



The County & District

Law Presidents' Association

L'Association Des Bâtonniers

De Comtés et Districts

The Voice for Ontario's Practising Lawyers

Annual Report 2011

www.cdipa.org



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Introduction

The mission statement of CDLPA is:

1. To promote the interests of its member Associations throughout the Province of Ontario; and
2. To enhance the ability of its member Associations to represent and advocate the interests of their members.

The Mission statement, to a considerable extent, reflects the origins of CDLPA. Our focus is on issues affecting the practising Bar and local Law Associations.

CDLPA members are dedicated volunteers. For this reason, the Association has necessarily taken an issues-oriented approach and relies extensively on an ability to attract strong people to speak on specific issues on behalf of the whole. The ability to consult with the practising lawyers of Ontario and to reach a consensus on these same issues has long been a strength of CDLPA.

With respect to libraries, CDLPA appoints three of eight directors of Library Co. In addition, the CDLPA Standing Committee on Libraries has regional representation across the Province and representatives from the Ontario County Librarians Association.

There are a number of other Standing Committees of the Executive, including: Professional Governance, Courts, Judiciary and Government, Legal Services, Real Estate, Rules and Practice Issues and Legal Aid. All Committees are chaired by a member of the Executive.

The activities of all Standing Committees of the Law Society of Upper Canada ("LSUC") are monitored by the Chair and the Executive, and there have been many instances in which CDLPA has been granted representation on Task Force and Working Groups. Submissions are regularly made to all Committees of LSUC as issues affect the profession. In addition, a CDLPA Executive member has been appointed to the Board of Directors of LawPRO.

CDLPA will continue to fulfill its mission statement by active representation to or on the various Committees of LSUC that affect the practice of law in the Province of Ontario.



MESSAGE FROM THE CHAIR

The year 2011 was a busy year for CDLPA. Not only did we see a continuation of certain programs and initiatives from earlier years, but new challenges emerged.

There was a large turnover in the composition of the CDLPA Executive. A total of seven new members are part of the Executive. These are, John Buechler, Cheryl Siran, Jackie McGaughey-Ward, Eldon Horner, Nestor Kostyniuk, Bryan Hicks and Michael Winward. These new members, together with the “old guard”, comprise a very hard working and dedicated Executive.



In 2011, CDLPA participated in an Articling Symposium, following the November Plenary. This Symposium was organized by the Law Society at Osgoode Hall. The law students attended, free of charge, to meet prospective employers, some of whom were Association Presidents. CDLPA created a brochure for handout to the students, promoting the quality of life and advantages of practice in smaller communities.

In real estate, CDLPA and the Toronto Lawyers' Association joined forces to successfully combat a move by the Title Insurance Industry Association of Canada to have the provincial government amend the provisions of the Insurance Act. The effect of such a challenge would have been to seriously impair the services of the real estate bar to clients. Additionally, CDLPA arranged to put together an ad for insertion in newspapers across Ontario, promoting the role of lawyers in all aspects of the real estate transaction, including acting as a real estate agent.

This past summer, a few of the CDLPA Executive attended the National Conference of Bar Presidents held in Toronto. CDLPA views this ongoing relationship with our colleagues from the USA as invaluable. Each May Plenary we have the President of the NCBP speak to us.

Our organization remains very much involved with Court Services, including court house construction, renovations and security. The Executive has worked with Associations and the Provincial Government in order to improve outdated facilities. In addition, CDLPA continues to advocate, on behalf of Associations, for a consistent level of service at the court offices.



During 2011, CDLPA obtained intervener status, in the case heard by the Court of Appeal, (Hrynich v Mauldin, et al). This case considered the application of Rule 20 – Summary Judgment. This represented the first time that our organization has achieved intervener status in any case.

Our Civil Rules committee has been actively involved in lobbying the Rules Committee concerning the application of Rule 48.

During this past year, members of your Executive have taken part in Legal Needs Assessment meetings with the Law Society. These meetings (five in all) were to consider whether there were legal needs that other service providers could fulfill. Although not necessarily an exercise in extending the scope of practice of paralegals, certainly paralegals were one of the service providers being considered.

In the area of family law, your Executive has been involved with advancing the interests of the practicing Bar in regards to the Mandatory Information Programs (MIPS), the new pension reforms, and lobbying for Unified Family Courts across Ontario.

As a preferred shareholder in LibraryCo, CDLPA has three (out of eight) directors on its Board. Additionally, CDLPA has its own Library Committee. With this involvement, CDLPA strives to achieve a suitable balance between the delivery of legal information at an affordable and consistent level to all members of the profession, but at the same time respect the interests of the Associations on behalf of their memberships.

During 2011, the issue of paralegal use of libraries was considered at our November Plenary. A resolution was passed, essentially leaving the issue to individual Associations to regulate. Unless and until a universal levy was paid by paralegals similar to that paid by lawyers, then paralegals would not have universal access to libraries Province wide.

With respect to Legal Aid, CDLPA remains committed to working with Legal Aid Ontario and the Alliance for Sustainable Legal Aid. We are cognizant of the challenges which exist between the amount of funding available and the needs of lower income individuals to quality access to justice.



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Over the past year, your Executive has made a conscientious effort to insure better communications with its members., their constituents, and the public. A new Communications portfolio on the Executive has been created with a view of revitalizing CDLPA's Information Exchange Portfolio (IEP). In addition, we have contracted with a media relations consultant, to better inform the public and the practicing Bar of what our organization is involved with.

Finally, we have been consulted by the Law Society in connection with formulating responses to two issues: Five Year Review of Paralegal Regulations and the Future of Articling. The responses do not have to be submitted until early 2012.

I am particularly proud of the work that the Executive has performed over the last year. That work involves a great deal of time on a voluntary basis. I am equally proud of the work that our Executive Assistant, Kelly Lovell, has done over this past year. Kelly brings us a tremendous work ethic and historic connection to the initiatives and programs that CDLPA has been involved with over the years.

Michael Johnston, CDLPA Chair



North West Region Report

In the past year, the Region experienced challenges both consistent with those faced by practitioners around the province and unique to our area.

The introduction of the MIPS with respect to family matters began on September 1st, 2011 and got off to a bumpy start in the Northwest, as it did in many regions around the province. When the rule came into effect, there were no arrangements for how it would be implemented, confusion about personal attendance versus video attendance in our large geographical area and finally, particularly in the Rainy River and Kenora Districts, a lack of practitioners to present the program. These issues were addressed in the first few months and for the most part, there have been limited ongoing issues with the MIPS, and clients are reporting satisfaction with the program being presented since commencement.

Once again the struggle to maintain and preserve judicial resources arose and dominated as an issue in the Northwest, this time in the Ontario Court of Justice in the District of Rainy River.

The CDLPA Executive provided support for the RRDLA's position that a decision should not be finalized until there had been an opportunity for input and consultation with the various stakeholders affected by the decision. The erosion of judicial services remains a continuing concern in the North and the potential ramifications of removal a judicial appointment are highly concerning to practitioners and other community stakeholders.

The Kenora District continues its battle to ensure the replacement of a Superior Court Judge, particularly looking forward to the end of 2012, when the current supernumerary resident judge retires.

The Thunder Bay District is pleased with the recent announcement of the Law School of the North, set to commence classes in the fall of 2013. It is widely hoped that this school will open the door to increased articling placements outside of the urban centers. Additionally in the fall of 2013, the new Thunder Bay Consolidated Courthouse is expected to be completed, offering an increase to the total number of courtrooms available and ultimately providing better public access and security.



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Our year ended on a positive note with the attendance of the Law Society Treasurer, Laurie Pawlitz, in Kenora to meet with the local judiciary, tour the Courthouse in Kenora and speak to the membership at a dinner on March 30th. Members of the Thunder Bay Law Association, Rainy River District Law Association were also invited to attend in addition to the host Kenora District Law Association for this event. Access to Justice was the topic of discussion, particularly with the uncertainty surrounding the Ontario Court of Justice District judicial position in Rainy River.

Cheryl Siran
North West Regional Representative



Central West Region Report

Each region in Central West has struggled with similar issues to varying degrees: par-alegal access to Association libraries and resources, lack of judicial resources, and the graying of the bar have been frequently discussed topics.

Particularly with our regions outside the GTA, the opportunities for young lawyers to go into smaller communities and take over practices are certainly there; the problem continues to be convincing both the retiring lawyer and the young lawyer to make the connection.

The closing of the Walkerton jail presents ongoing issues for that area. One of our presidents and members, Clayton Conlon, was appointed to the Superior Court Bench.

Recently, a lawyer in Brampton I have known for years passed away without any provisions in place. His secretary of many years and his wife were frantically trying to make arrangements. It is not the way things should be done and brings to mind for all of us that at the very least we should confirm with our bank that the accounts can be managed by way of a power of attorney or will to a spouse or trusted lawyer in the event of a problem.

This will be my last report. I have found the challenges of my first year as a sole practitioner have prevented me from spending the time and effort that my CDLPA duties demand and deserve.

I have enjoyed my 10 or so years of involvement with CDLPA, as a member and President of the Peel Law Association board, and as part of the Executive.

I am proud of the work CDLPA has done, and my small contribution to it, and wish you all great success in the future.

David Acri
Central West Regional Representative



Central East Region Report

The major issues in Central East are as follows:

In Newmarket the library signage changed to accord with the legislation (lawyers, judges, articling students and administrative Board members only). A passkey system for the lawyers lounge and robing rooms is being sourced. CPD replays are very popular but not as profitable as before due to the LSUC head charge.

In Cobourg a sculpture of former legal aid head (Andrew Lawson) was unveiled at a well attended reception. The Sculpture was the work of former LSUC treasurer Ken Jarvis.

In Newmarket and Barrie the need for new or expanded courthouses is acute--no relief in sight and yet both areas are amongst the fastest growing in Canada.

All of the counties and districts in Central East weighed in on providing valuable input re our submissions on the paralegal 5 year review and the Articling crisis.

Many concerns were expressed as to whether or not LibraryCo intended to close libraries.

We have been able to effectively voice our concerns about Court proceedings at our meetings with Regional Judge Michael Brown who as gone out of his way to seek our advice and encourage us to voice any complaints.

Many thanks to my 7 Presidents for their participation and input since the last Plenary

Alfred Schorr
Central East Regional Representative



Central South Region Report

The associations comprising Central South are, generally speaking, fortunate to not have experienced some of the difficult situations stemming from the two issues that dominated the past year for CDLPA, being paralegal regulation and the Law Society's Articling Task Force.

With respect to paralegal regulation, there were no problems articulated throughout the year by the regional presidents. Most recently, the Waterloo Law Association amended its by-laws so as to allow any licensee of the Law Society (including paralegals) to become members of their Association.

On the articling front, generally speaking, no real problems have been encountered throughout the various associations in Central South. Waterloo has expressed some concern over retaining students once they have completed their articles. Other than that, no real problems were expressed.

Some of the local issues have had a mixed bag of success. While Waterloo has been experiencing an improvement in their long suffering court services, Hamilton is starting to experience poor court counter service with a decrease in court service staff and a resultant decline in service quality. Meetings with local court administrative personnel have only resulted in expressions of frustration as provincial cutbacks seem to have taken their expected toll.

Both Lincoln and Welland County are experiencing frustration with court security. While members of the Lincoln County Law Association can obtain easy access to the Court House in St. Catharines, all other lawyers must enter through the same security that applies to the public. Out of county lawyers are required to show their Law Society of Upper Canada identification card but must stand in line with the rest of the public before entering the Court House. This can result in long delays. Welland County is slated to have perimeter security that will allow only one access door for use by the public, crown attorneys, staff and lawyers. Obvious concern has been expressed by both the crown and the lawyers that they will have no other access to the building other than that which is shared with the public.

Waterloo is looking forward to the completion of its new court house. Substantial completion is scheduled for January 12th, 2013 with final completion scheduled for April 30th, 2013.

I would like to express my appreciation to the presidents of the Central South Region who have shown a strong commitment in participating in monthly conference calls. They clearly are a dedicated group working on behalf of their respective members and associations. I also wish to thank them for welcoming me as the new Central South Region representative. I look forward to our continued relationship.

Michael J. Winward
Central South Region Representative



East Region Report

The East Region continues to see a diverse number of issues affecting lawyers in the area, however the region as a whole has not had any crises develop in recent months.

Lawyers in the east continue to have ongoing concerns with the greying of the Bar. With the exception of the CCLA each County continues to see an increase in the average age of practicing lawyers and the Presidents report very few, if any, articling students/positions in the rural areas. Numbers of young lawyers and articling students are very small outside of Kingston and Ottawa. Despite the small numbers, the East is very strongly in favour of maintaining the current articling requirement by the LSUC.

Paralegals seem to be co-existing fairly well with lawyers in the East. While there are some day to day issues there seems to be little impact on lawyers to date. The CCLA has developed a policy to allow for library use in exchange for a fee but most of the East maintains the local libraries for members of the Association only. Each County continues to set its own policy. The East has not seen any need to increase the scope of practice for paralegals, and strongly believes there should be no changes.

There have been a number of lawyers in the East appointed to the Bench in recent months and our complement of judges is full and seems to be handling the caseload without significant delays.

Perth continues to be hopeful that its courthouse be back on the agenda for construction.

None of the East Presidents have reported any difficulties by their members in completing CPD requirements, and there has been some improvement reported by local associations in obtaining accreditation. The CCLA continues to be a significant provider of CPD for lawyers in Ottawa and the surrounding counties.

The East was very supportive of CDLPA's advertising initiative in relation to real estate.

Eldon Horner
East Region Representative



South West Region Report

KENT LAW ASSOCIATION

The Kent Law Association had a busy and productive year. We hosted the Law Society Treasurer, Laurie H. Pawlitza. The dinner was well attended by the bar judiciary.

Our main concerns as an Association were the activities of Paralegals without appropriate legal ethical concerns, as well as the undercutting of the real estate conveyancing fee in the profession.

There were also concerns with the inappropriate use of the Law Library by non-members, but this did not end up to be a problem that required our attention. The librarian and access through the tool kit internet resource were most appreciated.

ESSEX LAW ASSOCIATION – REPORT FOR CDLPA

The Essex Law Association has had a very busy and productive year in 2011. The Annual General Meeting of the Association will be held on April 28th at which time the current President Ilias Kiritsis will be replaced by incoming President Ronald Reaume.

The Association has taken a very active role in Continuing Professional Development over the past year and ran a large number of programs both in the city of Windsor and in the county of Essex to allow its members to comply with their Continuing Professional Development requirements as mandated by the Law Society of Upper Canada.

In 2011, for the first time in memorable history the Justices of the Court of Appeal of Ontario visited the Essex Law Association and held a very successful plenary session and dinner with the members of the local bar.

The Association continued to provide services to its members throughout the year including various live programs, a judicial reception in honour of the local judiciary, and an annual golf tournament in association with the Essex and Kent Chartered Accountants Association.



The Essex Law Association looks forward to another year of excellent work on behalf of, and in support of, its members under the capable leadership of its new President Ronald Reaume.

The Association is very proud to celebrate over 125 years of history in service to its members.

OXFORD COUNTY

In Oxford County, the only issue I have noted is one paralegal's advertisement on the radio. The firm is called "(Smith) Legal Services" and during the ad, the announcer lists as one of the firm's areas of expertise "criminal" charges.

The uninformed listener could not be faulted for assuming this paralegal is in fact a lawyer. Paralegals should be required to specify in any ad, radio or print, that they are paralegals, not lawyers.

ELGIN COUNTY

There is not much new in our jurisdiction. We just had our AGM. We discussed the issue of paralegal use of the library and the standardized real estate forms. "Oddly", there was resistance to both. The main issue I am dealing with right now is Court security at our new Court House. Rob Zochodne, Past CDLPA Chair, is assisting me with that. It seems to me that it would be helpful to have a province-wide standard for lawyer/paralegal access to Court facilities. The protocol being proposed for our jurisdiction seems to be the most strict. I do not want to set a precedent here in this County.

PERTH COUNTY

We have concerns with LibraryCo. Business Plan 2012-2014 and in particular section V - Strategic Priorities, paragraph 1 - Ensuring accessible, universal resources and services for all lawyers.

Section V, paragraph 1 (ii) states that the objectives will be accomplished by "ii. Reconfiguring portions of physical library space ...".



Further to achieve this goal LibraryCo. will (among other things):

"... work with associations to ensure the relevancy of library space and transform portions of existing space into an information commons ..."

As President of the Perth County Law Association (a) I am not sure what this means but (b) it seems to imply a reduction in physical library space or a change in focus in local libraries away from libraries as a collection of books towards libraries of centers of education and networking. There is also the implication that reference functions will be centralized at the Law Society.

I am asking CDLPA to firstly clarify what this portion of the business plan means and secondly obtain a strong assurance from LibraryCo. that what is implied (and I have inferred) in fact is not what is intended or will take place.

MIDDLESEX LAW ASSOCIATION

The Middlesex Law Association held its Annual General Meeting on February 23, 2012. As Tracy Leckie has now completed her term as President, Jennifer McGill is the new President of the Association. Jennifer practices insurance defence litigation with Brown Beattie O'Donovan in London.

Bill Woodward, an insurance defence litigator with Dyer Brown in London, is the new Vice-President of the Association.

The Association has recently unveiled a new website and electronic newsletter, both of which have been warmly received by its members.

With the assistance of its CLE Coordinator, Paula Puddy, the Association looks forward to a busy year of educational programs including the upcoming 7th Annual Straight From the Bench Conference, which will include a State of the Region Address from Senior Regional Justice Ducharme.

We are pleased to welcome The Honourable Mr. Justice Russell Juriansz of the Court of Appeal of Ontario to this year's conference



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HURON LAW ASSOCIATION

2011 marked a unique and memorable year for the Huron Law Association. The tornado which hit Goderich on August 21, 2011, disrupted our member practices, challenged our court services and ultimately destroyed our entire law library collection and furnishings. Our association and its component members are most grateful for the many kind offers of assistance and support from CDLPA, other member associations and generous individuals.

Thankfully, we were able to hold our annual meeting on February 29, 2012, in our main courtroom in Goderich, which had re-opened only a few days previously and welcome our new incoming President, David Reid, of Exeter, Ontario.

We continue to gradually re-build our library collection and furnishings and get back to 'business as usual'. All of our members have now resumed practice in their customary business premises.

John Buechler
South West Region Representative



Toronto Lawyers Association Report

The Toronto Lawyers Association (“TLA”) changes its officers and directors annually. In February 2011 I took over as President (for a term commencing February 2011 and ending March 1st 2012) I replaced outgoing President Nestor Kostyniuk. On March 1st 2012 Chris Matthews became TLA President.

In the spring of 2011 the TLA finally achieved a long standing objective by securing internet access to the Toronto Civil Court lists for motions, pre-trial and other civil matters. **The Court lists are available to both the public and the profession on the TLA web site <http://www.tlaonline.ca/>.** While it took several years to achieve this result it was well worth the effort. Response in the legal community in Toronto has been extremely positive.

In August as part of the ABA conference, the National Council of Bar Presidents (NCPB) met in Toronto. The NCPB has developed a strong working relationship with our own County and District Law President Association (CDLPA). On behalf of Toronto Lawyers I formally addressed the NCPB on two occasions and provided a short welcome to Toronto to tell the delegates about our city and our organization. It was an excellent chance to meet Americans who had interesting ideas and are facing many of same problems we face at the TLA and by lawyers throughout Ontario.

On September 4th I attended the World City Bars conference in Montreal. Representatives from 18 great cities of the world were in attendance. While in Montreal I attended the Opening of the Courts in Montreal. Later in September I attended the Opening of the Courts in Toronto.

November was a particularly busy month as we tackled the issue of Masters losing their Registrars. The provincial government, with no consultation with the Bar, and virtually no consultation with the Masters, unilaterally decided to terminate all of the permanent Registrar positions. We also raised our concerns with the LSUC regarding non-lawyer investments in Ontario law firms. The month ended on a positive note with a Diversity Soiree, initiated by the TLA. At the Soiree we recognized and honoured the multi-cultural and multiracial diversity of the Toronto Bar. It was a great success with about 150 people



in attendance, including several distinguished Ontario judges, and members from ten separate Bar associations who with the TLA jointly sponsored the event. Ontario Court of Appeal Justice Harry LaForme, a member of the Mississaugas of New Credit First Nation and the first Aboriginal person to be appointed to sit on any appellate court in the history of Canada, was the distinguished guest speaker who provided opening remarks.

As an active advocate of lawyers in Toronto the TLA completed several submissions in the past year.

To the LCO

- Comments on the Consultation Paper on the Law as it Affects Older Adults: Developing an Anti-Ageist Approach
- Comments on the Consultation Paper on the Law as it Affects Persons with Disabilities
- Comments on the Consultation Paper on Comments on the Interim Report – Towards a More Responsive and Efficient Family Law System

To the LSUC

- A letter regarding LSUC Paralegal 5 Year Review
- A response to the Articling Task Force Consultation Report

To the Minister of Finance

- Comments on Regulation 69/07 of the Insurance Act

To the Clerk, Standing Committee on Justice Policy

- A letter regarding Bill 34 An Act to Repeal the *Public Works Protection Act*, amend the *Police Services Act* with respect to court security, and enact the *Security for Electricity Generating Facilities and Nuclear Facilities Act, 2012*



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Social and community events also play a big part of the TLA life. On March 1 at our annual Awards of Distinction we recognized The Honourable Mr. Justice Ian C. Binnie. On April 1, 2012 “the Bowlerama” in support of the Lawyers Feed the Hungry was a tremendous success. We began the campaign in September of 2011 with a goal of raising \$125,000 and with the strong support of Toronto lawyers, we surpassed \$150,000.00 in funds collected.

On a continuous basis the TLA supports OJEN activities, including elementary school Grade 5 mock trials and in May 2012 a career in Law Day for 3 high schools held at Humber College, giving students from communities without strong knowledge in legal careers a chance to learn about careers in law, including persons working as civil and criminal lawyers, law clerks, police officers, legal assistants, and mediators.

On September 27th, 2012 the TLA will launch an important new event. For the first time there will be long overdue celebration, on an annual basis at the TLA Longue at 361 University Avenue honouring Retiring Toronto Judges of the Ontario Superior Court of Justice, Retiring Toronto Masters and Retiring Judges and Justices of the Peace from the Ontario Court of Justice.

Samuel Marr,
Immediate Past President of Toronto Lawyers Association



North East Region

I came on board in June 2011 in my new role.

Previously, I was on the Library Committee; so I knew I had big shoes to fill in replacing Rom Kwolek. Fortunately I have the assistance of wonderful presidents and in particular, well seasoned Joel Kennedy and Don Wallace.

What I didn't realize is just how much I would enjoy working with this executive. I now appreciate how hard the executive work and why CDLPA has the respect that it does. Thank you so much NorthEast for appointing me to this role.

It has been a busy year for our lawyers but not fraught with any major issue. All of the courthouse issues continue generally.

Sault Ste. Marie's courthouse is still recovering from a fire. Parry Sound is undergoing renovations and will have a new location for its library.

The Parry Sound Association was appreciative of the fact that some consultation by the Ministry had occurred.

Courthouse security issues remain; especially with Sudbury and Timmins. There remains a need for interview rooms in most facilities.

The Mandatory Information Sessions requirement in Family Law was a concern to most Associations and in particular with respect to the issue of insurance or the lack thereof. Fortunately this issue was addressed by the Ministry at Plenary.

There is a sense that there are less Legal Aid Certificates issued and the Associations have concern about whether or not the public is able to access justice.

Our presidents provided input in relation to the Paralegal and Articling Submissions made to the Law Society and so far we have received only positive feedback.



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There is some excitement about the real estate ads and I look forward to continued positive reinforcement of the profession of LAWYER.

Jackie McGaughey-Ward
North East Region Representative



Paralegal Standing Committee Report 2011

In view of the Law Society's Regulation of Paralegals and the unique issues this poses for our members, the Executive of CDLPA established a Paralegal Standing Committee in 2010. The terms of reference for this Committee were established and published in the Annual Report 2010.

Two issues dominated the paralegal landscape in 2011: access to County and District Law Libraries and the Law Society's mandated 5 year review of the regulation of paralegals.

This Committee consulted and provided background information on the library system and current rules and regulations pertaining to use of libraries by all persons. The Committee's report was presented to CDLPA in Plenary in November. There, the position of CDLPA was created and adopted by the members in relation to access to the libraries by paralegals. The position was forwarded to LibraryCo, who initially requested it. In advance of the response of CDLPA however, it appeared that LibraryCo had chosen to defer the decision on paralegal access to The Society. Consequently, CDLPA's position was also provided to The Society. The position, in summary, was that until The Society chooses to impose a universal levy on paralegals, they may access the libraries in accordance with policies established by local associations for access by general members of the public. To the date of this writing, no universal levy has been imposed.

The Law Society's five year review of the regulation of paralegals is due shortly. The Society asked for input from various groups, including CDLPA. This Committee, again, broadly consulted its members and formulated a response report in the latter half of 2011. The report was finalized and submitted to the Society in early 2012. While the report of this Committee noted that the scope of practice was not part of the review process, the Society was reminded that if and when it was part of that review, CDLPA would very much like the opportunity to be heard. The balance of the Committee's report laid out the strong concerns our members have over what appears to be misleading advertizing in the promotion of paralegal activities and the difficulties members of the public have in differentiating between lawyers and paralegals. We also noted the disproportionate number of disciplinary hearings in relation to paralegals and the high incidence of those 'grandfathered' paralegals at these proceedings.



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Other concerns included the lack of clarity over the acceptable areas of practice and the policing of same being left in the hands of lawyers. The Society has not yet finalized its report.

Daniel J Rosenkrantz and Alfred Schorr
Co-Chairs of the Paralegal Committee



CPD Committee Report

Lawyers have now completed year one of what is likely to be a permanent requirement on behalf of the practicing bar; the completion and reporting of Compulsory Professional Development hours.

There were a small number of lawyers across Ontario who did not report completion of all the required hours through the Law Society Portal by December 31, 2011. The LSUC has confirmed that is following up with all members who fit that category. Failure to complete and report the necessary CPD hours of both substantive and professionalism courses/activities can result in an administrative suspension for lawyers, however the LSUC has been very clear that there will be every effort to notify members directly of issues and to work with lawyers to see the required CPD completed before any actions are taken.

Concerns among the bar related to CPD were largely focused on the complexity of the Portal for reporting completed CPD and the inability of those in remote areas to arrange for CPD with colleagues. Lawyers should be aware that the LSUC will consider special requests from lawyers who face unique circumstances such as illness etc. to modify the CPD requirements on an ad hoc basis.

Some associations reported difficulties and delays with accreditation for local programs. The LSUC has taken steps during the year to address those concerns and reports late in 2011 suggested that the process was much improved.

CDLPA has been communicating with the LSUC concerning modifications to the CPD program and it is expected that some changes may be forthcoming in the near future which will benefit the practicing bar.

A formal review of the CPD requirements and processes is to take place early in 2013 and any issues should be reported with as much detail as possible to CDLPA.

Eldon Horner
Chair, CPD Committee



Court Services Committee Report

The court services committee held a provincial conference call on October 26th 2011, for the court services representatives from each Association. In total, 23 Associations participated.

Those participating discussed issues in existing courthouses and information regarding the progress of construction or renovation in the various courthouse projects underway.

Following that telephone call, past CDLPA Chair Robert Zochodne met with representatives of the Court Services and Facilities branches of the Ministry of the Attorney General in November.

Among other things, discussion included disaster planning for courthouses, the possibly for WiFi capability in courthouses, court security including participation in local court security committees, filing times at the counter, and the process of quantification of courthouse space now underway.

As always, we were provided with an update regarding both contemplated and planned renovations and new construction.

This information was passed along to the Presidents at the November, 2011 Plenary.

Going forward, this committee will continue to be active in dealing with both local issues regarding court services and will continue, generally, to advocate for improved court facilities.

Robert Zochodne
Eldon Horner
Co-Chairs, Court Services Committee



Family Law Committee Report

Significant issues in Family Law in the past year have included the implementation of new regulations regarding pension division upon marriage breakdown, discussion by the LSUC of scope of paralegal practice and the delivery of the Law Commission of Ontario's draft report on Family Law Reform.

The Chair of the Family Law Committee represented CDLPA at the LSUC's review of the scope of paralegal practice to ensure that the LSUC is aware of its concerns with respect to paralegals practicing Family Law.

The Chair has continued to work towards maintaining open lines of communication with the new Attorney General and this remains an important goal of the Committee. The Committee has kept a close eye on developments arising out of the introduction of the "Four Pillars", aimed at improving access to justice for family law litigants and will continue to do so.

The Family Law Rules Committee has recently solicited CDLPA's input with respect to potential changes to Rule 16 (summary judgment in Family Law matters) and the Committee will remain actively involved in that initiative.

The Committee has drafted a memo and draft response to the Law Commission of Ontario's draft report on Family Law Reform for consideration by the May, 2012 Plenary.

The Family Law Committee has also spearheaded a campaign to introduce the Family Court system (Unified Family Court) to all jurisdictions throughout Ontario, which initiative will be further discussed by the May, 2012 Plenary.

CDLPA continued to solicit opinions from its members with the assistance of the IEP and the use of the section dealing with Forums. CDLPA continues to solicit the input of its members on issues relating to family law and future directions in family law.

If anyone would like to share their views or comments with respect to issues relating to the practice of Family Law please contact CDLPA through the IEP and the forum section or contact Janet Whitehead directly at jwhitehead@sarnialaw.com.

Janet Whitehead,
Chair, Family Law Committee



Articling Report

CDLPA's response to the Law Society's Consultation Report by the Articling Task Force, emphasizes the position taken by our members that there be a "transitional" or "practical" training of lawyers who interact with the public. Our members have a great deal of pride and respect for the articling programs. However, CDLPA is aware of the pressures on the Law Society to find reasonable alternatives to the existing articling program.

In its consultation process, the Law Society outlined five options. After extensive consultation with its members, CDLPA considered the best of each option and provided the following response:

- a) Create an L4 License where successful completion of the Law Society's licensing examinations and the professionalism course/exam is a sufficient threshold for issuing such license. This license would allow the holder to practice law in environments where the holder is not providing services directly to the public – examples include academia, in-house counsel for corporations, positions with all levels of government, and Crown Attorney's offices. Sufficient safeguards exist to ensure that little harm happens to the public and that the goals of the articling experience can be met.

Should a holder of an L4 wish to obtain an L1 License, that candidate would be required to complete a period of articles under the supervision of a qualified and approved articling principal.

CDLPA believes that this proposal addresses the concerns raised by the Law Society Task Force.

- b) In order to promote access to justice in remote and rural areas, CDLPA proposes that the Law Society establish a modest subsidy program to any lawyer in those areas, who takes on responsibility for an articling candidate. That subsidy would amount to that lawyer being exempt from paying fees and dues to the Law Society for one year.



- c) Formalize the assessment of the quality of a candidate's articles and the skills learned through the process. A standard list of skills would have to be developed and learned by a candidate in order to become an L1 License holder. An assessment tool, as simple and uncomplicated as possible, would have to be developed in order to avoid discouraging practicing members of the Bar from participating.

In order to achieve this goal, the joint articling program will require some modification whereby articling principals could recruit colleagues ("teaching lawyers") to assist with teaching the articling candidate.



Legal Aid Report

Since my appointment to the CDLPA Executive in 2004, I have been either the Co-Chair or Chair of the Legal Aid committee. Semi-annually I report to the Associations as to the state of Legal Aid and how its initiatives and policy changes impact the members. Over the course of the last eight years, Legal Aid, it seems, has gone from one crisis to another. As these crises presented themselves, CDLPA has always been an active participant to help navigate the proper course through whatever the issue. You will recall the funding crisis that resulted in the “boycott” of 2009. It was Attorney General, Chris Bentley, who announced in 2009 the influx of \$150,000,000.00 over a four year period, moneys that incrementally increased the base funding of Legal Aid over a four year period. Since this increase, the result has been a drastic reduction in the criticism of Legal Aid in general. I cautiously say this, given our current economic situation that threatens all government ministries, not the least of which is the Ministry of the Attorney General. The threat of all government programs having their budgets reduced is concerning to everyone, Legal Aid included. All of that having been said, in comparison, the “constant crisis mode” of past years is gone.

This might be a good segue into CDLPA’s involvement with ASLA, Alliance for a Sustainable Legal Aid. As reported at previous Plenaries, ASLA is an association of representative stakeholders who are service providers for Legal Aid services. This committee was actually created under the direction of the then CEO of LAO, Angela Longo. It was thought by all the major stakeholders of Legal Aid uniting under one committee it would have a more effective say in the preservation of a sustainable quality Legal Aid plan. Since my appointment in 2004, I have been the CDLPA representative to ASLA and more recently being assisted by James Foord. The potential for losing funding as a result of the current economic situation has caused the representatives of ASLA to draft a letter voicing our concerns.

As previously reported, Legal Aid Ontario has always had an open door policy with CDLPA. Bob Ward and David McKillop, who are panelist at this Plenary, have always made themselves available to CDLPA in general and to myself in particular. In January of this year, they met with a number of interest groups in a number of cities. One such meeting was with myself in Ottawa to be followed by another meeting with Mike Johnston in Brockville on their return to Toronto. I can report both my meeting and that with Mike Johnston were very successful and we welcome the opportunity to discuss issues with them.



During our meetings, one of the significant initiatives announced by Bob and David was the creation of a Quarterly Performance Review Report. This is a very important initiative as getting the accurate information out to those who do Legal Aid work will, once again, quell the anecdotal misconceptions that seem to have plagued Legal Aid.

As the CDLPA representative, I continue to serve on the Quality Assurance Advisory Committee of Legal Aid. When initially created, this committee was entitled the Block Fee Quality Control Assurance Committee. It's mandate was to review and propose recommendations to the block fee tariff system. As you may be aware, the billing to Legal Aid was overhauled a few years ago making a number of criminal charges block fees. There have been many changes to this system since its introduction and the Block Fee Quality Control Committee was to recommend improvements to that billing system. The mandate of our committee has broadened and we are now the Quality Assurance Advisory Committee reviewing more than just the block fees. We review and make recommendations on a number of issues including minimum admissions standards for the various panels of Legal Aid (Criminal, Family, Mental Health, Gladue, Capacity and Consent, Appeals, etc.). This review is to ensure the highest quality legal services by service providers. Anecdotally, there is a misconception in the public that there are "Legal Aid lawyers" and then there are "Real lawyers". Although fundamentally not true, the mandate of the Quality Control Assurance Committee is to raise the bar of the quality of service to dispel this misconception. I look forward to continuing to serve on this committee over the next year until our work has been completed.

All of which is respectively submitted.

Ken Hall
Chair of Legal Aid Committee



Library Committee Report

By far and away the biggest issue dominating the Library Committee this year related to a longstanding thorn in CDLPA's side: the issue of the compensation scheme for library staff.

LibraryCo was created a little over a decade ago. It is mandated to centrally manage the County and District law library system in accordance with the objectives, policies and principles established and approved by the Law Society in consultation with CDLPA and the Toronto Lawyers' Association. LibraryCo establishes guidelines and standards for the organization and operation of the law libraries. As part of its mandate, LibraryCo distributes funds to all Law Associations to facilitate the operation of the law libraries.

Part of those funds are used by Associations to offset the remuneration cost of employees. In 2009 LibraryCo hired a consulting firm to assist with a determination of the fairness of its original pay grid (which had not been modified). Immediately on receipt of the report in late 2009 an issue arose about the job descriptions and 'placement' of library staff within those job descriptions. CDLPA noted that of the 48 county and district libraries some 33 are staffed by a sole employee – who's actual job duties are not accurately captured in the job descriptions. CDLPA in Plenary adopted a sole employee job description and submitted it to LibraryCo in June 2010. LibraryCo turned it over to its consultant who noted the difficulty we were having and noted that several jobs did not have descriptions. LibraryCo was unwilling to adopt the job description created and proposed by CDLPA – without (much) explanation. They did, however, ask us to advise as to how we would 'fix the problem'. This touched off a study by the LibraryCommittee of the funding mechanism. This in turn revealed a larger problem: how funding decisions are made is not at all clear.

The Committee spent the better part of 2011 trying to sort through the entire process and to create a mechanism they could live with as the ultimate users and administrators of the library system. They were careful to consider the role of LibraryCo in the distribution of funds and the overall management of the system. Overall funding from the perspective of the lawyers who fund the system was also considered. A comprehensive report was ultimately delivered to the CDLPA executive for approval in early 2012 and is to be discussed at May's Plenary. If approved, it then requires approval by the other shareholders (TLA and the LSUC) and ultimately LibraryCo. If approval is obtained, more work is needed to complete the process.



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The Committee also worked to complete tasks established in prior years including a new job description for the roving librarian, the Committee's terms of reference and various sub-committees' terms of reference as well.

Daniel J. Rosenkrantz Committee Chair



Real Estate Committee Report

There have been some changes to the Real Estate Committee. David Acri, a longtime member, has stepped down from his duties due to his very successful legal practice. The committee has gained three new members: W. John Buechler from Stratford, Gordon R. MacKenzie from Angus and Tannis Waugh of the Toronto Lawyers Association.

Real Estate Ad

The real estate ad, promoting the role of the real estate lawyer in transactions, was developed and published for the benefit of lawyers across the province. CDLPA paid for the development of the ad and for the publication in papers across the province. Law associations are invited to publish the ad on their own.

Regulation 69/07 of the Insurance Act

CDLPA stepped up with other organizations to oppose the proposed amendment by First Canadian Title to allow others to provide title opinions to title insurance companies. First Canadian withdrew its proposal ultimately. CDLPA and the Toronto Lawyers Association prepared a joint submission to the Minister of Finance (which was circulated to law association presidents) opposing any similar future proposal. This same proposal has been made and defeated in the past.

Real Estate Legal Needs Analysis

CDLPA and other organizations were invited to consult with representatives of The Law Society of Upper Canada to discuss and review this issue and confirmed that only lawyers are qualified to handle real estate matters.

Working Group on Lawyers and Real Estate www.lawyersworkinggroup.com

This joint CDLPA/OBA/ORELA group continues to examine lender outsourcing and other real estate issues as they arise. Two new subcommittees are underway and working as follows:

- Next Generation Teraview (NGTV) Consultation Subcommittee is reviewing and discussing proposed changes and up-dates to the Teraview system; and
- Condominium Documents Subcommittee is putting together proposed documents and check-lists for the benefit of lawyers across the province.

Submitted by Sally H. Burks
Chair, Real Estate Liaison & Practice Issues Committee



Retention of Women

Retention of Women – An Update

Four years ago, Convocation approved a number of recommendations to enhance the retention of women in private practice in Ontario. As the initiatives have shown success in addressing that goal, the Law Society is continuing to work to develop and expand the initiatives to assist women lawyers in their legal careers. Here are the highlights of the most recent developments:

Justicia Project

This project is specifically designed to retain and advance women lawyers in private practice at medium to large sized firms. Recently the project has been extended until 2013, and it involves representatives from firms committed to identifying and adopting principles and best practices that promote the retention and advancement of women. More than 55 law firms across Ontario have pledged their support. The goal is to develop resources, such as guides to developing parental leave, flexible work arrangements and other practices and policies in large firms to assist women lawyers in progressing to partnership and/or leadership positions.

Career Coaching Program

Approved in December 2011 by Convocation, the Career Coaching Program is a new initiative designed for women lawyers in sole and small firms (5 lawyers or less) to offer participants 6 hours of free confidential career coaching to help plan and transition into maternity, parental or compassionate leave and then reintegrate into the profession. The Law Society is currently recruiting career coaches to provide services within local areas and the program is on track to be launched this spring.

PLAP – Parental Leave Assistance Program

The most well-known initiative, PLAP is designed to provide support in to women and men in sole and small firms (5 or fewer lawyers) after the birth or adoption of a child, by providing a fixed sum of \$750.00 per week for up to 12 weeks to cover, among other things, expenses associated with maintaining their practice while on leave.

According to the Law Society, between 2009 and 2011, 178 lawyers completed the program, including 135 women, and 43 men. The initiative has now been extended to December 31st, 2012 and the Law Society will be completing an assessment of the PLAP this year.

For more information, visit the Law Society website at <http://www.lsuc.on.ca>.

Cheryl Siran
Committee Chair



Treasurer's Report

CDLPA is financed both through membership fees and funds from the Law Society of Upper Canada.

The membership fees are dependent on the size of the Association and a \$25 per member charge effective in 2010. The per member charge was raised from \$20 to \$22 effective in 2009 and was the first raise since 2000. Please see the attached Policy on Membership Levy and Remittance.

The LSUC's contribution consists of funding for each President to attend the two Plenary sessions in May and November – travel and accommodation reimbursement for one night. The Society also reimburses the dinner for the Presidents at Plenary and funds the Executive's monthly meetings. Again, they reimburse travel and accommodation costs for Executive members' attendance in Toronto. In 2009, the Society also provided one time funding to assist with the start up costs of the IEP. The total funding from the Law Society for 2012 is expected to be about \$265,000.

In fiscal 2011, our revenues were down approximately \$12,300. However, this was offset by not incurring any costs for our IEP maintenance (usually around \$11,300). Our expenses, were significantly higher in 2011 than 2010 owing primarily to the decision to fund the real estate advertisements in the spring of 2012 but which were paid in late 2011. As these expenses were a 'first of their kind' they are recorded under the heading 'Newsletter' in our financial statements. Despite these two apparent downturns, other expenses were well managed and revenues were essentially as expected, leaving us with a small surplus of \$9,700. This was added to our reserve and will assist us in generating interest income which is again expected to be low due to the poor rate of return expected in 2012.

We are well positioned moving forward. We expect no major changes in 2012 and have the capacity to fund another print campaign of similar magnitude in this fiscal year.

Daniel J. Rosenkrantz
Treasurer



CDLPA POLICY ON MEMBERSHIP LEVY REMITTANCE

Pursuant to its By-Laws, the Directors of CDLPA have the power to set and vary membership levies from time to time. The following is CDLPA's Policy concerning the remittance of levies:

1) Each County and District is assessed a levy depending on the size of its reported membership base as follows:

1-24 members =	\$250
25-49 members=	\$350
50-99 members=	\$450
100-149 members=	\$550
150-199 members=	\$650
200+ members=	\$800

2) In addition, each County and District is assessed a levy payable for each member of the Association who is a member of the LSUC. The only exception is an Association member who is counted as such by another Association.

For clarity, members of Associations such as articling students, judges and fully retired non-members of the Law Society, are not counted in the membership base and no levy is payable for such members.

Invoices will be mailed in January of each year. Associations will remit levies based on the membership data for the prior calendar year. Associations may make interim payments on their levies owing.

Approved by the Executive of CDLPA – March 10, 2011



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CDLPA Executive 2011

Chair	Michael Johnston
Vice Chair	Janet Whitehead
2 nd Vice Chair	Daniel Rosenkrantz
Past Chair	Robert Zochodne
North West Region Representative	Cheryl Siran
North East Region Representative	Jackie McGaughey-Ward
Central West Region Representative	David Acri
Central East Region Representative	Alfred Schorr
Central South Region Representative	Michael Winward
South West Region Representative	John Buechler
East Region Representative	Eldon Horner
Toronto Lawyers Association Representative	Nestor Kostyniuk
CDLPA Appointment - Legal Aid	Ken Hall
CDLPA Appointment – Communications	Bryan Hicks
CDLPA Appointment – Real Estate	Sally Burks
CDLPA Appointment – LibraryCo Board	Frances Wood
Executive Assistant	Kelly Lovell

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 Kowalyszyn†	2006 – 2008
Randall Bocoock§	2008 – 2009
Robert Zochodne	2009 - 2011
Michael Johnston	2011 - Present

* Now of the Ontario Superior Court

† Now of the Ontario Court of Justice

§ Now of the Tax Court of Canada

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