclosing the reasonable likelihood of being referred to others outside the firm".</p>
<p>(e) In some cases the location and context of lawyer advertising may indicate a lack of professionalism.</p>	<p>Commentary [4]:</p> <p>Examples of marketing practices which may be inconsistent with a high degree of professionalism would be images, language or statements that are violent, racist or</p>	<p>We submit that the proposed commentary [4] fails to take into account the concern raised in paragraph (e) under the Issues Raised About Advertising. Specifically, the location and context of the lawyer advertising is important. To be specific, we believe that members of the Law Society or Convocation are aware of advertising that has been placed within the men's</p>

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	sexually offensive, take advantage or a vulnerable person or group or refer negatively to other lawyers, the legal profession or the administration of justice.	washroom facilities at the Air Canada Centre, for example. The Law Society may also be aware that many personal injury law firms have very prominent advertising in and immediately adjacent to hospitals. We submit that the location and context of such advertising most definitely is inconsistent with a high standard of professionalism. It cannot seriously be contested that prominent personal injury firm advertising in and immediately adjacent to hospitals is anything other than blatant ambulance chasing. Such advertising disparages the reputation of all of the lawyers in the province. We therefore recommend that the following words be added to the end of commentary [4]: “or be in locations or in context that may indicate a lack of professionalism or lessen the public image of the profession”.
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Specific commentary from the real estate bar on the subject of marketing:

In the real estate bar, there appears to be a general reluctance to go near any issues involving fees and costs to the public so as not to create any issue with Federal Competition Bureau. That said, the proposals noted in this consultation with respect to “all-in fees” and a better definition of “disbursements” are, in our view, in the public interest and fall well short of anything that might concern the Competition Bureau. The basic premise behind these proposals is to provide members of the public with consistent information so that they can compare services and pricing. As matters now stand, “all in” fee quotes are generally misleading and subject to a wide interpretation, which is beyond the average member of the public. Often, they appear to be used in a manner to get the business in the door and then the quoted fees are inevitably added to as part of the “service”.

With basically no definition of Disbursements under the Rules of Professional Conduct, some solicitors in the real estate bar have taken to liberally interpreting the term and passing on to the public costs which should normally be part of overhead. The most simple examples of these are references to “Documentation Preparation Fee” and “E-Reg User Fee” as disbursements, despite the fact that no actual disbursement is incurred and likely the documents have been prepared by the lawyer’s own staff.

CDLPA has received input from several lawyers across Ontario asking for this issue to be discussed with the Law Society, as these lawyers feel that the Law Society has not been providing adequate assistance or clarification on what constitutes a disbursement. The proposed amendments to the Rules of Professional Conduct offer an opportunity for the Law Society to offer this clarity which should result in a decrease in potentially questionable practices.

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“All-in Fees”

In our view, a strong argument exists for the Rules of Professional Conduct to outright ban “all in” fee quotes in advertising. Arguments in favour of this position include:

- *“All-in Fees” leave the public with the impression that all real estate deals are the same. If lawyers can set one price, in advance, then the real estate transaction is “widgetized” in the mind of the public and this has a long-term, negative impact on both the business of the real estate bar and on the public’s understanding of what is actually involved in a real estate transaction.*
- *Faced with a self-imposed fee ceiling, at least notionally, there will be pressure, conscious or not, to skimp on disbursements in order to maximize fees. Standards are inevitably compromised in the quest for margin.*
- *Faced with a truly complex transaction and a fixed return, the temptation to find a way to charge additional fees will be strong.*
- *The public is better served by having an upfront and detailed discussion of fees and disbursements with a lawyer before the retainer is finalized. The lawyer is made aware of the true scope of the transaction, quotes fees and disbursements accordingly, and the potential client makes an informed decision about going forward with this lawyer, or not.*

The CDLPA Real Estate Committee further believes that all quotations should be broken down between legal fees and disbursements, including land transfer tax. It would not be difficult to draft appropriate regulations and standard forms to address this. Once in place, the public would be capable of comparing apples to apples. They would also be able to look at the difference in disbursements being quoted to them by different law offices and, presumably, ask knowledgeable questions about why one office quotes higher or lower disbursements than another. These new rules, regulations, and forms could be accompanied by a public information campaign (done in partnership with the real estate bar) which, handled correctly, could do much to restore the credibility of our profession in the real estate industry.

Regardless of whether they are banned or regulated, there is plenty of precedent for trying to level the playing field for the public in terms of pricing goods and services. Three examples from other industries are provided in the Appendix A to this letter.

Disbursements

It is our view that “disbursements” need to be defined and regulated by the Law Society in the interests of consistency among lawyers so that members of the public may be able to adequately compare fee quotes. This cannot be done if what is treated as overhead by one lawyer is charged as a disbursement by another lawyer.

The Law Society could assist itself and lawyers by developing a list of acceptable disbursements in various practice areas. The existence of the list would mean that the Law Society would not be constantly fielding questions as to what is an acceptable disbursement. The profession would have a list to which it could refer. In

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the presumably rare instances where something is not on the list, consultations could be had with the appropriate staff at the Law Society, a ruling could be made, and, in appropriate circumstances, an addition could be made to the list of acceptable disbursements. One would anticipate that the list of acceptable disbursements would be updated regularly, posted on a website, and available to all with a few key strokes.

Application of these Rules to Paralegals

While we appreciate that the call for input relates to the proposed amendments to the Rules of Conduct, we would also strongly submit that whatever amendments are in place for the lawyers in the province, also be in place relative to the paralegal profession. Currently, Rule 8.03 of the Paralegal Rules of Conduct is the same as the current Rule 4.02 of the lawyers' Rules of Professional Conduct. Therefore, to the extent that there are amendments to the lawyers' Rules of Professional Conduct on marketing, those same amendments should apply to paralegals, and that no changes should ever be made to marketing rules for paralegals or lawyers without a parallel change in the other.

Unlike the Rules for lawyers, there is no commentary in the Paralegal Rules of Professional Conduct. Rather, paralegals are governed by Professional Conduct Guidelines. Guideline 19(5) is comparable to the existing commentary with respect to lawyer marketing. Again, if the commentary for the legal profession is going to be amended, Guideline 19 for the Paralegal Profession should be similarly amended.

On the subject of paralegal advertising, CDLPA would like to make two additional submissions:

- We continue to receive anecdotes from amongst our membership that report some paralegals are marketing their services in a manner that might lead a potential client to think that the paralegal is actually a lawyer. This is particularly so in communities where English is a second language, but not exclusively so. We understand that in some languages, the literal translation of paralegal and lawyer is the same leading to further confusion.*

CDLPA would like to see an amendment to Guideline 19 that would mandate that any paralegal marketing or advertising specifically identify the individual as a paralegal. For example, a paralegal advertisement that stated: "John Smith, a Member of the Law Society of Upper Canada" would violate the Guideline because a member of the public may reasonably conclude that John Smith is a lawyer. However, if the advertisement read: "John Smith, a Paralegal Member of the Law Society of Upper Canada", there would be no objection. Concomitantly, if a lawyer wishes to identify their standing with the Law Society, they would say "Lawyer Member of the Law Society of Upper Canada" or simply "lawyer".

- We further recommend that paralegals and lawyers advertising or marketing their services in languages other than English and French should be compelled to provide to the Law Society, on request, a certified translation in either English or French and verify that the wording used does not violate either of the respective Rules of Conduct or Guidelines.*

Commentary on Enforcement

Lastly, amending the Rules of Professional Conduct for lawyers and paralegals will only address the various concerns that have been expressed if enforcement of the rules is expeditious and effective. While it may be that the Law Society investigates breaches of the rules on a complaints basis, the current means by which

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potential rule violations can be brought to the attention of the Law Society does not work well in the context of marketing and advertising.

The current complaint process and complaint form may be appropriate in the context of a client complaint such as delay, failure to reply to communications, rude behaviour, etc. but it does not work well where a member of the profession wishes to bring a potential marketing/advertising violation to the attention of the Law Society. We submit that there should be a separate and distinct complaint process in place when it comes to lawyer/paralegal marketing and advertising. This process should include the option of anonymity for the complainant, since the subject of the complaint is very easily verifiable by the Law Society. After all, we are dealing with information that is in the public domain and not confidential information that may be sitting within a lawyer's file.

In short, it should be enough for at least a preliminary investigation to be launched that the Law Society receives a copy of a printed advertisement, a screen shot, a picture of a billboard, an audio recording of a radio ad, a video from a TV ad, etc. where the content is potentially in violation of the Rules.

As of the writing of this report, the Law Society Professional Standards Committee has decided to defer a decision on the proposed rules around Advertising and Marketing and to further study the matter to come back to Convocation in the late Spring of 2016 with clarified rules.

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REAL ESTATE COMMITTEE

BACKGROUND

At the November 2013 CDLPA Plenary, the Presidents unanimously passed a resolution that urged CDLPA to petition the Law Society to establish a working group or committee, including the direct involvement of LawPRO, to examine the state of real estate practice and the problems faced by the real estate bar, with the objective of developing a plan to address identified problems in the long-term interest of the public of Ontario.

REAL ESTATE LIAISON GROUP:

The Real Estate Liaison Group met a number of times over 2015. After the Bencher election in the spring, the RELG welcomed two new members – Benchers Jerry Udell and Sid Troister – as well as additional policy support from Julia Bass from the LSUC Policy staff. With the election of the new Benchers, the Treasurer formed a new “Real Estate Working Group” as a new committee of Convocation, to look at all the issues affecting the real estate bar and, notably, to receive advice from the RELG.

Bencher Ross Earnshaw, who acts as the Chair of RELG, updated the Group on the ABS report to Convocation which was presented in October, and noted that the concerns of the real estate bar were specifically addressed in their interim report. He confirmed that the ABS Committee, in particular, heard the concerns of the real estate bar and recommended against ownership of law firms by lenders, title insurers, real estate agents, etc. if the firm does real estate work. The RELG was very pleased with this development and continues to watch the work of the ABS Committee with great interest.

LawPRO Update

The RELG also received another presentation from LawPRO’s CEO, Kathleen Waters. The summary conclusion of her presentation is that in recent years, real estate is no longer the #1 area of concern in terms of claims and the value of those claims. In fact, in recent years, civil litigation and family have surpassed real estate as the largest area of concern to LawPRO. Real Estate is still a significant area of claims, but the costs of claims is now lower than the levies paid on real estate files.

Ms. Watters went on to provide a briefing on the REPCO coverage offered by LawPRO. (This coverage is additional insurance required by anyone with a Teraview licence and was created in 2008 when the 2 Lawyer Rule and requirement for Lawyers to sign all Transfers came into effect.) The original cost in 2008 was \$500 per year. In 2010 the cost was reduced to \$400, in 2014 it was \$250 and in 2016 it will be reduced to \$100. The REPCO endorsement covers registration of fraudulent instruments registered by dishonest lawyers. So far, only one claim has been paid out since 2008. (Note: if a lawyer has a partner, then any such compensation would come out of the “innocent partner fund” and not the REPCO fund – REPCO basically covers sole practitioners). As a result, LawPRO now has a substantial reserve in REPCO, but one large claim could theoretically wipe it out. There are currently 7,800 REPCO endorsements.

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Raising the Roof – High School Curriculum

Ray LeClair, Vice President of Public Affairs at LawPRO also presented on an initiative of Ontario Justice Education Network (OJEN) and LawPRO to create a real estate module for the use in law classes in Grade 12 high school called “A Foot in the Door”. Ray has worked closely with OJEN to create a curriculum with six components: General real estate; budgeting & negotiating, purchasing; renting; mortgaging; and housing & human rights. They are working to get this resource into the schools and make it available to the teachers. (The program was formally launched November 3, 2015.)

There is a component of this program that encourages the local high-school teacher to reach out to real estate lawyers in the community to come in and deliver a guest lecture or teach one of the modules. This could be a good role for our local associations to help be a connector between high-school teachers who are looking for a real estate lawyer. If the logistics can be worked out, this could provide “good PR” for the local real estate bar.

POLICY DISCUSSIONS

In the last meeting of the RELG, three policy items/ideas were presented for discussion. Those issues were:

- Mandatory practice specific CPD
- Requiring lawyers to sign mortgages
- Advertising “all-inclusive fees”

Mandatory Practice Specific CPD

CDLPA presented the argument that, in the field of real estate law at least, there should be some kind of rule that the required CPD should at least in part be focused on real estate law, if the primary practice of the lawyer is real estate.

On this topic, there was general agreement by the RELG that it could be a good idea, but that there were also some problems with this. Some specific comments included:

- Would this really get to the root of the problem? For example, a technically-oriented CPD program does not get at the root of the problem around poor communication or failure to investigate, which are the two main areas of concern in real estate.
- There was also broad discussion around post-call competence improvements in general. In the course of this conversation it was pointed out that the statistics show that a lot of the problems in real estate were with older practitioners who are just not keeping up or have started to cut corners. A CPD program might not fix this.
- It was also pointed out that improving CPD does nothing to stop the “crooks” in the system. The fraudsters will continue to be fraudsters. (We acknowledged that this is the case, but also

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acknowledge that there is no one solution to the problems of real estate law being done badly. There needs to be a number of solutions.)

- The Law Society expressed its reticence to set up specialized licensing, but also acknowledged that the discussion around specialized licensing is on the current agenda for discussion at Convocation, arising from the “Strategic Planning” exercise that was undertaken with the new Benchers. The Law Society felt there is likely be reluctance among some of the Bar to have de facto specialized law licenses. We noted that our straw poll of Presidents in the November 2014 plenary indicated that there were only two Presidents, out of 46, who had concerns.
- Ross Earnshaw reported that the Strategic Planning exercise of Convocation considered four or five different components that touch on post-call competence and certainly the real estate working group is conscious of the issue and is bringing it forward in the discussion. Post-call competence is a big focus, but there is nowhere near any consensus on how to get there. (We can now confirm that “improving lifelong competence of lawyers” is one of five key strategic pillars arising out of this strategic planning exercise and so, under this pillar, we will continue to make the case in 2016 for specialized rules that improve the competence of real estate lawyers.)
- The RELG also considered the idea of having LawPRO make it a stipulation of its real estate insurance coverage (the REPCO) that a box be checked that stipulates a certain number of hours of training in real estate. Some Benchers were very supportive, but there was some reluctance by LawPRO who stated that they didn’t want to be getting into the regulatory jurisdiction of the Law Society. They also confirmed that it is the Law Society that established the REPCO Requirements, not LawPRO. Currently, a lawyer cannot obtain REPCO coverage if the lawyer has been disciplined for fraud, if the Law Society has restricted the lawyer from practicing real estate, or if the lawyer is an undischarged bankrupt.
- There were also some concerns expressed since the Law Society is moving towards entity based regulation rather than individual regulation, which is a move towards more general and less prescriptive regulatory requirements, not tighter/stricter requirements.

The RELG concluded that there was no broad consensus on this idea, but would let Convocation’s strategic planning exercise run its course and continue to seek opportunities to move the idea or similar ideas forward in the context of post-call competence enhancement.

Lawyers sign mortgages:

Lawyers are required to sign transfers, which means that a lawyer must be involved in any transaction that results in the transfer of land. This was introduced as a way to prevent mortgage and title fraud in 2008. Lawyers are not required to sign Mortgages or Discharges. Anyone with a Teraview licence can sign and register a Mortgage or Discharge.

The RELG considered whether or not there was merit in requiring lawyers to be involved in all mortgage or discharge transactions as a way to help to reduce mortgage or title fraud.

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Broadly speaking, the members of the RELG noted their support for this idea in concept, but also expressed skepticism that there was enough consumer-oriented impetus to make this happen. It is believed there might be strong opposition from banks and title insurance companies to such a move. It was noted that unless and until the banks start to fuss about the amount of mortgage fraud, this issue is likely a non-starter.

It was also noted that there is now more value fraud than identity fraud, so lawyer involvement may not provide the fix to the issue. Such a move will also not fix any issues with lawyers who participate in a fraud or are duped.

The RELG decided to keep this item on the agenda for future consideration, but felt skeptical that it was an idea that would have significant impact on the core challenges facing the real estate bar.

Advertising All Inclusive Fees and Defining Disbursements

The Rules of Professional Conduct are currently being reviewed and the Committee is presently seeking input from the Bar on rules around advertising. This is an area that the real estate bar is especially concerned with, and in particular is concerned with marketing that quotes low fees without making it clear what the disbursements might be.

At the RELG, there was broad consensus that “something” should be done in this area and encouraged CDLPA to make a submission to the Professional Standards committee. Since the September 28th meeting, that submission has been made and a very strong argument has been put forward. We continue to monitor this issue closely.

OTHER ACTIVITIES:

In early October, Real Estate Chair, Merredith MacLennan, and Executive Director Michael Ras, travelled to Barrie to speak to the Simcoe County Real Estate Law Association. Merredith and Mike are eager to come out to any other group, schedule permitting, that is meeting on this topic and hear your feedback.

The Committee is canvassing lawyers for any and all ideas that can help strengthen the practice or enhance consumer protection. It is becoming increasingly apparent, however, that most of the issues that can be dealt with by the Law Society or the Ontario government is being dealt with. Our biggest concerns around the Law Society not paying attention to the real estate bar and its issues are being addressed and certainly the election of more real estate solicitors in the most recent bench election has helped.

Looking forward, we believe the activity of this committee will likely shift focus to those tactics that can support the bar in the marketplace through better marketing of the value proposition for real estate law. In the next few months, work will be undertaken to determine whether such a campaign is feasible and affordable.

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Schedule A

Resolution for Presentation to CDLPA Plenary

Re: Establishment of a Real Estate Task Force Under the Auspices of LSUC

BE IT RESOLVED THAT:

The County and District Law Presidents' Association ask the Law Society of Upper Canada to establish a Task Force, Working Group, or other effective vehicle on Real Estate, including the direct participation of LAWPRO, to examine the current state of the real estate bar and practice, and problems faced, with the objective of developing a plan to address those problems in the long-term interest of the public in the Province.

BE IT RESOLVED THAT:

The County and District Law Presidents Association forward to the Law Society of Upper Canada the following list of issues to be addressed by the Real Estate Task Force, recognizing that this list is not comprehensive and may be expanded as the formal mandate of the Task Force is developed and as the work of the Task Force progresses:

The Real Estate Bar's Role in Access to Justice and the Legal System

- Claims Against Real Estate Lawyers
- Complaints Against Real Estate Lawyers
- Disciplining Real Estate Lawyers
- Practice Standards for Real Estate Lawyers
- The Education Deficit for Real Estate Lawyers
- Identifying and Leveraging Existing Resources for Real Estate Lawyers
- Expanding the Real Estate Lawyer's Tool Box
- Lack of Representation in Governing Bodies for Solicitors in General and Real Estate Lawyers in Particular
- Possible Implications for the Real Estate Bar of the Law Society's Examination of Alternate Business Structures
- Title Insurance and Its Impact and Potential Impact on the Real Estate Bar
- Relegation of the Real Estate Bar to "User" Status in Many Quarters
- Development of a Stakeholder Role for the Real Estate Bar
- The Importance of a Strong Real Estate Bar to the Economic, Social and Cultural Fabric of our Province
- Ways to Improve Regulation of the Real Estate Bar to Better Protect and Assist the Public
- Seek options for greater dialogue and cooperation between lenders and the Bar. Investigate options for lawyers and their clients for secure, timely, efficient and cost effective funds transfers.

REGIONAL REPORT

In lieu of region-by-region reports, for this annual report of the Federation we have decided to focus on those issues that are common across all or most regions. On the regular bi-monthly or quarterly conference calls that each regional representative has with the Presidents in their region, certain themes and common issues arise beyond those which have been discussed already in other parts of this Annual Report.

Three issues that first arose as a result of our regular calls were the issues of courthouse security and the consolidation of mortgage actions in some regions.

Courthouse Security:

On the subject of courthouse security, many associations reported that it was becoming more difficult for members of the practising bar to access courthouses because of new, more onerous courthouse security procedures. As the Ministry of the Attorney General has reminded us regularly, the responsibility for courthouse security rests with the local police who sets standards based on the level of threat that the local police perceives as existing in that particular court. The result is a patchwork of security procedures that differs courthouse to courthouse and community to community. Some local police have implemented procedures that require everyone entering the court, including lawyers who have business in the court, to subject themselves to a security screening that may include going through an airport-style metal detector and subject their bags to a search. It is this search that we find the most objectionable and have expressed that position to the Attorney General and to any police force that tries to implement such a procedure. Any procedure that could interfere with privilege and the confidentiality of a lawyer's files must be opposed.

In other courts, such as in Ottawa, the local association was able to negotiate an arrangement with the police that would allow anyone with a local association issued official identification the opportunity to skip the security line and breeze through security more quickly. This is itself an imperfect solution since visiting counsel from out-of-town are not afforded this privilege. Nevertheless, it seems to be a solution that works for most and has the salutary benefit of increasing membership levels in some associations.

The issue of courthouse security and the overreach of police also came up in reference to the case of lawyer Laura Liscio in the Peel courthouse in early 2015. In this case, Ms. Liscio was arrested, while in her robes and tabs, for allegedly "smuggling" drugs into the holding cells. Unbeknownst (as it turns out) to her, she was bringing clothes into her client for an appearance and stashed in those clothes were illicit drugs. This story is a cautionary tale for any lawyer who brings items of clothing or other things into the jail on behalf of their client. Most disturbing to us was the behaviour of Peel Regional Police who stopped Ms. Liscio, searched her and arrested her in the court and then proceeded to march her out of the court in handcuffs still wearing those robes and tabs which clearly identified her as a lawyer. The respect that any member of the Bar should be afforded when in the Court was not given to Ms. Liscio and it should have been.

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The moves by local police to insist on searching members of the Bar as they enter court and the example of the Laura Liscio case illustrate a fundamental problem that must be addressed by the Attorney General, in our view. While security delivery is the responsibility of local police who need some degree of discretion, we believe a more consistent set of guidelines and policies governing the work of police should be applied across Ontario. This would serve to equalize security procedures, making those courts where there is lax or more passive security more consistent with other courthouses. It would also make it easier for lawyers and other regular visitors to courthouses to know what the correct procedures are and what bounds the police work under.

To be clear, members of the Bar have expressed to the Federation that they greatly value the work of police in providing security. After all, the courthouse is a lawyer's workplace and everyone deserves a safe workplace. Our concern, and the concern of our members, is that the policies and procedures governing the work of police who provide security in Ontario's courthouses should be consistently applied across the province and that private-bar lawyers deserve and should expect the same level of respect as any other officers of the court and regular employees who work at the court.

Mortgage Action Consolidations:

In March 2015, the Civil Rules Committee announced a rule change that would give discretion to local Regional Senior Justices to designate one court in their district as the only place where mortgage actions can be initiated and that any actions must be initiated in the Region where the land or title exists. This rule was designed to prevent the practice of "mortgage action dumping" that was swamping some courts (particularly Halton and Hamilton, where most Ontario mortgage actions initiated by a few Schedule A banks were filed). On the face of it, this action seemed innocuous enough to the Rules Committee and to many RSJs who implemented a rule in their district to consolidate actions in a single courthouse. At the May 2015 Plenary, the issue was raised as a concern by a few Presidents, particularly those in Eastern Ontario and the Plenary delegates passed a unanimous motion directing CDLPA to register our objection.

The basis for our objection was that consolidating these actions would force unneeded expense onto clients, particularly those clients residing in smaller, rural and remote communities. The example was used that a private mortgage being held by an individual in Brockville that requires an action would either be forced to pay the extra cost borne by the Brockville lawyer or retain Ottawa-based counsel. In either case, this would not be fair to the Brockville lawyer or to the client with a real and direct cost being borne by people in smaller communities.

In the South Central Region (stretching from Kitchener-Waterloo to Niagara Falls) some local associations wrote their RSJ who immediately recognized the problem and rescinded his initial order to consolidate mortgage actions. In that region, a mortgage action can be filed in any court and the courts administrators are looking for other procedures to make the process more efficient and effective. In the East Region, Chair Eldon Horner, Regional representative Christopher Edwards and ED Michael Ras met with RSJ McNamara and petitioned him to consider changing his mind. As of the writing of this report, we have no official word back from RSJ McNamara but the "word on the street" is that mortgage actions can again be filed in any courthouse in East region.

REGIONAL REPORT

This example is important for two reasons: First, it demonstrates that when the local associations present information and the perspective of the practising bar to decision makers, we are listened to and can affect change. Second, this example is a part of a troubling trend to centralize more aspects of our justice system, and take away “business” from smaller community courthouses. In the guise of providing better “access to justice” and creating “efficiency” in the system many of the decision makers in the system are, in fact, inhibiting access to justice for many Ontarian’s in rural and more remote communities. This is a trend that we are steadfast in speaking out against and anytime we can get a decision like this reversed, we consider it a victory.

Adequate Administrative Staffing in Courts

Another troubling trend has emerged in recent months with respect to the adequacy of staffing levels in many courts. In some courts, such as the new Waterloo courthouse, insufficient staffing has become endemic and particularly challenging to deal with as many of the staff are out on long-term disability which means their positions cannot be filled in their absence. Inadequate staffing means that motions and orders are not filed in a timely manner, resulting in court delays and decisions that are not implemented quickly. In one particularly egregious case, a man seeking to get married first had to stand in one line to get the finalized divorce orders which were sitting in a pile for six months, before he could go down the hall to get a marriage license to solemnify his new marriage. On a more serious note, family lawyers note that child protection and support orders are sometimes delayed for days or weeks while they sit in piles and court sessions are often delayed while the paperwork for that session is dug out from the bowels of the courthouse.

On a related front, many associations report regular complaints from their members of surly or uncooperative court staff which also results in unnecessary delay and frustration. On this topic, there is not much that CDLPA/FOLA can do, except to point out specific and egregious cases to staff of the Attorney General. We have some sympathy with the management of the Ministry who have the challenge of managing a diverse, unionized workforce spread across many locations and who do important, but often boring or repetitive work. Nevertheless, we believe a lot of these problems can be overcome if the Ministry were to adequately fund and staff all of Ontario’s courts and to properly invest in the technology and modernization that will cut down on the paper-burden that often overwhelms our justice system.

The Strength of Our Local Associations:

The other theme that has emerged from all the regional teleconference calls and from the bi-annual plenary meeting is that most of our local associations are strong and vibrant. Across almost all associations membership is stable or growing; many associations are expanding their offerings of CPDs and other programming; most associations report a positive and stable financial position. This is all good news and a testament to the hard work of many volunteers who work hard for their colleagues across Ontario. It is also a testament to the work of the library staff who are the backbone of many associations and who work hard, often in relative isolation, to ensure both their practice resource centre and their association are strong and vibrant.

REGIONAL REPORT

As in anything there is always room for improvement and this continues to be a primary focus of the Federation as we move into 2016. We are eager to have associations share their “best practices” in association management and programming and to bring good ideas from other jurisdictions to the operation of the local associations across Ontario. To that end, CDLPA/FOLA is proud to be a member of the ***National Conference of Bar Presidents*** and the ***National Association of Bar Executives*** in the U.S. where we have access to what more associations across the U.S. are doing on behalf of their members. In 2016, watch for us to bring more of these ideas and best-practices to the attention of local association Presidents. Likewise, if there are any associations that want to tap into what is happening in the U.S., please do not hesitate to ask Executive Director Mike Ras.

The Board of the Federation is eager to help local associations grow and become stronger so if there is anything we can do, please do not hesitate to call upon us. Strengthening associations across Ontario is key to ensuring that we have a vibrant and healthy practising bar across the entire province.

2015-16 CDLPA/FOLA EXECUTIVE

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PAST CDLPA CHAIRS

PAST CDLPA CHAIRS

Willson McTavish	1980 – 1982
Colin McKinnon*	1982 – 1984
Douglas Thoman	1984 – 1986
Lloyd Brennan*	1986 – 1988
Nancy Mossip*	1988 – 1990
Michael O’Dea†	1990 – 1992
David Lovell	1992 – 1994
Harrison Arrell*	1994 – 1996
Richard Gates*	1996 – 1998
Johanne Morissette*	1998 – 2000
Lawrence Eustace	2000 – 2002
David Sherman	2002 – 2004
W. Ormond Murphy	2004 – 2006
Paul Kowalyshyn†	2006 – 2008
Randall Boccock§	2008 – 2009
Robert Zochodne	2009 – 2011
Michael Johnston	2011 – 2012
Janet Whitehead	2012 – 2014
Cheryl Siran	2014 – 2015

* Now of the Ontario Superior Court

† Now of the Ontario Court of Justice

§ Now of the Tax Court of Canada

2015 PRESIDENTS

2015 PRESIDENTS

The following individuals served as Presidents and leaders of their local law associations in 2015. This list is of the Presidents as of December 2015, so if your term ended earlier in 2015 and your name is not listed here, we apologize for the oversight, but respect your service to the profession.

Algoma Law Association	Eric McCoey
Brant Law Association	Deborah Ditchfield
Bruce Law Association	Sophia Newbould
Carleton Law Association	Steven Gaon
Cochrane Law Association	Lisa Barazzutti
Dufferin Law Association	Lianne Gorelle
Durham Law Association	Deborah Hastings
Elgin Law Association	Lisa Gunn
Essex Law Association	Barton Seguin
Frontenac Law Association	Kristin Muszynski
Grey Law Association	Greg Deakin
Haldimand Law Association	Aubrey Hilliard
Halton Law Association	Rachael Pulis
Hamilton Law Association	Kirsten Hughes
Hastings Law Association	Pieter Kort
Huron Law Association	Tim Macdonald
Kenora Law Association	Sayer Down
Kent Law Association	Jay Johnson
Lambton Law Association	Terry Brandon
Lanark Law Association	Craig Rogers
Leeds & Grenville Law Association	Clinton Culic
Lennox & Addington Law Association	Barbara Burford
Lincoln Law Association	Daniel Ventresca
Middlesex Law Association	Lindsay Kirk
Muskoka Law Association	Carrie Campbell
Nipissing Law Association	Don Wallace
Norfolk Law Association	Cary Vervaeke
Northumberland Law Association	Jason Schmidt
Oxford Law Association	Sandra Carnegie
Parry Sound Law Association	Joel Kennedy
Peel Law Association	Mahzulfah Uppal
Perth Law Association	Charles Dunphy
Peterborough Law Association	Joel Grant
Prescott & Russell Law Association	Marc Gauthier
Rainy River Law Association	Barbara Morgan
Renfrew Law Association	Tracy Lyle
Simcoe Law Association	Ted Chadderton
Stormont, Dundas & Glengarry Law Association	Gordon Campbell
Sudbury Law Association	Edmond Paquette
Temiskaming Law Association	Lisa Neil

2015 PRESIDENTS

Thunder Bay Law Association
Toronto Lawyers Association
Victoria-Haliburton Law Association
Waterloo Law Association
Welland Law Association
Wellington Law Association
York Law Association

Rene Larson
Chris Wayland
David Gemmill
Kelly Griffin
Alyssa Adams
Trenton Johnston
Wayne Kitchen

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