

TAB 3
Report to Convocation
November 30, 2023

Professional Development and Competence Committee

Committee Members:
Atrisha Lewis (Chair)
Jasminka Kalajdzic (Vice-Chair)
Peter Wardle (Vice-Chair)
Ryan Alford
Paula Callaghan
Gerald Chan
Demetra Dimokopoulos
Karen Hulan
Greg Monforton
Sonia Ouellet
Margaret Waddell
Tanya Walker
Doug Wellman
Michael Winward

Purpose of Report: Decision

Prepared by the Policy Division
Jason Pichelli (jpichell@lso.ca)

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Law Society
of Ontario

Barreau
de l'Ontario

Tab 3.1

Next Steps in the Future of the Certified Specialist Program

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Tanya Walker
Doug Wellman
Michael Winward

Authored By:

Jason Pichelli

JPichell@lso.ca

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Motion

That Convocation:

1. revise recommendation four from the Competence Task Force, which proposed the wind up of the Certified Specialist Program, and instead continue to administer the Certified Specialist Program;
2. commencing January 1, 2025, require Certified Specialists to complete 10 hours of continuing professional development, in their area of speciality every year, in addition to the 12 hours of Continuing Professional Development required by all licensees providing legal services on an annual basis; and
3. direct the Professional Development and Competence Committee to explore opportunities for the enhancement of the Certified Specialist Program and, as a first priority, the expansion of the program to paralegals.

Context

The Certified Specialist program arose out of a discussion within the legal profession over the idea of increased specialization and complexity in the law. In the 1960s when this discussion began taking place, the Law Society observed that while many practitioners were becoming experts in these areas of law, it was difficult for the public to distinguish one lawyer's expertise from another. A formal specialization program, overseen by the regulator, was adopted as a solution.

The Certified Specialist Program by its very nature must strike a difficult balance between several competing factors. The feasibility and attainability of the designation must be realistic to ensure participation, while also ensuring the program has rigorous and meaningful standards. The administrative requirements must support the integrity of the program, while also ensuring that resulting costs to participating lawyers and those pursuing the designation are reasonable. And finally, the program must be maintained over time to ensure that the areas of specialization, standards, and requirements remain valid and relevant in a changing legal landscape. All of these factors must be balanced while also ensuring the program stays true to its purpose of enhancing competency.

Throughout the history of the program, the Law Society has made several adjustments to try to better balance each of these competing factors. However, as noted in the recent Competence Task Force report, from the perspective of the legal professions, these factors continue to be seen as issues.

A. The Certified Specialist Program

Established in 1986, the Certified Specialist Program (“CSP”)¹ recognizes lawyers who have:

- met established standards of experience and knowledge requirements in one or more of the 17 designated areas of law²; and
- maintained exemplary standards of professional practise.

The CSP’s purpose is to enhance lawyer competence by facilitating the development of specialized expertise in a given area of law. The designation also allows the public to identify lawyers who have this specialized expertise, and the Law Society allows the public to search for Certified Specialists through a directory on its website. Through these functions, the CSP promotes the public interest.

Currently, over 700 lawyers are designated as Certified Specialists, representing approximately 2% of practising lawyers. Certification as a specialist is recognized by the Law Society of Ontario with the “C.S.” designation. The names of Certified Specialists can be found in the Directory of Certified Specialists, posted on the Law Society website³. Lawyers who are interested in becoming a Certified Specialist must submit an application, which is reviewed by the Certified Specialist Board, and must re-certify on an annual basis filing a Certification Annual Report⁴ to maintain their designation⁵.

¹ The Certified Specialist Program, including the Certified Specialist Board, Fall under Law Society By-Law 15. <https://lso.ca/about-lso/legislation-rules/by-laws/by-law-15>

² The 17 designated areas of law are as follows: Bankruptcy and Insolvency Law, Civil Litigation, Citizenship and Immigration Law (Immigration/Refugee Protection), Construction Law, Corporate and Commercial Law, Criminal Law, Environmental Law, Estates and Trusts Law, Family Law, Health Law, Indigenous Legal Issues (Rights and Governance/Litigation and Advocacy/Corporate and Commercial), Intellectual Property Law (Trademark/Patent/Copyright), Labour Law, Municipal Law (Local Government/Land Use Planning and Development), Real Estate Law, Taxation Law, and Workplace Safety and Insurance Law.

³ Directory of Certified Specialists: <https://www1.lso.ca/specialist/#/>

⁴ The Certification Annual Report includes an attestation to continued compliance with the Administrative Policies Governing the Certified Specialist Program as well as a declaration and summary of any outstanding claims or matters involving the specialist’s practice. The compliance requirements are listed in section 34 of the Policy, which can be found on the LSO website: <https://lso.ca/lawyers/about-your-licence/manage-your-licence/certified-specialists/administrative-policies-governing-the-certified-sp>

⁵ The application has a one-time fee of \$452 dollars (\$400 plus HST). Re-certification costs \$423.75 (\$375 plus HST). Additionally, lawyers are permitted to hold up to two Certified Specialist designations. The cost to renew a second certification is \$141.25 (\$125 plus HST).

Table 1 below shows a breakdown of the number of specialists who are currently certified in each speciality area. Almost a third of all Certified Specialists are specialist in the area of civil litigation, which is the longest standing speciality area.

Table 1 – Most Popular Areas of Specialization⁶

Area of Specialization	# of Certified Specialists	% of Total
Civil Litigation	248	30.4%
Criminal Law	71	8.7%
Citizenship & Immigration Law (Immigration)	65	8.0%
Family Law	55	6.7%
Construction Law	41	5.0%
Environmental Law	32	3.9%
Estates & Trusts Law	31	3.8%
IP Law (Trademark)	28	3.4%
Real Estate Law	28	3.4%
Municipal Law (Local Government)	27	3.3%
IP Law (Copyright)	26	3.2%
Corporate & Commercial Law	24	2.9%
Municipal Law (Land Use Planning and Development)	23	2.8%
IP Law (Patent)	22	2.7%
Health Law	19	2.3%
Labour Law	17	2.1%
Taxation Law	16	2.0%
Citizenship & Immigration Law (Refugee Protection)	15	1.8%
Workplace Safety & Insurance Law	9	1.1%
Bankruptcy & Insolvency Law	8	1.0%
Indigenous Rights and Governance	4	0.5%
Indigenous Litigation and Advocacy	4	0.5%
Indigenous Corporate and Commercial	3	0.4%
Grand Total	717	100.0%

⁶ Data as of October 20, 2023

Table 2 below separates Certified Specialists by practice setting. Most Certified Specialists are found in sole and small law firms, with almost 40 per cent falling in these two categories. Many specialists are also found in large firms, with 20 per cent of the overall total in this group.

Table 2 – Current Status of Certified Specialists⁷

Status (and Firm Size for those in a Private Practice status)	# of Certified Specialists	% of Total
Private Practice (Sole Practitioner, Partner, Employee, Associate)	664	92.0%
1 lawyer/paralegal in private practice	135	18.0%
2-5 lawyers/paralegals in private practice	164	21.6%
6-10 lawyers/paralegals in private practice	60	8.9%
11-15 lawyers/paralegals in private practice	43	6.0%
16-20 lawyers/paralegals in private practice	51	6.6%
21-25 lawyers/paralegals in private practice	25	3.2%
26-50 lawyers/paralegals in private practice	54	7.6%
51+ lawyers/paralegals in private practice	132	20.1%
In-House Lawyer	25	3.7%
Legal Clinic	5	0.9%
Employed in Government	19	2.9%
Emeritus Lawyer	1	0.1%
Otherwise Employed	2	0.2%
Retired or Not Working	1	0.1%
Grand Total	717	100.0%

Eligibility

To successfully apply for the C.S designation, a lawyer must have practiced for a minimum of seven years, and had substantial involvement in the speciality area for at least five of the seven years. Additionally, the lawyer must have practised the speciality for at least two of those years in Ontario.

Substantial involvement in a designated area of law is demonstrated by achieving the specific standards for certification in that area. These standards are set by the Certified Specialist Board based on input from subject matter experts, and are different for each designated area of law.

The completion of these tasks is verified through the submission of written references. Individuals who are selected to be references on behalf of an applicant must be lawyers licensed by the Law Society with direct knowledge of the applicant's work in the specialty area. The reference must be able to attest to the applicant's competence in performing the

⁷ Data current as of October 20, 2023

tasks they've selected in their application. Currently, four references are required for an application to be considered complete.

Another component of the application is the required completion of 50 hours of self-study, in addition to the 12 hours of CPD that is required of all Ontario lawyers. These 50 hours must have been completed in the two years immediately preceding the filing of the application, and in one additional year within the five years of recent experience.

Finally, in order to become certified, applicants must meet a higher standard of professionalism. During the five years immediately preceding the application, the applicant:

- is not the subject, and has no record, of any order made by a tribunal of a governing body of the legal profession in any jurisdiction;
- has had no terms, conditions, limitations or restrictions imposed upon their entitlement to practise law in any jurisdiction;
- is not the subject of a review of their practice for the purpose of determining if they are meeting standards of professional competence;
- has had no serious claims or no substantial number of claims made against them in a professional capacity or in respect of their practice.⁸

The Certified Specialist Board

The Certified Specialist Board is appointed by the Professional Development and Competence Committee to oversee and regulate the Certified Specialist Program. This includes:

- Establishing the standards for each area of specialty;
- Determining the areas of law in which lawyers may be certified as specialists;
- Making rules of practice and procedure with respect to all matters related to specialist certification;
- Developing, for the Committee's approval, policies relating to the certification of specialists;
- Recommending to the Committee the amount of fees payable by applicants and Certified Specialists; and
- Certifying lawyers as specialists.

⁸ These conditions are outlined in section 21 of the Administrative Policies Governing the Certified Specialist Program.

The Certified Specialist Board is composed of eight to twelve members, including the Chair, and consists of two Benchers who are not lay Benchers; one lay Bencher, and a minimum of five Certified Specialists who are not Benchers⁹.

The Board meets no less than twice a year, and reports annually on its activities to the Committee.

B. Background: The History of the Certified Specialist Program

The subject of specialization within the legal profession was the subject of considerable debate in Canada dating back to the late 1960s. Practitioners felt that the law was becoming increasingly complex and were grappling with how this should be addressed. The core public policy issue was as follows: lawyers were increasingly becoming specialized in specific areas of law, with no mechanism for identifying or evaluating this experience; was this development in the best interest of the public, or the bar?

Some felt that it was incumbent upon the profession to adapt to this changing environment by creating programs to help lawyers become experts in different areas of law to ensure that the public need for this expertise could be more readily met. For this group, new programs would improve competency in the practice of law, and would support the public interest by making it easier for those seeking legal services to identify a practitioner who is experienced in that particular area of law. Others felt that the desired competence and specialization already existed within the profession, and therefore this subject was better addressed by reforms to advertising rules to ensure that specialized knowledge and experience was easily identifiable by the public and other practitioners.

While the Law Society resisted making any changes to its licensing processes throughout this time, the issue came to a head when, in August 1983, the Canadian Bar Association (CBA) released a discussion paper proposing that the CBA administer a certification program for lawyers.

The Law Society created a Special Committee on Specialization to evaluate the CBA proposal, which recommended that Convocation endorse the concept of specialization, and later brought forward a detailed plan for the implementation of a certification program. The proposal was accepted by Convocation. The initial Certifying Board members were appointed in March of 1986, and the program began accepting applications shortly thereafter.

⁹ The current board is chaired by May Cheng, a specialist in Intellectual Property Law. David Bannon, a specialist in Labour Law, Edward Olkovich, a specialist in Estates and Trust Law, and bencher Tanya Walker, a specialist in Civil Litigation, are the other current members of the Certified Specialist Board.

The program received its first substantial review in 2001, when the Law Society completed a review of its competence model similar to the recent review performed by the Competence Task Force. The review identified issues regarding the participation rate in the program, the cost of the program (at the time all licensees contributed to the cost of the program through their licensing fees), as well as the range of specializations that the Law Society offered. It was recommended that the program continue, with modifications, as it was seen as one of the five pillars of the Law Society's competence model.

In June 2002, Convocation adopted a business plan for the Certified Specialist Program that was designed to help expand the program's take up, and make the program a larger part of the Law Society's competency framework. The plan included performance targets, moving towards self-sufficiency, and provided an advertising budget to promote the program. The business plan also included a number of proposed program changes, such as the introduction of an annual re-certification process and the examination of several areas of law for potential inclusion as designated areas of specialization to encourage participation by lawyers.

The Certified Specialist Program was again part of a program review process in 2007. At the time, it was noted that the Program had failed to meet its growth targets, and had risen to only 3.6% or 719 of the lawyer licensees in private practice¹⁰. The program had also not achieved its goal of self-sufficiency, and had a proposed subsidy of \$6 per licensee in the 2008 Law Society budget¹¹. While the number of specialities increased by five between 2003 and 2007, this expansion only increased the total number of specialists by 100¹². The Committee considered terminating the program, and spent several months discussing the success of the program. Again, the discussion focussed on the lack of participation in the program, and the program's continued subsidization, and again the Law Society made changes designed to encourage participation in the program, such as the adoption of the "C.S." designation to assist in growing the program's profile¹³, and a more administrative process for certification and recertification to reduce costs and facilitate the process. These changes were adopted, and the Committee also recommended an increase in the annual renewal fee, from \$300 to \$375, which was anticipated to allow the program to be fully cost-recovered in 2008.¹⁴ From this point forward, the costs of running the CSP were removed from the annual licensing fees paid by licensees and incorporated into the CSP program fees paid by certified specialists.

¹⁰ Law Society of Ontario, Professional Development and Competence Committee report. October 25, 2007. Page 5, Para. 5.

¹¹ Ibid

¹² Law Society of Ontario, Professional Development and Competence Committee report. October 25, 2007. Page 5, Para. 6.

¹³ Ibid at Page 10, Para. 27.

¹⁴ Ibid at Page 12, Para. 34.

The Competence Task Force Review

The Competence Task Force was established in 2021 to conduct a comprehensive review of the Law Society's policies and programs applicable to the competence of lawyers. Its objective was to ensure that the Law Society's competence framework remains effective, proportionate, and balanced while addressing career-long competence in a manner that protects the public interest and is responsive to the public's legal needs now and in the years to come. It had been more than 20 years since such a review had been conducted, and the Certified Specialist Program was one of the items captured by the review.

On June 23, 2021, the Task Force issued a consultation report entitled [Renewing the Law Society's Continuing Competence Framework](#). The Report invited lawyers, paralegals, legal organizations, members of the public and others to share their ideas about how to support post-licensure competence.

In consulting specifically on the CSP, the Report asked the following questions:

“Are you aware of the Certified Specialist Program? Have you participated in it and if so, did you find it useful?”

Should the Certified Specialist Program remain as is, be modified, or be eliminated altogether?”

Few respondents made comments regarding the CSP; however these respondents identified the same core issues that have been present since the program's creation. Approximately half of these respondents indicated a preference that the program should be kept or modified, whereas the remaining half indicated a preference that the program be eliminated altogether. Most respondents who wanted the program eliminated had not participated in the program (although some had heard of it or had interacted with other lawyers who were certified specialists). Those who wanted the CSP eliminated did not think that it is a true marker for excellence in the profession or that it had significant utility.

Competence Task Force Recommendations

On May 26, 2022, the Competence Task Force submitted its final report to Convocation. The report contained five recommendations, and the fourth recommendation addressed the Certified Specialist Program. It read as follows:

That Convocation:

4. Approve the wind up of the Certified Specialist Program, effective September 1, 2022, subject to the following qualifications:
 - The Indigenous Legal Issues specialization will be continued subject to any future recommendation made by the Equity and Indigenous Affairs Committee to Convocation regarding the specialization.
 - Current Certified Specialists will continue to be able to use the C.S. designation until they retire, cease practising, or surrender their practicing license with the Law Society.

Upon reviewing the submissions, the Task Force was of the view that the Certified Specialist Program, in general, did not meet the principles of an effective competence regime. Task Force members noted that there had been a limited uptake in the program, and many felt that it did not assure or improve licensee competence. Task Force members also noted that there is no ongoing evaluative component as part of the program, and it does not include a mechanism for ensuring ongoing elevated expertise in the subject area once a licensee has obtained a Certified Specialist designation (other than the CPD requirement applicable to all licensees).

However, with respect to the Indigenous Legal Issues specialization, the Task Force recognized that the Indigenous Legal Issues specialization is unique in the CSP in that it certifies both substantive legal specialization and cultural competence. It is intended to enhance the level of service to Indigenous Peoples by providing a mechanism by which excellence in Indigenous legal matters is both identified and encouraged. For these reasons, it is interconnected with the Law Society's Indigenous Framework and commitments to reconciliation. Consequently, the Task Force recommended retaining the Indigenous Legal Issues specialization in its current form until the Equity and Indigenous Affairs Committee has had an opportunity to engage with the Indigenous Advisory Group, review the specialization and determine what role it plays in the Law Society's Indigenous Framework and commitment to reconciliation.

All Task Force members thought that existing Certified Specialists should be grand parented, and a majority of Task Force members believed that Certified Specialists should

retain and be able to use their C.S. designation until they retire from the practice of law¹⁵. A minority of Task Force members believed that Certified Specialists should retain their C.S. designation for five years after which time the use of the designation should be concluded¹⁶.

When the final Task Force Report was considered at Convocation, Convocation voted to amend the Task Force recommendation. The revised motion eliminated the grandparenting of the Certified Specialist designation. Pursuant to the revised motion, Certified Specialists could continue to use their C.S. designation until December 31, 2022, after which time it would be discontinued.

Amended Motion and Consultation launch

At Convocation in September 2022, a second motion was adopted to amend the recommendation on the Certified Specialist Program.

Convocation suspended the winding up of the Certified Specialist Program pending further consideration. It referred the Competence Task Force recommendation with respect to the Certified Specialist Program to the Professional Development and Competence Committee for reconsideration including an extensive consultation with the profession on the issue. The Committee is to report back to Convocation before the end of 2023 with a recommendation on how to proceed.

¹⁵ Competence Task Force. *Renewing the Law Society's Continuing Competence Framework*. May 2022. Page 12. Available Online: [Competence Task Force - Renewing the Law Society's Continuing Competence Framework - May 2022 \(azureedge.net\)](#)

¹⁶ Competence Task Force. *Renewing the Law Society's Continuing Competence Framework*. May 2022. Pages 12 & 13. Available Online: [Competence Task Force - Renewing the Law Society's Continuing Competence Framework - May 2022 \(azureedge.net\)](#)

Discussion

A. 2023 Consultation Results

The Law Society used a multi-pronged approach to solicit feedback on the Certified Specialist Program following Convocation's approval of the September 2022 motion. This approach included a consultation webpage in the Initiatives section of LSO.ca, meetings with legal organizations, direct outreach to certified specialists, and advertisements in the Ontario Reports and Law Society social media channels. Although submissions of all types were accepted as part of the consultation, the Law Society asked individuals who accessed the consultation through the Law Society website to complete a short questionnaire which asks respondents to answer the following specific questions:

1. Should the Law Society keep, or eliminate the Certified Specialist Program? Why or why not?
2. If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grand parented?
3. If so, for how long? 5 years? Until retirement? Other?
4. Do you have any other comments regarding the Certified Specialist Program?

The consultation window was open from early May to October 1, to ensure that interested parties would have sufficient time to make a submission. When the consultation closed, the Law Society had received 453 submissions, which is an unprecedented response compared to previous consultations. For example, the consultation on Mandatory Minimum Compensation yielded 165 submissions, and the consultation on the Family Law Services Provider yielded 172 submissions.

This total includes from 414 lawyers and law firms, [available here](#); 27 from paralegals, [available here](#) and 10 from legal organizations, [available here](#). Two submissions were received from members of the public, and are [available here](#). In each of these groupings, the submissions were heavily in favour of keeping the Certified Specialist Program. For example, 352 lawyers indicated a preference for keeping the Program, whereas 62 preferred to see the Program eliminated. Twenty of the 28 paralegal submissions were in favour of keeping the program. Each submission received by legal organizations was also in favour of keeping the program. Finally, of the submissions made by lawyers and law firms, 53 per cent were made by lawyers with a Certified Specialist designation.

Table 3 details the responses received to the Law Society’s consultation questions on the CSP.

Table 3 – Breakdown of Responses to the Certified Specialist Consultation

	Submissions received	Keep	Eliminate	If eliminated, grandparent at:		
				5 years	Retirement	Other
Lawyers and law firms	414	352	62	17	175	60
Paralegals	27	20	7	2	6	1
Legal Organizations	10	9	0	n/a	n/a	1
Members of the public	2	1	1	n/a	n/a	n/a
Totals	453	392	71	19	181	62

Submissions in Favour of Keeping the Certified Specialist Program

Among the submissions in favour of keeping the Certified Specialist Program, a few common themes emerge:

1. Concerns over advertising

Many submissions noted that the current environment for the advertisement of legal services is awash in media-driven awards, peer-voted awards and titles, non-authoritative or purchased credentials, and unhelpful reviews. To these individuals, the Certified Specialist designation provides a trustworthy and reliable measure of a licensee’s skill, since it is granted by the Law Society to applicants who meet established, objective standards and provides transparency to the public in ways that other advertisable certifications do not.

2. Assisting the public / access to justice

Closely linked to the advertising concern is the difficulty that many members of the public have in finding a lawyer who has expertise in addressing their particular legal issue. The Certified Specialist designation, and the directory of Specialists hosted on the Law Society's website, are useful tools to the public in making this determination. The Criminal Lawyers Association and the Refugee Lawyers Association noted in their submissions that in their practice areas, many of their clients are from marginalized communities who often struggle to navigate the legal system in Ontario, and whose legal issues tend to have significant consequences. Both groups noted that it is vital for their clients to obtain the most skilled and experienced lawyers possible, and felt that the Certified Specialist Program was an important tool in assisting their clients to do so. The Ontario Bar Association and the Federation of Ontario Law Associations noted in their submissions that the program promoted access to justice, by assisting the public in identifying experienced lawyers, particularly in northern or rural areas where there can be fewer practising lawyers to choose from when compared to urban areas.

3. Helpful for referrals

Many licensees noted that they use the Certified Specialist directory on the Law Society's website to make referrals. They noted that they trusted the quality of the lawyers on the list due to the strenuous certification standards. A few submissions also noted that, with the increase in virtual courts and legal proceedings, it is not as easy to identify experienced and competent members of the bar as it once was. For these individuals, the objective standards for certification provided comfort when looking to make a referral.

4. Increasing licensee competence

Many submissions noted that the Law Society does not have any programs, with the exception of the Certified Specialist Program, that encourage licensees to pursue increased competence in their practice area. For these individuals, it is important that the Law Society continue to encourage the professions to strive for continuous improvement and improved competence, since that should result in higher quality legal services for the public.

5. Equity concerns

The Federation of Asian Canadian Lawyers noted that the Certified Specialist Program allows lawyers from underrepresented groups to receive a designation that helps them to receive more equitable treatment from the public and within the profession. The designation can help to "level the playing field" by providing these lawyers with a designation with objective standards administered by the provincial regulator. The Criminal Lawyers' Association Women's Directors noted in their submission that the retention of women in criminal law practices has become a serious challenge in recent years, and that women are underrepresented among criminal law specialists. They suggested that if the

Law Society were to encourage women to apply, a number might pursue the designation and thus be encouraged to continued practising.

In addition to themes outlined above, it is also important to note that many respondents in favour of maintaining the program viewed certification in a similar way to degree – once it is obtained, the licensee has earned a credential that they should be entitled to use throughout their career. For these respondents, there were no concerns over the ongoing competency of specialists.

Finally, the information found in Tables 1 and 2 can also provide some useful context for some of the feedback that the Law Society received during the consultation process. For example, a large number of the overall total of Certified Specialists are certified in Civil Litigation. Through this lens, it can be seen why several respondents suggested that the Law Society should consider sub-categories, and specifically for Civil Litigation. It is also noteworthy that many of the Certified Specialists are found in smaller firm settings. If any fee increases are considered as part of the proposed enhancements to the program, it will be important for the Law Society to be mindful of the ongoing affordability of the program. Since the program is operated on a cost-recovery basis, this challenge further underscores the challenges in balancing all of the various elements within the program.

Concerns raised by respondents in favour of eliminating the CSP

The submissions that were in favour of eliminating the program also saw common themes in their reasoning. Many of these respondents did not believe that the Certified Specialist designation was a true marker of competency, noting that they had had interactions with many extremely competent lawyers who were not themselves specialists. They said the specialist designation implies that lawyers who hold the designation are better suited to handle matters in their area of specialization than lawyers who did not hold the designation, but they did not believe that this was the case in many instances.

Respondents who held this view tended to view the program exclusively as a marketing tool, and thought that the Law Society should not be involved in how lawyers market themselves beyond the enforcement of its advertising rules.

Many respondents favouring elimination of the program supported their submissions by referencing the basis for the recommendation to wind up the program found in the Competence Task Force's report. For example, they said that there was no ongoing evaluative component as part of the program, and no mechanism for ensuring ongoing elevated expertise in the subject area once a licensee has obtained a Certified Specialist designation. Accordingly, the program is not effective in meeting the Law Society's competency goals. Since the consultation questions did not contemplate potential enhancements to the program, it is unclear whether these individuals would be more

amenable to the program continuing if it were modified to address these perceived shortcomings.

Finally, some respondents supporting elimination of the program noted that the practice of law has changed dramatically since the program was created. They said that the law has become increasingly complex, and the current designated areas of law were too broad to be useful to the public or other practitioners. These respondents often referenced the Civil Litigation speciality, noting that a commercial litigation file and an auto insurance settlement are substantially different yet are covered by the same designation. Therefore, a member of the public searching for a civil litigator to handle a particular matter might not be well served by using the directory, since the specialist's area of expertise might not align with their needs, despite the designation. Some of these respondents also went a step further and noted that the standards for certification no longer reflect modern practice. One respondent noted that the family law speciality requires applicants to have participated in a list of matters under the *Child, Youth, and Family Services Act* that require court attendance. The respondent said that family law is moving increasingly towards alternative dispute resolution procedures as a way of addressing access to justice, and therefore requiring specialists to pursue these issues requiring court time requires the applicant to move away from what they consider to be best practices in this practice area.

Responses on the Issue of Grand Parenting

In addition to the question of whether or not to keep the Program, as noted above the consultation also asked respondents if they were in favour of grand parenting or not. More than half of the respondents chose to complete this question. The vast majority of respondents to this question were in favour of Specialists keeping their designation until retirement. This group felt that the Specialists had done the hard work necessary to be certified, and therefore those lawyers deserved to keep the designation. Many of those submissions also felt that removing the designation might be seen as a punishment by the general public, who might not be informed as to the status of the Certified Specialist Program, but could see that the lawyer is no longer using the designation. Of the submissions grouped in the "Other" category, the most common response was that the designation should no longer be used if the program ends (IE no grandparenting). These submissions noted that it would be misleading to the public, and unfair to new lawyers.

Submissions by Paralegals

As noted above, there was a strong interest among paralegals who responded to the consultation to continue the Certified Specialist Program. Of the 27 submissions received, 20 requested that the program be expanded to allow for paralegals to also be certified as specialists. Many of the respondents said that was discriminatory and unfair to allow one profession to achieve a specialist designation while another cannot. However, considering the low number of submissions, it is unclear if these submissions fully reflect the views of the paralegal profession. If the Law Society chooses to pursue potential enhancements to the Certified Specialist Program, this should be an area of further study and discussion.

Potential Changes to the Certified Specialist Program

Over 85% of respondents said that they wanted to see the program continue. The vast majority of the Committee supports the continuation of the program. However, many of the consultation respondents noted that the program could be improved and provided suggestions for enhancement. In light of the overwhelming interest in maintaining the program, it is advisable for the Law Society to consider changes to the program that would address some of the perceived issues within the program. These proposals have been divided into two categories: near-term, which have low or negligible resource implications and could be implemented by the Law Society in short order; and long-term, which require further analysis to determine feasibility and resource implications.

A. Near-term Proposals to Address Identified Challenges

1. Ensuring ongoing competence

Continuing professional development (CPD) was referenced in a number of submissions. Fifteen respondents recommended modification of the continuing professional development (CPD) requirement for Certified Specialists, making it the most common suggestion among submissions that made recommendations for altering the CSP. Furthermore, 6 respondents noted that they currently exceed the Law Society's CPD requirements as part of their efforts to maintain their designation and ensure their ongoing competence in their specialty area.

The Law Society requires licensees who are actively practising or providing legal services to complete 12 hours of CPD each year. This includes at least three hours of professionalism programming, and up to nine hours of substantive programming. Additionally, as of 2021, at least one professionalism hour each year must be related to equality diversity, and inclusion topics.

Some respondents suggested that the Law Society should increase the number of substantive hours that Certified Specialists are required to complete, by mandating additional hours of CPD in their area of specialization. This requirement would ensure that Certified Specialists continue to be exposed to the latest developments in their area of specialization. For example, in New South Wales, Australia, lawyers who are Accredited Specialists are required to complete 10 hours of CPD programming in their area of

specialisation in addition to the mandatory 10 hours of CPD that applies to all licensees¹⁷. This increased CPD requirement for Certified Specialist does not require additional resources from the Law Society to implement, and a result will not alter the existing fee structure for the Certified Specialist Program or have a financial impact on the Law Society's Budget.

Other respondents suggested that the Law Society could curate and develop mandatory CPD programs exclusively for Certified Specialists. In this way, the Law Society could establish the programming that would best address ongoing competence. However, the creation of such a program would have resource implications that extend beyond the Certified Specialist Program itself, since the Law Society's CPD department functions on a cost-recovery basis. It is unclear if such a program would be able to recover its own costs, based on the limited number of specialists in some of the designated areas. If the Law Society wished to pursue this option, an analysis of the implementation costs and ongoing recourse requirements would first be required.

2. Improving how the public is informed about the program

Many submissions noted that the program has not been advertised and promoted by the Law Society in some time. There were a range of proposals for how this could be accomplished. Some would prefer to see traditional promotions, such as through the Ontario Reports or the Law Society's social media channels. While this would advertise the program, these methods would be seen primarily by licensees, and as a result would not help to increase the understanding of the program outside of the professions.

Others suggested that the Law Society should update the Certified Specialist directory on its website, to make it easier to search for Specialists, or even include Specialist information in the Lawyer and Paralegal Directory. Finally, it was suggested that the Law Society could examine the promotion rules for Certified Specialists, and require that each Specialist create a link in their profile that connects directly to the Law Society's Certified Specialist website, so that members of the public can easily learn about the Program if they do not recognize the C.S. designation. Both of these suggestions, if implemented, would serve to better inform the public about the Certified Specialist program, and make it easier for the public and the professions to find a specialist who can help them with their legal issue.

¹⁷ The Law Society of New South Wales. Renew your specialist Accreditation. Online: <https://www.lawsociety.com.au/specialist-accreditation/renewals>

Recommendations

It is recommended that the Law Society update the annual re-certification requirements by requiring Certified Specialists to complete 10 additional hours of CPD in their area of specialization. These hours would be in addition to the mandatory 12 hours of CPD that apply to all licensees. This change would directly address the concern that some licensees have around the assurances of ongoing competence by specialists in their specialty area, and is aligned with an elevated expectation of learning and expertise for lawyers holding a regulatory designation. In fact, before the introduction of mandatory CPD in 2011, only certified specialists were required to complete 12 hours of CPD in their area of specialization. This requirement should come into effect on January 1, 2025 (which means that Certified Specialists would have until December 31, 2025, to complete the additional hours for the 2025 calendar year).

It is also recommended that the Law Society review and update all of its public-facing information about the program with a focus on better informing the public about the program.

Both near-term recommendations do not have cost implications for the Law Society as currently presented, and therefore can be undertaken without additional cost to the Law Society or Certified Specialists.

B. Long-term Proposals to Address Identified Challenges

1. Expanding the program to paralegals

As noted above, 20 paralegal submissions requested that the program be expanded to allow for paralegals to also be certified as specialists. Respondents supported this idea, noting that from their perspective the lack of such a program represented a fairness issue to paralegals.

When considering the expansion of the Certified Specialist Program, it must be noted that the Law Society has an obligation to ensure the ongoing competency of its licensees. This obligation extends equally to paralegal licensees as it does to lawyer licensees. By extension, this obligation also includes opportunities that enhance paralegal competence, since this would only serve to benefit the legal professions by creating the circumstances for additional expertise in particular areas of law, as well as benefiting the public by helping to improve access to justice, in the same way that Certified Specialist Program does for members of the public who are searching for a lawyer. Additionally, the Law Society's purpose in creating the Certified Specialist Program was to enhance competence by facilitating the development of specialized expertise in a given area of law. Extending the program to paralegals is consistent with this purpose. Paralegals and the public

interest both stand to benefit from the development of specialized experience among paralegals in the same way that lawyers and the public currently benefit from the existing Certified Specialist Program.

While the Law Society could pursue potential expansion as part of a future discussion on enhancements to the program, such a review has not been included in previous reviews of the program. As a result, and given the low number of submissions made by paralegals to this consultation process, it may be advisable for the Law Society to first consult with paralegals to ensure this proposal is a priority for them. If so, the Law Society could review the existing certification standards to see if paralegals could be accepted into any of the existing specializations as a first step. Before creating any new specializations specific to paralegals, the Law Society would need to hire external experts to help facilitate the development of this program, and consult with paralegals to map out the potential areas of specialization for paralegals. The next step would be to establish the certification requirements in these areas, again in consultation with paralegals. If undertaken, these processes would also require additional resourcing since these tasks fall outside of the normal scope of business for the Law Society.

2. Recertification

Another way of ensuring that the Certified Specialist Program ensures ongoing competence would be to require specialists to re-certify periodically. This approach is used in the United States, where the American Bar Association requires lawyers who are accredited as specialists to re-certify at least every five years¹⁸. This re-certification process requires “similar evidence of competence as that required for initial certification in substantial involvement, peer review, educational experience, evidence of good standing, and affirmation of compliance¹⁹. Structuring the re-certification process in this way ensures that accredited Specialists’ qualifications are regularly assessed to ensure the lawyer continues to meet the standards established for their practice area.

The Law Society could pursue a similar approach, but it would have resource implications both in terms of staffing requirements for the program and operational costs. Additionally, in light of the program’s challenges in attracting a large number of applicants, altering the re-certification process this substantially could also pose challenges for the overall participation in the Certified Specialist Program. Since the program continues to operate on a cost-recovery basis, a decrease in the number of specialists would require an increase in the re-certification fee in order to ensure the program continues to operate on a cost-recovery basis.

¹⁸ American Bar Association. Standards for Accreditation. Item 4.08, page 5. Online: <https://www.americanbar.org/content/dam/aba/administrative/specialization/aba-standards-for-accreditation-specialization.pdf>

¹⁹ *Ibid*

The Criminal Lawyers Association suggested that the Law Society could ask specialists to share information about files they have worked on over the past year that relate to their speciality. This could include information about the nature of the issue, the names of the presiding judge or opposing counsel (if applicable), and any other information the Law Society felt would be important to include (such as referencing issues/tasks they have performed in the past year that correspond to items in the standards for certification of that particular specialist designation²⁰. If this information were included as part of the annual re-certification process, the Law Society would have the ability to verify that the specialist continues to devote a significant amount of their practice to the legal issues that are relevant to their specialization. However, similar to the idea of expanding the CPD modules, this initiative would come with resource implications that would need to be studied, as this process would involve increased administration costs for the program.

3. Increasing the number of specialties or creating sub-categories within existing specialties

Many submissions noted that the practice of law is evolving rapidly, and that it would be helpful to the public and to the professions if the program continued to evolve to meet these changing needs. For example, the Civil Litigation speciality was mentioned by several respondents as an area where the Law Society could examine creating sub-specialities that could offer better information on the particular area of law in which the specialist practices. The Ontario Trial Lawyers Association suggested that creating sub-categories for personal injury and long-term disability would provide greater clarity to the public, and could also encourage more lawyers to participate in the program by making the designation more meaningful to lawyers who practices in these areas of law. The Federation of Ontario Law Associations made similar comments in their submission, suggesting subcategories of personal injury, accident benefits, class proceedings, and commercial disputes.

To accomplish this task, the Law Society would need to support the Certified Specialist Board by establishing a process to map out the distinctions for each sub-category, as well as the specific tasks that would need to be established in each sub-category's standards for certification. This process would require the Law Society to hire some external experts, and consult with specialists in each of the desired sub-categories to ensure the requirements are reflective of modern practices in these areas. If undertaken, these processes would require significant additional resourcing since these tasks fall outside of the normal scope of business for the Law Society. Any additional areas of specialization

²⁰ Each area of specialization has its own unique standards for certification. These standards are available on the Law Society's website: <https://lso.ca/lawyers/about-your-licence/manage-your-licence/certified-specialists/application-materials>

would also have to be maintained over time, contributing to the overall budget of the program.

4. Reviewing all of the certification standards to ensure relevancy

Some submissions noted that, in their view, the certification standards in their area of practice are not reflective of modern practice. It was also noted that the current certification standards do not include digital competencies as part of their structure. The Federation of Ontario Law Associations noted in their submission a review of the specializations would ensure that the program is focused and current. They also suggested that technological competencies, such as the use of CaseLines for litigators or Teraview for real estate and estate lawyers would be important markers for the Law Society to consider including when reviewing the certification standards.

While the Standards for Certification for each designated speciality area are the purview of the Certified Specialist Board, the Law Society could engage in a broad review of each of the 17 Standards. This would require further consultations, the hiring of external experts to provide feedback and validation, as well as additional staff time. If the Law Society wishes to pursue this initiative, it will require its own separate process, that could be undertaken in conjunction with an examination of sub-categories, if that option is pursued, or on its own under a similar structure to the process outlined above.

Recommendation

It is recommended that the Law Society investigate options for enhancing the Certified Specialist Program, including expanding the program to paralegals, and modifying the re-certification process, to ensure that the program will continue to meet the requirements of the Law Society's competency framework well into the future, while also looking for opportunities to better support the Law Society's access to justice mandate. Since the Certified Specialist Program is operated on a cost recovery basis, this investigation must include the potential resources implications of any proposed change, both to the Law Society, in terms of additional staffing requirements or other costs, as well as to Certified Specialists themselves. Staff should investigate these options, and report back to the Committee before the end of 2024.

C. Conclusion

Throughout its history, the Certified Specialist Program has had to maintain a difficult balance between the robust standards required for an effective specialisation program, and the costs, participation rate, and administration of the program. These issues have arisen at regular intervals, and the Law Society has continued to modify the program to address these challenges.

The Law Society's recent consultation on the future of the Certified Specialist Program solicited robust feedback from the professions. Of the submissions received, close to 85% were in favour of the continuation of the Program. It is therefore recommended that the Law Society continue the Program. Furthermore, the consultation process yielded a number of ideas that could enhance the success of the Program. It is further recommended that the Law Society investigate the feasibility of these enhancements, and report back to Convocation at a later date on their viability, including a cost assessment of any proposed enhancement.

Appendix

A. Background: The Creation of a Specialization Program

The subject of specialization within the legal profession was the subject of considerable debate in Canada dating back to the late 1960s. Practitioners felt that the law was becoming increasingly complex and were grappling with how this should be addressed. The core public policy issue was as follows: lawyers were increasingly becoming specialized in specific areas of law, with no mechanism for identifying or evaluating this experience; was this development in the best interest of the public, or the bar?

Some felt that it was incumbent upon the profession to adapt to this changing environment by creating programs to help lawyers become experts in different areas of law to ensure that the public need for this expertise could be more readily met. For this group, new programs would improve competency in the practice of law, and would support the public interest by making it easier for those seeking legal services to identify a practitioner who is experienced in that particular area of law. Others felt that the desired competence and specialization already existed within the profession, and therefore this subject was better addressed by reforms to advertising rules to ensure that specialized knowledge and experience was easily identifiable by the public and other practitioners. While the Law Society resisted making any changes to its licensing processes throughout this time, the issue came to a head when, in August 1983, the Canadian Bar Association (CBA) released a discussion paper proposing that the CBA administer a certification program for lawyers.

In September of 1983, the Law Society created a Special Committee on Specialization to evaluate the CBA proposal. The Special Committee was tasked with two core questions:

1. Should the Law Society endorse the concept of specialization within the legal profession; and if so
2. Should the Law Society endorse the CBA model or pursue another model altogether?

The Special Committee recommended that Convocation endorse the concept of specialization in its November 1984 report. However, the Special Committee was not comfortable endorsing the CBA proposal, or the alternative proposal submitted by The Advocates' Society. As a result, Convocation approved of specialization in principle, and referred the issue of creating an implementation plan back to the Special Committee on Specialization.

In May of 1985, the Special Committee on Specialization brought forward a detailed plan for the implementation of a certification program, and recommended that Convocation

proceed with a two-year pilot program in the area of litigation²¹ that would be administered by the Law Society. The proposal also recommended the creation of “the Certifying Board”²² to oversee the pilot and establish standards for certification. The proposal was accepted by Convocation, and in June of 1985 the Special Committee on the Implementation of Specialization was created to oversee this process. The initial Certifying Board members were appointed in March of 1986, and the program began accepting applications shortly thereafter. In May of 1989, the Certifying Board presented a report to Convocation, indicating that 60 lawyers had been certified to date, and recommended that the program continue on an ongoing basis. The report further noted that the litigation speciality had been divided to separate civil litigation and criminal litigation, and recommended the expansion of the program into family law. Convocation agreed to continue the program on a permanent basis in May, and agreed to the expansion into family law in October. The next substantial review of the Program took place in 2001.

B. Initial Review and Changes

In 2001, the Law Society completed a review of its competence model similar to the recent review performed by the Competence Task Force. The Certified Specialist program was considered in this review, and it was recommended that the program continue, with modifications, as it was seen as one of the five pillars of the Law Society’s competence model.

In June 2002, Convocation adopted a business plan for the Certified Specialist Program that was designed to help expand the program’s take up, and make the program a larger part of the Law Society’s competency framework. The plan included performance targets, such as increasing the percentage of lawyers certified as specialists from 2% in 2001 to 6% by December 2004 (approximately 1150 licensees), and 10% by 2006 (approximately 2000 licensees), moving towards self-sufficiency, and provided an advertising budget to promote the program. At the time, the percentage of lawyers who were Certified Specialists as well as the self-sufficiency of the program were seen as important indicators of the overall success of the program. In this context, the self-sufficiency of the CSP refers to the desire for the program to move from a model which saw each licensee contribute to the overall cost of the program, to a cost-recovery model where the costs of the program would be paid exclusively by Certified Specialists through their fees. The business plan also included a number of proposed program changes, such as the introduction of an annual re-certification process and the examination of several areas of law for potential inclusion as designated areas of specialization.

²¹ Special Committee on Specialization report. May 24, 1984. Page 125, para. 3

²² Ibid

C. 2007 Program Review

The Certified Specialist Program was part of a program review process in 2007. At the time, it was noted that the Program had failed to meet its growth targets, and had risen to only 3.6% or 719 of the lawyer licensees in private practice²³. The program had also not achieved its goal of self-sufficiency, and had a proposed subsidy of \$6 per licensee in the 2008 Law Society budget²⁴. The report further notes that, in line with the proposals outlined in the business plan, the number of specialities increased by five between 2003 and 2007. However, this expansion only increased the total number of specialists by 100²⁵. The Committee spent several months discussing the success of the program, and concluded the following:

“Based on a longstanding lack of growth in the program from its outset even despite the extensive redesign; the degree to which the program has fallen short of the benchmarks set for the end of 2006; the evidence that too few licensees appeared interested in applying for certification; and the programs continued subsidization, the Committee’s initial determination was the recommend the termination of the program”²⁶

When consulting with the Certified Specialist Board on their initial determination, the Board felt that the Committee’s recommendation was premature. In response, the Committee shared its report to members of the Speciality Committees and deferred reporting back to Convocation until a Review group, consisting of representatives from each of the Speciality Committees, had the opportunity to review the content²⁷. This process determined that many of the members of the Speciality Committees “strenuously opposed the termination of the program”²⁸, and also noted that Certified Specialists would be willing to pay an increased annual fee to ensure the Program met its cost recovery goal²⁹. The Review Group also suggested that the Program needed more incentives to encourage participation in the program, and suggested the adoption of the “C.S.” designation to assist in growing the program’s profile³⁰.

²³ Law Society of Ontario, Professional Development and Competence Committee report. October 25, 2007. Page 5, Para. 5.

²⁴ Ibid

²⁵ Law Society of Ontario, Professional Development and Competence Committee report. October 25, 2007. Page 5, Para. 6.

²⁶ Law Society of Ontario, Professional Development and Competence Committee report. October 25, 2007. Page 6, Para. 8.

²⁷ Ibid at Page 6, Para. 10.

²⁸ Ibid at Page 7, Para. 12.

²⁹ Ibid at Page 7, Para. 13.

³⁰ Ibid at Page 10, Para. 27.

The Review Group also made suggestions regarding the application process and the certification standards, suggesting that the Law Society use a more administrative process to reduce costs and facilitate the process. At the time, there were concerns that the previous process, in which a panel vetted each individual applicant, lead to the rejection of too many potential specialists because the certification standards were not uniformly and objectively enforced. This factor was suspected as a contributing factor in the lack of growth in the Program's membership³¹. The Committee accepted the Review Group's recommendations, noting that they were persuaded that "despite the small number of Certified Specialists in the province, the belief in the importance of having such a program appears to be deeply held, at least by those who have committed the time and effort to become certified"³². The Committee recommended an increase in the annual renewal fee, from \$300 to \$375, which was anticipated to allow the program to be fully cost-recovered in 2008.³³ From this point forward, the costs of running the CSP were removed from the annual licensing fees paid by licensees and incorporated into the CSP program fees.

³¹ Ibid at Pages 11-12, Para. 29-32.

³² Ibid at Page 12, Para. 33.

³³ Ibid at Page 12, Para. 34.

Certified Specialist Program Consultation: Organization Submissions

1. City of Mississauga Legal Department
2. Criminal Lawyers Association, President
3. Criminal Lawyers Association, Women's Directors
4. Federation of Asian Canadian Lawyers
5. Federation of Ontario Law Associations
6. Ontario Bar Association
7. Ontario Trial Lawyers Association
8. Refugee Lawyers' Association of Ontario
9. South Asian Bar Association
10. Thunder Bay Law Association

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Domenic Tudino

Email Address domenic.tudino@mississauga.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: I work for the City of Mississauga Legal Dept.

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should KEEP the Certified Specialist Program because the lawyers who participate in the program have (over many years of hard work and dedication) distinguished themselves as being "specialists" and clients want to know this type of information.

Clients want to know that an independant body has seen fit to designate a lawyer as a Certified Specialist, rather than a lawyer simply making that claim for themselves with no proof.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

Do you have other comments regarding the Certified Specialist Program?

N/A

From: John Chagnon <ed@criminallawyers.ca>
Sent: Monday, July 31, 2023 3:27 PM
To: Treasurer <Treasurer@lso.ca>
Cc: CLA President <president@criminallawyers.ca>
Subject: Re: Certified Specialist Program

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

Dear Ms. Horvat,

We wrote to you in the fall of 2022 outlining our position about maintaining the Certified Specialist Program from the perspective of criminal lawyers.

The Criminal Lawyers' Association (CLA) is Ontario's (and Canada's) largest organization of criminal defence counsel with over 1800 members. Among our considerable contributions to the justice system, a large portion of our efforts relate to ensuring access to justice in the criminal law context and protecting the civil liberties of Canadians. The majority of our members' clients are part of vulnerable groups in one way or another. Both our organization and our members routinely assist individuals with mental health issues, marginalized racial groups, the impoverished, and the uneducated.

In addition to our concerns about the importance of the program as outlined before and reincluded in this submission, we are making specific recommendations about how to ensure the quality of approved Certified Specialists in Criminal Law.

The Certified Specialist Designation is More Important Than Ever to Protect the Public

The need for the Law Society of Ontario to administer a merit-based designation for Specialists in Criminal Law has been amplified by the recent reinstatement of the King's Counsel designation. This title has been bestowed by the current government on many based primarily on patronage considerations with few exceptions. The unfortunate reality is there is now a real risk that members of the public will equate the KC designation with superiority.

The Current Requirements

The CLA views the Certified Specialist Program as a valuable certification that our members can obtain. The current requirements necessary to be recognized by the Law Society of Ontario as a Certified Specialist in Criminal Law are robust and significant. The uptake may be limited; however, the current list of Certified Specialists in Ontario is an impressive list of established and respected criminal lawyers with exceptional experience that maintain high standards of practice. The application process takes a significant amount of time in that it requires applicants to review their practice, the types

of cases they have done, and make extensive submissions to the program establishing they have met the robust criteria required of the designation. This onerous process and associated fees are perhaps some of the reasons why not every topflight criminal lawyer has sought to be recognized as a Certified Specialist, however, this fact is no reason to lower the standards, or worse, completely dismantle the program.

The CLA is recommending stringent verification checks and inquiries are done by the Law Society of Ontario to ensure that applicants to the Certified Specialist in Criminal Law program are of a high quality similar to the process for vetting judges which includes a committee of experts to review the application and make recommendations on merit combined with the use of discreet inquiries from respected members of the bar and judiciary.

The Law Society's Duty to Protect the Public

Eliminating the Certified Specialist program for criminal law is a grave error. The correct approach is to maintain rigorous criteria and to regularly update and refine those criteria to ensure the program maintains high standards to assist the public in selecting experienced criminal lawyers. The CLA is willing to work with the Law Society of Ontario to maintain and improve any perceived deficiencies in the existing program structure.

Unlike other types of practice like corporate commercial work or civil litigation, which often has a sophisticated client base, identifying a skilled and competent criminal defence counsel can be a challenge for most clients entering the criminal justice system.

Websites, a flashy social media presence, fancy business cards, and big claims of success made by inexperienced counsel are all too common. Many new lawyers with no experience and an inability to find employment in the legal industry bill themselves as criminal lawyers as there are fewer barriers to entry to be a sole practitioner in criminal law as compared to other areas of practice. Many other solicitors will dabble in criminal law to supplement their income. Criminal law has extreme consequences for vulnerable clients that pick an inexperienced or under qualified defence counsel: Criminal records, loss of liberty, immigration consequences, and offender registries. These types of consequences will also make future employment or travelling abroad difficult or near impossible.

Many potential clients lack sophistication or are from marginalized communities. These types of potential clients do not have professional contacts to guide them to an experienced criminal lawyer. The Certified Specialist Program's objective criteria shields these members of the public and gives them the assurances that they have hired a qualified and experienced criminal lawyer.

It is important for the Law Society of Ontario to protect vulnerable communities. The Certified Specialist Program is an important tool in helping members of the public assess the experience level of a lawyer they may intend to hire.

Diversity in Criminal Law and Why the Certified Specialist Program is Important

Many criminal defence lawyers are racialized or female and regularly face discrimination and/or unconscious bias when competing for clients. In speaking to several of our members, they have explained the value in the Certified Specialist Program in combatting misconceptions about their competence due to their gender or ethnic background. These experiences shared by our racialized members have been well documented in a 2019 article in the Toronto Star: ['You don't look like a lawyer.' Female lawyers and lawyers of colour angered by mistaken identity in court.](#) The Certified Specialist Program provides these members with a certification that objectively allows the public to assess their standing and competence. The Certified Specialist tool is invaluable to these members as well as the clients they serve.

Unfairness to Current Certified Specialists

The current members of the program have invested time and an annual fee, some members for several years have paid this annual fee. Removing the program is unfair to program participants and may leave past clients with the wrongful perception that the members were stripped of the designation due to misconduct or failing to meet the standard of a Certified Specialist. Furthermore, removing the program saddles past Certified Specialists with added costs to modify business cards, letterhead, updating websites and changing marketing materials.

Recommended Improvements to the Verification Process

The application process is robust in ensuring that there is significant and broad experience on behalf of the applicants to the program. It would be useful if there were more metrics of quality control built into the application approval process.

The current reference program that is designed to be confidential should remain in place. It would be useful as well for all Applicants to provide the names of the judge and opposing counsel in their five recent cases. The judges and opposing counsel should then be contacted as part of the approval process to ensure counsel acted with civility and provided quality representation.

The President of the CLA should also be contacted to make discreet inquiries about the applicant amongst members of the criminal bar as they are uniquely situated to garner or share information. The President already fulfils this role on both provincial and federal judicial appointment committees and regularly provides feedback on applicants.

Lastly, the applicant should provide references which include Crowns and Judges.

Applicants should only be admitted to the program if they are deemed to be of high quality as well as experienced.

We ask that the Law Society consider maintaining the Certified Specialist Program for Criminal Law and working with the Criminal Lawyers Association to ensure that the

certification program reflects a high degree of competence and experience worthy of the specialist designation.

Yours very truly,



Daniel Brown

President

T 416.214.9875 | **F** 416.968.6818

president@criminallawyers.ca | www.criminallawyers.ca

189 Queen St E., Suite 1, Toronto, ON M5A 1S2  



CRIMINAL LAWYERS' ASSOCIATION
189 Queen Street East, Suite 1
Toronto, ON M5A 1S2
Tel: 416-214-9875
Fax: 416-968-6818

www.criminallawyers.ca
ed@criminallawyers.ca

Monday, July 31, 2023

Attention: Jacqueline Horvat
Treasurer, Law Society of Ontario
Treasurer@lso.ca

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The CLA is recommending stringent verification checks and inquiries are done by the Law Society of Ontario to ensure that applicants to the Certified Specialist in Criminal Law program are of a high quality similar to the process for vetting judges which includes a committee of experts to review the application and make recommendations on merit combined with the use of discreet inquiries from respected members of the bar and judiciary.

The Law Society's Duty to Protect the Public

Eliminating the Certified Specialist program for criminal law is a grave error. The correct approach is to maintain rigorous criteria and to regularly update and refine those criteria to ensure the program maintains high standards to assist the public in selecting experienced criminal lawyers. The CLA is willing to work with the Law Society of Ontario to maintain and improve any perceived deficiencies in the existing program structure.

Unlike other types of practice like corporate commercial work or civil litigation, which often has a sophisticated client base, identifying a skilled and competent criminal defence counsel can be a challenge for most clients entering the criminal justice system.

Websites, a flashy social media presence, fancy business cards, and big claims of success made by inexperienced counsel are all too common. Many new lawyers with no experience and an inability to find employment in the legal industry bill themselves as criminal lawyers as there are fewer barriers to entry to



CRIMINAL LAWYERS' ASSOCIATION
189 Queen Street East, Suite 1
Toronto, ON M5A 1S2
Tel: 416-214-9875
Fax: 416-968-6818

www.criminallawyers.ca
ed@criminallawyers.ca

be a sole practitioner in criminal law as compared to other areas of practice. Many other solicitors will dabble in criminal law to supplement their income. Criminal law has extreme consequences for vulnerable clients that pick an inexperienced or under qualified defence counsel: Criminal records, loss of liberty, immigration consequences, and offender registries. These types of consequences will also make future employment or travelling abroad difficult or near impossible.

Many potential clients lack sophistication or are from marginalized communities. These types of potential clients do not have professional contacts to guide them to an experienced criminal lawyer. The Certified Specialist Program's objective criteria shields these members of the public and gives them the assurances that they have hired a qualified and experienced criminal lawyer.

It is important for the Law Society of Ontario to protect vulnerable communities. The Certified Specialist Program is an important tool in helping members of the public assess the experience level of a lawyer they may intend to hire.

Diversity in Criminal Law and Why the Certified Specialist Program is Important

Many criminal defence lawyers are racialized or female and regularly face discrimination and/or unconscious bias when competing for clients. In speaking to several of our members, they have explained the value in the Certified Specialist Program in combatting misconceptions about their competence due to their gender or ethnic background. These experiences shared by our racialized members have been well documented in a 2019 article in the Toronto Star: ['You don't look like a lawyer.' Female lawyers and lawyers of colour angered by mistaken identity in court.](#) The Certified Specialist Program provides these members with a certification that objectively allows the public to assess their standing and competence. The Certified Specialist tool is invaluable to these members as well as the clients they serve.

Unfairness to Current Certified Specialists

The current members of the program have invested time and an annual fee, some members for several years have paid this annual fee. Removing the program is unfair to program participants and may leave past clients with the wrongful perception that the members were stripped of the designation due to misconduct or failing to meet the standard of a Certified Specialist. Furthermore, removing the program saddles past Certified Specialists with added costs to



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modify business cards, letterhead, updating websites and changing marketing materials.

Recommended Improvements to the Verification Process

The application process is robust in ensuring that there is significant and broad experience on behalf of the applicants to the program. It would be useful if there were more metrics of quality control built into the application approval process.

The current reference program that is designed to be confidential should remain in place. It would be useful as well for all Applicants to provide the names of the judge and opposing counsel in their five recent cases. The judges and opposing counsel should then be contacted as part of the approval process to ensure counsel acted with civility and provided quality representation.

The President of the CLA should also be contacted to make discreet inquiries about the applicant amongst members of the criminal bar as they are uniquely situated to garner or share information. The President already fulfils this role on both provincial and federal judicial appointment committees and regularly provides feedback on applicants.

Lastly, the applicant should provide references which include Crowns and Judges.

Applicants should only be admitted to the program if they are deemed to be of high quality as well as experienced.

We ask that the Law Society consider maintaining the Certified Specialist Program for Criminal Law and working with the Criminal Lawyers Association to ensure that the certification program reflects a high degree of competence and experience worthy of the specialist designation.

Yours very truly,

Daniel Brown

President

From: John Chagnon <ed@criminallawyers.ca>

Sent: Thursday, August 3, 2023 1:53 PM

To: Treasurer <Treasurer@lso.ca>

Cc: Michelle Johal <michellejohal@rogers.com>; Stephanie DiGiuseppe <sdigiuseppe@rubyshiller.com>; jonathan rosenthal <jrosenthal@bondlaw.net>; Neha Chugh <neha.chugh@gmail.com>; Annamaria Enenajor <aenenajor@rubyshiller.com>; geraldc@stockwoods.ca

Subject: Re: Certified Specialist Program

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

Dear Ms. Horvat,

The Criminal Lawyers' Association ("CLA") wrote to you in late July of 2023 outlining our position about maintaining the Certified Specialist Program from the perspective of criminal lawyers.

In addition to our concerns about the importance of the program as outlined in our most recent submission, we are writing to you in our capacity as the two Women's directors of the CLA. It is our submission that both the maintenance and the expansion of this program can assist with the retention of women in criminal practice.

The Retention of Women by the LSO

It is well known that women have been entering the legal profession and private practice in record numbers in recent decades. However, they have also been leaving the profession in droves.

A report undertaken by the CLA confirmed that women are quitting the practice of criminal law at a significantly higher rate than men. The report, entitled "The Retention of Women in the Private Practice of Criminal Law," was released in 2016. It found that low pay (due to overreliance on Legal Aid cases), and the lack of financial support for parental leave as two of the main reasons women are leaving private practice of criminal law.

The report noted in 2016 that women were leaving private practice to become Crown Attorneys because of more predicable hours, the lack of financial overhead, and paid parental leave. Recently, it has been observed that women have continued to leave private criminal practice at an unprecedented rate and sought jobs with the Ministry of the Attorney General. There are multiple reasons for this, which include significant cuts to the Legal Aid Ontario budget and their impact on the private certificate program, and the inherent challenges in developing and maintaining a criminal law practice. The problem regarding the attrition of women from our profession anecdotally seems to be much worse than when the report was authored in 2016.

I observe that of the 71 criminal law specialists designated by the Law Society of Ontario, only a very small percentage are women. The women who have this special designation are recognized as leaders in our bar, and their professional reputations are well established. It is our submission that this designation should not only be maintained but expanded. Women in our

private bar should be encouraged to apply so that they can distinguish themselves from other members. This special designation can distinguish them as certified specialists in their field among not only their colleagues but prospective, new clients.

The LSO recognizes that it is important that the practice of criminal law reflect the community. This designation can assist women in growing their practice. I observe that the business side of a criminal defence practice is another area where female lawyers are more reticent when it comes to the amount of fees they will seek from a client, compared to their male colleagues. In fact, quoting what you are worth and charging accordingly was one of the topics explored at a 2022 virtual Women's criminal lawyers' conference aimed at retaining women in our profession and helping them build a thriving business. The conference was entitled, "Show me the money". Its objective was to provide female members of the criminal bar with tools on how to market themselves effectively, and charge fees appropriately. We both co-chaired this conference. On a personal note, we both spent many years working for criminal law specialists before we opened our own practices. Our former employers used their designation to market themselves appropriately to clients and found the designation useful in growing their practice and enhancing their professional reputation.

It is well known that criminal lawyers, many of whom practice as sole practitioners use internet and social media to promote themselves. While the LSO has rules about digital marketing, these rules are not always adhered to. Many lawyers hold themselves out to be experts in their field when they lack the experience to do so. The internet can be the wild west. The Certified Specialist Program for criminal law is important to protect the public. The LSO should seek to strongly discourage these internet practices and enhance the reputation of the criminal bar by maintaining the Certified Specialist designation and promoting the program to make it more robust so that more women and racialized members of the bar will see the value in earning this designation.

In reviewing the dialogue about the consultation for Certified Specialists we both have become inspired to apply for the designation as Women Directors of the CLA.

In conclusion, we would submit that it would be an error to eliminate the Certified Specialist Program, and the correct approach would be to maintain its criteria and seek to promote the value of the designation to encourage more women and diverse members of the Criminal bar to seek the designation.

Yours truly,



Michelle Johal and Stephanie DiGuiseppe

Women's Directors

T 416.214.9875 | F 416.968.6818

ed@criminallawyers.ca | www.criminallawyers.ca

189 Queen St E., Suite 1, Toronto, ON M5A 1S2  



CRIMINAL LAWYERS' ASSOCIATION
189 Queen Street East, Suite 1
Toronto, ON M5A 1S2
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Fax: 416-968-6818

www.criminallawyers.ca
ed@criminallawyers.ca

Thursday, August 3, 2023

Attention: Jacqueline Horvat
Treasurer, Law Society of Ontario
Treasurer@lso.ca

Dear Ms. Horvat,

Re: Certified Specialist Program

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CRIMINAL LAWYERS' ASSOCIATION
189 Queen Street East, Suite 1
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Tel: 416-214-9875
Fax: 416-968-6818

www.criminallawyers.ca
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Yours truly,

Michelle Johal and Stephanie DiGuiseppe
Women's Directors
Criminal Lawyers' Association

Federation of Asian Canadian Lawyers' Submission Regarding the Law Society of Ontario's Certified Specialist Program

The Federation of Asian Canadian Lawyers ("FACL") is a diverse coalition of Asian Canadian legal professionals working to promote equity, justice, and opportunity for Asian Canadian legal professionals and the wider community. FACL appreciates the opportunity to make this submission in response to the Law Society of Ontario's ("LSO") Consultation on the Certified Specialist Program.

FACL strongly recommends that the LSO consider principles of equity, diversity and inclusion in its review of the Certified Specialist Program. There does not appear to be data available regarding the proportion of Certified Specialists who identify as members of equity-seeking groups. However, FACL recognizes that the Certified Specialist Program has the ability to play an important role in promoting and enhancing equity, diversity and inclusion within the profession leading to a profession that better serves the public.

One of the results of the Certified Specialist Program is that it provides valuable information to the public, including members of equity seeking communities, to identify a lawyer's expertise. Furthermore, the Certified Specialist Program has the potential to be an equal opportunity program for lawyers to obtain this designation and therefore, increase equality within the profession. Some of our members have advised that they obtained the Certified Specialist designation to assist in being respected and legitimising their experience within the profession and amongst their colleagues and clientele. Accordingly, the Certified Specialist Program has the potential to allow racialized lawyers to obtain a designation which assists in receiving respectable treatment from the public and the profession.

Furthermore, the Certified Specialist Program also has the potential to promote access to justice across Ontario's vast geography. It may also promote equality and access to justice for all practice sizes by providing the public with information about practitioners, including sole practitioners and those at small to midsized firms, who are often racialized lawyers.

Notwithstanding the potential benefits of the Certified Specialist Program, concerns have been raised regarding the cost of the application fee and the annual re-certification fee, and how such fees could be a barrier to members of equity-seeking groups. Concerns have also been raised regarding the Standards for Certification for some specialties, including the broad scope of matters in which applicants must demonstrate they have substantive experience. Specifically, some of our members have expressed a concern that for certain specialties, racialized licensees (a disproportionate number of whom are sole practitioners or practice in a small firm setting) may have faced barriers to gaining experience in such a broad scope of matters.

Therefore, we recommend that further consideration for equity, diversity and inclusion be incorporated into the LSO's review of whether the Certified Specialist Program should be discontinued. If the LSO decides to continue the Certified Specialist Program, it should strongly consider reviewing the certification process and Standards for Certification, with a particular focus on principles of equity, diversity and inclusion.



September 27, 2023

Law Society of Ontario
Osgoode Hall
130 Queen Street West
Toronto, ON M5H 2N6

Attention: Professional Development and Competence Committee

Via Email (policyconsultation@lso.ca)

Dear Committee Members:

Re: Certified Specialist Program Consultation

1. Overview

As representatives of Ontario lawyers in private practice, we are writing in connection to the certified specialist program (the “**Program**”) consultation and report of the Competence Task Force to consider the maintenance, revision, or elimination of the Program offered through the Law Society of Ontario (“**LSO**”). The Federation of Ontario Law Association (“**FOLA**”) is an organization that represents the associations and members of the 46 county and district law associations across Ontario, representing approximately 12,000 practicing lawyers, most of whom are in private practice in firms across the province.

As a brief response to the consultation questions, we believe that the LSO should keep the Program with necessary revisions, as explored below. If, however, the LSO deems it appropriate to eliminate the program, individuals with the designation should be grandparented for a 3-year period.

Notwithstanding the above, it is FOLA’s recommendation that the LSO maintain the Program with enumerated enhancements in order to promote access to justice and to better inform the public of those lawyers who have undergone a regulator-approved program that identifies and supports practicing lawyers with specialized practical knowledge of the law.

2. The Current Program

The current Program operates to identify an approximately 17 substantive areas of practice. Applicants must have practiced in the area for at least 7 years and have had substantial involvement during the last 5 to 7 years.

A key aspect of the Program is that the various areas of specialization have different criteria, appropriate and specific to each area, to qualify for mastery of substantive law practices and procedures within that area of specialization. This is important because it recognizes the

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in Ontario”*

731 9th Street West,
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N4K 3P5

(519) 270-4001

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differences amongst the various practice areas and what it takes to be considered a specialist in those areas. It is not a 'one size fits all' process.

After certification, the Program is largely self-monitored and annual attestations by specialists aim to keep them current, together with an annual renewal fee. We are advised that the cost of the LSO to operate and maintain the Program is presently cost neutral, given the fees collected against the annual expense of the Program.

3. Benefits of the Program

It is important to note that the Program is more than an acknowledgement of accomplishment; it is a recognition of peers and other experts that the applicant has attained a certain level of mastery of the subject matter. It signals an awareness by the public of the lawyer who has met a high standard of specialized practice with expert experience and expertise to match. It is not a designation of length of practice or a marker of extraordinary success. To the contrary, it is meant to be reflective of those who have gone through the Program to be credentialed as such.

The Program includes components established to vet and verify applicants who have attained this level of mastery. It is not available by public promotion, endorsements, or advertisements as in some other private recognition programs. In an era where there are more practising lawyers than ever before and the LSO licenses new licensees at an unprecedented rate, the Program offers many licensees the opportunity to identify themselves as those who have attained a highly specialized area of excellence in their area of practice.

The value of the Program is personal to many members and licensees; however, our membership has advised that participation in the Program has a significant impact on access to justice. The Program has elevated their opportunities both by being identified on the Law Society's website as a specialist but also by being invited to participate in requests for proposals for legal services that have only been elicited from those identified as certified specialists on the website. As a result, it has opened doors to many members simply because they are able to identify that they are experts in a specialist area of practice.

In short, the Program offers a means by which the public, whether sophisticated or experienced, can readily identify a licensee who can hone in on a subject matter with diligence, expertise and efficiency.

4. Enhancements to the Program

The Program offers insight into the caliber of practice and the legal services provided, identifying unique practice issues that are relevant to those practice areas. Because the practice of law is ever-changing, the standards required to become a certified specialist and maintain that designation should similarly be updated on a regular basis. For this reason, each of the areas of specialization should be reviewed by a competence committee at the LSO, in consultation with the certified specialists of that specialization, to review the criteria for areas of specialization every 5 years. At that time, the area of specialization can be amended or maintained, having had an opportunity for substantive review.

Similarly, certified specialists should be required to renew their applications on a more substantive basis every 5 years to ensure that their areas of practice and their standard of practice aligns with any amended criteria for that practice area. While this may be an enhanced burden on some, it would maintain credibility in the eyes of the public that the certified specialist continues to have a mastery of the substantive and procedural area of practice. It should not be viewed as '*once a specialist, always a specialist*'.

The areas of specialization should be examined to ensure they are deliberate, focused, current, and within an area of practice that suggests specialization is warranted. The categories should not be broad, but specific within a substantive area. For example, the specialization of “Civil Litigation” appears too general, but should be further designated by practice area, such as “Personal Injury”, “Accident Benefits”, “Class Proceedings”, or “Commercial Disputes”. The determination should not be left to the candidates’ skill set but how a member of the public could readily discern that the specialist can assist in the needed area of the law.

With advances in technology impacting the practice of law, there should also be a technology component identified in each area of specialization such that practising lawyers should acknowledge that they have competency in technology related to their area of practice. This may be the use of CaseLines for litigators or Teraview for real estate and estates lawyers.

By virtue of their enrollment in the Program, specialists should also have their names identified in any recognized mentoring program for new licensees, such that they can be contacted as a referral network, subject to appropriate safeguards.

It is important that the Program identify certified specialists not solely on academic knowledge of the area of practice but also the substantive and procedural areas of practice. These lawyers should have a broad exposure to various facets of practice in their area of specialization such that the public could refer and rely on a certified specialist to address almost any area of concern within that area of specialization. It should not be seen as a record of the highest achievers but those who have met a standard of excellence in that area of practice addressing the hallmarks identified by those licensees already masters in that area of practice. If there are licensees who would dismiss the Program on the basis that it is not an indicator of those who are the most specialized in that area of practice, we would invite them to go through the process and become a certified specialist in their own right. This alone is not sufficient to remove the Program.

5. Additional Considerations

We wish to make three final comments for your further consideration.

First, some lawyers may renounce the Program as establishing an extraordinary standard of care in their practice. We have not been presented or been able to locate any data that suggests that certified specialists have a higher standard of practice or are more susceptible to claims of negligence than other practitioners. The Program should not be discontinued on this basis.

Second, we expect that other stakeholders will provide comments to the LSO that address the Program from an equity lens. While these topics are beyond the consensus we can offer in this submission (there are a diversity of views on those issues), we believe that it is incumbent on the LSO to consider those questions with a view to its commitment to promote diversity among licensees – as a component of access to justice.

Finally, some have questioned the regulator’s silence on the various “pay for play”, popularity-driven, and subscription-based lawyer ranking publications. Others have raised questions about the need to reincarnate the Program in light of the reemergence of the King’s Counsel (KC) designation. There are a diversity of opinions on these issues, and again, we would call on the LSO to consider these questions from the view of its public interest mandate. Specifically, whether other signifiers of “excellence” are misleading to the public or serve to

undermine, replace, or weaken the Program and whether those concerns can be addressed through improved policies on promotions and advertising by licensees or their firms.

—

We thank you for the opportunity to participate in this consultation and welcome any opportunity to further discuss same with you.

Yours very truly,

A handwritten signature in black ink, appearing to read "Mark R. Giavedoni". The signature is fluid and cursive, with a prominent vertical stroke at the end.

Mark R. Giavedoni
Chair, Real Estate Committee

C. Jason Pichelli, Strategic Policy Advisor, LSO, *Via Email (jpichell@lso.ca)*



Submission: Supporting Continuation of the Certified Specialist Program and Ongoing LSO Oversight

To: Law Society of Ontario
From: Ontario Bar Association
Date: August 25, 2023



ONTARIO
BAR ASSOCIATION
A Branch of the
Canadian Bar Association

L'ASSOCIATION DU
BARREAU DE L'ONTARIO
Une division de l'Association
du Barreau canadien



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Executive Summary

The Ontario Bar Association (OBA) appreciates the opportunity to make this submission in response to the Law Society of Ontario's (LSO) Consultation on the Certified Specialist Program (CSP). For the reasons more fully set out below, the OBA supports the continuation and enhancement of the CSP, and supports it remaining under the jurisdiction of the LSO.

The Ontario Bar Association

Established in 1907, the OBA is the largest and most diverse volunteer lawyer association in Ontario, with approximately 16,000 members practicing in every area of the law in every region of the province. Our members practice on the frontlines of the justice system providing services to people and businesses, and include senior and junior lawyers, from managing partners to new calls and students, current certified specialists and non-specialists and areas where there may be interest in creating new specializations.

Each year, through the work of our 40 practise sections, the OBA provides updates and education on every area of the law to a combined audience of 20,000 lawyers, and provides advice to legislators, the Law Society, and other key decision-makers to ensure the justice sector works effectively and efficiently, and to support access to high quality legal services for Ontarians. In preparing this submission, the OBA sought input from a critical cross-section of the bar, including lawyers from every area of practice included in the CSP, and from members of sections whose practice areas are not covered by the CSP.

Comments

Should the Law Society Keep or Eliminate the CSP?

The LSO should keep the CSP. In response to the LSO's 2021 Report from the Competence Task Force on Renewing the LSO's Continuing Competence Framework, the OBA expressed its continued support for the CSP, and stated:

Certified Specialist Program Certified Specialist Designations are an important indicator to both the public and the legal profession that those who hold them are recognized as having achieved a high standard of expertise in a particular field. This both allows lawyers to promote their expertise and assists the public (as well as other practitioners) in identifying a lawyer who is best placed to address specific legal issues. The OBA has advocated for the expansion of the Certified Specialist program to additional practice areas in recent years, including into the areas of Taxation Law (which was added to the program) and Privacy Law (which is currently under consideration), and supports its continuation.



The OBA reiterates its continued support for the continuation of a CSP at the LSO and continues to advocate for its expansion into other areas of practice. The CSP is vital to the objectives of an effective, proportionate, and balanced regulatory framework that addresses career-long competence in a manner that protects the public interest and is responsive to the public’s legal needs.

Our members expressed overwhelming support to maintain and expand the CSP. And as the LSO notes in the consultation document, *“those that have committed the time and effort to become certified value being recognized in their field and the ability to distinguish themselves from others in their practice area.”* The fact that 2% of practising lawyers in Ontario are designated as Certified Specialists by the LSO¹ does not suggest that the CSP is not valuable; rather, it suggests that not everyone can qualify for the designation, and that more lawyers should be made aware of it and encouraged to strive to achieve this level of excellence and expertise.

According to the LSO’s survey results gathered during the 2021 consultations, question 31 (which is reproduced below) revealed that **more than 65%** of respondents indicated that the CSP should be kept or enhanced, with less than 35% indicating that it should be eliminated,² and 10% were not even aware

¹ Consultation document page 2: “As of 2020, 784 lawyers were designated as Certified Specialists, representing approximately 2% of practising lawyers. The relatively low percentage of lawyers designated as specialists has been consistent for several years.”

² Page 3 of the consultation document incorrectly states that “... **approximately half** of these respondents indicated a preference that the program should be kept or modified.” As can be seen below, this appears to be an error.





of the program's existence. It is notable that the detractors appear to not have the CS designation themselves and *may* feel that they are at a disadvantage. Instead of lowering the bar and eliminating the CSP, the LSO should consider maintaining, expanding, and updating the program and encourage more lawyers to strive to achieve this level of excellence.

The CSP Enhances Protection of the Public Seeking a Specialized Lawyer

The CSP is an important and reliable indication to members of the public in that the very body that protects the public has verified the lawyer's stated expertise. When a member of the public seeks legal advice, it is often during a time of vulnerability or major life events that require professional assistance. Poor service, or a lack of necessary expertise, can have devastating consequences on their lives.

Unlike other designations, the CS communicates an assurance by the regulator of the profession that the lawyer is not only competent but has significant experience and meets higher standards of excellence within the area(s) of specialization. It serves as an additional protection for the public, in that it is entirely merit based, with clearly articulated standards that must be met, maintained, and verified by an organization without a commercial or political interest in conveying the designation.

The CS designation promotes access to justice across all regions by providing the public with information about practitioners, including those at small to midsized firms in Toronto, the GTA and beyond.

Other designations may be less clear in terms of what the lawyer accomplished and, for the most part, do not speak to a level of specialization in a particular area of practise. For example, the Ontario government recently restored the practise of awarding the King's Counsel (KC) designation which, "*is given to lawyers who have demonstrated a commitment to the pursuit of legal excellence in service to the Crown, the public and their communities.*"³ The designation does not convey any information to the public about the lawyer's area of expertise, years of experience, or record with the LSO. It does not specify whether the KC was awarded for legal excellence, or whether it was based on public service, and cannot be relied on as an indicator of whether the lawyer is an expert in the area of law that is relevant to the member of the public seeking legal advice.

This CS designation can be particularly helpful in areas of the law that require experience and expertise, such as immigration and refugee law, tax or intellectual property or corporate and commercial law.

³ [Ontario Reinststitutes King's Counsel Designation](#), Ontario Ministry of the Attorney General Media Release, June 30, 2023



Members of the public, including business owners, should be able to readily identify a specialized lawyer, verified by the regulator. As noted above, the consequences can be serious.

It also plays an important role in Equity, Diversity and Inclusion from the perspective of members the public and of the legal profession. The CS provides valuable information to members of equity seeking communities in identifying and distinguishing a lawyer's expertise from a verified source. And from the perspective of legal professionals, the CS creates opportunities for greater equality.

In these ways, the CSP plays an important role in fulfilling the LSO's mandate of regulating the legal profession in the public interest. Without the program, the public would lose an important, independent, and objective way to find the help they need, leaving them to rely solely upon how members of the legal profession describe their own services and abilities.

Should Individuals with the designation be legacied?

The OBA recommends consideration be given to the significant impact and potential prejudice removal of the designation will cause to current Certified Specialists, and what the elimination of the CSP conveys to the public: about the lawyers with the CS designation (*Has the lawyer done something to lose the designation? Should I be worried about the legal services I am getting?*), and what it says more broadly about the LSO itself, and its position on encouraging and supporting higher standards of excellence, (*Why is the LSO lowering its standards? Who can I turn to if I am looking for a lawyer who is a verified expert, does the LSO not have this information? Will it review and verify claims of expertise by lawyers on an individual basis?*).

Additional comments: The CSP should remain with the LSO

The OBA specifically supports the continuation of the CSP being under the auspices of the LSO. As the licensing body of all Ontario lawyers, the LSO does not have a commercial interest in certifying specialists: it has an interest in encouraging, supporting and rewarding lawyers who have done the work to meet higher standards. The CS designation cannot be "bought" by attending a commercialized program. And it is not so broad that it does not communicate specialization in a particular field – as is the case with the KC designation.

The fact that it is the LSO that must certify that the lawyer meets the rigorous requirements is what gives the CSP meaning and the needed credibility to protect the public. The LSO's mandate lends itself to ensuring the integrity and purpose of the CSP, which is to identify lawyers who are and continue to be true specialists in each practice area.

The OBA would be pleased to work with the LSO in the interests of supporting and encouraging lawyers to strive for excellence, over and above what is required of all lawyers. We strongly support the continuation of the CSP.

OTLA Submission to the Law Society of Ontario (LSO)

Certified Specialist Program

September 29, 2023

The Ontario Trial Lawyers Association (“OTLA”) is pleased to provide input to the Law Society of Ontario (“LSO”) regarding its review of the Certified Specialist Program (“CS Program”).

OTLA is a non-profit professional association that was formed in 1991 by lawyers acting for plaintiffs. OTLA currently has more than 900 lawyer members across Ontario, practising as sole practitioners and in firms of all sizes.

OTLA’s purpose is to promote access to justice for all Ontarians, to preserve and improve the civil justice system, and to advocate for the rights of those who have suffered injury and losses as a result of wrongdoing by others while, at the same time, advocating aggressively for safety initiatives.

OTLA frequently comments on matters of interest to the profession and its members.

INTRODUCTION

OTLA appreciates the LSO and Convocation reconsidering the CS Program and seeking input from stakeholder organizations and the LSO membership at large prior to making any final decisions on the future of the CS Program.

OTLA took the initiative to survey its members on their views towards the CS Program. While the survey results were not unanimous amongst the membership, what was clear is that the CS Program needs to be modified to make it stronger and more relevant going forward. It is OTLA’s hope that this consultation will result in a robust CS Program going forward.

Given the majority of its surveyed membership were in favour of keeping the CS Program, OTLA is only responding to relevant consultation questions.

OTLA’S POSITION

Should the Law Society of Ontario keep or eliminate the Certified Specialist Program? Why or why not?

OTLA’s position is that the LSO should maintain the CS Program going forward.

OTLA broadly surveyed its members on their view of the CS Program. A large majority, **70.83%** support keeping the CS Program, despite the fact that approximately three quarters of respondents do not currently hold the Certified Specialist designation.

Those who responded in favour of keeping the CS Program gave the following reasons:

- It is a merit and skill-based designation which identifies lawyers with significant experience.
- It assists the public to identify lawyers with significant experience.
- It is consistent with the LSO’s mandate to protect the public. A well designed and administered CS program is consistent with that mandate. Removing the CS Program harms the public in their search for competent representation.
- It provides the LSO with a degree of control over who can present themselves as a “specialist” to the general public.

- Without such a designation, the public will be more inclined to rely on paid awards or awards that rely on surveys, where the criteria for the award is not always transparent to the public and may be misleading.

With that being said, 29.17% of the respondents to OTLA's survey supported abolishing the CS Program. They gave reasons such as:

- The CS Program favours lawyers at larger firms who have the funds and support to go through the lengthy and costly process of obtaining the designation.
- There is no obvious advantage to obtaining the designation.
- Some respondents suggest that the public does not pay attention to or understand the designation and so it makes no business sense to pursue it. It is misleading in that potential clients may perceive lawyers without certification as being less competent even though many experienced and skilled lawyers choose not to or are unable to pursue certification due to its high costs.

Do you have other comments regarding the Certified Specialist Program?

In its report "Renewing the Law Society's Continuing Competence Framework," the Competence Task Force identified that only 2% of practicing lawyers were designated Certified Specialists. OTLA is not concerned by this number. Not all practicing lawyers are eligible for participation in the CS Program, as it is only open to lawyers with more than 7 years of experience. Furthermore, the program designates "specialists," which are by definition lawyers with an extraordinary amount of experience and skill in a particular field of law. Only a minority of lawyers should be expected to attain this designation.

Some of the members surveyed indicated that one of their hesitations in their applying for the CS designation is the lack of specialized designations available. As an example, being designated a specialist in Civil Litigation may not be as meaningful to an individual who solely practices in one area of civil litigation such as motor vehicle litigation or long-term disability. If the LSO is concerned about the viability of the program going forward and with the number of applicants to the CS Program, consideration should be given to providing more specialized designations in areas such as Civil Litigation. Furthermore, two sub designations, Personal Injury and Long-Term Disability, could be added to provide greater clarity to the public and to address that concern. This would also have more meaning for members of the public since the term "civil litigation" may not be understood by all.

To ensure the integrity and relevance of the Certified Specialist designation going forward, OTLA recommends that certain changes be made to the CS Program. Several respondents to OTLA's survey were concerned that the CS Program should be adjusted to ensure that those lawyers who attain a Certified Specialist designation continue to meet the definition of same. OTLA recommends that, if the LSO decides to continue the CS Program, measures be put in place to ensure the assessment of continued competency over time. For example, the LSO may consider including criteria that lawyers who obtain the Certified Specialist designation must attend a specified number of continuing legal education programs in areas relevant to his or her designation each year (or meet similar criteria on an ongoing basis) to keep the designation.

CONCLUSION

To the extent that the CS Program is maintained, it is OTLA's hope that this consultation will assist in bringing about changes that will maintain a robust CS Program going forward. OTLA appreciates the opportunity to respond to the Consultation Report and is available to further discuss this response.

30 September 2023

Law Society of Ontario
Certified Specialist Program Consultation

Submitted by e-mail: PolicyConsultation@LSO.ca and jpichell@lso.ca

The Refugee Lawyers' Association of Ontario has over 300 members. Our listserv includes not only our Ontario members, but also lawyers in the field across Canada. The RLA has a particularly inclusive membership, reflecting the diversity of advocates for refugees. RLA members advocate for especially vulnerable and marginalized clients, often requiring Legal Aid funding, low cost or *pro bono* representation. Our members are on the front lines of making justice accessible.

The RLA is concerned with accessible promotion of competence among the legal profession, holding educational events and acting as a forum for lawyers to seek and share knowledge.

The RLA has a long history of advocating for accountability and appropriate professional standards for immigration and refugee lawyers, both to protect this vulnerable public and to promote clear standards within the profession.

As a purely voluntary association made up of practicing lawyers, most of whom are sole practitioners or lawyers in smaller firms, we do not have the resources to monitor and respond to all of the consultations the LSO holds. We regret that we were unaware of the Competence Task Force consultation. The RLA recommends that the LSO should consider adding targeted outreach to its general publicity of consultations, when an association has a history of advocacy on an issue.

The RLA notes that the Competence Task Force received submissions from the Immigration and Refugee Board. The IRB, a national tribunal which hears tens of thousands of immigrants and refugees every year, exceptionally went on public record to warn the Law Society that:

“basic competency concerns arise in legal representation in a significant percentage of IRB proceedings. Participants who come before the IRB are particularly vulnerable.[...] The IRB is of the view that the LSO does not currently have an adequate regulatory mechanism in place to monitor and address concerns over counsel competency.”

These submissions were not addressed in its report, despite pointing to a concern which should be taken very seriously by the Law Society. The IRB took no position on the Certified Specialist Program in particular, a question better put to the profession than a tribunal, however its statement of concern should inform the Law Society's consideration of what the purpose of the Program should be.

The IRB's submission is consistent with concern the RLA has expressed to the Law Society since the early 1990s. The RLA's concerns have often been discussed within the context of the Alliance for Sustainable Legal Aid, which is facilitated by the Law Society.

The RLA's position is that the Certified Specialist Program should be continued for three reasons.

1 Proactively helping vulnerable clients identify expert lawyers

Because immigrants and refugees are particularly vulnerable to being represented by lawyers who are not competent in the field, it is helpful for the public to have a listing that is peer-reviewed and certified by the Law Society.

There is no reliable published source for the public to discern who has expertise in immigration and refugee law. Immigrants and refugees are extremely vulnerable to being misled with respect to the expertise of a lawyer. Miscarriages of justice as a result are quite common, and unlikely to be resolved due to the very vulnerability of the clients.

There is no public institution which effectively protects this public, proactively or reactively. IRB Members are conflicted between processing a large volume of cases, not intervening in the solicitor-client relationship, yet routinely interacting with individuals who are either being incompetently represented or who have issues requiring an especially high level of expertise.

Refugees are routinely misled by people promoting a lawyer as expert. When a refugee has suffered one or multiple miscarriages of justice, the refugee or community members seeking to help them, may seek to find someone with expertise that has been certified by a reliable source.

The Internet offers a confusing and misleading array of recommendations, and for-profit listings of supposedly expert lawyers. Refugee lawyers are unlikely to pursue self-promotion through commercial venues. An immigrant or refugee, trying to navigate discerning whether they are hiring a lawyer with substantive expertise, is easily misled what is most accessible on the Internet. An accessible program, with information that is readily accessible for the public, would be helpful.

Legal Aid Ontario's listing of lawyers allowed to acknowledge immigration and refugee law certificates is not a reliable source. A troubling context of this submission is that Legal Aid Ontario has, since the implementation of the Legal Aid Services Act 2020, replaced the comprehensive standards in place since 2015, following consultation with the RLA, with

inadequate standards. Ideally the Legal Aid Ontario Immigration and Refugee Law “roster” listing would offer a list of lawyers who can be trusted to be competent refugee lawyers, and the Law Society’s Certified Specialist listing would complement this by identifying lawyers with a higher degree of expertise.

Being a lawyer in no way assures any competence in refugee law, which is a specialized field.

The Law Society’s “find a lawyer” tool does not help the public find a competent or expert refugee lawyer as it simply lists all lawyers in Ontario. Even where it allows lawyers to self-identify as practicing in a field, this is merely what the lawyer asserts. The Law Society listing also does not include whether the lawyer is certified as a specialist by the Law Society.

It is notable that the Competence Task Force recommended continuing the Certified Specialist Program for indigenous law, which may reflect understanding that a vulnerable client base could benefit from the program.

The Law Society should treat the Certified Specialist Program as a tool to help proactively inform and protect a vulnerable public.

2 A resource for Courts and Tribunals

Judges and tribunals sometimes need an expert opinion (for example criminal court judges considering the immigration law impact of a sentence, or the Law Society Tribunal’s own need to identify expert witnesses with respect to whether or not representation was competent), so it is helpful for there to be listing of lawyers who are certified as experts.

3 Accessibility for both the profession and the public

Although most members of the public do not consult Certified Specialist the list, if the program were better-promoted within the legal profession on a principled basis, and less expensive for lawyers to join it might become better-known.

Conceiving, not only in theory but also in practice, of the Certified Specialist Program as a tool to help the public interest would also promote engagement by the bar.

The Law Society should shift how it views the program from treating it as a marketing advantage for lawyers (which is not how most lawyers perceive it) to a public service.

The limited number of lawyers in our field who have applied for certification reflects the reality that this is not something lawyers who represent a marginalized group need for their own prestige or promotion. Thinking of the program as a commercial or status opportunity tends to alienate, rather than invite, diverse lawyers committed to serving a vulnerable client base. Lawyers who offer accessible service to a vulnerable client base are also less likely to take on an expense that is not required to maintain their practice. If the Law Society were to focus on managing and promoting the program as a public service, it would be likely to get far more applicants.

The RLA would be glad to cooperate with the Law Society in developing a renewed program: accessible both in the sense of engaging the profession and being a useful resource for the public.

Consultation could include collaboratively designing and testing how to make the Law Society's online presentation of its Certified Specialist lists of lawyers more accessible. Although the list can be found on the Law Society's web site, it is very difficult to find in a general Internet search. Certification is also not noted in the Law Society's more accessible general listing of lawyers.

Consultation Questions

1. Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program, for the reasons set out above.

2. If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Not applicable. Our position is that the Law Society should keep the Certified Specialist Program.

3. If so, for how long? a. Five years? b. Until retirement of the individual specialist? c. Other? Please provide details.

Not applicable. Our position is that the Law Society should keep the Certified Specialist Program.

4. Do you have other comments regarding the Certified Specialist Program?

The cost of certification should be reduced, particularly for lawyers working with vulnerable client groups such as immigrants and refugees. The existing ongoing renewal requirement, to confirm ongoing specialization, should be maintained with no annual renewal fee (or alternately a reduced annual renewal fee).

Thank you for your consideration of this.

R. Boulakia

Raoul Boulakia

Member of the Executive
Refugee Lawyers Association of Ontario

SABA | South Asian Bar Association of Toronto

To the Law Society of Ontario,

Re: SABA Toronto Submission: Supporting Continuation of the Certified Specialist Program and an Invitation to Include Diverse Bar Associations

The South Asian Bar Association of Toronto (SABA Toronto) appreciates the opportunity to make this submission in response to the Law Society of Ontario's (LSO) Consultation on the Certified Specialist Program (the Program). SABA Toronto supports the continuation and enhancement of the Program. Furthermore, SABA Toronto suggests that the LSO engage with equity seeking groups, including diverse bar associations, in its process of enhancing the Program and in its process for designating lawyers as Certified Specialists.

Within the consideration whether the Program should continue, SABA Toronto recommends that the LSO strongly consider principles of equity, diversity and inclusion. SABA Toronto recognizes that the Program can play an important role in equity, diversity and inclusion from the perspective of members of the public and of the legal profession. The Program provides valuable information to the public, including members of equity seeking communities, to identify a lawyer's expertise from a verified source – specifically, the profession's regulator. Within the profession, insofar as the Program creates equal opportunities for lawyers to obtain this designation, the Program increases equality within the profession. To look at this from an equity-seeking perspective, the Program allows lawyers from equity-seeking groups to obtain credentials to assist in establishing credibility and receiving respectable treatment from the public and the profession. Some of our members have advised that they obtained the Certified Specialist designation for that exact reason – to assist in being respected and legitimising their position within the profession.

The Program and the Certified Specialist designation also promotes access to justice across all regions in Ontario and across practice sizes by providing the public with information about, and confidence in, the skills of practitioners from various segments of

the legal profession who may otherwise find it difficult to relay such information about their skills, such as sole practitioners and those at small to midsized firms, who are often racialized lawyers.

Removing the Program therefore has the potential to harm equity-seeking lawyers.

SABA Toronto is not aware of whether the Board of the Program includes members from any diverse bar associations, and how equity, diversity and inclusion are considered in processing applications. For that reason, SABA Toronto extends an invitation to be part of the Board of the Program.

Further, SABA Toronto recommends that diverse bar associations, including SABA Toronto, be involved moving forward in two ways: 1) in any additional processes to determine whether the Program will continue and if so, how the program will be enhanced, and 2) if the Programs continues, active members of diverse bar associations are represented on the Board.

SABA Toronto would be pleased to work with the LSO in the interests of supporting and encouraging lawyers to strive for excellence, over and above what is required of all lawyers.

South Asian Bar Association of Toronto
sabatoronto@gmail.com



125 Brodie Street North
Thunder Bay, ON P7C 0A3
Telephone: (807) 344-3481
Fax: (807) 345-9091
Email: library@tbla.ca
Web: <https://www.tbla.ca>

September 28, 2023

Law Society of Ontario
Osgoode Hall
130 Queen Street West
Toronto, ON M5H 2N6

Re: LSO Certified Specialist Program Consultation

Thunder Bay Law Association (“TBLA”) understands that the Law Society of Ontario (“LSO”) is looking for feedback reading the Certified Specialist Program. The TBLA provides the following comments and submissions.

THE LSO SHOULD KEEP THE CERTIFIED SPECIALIST DESIGNATION

The LSO should keep the Certified Specialist (C.S.) designation.

The legal “award” industry has exploded in Ontario. Many big businesses have been created to give out “pay for play” awards like Best Lawyer, Pre-Eminent Lawyer, and Super Lawyer. Other lawyers have seemingly created their own awards and given them to themselves.

In comparison to those awards, the C.S. designation has actual value to both lawyers and to the public. The C.S. designation has fulsome peer review and objective criteria and is not Toronto-centric like other legal “awards”.

THE C.S. DESIGNATION HAS OBJECTIVE CRITERIA

The C.S. designation has a detailed and time consuming application process with objective criteria for each area of designation (Civil Litigation, Health Law, Environmental Law, etc) and requires a number of references. Then, the application is reviewed by an LSO committee.

Compare this to other legal awards where the application process seems to be: 1. Get nominated, 2. Pay, and sometimes 3. Be from Toronto. And, compare this to other business awards that lawyers get. For example, the Three Best Rated website lists “top” lawyers and firms for Thunder Bay that don’t even practice in those practice areas.

The C.S. application process protects the public. It ensures that lawyers that call themselves Specialists are actually specialists. If the LSO is concerned about continued specialist competence, the LSO could add in an extra CLE hour component (like an extra 2 or 3 substantive hours per year).

If the C.S. designation is abandoned by the LSO, then the one objective designation is gone while all of the “wild west” of awards continuing to exist and grow.

THE C.S. DESIGNATION HELPS EVEN THE PLAYING FIELD

No matter where you are from and no matter the size of your firm, you can apply to become a C.S. You are treated equally in the process whether you are from Nipigon or Toronto. You are treated equally in the process whether you are a sole practitioner or a partner at a mega firm.

Other legal “awards” slant heavily towards a Toronto bias. Look up Lexpert, Martindale-Hubbell, and Best Lawyers. See how many are from Toronto. See how many are from anywhere outside of Toronto. These awards are massively Toronto-centric.

Lawyers from smaller centres often have to compete with Toronto lawyers. Being a C.S. is one way to do that. Anecdotally, being a C.S. is a major part of some small firms’ marketing strategies.

THE LSO’S CONCERNS WITH KEEPING THE C.S. DESIGNATION

This section will address what it is understood are some of the LSO’s concerns about keeping the C.S. designation.

Continued competence is apparently one concern. The thought seems to be that somehow specialists will become un-specialized over the years. It is our understanding that there is already a 5-year review/re-certification built in to the C.S. program. That should be enough to allay this concern.

If the 5-year review is not enough, then the LSO can mandate an extra amount of substantive CLE hours for Certified Specialists.

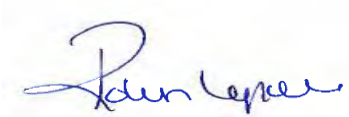
Another concern is apparently the cost to run the program. Certified Specialists pay a yearly fee to the LSO. That should be enough to fund the program.

Another underlying concern seems to be about giving out any sort of merit-based distinction. Again, the C.S. program is a much better way of giving out merit-based distinction than any of the other private sector options (outlined above). If the LSO is going to abandon the C.S. designation, then it should also ban lawyers from advertising any of the other legal awards.

Overall, we support the continuance of the Certified Specialist Designation and while the program could undertake some minor changes to address concerns that the LSO has the program is a benefit to those lawyers practicing in areas outside of Toronto.

Thank for taking the time to consider our submissions.

Yours truly,



ROBIN A. LEPERE
President

Certified Specialist Program: Lawyer & Law Firm Submissions

1. Abouchar, Julie
2. Abramowitz, Mervyn
3. Adams, Stephen N.
4. Adler, Joseph
5. Alpert Law Firm Professional Corporation
6. Anderson, G et al
7. Appotive, Eric
8. Astolfo, Sandra
9. Atcheson, Aaron
10. Atin, Jordan
11. Augustine, Philip
12. Aylen, David
13. Ayres, James
14. Aziz, Rami
15. Babel, Melissa
16. Baig, Mohammed Ahad
17. Baker, Mark
18. Bales, Karon
19. Ball, James
20. Banerjee, Oneal
21. Barkley, Carrie-Lynn
22. Barron, Pamela
23. Bart, Jacqueline
24. Bartucz, Tanya
25. Bell, Elise
26. Benmor, Steve
27. Ben-zvi, Avy
28. Bergeron, Edward
29. BEST, Michael
30. Bezaire, Jennifer
31. Bhagat, Kavita V.
32. Bhumgara, Parish
33. Birchall, Charles
34. Bobechko, Janet
35. Bondy, Aisling
36. Bonisteel, Jacqueline
37. Bouda, David
38. Boulakia, Raoul
39. Bourke, Gillian

42. Bowles, Brendan
43. Bowman, Laura
44. Bright, Elaine
45. Brown, John
46. Burn Tucker Lachaine
47. Burn, Colleen
48. Burns, Denis
49. Butcher, Alan
50. Buttigieg, Bryan
51. Cahill, Paul
52. Cameron, Donald
53. Carhart, Jeff
54. Castrilli, Joseph
55. Cavanagh, James P
56. Chadha, Ena
57. Chasse, Ken
58. Chasse, Ken (2)
59. Chayko, Gary
60. Cheng, May
61. Chumak, Yuri
62. Clifford, Chris
63. Collins, John
64. Colson, Robert
65. Conter, Sari
66. Cooligan, Katherine
67. Corbin Estates Law Professional
Corporation
68. Cosgrove, Gavin
69. Cowan, John
70. Cox, Barry
71. Crannie, Jeffery
72. Crocco, Patrick
73. Cyr, John
74. Dalglish, Peter
75. Dart, Thomas
76. Davidian, Giselle
77. Davidson, Christopher
78. Davis, Eric
79. Davis, Mark
80. Davison, Murray
81. debenham, david
82. del Pilar Vanegas Guzman, Maria
83. Derstine, Dirk
84. DeRusha, Haig

85. D'Heureux, Marc
86. Dickson, Laura
87. Dillon, Leo
88. Dimitropoulos, Nikolaos
89. Doan, Kevin
90. Doucet, Frédérick
91. du vernet, kaleigh
92. Du Vernet, Peter-Paul
93. Duggan, Bruce
94. Dulani, Ravi Narayan
95. Dunlop, James
96. Dylan, Daniel
97. Easterbrook, Susan
98. Eaton, Stephen
99. Edney, James
100. Eisen, Mitchell
101. Ellis, Michael
102. El-Tawil, Rasha
103. Evans, Barry
104. Fagan, John
105. Falco, Marco
106. Fanian, Dante
107. Farber, Tamara
108. Farrington, Robert
109. Fathalipour, Nora
110. FAY, PAUL
111. Feldstein, Lisa
112. Ferguson, Andrew
113. Ferrie, Benjamin
114. Fink, Richard
115. Fisch, Ashley
116. Foisy, Roger
117. Fogler, Rubinoff LLP
118. Foster, David
119. FOX, BARRY
120. Freiheit, Daniel
121. Freiheit, Daniel (2)
122. Friedman, Jonathan
123. Fuller, Jon
124. Gao, Lei
125. Gardner, Matthew
126. Geller, Harold

128. Georgakopoulos, John
129. Ghebrai, Ehsan
130. Giannotti, Anthony
131. Giuga, Giovanni
132. Glaholt, Duncan
133. Glaspell, Barry
134. Glass, Jesse
135. Gnys, Ashley
136. Good, Donald
137. Gooding-Townsend, Simon
138. Grant, Brian
139. Greenside, Derek
140. Griffin, Michael
141. Griffiths, Leonard
142. Griffiths, Leonard (2)
143. Grinhaus, Aaron
144. Grossman, Eric
145. Grossman, Stanely
146. Groves, Amanda
147. Grozinger, Karl Thomas
148. Hale, Chris
149. Hammerlein, Kurtina
150. Hammond, John
151. Hamon, Joseph
152. Hamon, Joseph (2)
153. Hanton, Victoria
154. Hardy, Ryan
155. Harmon, Ashley
156. Harris, Joanna
157. Harte, Paul
158. Hayhoe, Robert
159. Hayhoe, Robert (2)
160. Hellsten, Cynthia
161. Hellsten, Stephen
162. Henderson, Joshua
163. Henry, Michael
164. Hetcher, Joel
165. Hirschberg, Sheri
166. Horton, Tobin
167. Iampieri, Marco
168. Iron, Karolina
169. Ivanoff, Paul
170. Izzet, Deniz

171. Jain, Ravi
172. Jakabek, Benjamin
173. Jakubiak, Justin
174. Jaskiewicz, Wojciech
175. Jaskot Willer Gill LLP
176. JEEJEEBHOY, PHEROZE
177. Jermame, Gordon
178. Johnston, Donald
179. Jones, McShane
180. Kadouri, Eitan
181. Kahane Rapport, Jonathon
182. Kalia, Sonia
183. Kamal, Imran
184. Kamyab Law PC
185. Kane, Betsy
186. Kappel, Peter
187. Kappel, Peter (2)
188. Karas, Sergio
189. Karbaliotis, Constantine
190. Kauffman, Aubrey
191. Kazdan, L. Mitchell
192. Kazen, Samuel
193. Keenberg, Megan
194. Keller, Dan
195. Kennaley, Rob
196. Kennedy, Steven
197. Kenney, Steven
198. Kirby, Ian
199. Kirby, Ian (2)
200. Kirsh, Felice
201. konduros, rob
202. Koziembrocki, Josh
203. Krajden, Ari
204. Kranc, Benjamin
205. Krongold, Howard
206. Kwinter, Alfred
207. Lachaine, Eliane
208. Lakatos-Hayward, Matthew
209. Lamanna, Richard
210. Lamanna, Rick
211. Lantz, Calvin
212. Latner, Gabriel
213. LeBlanc, Bernard

214. Lee, Andrea
215. Lee, Andrea (2)
216. legate, Barbara
217. Leitman, Steven
218. Lemieux Litigation
219. Lerner's LLP
220. Lesperance, Jayme
221. Letourneau, Michael
222. Levine, Raquel
223. Levy, David
224. Libman, Sara
225. Lin, Joseph
226. Little, Adam
227. Little, Ian
228. littlejohn, Robert
229. Lomaga, Adrian
230. Lomic, Paul
231. Longo, Leo
232. Love, Sean
233. Lunau, Karey
234. Macgillivray, Duncan
235. Maciura, Julie
236. MACK LAWYERS
237. MacLean, M. Virginia
238. MacOdrum, Donald
239. MacRae, Rob
240. Madorin, W. H. Peter
241. Madras, Mark
242. Mahani, Tolou
243. Maimust, Irina
244. Mak, Candace
245. Mamo, Alfred
246. Mann Hayward Professional Corporation
247. Marusyk, Randy
248. Mastorakos, John
249. Matthews, Valarie
250. Mawdryk, Andrew
251. Maynard, Brennan
252. McAree, Marc
253. McAskill, James
254. McCann, Patrick
255. McCartney, Kim
256. McCloskey, Rylan
257. McColl, Jonathon

257. McGeachy, Gerrard
258. McIntyre, John
259. McKay, Carl
260. McKenzie, Krista
261. McKenzie, Krista (2)
262. McPherson, Alexander
263. Meagher, Robert
264. Mehra, Maneesha
265. Miller, Matt
266. Mongenais, Paul
267. Monkhouse, Andrew
268. Morello, Josie
269. Morely, Leslie
270. Morrissey, John
271. Moscoe, Tami
272. Mosher-Kuczer, Tara
Tamara
273. Mulroy, Kieran
274. Murray, Andrew
275. Murray, Ryan
276. Nadarajah, Ramani
277. Nagrani, Kavina
278. Neil, Brendan
279. Neuberger, Joseph
280. Nicholson, Derek
281. Nicholson, Tyler
282. Nisker, Josh
283. Nixon, John
284. Nolan, Dermot P.
285. Norton, James
286. O'Donohue, Stephen
287. O'Hara, Will
288. olkovich, Edward
289. olkovich, ed
290. Orlando, Dale
291. Ortiz Espinoza, Alanis
292. O'Shaughnessy, Michael
293. Pallett Valo LLP
294. Paquette, Barry
295. Patheja, Gurpreet
296. Payne, Richard
297. PETCH, GORDON
298. Peterson, Michael

300. Phillips, Bradley
301. Phillips, Kip
302. Piccolo, David
303. Pinfeld, Benjamin
304. Plotkin, James
305. Poch, Harry
306. Polito, Anna
307. Postill, Susan
308. Potechin, Bram
309. PRICE, LEAH
310. PUREWAL, SANDEV
311. RABINOVITCH, PAULA
312. Rabinowitz, Archie
313. Ramdowar, Sukhmani
314. Ramsay, Bill
315. Rattner, Mitchell
316. Read, Geoffrey
317. Reid, William
318. Reininger, Howard
319. Reiterowski, John
320. Resnick, Daniel
321. Richardson, Thomas
322. Robichaud, Sean
323. Robinsonm Stephanie
324. Robles, Jeffrey
325. Rock, Allan
326. Rosen, Lonny
327. Rosenblatt, David
328. rotfleisch, david
329. Rowand, Fraser
330. Russell, John
331. SACCUCCI, Elliot Patterson
332. Sallese, Enzo
333. Saltman, Lorne
334. Sandler, Daniel
335. santini, pasquale
336. Sayer, Greg
337. Scalisi, Vito
338. Scarfone, James
339. Schipper, Robert
340. Schmuck, Derek A.
341. Schochet, Joseph
342. Schwartz, Samuel
343. Scotchmer, Christopher

343. seabrooke, Scott
344. Seligman, Robin
345. Shea, E Patrick
346. Sheahan, Robert
347. Shecter, Audrey
348. Shinehoft, Jeffrey
349. Sidlofsky, Gregory
350. Simpson, John
351. Sims, Brianna
352. Singer, Jason
353. Singleton, Antony
354. Smith, Sydney
355. Sneddon, Iain
356. Snyder, Ronald
357. Société professionnelle Fréchette
358. Solcz, Ryan
359. Solomon, Jeremy
360. Spitzig, Amanda
361. Srivastava, Anand
362. Stebbing, Jennifer
363. Stern, Richard
364. Stevens, Jacquelyn
365. Stevens, Maria
366. Stewart, Joanne
367. Strype, Jeff
368. Sullivan, Joseph
369. Swan, Georgia
370. Sweitzer, Jennifer
371. Talach, Robert
372. Tam, Shelly
373. Tao, Lulu
374. Terner, David
375. Thirukkumar, Timothy
376. Tracey, Jeff
377. Tufman, Gregory
378. TUFMAN, MAREK
379. Turcotte, Phillip B.
380. Ulmqn, Diane
381. Ummat, Amit
382. van Loon, Gabriel
383. VanBerkum, Melissa
384. VandenHoek, Carol
385. Vanular, Jason
386. Vince, Joanna

386. Voudouris, Alex
387. Wagman, Adam
388. Wainwright, Guy
389. walberg, wendy
390. Wall, Corey
391. Wallace, Doug
392. Wallach, Lawrence
393. Ward, Jason
394. Waugh, Tannis
395. Weisberg, Adam
396. Wells, Peter
397. West, Kenneth
398. Whaley, Kim
399. Whillier, Carla
400. Williams, Rufus
401. Williamson, Graham
402. Willms & Shier Environmental Lawyers
403. Wilson, Zachary
404. Wilson, Zachary (2)
405. Winton, Andrew
406. wolfe, Alex
407. Wortsman, Lauren
408. Wozniak, Dagmara
409. Yee, Victor
410. Zacharias, Stuart
411. Zaduk, Peter
412. Zaduk, Peter (2)
413. Zeitz, Sean
414. Zeni, JP

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Julie Abouchar

Email Address jabouchar@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist designation should be kept for the following reasons:

- 1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
- 2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
- 3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
- 4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.
- 5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.
- 6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
- 7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
- 8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
- 9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.
- 10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
- 11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Mervyn Abramowitz

Email Address mabramowitz@blaney.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO ought to retain the CS program, and promote the program further so that the public and other lawyers have a better understanding of the program, and what it can do for them. The CS program ought to be a platform to promote specialization, such that other lawyers who do specialize in one or more areas of practice, become certified and then promote their specialty. The LSO ought to be part of that process.

The program as it currently stands is not promoted much, and most lawyers who do specialize in their practices, particularly in Toronto, have little incentive to become CS's, and see little reason to do so. Most see it as mainly a means for the LSO to collect fees and therefore are not supportive of it. Those persons who have gone through the process nevertheless do see the program as having some benefit to them and the public. That is the reason they continue to support the program.

Enhancing and promoting the program will provide further information to the public when looking for a lawyer, and also to lawyers seeking to provide referrals to their clients who need more specialized services. Specialized services are important and it is important that the regulatory body be part of the recognition of those specialized services, so that the public is well served, and so that lawyers who have a more general practice have a means of identifying lawyers who do deliver more specialized services.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Stephen N. Adams, KC, JD, LL.M

Email Address snadams@bell.net

Please make a selection below I am a retired lawyer and a former chair on a specialization committee

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Do not eliminate the program but reform

It is too Toronto-centric. I practised corporate-commercial law for more than 40 years with a large non Toronto firm and even served as Chair of the LSUC specialization committee for several years. I never applied to be recognized as a specialist because I dealt with only a few lawyers from Toronto who could support my application. I authored a text on the OBCA but that did not count.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joseph Adler

Email Address jadler@hofferadler.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Hoffer Adler LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep but modify by expanding the list of specialist areas. I submit that Franchise Law, for example, is an area of expertise and deserves to be included in this program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Howard Alpert

Email Address halpert@alpertlawfirm.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Alpert Law Firm Professional Corporation

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I urge the Law Society of Ontario to maintain the certified specialist program and as I believe it is of great assistance to general members of the public in retaining the services of a lawyer who is qualified to assist them.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the program is eliminated, then individuals with the designation should be grandparented.

If so, for how long? Until retirement of the individual speaclist

June 12th, 2023

Re: Certified Specialists Program Consultation

We urge the Law Society to continue the Certified Specialists Program.

We are a group of certified specialists who practise or have practised in estates and trusts law; who are or have been sole practitioners or partners in small or regional firms across Ontario. For more than 10 years, we have met monthly by conference call or zoom to share ideas and discuss common issues and problems. Though some of us have retired as noted below, we all support this submission.

We believe the Certified Specialist program should be continued for the following reasons:

1. We have invested our time and resources in the program, and we believe the program has great value:
 - a. the designation shows the public that we have received accreditation from our governing body, which is more meaningful to clients than simply explaining that we restrict our practice to this area;
 - b. colleagues in our practice area refer difficult files to us because they respect and rely on the designation;
 - c. colleagues in other practice areas refer matters to us for the same reason; and
 - d. many clients retain us because of the designation. Clients tell us that they assume the legal profession has specialists, like the medical profession; and they have called the Law Society to be directed to an appropriate specialist. The Law Society's mandate to serve the public is thus furthered by maintaining the specialists' programs.
2. We believe that a certified specialist program reduces the risk of lawyer errors in a risk-prone area, and so benefits both the public and the Law Society.
3. If the program is terminated, certified specialists will be in the difficult and embarrassing position of explaining to clients why this designation can no longer be used; the removal of a designation may well reflect negatively on our practices.
4. If the program is terminated, time and resources will have to be expended in changing signage, electronic documents, letterhead, business cards and websites, all at our own expense; this is especially galling after we have for many years supported the program with payment of annual fees.
5. The concern driving termination of the program may be the cost of running it, as it was a few years ago when we understood the program was to be continued as self-financing. If this is the case, we would respectfully request that the financial reports supporting termination be made available to us. We also respectfully request information on what other programs or services are self-financing.

If the program is to be terminated, at the least we urge you to "grandfather" all current specialists who maintain the CPD requirements of the Law Society. Allowing current certified specialists to continue to use the C.S. designation would at least allow us to resolve some of the concerns and problems outlined above. Such a "grandfathering" provision does have precedent, in that existing Q.C.'s were allowed to continue that designation after it was terminated.

It is our understanding that when the C.S. program was introduced, it was designed to replace the Q.C. designation with a merit-based, objectively determined, patronage-free system. It is our belief that it has fulfilled these objectives admirably.

Thank you for requesting our input. We look forward to your response.

DocuSigned by:



Greg W. Anderson
Certified by the Law Society of Ontario
as a Specialist in Estates and Trusts Law

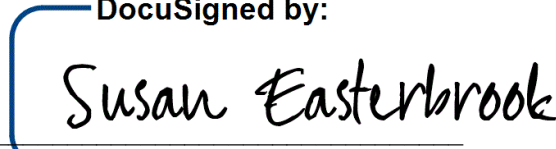
ANDERSON FOSS
Ten Market Square
Perth Ontario K7H 1V7
· tel: (613) 267-9898
· fax: 267-2741
· email: greg@andersonfoss.ca
· website: www.andersonfoss.ca

DocuSigned by:



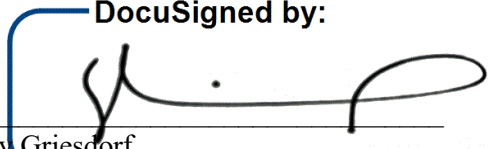
Adam Cappelli
Founding Partner, Certified Specialist in Estates & Trusts Law
Cambridge LLP Law Firm
Phone: 289-635-7007 x302

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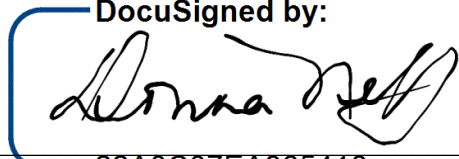
Susan Easterbrook
MBA, LLB, TEP
Certified Specialist (Estates and Trust Law)
Windsor: 6-2557 Dougall Avenue, Windsor, ON N8X 1T5
London: 341 Talbot Street, V303, London, ON N6A 2R5
Tel: 519-254-5444 (Windsor), 519-476-6983 (London)
email: easterbrooklaw2@gmail.com

DocuSigned by:



Wendy Griesdorf
Griesdorf & Counsel
Estate Litigation and Mediation Professional Corporation
135 Ontario St. Suite 707
Kingston ON K7L 0A5
(613) 542-1818 (tel)
wgriesdorf@griesdorfandcounsel.com
griesdorfandcounsel.com

DocuSigned by:



Donna S.M. Neff, BA, JD (retired)
613-851-5590
donna@donnaneff.com

DocuSigned by:

Joanna Ringrose

46632164BCDE4FD...
Joanna Ringrose (retired)

Oakville On

(905) 844-5021

DocuSigned by:

Mary Alice Thompson

0399FC9C78BB438...

Mary-Alice Thompson (retired)

Kingston ON

mathompson@bell.net

DocuSigned by:

Laura Tyrrell

E2B96C1590A043C...
Laura M. Tyrrell

Barrister & Solicitor

Certified Specialist (Estates and Trusts)

T: 416 422-2172

F: 416 422-2961

www.tyrrell-law.ca

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Eric Appotive

Email Address eappotive@kellysantini.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the program. Fewer lawyers are gaining trial experience and it is crucial. It is also critical to set a meaningful target for those who intend to earn the designation as a specialist as opposed to just branding themselves as specialists in marketing platforms.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sandra Astolfo

Email Address sastolfo@weirfoulds.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

No it should not be eliminated because It helps the public easily identify specialist in an area of law. It is akin to having a KC but different in that it recognizes a lawyers competency in an area of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A since i want the program to continue

Do you have other comments regarding the Certified Specialist Program?

I worked hard to earn the specialization designation and it is unique to construction lawyers in Ontario.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Aaron Atcheson
Email Address	aatcheson@millerthomson.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CS program should be kept. The program is valuable as an indication of competence in the area indicated, especially in a jurisdiction where new QC/KC designations are not being granted.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Not relevant to my response.

Do you have other comments regarding the Certified Specialist Program?

The program has not made money historically. Having looked into applying myself, I believe that the application process needs to be made less onerous and more accessible to more lawyers. Lawyers with an expertise should not have to fit so squarely within the boxes contemplated under the various specialties. If the LSO does not want to continue this program, they should pass on the right to grant these designations to the the CBA/OBA for them to run this program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jordan Atin

Email Address jatin@hullandhull.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the CSP. It assists the public in determining whether to retain a particular counsel based on experience and expertise. Since any LSO member can practice in any area of law, how is the public supposed to choose competent counsel? The fact that many members choose not to seek a CS designation is not particularly relevant. The public should be able to have a choice of those who do have the experience and expertise in a certain field.

To suggest to the public that any lawyer can do any file in the same way as any other lawyer defies reality. Help the public choose capable counsel.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Many CS members have devoted a great deal of time to being certified. Furthermore, many CS lawyers have marketed their CS designation as suggested by the LSO. Clients who are familiar with the lawyer's designation branding would then wrongly believe that the lawyer lost that designation because of some fault of their own.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

It is a very important public service. Imagine trying to find a doctor to help with a heart issue where cardiologists weren't allowed to identify themselves as cardiologists or where any doctor could call themselves a cardiologist?

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Philip Augustine

Email Address phil.augustine@gowlingWLG.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the program. It's a benefit to the public to know who are the lawyers who hold themselves out to be specialists in a particular legal field. The lawyers who choose to be specialists should annually (or bi-annually) submit materials demonstrating that they have met the criteria of a specialist. The current system may have been somewhat lax in terms of checking on the qualifications of specialists, but other than that, the current system should be maintained.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No. Eliminate the program if that is the decision. We're going to have KC's again. To have grandparented CS's would make for a pretty crowded landscape.

By the way, the LSO should speak out against the KC designation.

If so, for how long? N/A

Do you have other comments regarding the Certified Specialist Program?

I am a specialist. I think it's a help to the client seeking a person who is particularly committed to a particular field of practice. It's a higher standard and it forces one to read, write, present and generally work to maintain that standard. Being a specialist has made me a better lawyer. Preserve it and make it meaningful. Best regards. Phil Augustine

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name David Ayles

Email Address david.ayles@gowlingwlg.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the program.

The program properly recognizes a level of competence on a given subject that exceeds the minimum standard. This accreditation is accorded by a council of peers along with an annual personal acknowledgment of commitment from the candidate.

The public good is served by recognizing those who have a certain level of experience as the designation assists the public in choosing the most appropriate counsel.

Do you have other comments regarding the Certified Specialist Program?

If the inclination is to cancel the program then I would recommend conducting a public survey before doing so. The object of the survey would be to determine whether members of the public understand what the designation means and whether it is helpful to them in choosing a lawyer.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James Ayres

Email Address james@jmayreslaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the CSP as it gives young lawyers a goal and something to aspire to, it encourages specialization as with other professions, and it provides consumers with a choice.

If so, for how long? Indefinetely for the above reasons

Do you have other comments regarding the Certified Specialist Program?

At a minimum, existing specialists should be permitted to retain the designation until they retire.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Rami Aziz

Email Address rami.aziz78@hotmail.com

Please make a selection below Articling Student

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Giroday Law Professional Corporation

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep the program. I write in regard to the Law Society of Ontario's (LSO) recent decision to terminate the Certified Specialist program (CSP). I would like to express my sincerest disappointment with that decision and to provide some insight into the way in which this will have a negative impact on both me and on the public. When a client hires a certified specialist, he/she/they is/are hiring a lawyer who is recognized and experienced in his or her field of law and who has met the standards of certification established by the LSO. It is an important indicator to the public and other practitioners that the designated lawyer can meet their needs for specialist legal assistance. Additionally, the program serves to be a professional development toll for many young ambitious lawyers who aspire to do more to qualify for such a designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Melissa Babel

Email Address mbabel@babelimmigrationlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. It is a tool for the public to identify highly skilled and experienced lawyers with expertise in their field of practice.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The program should not be eliminated, but if it is yes, there should be grandparenting

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Mohammed Ahad Baig

Email Address baig@rathorebaig.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Yes, I am representing my firm and speaking on behalf of the 2 lawyers and 2 students at law of Rathore Baig Law Prof. Corp.

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Upload a File [Responses to consultation.docx](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
Please see attached

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?
Please see attached

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?
Please see attached

Dear Committee Members,

I hope you are doing well, and thank you for taking the time to review my comments. Please find them below in seriatim to the report consultation questions:

- 1) I strongly believe the Law Society of Ontario should keep the Certified Specialist Program. I believe it serves 2 purposes. The first is giving the public a better understanding of the lawyers that they are dealing with. I find that a lot of people base their understanding of lawyers from serialized dramas on TV, which is a horrendous source of information at the best of times. I have met so many clients that think one lawyer can “do it all” i.e. litigation, criminal law, estate law, family law, real estate law, etc.

I have not been licensed for very long, but in the time I have been practicing in this field I have realized that the field of law is a topic where you never stop learning. To truly master a specific aspect takes years and dedication. I am not saying a person cannot do it, but I believe we can all agree that it is very difficult to truly master any area of law. To that effect, I believe the public is well served when trying to find specialists in a particular field of law, just like when they are looking for specialists in a field of medicine when they go to a family doctor.

The second purpose is that it gives a newly minted lawyer something to aspire to. Once you become a member in the profession, the law can still be quite daunting. But working day in and day out to truly learn an aspect of the law serves one with a sense of accomplishment. We are a society that likes to acknowledge accomplishments, and I know that trying to obtain that C.S. credential is something that really pushed me to gain recognition.

- 2) If the law society decides to remove the designation, I do not see why those of us who have obtained the qualification should be punished. I would like to see that the designation be grandparented in.
- 3) Until retirement of the individual specialist.
- 4) I believe this motion has brought further attention to the program which, in my humble opinion, reinforces our need to keep it. Furthermore, with the abandonment of the title of Queen’s Counsel/King’s Counsel, the certified specialist title is also used to distinguish lawyers that are more senior in an area.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Mark Baker

Email Address mbaker@bakerelawyers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the CS program.

The practise of law is becoming increasingly specialized which, in the result, is providing the public with the ability to hire practitioners with highly developed and specialized skills. The LSO has a duty to ensure that those holding themselves out as specialists shall have acquired a level of skill that objectively meets standards developed by the profession.

For professionals who have maintained the required level of expertise, the CS program offers recognition for the dedication and diligence required to meet and maintain these standards.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the LSO determines that the program should be discontinued, then I would advocate for the grandfathering of the CS designation for those who have earned this designation. To remove the designation invites misinterpretation. It would seem as though the practitioner had fallen from grace or otherwise lost his/her right to practise as a specialist.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I support any and all efforts to improve the CS program. We see from other regulated professions that there is a movement away from generalist practitioners and toward the development of recognized areas of specialty. As such, the elimination of the program seems to be a movement in the wrong direction. I support the idea that we can do a better job bringing the program into the main stream and regularizing the idea that a significant number of senior practitioners have confined their work to a particular area and achieved enhanced levels of expertise. This is a "value-added" proposition and a great service to the public. To eliminate the program seems counter-intuitive to me and an abdication of the responsibility to govern our profession in a way that reflects the way that lawyers actually practice.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Karon Bales

Email Address kbales@balesbeall.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I have been certified as a specialist in both Family Law and Estates and Trust Law since May 2012. As a result of the certification, I was able to apply to be admitted as a Fellow of the International Academy of Family Lawyers, for which certification in the field of family law was a prerequisite at the time. I have also been admitted as an Academician of the International Academy of Estate and Trust Law; again the fact of certification in the Estates and Trust area was a factor. I have served as an Adjunct Professor at the University of Toronto Law School; the fact that I was a certified specialist in Estates and Trust Law was helpful in that work. I have been accepted as an expert in family law by a court in the USA; again the fact that I am a certified as a specialist by the Law Society of Ontario was an element considered in determining my qualifications as an expert. I take very seriously the certification obligations regarding the concentration of my law practice in the relevant areas, and fulfilling my CPD requirements. The Law Society should continue this program - terminating it will have an adverse impact on my work.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the program is terminated (which I don't think it should be) then those of us who have the certification should be permitted to continue to use the designation.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James Ball

Email Address jkb@strosbergco.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

From the perspective of the opposing lawyer, the CS designation carries no meaning of any significance. Clients make their selection of a lawyer through word-of-mouth, referral, publicity, advertising, etc. I do not understand how a client could integrate the CS designation into their selection decision. In over 50 years of practice, I have never once had a client ask if I had an LLB, JD, SJD, Ph.D., CS, or QC/KC. Clients do ask whether I handle some particular category of litigation. The CS designation is not misleading, likely ineffective as a marketing tool, but harmless. To conclude, I see no need to either eliminate or continue the program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the LSO eliminates the program, then the LSO ought to eliminate the CS designation. No to grandparenting.

Do you have other comments regarding the Certified Specialist Program?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Oneal Banerjee

Email Address Obanerjee@dolden.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. This is largely a tool for large or elite firm based senior lawyers (who can also afford the money and time to pursue this) and are mostly white to reenforce their privilege over younger, less experienced, and often racialized lawyers.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes. I suppose this is only fair, given the effort and time put in.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Carrie-Lynn Barkley

Email Address Carrielynnb3@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should not be continued unless it is also open to paralegals to apply. They have been licensed long enough to participate.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If it is eliminated, I see no reason to take the designation away from anyone.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Pamela Barron

Email Address pbarron@barronfamilylaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: P. Barron Family Law

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The law society should keep the program. It is a lot of work to become certified as a specialist and those of us who have completed that work have paid the Law Society every year to keep the designation. If the Law Society has no designation, anyone can claim to be a specialist without any qualifications.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Without the program, anyone will be able to claim to be a specialist. This will mislead the public and dilute the practice of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jacqueline Bart

Email Address bart@bartlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Jacqueline Bart Immigration Law Professional Corporation

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the program and improve it. The designation protects the public. It also demonstrates exceptional experience and ability. These specialist programs exist in other countries because they work. It's important to accredit competent lawyers so that the public is aware of expertise.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I don't think the program should be eliminated, however, if it is, people with the current designation should be grandparented.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I find the specialist program is useful when I make referrals. In immigration law, generally the accredited specialists are truly specialists and therefore I trust the program for other specialties and feel confident referring a certified specialist in other areas of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Tanya Bartucz

Email Address tbartucz@bellnet.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it. It provides helpful information to the public about a practitioner's expertise. Why would the LSO get rid of it?

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Elise Bell

Email Address elise@immsolutionslaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the CSP. I am a CS in Immigration Law and can only speak to this area of law, having practiced exclusively in immigration law since my call to the bar nearly 20 years ago. The section of the public served by immigration lawyers is extremely varied; some are especially vulnerable and at the very margins of society due to lack of status, lack of English ability, employment instability, past trauma, desperation to be reunited with family, etc.

The section of professionals who provide immigration services is similarly varied. While all "should" be licensed, this is a very low and unreliable bar. There is no shortage of individuals holding themselves out as experts in Canadian immigration law, who either intentionally or unintentionally do significant harm to would-be immigrants. The stories of individuals duped out of thousands of dollars or ending up in complicated removal proceedings because of bad advice from "professionals" are literally countless. I can only speak to immigration law, but in this area, the CSP is an obvious and valuable tool to protect the public. Choosing a lawyer from the CS list ensures that this person has at least 7 years of experience and has filed dozens of applications for individuals in that client's situation. Admittedly, the public may not know about the CSP tool, but that just underscores the need to "get the word out"; certainly not to do away with the program!

Only a small percentage of lawyers take up the CS designation, with many saying they don't need it to attract clients. This may be so, but I firmly believe that clients (in immigration anyway) need the CSP. It is for their protection, not ours.

I also truly believe that if I were to require the services of a lawyer in the future, I would look to the CS list first. These are individuals who have considerable experience and have taken the time to meet the requirements of this additional certification.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

The LSO should not eliminate the program.

If they do, individuals with the designation should be grandfathered until their retirement.

Do you have other comments regarding the Certified Specialist Program?

If the LSO is concerned that the CS designation doesn't require on-going demonstration of specialization/expertise, they should look at building that into maintaining the CS designation. Removing the designation altogether only harms the public.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Steve Benmor

Email Address steve@benmor.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Benmor Family Law Group

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The public requires the LSO to certify which lawyers in the province have specialized work experience, training and expertise in subject areas of law. It would be a disservice to the public and the next generation of lawyers to terminate the CSP. On the contrary, it should be fortified and publicized.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

In the alternative, then Yes. But what about the next generation of upcoming specialists?

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Avy Ben-zvi

Email Address avy@ben-zvi.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes - the Law Society should keep the Certified Specialist Program. It is in the public interest to know that they are hiring lawyers that have experience in the field they are seeking help with, just like doctors have specialist. It makes 100% sense. If there are concerns it can be corrected. So for example you can make it mandatory that Certified Specialist are required every year to take courses like CPD in their field so that they are keeping up to date with the law in there area of specialty. They can have additional audits on specialists to assure the public that they are up to date and current with their respective specialty area. Also it is income for the Law Society. There are over 700 specialists in Ontario and they pay the Law Society \$500 per year. They also make money from lawyers applying to be a specialist. They always had different designations to assure the public that they were hiring experienced lawyers. They used to have Queens Counsel prior to the Certified Specialist Program. So they should definitely keep the program alive and focus on improving it rather then getting ride of the program. It also would not make any sense to tell all the lawyers that have the designation that it is no longer valid. It is like obtaining a University degree and then all of a sudden they tell you that your University degree is no longer valid.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

If they decide to eliminate the Program it should definitely be grand parented for all the lawyers that already have it until they retire.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Edward Bergeron

Email Address bergeron@bergeronclifford.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society must keep the Certified Specialist Program (CSP).

The marketplace (internet) is awash in non-authoritative credentials, media driven awards, peer-voted titles (the great bastion of cronyism) and accolades - shiny buttons that mean nothing and have the potential to mislead the public. The CSP is earned and truly authoritative. Other than personally undertaking a Westlaw or LexusNexus search, it is the consumers' only reliable measure of skill and professionalism.

The sole practitioner, the rural litigator, the racialized member have no legitimate means of distinguishing themselves as candidates of merit for the consumer seeking representation. None have the advertising spending/buying power we've seen in recent highly publicized cases. There are firms with multi-million dollar advertising budgets drawing in disadvantaged consumers who cannot differentiate the skilled litigator from the glitz. In most cases, the consumer never even sees or hears about the skilled sole practitioner unless through an acquaintance, a captain of industry, a centre of influence, a trusted advisor. But not everybody has such a person at their disposal. Those consumers who do not, are left to sort through the marketing morass that has become the litigation landscape.

I earned my designation. It isn't a peer-voted title. I studied the craft. I walked the walk. I pushed through the trials. I waited until I felt my accomplishments were worthy before I applied.

The multi-million dollar advertisers do not have a Certified Specialist Designation. The CSP is my multi-million dollar statement of accomplishment, as it is for so many small-firm, non-GTA litigators like me.

Stripping it from existence will be a less than graceful kick in the unprotected underbelly of smalltown Ontario litigators.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Michael BEST

Email Address mbest@zubco.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate the Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

There does not need to be any grandparenting of the designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Jennifer Bezaire
Email Address	jbezaire@gregmonforton.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Note: I previously answered this survey but hit submit too soon. Please disregard my prior submission.

I think the LSO should keep the Certified Specialist Program. The program is a great way to honour more senior members of the bar who have developed expertise in certain areas of the law. It is also a way for the public and other members of the bar to assess competency of lawyers. I have often thought about applying as well and hope to do so in the future if the program remains.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

While I think the program should remain, if the LSO decides to eliminate the program, I do think that it should remain in place for those who have obtained it to date. Those lawyers have completed a rigorous application process and paid dues to entitle them to use the designation. It would be patently unfair to them to now eliminate it.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I am uncertain as to the concern with the program as it currently stands, but if the concern relates to how we ensure competency of the designated lawyer long term, the program could be modified to add in additional continuing legal education or other requirements for certified specialists to maintain their competency. Perhaps a requirement that they should attend a certain number of LSO sponsored programs in their designated field.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Kavita V. Bhagat

Email Address Kavita@ontariofamilylawsolutions.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I would like the the LSO to keep the Certified Specialist Program.

The life of any lawyer is filled with hurdles to overcome but there is no getting away from the fact that the journey is that much harder for women. Especially women from a minority background. Especially a first generation immigrant.

I undertook the daunting task of applying for the designation as I thought it would level the playing field. I had no dearth of degrees attached to my name, I had the necessary professional licenses and most importantly I had the experience. Despite this, I found that there were assumptions made about my credentials, my skill sets and my competence.

People from my community would question my ability to represent them, address a predominantly white judiciary, pick up cudgels on their behalf against a male lawyer. Strangely, those who were not from my community had the same concerns.

The C.S. Designation after my name silenced the naysayers and leveled the playing field especially when the style of cause and my letter head flaunted it proudly. This is not to say that I didn't suffer from imposter syndrome, it is to say that it wasn't as crippling.

It is concerning that while every major professional organisation looks to bestow titles on those who excel, the LSO is attempting to do away with the C.S. designation. Now more than ever this is relevant. The LSO has a hard time controlling those who profess to be experts in their field on digital media, bill boards and print media. If a lawyer wants to be called an expert in their field they should be encouraged to apply for the Certified Specialist Designation as the LSO is the only body who can undertake the investigation required to determine whether the lawyer is worthy of this distinguishing Designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I wouldn't be in favor of grandparenting this designation. This sends the wrong message. This is no different from the QC designation. What is required is a standing designation that recognises excellence not a designation that dates you. There ought to be competition, there ought to be new entrants.

If so, for how long? Reasons above

Do you have other comments regarding the Certified Specialist Program?

Most lawyers are unaware of the existence of this program. Lawyers should be encouraged to apply for this designation as a milestone .

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Parish Bhumgara

Email Address pbhumgara@grllp.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. As a junior lawyer it is something to aspire to, and as a matter of principle it is incredibly unfair to the lawyers that worked hard to attain the designation for it to be meaningless.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Charles Birchall
Email Address	cbirchall@willmsshier.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, I strongly urge the LSO to retain the Certified Specialist Program in full:

- 1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
- 2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
- 3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
- 4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.
- 5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.
- 6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
- 7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
- 8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
- 9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.
- 10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
- 11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Janet Bobechko
Email Address jbobechko@weirfoulds.com
Please make a selection below I am a lawyer
Are you representing an organization or association through your participation? No
If you indicated 'Yes', please tell us which organization or association you are representing: WeirFoulds LLP
What is the location of your workplace? Toronto (GTA)
If submitting on your own behalf, where do you reside?

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CS program should not only be kept but expanded by assisting lawyers in their earlier careers as a goal to aspire to. I became a CS in Environmental Law in 2003. It was an important career achievement. I am proud that I have maintained by CS designation for 20 years. I worked hard to attain my CS designation and I am committed to continue my dedication to maintain it. Continuous learning in my specialty area has distinguished me from other lawyer who do not pursue a CS designation. My experience is obviously only with environmental law but my submission is relatable to other CS designations.

In environmental law, we deal with federal, provincial and municipal areas of law in a wide variety of industries including natural resources (mining, forestry) fisheries, endangered species, invasive species, toxic substances, contaminated land, excess soils, remediation and risk assessments, spills and emergency reporting, management and response, chemical management, storage and use, importation of substances into Canada, the circular economy, climate change, air emissions, waste disposal, sewage, waste water, safe drinking water, source water protection, transportation of dangerous goods by road, rail, ships and planes, chemical classification, emerging contaminants such as PFAS (the forever chemical), supply chain assessments, climate risk assessments, environmental assessment, regulatory and overlapping jurisdictional approvals. We also deal with defence of charges and administrative orders - for all three levels of government, investigations and inspections and in addition civil liability issues and corporate transactions, financing, leasing, real estate transactions, due diligence assessment, indemnities, director and officer liability. The list is long and varied.

There is an incredibly broad scope of information we need to understand and apply in a wide variety of contexts. We must keep current on a host of new and everchanging regulatory requirements. Lawyers spend years honing their expertise as subject matter experts. The public needs to have confidence that when they are seeking advice do deal with a complex regulatory regime that the lawyers with a CS designation have put in the hard work to keep current and dedicate themselves to pursuing knowledge to give the best advice to their clients.

To take away the CS program, leads to the public believing that any lawyer can advise them and that a few hours of CPD will make a lawyer a subject matter expert. I do not give advice in areas where I have no knowledge for example tax law. I would not expect a tax lawyer to give environmental advice. Lawyers who dedicate themselves to becoming specialists in their area of practice should be recognized and set apart from a general practitioner or someone who dabbles in the area.

Most professions have designations (eg: orthopaedic surgeon, cardiologist, neurologist) to provide the public with confidence that they are obtaining advice from a specialist. Lawyers should be no different. The LSO CS designation is a badge of honour that I proudly promote and share. It enhances the LSO reputation as a regulator.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Being a CS is part of who I am. Clients seek me out for my expertise. The LSO CS program provides confidence to the public that I have the requisite skills to provide them with specialist advice. What happens if the designation is taken away? How do I explain to my clients and others that I am no longer a CS? As a CS for over 20 years there could be a perception that I was stripped or lost my designation and I am no longer fit to practice environmental law. That is a stigma that may have severe unintended consequences to my reputation.

I would encourage the LSO to maintain the CS program and to encourage lawyers to step up and apply! By only having one areas of law as a CS indicates to the public that the other areas of law do NOT require any special expertise. This is false. At a time when public confidence in lawyers is already low, the LSO should do everything it can to increase the confidence of the public. Lowering the bar by cancelling the CS program is a disservice to the public and lawyers who have worked hard to achieve a CS designation.

In addition, when dealing with a fellow CS I know that the cost to my client will be significantly lower and our deals potential less complicated as they will have an established level of knowledge which can make any dealings smoother. There is also generally a higher level of professionalism amongst CS.

The cost of the CS program is funded by those who seek and hold the CS designation. This should not be an area where the LSO seeks to cut costs.

I would strongly encourage the LSO to maintain the CS program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Aisling Bondy

Email Address aisling@bondyimmigration.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe it should be maintained. While the designation may not speak to competence, it at least confirms that someone has a minimum amount of experience and a degree of specialization in their area of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I don't believe the program should be eliminated, but if it is eliminated moving forward, I believe that existing designations should only be grandparented for a period of around five years. Otherwise it is unfair to more junior members of the bar who have never had an opportunity to apply for certification, as well as to others who didn't seek the designation before it was eliminated for any reason.

If so, for how long? Five Years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jacqueline Bonisteel

Email Address bonisteel@cilf.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe that the Law Society should keep the program. In my field of practice, Immigration and Refugee Law, the program serves an important role in protecting the public interest and access to justice. When it comes to immigration, it can be uniquely difficult for clients to discern who is truly an expert. Unfortunately, there are many in the field who present themselves as experts when they do not have the education, training or and experience to help clients navigate the complex immigration system. These individuals are both overseas and inside Canada, and they include both licensed and unlicensed agents. For this reason, in Immigration Law it is particularly important to have a means of recognizing true expertise in the field. The Certified Specialist program is one way for members of the public to know that the professional they are hiring is a qualified lawyer who specializes in this particular area of law.

Licensed immigration consultants are able to say that they have a professional designation that is specifically in Immigration Law. This can be used to undermine the services of lawyers, who lack an immigration-specific designation. The Certified Specialist program allows Ontario lawyers who are dedicating their careers to immigration to make clear that they do possess the expertise in this field.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I prefer to see the program continued, but if it were discontinued, I am in favour of grandparenting.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I am a new certified specialist (approved 2023) and I have already seen the benefits of the designation, in terms of client and public recognition of my expertise. I feel strongly that this designation has value in my field of law.

I am in favour of stronger review measures to ensure that specialists continue to earn their designation each year.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name David Bouda

Email Address dbouda@mgbwlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Please keep the program (and perhaps even expand it to allow for multiple levels of certification). As lawyers, we are constantly taking continuing education courses and developing our knowledge and skills. Why not recognize those who become true subject-matter experts in a particular area? There needs to be a way for specialists in different subject areas to be recognized and identified, both to other lawyers and to the public. If I am looking for a tax specialist, for example, I can be assured that I am speaking with an expert if I find a certified specialist in taxation law. If the designation were eliminated however, I would have to rely on the recommendations and opinions of other lawyers, clients and other professionals (i.e. accountants, financial planners, etc.), which are usually biased and/or unreliable. In short, the designation gives me (and everyone else) certainty that a minimum level of expertise has been acquired by the certified specialist.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not want to see the program eliminated. However, if it is eliminated, then individuals with the designation should be permitted to continue using the designation. They put time and effort into obtaining it, and it shouldn't be taken away from them. This is, however, a bit of a concern because it gives those who have already received the designation a "monopoly" on being certified specialists (because no one else can become one). This is yet another reason why I would prefer to see the LSO keep and expand the Certified Specialist Program.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I can't even believe this is being discussed. What is the rationale for ending the Certified Specialist Program? Why is it being considered for elimination? Is it lack of interest? Does it cost too much to run? This has not been explained in any communication that I have seen. I found out that the program was going to be eliminated because I was interested in getting my designation in estates and trusts law, and was told by one of the staff members when I reached out with a question. It feels like this decision was made without any real consultation with or explanation to the legal professions.

From: raoul boulakia <raoul@boulakia.ca>
Sent: Wednesday, May 17, 2023 2:44 PM
To: Policy Consultation <PolicyConsultation@lso.ca>
Subject: Certified Specialist Program

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

I am writing to oppose the winding up of the Certified Specialist Program.

At minimum, if the LSO rejects the submissions of lawyers who ask for the entire program to continue, the LSO should not wind it up for areas of practice with client groups that have particular vulnerabilities, such as Immigration and Refugee Law.

It is notable that the LSO considered that it would be appropriate to eliminate certification for all areas of law except for Indigenous law, as if this were the only area of law in which there could be a benefit to the public in continuing a program. This disregards the reality of immigrants and refugees being especially vulnerable to exploitation by incompetent or unethical lawyers, including lawyers who have had minimal or no special training in IRL but who hold themselves out as competent or even highly capable.

The LSO should be well aware of this problem, as it routinely receives complaints from the public, and has acted on complaints, in IRL cases. The LSO has also received public advocacy complaints from community groups deploring that immigrants and refugees are not adequately protected from lawyers or consultants purporting to be competent and trustworthy.

It is commendable, and helpful in protecting the public, to have a certification program. At the very least this allows members of the public to research and learn that the LSO has accredited some lawyers as expert. Immigrants and refugees may be seeking a lawyer for the first time, living abroad and seeking a lawyer (and therefore relying on Internet research), or seeking a lawyer who is certified as expert after having been incompetently represented.

Judges also seek out expert opinions, particularly in criminal sentencing, from immigration law specialists. Eliminating certification takes away a benchmark that is a simple and reliable reference point for the judiciary.

The LSO itself relies on certified experts to provide testimony in LSO tribunal cases where the competence of service has to be assessed.

Instead of limiting or eliminating this program, it should be reinforced and made more appealing to lawyers who have substantive expertise.

There are specific aspects of the Certification program which could be changed so that more lawyer apply for certification.

The annual fee is generally seen as excessive and as an unnecessary expense by practicing lawyers. The fact that there is an annual fee, rather than a one-time fee, discourages applications and is perceived as

a cash grab by the LSO. The annual fee does not seem to be related to actual administrative costs required to maintain the lawyer's certification. If there were no annual renewal fee, that could encourage more lawyers who have substantive qualification to apply.

The LSO has not adequately promoted the program as a way to help protect the public, particularly vulnerable client groups. This has led to potential clients being less likely to check for or ask for LSO certification when they are unsure how to choose a lawyer. Because the LSO tacitly treats certification as a benefit to the lawyer, rather than the public (by telling lawyers they have to pay an annual fee to remain certified), lawyers also tend to view the program as gratuitous. Lawyers do not need certification to attract clients. They will be more likely to apply for certification if the program is understood to be for the public's benefit.

If the program were reframed as being geared to helping the public, rather than treated as a benefit to the lawyer, it would be better respected.

I have practiced Immigration and Refugee Law for over 33 years, and have been highly engaged in advocacy for access to justice for immigrants and refugees (as well as access to justice more generally, through advocacy for an adequately funded Legal Aid program). One of the most deplorable and tragic aspects of IRL work is the widespread exploitation of vulnerable clients, leading to significant miscarriages of justice. I agreed to apply for certification because another refugee lawyer, who was likewise concerned with this, asked me to. I do not know any established IRL lawyers who need certification to attract clients. I support the certification program because I believe it is something the LSO should maintain, for the public's benefit.

The LSO allows any lawyer to practice IRL, even if the lawyer has no education or training whatsoever related to IRL. The nature of LSO licensing leaves the public open to exploitation. Lawyers without substantive competence unfortunately recognize IRL clients as an unsophisticated client base ripe for exploitation.

It took many years to persuade the LSO to take this issue seriously. In the 1990s incompetent representation of Immigrants and Refugees was very difficult to get any action on, particularly as LSO decision-makers often had no appreciation of the significance of miscarriages of justice. With the establishment of the current LSO tribunal, the LSO began relying on expert testimony to assess competence, which was a qualitative improvement. However the vast majority of vulnerable clients have no idea how to protect themselves from incompetent representation, and there is abundant misinformation available to them.

The LSO should not abolish this one tool it currently provides that can help the public.

It should, to the contrary, look to how it could reframe the program, focusing its purpose on helping the public. Making the program more appealing and accessible for qualified lawyers would flow from repurposing the program as primarily a tool to help the public.

Thank you for considering this.

Regards,

Raoul Boulakia
Lawyer - Avocat
31 Prince Arthur Avenue
Toronto, Ontario
M5R 1B2

Tel. (416) 963-4488
Fax: (647) 370-9525
[e-mail: raoul@boulakia.ca](mailto:raoul@boulakia.ca)

Certified Specialist, Citizenship and Immigration Law (Immigration/Refugee Protection) - Spécialiste agréé, Citoyenneté et immigration (immigration/protection des réfugiés)

This communication is intended for use by the individual(s) to whom it is specifically addressed and should not be read by, or delivered to, any other person. Such communication may contain privileged or confidential information. If you have received this communication in error, please notify the sender and permanently delete the communication. Thank you for your cooperation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gillian Bourke

Email Address Gbourke@lawsonlundell.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Out of province

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate.

LSO should eliminate the program as it can create the appearance to the public as having tiered level of lawyers. The certified specialist program appears to be a time consuming administrative process that does not advance the core mandate of the LSO. I also have concerns about the way that certified specialist lawyers market themselves to the public, and that it can be misleading.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Brendan Bowles

Email Address brendanbowles@glaholt.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. I think this is valuable information for the public to have in an age of specialization. If they need a lawyer with specific expertise this will help.

Do you have other comments regarding the Certified Specialist Program?

I think the process of applying for and maintaining the designation is itself valuable. It encourages lawyers to ensure they maintain competence in a broad spectrum of tasks within their area of specialization. It encourages you to forge connections with other practitioners sufficiently strong that they will serve as referees. It encourages maintaining these standards on an annual basis. Ultimately this makes for better lawyers and better serves the public. Far from being eliminated, I believe maintaining the specialist program should be a priority for the Law Society.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Laura Bowman

Email Address lbowman@ecojustice.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think that the certified specialist designation is helpful in my area of environmental law - however although I am a senior practitioner with an LLM in this area some of the criteria were problematic to prove or address so I never applied. For example requiring me to approach opposing counsel to prove my activity in the area seemed unnecessary. It was also unclear whether I should utilize litigation or academics as the basis for the application and there didn't seem to be a way to do both.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes if someone went through the trouble to get designated they should be permitted to continue using it.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I was never clear why you got rid of it - but if you do keep it please ensure that it is equitable for different types of practitioners (including government, non-profit, etc.) and people of colour - I think generally avoiding "reference" type requirements is a good idea as some of us are experts in our area but toil in relative obscurity and there are just obvious equity issues with that type of requirement.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Elaine Bright

Email Address bright.elaine@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Northwest, including Kenora (Kenora), Thunder Bay (Thunder Bay), Rainy River (Fort Frances)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

keep it

particularly the Aboriginal Specialist designation lets prospective clients know that the lawyer has enough experience to understand Indigenous perspectives.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Brown

Email Address pbrown@mollp.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: McLeish Orlando LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the CS program. The program is designed to ensure that public can identify individual lawyers who meet specific criteria in an area of specialty. The Law Society opted to allow open advertising. The public more than ever is left to using the internet and other online and advertising sources to select lawyers. This simply gives the public no meaningful direction. The CPSO clearly sees that specialization ought to be measured and accounted for when regulating their profession. Lawyers have become more specialized in various areas and less and less do we see general practitioners. The LSO CS program provides additional fact-based competency information to ascertain a lawyer who specializes in a given area. The CS is a designation that can be obtained by any practitioner provided they meet the requirements. There are no barriers or systemic biases in the program and it in fact supports inclusivity, equality, and diversity. (I despised the process of granting QC and KC patronage designations). It had no meaningful quality-based assessment. The CS was finally open to all, Additional information and guidance is given to the consumer. A consumer can be very lost in the present social media age. To discontinue is in direct conflict with the requirement of the Function of the LSO as set out in Section 4.1, 4.2(2)(3)(5) of the Act.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the LSO decides to eliminate the program, those with the designation should be grand parented or alternatively blue ribbons should be handed out to all participants in the profession.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

This is an important issue to me. in the event the LSO decides to scrap the program, then they should seriously consider discontinuing any continuing legal education requirements of the members on the same basis. Competency to practice and the enhancement of public awareness should be paramount. It should not be disregarded to appease those who do not wish to excel. The only one it hurts is the public and the consumer. When competency based requirements are pulled, then the profession itself falls as does a self regulating body.

September 27, 2023

By Email: PolicyConsultation@LSO.ca

Law Society of Ontario

Policy Division

Osgoode Hall, 130 Queen Street West
Toronto, ON M5H 2N6

RE: Certified Specialist Program Consultation

We are writing to you as the three partners of our Ottawa firm, Burn Tucker Lachaine. We support the continuation of the Certified Specialist Program for the reasons outlined below.

We started our firm in January 2014, but we had worked together as a group within a larger firm for many years before that. Our work is in personal injury and disability law. We represent plaintiffs in fatality cases and those who have been injured in car accidents, slip and falls and other incidents and we represent clients whose claims for long term disability benefits have been terminated or denied. The three of us have dedicated our careers to helping plaintiffs and we are committed to providing the highest quality representation possible, to ensure that our clients feel supported and to maintain the high standards of the profession.

In 2019, after discussing and considering it for a few years, we decided to apply to become Certified Specialists in Civil Litigation. We were very proud to have all three partners receive the Certified Specialist designation in 2020.

1. Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program?

The Law Society of Ontario (LSO) should **keep** the Certified Specialist Program.

We view the Certified Specialist Program as offering the public an **objective designation** by the body whose mandate is to regulate lawyers in the public interest.

As personal injury lawyers, we see the extensive advertising done by other firms with a reliance on “awards” that are predominantly popularity contests and/or paid for with advertising dollars. It is not easy for personal injury clients to choose a lawyer – to wade through the prolific advertising and choose someone to represent you and your family in a very personal claim is a daunting task. We never believed that members of the public should only choose their lawyer based on whether they qualified as a Certified Specialist, but we did feel it could be a factor that would and should instill confidence, particularly in juxtaposition to the types of awards mentioned above.

The Competence Task Force on this issue noted a limited uptake in the program, namely 2% of the practising lawyers have the Certified Specialist designation. We understand that the low uptake is a factor considered to support the elimination of the Certified Specialist Program. We believe, however, that limited uptake does not mean that the program does not have value. The designation is not available to lawyers with 7 years or less of experience and it requires lawyers to have extensive experience in at least one area of the law. It may mean that some lawyers do not wish to seek the designation. It may mean that some who aspire do not yet qualify, but it may give them something to work toward. The limited uptake should not be a reason to eliminate the program.

2. If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented?

3. If so, for how long? Five years, until retirement of the individual specialist, or other?

If the LSO regrettably decides to eliminate the program, we are of the view that lawyers with the designation should be permitted to continue using the certified specialist designation until they cease to be members of the LSO.

4. Do you have other comments regarding the Certified Specialist Program?

We hope that the LSO will continue the Certified Specialist Program to enable the public to identify lawyers who have met established standards of experience and knowledge requirements in one or more designated areas of law and who have maintained exemplary standards of professional practice. In fact, in our view, specializations in Personal Injury Law and Disability Law should be added to the list of available specialties, in order to provide even more value and assistance to the public.

We thank you for the opportunity to make submissions on this important issue.

Yours very truly,



Colleen L. Burn



Laurie A. Tucker



Éliane Lachaine

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Colleen Burn

Email Address cburn@burntucker.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Burn Tucker Lachaine PC

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the Certified Specialist Program. There is no good reason to eliminate it, and it does serve a purpose. Lawyers have gone through an application process to attain this designation and I feel it means something and should not be done away with for no good reason. Concerns regarding inclusiveness can be addressed in ways other than eliminating this program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I don't prefer to see the Law Society eliminate the program, but should that happen, I would want to see individuals with the designation allowed to continue using the designation.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Denis Burns
Email Address	dburns@cohenhighley.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
If you indicated 'Yes', please tell us which organization or association you are representing:	Cohen Highley LLP - London, ON
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes, if the applicants are assessed as they were based on the original criteria, like when I was part of the committee assessing and advising on family law applications (i.e., before the LSO decided we were not recommending certification enough and disbanded the group).

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No. That would imply that they, and only they (and not newer members) are qualified.

Do you have other comments regarding the Certified Specialist Program?

It was a good program with rigorous standards that, I think, informed the public. Watering it down by not allowing the applications to be vetted by specialists compromised that. I want to be clear - I did not ask to be on the certification committee and did not like having to spend the time and effort that went along with being a member, but I viewed it as a service one provides.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Alan Butcher

Email Address alan@stebbingbutcher.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept. It is based on the genuine demonstration of expertise based on objective and transparent standards, upon which the public can rely (and know what they are relying on). Unlike the proliferation of vague awards or "top lawyer" lists handed out by lawyer run magazines and organizations, or "King's Counsel" designations awarded by executive orders in council, all of which purport to identify expertise, but in fact offer no clear objective criteria on which to measure the qualification, and are therefore (obviously) subject to political influence and patronage.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The certified specialist program has required a significant amount of work from lawyers in achieving the qualifications, and maintaining them, not to mention cost in time and money. It would be grossly unfair to remove such designations (when the other awards and designations referred to above remain forever).

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

My understanding, based on over 30 years of practice, is that the certified specialist program was created to provide an objective and verifiable alternative marker of expertise. I fail to understand where the idea of removing it originated, or what the objective would be in doing so - especially in circumstances where we see the provincial government restoring the practice of KC designations.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Bryan Buttigieg

Email Address bbuttigieg@millertomson.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should keep the program.

The program provides useful information to the public as to the specialized area of competence of a licensee, Licensees who are certified as specialist have taken the time to acquire a higher degree of knowledge, competence and experience in a particular area of law. It is useful for members of the public to have a way of identifying such licensees when seeking legal advice.

Do you have other comments regarding the Certified Specialist Program?

The program is useful to both practitioners and more importantly, to the public. It should be maintained.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Paul Cahill

Email Address PCahill@willdavidson.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist Program is beneficial to both lawyers and to the public.

For the public, it allows them to know that a particular lawyer has special experience in a particular area of law that is recognized by the Law Society of Ontario.

For lawyers, it provides them understandable goal to becoming certified which enhances to overall quality of legal services to the public.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes, they should be entitled to continue to use the certification.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Donald Cameron

Email Address Dcameron@bereskinparr.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it.

It provides a service to the public that the lawyer so designated has expertise in the named area of practice.

Unlike the old "Q.C." That was a political appointment.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

Do you have other comments regarding the Certified Specialist Program?

I suggested this to Gavin McKenzie, the former Treasurer many years ago, but to solve the "lack of participation" problem, change the designation to "Kings Counsel" and "K.C.". That brand still has value and people would likely flock to get it. (I'm a trademark lawyer so understand the value of brands.)

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jeff Carhart

Email Address jcarhart@millerthomson.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be maintained. It is a commendable program encouraging and recognizing excellence within our profession. I have always been proud of my designation as a Specialist by the Law Society.

Do you have other comments regarding the Certified Specialist Program?

Once again, I respectfully but very strongly take the position that the Certified Specialist Program should be maintained. Thank you very much.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joseph Castrilli

Email Address castrillij@sympatico.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should retain the Certified Specialist Program for the following reasons: (1) it benchmarks competence and expertise for members of the public seeking legal assistance in complex areas of law and helps them make informed choices in retaining counsel - this has been one of the key purposes and successes of the program the loss of which would constitute a material disservice to the public; and (2) terminating the program and de-certifying specialists may cause undue harm to lawyers, their practices, and their reputations who have identified themselves as certified specialists over the years on their letterhead and when making public appearances before governments and clients.

Do you have other comments regarding the Certified Specialist Program?

Not at this time. Thank you.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James P Cavanagh

Email Address cavanagh@mackesysmye.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The program has never had widespread acceptance or respect within the profession. The requirements of obtaining certification have been bureaucratic, unclear and complicated. The requirements also do not seem to have relation to the quality of a lawyer's skills or abilities.

If so, for how long? Five Years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ena Chadha

Email Address enachadha@bell.net

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes, I feel it should be expanded to recognize high calibre practice in a broader areas of law. I think the designation helps boost public confidence in our profession. I believe it helps identify senior members and demonstrate that the Law Society is aware of the best practitioners and what is expected of specialized service.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ken Chasse

Email Address kchasse@fixy.org

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the CSP designation; any person with a serious, potentially life-changing, frightening legal problem wants to know who are the specialists. LSO's "talk to a lawyer for a 1/2 hour program" without charge, is not an adequate way of determining which lawyer is truly a specialist. Lawyers who are short of clients cannot be depended upon to confess that they are not specialists.

And, in order to cope with the access to justice, unaffordability of legal services problem (the A2J problem), specialist lawyers will be needed to provide the economies-of-scale that affordability requires. That will require a network of support services, each specializing in a different part of lawyers' work. Only then can the necessary volume of production be obtained that affordability requires. No law firm has that necessary high volume of production. No, the biggest law firms do not have it. All law firms will have the A2J problem because all lawyers produce legal services in the same obsolete way. An economist would examine the cost-efficiency of each practice group within a law firm and not merely the cost-efficiency of the firm as a whole. To have such a competent network, specialist lawyers will be needed.

The A2J problem is a production problem for an economist. It is not a quality-of-legal services problem, which is the sole proper field for lawyers. All lawyers are merely legally trained and experienced people.

Do you have other comments regarding the Certified Specialist Program?

Consider how most general practitioners are now coping with becoming increasingly underemployed because legal fees are progressively becoming unaffordable, i.e., the A2J problem is forcing them to specialize. They are going to need and want the CSP designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ken Chasse

Email Address kchasse@fixy.org

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it, definitely. Because any person who has a legal problem, be it serious, life-changing, or frightening, wants to know who are the specialist lawyers. They don't want merely just another lawyer. They want to know what they are getting into instead of finding-out the hard way, i.e., using the wrong lawyer. The complaints of general practitioners that specialist lawyers take work and clients from them must remain of secondary importance.

Do you have other comments regarding the Certified Specialist Program?

Expand it. Every field of law is becoming more complex. The legal literature that all lawyers have to deal with is rapidly becoming more voluminous, complex, and fast-changing, and tied-up with technology that has to be understood. Specialization is only way to keep up with it all, i.e., to be and remain competent. That will be much more effective than LSO's CPD program--going to conferences, etc.

And, LSO should have a greater ability to determine what is the public need for specialists, i.e., pro-active specialization, instead merely reactive specialization, which is merely waiting for a group of lawyers to ask to be designated as specialists. Being a specialist makes being a lawyer more attractive, impressive, and fulfilling. (Eventually a 4th year of law school will be necessary--an extra year for specialization training as happens in medical schools.)

And, LSO must have the ability to accurately assess the performance of its certified specialist program. More modern methods are needed to enable LSO to be an adequate regulator of the legal profession. The duties in section 4.2 of the Law Society Act should be given an adequate 21st century interpretation that fits the public need, not merely LSO's convenience. LSO must do what is necessary and not merely what it has the resources to do. Go get them if not available. Increased government funding for such purposes will not diminish LSO's independence. The needs of the public must always be given top priority, as all professionals should give them that priority. Thank you for giving me this opportunity to express my many years of experience as a lawyer in this way.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gary Chayko

Email Address gchayko@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

**What is the location of your workplace?
If submitting on your own behalf, where do you reside?** East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program has value in allowing clients to see who is experienced in the field they are seeking. The existing program was a complete failure. I saw no significant attempt to alert the public to the value of the designation to them. What it felt like was an annual cash grab with no tangible benefit to me

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

If you are going to eliminate the program then stop charging for it and allow those of us who paid for years to use the designation until retirement

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name May Cheng

Email Address mcheng@dipchand.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist program operates as a form of consumer protection, allowing the public to select experts in a field based on objective criteria. It also allows lawyers to distinguish themselves from their peers, based on experience and meeting certain standards. I strongly advocate for keeping the program. It should in fact be expanded to include more areas of practice and it should be promoted to improve uptake. Personally, I have been a certified specialist for a long time and it has served me very well professionally. It acts as a calling card not only for clients but other lawyers in the profession. It is an important asset for me.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If it is eliminated, which I do not support, then please do not remove it or take it away from those who have earned it. Allow them to keep it until retirement.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

The Certified Specialist Program offers special significance for visible minorities and women by levelling the playing field. Anyone can become a certified specialist through experience and hard work, and that is a good thing! If it lacks funding the problem is with the LSO's allocation, it can pay for itself if you expand to many more disciplines and advertise to increase uptake. You could also introduce additional tiers of specialization. There are many ways to fund this valuable program based on merit that is 100% better than the cronyism of KC designations!

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Yuri Chumak

Email Address Ychumak@icloud.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. The term specialist should not belong to this protected class.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Specialist yes, certified no.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

The law society should keep out of evaluating who is a specialist and leave this to the private market.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Chris Clifford

Email Address clifford@bergeronclifford.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. The specialist designation advises the public of the particular enhanced competencies of the lawyer they are engaging.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the LSO eliminates the program, and I strongly believe they should not, then there should be a grandparented provision for those lawyers who already have the designation.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

There are a number of private "business" organizations circulating in the legal space that provide designations for such things as "Best Lawyers", "Top 10 Counsel" etc. These private initiatives are not governed and to have the LSO leave the "certifying" of lawyers to these ungoverned organizations, would be a betrayal of the public trust.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Collins

Email Address john.collins@on.aibn.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep this program. Just as patients benefit from the expertise of medical practitioners who have qualified as specialists, so too should prospective clients have the benefit of legal practitioners who have qualified as specialists. This program does not create any barriers for clients retaining the lawyer of their choice, whether certified as a specialist or not certified.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If discontinued, currently designated specialists should be grandfathered. When QCs were discontinued, those with this designation were permitted to maintain it.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

As a certified specialist in criminal law, I can report that the qualification testing is rigorous, thorough and demanding, thereby ensuring only qualified candidates receive this designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Robert Colson

Email Address rcolson@cwllp.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Colson Winterstein, LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept for at least two reasons: first, by and large the public has no idea how to go about choosing or locating a lawyer who practices in the area in which they have a need, and the specialist designation is helpful in providing persons in need of legal assistance with some indication of lawyers' area of expertise. Second, specialists certification requires a level of specialization in the area in which the lawyer specializes be maintained on an annual basis. Third, and perhaps less important, it is a recognition by the LSO of an achievement for which lawyers should be recognized.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I would NOT prefer to see the LSO eliminate the program. However, if it is eliminated, those who have been certified should be permitted to retain their current certification provided that they maintain the level of involvement which is currently required in order to continue to represent oneself as a specialist for the reasons set out above.

If so, for how long? For as long as the current renewal requirements are met by the lawyer and hes/she remains in practice.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sari Conter

Email Address sarirose@sariroselaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should. There are so many bad lawyers out there. This helps keep lawyers motivated and also helps lawyers who need extra help know the best people to reach out to for advice. Especially on real estate where there are no masters programs and which is the back bone of our economy and where CPD material is entirely insufficient, there needs to be something to keep real estate lawyers engaged, curious, and wanting to improve.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Why would anyone want it eliminated?!

Do you have other comments regarding the Certified Specialist Program?

I'm so confused how and why this became a topic to debate. Encouraging people to improve is always a good thing. Once law school is over, there is nothing else. CPD are pretty well agreed by most lawyers completely unhelpful (and also no one checks to see if we learned anything - it's a cash grab)and as mentioned there is no masters for real estate specifically. The certified specialist program send to me the only thing a lawyer can really continue to strive for other than money and clients once they are in the industry.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Katherine Cooligan

Email Address kcooligan@blg.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: false

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanea), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept. The qualifications to receive the designation are high, and ensure that the designation is substantive, and brings value to the members by having the qualifications vetted and confirmed, with the allocation of the designation. This provides value to the membership as a whole, and to the public who can have confidence in the designation. It is not a "pay to play" designation that the public is too often fooled into believing that professionals have achieved certain qualifications.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

When I was designated, it was a lot of work, and a very thorough process, and it should be grandfathered as an acknowledgement of the effort and vetting that has already been approved.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I am at a loss as to why something that brings value to the members and the public (and revenue) would be abolished. What purpose is there in abolishing a program that is only value added?



Barry S. Corbin
Direct Line: 416-593-4200
barry.corbin@corbinestateslaw.com

September 30, 2023

Delivered by e-mail

Professional Development and Competence Committee
Law Society of Ontario
Osgoode Hall
130 Queen Street West
Toronto, Ontario M5H 2N6

Dear Committee Members:

Re: Certified Specialist Program Consultation

I am making this submission in response to the request by the Law Society of Ontario (“LSO”) for submissions on the future of the Certified Specialist Program (“CSP) and, incidentally, the ability of those lawyers who have already earned the Certified Specialist designation to continue to use it (and for what time period). As you know, the benchers voted at the September 29, 2022 Convocation to suspend their earlier vote at the May 26, 2022 Convocation to wind-up of the CSP, pending further consideration by your Committee, with a direction to your Committee to report back to Convocation with your recommendation before the end of 2023.

I have had the privilege of reading Mr. Lonny Rosen’s September 27, 2023 submission to your Committee and I concur wholeheartedly with virtually all of the recommendations contained in his submission. I will add only a few additional comments on this matter:

1. While I don’t have access to my files as I prepare this submission to say definitively when I earned my right to use the Certified Specialist designation in Trusts and Estates Law, my recollection is that it was approximately 20 years ago.

2. The requirements at the time I applied for the right to use that designation were rigorous, as set out in Mr. Rosen's submission. So rigorous were they, in fact, that it is nothing short of ludicrous to suggest that any lawyer who earned that designation while those requirements were in place might, with the passage of time, "unlearn" the knowledge and experience that garnered the approval of: first, the authors of the several reference letters that had to accompany the lawyer's application; and second, the then-constituted Specialist Advisory Board (comprised of Certified Specialists in the particular practice area). Nonetheless, I see no reason to object to Mr. Rosen's recommendation that there should be an appropriate re-certification process for all Certified Specialists, on a reasonable timeline.
3. I understand that over the years, the bar to qualify for the Certified Specialist designation was lowered on two separate occasions, all with an apparent view to encourage more lawyers to apply for that designation. This was, in my view, a result of fuzzy thinking. If you are going to allow a lawyer to hold out the Certified Specialist designation that, presumably, would bring both members of the public and other members of the Bar to believe that the lawyer could offer superior services, you don't dilute the qualifications needed to earn that designation.
4. Also with regard to lowering the bar, I fail to understand the logic that led the Competency Task Force to conclude that the CSP has been a failure simply because the lowering of the bar failed to bring forth applicants for the designation in substantially greater numbers. If you don't hold the Certified Specialist designation, you will have no way of knowing what I daresay a great many of the existing Certified Specialists have found – and I count myself among them – namely, that it has a positive impact on one's ability to attract clients, whether from the public or from referring lawyers.

Evidently, the Competency Task Force believes that if the steps one takes to generate interest in a program or endeavour fail to do so, it must mean that the program or endeavour has no merit and is hence a failure. Why don't we apply that logic to the consultation process that was established by the Competency Task Force in its June 2021 Report? It garnered only 77 responses, and only 50 of those were from individual lawyers. Perhaps the consultation process had no merit and was a failure. And yet the Competency Task Force confidently concluded from what I submit was a failed consultation process that the CSP must go.

By the way, even if one could draw any conclusions from such a minimal sampling, the Competency Task Force Report said a couple of things:

- (i) “Most respondents who wanted the program eliminated had not participated in the program ... ”.
- (ii) “Those who wanted the CSP eliminated did not think that it is a true marker for excellence in the profession or that it had significant utility.”

Why would you give any weight to such opinions?

5. Speaking of consultation processes, I assume that the benchers gave the LSO staff direction in the early fall of 2022 to create a consultation process to assist your Committee (as subsequently constituted after the last bencher election) in its review of the CSP. And yet it was not until May of 2023 that the LSO began to advertise to the profession in the *Ontario Reports*. Never mind that the simplistic questionnaire is one that could have been devised in the space of 30 minutes. In the circumstances, a cynical person might question the commitment of the LSO staff to this round of consultations. Your Committee now has the unenviable task of reviewing all of the submissions over the next two months, with a view to crafting recommendations to be presented to Convocation before the end of 2023.

I would add that if any one of you was elected as a bencher for the first time in the most recent elections, you would not have had the benefit of seeing the many submissions that were made to the LSO in reaction to the benchers’ vote at the May 26, 2022 Convocation to eliminate the CSP and the right of existing Certified Specialists to continue to use that designation after 2022. I did see many of those submissions and they were compelling and heart-felt. You have a duty to ensure that you read all of those submissions, in addition to the ones that are submitted as part of this current consultation process

6. The Competency Task Force Report recommended that the status quo be maintained for the CSP in relation to Indigenous Legal Issues, pending further review. It is evident that whatever your Committee’s recommendations might ultimately be for the CSP, they will have no impact on those with a Certified Specialist designation in Indigenous Legal Issues or those seeking to acquire that designation. By my last count, there are six lawyers having that designation. There are, in the aggregate, more than 750 lawyers with a Certified Specialist designation in all of the other practice areas. How is it that in the absence of an audit or re-certification process, the public may be misled about the skill set of Certified Specialists in all other practice areas but not about the skill set of Certified Specialists in Indigenous Legal Issues? You cannot, in all good conscience, recommend that the CSP be eliminated for the rest of them, irrespective of your reasoning.

Thank you for taking the time to review my submission.

Yours very truly,

**CORBIN ESTATES LAW
PROFESSIONAL CORPORATION**

A handwritten signature in blue ink, appearing to read "B Corbin", with a long horizontal flourish extending to the right.

Barry S. Corbin

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gavin Cosgrove

Email Address gcosgrove@bergeronclifford.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should maintain the Certified Specialist Program for several compelling reasons.

First: The program serves as a valuable tool for the public, enabling them to identify lawyers in Ontario who possess specialized knowledge and experience in distinct areas of law. This promotes transparency and helps individuals make informed decisions when seeking legal representation.

Second: The program establishes a standard of excellence within the legal profession by recognizing lawyers with a commendable level of expertise in their respective fields. This designation reassures clients that they are engaging with lawyers who possess a deep understanding of the intricacies and nuances of specific areas of law.

Third: The Certified Specialist Program benefits the legal community by fostering a culture of continuous learning and professional development. Lawyers who aspire to become certified specialists must undergo a rigorous assessment process, which encourages them to enhance their knowledge and skills. This commitment to ongoing education elevates the overall quality of legal services.

The preservation of the Certified Specialist Program by the Law Society of Ontario is essential. It ensures transparency and enables the public to access lawyers with [vetted] specialized expertise while also promoting professional excellence within the legal profession.

Do you have other comments regarding the Certified Specialist Program?

If the Law Society does eliminate the program, individuals who have invested significant resources in the Certified Specialist Program's application and annual renewal process should be permitted to continue to use the designation until retirement.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Cowan

Email Address scowan@me.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. It is an earned, measurable honorific that the public seeking top legal advice can rely on.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Barry Cox

Email Address bcox@boglaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Boghosian + Allen LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the specialist program. This is a designation that offered the profession almost 40 years ago, and that Certified Specialists have worked hard to obtain, and paid fees to maintain. It seems arbitrary and unfair to take it away now.

Moreover, I see so many personal injury lawyers (I practice in insurance defence) bestowing pseudo-awards on themselves for marketing purposes (despite the LSO's efforts to control this) for marketing reasons. Why take away the one legitimate designation offered by the profession's governing body, that takes effort and hard work to obtain, when it can be used to distinguish lawyers who have legitimately obtained a certain level of competency from the Jeremy Diamonds of the profession?

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes, we should be grandparented. We earned this designation and have paid handsomely for it, so we should get to keep it!

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jeffery Crannie

Email Address jcrannie@cranniela.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the CSP. There has always been some way to distinguish senior qualified counsel (previously QC, now CS) so that the public knows the person they are hiring has went through rigorous vetting to determine their competence. In my field (personal injury), advertising is the way most people find a lawyer. However, simply paying money for advertising does not equal competence. Allowing lawyers to apply for and attain this designation gives the public confidence that a person is viewed by their peers as a competent capable lawyer. Any sort of peer judged designation like this allows the public, if properly informed, to be able to better make decisions over who to retain, as opposed to advertising.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

While I am not in favour of elimination, if that is ultimately what is decided, the designation should be grandfathered. To become a CS requires both a time and monetary commitment. To simply pull the designation would be an insult to those of us who have committed the time and money to achieve the designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

To continue to monitor the competency of those with the designation, a more robust annual reporting requirement would be an option. If there are concerns raised in the annual reporting, there could be an ability to remove the CS designation from those who no longer qualify. As well, to increase participation in the program, the LSO could consider better informing the public about the program. If clients are more likely to hire those with the designation, lawyers will want to obtain the designation more that they do now. Most older people know what QC meant; not many in general know what CS means. If the public understood it, and thereby were more likely to consider it when hiring a lawyer, participation in the program would increase.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Patrick Crocco

Email Address patrickcrocco@hotmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The C.S. program is an objective apolitical merit and experience based designation. It informs those seeking expert counsel (who take the minimal time to inform themselves) that a lawyer has met the merit and experience based requirements of the C.S. program. This would assist those individuals (and non CS lawyers who may be looking for a second opinion on a complex matter from an expert) to identify those lawyers who have a specialty - not because they have self-promoted such specialty - but based upon objective merit and experience requirements.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I would not prefer to see the Law Society eliminate the program but if it were to do so, then existing C.S.' should be permitted to continue using the designation until retirement.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Cyr

Email Address cyr@johncyrllaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Northwest, including Kenora (Kenora), Thunder Bay (Thunder Bay), Rainy River (Fort Frances)

Upload a File [Certified Specialist SUBMISSION to LSO.pdf](#)
[Appendix A.pdf](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
Please see attached Submission and the related Appendix A in support of keeping the Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Please see attached Submission and the related Appendix A impliedly in support of grandparenting the designation.

If so, for how long? Until retirement of the individual speaclist

To: the Professional Development and Competence Committee of the Benchers of the Law Society of Ontario:

re: the Certified Specialist Program

A Submission by John Arthur Cyr c.s.

Certified by the Law Society of Ontario (Corporate and Commercial Law)

September 30, 2023

The Certified Specialist Program, as sponsored by the Law Society of Ontario, should be maintained, and where appropriate, strengthened. There are several reasons.

Leveling the Practice Playing Field

1. Please see Appendix A, attached, setting out as stated facts, among others, that solo and small firms account for
 - 64% of private practitioners, and
 - 98% of all law firms in Ontario.

Large law firms (i.e. with more than 51 lawyers) account for less than 1% of law firms

A large, full-service law firm can attract clients with the inference that someone in the firm will be experienced in, and knowledgeable about, a particular area of law. The assurance is that advice and representation in a wide spectrum of areas of law will be available within the large firm and that there will be support resources available to ensure a competent, ethical, and polished remedy or result.

By comparison, the certified specialist designation has a particular significance for practitioners in what are apparently the other 98% of the law firms in Ontario. The certified specialist designation implies that the individual lawyer so designated will at least have experience in and be knowledgeable about the designated area of law.

The Law Society has a responsibility to the public to facilitate access to appropriately experienced and knowledgeable lawyers. Obviously, access is not to be confused with endorsement. Access is information. Endorsement would be preference.

It is helpful to appreciate that the certified specialist designation has become one more in a suite of changes that since the 1970s have tended to level the practice playing field between lawyers in solo or small firms and those in large firms – i.e. between the 98% and the 1% of law firms. Opportunities for lawyers in sole practice or practicing in small or medium sized firms to present their skills and capacities grew exponentially with introduction of

- Increasingly sophisticated word processing,
- Instantaneous electronic transmission of documents over distances,
- Increased funding for courthouse libraries,
- Aural and visual communication technologies that rival, and are far more accessible than, personal attendance at meetings, and
- Certified specialist designations that allow a lawyer to tell potential clients that they have recognized experience in, and knowledge about, a designated area of law.

Discontinuance of the Certified Specialist program would need to explain how the above analysis of a more level practice playing field is mistaken.

There Could Be Improvement

2. Presumably there have been some sort of inquiries as to why the opportunity of having a certified specialist designation has little appeal for lawyers in the 1% of firms that are considered large.

I have no knowledge of the results of any such inquiries, if there have been any, and certainly no experience of a law firm larger than 14 or 15 lawyers; however, I can ask a question.

Would the certified specialist designation have greater attraction if there could be, at the applicant's request, and, where appropriate, with the applicant's own customization, greater particularity added to the designation. For example, a practitioner might have extensive experience in law related to a particular niche within a given more general practice area. Would a certified specialist designation of the general area of law combined with an acceptable label identifying that particular niche be of interest to that practitioner? More to the point, would it be an advantage to members of the public looking for that particular niche specialization?

What about something like:

Certified by the Law Society of Ontario (Corporate Commercial Law, in particular the socialist legal system with Chinese characteristics, operating in mainland China, Hong Kong, and Macau)

The Law Society of Ontario Must Itself Act Ethically

3. The Law Society of Ontario, over any number of years, has
 - invited, and has continued to invite, lawyers to seek and continue to use a certified specialist designation,
 - supervised the annual compliance of those lawyers with given standards, and
 - permitted those lawyers to use the suffix “c.s.” in business representations and communications as a strategic component in building their client base.

Does the Law Society now have the right, ethically, to require the lawyer with the certified specialist designation, with no breach of the criteria for having it, to cease using that designation?

Do the Benchers of the Law Society think that clients of many years standing, suddenly seeing the absence of the “c.s.” designation, will think more appreciatively of their lawyer because of the change?

Do the Benchers think clients of the lawyer no longer having the use of the “c.s.” suffix will understand that

- there has been no wrongdoing or misadventure on the lawyer’s part,
- there has been no disciplinary procedure against the lawyer, and
- the required discontinuance of the certification is not a penalty or reprimand.

On a personal note, I began my law practice in 1980 at the age of 38. I chose law in part because, unlike other careers at that time, there was no particular age for required retirement. On my stepping away in 1995 from 10 or so years as managing partner of a 14-member law firm it was suggested that I consider applying for a certified specialist designation as a way of building up a full practice. I did so and have been pleased over the last 25 or so years to use the designation. I recently suggested to the CEO of a good client of longstanding

that I was thinking of retiring. That CEO asked that I continue in practice for at least a few more years and made it unusually attractive for me to do so.

I will at some point retire but, for now, it is still fun. Even within the strength of that particular client relationship, however, I do not think there is any way I could explain the absence of the "c.s." suffix after my name without that client thinking, without voicing it, that either I had done something wrong or that the Law Society, whose *raison d'être* is protection of him and the corporation he runs, had itself somehow erred.

Conclusion

I wish you well in your deliberations. Should there be any questions or concerns about my comments above I can be reached at

Phone: (807) 767 7548

Cell: (807) 629 5650

Email: cyr@johncyrlaw.com

Appendix A

To a submission by John A. Cyr in favour of retention of the Certified Specialist Program

The National Post published an article at <https://financialpost.com/legal-post/the-rise-of-the-sole-practitioner> .

In that article the following facts are reported:

- In Ontario, sole practitioners account for 77% of the province's law firms, compared with big law — firms with more than 51 lawyers — which account for less than 1% of law firms.
- Growth in the number of lawyers at big law firms trails that of smaller firms.
- Between 2007 and 2012, sole practitioners grew by 33%, while big firms increased lawyers by only 20%.
- Small firms — those between two and 10 lawyers — grew their lawyer complement by 27%.
- Solo and small firms account for 64% of private practitioners and 98% of all law firms in Ontario.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Peter Dalglish

Email Address pdalglish@airdberlis.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should consider eliminating the program. It provides limited value to the public to know they are dealing with a "certified specialist" as opposed to an experienced member of the bar.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

I think there should be no grandfathering. It put's an unfair advantage upon those lawyers who may have been in the process of being considered for the designation but were too late. It also dates lawyers. For example, anyone with a King's Counsel designation in Toronto is a member of the bar prior to a certain year due to the LSO/LSUC removing the designation.

Do you have other comments regarding the Certified Specialist Program?

It provides no benefit for the public. When I see an opposing counsel with the designation, I don't think of them in any "special" or different manner.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Thomas Dart

Email Address tdart@barristonlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The designation should be eliminated because it tends to perhaps lower the standard of care required of lawyers who do not seek the designation. The standard of care expected of lawyers who choose to handle a particular client matter should be the same high standard for all lawyers. In addition, obtaining the certified status did not seem difficult enough.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No. Like the King's Counsel, there is a tendency to mislead the public about the level of care which the lawyer can provide.

If so, for how long? Do not continue it

Do you have other comments regarding the Certified Specialist Program?

While many lawyers who have applied for and obtained the Certification are good lawyers, their choice to obtain certification was motivated more for marketing purposes than anything else. The public can be misled by such marketing activities if the process for certification is not high enough. In my experience, it is very difficult for any body to certify that any given individual is better talented than any other individual. LSO would have to develop a much more stringent test than the current test in order to be able to actually certify that any lawyer has a particular level of expertise which is over and above any other lawyer's expertise. It is better to just take the position that all lawyers should be held to the standard of care required by the Rules of Professional Conduct as developed further through case law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Giselle Davidian

Email Address Gmazmanian@mankogold.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? NYC

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep the Certified Specialist program. The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.

Do you have other comments regarding the Certified Specialist Program?

Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Christopher Davidson

Email Address chw_davidson@hotmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the program should be kept but modified to ensure that it is meeting the public interest. For example, currently lawyers can be specialists in Labour and Employment Law. Few leading labour lawyers bother with this designation because sophisticated, unionized employers and unions know who the leading labour lawyers and firms are. On the other hand, I have seen far too many individuals with legal concerns related to their employment retain lawyers with very little knowledge of employment law. Public interest is not served by the Labour and Employment Law specialization, which seems to require significant experience with labour law and doesn't appear attainable to lawyers who focus on employment law. Review the categories in which designations are available and review the requirements.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Eric Davis

Email Address edavis@svlaw.ca

Please make a selection below I am a member of the public

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should keep the program. It permits the general public to assess a lawyer's particular experience in an area. For example, a number of lawyers claim to practice "Municipal & Planning Law". That may be true - to a point. They may do a certain aspect (e.g. expropriations), but that's it. I, however, practice exclusively Municipal & Planning Law (all aspects) and have throughout most of my legal career. By getting my LSO Certified Specialist designation in Municipal Law: Local Government / Land Use Planning and Development, it allows me to illustrate to the general public that I am not "dabbling". This is the type of law that I regularly practice. I believe allowing for that differentiation is beneficial to the public at large.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Though I do not want to see the elimination of the program, individuals who have the designation should be grandfathered, just like when the province eliminated the QC designation in the mid 1980s, people with a QC were still allowed to use it for the rest of their careers.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I think it's an excellent program. If there are issues with it, then let's address those issues, but I do not believe its outright elimination is justified.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Mark Davis

Email Address mdavis@cassels.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program: it allows the public to readily identify practitioners with particular specialties.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Murray Davison

Email Address jmdavison@pmlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Paterson MacDougall

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the LSO should keep the program and make an effort to encourage members to participate, so that the program will have greater application and meaning to the public. To eliminate the program makes it look like a failure on LSO's part and a punishment of some kind to existing specialists (I have used the designation since 1990 and to have it taken away now would have an obvious deleterious effect). I would much rather see the program revitalized and continued.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name david debenham

Email Address ddebenham@lmrlawyers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: LMR

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napane), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
Keep it.

Accountants have "Fellows" as a designation and our designations are more targeted towards specific specialties.

No designation implies that we are all fungible widgets.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?
yes. It was duly earned.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Everything can be improved. Reviewing based on the qualifications of each particular special field may be in order (eg litigation emphasizes trials in a world moving towards other forms of dispute resolution)

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Maria del Pilar Vanegas Guzman

Email Address Maria.vanegasguzman@mail.McGill.ca

Please make a selection below Candidate lawyer in licensing process LSO

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should eliminate the Certified Specialist Program.

Clients often expect and gain an advantage in having lawyers they trust handle their diverse interests in different areas rather than shop around for different lawyers for separate matters.

In addition, lawyers, notably in civil litigation, develop skills and knowledge which are transferable to diverse areas of practice. In promoting a certified specialist program, the LSO may hinder opportunities for lawyers to diversify their areas of expertise.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the program is eliminated, using the specialist designation should be limited in time. It may cause confusion for clients though.

If so, for how long? Five Years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Dirk Derstine

Email Address derstine@derstinepenman.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

A recognition of those who an independent and knowledgeable body find are well qualified to do serious work is important. It helps the public to choose appropriate counsel for very serious matters.

The qualification process needs to be considerably more stringent than it is now. Many people have this designation who ought not.

Do you have other comments regarding the Certified Specialist Program?

It is important but needs to be more rigorous.



DeRusha Law Firm

Established 1994

*Mr. Haig DeRusha, LL.B.
LL.M. in Civil and Dispute Resolution
Certified Specialist in Family Law
haigderusha@derushalawfirm.com*

Our Lawyers
*Mr. Haig DeRusha
Mr. Syed Kabir
Mr. Manish Sidana*

May 23, 2023

**Law Society of Ontario
By Email: PolicyConsultation@LSO.ca**

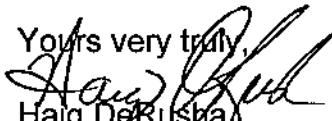
**To: Certified Specialist Consultation Committee
Re: Certified Specialist Programs – – Feedback from the Profession**

The writer, Haig DeRusha, called to the bar in 1984, with a Masters Degree in Civil Litigation (Dispute Resolution), and a Certified Mediator with the Family Dispute Resolution Inst. of Ontario, is giving you my view for consideration.

You will see that this is coming in a memo that is attached, so that you could distribute just the memo, or this covering letter as well.

I wish you all the best in this committee work.

Yours very truly,



Haig DeRusha

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Re: Value of Certified Specialist Identification

Prepared by Haig DeRusha, DeRusha Law Firm, Mississauga Ontario May 25/23

Background

I am completing this as it might be something that can be distributed and thought about as to why the Specialist Identification should be kept in place.

I am a Certified Family Law Specialist, with my office in Mississauga. This is Peel Region, and I can say that at this time I believe there are only 3 Certified Family Law Specialists in Peel Region.

I will set out below the reason why I think that a Specialist Identification should remain.

The Theoretical Story

Like all lawyers that are in private practice, they are always looking after new and potential clients. We have an intake system but my joke with my personnel is that rather than just doing an intake and having a lawyer speak with the person later, if Paul McCartney should contact our office, and be on the phone, interrupt what I am doing and I will speak with him immediately.

I expect that Paul McCartney would want to be communicating with and retaining a very experienced and high-level Family Law lawyer. Thus, he might look and see who are the Certified Family Law Specialists.

By contacting a Certified Family Law Specialist, Mr. McCartney could be confident that there is a significant amount of skill and experience in that lawyer.

Looking at the Medical Profession

If we look at the medical profession, there are specialty designations. This makes a lot of sense. For example, if Mr. McCartney, or any of us, had a heart problem we would want to be treated by a specialist, called a "cardiologist." By speaking of a "cardiologist" anyone in the public would understand that this is someone very skilled and experienced in dealing with heart problems.

Conclusions

I believe that in the medical profession identifying specialists is the norm. It gives a lot of information and confidence to the public and to others working in the profession.

I am strongly of the view that to take our profession, and just have no speciality designation is the wrong way to go.

I acknowledge that there should be a review of what qualifies as a specialist and it should be made on certain criteria. The criteria has to be sensible and balanced. Thus, there should be a good review of the qualifications to be a specialist.

Note: this document is created and may be distributed for discussion purposes to any member of our profession or any committee etc.

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I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Marc D'Heureux

Email Address marcd@reillyandpartners.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe that the program should be retained.

The designation is a good way for the public to identify counsel who have demonstrated experience and focus on a particular area of practice.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the program were eliminated there should be no grandparenting as this would be unfair to counsel who would be no longer able to apply for the designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Laura Dickson

Email Address lauramccracken@hotmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

No. The program recognizes those who have experience and recognition in their field of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Should not be eliminated but if so, yes

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Leo Dillon

Email Address leodillon76@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program provides potentially important information for the consumer. My designation guarantees that I am active in my field. It's easy to hold yourself out as knowledgeable in an area of practice, and there is really no way for most consumers to tell whether that is in fact the case. The specialist designation might not signify skill, but it most assuredly suggests experience.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not believe that the program should be eliminated. In addition to providing the consumer with an indication of experience, the program also encourages practitioners to keep up-date with recent developments by encouraging interest in useful CLE programs. That makes no difference to someone in my position, where the entirety of my practice is within my specialty, because those are the programs I am looking for and interested in. If I have the designation, but less than half of the practice is in the specialty, maintaining your expertise in an area where you spend less than half your time becomes a motivating force.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Nikolaos Dimitropoulos

Email Address ndimitropoulos@beardwinter.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program. It is a good way for the public in complicated matters to retain a lawyer that is a specialist in that particular area of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not want to see the program eliminated but if it is then yes they existing designation should be grandfathered.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Kevin Doan
Email Address	kevin@injurylawcentre.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
If you indicated 'Yes', please tell us which organization or association you are representing:	Kevin Doan Injury Law Centre
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep it. Reasons include: (1) Already very hard for public to gauge competence of lawyers, as advertising is often a race to the bottom in the sports of fracking shades of truth out of expressions, a sports for which lawyers are generally well endowed; (2) Medicine has specialists, thus I do not see why law is different. Lawyers know that they are incompetent in many areas, and they themselves would not use general practice lawyers when they have serious personal matters. CS helps the public to readily identify a higher minimum standard of experience and professionalism.

Difficulties in maintaining a CS program are not because a CS program is not advisable in the public interest, but likely because of poor execution. As such, difficulties should not be excuses to abolish the program.

In my experience, certified specialists carry themselves routinely with palpable difference in professionalism and experience. As a specialist myself, I am happy to report that I cannot avoid noting the much higher professionalism and commitments of other specialists. They almost invariably earn my highest regards and silent admiration.

Whatever the LSO may choose to do, the guiding light must be the protection of the public, including any greater chance for the public to separate the skillful and professional ones while subject to the abuse in advertising against which the LSO is mostly if not wholly ineffective. I say this because I note that the rare cases where misleading advertising is disciplined, the discipline takes place too many years later, with too little consequences too late.

Furthermore, abolishing the CS program is, on the other hand, consistent with advancing the interests of third-party rating organizations such as Best Lawyers, etc... and likely a boon to their businesses. LSO has never reportedly looked into whether this rating organization, or any other, does it primarily for money and is thus contrary to the Rules of Professional Conduct. As of about 2012, it costs some \$3,700 per lawyer to be listed as Best Lawyer. How could listing in a program (little more than adding a short bio on its website) costs that much if it is not for money primarily? "Peer review"? This has never been reportedly looked into by the LSO. Why not? If that program allegedly gets 3 lawyers together as a "Board" to approve Best Lawyers, is that truly "peer reviewed" or simply playing sports around LSO regulations?

It would be a sad day if the LSO decides to effectively delegate this regulatory function to third-party rating organizations as it becomes unable to assist the public to more readily ascertain specialists when Ontarian's freedoms, the financial lives for themselves and their families and children may hang in the balance (i.e. criminal, injury, family law areas). And all they have may be the phone book, Google, or "friends" who recommends names with potential untold, unauthorized kickbacks, in kind or in money, often in the mix.

The truth is hard for me to write and for you to read; but is heart-breaking for vulnerable Ontarians to have to bear.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Although I am now a specialist, I do not wish to be grandparented, as I do not wish to claim any entitlement based on past personal investments or otherwise.

If the program is not deemed a deserving program to continue in the public interest, then it should go without lingering vestiges such as grandparenting.

J'ai lu et j'accepte la déclaration qui précède quant à l'utilisation qu'on peut faire de votre mémoire

Veillez saisir votre prénom et votre nom de famille Frédérick Doucet

Courriel fdoucet@rubinthomlinson.com

Veillez faire un choix ci-dessous Je suis avocat(e)

Participez-vous au nom d'un organisme ou d'une association? Non

Principal domaine de pratique :

- Droit administratif
- Droit de l'emploi ou du travail
- Droits de la personne/Justice sociale
- Droit professionnel (régulation des professions, admission aux professions réglementées)

Où se trouve votre lieu de travail? Toronto (RGT)

Si vous participez en votre propre nom, où habitez-vous?

Le Barreau de l'Ontario devrait-il conserver le Programme d'agrément des spécialistes ou l'abolir? Pourquoi ou pourquoi pas?

Le Barreau devrait le conserver. La mention s.a. est un indicateur pour le public qui lui assure que le professionnel dispose des connaissances, de l'expertise et de l'expérience satisfaisant à de hauts standards dans un domaine particulier. C'est une façon d'informer le public par rapport à la qualité des services à être rendus, et cela favorise la protection du public.

Si vous préférez que le Barreau abolisse le programme, les personnes ayant le titre devraient-elles pouvoir conserver leurs droits (continuer à utiliser le titre de s.a.)?

N/d

Avez-vous d'autres commentaires à formuler au sujet du Programme d'agrément des spécialistes?

En plus de maintenir ce programme, me Barreau devrait mieux informer le public quant à la signification de la mention s.a., ce que cela implique, etc.

I read and approve the previous statement regarding the use that can be made of your memory bank Yes

Please enter your first and last name **Frédéric Doucet**

Email Address fdoucet@rubinthomlinson.com

Please make a selection below **I am a lawyer**

Do you participate on behalf of an organization or association? No

Main Practice Area:
- Administrative Law
- Labour and Employment Law
- Human Rights/Social Justice
- Professional Law (regulation of professions, entry to the regulated professions)

What is the location of your workplace? Toronto (GTA)

If you participate on your own behalf, where do you live?

Should the Ontario Law Society keep or cancel the Certified Specialist Program? Please explain.

The Law Society should keep it. The "C.S." designation assures the public that the professional has adequate knowledge, expertise and experience that meet the highest standards in a specific area. This is a way to inform the public regarding the quality of services to be rendered and this promotes protection for the public.

If you would prefer the Law Society to cancel the Program, should the persons with that designation be able to keep their rights (to continue using the C.S. designation)?

N/A

Would you like to provide additional comments regarding the Certified Specialist Program?

In addition to keeping that Program, the Law Society should better inform the public about the C.S. designation, what it implies, etc.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name kaleigh du vernet

Email Address duvernet@gsnh.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. It is valuable to the profession.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

It should not be eliminated.

If so, for how long? Five Years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Peter-Paul Du Vernet

Email Address peter-paule.duvernet@glaholt.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. There is no other recognition of expertise. The Consultation Report indicates that there is no indication as to whether client consider the designation. They do. I myself have had several clients with substantial matters in the course of retaining me inquire about the CS. They had regard for the designation.

Without the designation, practitioners would be left trying to work within the framework of the LSO advertising constraints to call themselves "experts" which is at least unsatisfactory.

If there is genuine concern as to the level of expertise required to achieve, and maintain the designation, although the current regime of self assessment seems satisfactory, that can be addressed and is no reason to discontinue the programme. I have never come across a CS that was not a sufficient specialist to be designated as such.

The limited uptake is not reason to discontinue the programme. There may be those who would qualify but do not wish to be designated, and there may be many who would not qualify.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

As above, the programme should be kept, however if for some unaccountable reason it is to be discontinued existing certified specialist must be permitted to continue to use their designation, as His Majesty's counsel are permitted to continue to use their designation. Those who qualified have not lost their expertise simply because the programme is under review.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Although now a distant memory for a dwindling number, the CS programme was introduced in the wake of elimination of QC designations in Ontario. The concern that there was no need to demonstrate qualifications or expertise to be designated a QC/KC may have been fair, but the designation did reflect a degree of seniority and accomplishment within the profession. Other Provinces have retained the QC/KC. Without the CS there would be no recognition in Ontario which for those with genuine expertise who do not choose to engage in potentially contentious advertising leaves no objective means of validating specialization, which is undesirable. In any case whatever comes of the programme, there is no justification for stripping those who have qualified of the designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Bruce Duggan

Email Address bruce@sdalawfirm.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept.

Outside of large national firms in Toronto, the public in regions beyond the intersections of King St. and Bay St. have no way of distinguishing between lawyers who have and who have not focused their law practices in specialized areas. This is not an issue for those members of the public who retain large, national law firms in downtown Toronto; but it is most certainly an issue for those members of the public who choose not to retain large national law firms in downtown Toronto. In regional areas of Ontario, including in the GTA beyond a mile from the intersection of Bay St. and King St., there are lawyers who operate general practices and lawyers who specialize. Why make it impossible for the public to identify that distinction?

I have yet to see any explanation from the LSO as to what motivated it to terminate the Certified Specialist Program last year (and then reverse itself) but its unilateral decision without any input whatsoever from any of its members certainly makes its motives for the cancellation of this program last year suspicious. It also makes this consultation process suspicious as just window dressing to cover its motivation to terminate the Certified Specialist Program. Who and what is behind this push to terminate this program? I'm asked to for my views without having any idea as to why the Certified Specialist Program is even being considered for elimination.

Have any members of the public who use legal services been consulted? It seems not.

I would not be surprised that the lawyers who want to see the Certified Specialist Program eliminated are those lawyers who practice in the large, national law firms near King St. and Bay St. in downtown Toronto.

If so, for how long? You can't even spell "specialist" correctly.

Do you have other comments regarding the Certified Specialist Program?

I have seen no explanation as to why the Certified Specialist Program is of no benefit to the public. Unless the LSO can explain how the Certified Specialist Program is a disservice to the public it should be maintained.

Who and what is behind the LSO's decision last year to eliminate the Certified Specialist Program?

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ravi Narayan Dulani

Email Address raydulani@rmdlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James Dunlop

Email Address jameswdunlop@rogers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the CS program. I have been in big firms (SHEPHERD, MCKENZIE PLAXTON, LITTLE & JENKINS, 8 years, LERNERS LLP 21 years) and small firms JAMES W. DUNLOP and variations leading to DUNLOP STEACY & PHILLIPS, 16 yrs, LITTLE, INGLIS & PRICE, 3 years, JAMES W DUNLOP LAW P C, 3 years). The CS seems less attractive to lawyers in big firms who have access to firm clientele and referrals from other firm members and less concern about attracting work. I think the CS is very important to lawyers like me in smaller practices for attracting business and suggesting a level of competence similar to that attached to larger firms. I take my CPD requirements very seriously and exceed them significantly annually.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Yes. I have not seen any studies showing harm caused by those who hold CS designations. I have not seen reasons why the CS designation should be eliminated because of negative occurrences. I am seeing the competence bar lowered in many areas by those who strive for mediocrity and are unable or unwilling to strive to achieve elevated recognition.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Daniel Dylan

Email Address danielwdylan@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Northwest but inactive at the moment

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes, I am of the position that it enables lawyers to distinguish themselves in various practice areas and for this reason serves as a public benefit. There should, however, be on-going competency requirements to ensure that the individual to whom the designation is attached, remains competent in the area to which the designation pertains.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not prefer to see it eliminated, but for similar reasons as above, if it is eliminated, individuals who already have the designation should NOT be permitted to continue to use the designation. Continued use may cause confusion in the public, i.e. why certain individuals have this designation and why others do not. Furthermore, it is not clear how the LSO would ensure that the individual so designated remained competent in the area to which their designation pertains.

If so, for how long? Never

Do you have other comments regarding the Certified Specialist Program?

Thank you, no.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Susan Easterbrook

Email Address easterbrooklaw2@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program for the following reasons:

- a) it provides assurance to the members of the public that they are consulting with a lawyer who does specialize in a particular area of law and has the appropriate knowledge to assist them with their legal issue(s);
- b) it encourages lawyers to strive for a standard of excellence and hone their practice skills to be focused on a specific area of law rather than trying to be a jack-of-all-trades to the public;
- c) other professions have specialty designations so why should lawyers be any different. The days of the generalist are long over in our fast-paced society and ChatGP is not going to help decrease the gap of knowledge in a secure, consistent manner.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes, we should be grandparented. We worked hard to get the designation and it sends an inappropriate message to the public to now say it's no longer a worthy symbol of excellence in our practice area(s).

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I was part of the original pilot project to establish the criteria for the CS designation in estates and trust law. I participated as a member of the team to give input on the criteria required and also had to submit an extensive package to then be considered for the designation. I fail to see why the Law Society does not promote this program more as it greatly enhances a lawyer's ability to serve the public in specific areas of law. As a practitioner with more than 33 years of experience, it saddens and dismays me to see my younger colleagues claiming to have "expertise" in a certain area when it is readily apparent in interacting with them on cases that their knowledge base is substantially limited thus causing their clients to incur far more fees than are appropriate for their case. The designation should be promoted by the LSO as a standard of excellence to be achieved, much like STEP and other organizations have done with their respeptive designations. There is nothing wrong with having superior qualifications. In fact, it is in the best interest of the public to do so.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Stephen Eaton

Email Address stephen@lighthousefamilylaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be kept, but modified. A merit based program has value to identify counsel who have devoted effort and time to crafting skills in a certain area. However, 'Certified Specialist' has no meaning to the public and misses the mark in distinguishing experienced counsel from others.

Appointees to the C.S. program should also be appointed as King's Counsel. While eliminated for many years in Ontario due to it being a mechanism for political patronage, KC/QC is a designation that has meaning in the public eye and is consistent with other provinces and commonwealth nations. By keeping the requirements to be appointed as a C.S. and 'transferring' them to the KC/QC program, we would also move away from political appointees into a merit based programs.

Anyone who prefers C.S. to KC/QC could continue to have that choice if they elect.

Do you have other comments regarding the Certified Specialist Program?

None.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James Edney

Email Address jedney@blaney.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I request that the Law Society keep the Certified Specialist Program.

Full disclosure: I am a Certified Specialist - Family Law. I am self-interested. But I wish to say that I am very proud of the designation, and I view it as the most rewarding designation that I have, because of the rigorous Application process that the Law Society adopted (and I went through) to obtain the designation in 2010 / 2011.

I believe that particularly in fields of law, such as Family Law - where 'lay people' seek the services and retain counsel, that the Certified Specialist designation is a very important hallmark of quality counsel that the general public can rely on. In a morass of competing marketing materials, the certification by the Law Society is an important distinction that the public can rely on with confidence, when they may not have any other means of evaluating which lawyers (or legal service providers) would be suitable to provide representation.

I am of the view that this distinction is of the utmost importance to the public.

There are many "rankings services" that consist of lawyers who are well regarded by their peers, that the public has access to - when they need to retain legal services. The unfortunate reality is that MOST of these services are not effective at rating or ranking lawyer competence or capability: They are for the most part popularity contests only: Yes you have name recognition, so I will rate you highly (Assuming I like you personally, or do not view you as a threat). They really do not provide much in the way of assurance that the listed legal service providers can offer quality services. (The one exception to this comment is Chambers & Partners which does perform a thorough review of the lawyers who make it into their rankings. In my experience the others do not).

Thus, I submit that the Law Society would be remiss in giving up this certification and the service that it provides to the public: and ceding the territory to entities which are designed to derive profit for the ranking service. Don't yield the ground on this issue.

The recent round of King's Counsel appointments to me is further evidence that the Law Society well belongs in the business of granting specialist certifications to lawyers who are well qualified. Make the test as hard as you want / deem necessary. Make the recertification process more rigorous, if you want. But please do not eliminate it.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not prefer to see the program eliminated: But if it is eliminated, then the existing designates should keep the qualification until retirement (We are all going to say we were Certified Specialists anyway, you know that full well).

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Mitchell Eisen

Email Address eisen@celaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept. The program recognizes both experience and expertise in specific areas of law based on merit. It thereby provides the public with the opportunity, should they wish, to choose a lawyer that they have confidence has the experience and expertise as judged by the regulatory body that has the duty to protect the public interest in relation to the quality of services provided by lawyers in the province. It is one of a number of tools that the public can rely on when making the important decision of choosing counsel.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the law society chooses not to continue with the program, I would prefer that the program be grandparented out of respect to the the counsel who have reached the level of merit allowing the designation and who continue to provide top notch services to the public.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Scrapping the QC program made eminent sense given that it appeared that the QC appointment had in some cases become political rather than based purely on merit. The same cannot be said for the Certified Specialist designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Michael Ellis

Email Address mellis@willdavidson.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be kept. It assists in identifying for both the bar and the public those lawyers who have been identified as specialists in their area of practice.

Do you have other comments regarding the Certified Specialist Program?

It should never have been cancelled.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Rasha El-Tawil

Email Address Rasha@siskinds.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The law society should keep the program as it helps to identify practitioners with skills, although it is difficult to obtain the litigation certification if you haven't done a trial recently, especially due to covid delays.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No they shouldn't be permitted to continue using it.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Barry Evans

Email Address barry@barryevans.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept. In this world of flagrant false advertising by some law firms, it is important to let the public know who is a specialist from an unbiased third party.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the law society decides to eliminate the programme, the designation should be grandfathered as was the QC designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I worked extremely hard and went back to school to complete my LL.M to qualify for the designation. There should be some way for the public to see the difference between a lawyer who advertises and one who is qualified.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Fagan

Email Address johnffagan@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the program, as long as applicants for, and holders of, the designation at all times pay 100% of the LSO's costs in administering the program, including all LSO salary and Bencher paid time costs. As long as the applicants for and holders of the designation pay 100% of all the LSO's costs involved, the program does no harm, and may actually do some good for the client public, as long as standards for obtaining and maintaining the designation are kept high enough.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Not applicable.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Marco Falco

Email Address mfalco@torkinmanes.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the Certified Specialist Program should be eliminated. It differentiates between lawyers, and not necessarily on the basis of skill, ability or legal prowess. Also, certification is unavailable in certain areas of practice, leaving lawyers in these areas unable to offer their services as a "specialist".

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I don't think the designation should be grandparented and that a "clean break" from the program would be necessary.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Dante Fanian

Email Address dante.fanian@gmail.com

Please make a selection below Law Graduate/Candidate for Ontario Bar

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program because it provides lawyers holding a particular interest or expertise in an area of law to have their speciality professionally recognized. It not only rewards lawyers for their expertise in a particular area of law, but it also signifies to the legal community and the public that the lawyer is recognized in a specialty area of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Tamara Farber

Email Address tfarber@millerthomson.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep - the designation alerts the public and other lawyers to specific training/education and experience in a designated field. Particularly for environmental specialists, where the practice involves both technical and legal knowledge, this enables the public to know who has specific experience in this area. It also assists those who have designations to stand out and market their particular expertise.

Removal of CS designations from those lawyers that have them creates confusion as to why the designation has been removed. Is it because the lawyer did something that led to the removal of the designation? The public is not generally aware of the CS designation debate but would wonder why the designation was no longer there for those who had it. This unnecessarily creates or has the potential to create reputational harm.

The CS program requires ongoing CPD/self study and annual certifications by those with designations that are in excess of CPD requirements for those without CS designations. This means that not only do those with CS designation have a history of achieving specific experience but they have ongoing acquired knowledge. This is unlike the KC/QC designation and is truly merit based.

I strongly support keeping the CS designation and program.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Robert Farrington

Email Address rfarrington@cdlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes the Law Society should definitely continue the Program. Among other considerations, it allows clients the confidence that their counsel has been independently certified by their governing body, to be competent to represent them. After all, any lawyer in Ontario can assume carriage of a privately funded criminal case, even if they have limited, or even no previous experience in criminal matters. It simply provides a level of confidence in the competence and experience of counsel.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Nora Fathalipour

Email Address Nora.Shafe@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should eliminate the program. While individuals with extensive experience are an asset to our profession, it is not fair on recent calls or individuals with years of experience but not experience that ticks certain boxes to be viewed as inferior by the public: that's what the CSP does. The CSP can also cause lawyers to inappropriately silo themselves into a certain practice in order to qualify for the program, eliminating the sort of broad experience that makes for a well-rounded lawyer.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, because that perpetuates the problem.

Do you have other comments regarding the Certified Specialist Program?

It is ironic that lawyers are not allowed to use superlatives ("best", "greatest" etc) but are allowed to use the CSP designation, which is absolutely not an indication of client service, professionalism, or anything else that clients can and should value over ticking certain boxes within a field. It's already so hard for new calls to break into an oversaturated legal market - please don't make it harder by keeping the CSP.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name PAUL FAY

Email Address paul@faylaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Fay Law Office

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the Law Society should continue with the Certified Specialist Program. If there needs to be different CPD requirements for specialists then that should be put in place. I read a comment in one of the last comments on the program that it was a designation which was in effect bought by practitioners - nothing could be further from that being true. I am a sole practitioner and have practiced in many areas associated with real property and have litigated property issues in my practice and the designation CS reflects hard work in the designated areas of practice for all practitioners.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the LSO is going to eliminate the designation those already designated should be grandfathered.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

With all of the matters that we have to attend to - the first consultation process was not well advertized or thought out.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Lisa Feldstein

Email Address lisa@lisafeldstein.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. When making referrals, it helps me identify lawyers who are unequivocally qualified. For some lawyers it is a badge of honour, one that I believe can assist members of the public as well.

Do you have other comments regarding the Certified Specialist Program?

I was personally interested in applying under the CSP in my seventh year of call. I kept track of my experiences from my call to the bar in anticipation of doing so as early as possible. However, I am a solo lawyer and my practice does not involve much contested litigation. As such, I found I did not have the ability to procure multiple referral letters from colleagues who could speak "directly" to my work.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Andrew Ferguson

Email Address aferguson@mbclaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. It can mislead the public in that those who are seen as "specialists" are given a different status, when there are other lawyers who simply don't bother with the program, but are equally skilled. The public may believe that the "specialists" have been independently recognized by the LSO.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes, but for a very limited time. They did spend the money, time, and effort to obtain the designation.

If so, for how long? 2 years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Benjamin Ferrie

Email Address Ben@bsf4law.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. It communicates a level of specialization and expertise that can help inform potential clients/public/colleagues. While not a guarantee of skill/service, it does provide an indication. Removal of the program would create further limitations on clients/public's ability to help select the right representation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Richard Fink

Email Address finklawyer2003@yahoo.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should maintain the Certified Specialist program as it allows perspective injured worker appellants (my specialty is workers' compensation), to know that an esteemed legal body views my law firm as having expertise in this area. There are many lawyers engaged in workers' compensation law, and having read the outcome of their WSIAT appeals, their expertise is lacking, and the clients face the consequences.

Do you have other comments regarding the Certified Specialist Program?

Today I am listening to a OBA program on Annual Update on WSIA law. Certified specialists should have to attend or participate in at least one program per year.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ashley Fisch

Email Address ashleyfisch@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes-the certified specialist program is a unique designation and lawyers who have expertise in their fields of practice deserve to have an opportunity to be recognized for their expertise.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

i do not want to see the program eliminated. if it is eliminated however, then individuals with the designation should not be permitted to continue to hold the designation as this creates an unfair relationship with other peers in the field of law who do not have the same opportunity to seek the certification.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Albert Engel

Email Address aengel@foglers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Fogler, Rubinoff LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Upload a File

[Letter to Law Society Sept 29, 2023 4858-1407-0147 v.3.pdf](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.

Do you have other comments regarding the Certified Specialist Program?

It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that they are accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.



Fogler, Rubinoff LLP
Lawyers

77 King Street West
Suite 3000, PO Box 95
TD Centre North Tower
Toronto, ON M5K 1G8
t: 416.864.9700 | f: 416.941.8852
foglers.com

September 29, 2023

Lawyer: Albert M. Engel
Direct Dial: 416.864.7602
E-mail: aengel@foglers.com

VIA MAIL

The Law Society of Ontario
130 Queen Street West
Toronto, ON M5H 2N5

Dear Sir/Madame:

**Re: Fogler, Rubinoff LLP Submission
re: LSO's Certified Specialist Program Consultation**

In 2022, the Law Society of Ontario (LSO) terminated the LSO's Certified Specialist Program, save the Indigenous Legal Issues specialist certification. Thereafter and with considerable input from licencees and the Ontario Bar Association, the LSO decided to temporarily reinstate the Certified Specialist Program. We appreciate the opportunity to provide feedback in response to the LSO's consultation with licensees about the Certified Specialist Program.

For the reasons that follow, our firm strongly urges the LSO and its benchers to retain the Certified Specialist Program in full:

1. The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
2. The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
3. Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
4. The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.

5. It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that they are accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.
6. It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be “decertified” by the Law Society. Certified Specialist lawyers will be left to explain what “decertification” means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, “decertification” will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
7. Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO’s decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
8. Many Certified Specialists, including those at our firm, have incorporated reference to the certification and “CS” logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
9. The LSO will need to retain the LSO’s infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go-forward basis with program infrastructure remaining in place.
10. Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
11. Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

For these reasons, we urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the LSO decide to retain the Certified Specialist Program in full.

Yours truly,

FOGLER, RUBINOFF LLP

Albert M. Engel
AME/sz



September 29, 2023

VIA ONLINE SUBMISSION

Professional Development and Competence Committee
Osgoode Hall, 130 Queen Street West
Toronto, ON M5H 2N6
Canada

Dear Respected Committee Members,

Thank you for the opportunity to provide input to the Law Society of Ontario (LSO) on the matter of the Certified Specialist Program (CSP). Please find my comments detailed below:

The CSP Should Not Be Discontinued

The CSP in Ontario serves dual yet interrelated objectives essential for maintaining both the integrity of the legal profession and the welfare of the public. Firstly, the CSP facilitates effective communication of lawyers' specialized expertise. Secondly, it acts as a reliable resource for the public and legal community to identify and engage specialized lawyers. Any move to terminate the program would compromise these key functions.

The CSP's close alignment with the *Rules of Professional Conduct* ensures that the Certified Specialist (CP) designation represents a verifiable and empirically grounded testament to a lawyer's specialized skill, adhering to high ethical standards. Eliminating the program would create a void and could encourage deceptive marketing practices.

The erosion of credibility in legal marketing practices is a pressing issue that demands immediate attention from the LSO. To combat the increasing prevalence of unverified and misleading "trust indicators" such as dubious legal awards and accolades, it is crucial for the LSO to undertake two pivotal actions:

- 1) Implement stringent regulations that restrict the marketing of unverified awards and recognitions, and
- 2) Enhance public awareness regarding the CSP designation as a verified and reliable benchmark for legal expertise.

This comprehensive approach will not only uphold the integrity of the legal profession but also safeguard the public by offering a credible pathway to identify genuinely specialized lawyers in Ontario.

ROGER R FOISY Ext 250
rfoisy@injurylawyercanada.com

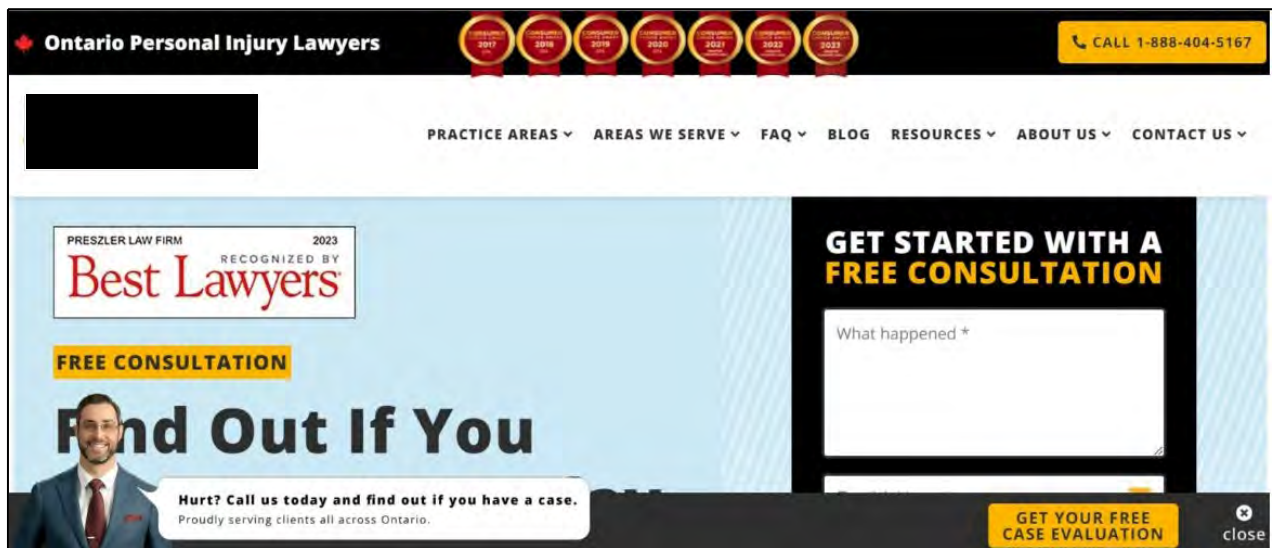
HARPREET S SIDHU Ext 261
hsidhu@injurylawyercanada.com

DANIEL BERMAN Ext 264
dberman@injurylawyercanada.com

RUTUMI TANK Ext 257
rtank@injurylawyercanada.com

1) Restricting Marketing: Combating the Erosion of Credibility in Contemporary Legal Marketing Practices.

Consider the contemporary marketing strategies employed by law firms today. When an individual visits a law firm's website, they are often greeted with various “trust indicators,” which can include various awards or recognitions attributed to the firm or its lawyers. These are defined as elements or symptoms that indicate to a website visitor that a website is trustworthy and credible – often in the form of security seals, or symbols which give the impression of reliability. In the realm of legal marketing, such practices are widespread and typically manifest in ways that are affiliated with either a law firm, an individual lawyer, or frequently both – as seen below:



Many lawyers also use these awards as a part of their e-mail signatures:



Although these distinctions may seem to offer credibility to the general public, it is vital to note that, apart from the CSP, none are authenticated by the LSO. As a result, the public may take these distinctions at face value, especially given the overwhelming amount of information the average person encounters when they conduct a Google search for a lawyer.

In the contemporary legal landscape, individuals often find themselves overwhelmed when seeking legal expertise. Websites flaunting unverified awards can easily sway them, since unbeknownst to them, there is no established standard for evaluating such accolades. Such awards they are usually the products of for-profit organizations using them as marketing tools. This underscores the crucial role of the LSO's CSP as a reliable benchmark for identifying genuine specialists in the legal profession.

The absence of verified indicators significantly erodes public confidence in the legal profession. As an illustrative example, my firm received a nomination for the 'Top Personal Injury Boutique Firm Award for 2022' from Key Media, or KM Business Information Canada Ltd. Despite my efforts to gain clarity on their selection methodology, I was met with unsatisfactory responses or, in some instances, complete silence. This evident lack of transparency stands in sharp contrast to the rigor and transparency provided by the LSO's CSP, highlighting the pressing necessity for a comprehensive system like the latter. Without trustworthy verification processes, potential clients may face challenges in discerning truly specialized lawyers. This not only amplifies the potential for legal malpractice claims but also weakens the regulatory authority of the LSO.

Such lack of transparency can lead to uncertainties in ethical boundaries. Key Media operates several law-focused platforms that highlight firms with significant recognitions. These platforms encompass the Canadian Lawyer website and magazine, the Law Times website, the Lexpert website, and the Canadian Law List website. Moreover, they coordinate events like the Lexpert Rising Stars, Women in Law Summit Canada, Canadian Law Awards, and the Women in Law Leadership Forum. Regrettably, the connection between Key Media and these platforms is not explicitly defined, resulting in broad public unawareness of their various associations, potentially crossing ethical boundaries.

This lack of transparency is not confined to awards; it extends to legal referral systems as well. For instance, the referral system linked with the Toronto Acquired Brain Injury Network includes such unverified awards in its search parameters. This practice exacerbates the issue, misleading clients and potentially inflating the risk of legal malpractice claims, while eroding the regulatory oversight the LSO aims to provide. This creates a vicious cycle: these dubious awards gain credibility by being integrated into referral systems, thereby further solidifying their perceived legitimacy.

In 2017, the [Toronto Star](#) undertook an inquiry into the issue at hand, characterizing the realm of personal injury law advertising as akin to the "wild west." The newspaper revealed that many law firms, while promoting their various accolades, often fail to disclose that they have purchased these awards. Predictably, the situation has deteriorated over the subsequent five years, particularly as many law firms shifted their main marketing efforts to online platforms during and after the pandemic.

The phenomenon of dubious legal awards is not limited to Ontario; it has also garnered attention internationally, serving as a warning for Canada. For instance, in 2019, various individuals were [falsely](#) bestowed titles such as 'Top Trial Attorney,' despite lacking legal licensure. The Guardian shone a spotlight on this issue, [featuring a fictitious firm](#), FLF Abiola & Co, that won two such spurious awards. By 2021, the Federal Trade Commission issued a [public advisory](#) against these deceptive recognitions. In the States, it is common knowledge that the recipients of these awards are incentivized to purchase advertising space in the very publications that grant them. While Ontario has not yet encountered this issue to the same degree—it stands as a stark cautionary tale to guard against.

The murkiness intensifies when considering entities like Lawyer International, which bestow arguably dubious awards on an international scale. These honours claim to recognize a select cadre of esteemed law firms and professionals globally, specifically for their prowess in their respective specialties. The benchmarks for such commendations encompass demonstrated ability to handle intricate cases, ongoing innovation, and a commitment to superior service quality, all while ensuring value for money. Of particular significance is the fact that these award nominations either arise from self-submission or are propelled by unvetted third-party endorsements. To illustrate, my firm recently found itself nominated for the "Pioneering Legal Services of 2024" accolade. This nomination was promptly accompanied by a menu of pricing for various Print and Digital Media Packages, and even Commemorative Award Packages. The LSO stands poised to assume a vanguard position by curtailing the influence of such misleading awards, advocating for an outright ban on deceptive advertising of such honours.

2) Enhancing Public Awareness: Preserving the Integrity of the CSP

The effectiveness of the CS designation is hampered by one major obstacle: public awareness. Amid a deluge of unverified legal awards, the CS designation often goes unnoticed.

Given the low enrollment rates in the CSP, the LSO must adopt a nuanced, multi-dimensional strategy to bolster participation without compromising the program's integrity. Despite the current enrollment rate of only 2% of practicing lawyers in Ontario, multiple avenues exist to augment this figure.

A critical starting point is the necessary amplification of marketing and awareness-raising campaigns. The LSO could employ more nuanced and targeted marketing strategies that delineate the numerous advantages of participation in the CSP. Through social media channels, professional forums, and legal publications, the LSO can elevate both public and professional understanding of the program. This not only fortifies the appeal and credibility of the CSP but also serves as an educational platform to clarify that many of the "awards" that are frequently advertised by law firms lack a credible foundation. Therefore, they should not be the basis for assessing a firm or individual lawyer's level of expertise.

The implementation of more specific sub-categories within the CSP has considerable advantages. Current classifications are often too broad, leading to confusion among clients who are seeking to understand the particular expertise of lawyers listed in the program. Streamlining these categories will enable the public to make better-informed choices when hiring legal representation.

For instance, the general category of "Litigation" could be subdivided into more narrowly focused areas such as Licence Appeal Tribunal (LAT)/Accident Benefits, Commercial Disputes, Personal Injury Law, and Medical Malpractice. This heightened specificity can act as a reliable roadmap for potential clients, helping them pinpoint lawyers with proven expertise in the exact area relevant to their case.

Most importantly, by disallowing the use of vague and misleading descriptors like "top", "best", "#1", or "up-and-coming", and allowing only the CS designation to be promoted, the public can more readily identify which lawyers are genuinely specialized based on verifiable and credible credentials. This eliminates the need for prospective clients to sift through a plethora of lawyers who claim expertise but may not possess the specialized skills required for a specific legal issue.

By implementing these measures, the LSO can substantially improve the enrollment rates without compromising the integrity of the CSP. Both the legal community and the public at large stand to benefit from these enhancements, thereby reinforcing the LSO's commitment to upholding high standards of professional competence and ethical practice.

The notion of terminating the CSP could have grave repercussions that jeopardize the credibility of Ontario's legal profession. Eliminating the program would substantially diminish public confidence, weaken the foundation of our legal sector, and violate the ethical guidelines established by the LSO. Given these concerns, a thorough re-examination of any intentions to dissolve the program is warranted. Instead of outright abolition, the LSO should focus on updating the program to align with the changing needs of both the legal fraternity and the public they are duty-bound to safeguard.

The Ethical Pillar of the CSP

The CSP is built upon a strong ethical foundation, informed by the Ontario *Rules of Professional Conduct*, specifically [Section 4.2](#), which focuses on the Marketing of Professional Services. These rules aim to strike a balance between lawyers' legitimate interests in advertising and the public's right to accurate and trustworthy information. They mandate that all marketing activities must be factual, devoid of misleading elements, and aligned with both public interest and professional standards. Further guidance is provided by the Commentary to Section 4.2, particularly in the context of digital marketing. It cautions against the use of superlatives like 'best,' 'super,' and '#1,' unless such claims can be substantiated by verifiable and empirical data, a consideration that is especially pertinent in today's digital marketing landscape.

The CSP serves as a critical safeguard for public trust, particularly in an era where misleading legal awards are proliferating. Currently, the CSP assumes an even more vital role in countering deceptive advertising, in accordance with [By-Law 15](#), Section 20(2) of the LSO. This regulation requires that lawyers who are not certified as specialists abstain from using any titles that could mislead the public into believing they hold such a qualification. Consequently, the CSP is indispensable for distinguishing genuine specialists within the legal profession, thereby preserving its integrity and safeguarding the public.

In the absence of the CSP, By-Law 15 would not be applicable, leaving room for organizations to exploit false advertising through the distribution of unverifiable legal awards. Such a situation would dangerously compromise public trust and tarnish the reputation of the legal community.

LSO's Past Involvement in Safeguarding the Public Interest

Traditionally, LSO has been proactive in curbing misleading advertising, as demonstrated in the *Goldfinger* case where the LSO played a significant role. The Law Society Tribunal in its ruling emphasized the vulnerability of those seeking legal counsel for significant or devastating injuries. As articulated by the LSO, these individuals often lack the discerning eye of a cautious and informed consumer, making it difficult for them to distinguish between lawyers who practice in a particular field and those who are certified specialists.

In rendering its decision, the Tribunal referred to permissible advertising standards set forth in the *Consumer Protection Act*, as reaffirmed by the Supreme Court of Canada (SCC). The SCC's "general impression" test was employed to assess whether an "ordinary hurried" consumer of legal services could potentially be misled by the use of the term "specialize" in legal advertising. The overarching objective of the *Consumer Protection Act*, as noted by the SCC, is to instill consumer confidence (not skepticism) in commercial advertising. Similarly, the LSO should maintain equal vigilance when assessing the credibility of legal awards. Individuals who are emotionally distressed or constrained by time may struggle to evaluate the legitimacy of such accolades promoted by law firms.

Notice of Formal Complaint

The Toronto Star article, referenced earlier suggested that the LSO only addresses public concerns through a complaint-based process. If that remains the case, I would kindly ask that this submission be referred to the appropriate committee for investigation. To clarify, **I intend for this submission to function as both an official notice to this body and a formal grievance against all Ontario-based law firms utilizing misleading "trust indicators," such as award emblems, ribbons, or similar visual symbols in their marketing materials.** As previously emphasized, such actions contravene the ethical guidelines established by the LSO.

If the LSO requires a more specific referral as to which firms are in violation of the LSO's mandates, it need only type in the following Google search: "Top Personal injury Lawyers of Ontario".

I am grateful for the chance to submit my insights to the Committee on this vital issue and eagerly await the outcome of this consultation. Should you require any further clarification or additional information concerning our feedback, please do not hesitate to contact me at rfoisy@injurylawyer canada.com.

Sincerely,



Roger R. Foisy,
Roger R. Foisy Professional Corporation

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name David Foster

Email Address davidwilsonfoster@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist Program should be discontinued. It does not provide any utility to the profession or the public. It is not an accurate measure of who at the bar has expertise in a subject matter.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The use of the designation should be phased out.

Do you have other comments regarding the Certified Specialist Program?

There was never uptake for the program, and it serves no purpose. If anything, it causes confusion for the public as it suggests that a certified lawyer is more competent than one without the designation, which is often not the case.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name BARRY FOX

Email Address Bfoxlawyers@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes. To assist public in locating qualified professionals.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Daniel Freiheit

Email Address daniel@lionlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the LSO should keep the Certified Specialist Program. A few reasons why:

1. It inspires lawyers to improve their skills to get certified;
2. It's a good peer support group if used properly;
3. It communicates competence and expertise to the public (when properly administered);
4. It provides clarity on what metrics should be used by aspiring specialists to become skilled;
5. It's a good marketing tool for new lawyers (and old lawyers too)

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

I don't think the program should be eliminated, but if "two thirds" majority of the voting members think it should, there should definitely be a grandfathering period. It is a common principle of civility (and arguably the common law) that a person with a designation or qualification be given a reasonable period of time to communicate changes in such designation to the public. I would say 3-5 years to phase it out, would be reasonable.

If so, for how long? 3-5 years

Do you have other comments regarding the Certified Specialist Program?

I appreciate the program may not be popular because it has the aura of an elitist club and it doesn't necessarily in all cases certify quality of services as intended. Nonetheless I believe properly administered, the program can act as an excellent "training ground" for new lawyers, to make sure they are doing their corporate work responsibly, in accordance with community standards that could even be revised from time to time.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Daniel Freiheit

Email Address daniel@lionlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Tough one. I guess I see it both ways. The program is a good certification system and promotional tool for old lawyer and new ones. So in that regard, it helps those who want to be helped by it. Those who don't get certified and complain about the unfairness - well - they can always choose to join, or they can promote themselves another way. e.g. with the words "expertise".

So in short, I'm not sure who really has a stake in eroding the status quo.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Definitely there should be a grand-parenting provision. This really shouldn't be a question. Reasonable notice is the hallmark of common law. I appreciate the reasonable notice may vary in different situations. But you have to appreciate - if someone had this designation for 15-20 years (or whatever length the program has been around), it looks really foolish for one year to have the designation gone. What the specialist would instead do, is remove the designation in year 2 or 3. But still verbally promote it. The minimum notice period would be 2 years, fair would be 3, max 5.

If so, for how long? see above

Do you have other comments regarding the Certified Specialist Program?

I am a big believer in certification systems.

Overall it helps everyone.

If those who want it, can't get it, I say better to empower those folks to teach them how to get certified. Or to make it easier if necessary.

Most of all I want to thank this LSO committee for changing course and accepting these submissions. I know the LSO was committed to chopping the program short notice, and reversed its position in that regard. It takes a great organization to pivot and reconsider, and I appreciate the new approach.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jonathan Friedman

Email Address jfriedman@felitigation.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Friedman Estate Litigation P.C

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes. It is important for the public to be able to identify lawyers who are certified by the LSO as specialists in their respective practice areas.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Individuals should be permitted to retain the designation regardless as to whether the program is eliminated

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jon Fuller

Email Address jon@jonfuller.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be kept. In a jurisdiction where anyone with a law degree can practice in any area they'd like, the Certified Specialist program serves a valuable public good. The problems with the politicization of the "QC" designation were well known. The Law Society's merit-based program of certifying specialists is a vast improvement.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Lei Gao

Email Address lgao@gaolaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should eliminate the program. It puts an unnecessary liability on law society. Considering that the already high annual licensing fee, the Law Society should not take on this unnecessary risk that may result in further increase in the licensing fee.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

They should not be grandparented. By grandparenting the designation, these lawyers have an unfair advantage because other lawyers who may qualify otherwise will no longer be able to be certified.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Matthew Gardner

Email Address mgardner@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

- 1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
- 2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
- 3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
- 4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.
- 5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.
- 6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
- 7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
- 8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
- 9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.
- 10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
- 11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Harold Geller

Email Address Harold@gellerlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Continue with a revamped program

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

Grandfathering is problematic

If so, for how long? if grandfathered then 2 years

Do you have other comments regarding the Certified Specialist Program?

The criteria are too narrow. In the area I service/practice I am recognized as an expert. One of the few specialists (using plain language not the LSO definition). I haven't had a trial in 20 years because 99% of claims settle in my area. There is a higher settlement rate where lawyers experienced in the area are involved. So, the bias shown for certain practices of law like "litigation" and the related criteria screen out some of the experts who are most qualified for an expert designation. My area is suing financial advisors. I have worked with the OSC, FSRA, MFDA, IIROC, FP Canada, etc to set professional standards, rules, regulations, and policy. The LSO has to evolve beyond outdated pigeon holing in the specialist designation to accept true specialists/professionals.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Georgakopoulos

Email Address jgeorgakopoulos@willmshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

- 1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
- 2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
- 3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
- 4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.
- 5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.
- 6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
- 7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
- 8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
- 9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.
- 10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
- 11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ehsan Ghebrai

Email Address ghebrai@criminaltriallawyers.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CS program is an important tool for the public. It allows the public to know that individuals with that designation have spent the time and engaged in precisely the type of work the client requires. It also informs other members of the profession that the particular member can be a trusted resource for advice and mentorship. The program ought to continue.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

In the event the program is eliminated, those who have gone through the certification program ought to be able to keep the designation. The work, effort, and expense incurred in achieving the designation is important to recognize. Much as with the KC (QC) designation, there is no harm to the profession in allowing those who have received the recognition to maintain it.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Anthony Giannotti

Email Address agiannotti@bglawteam.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should without a doubt keep the CSP. The public interest must be paramount and the CSP provides the public with a vetted list of individuals who have gone above and beyond in their respective areas of specialty. Further it is egregiously unfair to those who have earned the designation through their dedication and hard work. This is a not a gratuitous or ceremonial title, but rather it carries weight and certainty. Lastly, it does not preclude individuals from becoming Certified Specialists. On the contrary, it acts as motivation for those individuals to take the steps necessary to become specialists, thus elevating the level of practitioner in the Ontario bar. There simply is no good reason to discontinue the program. Perhaps my opinion would differ if it was decided that no other prospective lawyers could apply to become specialists (as it was in my younger days when lawyers held the QC designation that was not available to all).

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

The program has always been highly regarded not only by the public, but by our peers. The Law Society put it best when it sent out book marks to give to the public with these words:

"Unparalleled expertise and standards - Lawyers who are Law Society Certified Specialists have the experience and credentials to meet your legal needs. Certified Specialists are recongnized and experienced lawyers who have met the highest standards of competence and professionalism in their files of practice."

The above statement encapsulates the essence and reason for the program. This cannot be a negative, but only a positive for the public and for other practitioners. For those who have attained it, it is well deserved and keeps us learning and growing. For those who aspire to becoming a specialist, the option serves as a catalyst for personal and professional betterment. This only serves the profession and the public. I urge you to please retain the Certified Specialist Program. Thank you for the opportunity to provide input into this important matter. Yours truly, Anthony L. Giannotti

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Giovanni Giuga

Email Address ggiuga@svlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program. From my perspective, it offers benefits to the public, lawyers, and assists lawyers in smaller/medium markets or firms.

It allows members of the public a clear and notable recognition as a heuristic for substantive knowledge and practice in a specific area of law.

For lawyers, it serves as a helpful, reliable, and likely consistent network of lawyers to refer their existing clients for a specific area.

It likely allows for senior lawyers from smaller and medium sized markets or small/medium sized firms a potential 'marketing' tool or a means to compete and expand their business beyond their traditional market. This does not necessarily need to be as cut and dry as stating their CS on a firm bio page but it can be especially for 7-12 year calls a way to 'get their foot in the door' if not already into more speaking engagements, events, etc.

This is not to say that a CS is necessary requirement for any of these things, and there is a counterargument as well, but I wanted to note a program like this can help continue to recognize and reward subjective matter mastery in areas outside the GTA/Toronto area.

Do you have other comments regarding the Certified Specialist Program?

I think the program is a great initiative. Something to consider, if keeping the program, is considering how to incorporate regional and EDI information and recruitment sessions. This program, like many others I am sure, can be more reflective of our members of the bar. Unless there is already, there should be a notification system to notify potentially eligible lawyers to apply/consider apply for a CS.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Duncan Glaholt

Email Address duncanglaholt@glaholtadr.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it.
Practices are transnational. More now than ever. I get very tired of explaining the CS program to colleagues/clients in other jurisdictions who still maintain KC status. In fact, I have stopped doing so.
At least the CS program presents a rough and ready public-facing credential that may help a bewildered client choose among counsel.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Whatever you do when/if you eliminate this program, let those that have it keep it. We all remember the fuss when Q.C. was eliminated, all the shenanigans. Grandparent it in for 5 years would be my vote.

If so, for how long? Five Years

Do you have other comments regarding the Certified Specialist Program?

None that aren't dated and nostalgic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Barry Glaspell

Email Address Barry@glaspell.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. But amend. At class action as specialist designation. Program generally OK

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jesse Glass

Email Address jesseglass55@gmail.com

Please make a selection below Retired lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Retired-no workplace

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep but administer in a manner consistent with the principles of admission to The Royal College of Physicians and Surgeons of Canada, i.e. true specialists in a particular field of practice. The body making the appointment must make a thorough investigation of the practice history of the applicant. This may well reduce significantly the number of specialists but would assist the public in relying upon a specialist designation as legitimate and earned.

Do you have other comments regarding the Certified Specialist Program?

If the program is eliminated, there should be no grandparenting because the very fact of the elimination will suggest to the public at large that the appointment process was tainted.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ashley Gnys

Email Address gnys@agpilaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: ASHLEY GNYS PERSONAL INJURY LAW PROFESSIONAL CORPORATION

**What is the location of your workplace?
If submitting on your own behalf, where do you reside?** Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the Certified Specialist Program. As a result of being recognized as a certified specialist, it has lead lawyers from outside my jurisdiction to retain me for a number of very complex litigation matters. I think thereby I have offered a valuable service to the public. It has also assisted my marketing efforts in a legitimate manner.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the program is eliminated which ought not to occur, it should be grandparented until the death of the certified specialist.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

no

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Donald Good

Email Address degood@rogers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

keep, it is a valuable tool for the public. LSO should expand into other categories

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Simon Gooding-Townsend

Email Address simon_goodingtowndsend@sympatico.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The reasons in the report for winding up the Certified Specialist Program (except for Indigenous Legal Issues Specialization) are persuasive. It does not effectively capture the expertise of different lawyers, nor does it provide an ongoing marker of competence once the specialization has been obtained. It is also not clear to me how it relates to the law society's mandate of protecting the public. Presumably, the law society does not view this as a necessary designation to advise members of the public even of complex issues in this area of law. As such, it seems that it is a form of supporting certain lawyers who might hope to obtain a competitive advantage in marketing themselves to the public.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I'm not particularly concerned. I don't have an issue with a lawyer indicating that they were a certified specialist while the program was operational. I also suspect that very few lawyers simply use the C.S. abbreviation without explaining it. As such, I'm not sure this question has a lot of practical effect.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Brian Grant

Email Address brian@briangrantmediation.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it. It provides some guidance to the public when selecting a lawyer.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If it is eliminated (and I don't think it should be) those with CS a designation should be allowed to keep it indefinitely.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Derek Greenside

Email Address dgreenside@kglawyers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Maintain the Program. It provides potential clients with an additional level of comfort, that their lawyer has significant recognized experience in the area of certification, when they are choosing a lawyer. It also provides the Judiciary with information about the lawyers experience and recognized expertise and this may be important in the lawyers interaction with opposing counsel and the Judge and with respect to the award of any costs on a litigation file.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Michael Griffin

Email Address michael.griffin@goodgriff.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept. It is important that the LSO recognize and support those members who have developed a specialized practice and who wish to be able to distinguish themselves from the generalist. It is important for the public to be able to find lawyers with a specialized expertise.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The program should be maintained but all existing specialists should be grandfathered.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

The law society should encourage and support the development of this program by providing educational and experience standards for specialists. That is a core function of the LSO.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Leonard Griffiths

Email Address l3ngriffiths@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. It is an unnecessary bureaucracy that can actually mislead the public into believing that a lawyer is an expert in an area when that may not be the case simply because that lawyer has satisfied the requirements to be certified as a specialist.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, either you have it or you don't.

Do you have other comments regarding the Certified Specialist Program?

We don't need self-serving bureaucratic programs/titles that can mislead people. It was an interesting idea, but in my view, it has more negatives than positives. My focus is the public and clients, not myself.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Leonard Griffiths

Email Address griffithsl@bennettjones.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Bennett Jones

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

In my view, the program needs to be eliminated. Lawyers have an obligation to get involved in matters for which they are qualified, so a further designation is not needed. Also, the certification can mislead a person into thinking they are getting a good lawyer, given the lawyer is certified. That is not necessarily the case, but lawyers seem to push their certification as if it is a blessing from above. Perhaps sophisticated clients ignore that (which begs the question as to why any designation is needed), but others can be misled (and they are the people we most need to protect). And the law society needs to eliminate all unnecessary bureaucracy, which we all pay for. If a lawyer believes she or he is an expert in an area, let her/him tell that to the world, with the law society monitoring all activities to ensure they are reasonable and appropriate.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, the program needs to be eliminated, full stop. Anything else would simply result in even more confusion to the public, and provide an unfair advantage to persons who just happen to be older. Btw, this comes from a person who was among the first to be certified.

If so, for how long? never

Do you have other comments regarding the Certified Specialist Program?

In my view, this has become a marketing tool, and the law society should not participate in this. Let those who are experts tell that to the world, and let them be prepared to back that up.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Aaron Grinhaus

Email Address aaron@grinhauslaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should eliminate the Certified Specialist Program as it creates a false two-tiered level of lawyer expertise ranking that favors those with the additional time, wherewithal and resources to obtain the Certified Specialist designation. The LSO mandates experiential training of licensing candidates and places importance on experience coupled with academic credentials; however, a 30-year call practicing in an area of law would therefore of right be a specialist, but unless they pay the fee and submit the application requirements of the CSP they aren't considered a specialist. Demonstrating additional studies, certification from educational institutions and other training-based certifications, as well as contributions to the legal community and writing/publishing etc are tangible ways lawyers should demonstrate particular and continued expertise in order to market themselves. A non-academic or achievement-based certification is superfluous.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, for the reasons set out above.

If so, for how long? n/a

Do you have other comments regarding the Certified Specialist Program?

If the CSP were based on a course which continually tested a lawyer's competency in an area of law it may be able to endure; however, I doubt many practitioners would submit themselves to that without substantial additional resources and support from the LSO which is not necessary given the vast private and public infrastructure available for upgrading skills.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Eric Grossman

Email Address Egrossman@ztgh.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it. The program is an effective method of recognizing skills in specific areas that gives the public a legitimate benchmark to give assurance that the lawyer being consulted is at least competent to handle a matter they are being retained in. While the the level of assurance could be improved it is infinitely better than its removal.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes. No reason to remove the designation for those that have already established to the committee their status as a specialist.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

It would be ideal if the certification process included some form of follow up review beyond the need for the individual to certify their continued per exemption of specialty. Perhaps a modest and far less involved recertification renewal every 5 or 7 years to ensure that the individual continues to work prominently and competently in the area they are certified in.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Stanely Grossman

Email Address szg@bgchlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the program should be maintained. At the time I earned my designation as a Certified Specialist in Real Estate Law, I had to prove my experience, expertise and competence in the specialty and had to satisfy the scrutiny of senior members of the bar to earn the CS designation. I have maintained all annual requirements to satisfy the ongoing approval. The CS designation is particularly impactful in my practice which is deals with clients internationally. To withdraw that after 25 years would be construed by my clients as some sort of punishment or decreased ability and would have overwhelming negative impact on my practice.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the LSO decides to eliminate the program then grandfathering must be allowed.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Unless the LSO has watered down the approval process I believe that those people designated as CS have earned that right and should be able to hold themselves out as such.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Amanda Groves

Email Address agroves@groveslaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the LSP should keep the Certified Specialist Program because it allows potential clients to be able to rely on the LSO's distinction of what is a specialist.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not prefer it, but if it is discontinued, it should be grandfathered for a short period of time.

If so, for how long? Five Years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Karl Thomas Grozinger

Email Address thomas.grozinger@rbc.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep, The C.S. designation is an indication that the lawyer has a deeper understanding of the area of law for which the lawyer has received the C.S. designation. This is useful both for the public and other lawyers who may seek out the specialist for the specialist's knowledge in the field.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Chris Hale

Email Address chris@chaleiplaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the C.S. program should be maintained.

Regarding the standards, I can only speak to those for Intellectual Property - Trademarks, and Copyright. Anyone meeting the current requirements has undertaken enough work that they should have garnered a meaningful knowledge of trademark law or copyright law, as the case may be.

Looking at the current lists of C.S.'s in IP - trademarks and copyright, I know the majority of those specialists, and would be confident in referring a conflict matter to any of them - that gives me confidence that the group as a whole is strong, and that the public is being well served by having the C.S. designation as one guidepost to finding competent counsel.

The C.S. designation may be particularly important for practitioners who work in certain areas where they compete against non-licensees, especially where the non-licensees are not subject to a rigorous certification process - immigration is a notable example.

end of answer

Do you have other comments regarding the Certified Specialist Program?

If there are suggestions for improvement, let's make the program better.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Kurtina Hammerlein

Email Address kurtinah@jqagliaalaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: J Quaglia Law

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep the Certified Specialist Program. We as an organization should recognize those among us who have chosen to become extremely knowledgeable in one area of law. Some files really do require counsel who have done a deep dive into the specific area of law and not just a lawyer who practices in the area on the surface level. Additionally, at least locally, specialists have been the lawyers other lawyers turn to with a unique file in that area of law or new lawyers use as a mentor in a particular area. We as an organization should be encouraging our membership to become experts in the areas they choose to practice, and we should acknowledge those efforts when they do.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Hammond

Email Address johnhammond87@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

They should eliminate the program. It is a marketing gimmick. It does not provide a benefit to the public.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, the designation should be taken away.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joseph Hamon

Email Address josephp@hamon.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Original/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Upload a File [letter - member input to certification program being removed.pdf](#)

May 17, 2023

Law Society of Ontario/
Barreau de l'Ontario
Osgoode Hall,
130 Queen Street West
Toronto, ON M5H 2N6

BY DIRECT UPLOAD

Number of Pages (Including this page): **1**

Dear Committee Members :

Re: Certified Specialist program

I am writing to evidence the need for the continuation of the Certified Specialist program.

➡ Quality: The requirements for the certified specialist program for family law are significantly strenuous. There is a reason why less than 2% of lawyer's have achieved the designation. I took significant time out of my busy practice to make the application and to solicit support from my peers who were able to evidence my competency.

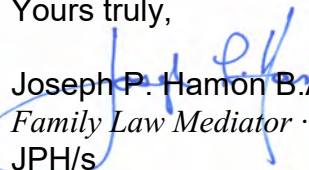
➡ Certification: Those of us who have taken the time, effort and talent to apply for this program are overwhelmingly likely to continue to promote their obligation of excellence to their clients. I have met many of my fellow certified specialists in family and other areas of law, and I have been impressed with their commitment and expertise.

➡ Public utility: while any lawyer can practice family law, the harsh reality is that many do it poorly. When searching for excellence, the public requires an institutional guide and the certification program is the only show in town, and it is a success and a good show.

I urge the Law Society to keep the Certified Specialist program and to alternative suggestions, to grandfather existing certified specialists.

I thank you in anticipation of your assistance in this matter and I trust that this information is satisfactory and clear. If we can be of any further service, or provide any other information or clarification, please contact us immediately.

Yours truly,


Joseph P. Hamon B.A. LL.B. C.S. (Family Law) FMC FDRIO Cert. CFM
Family Law Mediator · Collaborative Family Lawyer
JPH/s

* Executed pursuant to the Electronic Commerce Act

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joseph Hamon

Email Address josephp@hamon.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Original/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Upload a File [letter supplementary - member input to certification program being removed.pdf](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
As per Supplementary letter Attached.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?
As attached

August 2, 2023

Law Society of Ontario/Barreau de l'Ontario
Osgoode Hall, 130 Queen Street West
Toronto, ON M5H 2N6

BY DIRECT UPLOAD

Number of Pages (Including this page): **1**

Dear Committee Members :

Re: Certified Specialist program - Supplementary letter

This is further to my letter of submissions dated May 17, 2023 on this subject.

As I continue to read newspaper columns and electronic submissions on this topic, and in the aftermath of the recent King's Counsel phenomenon, it occurs to me that I haven't seen any actual complaint suggesting poor quality or "failure" of the Certified Specialist program in direct contrast to the King's Counsel travesty.

Trite to suggest perhaps, but as there is no evidence that the program is actually ineffective or in some way detrimental to the practice of law in Ontario, one has to suppose that those opposing the program would have one of 2 motives:

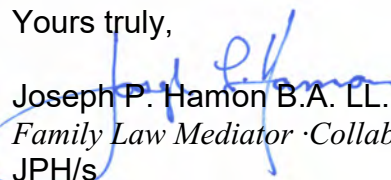
- **jealousy** - as the program identifies quality legal petitioners in certain areas, clients are attracted to and in fact retain certified specialists; or

- **lack of commitment** - the program requires evidence of expertise as well as recommendations for the appointment of certified specialists. It requires the applicant's time, credentials and good reputation to merit the appointment and some candidates don't have these prerequisites.

Why axe a program that's working?

I thank you in anticipation of your assistance in this matter and I trust that this information is satisfactory and clear. If we can be of any further service, or provide any other information or clarification, please contact us immediately.

Yours truly,


Joseph P. Hamon B.A. LL.B. C.S. (Family Law) FMC FDRIO Cert. CFM
Family Law Mediator · Collaborative Family Lawyer
JPH/s

* Executed pursuant to the Electronic Commerce Act

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Victoria Hanton

Email Address vhanton@hgrgp.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep

It allows something to strive towards and recognizes the best in our profession

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I dont believe it should be eliminated but at the least individuals should be grandfathered

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

It is unfortunate this was removed. It was rigorous to get certified and it should stay that way to allow only the best to earn their title.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ryan Hardy

Email Address ryan.hardy@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think it should be scrapped or substantially reformed. The program, as it existed, was clearly used mainly for marketing purposes. Many lawyers who were clearly experts in their practice area did not have the designation, not all who possessed it necessarily deserved it. The point has been made before but: the designation did not assist the consumer in making an informed choice.

If the program was going to be reformed it would have to be more of a merit-based, objective process. Lawyers should not have to pay for the designation. I think making the program fair and transparent is probably more work than its worth, especially given the ever-multiplying areas of specialization. It is likely simplest just to abolish the program.

There is a separate, bigger discussion to be had about evolving the L1 licence into different areas of competence. But that was never the intention of the Certified Specialist Program and beyond the scope of this inquiry.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I guess so, but there need to be weighty restrictions on how they market it. I would think, at a minimum, any advertising, including a website, should clearly explain that the program has been eliminated and how the designation was originally conferred. Again, the absolute priority has to be the consumer.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Expertise is a wonderful thing. I'm a lawyer and I recently devoted a few hours' research to finding a competent lawyer to handle a simple wills matter for a relative. How hard must it be for someone without legal training and professional connections?

It would be excellent to have a clear, objective way for consumers to evaluate the expertise of lawyers and paralegals. But the Certified Specialist Program was not that (and it goes without saying that the recent revival of the K.C. designation is as far from that as can be imagined).

One real way to promote informed choices for consumers is to be even stricter about lawyer marketing. Licensees claiming expertise and/or experience on their websites should have to provide clear supporting material. Baseless or exaggerated claims merit discipline, and the LSO should be proactive about this. The LSO might also consider a refinement of referral networks like JusticeNet and the LSRS, which are currently self-selecting and self-reporting. It's a big project but a merger of the two with some screening for expertise could really improve things for consumers, especially those with limited budgets.

As a final, tangential thought, allowing lawyers to specialize in offering certain lower-cost services--and consequently reduced their LSO fees and/or LawPRO premiums--might assist consumers. A lawyer whose practiced was restricted to, inter alia, non-business immigration, administrative tribunals, simple wills etc. could credibly tell clients they were focused on those areas and had experience in those areas exclusively. That could address the expertise and A2J questions simultaneously.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ashley Harmon

Email Address ashley.b.f.harmon@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
Keep

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joanna Harris

Email Address joanna-harris@hotmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept and expanded to include further specializations including a specialization in child protection law as called for by the Beamish Motherisk Commission.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the program is eliminated it should be eliminated for all. But it should not be eliminated.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Paul Harte

Email Address pharte@hartelaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should find a way of maintaining the program. Not only does it communicate useful information to the public, it also fulfills the LSO mandate to improve the quality of legal services offered in Ontario. The profession has become increasingly specialized, but the LSO qualification process has not kept up with the changes in the profession. There should be a program whereby specialists can earn credentials in their area of specialty not unlike physicians. It may be necessary/beneficial to outsource this to the law schools.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Should the LSO eliminate the program, there is no good reason why those who have already earned the credentials should not be able to use them. Individuals have paid thousands of dollars and taken additional steps to improve the quality of their practice over the course of the program to maintain their credentials. It is not unlike when QCs were eliminated in Ontario - those who had the QCs were able to maintain them. I was called after provincial QCs were eliminated, and I do not recall any particular harm caused by the continued use of the title after the program was cancelled.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Robert Hayhoe

Email Address rhayhoe@millerthomson.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Miller Thomson LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Designation should be preserved. Those who do not wish to participate can decline to do so. Those who do wish the designation should be permitted to continue.

I am a biglaw tax specialist partner with a tax specialist certification . The designation is of little benefit to me as nobody doubts my specialization. However, I believe that the specialist certification is very useful for small firm specialists where clients may well not be able to tell if specialisation is real.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Robert Hayhoe

Email Address rhayhoe@millerthomson.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Miller Thomson LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep this program. Having the certification program allows small firm lawyers to demonstrate their expertise to the public in a way that levels the playing field as against big firm specialists like me.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not suggest that the program be eliminated, but if it is, there should be grandparenting

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I would suggest that some portion of a certified specialist's generally mandatory CPD should need to be in the specialty.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Cynthia Hellsten

Email Address cynthia@compcore.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Compcore Law Group Professional Organization

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. Why?

-because it allows the public to be confident that these people truly have an expertise in their given area

-it is an equalizer for small practices and sole practitioners with this designation as it sets them apart and allows them to compete with big firms with big marketing budgets

-is would be unfair and unjust to remove this designation from individuals that worked so hard to achieve this

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

See above.

However if the program were to be eliminated those with the designation should absolutely be grandparented/allowed to continue using the designation.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Stephen Hellsten

Email Address steve@compcore.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Upload a File [Letter to LSO re Certified Specialist Program Consultation.docx](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
Please see attached letter

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?
Please see attached letter

Do you have other comments regarding the Certified Specialist Program?
Please see attached letter

COMPCORE LAW GROUP PROFESSIONAL CORPORATION

WSIB Lawyers for Employers

Cynthia J. Hellsten B.A., LL.B. Stephen M. Hellsten B.A. (Hons), M.P.A., LL.B.

September 26, 2023

The Law Society of Ontario
130 Queen Street West
Toronto, ON
M5H 2N5

By Electronic LSO Upload

Attention: Professional Development and Competence Committee

Dear Colleagues,

Re: Certified Specialist Program – Consultation Feedback

My name is Stephen Hellsten.

I am a member of the Ontario Bar and an LSO Certified Specialist (“CS”) in Workplace Safety and Insurance Law (“WSIL”). Together with my wife, business partner and LSO licensee Cynthia Hellsten, I co-own Compcore Law Group Professional Corporation (“Compcore”); a London, Ontario management-side boutique law firm that exclusively handles WSIL matters. Through our law practice, Cynthia and I assist Ontario businesses both large and small operating across a broad spectrum of industries navigate the complex and often confusing WSIL world.

I am writing to you today as a small business owner and legal practitioner who not only holds the Certified Specialist Program (“CSP”) in high regard attaching significant value to the CS designation as a vehicle for both informed service delivery and client decision-making, but who also maintains a genuine concern for Ontario business (and Ontario workers) should the LSO terminate its CSP.

In this context, I ask that your office consider the following four submissions in support of maintenance of the CSP.

Submission One

Submission one: the prospect that the LSO could terminate the CSP seems to lack a sense of fairness and justice particularly when one considers that the professional organization rendering the decision champions equality and access to justice.

I'm not referring to procedural fairness vis-à-vis existing CS designation holders or those that are in the process of trying to attain that designation; although there is probably an argument to be made that the CS community broadly speaking has, prior to this consultation process, felt disconnected from the decision-making process that led to the original proposed CSP termination.

What I'm referring to is something bigger.

I would argue that the CS designation empowers holders by distinguishing them from their peers based on knowledge, experience and expertise allowing them to compete in the legal market with wealthy, influential, entrenched legal institutions. It is an equalizing agent that should be actively encouraged not terminated. I simply don't see how eliminating the CSP program builds a better more equitable legal world where fairness and justice thrives.

Submission Two

Submission two: not only is the prospect of CSP termination unsettling both personally and professionally, I fear that it will contribute to significant mental health issues among existing CS holders and perhaps even those lawyers who have spent countless hours over the years working toward the designation only to have opportunity to obtain same suddenly removed.

Mental health issues are complicated. I don't claim expert status, nor can I authoritatively speak for others. What I can do is give one person's perspective. Here is mine. I must confess that the prospect of CSP termination has hung over me for some time playing on my psyche and has left me feeling depressed and deflated. Perhaps not clinically depressed but at minimum psychologically drained and very disenchanted with my profession. I'm guessing many of my colleagues feel the same.

Perhaps my story provides some useful context.

I have spent most of my career working in the WSIL industry: as an employee of one of the country's Boards; in private practice at a large consulting firm; and, over the last eight years, as co-founder and co-owner of Compcore. Two decades of one's life is a long time to devote to any endeavour. However, it does give one perspective and a certain level of expertise.

Which brings me to the CSP.

In a profession where accolades are hard to come by and advertising expertise largely prohibited, the CSP not only gave me a professional goal to strive for but, upon attaining the designation, a sense of pride and honour in who I am as a legal practitioner. There are thousands of lawyers in Ontario but less than a dozen that have met the rigorous and demanding WSIL CS qualification standards. It is a privilege to be one of those few.

And so, the idea that the LSO could terminate the CSP effectively removing a designation I worked so hard to obtain weighs heavily on me. It invalidates me personally and professionally. It tells me my professional society does not care about me or what I have achieved. I suspect I am not alone among my CS colleagues in this regard.

In a world where the legal profession talks so grandly about people's mental health, I find the prospect of CSP termination by my law society not only incomprehensible but psychologically emasculating. It strikes at the heart of my sense of honourable conduct. Right or wrong, the idea that I could be forced to carry on without my CS designation contributes to a growing perception that the LSO is a heartless, disengaged institution that despite a lot of rhetoric about mental health (and in fairness some very good support work in that area) is ultimately abandoning me, my practice and by association my family who continue to walk this legal journey with me.

Submission Three

Submission three: I fear that an LSO decision to terminate the CSP could destroy my business along with many other small law practices in this province.

I am a lawyer.

But I am also a small business owner.

I don't have a marketing department at my disposal.

I don't have access to inter-departmental client referrals. Blue Jays games don't break for 30 second Compcore advertising spots. Buses and billboards don't display my smiling face.

What I do have is extensive knowledge and experience in a complicated and poorly understood practice area where many lawyers dabble but few have genuine expertise.

And what sells me and my business – what sets me apart and allows my little boutique law practice to compete in a world dominated by big corporate firms with expensive technology and massive marketing budgets – is my CS designation. It says to the world – to potential competitors and clients and to the WSIB itself – that Stephen Hellsten is a true expert. That's my competitive edge. It's why I felt comfortable exiting a well-paid salaried job eight years ago to risk my family's future as a small firm owner.

Take that CS advantage away and I'm just another lawyer.

Will Compcore survive without my CS designation? Perhaps.

But I shouldn't have to be forced to find out.

Nor should any of the other small firms in Ontario who rely on the CS designation to make ends meet.

Submission Four

Submission four: there is, in my assessment, the potential for significant harm to end-users of legal services should the proposed CSP termination come to pass.

I don't have access to fancy investigative studies replete with statistical analysis and expert consultant opinions speaking to the ramifications of terminating the CSP.

What I do have is two decades of insight into the world of WSIL.

Both businesses and injured workers in this province need access to experienced, knowledgeable lawyers. Sadly, they don't always get that. But they should.

In my world, the CS designation doesn't just sell the designation-holder. It says to clients that their issues of concern will be dealt with by a confident, dedicated specialist and it gives lawyers, human resource managers, health and safety professionals and others seeking to make intelligent client referrals confidence that the referral recipient is a true expert.

I see little benefit to my client base in removing access to a program that helps them make smarter and more informed business decisions about where best to spend their limited financial resources.

Conclusion

In conclusion, for the reasons stated I submit any decision to end the CSP is, in my assessment, a mistake.

It has been a privilege to hold the CS designation in WSIL; an experience I would like to see available to younger members of the Bar going forward.

Tools like these don't just benefit the public. They inspire young people new to the profession offering opportunity to learn and to advance their careers propelled by something more than financial incentives.

And the CS designation can be a source of equity providing ambitious young lawyers and those from historically disadvantaged groups with a mechanism that helps them start businesses and not just compete but succeed in the legal world.

Consequently, my preference is certainly that the LSO maintains the existing CSP program.


Or, at a minimum, the LSO should allow lawyers currently holding the CS designation to retain their special status for the duration of their practices.

That is fair and that is just.

Yours truly,

Stephen M. Hellsten

B.A. (Hons.), M.P.A., LL.B., Lawyer

 LSO Certified Specialist – Workplace Safety and Insurance Law

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joshua Henderson

Email Address joshua.henderson@clydeco.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Clyde & Co Canada LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program, it is the only program in Ontario that recognizes the attainment of important development milestones.

The public at large are flooded with inappropriate claims of competence through organizations such as Best Lawyers, Lexpert, Chambers, the Globe and Mail Law Firm Rankings, and myriad other for profit ranking systems. Although such rankings are false and notionally prohibited by the Rules of Professional Conduct, the LSO does not enforce the Rules. This allows many thousands of lawyers to boast of being one of Ontario's Best Lawyers in exchange for a small fee.

Only the Certified Specialist Program provides an accurate and unbiased assessment from impartial assessors. If the LSO removes the program, society will be left with only the paid advertisements.

Moreover, jurisdictions around the world have a Certified Specialist program or equivalent. In most provinces it is called King's Counsel, in the US it is often called a Certified Specialist program, in Australia and the UK they are called Silks. Given the increasing specialisation that is required for competent practice, it only makes sense for the LSO to endorse a set of higher standards specific to a practice area to advise the public which practitioners have met the requirements. This information does serve as a helpful guide to the public and an aspiration for young lawyers.

There are only two criticisms that I have heard about the program, neither of which I believe holds merit.

The first criticism I have heard is that people who achieve the designation do not remain competent. I do not believe this criticism has merit. It is difficult to become qualified as a specialist, a lawyer must have significant ability and experience in the practice area, such experience is not easily lost due to the practice of time. I suppose it is conceivable that as someone approaches retirement age and beyond, their skills may slip. But a surgeon does not lose the title of surgeon simply because they are past their prime. I simply have not seen any certified specialists walking around with the title who do not deserve it. In the rare case that such a person exists, it should be possible to refuse to renew the qualification.

The second criticism is that the designation is racist and misogynistic, because many of the lawyers who obtain it are white males who have made partner at their firm. While it may be true that most senior practitioners who have obtained the designation are white males, that does not mean the award is inherently biased. It is easy enough to modify the admission guidelines to take into account the effects of systemic discrimination, such modifications are being made throughout our profession and there is no reason they cannot be implemented here if required. Moreover, I do not believe the assessors at the LSO are themselves racist and misogynistic.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not believe the program should be eliminated and am surprised that anyone would suggest it should be.

If it is going to be eliminated, it should be replaced with something else of a similar nature

People who have achieved the designation should be allowed to keep it, as occurred with the Queen's Counsel designation.

If so, for how long? For life.

Do you have other comments regarding the Certified Specialist Program?

It makes no sense to allow lawyers to pay \$500 to call themselves "Best Lawyers", but eliminate the only authentic certification based on ability and experience. The rest of the country continues to use the term "King's Counsel" in lieu of the American term "Certified Specialist".

It is a valued signifier of competence to the general public, I do not understand why the LSO would prefer to keep the public less informed.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Michael Henry

Email Address mjhenry@hshlawyers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

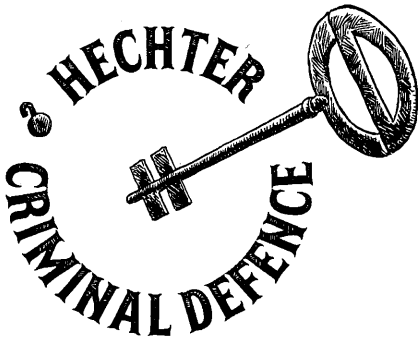
Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

NO. It is the LSO mandate, as i understand it, to protect and help the public as regards lawyers/paralegals and their services ... the public has no way to differentiate between lawyers and are inundated with advertising. testimonials, awards, etc., sadly many of which are just ego projects or even false ... the LSO criteria for Specialization is an objective way for the unbiased LSO to help the public know who has more experience, been vetted for ethics, etc., some of the things that should be important in finding a lawyer.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

YES ...

If so, for how long? Until retirement of the individual speaclist



September 4, 2023

Professional Development & Competence Committee
Law Society of Ontario

Via e-mail to: policyconsultation@lso.ca, certspec@lso.ca

cc. dmiles@lso.ca, pbhatia@lso.ca, cohagan@lso.ca

Dear Committee Members and others,

Re: Certified Specialist Program

I am a Certified Specialist in criminal law. I do not, and never have, practiced in any other area. I have dedicated my career to the litigation of serious charges, often involving complex *Charter* issues.

Last week, I got a call from a man whose son is accused of murder; if convicted of that offence, the accused will be sentenced to life in prison. For that man's son and, indeed, his whole family, the stakes could not be higher. The family, which has never previously had the need to find a criminal defence lawyer, found me through the LSO directory of Certified Specialists.

When you consider the other sources on information available to them in finding someone to represent their son, the unique value of your program (and the associated directory) becomes clear.

The family could have "googled" "criminal lawyer Toronto", or "murder lawyer Toronto". But Google doesn't rank search results on the basis of competence. Its secret, proprietary,

Suite 300, 474 Bathurst Street, Toronto, Ontario, M5T 2S6
telephone: (416) 535-1818, facsimile: (416) 546-3222, e-mail: defence@hechter.ca

algorithms change all the time, and many businesses pay SEO¹ experts lots of money to appear on the first page of search results. Other businesses pay Google— directly, or through third parties— for adword referrals.

The fact is, not every lawyer whose website includes the keyword “murder” for SEO purposes has actually defended a homicide. While I have, my website ranks very low in Google results for searches like those set out above. There are a few, really important, reasons for that.

I treat prospective clients’ privacy very seriously. While many websites link to Google in the background— relying on that data-harvesting behemoth for everything² from cookies and other so-called “analytic” tools, to the very fonts³ that appear on visitors’ screens, My website places no cookies, or other trackable data on visitors’ computers, and doesn’t pull anything— not even a font— from a third party like Google, because I am of the opinion that it is no-one else’s business to know who is looking for a criminal defence lawyer.

Putting clients’ privacy first means that I have no stats on who visits my site, nor can I (or anyone else),⁴ trace them. People can visit my website, and learn about my services and track record, anonymously. This has serious implications for my ranking in search engines.

Of course, Google isn’t the only way to find a lawyer. Those accused of serious crimes can also visit sites like canlaw.com and lawyerratingz.com (yes, that’s how it’s spelled). I won’t waste your time describing them... see for yourself.

There’s also the newly-resurrected “KC” designation... it’s not inconceivable that someone might look to the list of King’s Counsel for a criminal defence lawyer in Ontario. If they did, they’d far more likely find Crown Attorneys, or former conservative Attorneys General,⁵ than anyone able to actually assist them, or their loved ones.

¹ SEO stands for “Search Engine Optimization”.

² <https://developers.google.com/apis-explorer>

³ https://developers.google.com/fonts/docs/developer_api. You may or may not even know that every visitor to LSO’s front page immediately has their browser tagged with data that can be tracked by Google (fonts.googleapis.com & maps.googleapis.com), Microsoft (lawsocietyontario.azureedge.net & lawsocietyontario-assets.azureedge.net), Amazon (s3.amazonaws.com), and even Twitter (twimg.com). These companies’ business models include tracking, and profiling, web users for profit.

⁴ Apart, theoretically, from my webhost (ethicalhost.ca), but I’ve specifically directed them not to keep logs.

⁵ Even ones like Caroline Mulroney... who isn’t licenced to practice in Ontario.



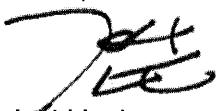
People don't look for criminal defence lawyers when things are going well for them. They're generally in trouble, and sometimes that trouble has the potential to destroy their lives. Finding competent and experienced counsel could not be more important in that moment. The Law Society's Certified Specialist program screens lawyers on the basis of criteria relevant to their fields of practice. The value of that process to the public is difficult to overstate.

Your directory may not be perfect, but perfection is an impossible standard to reach. It's better— by far— than anything else out there. Scrapping it would leave Ontarians with nothing comparably reliable when seeking help in their most difficult moments.

As I said in a letter last year, the stated justification for the dissolution of the program— that the public might be misled about the competency of Certified Specialists— is surprising; surely any such concerns could be addressed by periodic competency review,⁶ by an enhanced annual report requirement, or in a variety of other ways (including those set out in Barry Corbin's 2022 petition). Maintaining the designation for those certified as a Specialist in Indigenous Legal Issues (Rights and Governance/Litigation and Advocacy/Corporate and Commercial) suggests that it's not an insurmountable obstacle... unless the LSO isn't concerned about misleading indigenous clients.⁷

Thank you.

Yours,



Joel Hechter

Barrister and Solicitor

Certified Specialist in Criminal Law

⁶ To keep it less onerous for the LSO, the review could happen every five years or so.

⁷ That would, of course, be deeply offensive; I cannot imagine it's actually the case.



I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sheri Hirschberg

Email Address sheri@shfamilylaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Sheri Hirschberg (SH Family Law)

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The certified specialist program is an important program that should be maintained, especially in smaller markets it is a reliable way to indicate to the public lawyers who have undertaken extra work & education to become specialists in their field.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If it were to disappear it would be an unfortunate change & yes those who have already gone through the work to obtain this designation should be allowed to maintain it.

If so, for how long? 10years

Do you have other comments regarding the Certified Specialist Program?

I believe that the strength of the designation is based on neutral requirements that reflect a lawyers commitment to a specific field & a higher level of education, knowledge & experience. When lawyers can instead advertise themselves as especially skilled in an area of practice without a program managed by the law society or some similar entity means that members of the public cannot properly measure who has what specialized knowledge & what it may mean.

The growth of the internet & social media makes it harder for members of the public to measure the level of knowledge & experience of their legal representative. Without the Specialist program, the public would need to rely on how the legal professional presents themselves - this is problematic especially when we are dealing with vulnerable people or populations of people.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Tobin Horton

Email Address thorton@zubco.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the LSO should keep the program. Very few individuals are bestowed the honour of getting to be a part of the program and we have worked hard to become members. The members of the program commitment to excellence in the profession is unwavering. I find that, since becoming a member of the program, more of my peers will approach me with questions and inquiries about the rules and civil practice. This ensures that mentorship is done properly and the next generation of lawyers are properly trained. The certified specialists are beacons in the industry.

The application process is rigorous; especially the references. I had to work very hard to commit large portions of the rules of civil practice to memory. Further, reputation in the industry was crucial in getting certified since the references have to be peers you had files with over the years. If an opposing lawyer is willing to provide a reference, it is very telling about that member's skill-set and ability.

I feel that membership in the program was a milestone in my career. The commitment that it took to get the certification made me a better lawyer since I knew how difficult it was to achieve. I believe that should remain a goal for future generations.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

If the program is disbanded, I would like to see the current members be grandfathered.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Being a member of the program was something I was interested in trying to achieve since I began my career. I have taken great pride in mastering the civil procedure and it was an honour to receive the same. The program is useful as the members have to commit to excellence in the profession and use their skills to help mentor less experienced lawyers.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Marco Iampieri

Email Address marcoiampieri@taxationcounsel.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: N/A

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep - Public required guidance.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Continue the program.

Do you have other comments regarding the Certified Specialist Program?

Do not remove the program - specialists are required at law in our diverse and complicated legal environment. To remove the program would create a scenario in which all lawyers are equally skilled in every area of law without the law society providing credibility to a focused area.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Karolina Iron

Email Address Karolina.iron@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes it should. The program supports the marketing of certain lawyers as experts in the area when that may not be true. As well, more experienced lawyers may use these designations to intimidate new and less experienced members of the profession, as I've seen in my commercial litigation practice. Those who engage in sharp practice will use these designations to smooth the appearance of sharpness of their practice, before judges and other lawyers. As practicing lawyers, we should all be equal and let our work and experience speak for itself.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, it should not. Those individuals will be allowed to profit from the designation by holding themselves out as experts in the area and engage in the practices I mention in my earlier answer. Meanwhile, other lawyers will be unable to compete fairly, even if they have the same or more experience, because they do not have the designation. Certified specialists tend to skew older and more experienced, so the issues between younger and more seasoned lawyers will widen, with the more seasoned lawyers being able to lean on a designation as well as their years of experience. As a young litigator, I had many experiences with more seasoned practitioners where they attempted to use their years of experience as a weapon to bully me and my client into an unreasonable ask, or misunderstanding of the law. This won't go away, but the designation will just provide these types of lawyers with yet another (and more persuasive) weapon.

Do you have other comments regarding the Certified Specialist Program?

No

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Paul Ivanoff

Email Address pivanoff@osler.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Osler

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the program should be kept. The program provides the public (and other lawyers) with relevant information regarding a lawyer's practice and experience.

Do you have other comments regarding the Certified Specialist Program?

As noted above, I am in favor of keeping the program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Deniz Izzet

Email Address denizizzetlaw@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Manitoba

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

They should not keep it. It gives a unfair advantage to lawyers who have been licensed for years.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No one should be allowed to use the designation of it is eliminated.

Do you have other comments regarding the Certified Specialist Program?

It gives the public the impression that if as a lawyer you are not a Certified Specialist then you can not practice in that area of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ravi Jain

Email Address ravi@jainimmigrationlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Ravi Jain

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept. In my field, immigration law, it helps to distinguish lawyers who devote ourselves to this niche area. This serves the public given there are only a few thousand immigration lawyers yet there are over 12,000 non-lawyer "immigration consultants." There has been incredible societal harm by the federal government allowing these non-lawyers to practice immigration law, including litigating at the Immigration and Refugee Board on life or death refugee matters. The certified specialist designation allows the public to identify proper lawyers who are specializing in this field and are able to assist competently and ethically.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I prefer that it's kept but if it's going to be eliminated, grandparenting should apply. See above for my rationale: we need to protect the public.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Thank you for your efforts.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Benjamin Jakabek

Email Address info@jakabeklaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the Certified Specialist Program:

Consumer Protection: If asked by a client for a lawyer that handles a specific matter and I do not personally know a lawyer that handles that specific matter then I always consult the LSO list of Certified Specialists. Ultimately it's a short-hand method of ensuring that whoever you refer the client to is exceptionally competent in their field of practice. This practice helps ensure my reputation remains intact but more importantly that the client receives exceptional representation.

Leaders in the Bar: The Certified Specialist program was a relevant factor when researching law firms in law school. As a law school student I had limited knowledge of the immigration bar and was not an active member of the relevant listservs. The Certified Specialists list on the LSO website helped me narrow down leaders in the field and ultimately law firms where I wished to apply to become an associate.

Something to Aspire to Down the Road: As a junior member of the bar I aspire to reach the level of excellence required to receive the Certified Specialist designation. My goal is to one day apply under the program and receive the designation; I was rather disappointed when I heard that the LSO was potentially stripping the program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

Do you have other comments regarding the Certified Specialist Program?

N/A

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Justin Jakubiak

Email Address jjakubiak@foglery.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. It serves the public by providing information about the specialized experience of certain members of the Ontario bar. This information helps the public in researching lawyers and finding the right lawyer for their matter - hiring a lawyer can be a daunting task, and this helps make the process less daunting.

It is important that the CS program is robust and something which can only be obtained after a certain number of years of practice, experience, etc. Further, a CS must be required to keep practicing in their specialized area, and be required to stay on top of relevant legal developments in such area.

High standards will keep the program in good shape and provide both lawyers and the public with confidence in the CS program generally.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

While I appreciate that this question doesn't apply to me, I feel strongly about the issue and wish to answer - YES, current CS's should be grandparented until retirement.

This program was believed to be a good idea at one point, and resources were invested into its development and rollout. Members of the bar interested in the program took significant time and effort to obtain the designation and this should be respected.

Members should only lose the CS designation if they fail to maintain the annual requirements of their specialty area, or if they lose their licence to practice.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

It is a unique program which is available to every member of the profession, provided certain minimum requirements are met. It assist members with their ability to market their skills, and it provides the public with useful information about a particular lawyer's skillset.

There is no reason we should shy away from anything that may help the general public to chose effective counsel.

As long as appropriate measures are taken to ensure that a CS is truly a specialist in a particular area, and maintains that experience and knowledge, it is good program which should be encouraged.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Wojciech Jaskiewicz

Email Address wjaskiewicz@weirfoulds.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Like most certified specialists, I am very concerned about the LSO's decision to terminate the Certified Specialist program.

The program brings real value to the public. Certification as a specialist is one of the very few ways for the public to know which lawyers have competence in a specific area of law. Discontinuing the program is a disservice to the public. Members of the public will be less able to make informed choices when retaining a lawyer. It will make it harder, not easier, for the public to have confidence in the profession and the LSO's ability to govern the profession.

The designation is a peer-vetted confirmation of competence in a specific practice area. The decision to certify a lawyer is made by the LSO based on references from other lawyers and, in the case of the Bankruptcy and Insolvency specialization, insolvency professionals. The designation is a true indication of expertise, allowing the public to have confidence that a certified lawyer is in fact an expert in a particular field.

Lawyers seeking to be recognized as experts are required to meet objective standards for knowledge and experience set by the LSO. The decision to certify a specialist is not arbitrary. It is made because the individual meets these objective criteria.

I understand that one of the reasons for revoking the program was the small number of lawyers applying for certification and that there is no review of qualification beyond the initial application.

Rather than being a reason to revoke the program, the low uptake seems to indicate that the program is a real test of expertise in each practice area. Lawyers who obtain a Certified Specialist designation really are leaders in their respective fields.

With respect to reviewing qualifications on an ongoing basis, the LSO has minimum continuing professional development requirements for all lawyers and relies on lawyers to self-report compliance with these requirements. The specialist program requires specialists to also self-report that they have done the required number of hours of continuing legal education. It seems counter-intuitive that the LSO can rely on declarations from all lawyers but cannot rely on declarations from a subset of the same lawyers who have already been recognized as leaders among their peers.

However, if there is a real concern about relying on the declarations from each certified specialist, the solution is not to cancel the entire program but instead to revamp the reporting requirements to give LSO comfort that specialists keep their expertise in their respective areas of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Stanley Jaskot

Email Address stan@jwgfamilylaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Jaskot Willer Gill LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program offers to the public the opportunity to consider those lawyers who have maintained the highest level of Continuing Legal Education together with proven advocacy skills. The CS designation affords the public with the opportunity to easily access the names and contact information of proven advocates in a distinct and restricted area of practice.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I would agree that at a minimum those who have achieved a CS status ought to be permitted to maintain the status their years, education and practice has afforded them. It is anticipated that the CS will continue to upgrade and remain current with the CLE available in the field of expertise.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name PHEROZE JEEJEEBHOY

Email Address Pheroze@pjkjlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist Program should be kept. The value is in the setting conditions that lawyers can aspire to. The value for the individual is obtained through the goals set by the practitioner. The value to the profession is in encouraging excellent through public recognition that is not dependant on connections. It is attainable by disadvantaged groups due to its objective standards.

Do you have other comments regarding the Certified Specialist Program?

The Certified Specialist Program would benefit from better coordination with the authority to gown in silk and recognition by the Bench. Again, those without the connections or that are disadvantaged, can benefit from the objective standards. This is a useful method to increase diversity by the public recognition of role models deserving of the recognition.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gordon Jermane

Email Address gordon_jermane@manulife.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. The reason is simple. When I was called to the Bar, I had nowhere near the same level of expertise as I do now. Members of the public are entitled to have a method by which such a differentiation can be made. To that end, the Certified Specialist Program provides such a method, based upon objective criteria.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Donald Johnston

Email Address djohnston@airdberlis.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

There is nothing wrong with the CS Program per se. The issue, from my point of view, is that certain of the areas of specialisation are too broad - e.g., Corporate and Commercial Law, Civil Litigation. There is no category for Technology Law (which is quite independent of IP Law, from a commercial point of view), Shareholder Rights Litigation, Class Action Litigation, Cross-Border Tax, Personal Income Tax, Tax Planning, and so on. I feel, although I have no evidence of this, that there would be greater uptake of the CSP if the specialisation areas were somewhat more granular. The fact is that a CS certification for Corporate and Commercial Law is almost derisively meaningless, whereas a certification for Corporate Governance would be clear. Physicians understand this concept very well: all physicians are doctors, but some are eye specialists, ENTs, gynaecologists, and so on. We should be doing something akin to that, in my view.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

I do not think that the CSP should be eliminated, but rather overhauled in the manner mentioned above to make the categories of expertise more granular and meaningful. However, IF the CSP is to be eliminated, it is only fair that licensees with CS designations should be permitted to keep their certifications.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Throwing out this valuable program without considering changing the granularity of the subject areas of specialisation would be a wasted opportunity in my view. My strong preference would be to keep it, but in amended form.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name McShane Jones

Email Address m.jones@barsalou.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Montreal

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it but make it more accessible, it was difficult to comply with for practitioners already specialized. I don't recall if tax was added as a specialty but it should be.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If eliminated it should not be grandfathered because it's unfair to those that cannot obtain the designation

Do you have other comments regarding the Certified Specialist Program?

Extend to tax and even subgroups of tax (corporate, individual, planning, controversy)

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Eitan Kadouri

Email Address Eitankadouri@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It wrongly gives the impression that non-certified lawyers are less capable of performing in areas by dint of not having undertaken the effort to specifically obtain the designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No

If so, for how long? Five Years

From: Jonathon Kahane Rapport <jkr@jkrlawyers.ca>
Sent: Thursday, August 24, 2023 3:14 PM
To: Policy Consultation <PolicyConsultation@lso.ca>
Subject: QC KC or Cert Specialist

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

Seeking feedback: Consultation for Certified Specialist Program

The Law Society is seeking feedback on the future of the Certified Specialist Program. The consultation currently underway is seeking feedback on a list of targeted questions that will help determine whether the Certified Specialist Program should remain as is, be modified or eliminated.

I've been practicing for a long time now and remember the Q.C days. We should not be re-implementing K.C or the certified specialist programs. It seems to creates different classes of lawyers. The clients don't appreciate it. The public is confused by it. We did not have US law firm advertising then like we do now, which is awful. That designation was a way of promoting oneself at the time. There is no need for it anymore. The process, designation, the whole program smacks of 'old boys club' behavior and one upmanship - so I'm not in favor.

Thanks,

Jonathon Kahane Rapport

JKR Lawyers

Jonathon Kahane-Rapport PC
8800 Dufferin Street
Suite 103
Concord, Ontario, L4K 0C5
Tel: (416) 465-2700
Fax: (416) 519-3570
E-mail: jkr@jkrlawyers.ca

As a precautionary measure, during the current COVID-19 public health challenges, our offices will be physically closed. However, we remain fully operational through our dedicated workforce of remote team members.

We are encouraging meetings to continue via phone or video conference. Where possible, any correspondence or documentation should be sent electronically (Email, Fax, or Secure File Transfer) as regular mail pickup may be delayed.

Thank you for your understanding. We are staying safe through observing the current recommended health guidelines and wish good health and safety to you, your colleagues and the clients and communities we serve.

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I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sonia Kalia

Email Address Sonia@wearelaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. I feel this is self-explanatory. Like any other profession, the ones with experience or specialized knowledge should be able to be identified by their peers and colleagues and others.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Absolutely.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

As a young lawyer, it was always my goal to strive for the certified specialist program being that I committed 100% of my practice to that one area of law. When a lawyer does that, it sucks them apart from others. The program, demonstrates the room for growth that lawyers have within our field. Without the program, lawyers will have no incentive to practice within one field and make them selves better.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Imran Kamal

Email Address Imran.Emmanuel.kamal@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it.

The certified specialist program helps members of the public and others in the profession find practitioners who have developed an expertise in an area of law through specific cases, community involvement and self study. It helps create confidence within the profession.

It also is important to consider the designation has been obtained by racialized and marginalized groups (like myself, a Pakistani gay man) in order to "earn our seat" at the table. I know this is the reason many other racialized lawyers became certified specialists. This is important is helping creating equity!

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I am a certified specialist in indigenous legal issues. The application was lengthy and thorough and required references from indigenous community leaders. The LSO should not undermine this.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Aryan Kamyab

Email Address aryan@kamyablaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Kamyab Law PC

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. It helps the public and other lawyers identify specialists in any area of law. It is a useful designation that should be maintained.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

Do you have other comments regarding the Certified Specialist Program?

It is a very useful program that should be maintained.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Betsy Kane

Email Address bkane@capellekane.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the LSO should retain the certified specialist program. The program was developed to distinguish practitioners based on their area of expertise. The LSO has administered this and collected fees from specialists to maintain the program. To do away with it would be both unfair and disingenuous to the members who made efforts to qualify and maintain their level expertise. Should the program be wound down in future, all existing specialists should be grandfathered and permitted to use the title as they have earned it and paid for it.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Absolutely, See above.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

It is valuable especially in the field of Canadian citizenship and immigration where there are many practitioners who dabble in the area. Moreover, there are many competing practitioners in the form of immigration consultants and paralegals. Consumers must have a way to distinguish between those who devote their time and efforts to maintaining a high level of expertise. Immigration lawyers are competing against more than 13,000 immigration consultants that have minimal legal training. The LSO should not offer the certified specialist designation to only certain areas of practice as had been proposed for the retention of specialization for indigenous law. This type of distinction is unfair, undemocratic and insulting to all certified specialists.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Peter Kappel

Email Address peter.kappel@wilsonlue.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

No, it should be maintained. The specialist designation is an important identifier of expertise in a particular field that prospective clients and existing clients look to when engaging counsel. It is perhaps more important for experienced lawyers in small firms or as sole practitioners. The comments identified in the reports and focus groups are similar to ones raised when the programs was first considered. Those earlier consultations should be considered to identify what if any factors in the original decision for a CS program have changed.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

It should be kept

Do you have other comments regarding the Certified Specialist Program?

The CS program is useful identifier for clients and members.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Peter Kappel

Email Address peter.kappel@wilsonlue.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Wilson Lue LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the program. Many of the comments for eliminating the program were raised when the program was first proposed and implemented. Time seems to erase institutional knowledge respecting the reasons for the implementation of the program. The background materials make no mention that this was even considered.

I believe the CS is a valuable designation, especially for sole practitioners and practitioners in small firms. I was once a member of the CS applicant review 'board'. As I recall, the application process and review was more rigorous than currently - perhaps this makes lawyers view it as an administrative review with no real tangible benefit. I once was told by opposing counsel that they were applying for CS because their client asked why they were not a CS whereas I was.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sergio Karas

Email Address karas@karas.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The current system should be maintained without changes. The system has served the profession and the public well and there is no reason to change it. I strongly object to any changes, especially those espoused and promoted by individuals who wish to take away the recognition that we have rightfully earned with years of experience, education, and contribution to the profession and the rule of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not support any changes. However, if no new specialists are going to be recognized, those who currently hold the designation should continue to be able to use it until they retire.

Do you have other comments regarding the Certified Specialist Program?

It is extremely disturbing that the LSO is even considering revoking the specialist designation for those of us who have earned it after many years of sacrifice, study, experience, and contribution to the profession, and to the rule of law. We have greatly contributed to the education of younger lawyers who now aspire to become specialists themselves and are inspired by our accomplishments. There is something morally wrong with yanking away a hard-earned recognition that sets us apart from the rest of the profession but at the same time is welcoming new members as specialists after they have earned that right. I am particularly disturbed by the ill-conceived proposal that one specialty concerning indigenous law should be "protected" in the name of some fuzzy notion of "equity". There is nothing that distinguishes those specialists from other specialists, except their personal background. They should not be elevated while the rest of us are lowered as our designation is revoked. In my view, all specialties should be treated equally. To do otherwise is, quite frankly, repugnant and divisive. The LSO motto is "Let Right Prevail"....and not "Let SOME Right Prevail", so act accordingly!

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Constantine Karbaliotis

Email Address ckarbaliotis@nnovation.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep the Certified Specialist Program. The Program is a way for the public to identify specialists that can assist them in particular legal areas, as opposed to general practitioners. This is of service to the public, much like specialty areas in medicine allow patients to go to physicians based upon their specialty.

The Program is also a way to encourage practitioners to develop specialty. This is of value again to the public, in that it encourages through recognition, lawyers' effort and experience in a specialty. If there is no recognition, then anyone can hold themselves out as having expertise, whether it is true or not. Recognizing that the Rules prohibit calling yourself a specialist without the recognition of the Program, it is unfortunately the case that we see lawyers calling themselves experts in, or focusing on, a particular area.

Finally, it should be remembered that other jurisdictions allow similar specialty or certification of specialty. We are increasingly in a global market, and it puts Ontario lawyers at a disadvantage if the perception is that certain specialty areas are not available within our own jurisdiction.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The goal of certification should be that, based on expertise and experience, it is open to all; If however it is eliminated, then grandparenting should not be permitted. If lawyers are not able to achieve certification based on experience and expertise, then they are at a disadvantage those who are left with the designation, even though their experience and expertise may be equal or greater to those with the designation.

Do you have other comments regarding the Certified Specialist Program?

The Certified Specialist Program, if it is retained, should be expanded to include other and newer areas of practice. I have been focused solely on privacy and data protection for the past twenty years. It is disconcerting to see people claiming to be 'privacy lawyers' when from their experience (say on LinkedIn) they have had at best one to two years' experience - or none. There is a gold rush mentality unfortunately when something seems to be new and exciting; I am witnessing it again on the subject of artificial intelligence. Even though I have been studying this for some time, with relevant expertise in privacy, I would be reluctant to call myself an 'expert' - yet this is happening.

I think that with proper requirements based upon experience, education and contribution to the field, such as through education and writing, it is possible to assess not just privacy and data protection but other areas - cybersecurity, artificial intelligence, and others.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Aubrey Kauffman

Email Address akauffman@fasken.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Report indicates that only a small percentage of the bar have the CS designation. I dont know if that is because there is a lack of interest in the program -in which case I think that the pprogram should be discontinued- or because the CS designation is being properly restricted to "specialists"- in which case i would support maitaining the program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

i have been a CS for many years. I am certified in 2 areas of expertise- Litigation and Bankruptcy and Insolvency. In the early years I put a lot of energy into maintaining my certifications though filling out a comprehensive annual report. More recently the annual report has been less onerous. Over that period I have paid the Law Society thousands of dollars to maintain my specialist certification.

If the CS program is terminated I think that it is only fair that the certification of existing specialists be grandfathered until the specialist ceases practice. I personally invested my effort and money in the expectation that I would have the designation for as long as i qualified. The fairness of grandfathering was recognized in the original recommendation put to Convocation. The rules should not change in during the game where there has been reliance. That is just basic equity. There is good reason to grndfather and I ask the question- what is the harm in grandfathering? i don't see any.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name L. Mitchell Kazdan

Email Address mkazdan@garfinkle.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should remain in place. I believe there is worth, for both the professional and the public, to have a substantive mark of achievement showing that one is not only competent in his/her field (which should be a given if one is actually practicing in the area), but also that he/she has successfully completed, over a number of years, the numerous and varied individual actions/cases/transactions/etc. in that area of law to evidence the claim one can be seen as a specialist. The third party reference letters which the LSO also requires from other lawyers practicing in the area attesting to the applicant's prowess also bolsters the applicant's claim that he/she knows what they are doing at a high level, by having other professionals agree.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

As stated above, I do not think the program should be eliminated. However, if the LSO does decide to go in that direction, grandfathering those who had taken the time, complied with all excess continuing education requirement, paid the costs (both literally and figuratively) over past years to achieve and maintain their designation in good standing. It would be patently unfair to have those individuals who achieved and maintained their Certified Specialist designation on days 1 - 10 (for example) to just "lose" their designation on day 11 for no reason other than the LSO's whim, with all due respect.

I truly believe that, for most of the public who are not privy to the LSO's discussions and thoughts on the matter, their perception of that individual who, for any reason, can no longer hold themselves out as a Certified Specialist quite strongly implies that person has done something wrong or failed in some way to meet ongoing requirements. Clearly, this could have a major detrimental impact on that lawyer's client base and the affected lawyer's resultant mental well-being.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I have no issue with the LSO imposing reasonable higher standards of CLE, etc. upon those persons who wish to be a Certified Specialist or maintain their designation in any recognized area of law.

I have a very, very large objection to having my professional governing body strip me of a designation: (i) that they themselves held out to be something worth aspiring to; (ii) that I have spent a substantial amount of time, effort and cost in obtaining and maintaining throughout the past years; and (iii) to which I have done everything as required (and above - as I always exceeded any minimum CLE requirements set out by the LSO for a CS) by my governing body over each of the past number of years to which I have been certified as a specialist by my governing body in the expectation my governing body would continue to support my designation as part of the contract terms they set out for such purpose.

Finally, I will also add that, in my view, a Certified Specialist designation in any/all areas of law, if one is able to show that one has been able to achieve the benchmarks as set out for such designation, adds value to the profession, the public at large and to the individual's sense of accomplishment and self-worth.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Samuel Kazen

Email Address Sam@hoklaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. It operates in a manner befitting a clubhouse rather than the governing body of a profession. The granting of the Certified Specialist designation ultimately turns on the references provided rather than on any objective standardized process. Those who have the right friends win and those who don't lose. Meeting all of the requisite criteria on the list counts for nothing.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, they absolutely should not be grandparented. To do so would give them an unfair competitive advantage in the market by ensuring nobody else could ever have the same designation as them. It would be better to keep the program than to eliminate it with grandparenting.

Do you have other comments regarding the Certified Specialist Program?

If the program is maintained, it should, at a minimum, be converted to a purely objective and standardized process. Otherwise, it will remain a 'you scratch my back, I scratch your back' process.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Megan Keenberg

Email Address mkeenberg@keenco.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep the CSP. The CS designation offers lawyers from equity seeking groups and small or solo practices a means of levelling the playing field with senior white men in Bay Street firms. It provides the necessary stamp of approval from the regulator that drives market confidence in lawyers who are deemed worthy of the designation after a difficult and thorough application process. CS's also have to conduct additional self-study in their field of specialization every year (on top of the ordinary CPD requirements for all lawyers) to maintain their designations. The costs of maintaining the CSP are minimal. The CS designation provides assurance to members of the public that CS lawyers are experienced and qualified to take on their cases.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

It is of critical importance that the LSO permit existing CSs to maintain their designations until they retire. Most CSs use or refer to the designation on their social media profiles, their firm websites, email signatures and firm stationary. If these designations, which have been duly earned, are stripped away, it sends a misleading and damaging message to clients, counsel and the general public that the CS lawyer was disciplined in some way resulting in a revocation of the designation. It is unfair and unnecessary. QCs were permitted to maintain their designations after those appointments were stopped due to cronyism. Here, there is no allegation of cronyism and no evidence that existing CSs don't "deserve" the designation.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Dan Keller

Email Address dkeller@pnklaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. Certain areas of the law are quite specialized.

From my personal experience, I can attest that intellectual property law is one of those areas of law that is very specialized. Many years of practice in the practice area are needed to represent clients competently and many more to do so at a level expected by clients. This practice area requires an understanding of not only the laws in Canada, but how they interact with foreign laws. For example, it is not enough to draft a patent application that meets the requirements of Canadian patent law, if the client also requires protection in other jurisdictions with slight differences in the law and practice of patent laws in those jurisdictions. In my view, the Certified Specialist Program serves the important purpose of helping members of the public choose a professional that can assist them with their legal matter not only competently, but at the level they expect, which in the IP law practice area is a higher level, in my view. Without the Certified Specialist designation, there is no reliable basis for members of the public to make this determination.

Furthermore, from my perspective as a lawyer who bought into the certified specialist program, and worked hard at the onset to secure the certification, it is demoralizing to now be told that the program is being ended, essentially because it had been a sham from the start (i.e. there was no public benefit from the program, and the mobilization of the members of the legal profession to adopt the program had been wrong and a waste of time).

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

The LSO should keep the Certified Specialist Program. But, if it is eliminated, then those individuals with the designation should be grandfathered.

When the LSO initiated the Certified Specialist Program, it forced the members of the legal community to buy into it; persuading the members that it was a good thing, for all the right reasons. This forced the members to take active steps to participate in the program, at a cost to them. It's undue, and unfair to now strip all those members of the thing they worked hard to attain; all that effort would have been in vain.

Moreover, it is demoralizing to the members, to essentially be told that the program was a sham from the start (i.e. there was no public benefit from the program, and the mobilization of the members of the legal profession to adopt the program had been wrong and a waste of time).

If so, for how long? Until the individuals cease to comply with the requirements to maintain the certification (i.e. CPD requirement, lawyer in good standing requirement, payment of prescribed fees, etc.)

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Rob Kennaley

Email Address rjk@kennaley.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes, certainly in truly specialized areas. I am a specialist in construction law. We are regularly consulted by clients/potential who are having or have had bad experiences in relation to a construction contract of dispute because the lawyer who represented them did not fully understand the nuances of this area of practice. Regularly. When I was called to the bar over 25 years ago we were warned - don't dabble in tax law and don't dabble in construction law. It is now even more important word of caution, given the very complicated changes in the Construction Act (formerly the Construction Lien Act).

Simply put, clients need to know if the lawyer they are hiring has a specialized understanding and experience in this area. Strategies that might make sense from a general contract drafting or litigation perspective can be doomed to failure in far too many circumstances. I would be happy to explain the scope of this problem if anyone wishes to discuss it with me. Getting rid of the construction law specialty will result in a significant dis-service to members of the public who need specialized advice, and need to be able to find it.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Steven Kennedy

Email Address kennedy.steven@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I certainly believe that the Law Society of Ontario should keep the Certified Specialist program. It is a useful tool for the public to search and locate lawyers with expertise in certain fields, particularly in today's legal landscape where so many generalist lawyers purport to have experience in areas of law that require a high degree of specialization. For instance, intellectual property law is one area where clients routinely obtain advice from practitioners with little more than a passing knowledge of the subject. There are many cases I have experienced when clients approached me to obtain further advice and take remedial action to correct steps taken that may not have been a best practice. The Directory of Certified Specialists helps connect clients with lawyers who are best equipped to assist in these more "niche" areas of law, and with the certainty and confidence of the Law Society's endorsement that those lawyers actually have the experience required. The Certified Specialist program is also very common in other jurisdictions throughout the United States and Canada, including the American Bar Association itself.

Do you have other comments regarding the Certified Specialist Program?

While I unreservedly believe that the Certified Specialist program should continue in its current form, if the Law Society does make the unfortunate decision to eliminate it, existing Certified Specialists should be able to continue to use their designations until retirement. The application process involved a great deal of work and Certified Specialists are required to engage in a heavy load of self study each year. This was, and is, a significant investment in time. The recognitions were earned through a great deal of work and to simply wipe them away is manifestly unfair and disregards all of the time and capital invested by Certified Specialists over the years. Additionally, removing Certified Specialists' ability to use their earned designations will create marketing inconsistency as "legacy" postings online will identify a lawyer as a specialist while "current" postings will not. This will have the unfortunate effect of suggesting that a specialist's certification was revoked or repealed as a punitive measure that could have a damaging impact on the public perception of a particular lawyer's practice, especially since clients (and especially clients outside of Ontario) will be unaware of the history and circumstances surrounding repeal of the program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Steven Kenney

Email Address skkenney@sympatico.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Steven K Kenney Professional Corp.

**What is the location of your workplace?
If submitting on your own behalf, where do you reside?** Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

keep it.
It is an important designation, similar to a physician specialist. It informs the public of a lawyer's particular practice. The process to obtain this Certificate is not a "slam dunk". It requires experience in the particular field.

Too many lawyers advertise or represent expertise, without the Certification, and mislead the public.

Do you have other comments regarding the Certified Specialist Program?

There was a purpose when it was created, and that purpose still exists. To my knowledge those specialist with Certification do not abuse the designation. If that is the concern; then look at the process for faults.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Ian Kirby
Email Address	ikirby@gkslawyers.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep - it's one of the few ways for a member of the public to know if a lawyer has the required skills to perform work within a given area of the law. Paid advertising of the type that "I'm the greatest lawyer" or "I'll fight on your behalf" does nothing to inform the public. The rigors of qualifying as a specialist provides the public with a level of confidence that the specialist has objectively qualified within a specific practice area.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The program should not be eliminated.

Do you have other comments regarding the Certified Specialist Program?

If the program is being considered for elimination because not enough practitioners are seeking specialist certification then it falls to the LSO to encourage practitioners to do so or to accept that only a certain percentage of the practicing bar would qualify for certification. Having created the designation (one I've held for 32 years) it would be extraordinarily draconian to remove it from those who have achieved the designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ian Kirby

Email Address i Kirby@gkslawyers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Don't eliminate Certified Specialist Program.

The issue essentially comes down to one of what's in the best interests of the public, which is said to be the primary reason for the LSO's existence.

The LSO has objective criteria that Specialists must meet and maintain in order to hold the designation. If removed, then all the public would have (apart from word of mouth) when searching for a lawyer would be paid advertising; a source that is almost always unreliable.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Felice Kirsh

Email Address f.kirsh@estatelitigation.net

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it. It is the only program, that differentiates lawyers based on experience, that is not for profit. All the other programs such as "Best Lawyer" "L'Expert" etc. rely on ad revenue and continually increase the number of lawyers in the various categories to generate ad revenue. By contrast the Certified Specialist program has a rigorous application process and is not seeking to make the process easier so as to allow more lawyers to achieve the designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Although I am seeking to have the program kept, if eliminated, I think certified specialists should be able to use the designation until retired. they earned it.

If so, for how long? Until retirement of the individual speaclist

From: rob konduros.ca <rob@konduros.ca>
Sent: Wednesday, May 17, 2023 10:49 AM
To: Policy Consultation <PolicyConsultation@lso.ca>
Subject: CS designation

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

Just leave the programme alone. The LSO created it and had members buy in to it. To cancel now shows whimsy and a lack of fixity of purpose.

Furthermore, the task force is clearly being racist in saying the CS designation should continue in the indigenous context. This more than anything betrays the trendy proclivities of the members and staff who clearly lack intestinal fortitude.

Rob.

Sent from my Galaxy

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Josh Koziebrocki

Email Address josh@koziebrockilaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the Law Society should keep the Certified Specialist Program. If the Law Society does decide otherwise, I believe the program should be grandparented to allow those with the designation to continue to use.

I do not believe it is equitable to have those who have achieved the designation to be stripped of such after taking steps to meet standards. I should mention that personally I only recently achieved this designation a few years ago. It took over 100 hours of work during the pandemic assembling the package for consideration. It seems unfair that just a couple of years later someone such as myself who undertook all these efforts to meet the criteria only to be told that it would be taken away.

When I applied, there was very clear criteria on the application. One thing that is required, is reviewing date by date through your calendar to outline how many hearing dates in health law you were involved in. This was a very involved process.

The CS program also required the support of references. I can tell you that I personally involved 3 other health law specialists in my application. In my personal opinion, the other health law practitioners in Ontario with this designation are of a very high quality having practiced with them in our small bar for years.

Overall, I support maintaining the current CS program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

As noted above, I opposed the elimination. If changes are made I believe the designation should be grandparented.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

While it is not the only factor I use to evaluate the quality of other lawyers' experience, I find it quite helpful. In the legal world today there are so many awards bestowed by for profit publications. While I have received some of these other recognitions, having the LSO CS designation feels to me to have a greater value than these many other awards and recognitions.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ari Krajden

Email Address akrajden@k2llp.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep the CS Program. The CS designation benefits the public by demonstrating individuals that have a certain level of expertise in an area. If LSO eliminates the designation, the public is left to rely on paid designations that have absolutely no standards or criteria. The vacuum will be filled and not in a way that served the public.

Another perspective is that those of us that have the CS designation have earned it and it would be unfair to take it back without an equal replacement, ie KC designation granted to all current CS'.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The program should not be eliminated. If it is, yes, it ought to be grandfathered to those that already have a CS. Having spent time applying, paid annual fees to maintain it, it would be patently unfair to retroactively eliminate it.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

LSO has a mandate to maintain a minimum standard of practice. Having said that, practicing law should be aspirational. We should all be striving for more than the minimum. The CS program is something that young lawyers can strive towards. It is an objective and attainable goal for all lawyers regardless of their background. To eliminate it is to say that we as a community are content with the minimum standard and nothing more than that.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Benjamin Kranc

Email Address bkranc@kranclaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be maintained.

Respectfully, I provide the following submissions:

- Firstly, as indicated on the Law Society of Ontario's own web site, the program began in 1986, some 37 years ago, and "recognizes lawyers who have met established standards of experience and knowledge requirements in one or more designated areas of law and have maintained exemplary standards of professional practice". It is not clear why the principles enunciated 37 years ago are less valid today. The LSO saw the value in recognizing the level of competence that dedicated practitioners had acquired in practising in their specified area of law through a substantive, merit-based process, and the public could expect a high degree of competence from such a practitioner. I personally recall the difficult task of securing my specialization - the requirements were indeed rigorous, including a 'defence' before a three-member panel. It is not clear why this principle would no longer hold true.

- The program benefits the public. The vetting noted above confirms to the public that someone has attained a high level of proficiency in his/her area of practice, which someone seeking legal advice in that area may wish to know. Indeed, and again as noted above, this appears to be the very purpose of the program. Why would the public not now wish to know whether the lawyer they are choosing has gone, in any sense, 'above and beyond' in his/her competence and dedication in the relevant area of practice.

- Further, it has been indicated (e.g., by Sidney Troister, as per an article published in Law Times on May 30, 2022), that there was concern that the program did not have a continuing obligation to maintain the skills required to remain a certified specialist and no constant supervision or review of qualifications. Respectfully, I would suggest that this is not accurate. It is of course true, that, for example, there is no annual exam or other formal testing. However, certified specialists are required, every year, to complete an annual report, where we must confirm that, among other things, we "maintained comprehensive knowledge of the substantive law, practices and procedures in their specialty area". Unless our declarations are completely meaningless, this is indeed something that ensures and confirms our ongoing elevated expertise in the field. Further still, if our certifications are to be given any credence in terms of recognizing our abilities, we are confirming that we are no less knowledgeable today than we were when we were first certified - so indeed, we must maintain our skills. In addition to the foregoing, the 50-hour self-study requirement is unique to specialists, and is beyond the ordinary Law Society CPD requirement. So, in this regard as well, we confirm with our annual report that we are maintaining our high level of competence, and have knowledge and maintain ongoing standards beyond those of non-certified lawyers. As such, I would say that there is indeed a basis on which to say that we are required to maintain an ongoing higher standard, and our annual declaration - as required by the Law Society for the very purpose of substantiating our continued level of specialization - indeed provides the mechanism that confirms that. (It is also worth noting that lawyers generally are not asked to re-write their bar exams every year. It could be argued for the profession (or indeed any profession) generally as well, that there is no 'constant supervision or review of qualifications'. But people pass thresholds - whether it's being called to the bar, or being certified as a specialist - and they are not asked to re-cross that threshold on an ongoing basis. They have been deemed worthy - and again, specialists indeed confirm their ongoing commitment/qualifications annually.)

- It is interesting to note as well that Sidney Troister also indicated, in the same article, that the program also has a minimal intake, with only two percent of lawyers taking part. Perhaps, respectfully, the reason that only two percent of lawyers take part is that it is indeed difficult to attain the level of knowledge and competence necessary to be certified as a specialist. This is not a reason not to terminate the program; this is indeed evidence that the program is working. This statistic substantiates the quality of the lawyers who are being certified; certification requires a demanding threshold.

- The LSO has also indicated that, notwithstanding the general removal of the designation, it would continue to allow the designation for those certified as specialists in the area of Indigenous law. Though I agree that Indigenous law is certainly an important area of law, it would seem incongruous to think that other areas of law are less worthy of having their clients be able to consider the expertise of their counsel. Does an immigration law client not want to be able to consider the qualifications of his/her counsel? It seems that the recognition that one area of law is deserving of specialization is indeed grounds for saying that other, indeed all, areas of law deserve the designation. This benefits the public in the same way, and the removal is detrimental to the public who seek legal counsel in various areas of law - just as it would be in the one exempted area of law.

Without prejudice to the foregoing, should the program be terminated, I would submit that the certification be 'grandparented' for those who already have the certification. Referring yet again to the Law Times article of May 30, 2022, Bencher Jonathan Rosenthal said that lifetime grandparenting was inappropriate because, those that continue to hold the designation would have 'greater value' (as younger lawyers could not obtain it). However, how is a certified specialist to explain to his/her clients that he/she has been 'uncertified'? The removal of the designation without any particular individualized justification will be harmful to certified specialists. Clients may be led to believe that the person has somehow lost his/her expertise. How is that fair? As you are surely aware, when the government stopped issuing the designation "Q.C./K.C." [until a recent well-publicized limited issuance], those that already had the designation were not required to stop using it. I'm not sure why this should be any different. No one thought less of the younger lawyers who could no longer obtain the Q.C./K.C. designation - it was just no longer available. But had those who already possessed the designation been forced to remove it, that could have harmed their standing with their clients, and their reputations.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

To reiterate - I believe the program should be maintained. But I repeat the final paragraph of the prior submission herein, in the event that the program is to be terminated:

Without prejudice to the foregoing, should the program be terminated, I would submit that the certification be 'grandparented' for those who already have the certification. Referring yet again to the Law Times article of May 30, 2022, Bencher Jonathan Rosenthal said that lifetime grandparenting was inappropriate because, those that continue to hold the designation would have 'greater value' (as younger lawyers could not obtain it). However, how is a certified specialist to explain to his/her clients that he/she has been 'uncertified'? The removal of the designation without any particular individualized justification will be harmful to certified specialists. Clients may be led to believe that the person has somehow lost his/her expertise. How is that fair? As you are surely aware, when the government stopped issuing the designation "Q.C./K.C." [until a recent well-publicized limited issuance], those that already had the designation were not required to stop using it. I'm not sure why this should be any different. No one thought less of the younger lawyers who could no longer obtain the Q.C./K.C. designation - it was just no longer available. But had those who already possessed the designation been forced to remove it, that could have harmed their standing with their clients, and their reputations.

If so, for how long?

Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

The program is a good program. It benefits the public (for the reasons set out above), and indeed provides lawyers with incentive to attain and maintain a high level of competence in their respective practices. There is no reason to tamper with something that is working.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Howard Krongold

Email Address howard@agpllp.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the CSP should be maintained. It provides useful information to members of the public about the experience and knowledge of counsel. Like any tool, it's not perfect: there are excellent lawyers who are not Certified Specialists, and among Certified Specialists, some are of course better than others. But the CS designation provides the public with the assurance that a lawyer has experience in, and has devoted many of years of practice to, the specialty area. In my own area of practice, criminal law, there is a wide diversity of skill and experience among counsel, and client have very few ways to decide who to hire. Often, those decisions are based on salesmanship, as much as anything. The CS designation accurately conveys that counsel has met certain objective criteria, and has at least a more-than-a-minimal level of competence in the field. It seems to me that this additional information can only be of benefit to the public.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

If the program were to be eliminated (which I would oppose), current specialists should be grandfathered for their careers. This program has been offered by the LSO for decades, and current CS designates have joined the program, and paid the (not inconsiderable) fees, for years in good faith. Stripping counsel of the designation would reflect negatively on current CS holders.

At the very least, there should be a long phase-out period. At my firm, we include the designation on business cards, our website, etc, and having to suddenly remove it would be disruptive and cause us to incur otherwise unnecessary expenses.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Alfred Kwinter

Email Address alf@singerkwinter.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

When the announcement was first made that there was an intention to eliminate the program I forwarded a 2 page letter to the Law Society. I will be submitting a letter again setting out my concerns. I will however make the following comments. I practice in the area of Plaintiff personal injury and insurance law. I was called in 1972 and have been practicing for over 50 years. As a certified specialist since 1999 I have ensured that I maintain "...exemplary standards of professional practice required for certification" as stated on the L.S.O.'s website . As a trial lawyer and educator (I have for a number of years held the position of adjunct professor at Osgoode Hall Law School and have participated in numerous CLE programs) it has troubled me to see the flood of advertising in all the media by law firms claiming knowledge and expertise in personal injury and insurance law. One lawyer who claimed such expertise had never tried a case. The C.S. certification however provided an objective standard to the public as to the the qualifications of the lawyer. Once that designation is removed the choice given to the public may well depend on who spends the most on advertising. The C.S. certification program was, to my recollection, put in place primarily to protect the public. It should not be removed. At a bare minimum those of us who have earned this designation and always maintained its high standards should be grandfathered.

Do you have other comments regarding the Certified Specialist Program?

I will make the following additional comments .

1. Is it not rather odd that the L.S.O. is considering eliminating the C.S. program yet it has had no problem allowing lawyers who were granted a Q.C. by governments many years ago to continue using that designation knowing very well that the designation had absolutely no relationship to merit (thereby deceiving the public) and knowing it was handed out by governments for various other reasons.
2. Is it not unfair and unjust for a certification that lawyers have worked for years to maintain, to be arbitrarily taken away for no act or omission on the part of the lawyer?
3. Should the L.S.O. decide to eliminate the C.S. program the major beneficiaries who will celebrate this move will be the law firms whose advertising dollars will no longer have to compete with " Certified Specialists".

J'ai lu et j'accepte la déclaration qui précède quant à l'utilisation qu'on peut faire de votre mémoire

Veillez saisir votre prénom et votre nom de famille Eliane Lachaine

Courriel elachaine@burntucker.com

Veillez faire un choix ci-dessous Je suis avocat(e)

Participez-vous au nom d'un organisme ou d'une association? Non

Principal domaine de pratique : - Contentieux civil — demandeur

Où se trouve votre lieu de travail? Est, y compris Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Si vous participez en votre propre nom, où habitez-vous?

Le Barreau de l'Ontario devrait-il conserver le Programme d'agrément des spécialistes ou l'abolir? Pourquoi ou pourquoi pas?

Oui le Barreau devrait conserver le Programme afin qu'il y ait une façon neutre et valide de reconnaître l'expérience d'un avocat dans un domaine de droit.

I read and approve the previous statement regarding Yes
the use that can be made of your memory bank

Please enter your first and last name Eliane Lachaine

Email Address elachaine@burntucker.com

Please make a selection below I am a lawyer

Do you participate on behalf of an organization
or association? No

Main practice area: - Civil Litigation - plaintiff

What is the location of your workplace? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa),
Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth),
If you participate on your own behalf, where do
you live? Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville
(Brockville), Hastings (Belleville)

Should the Ontario Law Society keep or cancel the Certified Specialist Program? Please explain.

Yes, the Law Society should keep the program in order to neutrally and validly recognize a lawyer's experience in an area of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Matthew Lakatos-Hayward

Email Address mlakatoshayward@goodmans.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. The Certified Specialist Program is an important mechanism that in my view, provides younger lawyers wishing to specialize in a particular practice area with a set of concrete goals on how to achieve specialization. It can also provide an important marketing tool for those younger lawyers to get their name out there in a profession.

Removing the program would result in inequitable impacts to younger lawyers. Older lawyers have already had the benefit of the Certified Specialist program, while younger lawyers will struggle with acquiring that recognition moving forward.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

If this program must be eliminated (which as set out above, should not be removed), then there should not be any transition. Either anyone should be able to attain status as a Certified Specialist, or no one should be allowed to use it.

If so, for how long? None

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Richard Lamanna

Email Address rick.lamanna@fragomen.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should KEEP the Certified Specialist Program. Why eliminate a program that identifies lawyers who have gained an important level experience and expertise in their field? Why take away from the public this very relevant and critical identifier? Additionally, why would the LSO not want to have lawyers strive to be seen as specialists in their field? What is the purpose of eliminating this program???

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?
YES.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Rick Lamanna

Email Address ricklamanna@hotmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
Yes

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?
Yes

If so, for how long? Until retirement of the individual speaclist

Consultation Questions

1. Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the Certified Specialist designation as it signifies to clients, colleagues and the public that certain lawyers have achieved a high level of knowledge and experience that sets them apart. As noted on the Law Society website, the Certified Specialist Program recognizes lawyer licensees who have met established standards of experience and knowledge requirements in one or more designated areas of law and have maintained exemplary standards of professional practice. The designation also signaled to clients, colleagues and the public that a CS lawyer may not be experienced and knowledgeable about other practice areas outside of their specialization. In my case, I am a CS in municipal law (planning and development). For more than 20 years, I have not practiced in any other area of law.

2. If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?
3. If so, for how long?
 - a. Five years?
 - b. Until retirement of the individual specialist?
 - c. Other? Please provide details.
4. Do you have other comments regarding the Certified Specialist Program?

My strong preference is that CS designations continue. Alternatively, if the program is to end, lawyers with such designations should be allowed to continue to use the CS designation until retirement. It would be unfortunate and possibly prejudicial to my reputation if my CS designation is removed after having dedicated virtually my entire legal career to specializing in a particular practice area only then have such designation removed from my letterhead a few years before retirement.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gabriel Latner

Email Address gabriel@advocan.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CSP should be eliminated, along with Rule 4.3-1, which provides " A lawyer shall not advertise that the lawyer is a specialist in a specified field unless the lawyer has been so certified by the Law Society."

"Specialization" is a factual statement - either a lawyer focuses on a specific area of law, or they do not. The standards generally only require that he lawyer spend 30% of their practice in the area over 5 years. One, that's incredibly subjective. Does that mean 30% of my cases, 30% of my billable hours, or 30% of my "thinking time"? Two, how is something that makes up less than a third of your practice, a "specialty".

Consider the situation of a lawyer who only doe shareholder disputes. They spend 100% of their time on it, but under Rule 4.3-1, can't say "I specialize in shareholder disputes." (By the way, this probably violates the Charter).

If the CS designation was meant to connote a certain level of skill, call them "experts" and make them write an exam (and not like the bar exams, which are jokes - an actual exam testing their expertise).

TL;DR - this program doesn't help the public, and is subsidized advertising for certain lawyers

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

CSP designations are supposed to be renewed every year, let current holders keep it for that long. Anything else is going to get you sued.

If so, for how long? Until the next renewal

Do you have other comments regarding the Certified Specialist Program?

The policy that polices the language lawyers use to describe the nature and scope of their practice (as opposed to its quality) is a bad police.

In a world where lawyers who think they need a little marketing boost can buy into Lexpert, Chambers, etc., why should the LSO offer an alternate vanity designation?

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Bernard LeBlanc

Email Address bleblanc@sml-law.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it, but improve it. All I've heard about wishing to eliminate it is that it's not rigorous enough. I accept that but the answer obviously isn't to eliminate it but to improve it. Virtually every other profession has similar designations in order to help the public make informed choices and there is no reason why lawyers should be any different and be less helpful to the public. Especially given the revival of "KCs" (which I appreciate is beyond the LSO's mandate), eliminating the CS program would leave a vacuum largely filled on the basis of patronage. Candidly, this is a bit of a "no-brainer" to me; the issue goes away and the public is better protected if you simply improve the process.

Do you have other comments regarding the Certified Specialist Program?

The program was originally initiated because it was a good idea for many reasons. It still is, especially in the context of often bewildering advertising and now "KCs". A robust CS program is needed now more than ever.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Andrea Lee

Email Address andrealee@glaholt.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be kept, as it helps the public identify lawyers who have years of experience and knowledge of a specialized area of law. Generally speaking, highly technical areas of law should not be dabbled in by those who do not practice regularly in those fields. The designation can bring a level of comfort and assurance to clients and other lawyers, who can trust that the LSO has done its screening.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes, and those individuals should continue to be required to complete and file annual certification status / update forms.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

In my field of construction law, American lawyers have cited the LSO's certified specialist designation as a way set apart lawyers with specialized knowledge and expertise and to help them verify trustworthy partners across the border on international matters. They have spoken about and presented on initiatives to have their own state bar associations implement such a certification program. They were shocked to hear that the LSO was dismantling the program as it serves the public well to identify specialists in the field.

If the program continues, there should be an annual filing requirement and random spot audits conducted to verify the ongoing continuing education and commitment to excellence of specialists. This should be covered by the additional fee paid by certified specialists.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Andrea Lee

Email Address andrealee@glaholt.com

Please make a selection below I am a member of the public

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the program. It provides confidence to members of the public to be able to go to the LSO website and consult with a lawyer who has been vetted and designed a certified specialist in the area of law that concerns their matter. When our firm is unable to act for a party, we often refer them to the LSO list of certified specialists so that they can find alternate counsel. If one of the reasons for discontinuing the program is that the LSO has not conducted assessments to determine whether those with CS designations are keeping up with the specialist criteria/requirements, the LSO should initiate a review program on an annual or bi-annual basis. The LSO has collected additional annual fees in respect of the CS designation, and those fees should be used to fund ongoing reviews.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name barbara legate

Email Address blegate@legatelaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Legate Injury Lawyers

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. Make it more specific like medicine. "Civil Litigation" is too broad, just as "surgeon" tell you nothing of specialization. There are clear areas of specialization that the public should be informed of. Lawyers who are generalists may not be selected for complicated medical negligence cases that are over their heads if this kind of protection was put into place.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

It is time that the LSO recognizes a duty to the public to offer specialist programs/courses that result in specialty designations, as is done with medicine. Proctoring, testing and then designation would be the ultimate goal.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Steven Leitman

Email Address steven@leitmanlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate.

I do not think the LSO should be creating tiers of lawyers. particularly based on whether someone chooses to attempt to obtain the certification. Many of us do not do so because we are against it.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Eliminated means eliminated, so the designation should be eliminated.

If so, for how long? Eliminated means permanently

Do you have other comments regarding the Certified Specialist Program?

No

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name F Marc Lemieux

Email Address mlemieux@lemieuxlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Lemieux Litigation

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should maintain the Certified Specialist program. It stands as an identifier for those that have continued a practice of specialisation versus a general practice. It also denotes a level of accomplishment and standing within that chosen specialisation that identifies those that have attained a higher level of accomplishment. This higher level serves both as a benchmark for those who have attained that level and for those that seek to elevate their practice to that level of accomplishment. In my Specialisation of Civil Litigation, it denotes the difference between those that conduct trial work and those that practice in the area but never conduct trial work.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Although I do not prefer this to be eliminated, if it is decided to eliminate it, of course, the LSO should grandparent in those that have achieved the designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

This program should not only be maintained it should be expanded upon and made better.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Colin Boggs

Email Address kboggs@lerner.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Lerner LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CSP properly recognizes experts in the fields identified. It is an important part of the public's right to know the legitimate qualifications of the people they choose to represent them and the self regulating process the Law Society engages in. It is not political it is based on experience and competence. If there is any concern about it to be addressed that should be by way of reevaluation of the criteria for being recognized as a specialist (harder not easier) not elimination.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

As noted above I do not favour eliminating it. But if it must be then those who have been recognized should be entitled to continue using for either 5 years minimum or until retirement.

Do you have other comments regarding the Certified Specialist Program?

For the reasons set out above I believe it is an excellent program that has served the LS, public and profession well. It is a mistake to eliminate it. The concept of equality at the bar does not preclude recognition of particular expertise where appropriate. There are no barriers to inclusion so no reason to do away with it. To do so would be completely political for reasons other than the true purposes and benefits of the program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jayme Lesperance

Email Address jayme.lesperance@ontario.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program. As more and more "advertising" or "best lawyer lists" become based on advertising dollars, being part of a large Bay Street firm, or other questionable methods for determining who does in fact stand out from their peers, it is essential to keep an objective list of Certified Specialists in each of the practice areas (with specific requirements to objectively be considered for recognition)

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The program should not at all be eliminated. LSO may consider modifying the entry requirements of the program, but it would be a large mistake to eliminate it.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Michael Letourneau

Email Address mletourn@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

There is merit in keeping the certified specialist program, as it allows lawyers who have developed a substantial expertise to identify themselves as such. It forms a more merit-based approach to identifying professional expertise and leadership than other recognitions such as King's/Queen's Counsel, which do not have the same experience-based requirements. It also provides a further set of standards for lawyers to strive for to develop additional substantive and professional skills, which will encourage further professional development and training among the practicing bar.

Do you have other comments regarding the Certified Specialist Program?

While I do not prefer to see the program eliminated, I feel that if it is eliminated, then existing designations should not be maintained past an appropriate "grandparenting" period unless they can be transitioned into some sort of new program accessible to licensees who have not obtained a C.S. designation. This would be to ensure fairness and avoid creating barriers for lawyers earlier in their career who want to obtain the same level of publicly-visible recognition that would be provided to someone with a "grandparented" designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Raquel Levine

Email Address rlevine@wolfson.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

eliminate.

i don't think that the program has any real meaning.

i have a lot of experience and could qualify for the designation but why would i pay for such a thing? maybe it was once valuable to put on a business card but that is not the way of the world.

there are no transactions that are restricted to CS designation.

the program exists today because it "has existed". it has no stand-alone relevance today.

the costs of administering the program can be put to better use.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

again, it has no meaning. but the people will probably be miffed so let them keep it.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name David Levy

Email Address davidlevy@hshlawyers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should 100% keep the program. The lawyers who participate have met significant thresholds for both longevity and quality of their work, with many different categories to accommodate different practice areas. The Law Society has allowed legal marketing to the public with little restrictions (despite the obvious drawbacks) because it believes that the public benefits from knowing what legal services exist. Why should the public not also benefit from knowing about a qualitative difference between lawyers - through a designation that requires substance, not just flashy marketing. To even contemplate eliminating the program seems like nothing more than conceding to a millennial "participation trophies for all" mentality.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

To be clear, the program should NOT be eliminated. But if you do so anyway, those who have earned the designation should be permitted to use them until retirement, just as was done with QCs

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Its a good program that doesnt need to be changed. this is a classic case of "if it aint broke, dont fix it"

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sara Libman

Email Address sara@libman.law

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program. As a young lawyer, I was looking forward to working my way to becoming recognized as a specialist in Environmental Law. I think that the Certified Specialist Program helps both the public and those in the profession recognize and find specialists in various fields. Having a program monitored by the LSO brings authenticity to a lawyer saying that they are a specialist in a certain area of law. It also enables lawyers to market their expertise to the public.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joseph Lin

Email Address joseph.lin@intact.net

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the Law Society of Ontario should keep the Certified Specialist Program. Given the application process, and the ability for the committee to reject applicants, I believe it gives the public a thumbnail directory of competent counsel in different areas of law.

Do you have other comments regarding the Certified Specialist Program?

There are so many third party companies that advertise for lawyers - the Certified Specialist Program is more than a popularity contest as it seems to involve an actual application and standards of practice. I believe it will continue to assist the public.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Adam Little

Email Address alittle@oatleyvigmond.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep this program. It is vital to assisting members of the public with selecting qualified lawyers to represent them in specific fields of practice.

In particular, the field of civil litigation is full of artificial "awards" and distinguishments that are completely devoid of merit and often paid for, rather than earned. LSO certification is an objective measure of a lawyer's experience. You cannot purchase it, you have to earn it. This makes it a true qualification. The public deserves to know when a lawyer has earned such a qualification.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the LSO makes the wrong decision and eliminates the program, it should definitely be grandparented until retirement.

Do you have other comments regarding the Certified Specialist Program?

In a sea of marketing-based awards and false distinguishments, it is a beacon demonstrating objective experience and true specialization. Cancelling this program would be a huge mistake by the LSO.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ian Little

Email Address ilittle@lmvlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? York Region

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep but change criteria to 10 years minimum Ontario practice with substantial involvement (no less than 60% of their practice in the specialty area for at least 4 out of the last 5 years.

One specialty certification per lawyer, expires after 5 years unless recertified.

No grandparenting.

Do you have other comments regarding the Certified Specialist Program?

I think i meet the existing criteria (called 1986, exclusively civil litigation, numerous jury and non-jury trials on defence and plaintiff side) but have never bothered to apply as I do not consider many less experienced lawyers who flaunt the designation to be any better than average litigators. Too easy for junior defence lawyers to technically qualify via uncontested trials and coverage/subrogation work that is simplistic. Also I have not seen the "value" in paying for it when I am not shilling for work from the public or those outside the civil litigation field.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name robert littlejohn

Email Address robert@littlejohnbarristers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should keep the Certified Specialist Program. Traditionally, the vetting process has identified deserving barristers in this province and this should not be meddled with retroactively. Peers have already pointed out whom should receive this designation. At the very least, these designations should be grandparented.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Adrian Lomaga

Email Address adrian@suenow.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be eliminated. The program is elitist and does not effectively delineate skilled lawyers from unskilled lawyers. It is a time-consuming effort to qualify, and costs yearly dues. Many lawyers do not have time to complete the process, or wish to pay for the privilege.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The designation should be eliminated. The program does not effectively delineate skilled lawyers from unskilled lawyers.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Paul Lomic

Email Address paul@lomic-law.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Upload a File [23.09.30 - LTR to LSO - Certified Specialist Consultation.pdf](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

1. The Law Society of Ontario should ****keep**** the Certified Specialist Program for all current specialties for the reasons explained above. I support an expansion of the program if supported by a review.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the Law Society eliminates the program (which I would oppose - see question 1), individuals with the designation should be grandparented (permitted to continue using the designation).

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Please see attached letter dated September 30, 2023

By LSO PORTAL

September 30, 2023



1 First Canadian Place
100 King Street West
Suite 5700
Toronto, ON M5X 1C7

Paul V. Lomic
t: 647-464-6710
f: 416-352-5154
e: paul@lomic-law.ca

Law Society of Ontario

Osgoode Hall, 130 Queen Street West
Toronto, ON M5H 2N6

Dear Sir/Madam:

Re: LSO Certified Specialist Consultation

I am a Certified Specialist in Intellectual Property Law (Trademark) and a member of an equity seeking group.

I support the OBA's submissions to this latest call for consultation and add the following.

As a member of the LGBT community and a lawyer it is important for to me to emphasize the importance of Certified Specialists program to equity, diversity and inclusion and access to justice.

The Certified Specialist program allows members of equity seeking groups to obtain a competence based designation and not be reliant on "rankings" from advertising based entities that seem to have a disproportionate number of members of large firms in their rankings.

The Certified Specialist designation promotes access to justice in the regions outside of the GTA and within the GTA by providing the public with information about practitioners outside the GTA and partitioners at small to midsized firms.

In response to LSO's questions:

1. The Law Society of Ontario should ***keep*** the Certified Specialist Program for all current specialties for the reasons explained above. I support an expansion of the program if supported by a review.
2. If the Law Society eliminates the program (which I would oppose – see question 1), individuals with the designation should be grandparented (permitted to continue using the designation).

3. Certified Specialists should be granparented until retirement of the individual specialist.

Yours very truly,

A handwritten signature in blue ink, appearing to read "Paul V. Lomic". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Paul V. Lomic

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Leo Longo

Email Address llongo@airdberlis.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Maintain the program. I believe it does provide a useful recognition for the lawyer.

Do you have other comments regarding the Certified Specialist Program?

The program should have, and be seen as having, stringent objective standards respecting the award and maintenance of the CS designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sean Love

Email Address sean.love@york.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CS proram should be retained. It is a valuable program to demonstrate peer-reviewed expertise and certification of practioners in specialized areas to colleagues and the general public. This helps distinguish recognized experts from others and provides confidence in the level of knowledge and expertise an individual with this designation should have.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I don't wish this program eliminated. However, if that should be the ultimate outcome, current designations should be grandparented.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Karey Lunau

Email Address lunau@cdglaw.net

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the LSO should keep the program. It is a way for clients (and judges use it, too) to recognize that a lawyer has attained a level of expertise / specialization in a given field.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No. This would be unfair to, particularly, younger lawyers who will have missed the cutoff. Younger lawyers already have a hard time competing against more senior counsel. As our younger colleagues tend to be more diverse than those of my generation, grandfathering would act as yet another barrier to the promotion of equality, diversity and inclusion.

Do you have other comments regarding the Certified Specialist Program?

I think the CS program should be self-financing as it benefits the Specialists. I know that the cost of the program has been a concern. Can the LSO look to streamlining or automating the process? I'm thinking the renewal process could be almost entirely automated.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Duncan Macgillivray

Email Address duncan@tbayinjurylaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? Northwest, including Kenora (Kenora), Thunder Bay (Thunder Bay), Rainy River (Fort Frances)
If submitting on your own behalf, where do you reside?

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the program. There should be a peer-reviewed, professional program like this for lawyer recognition. It is much better and much more legitimate than all of the other lawyer "awards" that are either a. "pay for play", b. Toronto-centric, or c. totally made up.

From what I've seen, as C.S., the program is well run. It also charges a fee, so it brings in some money.

I do not understand the arguments against the program. They basically seem to be that the program is elitist (... any recognition is) and that it is hard to ensure that people remain specialized (... but, they do through ongoing CLE).

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The program should NOT be eliminated. But, if it was, individuals who has a C.S. should be able to keep it until retirement. They earned it. Same as QCs.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I really don't understand why the LSO decided to try and get rid of it in the first place.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Julie Maciura

Email Address jmaciura@sml-law.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes, the LSO should keep the CSP. Those who have become certified undertook a great deal of work to qualify for the program. Certainly in my area of specialty (health law), a large number of women were prepared to do the work it took to become certified. I firmly believe that doing away with the program will impact women, sole practitioner and those at small firms disproportionately. The CSP is a way to market oneself based solely on merit and hard work, as opposed to those from large firms who have big marketing budgets. I think it is absolutely ridiculous to consider the opinion of those who are NOT specialists (i.e., who couldn't be bothered to undergo the process to become certified) in this process. That's like asking me whether those who have been grandfathered (and I use the gendered term on purpose) with the Q.C. designation, should have to give it up now that it is no longer offered. How does it affect me other than that it bestows an element of distinction on someone other than myself? But unlike the Q.C. designation, which I can never hope to get now that it is no longer offered in Ontario, anyone without a specialist designation actually CAN work to obtain it.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

If the program is ultimately discontinued then you must allow those of us who obtained the certification to use it until we retire. If you don't, then the the only fair quid pro quo is to prevent those with the Q.C. status from continuing to use that. Any other decision would be sexist (given that the Q.C. status was stopped before women had entered the legal field in large numbers).

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name CRAIG MACK

Email Address craig@macklawyers.ca

Please make a selection below I am a member of the public

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: MACK LAWYERS

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes, LSO should absolutely keep the CSP. This is an excellent way for lawyers who truly specialize in an area to distinguish themselves from lawyers who dabble. As a CS, clients and referral sources know that I am an expert in that given area, and I have derived a lot of work and referrals because of this designation.

LSO should be encouraging practitioners to specialize, as this specialization results in better service to the public, which reflects better on the profession as a whole.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I don't want to see the program eliminated, but if it is, it should be grandparented. My clients and my network are already aware of my designation, and if I stopped using that designated, it could result in a negative inference that I am no longer an expert in that field. This would be very embarrassing and would have a negative impact on my reputation, something that I did not bargain for when I initially enrolled in the program.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Becoming and maintaining the CS designation came with a lot of work, time, effort, and cost. To take this designation away from existing specialists would be unfair - it's not what we bargained for when we enrolled in the program.

LSO should be marketing and encouraging members to specialize as specialist deliver better results for the public. As it stands, any generalist can already say they practice in any area; by having the CS designation, it allows those who truly specialize to stand out.

M. VIRGINIA MACLEAN, K.C. L.S.M.
Barrister & Solicitor



Certified Specialist: Municipal Law - Local Government/
Land Use Planning and Development Law

235 Lakeshore Rd. East
Suite 206
Oakville, Ontario L6J 1H7
Tel: 416-365-1993
Email: virginia@virginiamaclean.com
Website: www.virginiamaclean.com

September 27, 2023

Law Society of Ontario
Certified Specialist Consultation
Professional Development and Competence Committee
130 Queen Street W
Toronto, On M5H 2N5

Dear Members of the PD&C Committee

Re Certified Specialist Consultation-May to October 1 2023

In response to your communication in the above matter I am pleased to provide input on the above matter from my prospective both as a Certified Specialist Municipal Law/ Local Government Land use Planning and Development Law since April 25 2006 and as a member of an advisory committee established by the Law Society to help formulate the requirements for this area of specialization.

Under the *Law Society Act*, paragraphs 1, 2 and 3 to section 4.2, **as this committee well knows,**

In carrying out its functions, duties and powers under this Act, the Society shall have regard to the following principles:

- 1. The Society has a duty to maintain and advance the cause of justice and the rule of law.*
- 2. The Society has a duty to act so as to facilitate access to justice for the people of Ontario.*
- 3. The Society has a duty to protect the public interest.*

That was the reason for establishing the advisory committee in 2005 and approving the recommendations by that committee that municipal law be a specialized area of practice, as described under the criteria for qualification for specialization in the Certified Specialist Program. I note that the advisory committee put in many hours of time pro bono to establish the criteria and did so because there was a public need, in the experience of the committee members, for such specialization.

It is sad that the Benchers are now considering undoing this program. I have practiced exclusively in my area of expertise since 2006 and my clients have all expressed their thanks for

being able to locate a lawyer with municipal law expertise. I would note that my practice has been almost exclusively for the members of the public who do not have deep pockets. Also, many of the referrals I have received are from lawyers who lack municipal law expertise. My advertising and not the Law Society referrals connected clients with me. I know, as recently as the spring of this year, that the Law Society did not provide the names of municipal law experts to the public. Why I do not know.

It is both in the public interest and in the interest of lawyers to have a specialized practice area recognized by the Law Society. The very principle of regulation would be violated if the program of Certified Specialist is discontinued. It is unclear what has motivated this very backward step and it is hoped that this Committee and Bench will take steps to ensure that certification is entrenched in such a way that this type of review will not occur again. It is an expensive unnecessary exercise and a better use of resources would be to make the program stronger and increase the categories of expertise. The way forward in our profession is through experts and, many general practitioners recognize this and rely on experts to help their clients.

Thank you for taking time to review and consider these comments.

Yours Very Truly



M. Virginia MacLean, K.C.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Donald MacOdrum

Email Address dmacodrum@bereskinparr.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO Should keep the Certified Specialist Program. It identifies lawyers who are specialists in a particular field (or fields) and it encouraged lawyers who are certified to keep up their qualifications in such field. I also consider that it encourages lawyers to develop a specialty where that is possible for them.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If, unfortunately, the program is cancelled, those who were certified, having paid the requisite fees and having been recognized as a specialist, should be able to continue to use the designation. That was the case with Q.C.'s, which were not based on any certification.

If so, for how long? until the specialist is no longer keeping up in that specialty or retirement, whichever is first.

Do you have other comments regarding the Certified Specialist Program?

I have always thought it was a very worthwhile program and encouraged younger lawyers with whom I worked to specialize and become certified as a specialist.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Rob MacRae

Email Address Rob@robmavraelaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Northeast, including Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury), Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No

Do you have other comments regarding the Certified Specialist Program?

It is a very unreliable designation.

Also some areas such as Aboriginal. COnsultations are devoid of recognition.

A level of competence should not be celebrated but rather KNOWN to the community.

If you are an expert in Civil Litigation should I be intimidated. No. Your compliance with the Specialist requirements points to someone who is not!

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name W. H. Peter Madorin

Email Address peter@amaralmendes.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Madorin, Snyder LLP

**What is the location of your workplace?
If submitting on your own behalf, where do you reside?** Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the program.

In my experience clients still look for the designation when deciding who they will retain to represent them.

Do you have other comments regarding the Certified Specialist Program?

The Law Society should spend more time bringing the program to the attention of the public. At this point in time few members of the public know about it and even fewer what it signifies.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Mark Madras

Email Address mlmadras01@gmail.com

Please make a selection below Retired Lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

No.

It incentivizes excellence in a practice area.

It requires a significant level of continuing education in that area. It allows the public to identify lawyers with significant expertise in the practice area of concern.

It rewards recognized lawyers with market distinction and advantage.

Do you have other comments regarding the Certified Specialist Program?

If the CSP is found to have flaws, then address those flaws in order to improve the program, not cancel it. At its core, it is directed toward the public interest by incentivizing lawyer expertise and enabling the public to identify lawyers with expertise in practice areas of concern. The program should be preserved, and if needed, improved upon but not discarded.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Tolou Mahani

Email Address mahanitoulou@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program as it allows for the public and other lawyers to know who are specialized individuals in specific practice areas. This is particularly important for niche practice areas that require specialized experience and knowledge. My only concern is how difficult it is for an individual to be enter into the program, particularly the years of experience requirement which can discriminate against lawyers who have under the 7 years requirement. The years of experience should be reduced to at least 5 years, which is more fair.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Irina Maimust

Email Address Maimust@hotmail.com

Please make a selection below Lawyer licensing candidate

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the certified specialist program is important to keep in order to signal to the public about the qualifications of an experienced licensee who has been practicing law for sometime and has been a member in a good standing. As an internationally trained lawyer, I can refer to a similar practice in my home jurisdiction and believe this designation is important in order for the clients to make a right choice of a professional who they are willing to retain

If so, for how long? Lifelong

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Candace Mak

Email Address candace.mak@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should eliminate this program.

Although the LSO aspires to bestow this designation upon competent and ethical lawyers (e.g. by requiring references that ostensibly speak to the quality of the lawyer's work), throughout my decade-plus career I have unfortunately come across some Certified Specialists who, in my opinion, are incompetent and/or unethical. I have also come across many incredible lawyers who are not Certified Specialists, but who I would select to represent me and my loved ones if needed.

The Certified Specialist stamp attempts to ascribe a level of superior and objective competence to certain lawyers. I have met many great lawyers with the CS stamp. However, the "bad apples" who have this designation are proof that it should not exist, because the CS stamp does not guarantee the quality it aspires to guarantee.

The CS designation therefore also risks further alienating members of the public who, if they retain a lawyer in part due to their CS designation and are let down by said lawyer, will cynically think that the CS designation is simply a beauty pageant award. The public already mistrusts lawyers (hence the Statement of Principles and EDI requirements), and generally thinks lawyers should not be self-regulating. A CS who a member of the public thinks is incompetent and/or unethical would only serve to confirm the negative views the public already has of lawyers and of the LSO.

In sum, unless the LSO can guarantee the competency and ethical behaviour of CSs, this designation risks misrepresenting some "bad apples" as competent and ethical lawyers, and in my view has indeed done this. Perhaps some members of the Bar find this risk acceptable; I do not.

The positives of the CS designation are not many, except perhaps for lawyers who have the CS (who can boast to have this) and their firms. I fail to see what the positives are for any other lawyers in the Bar (as we generally already know, through word of mouth and work experience, who we would recommend) and the public (as per my comments above). If a lawyer has accomplished much to celebrate in their career, they can simply post about it on their firm bio and/or LinkedIn profile, like for every other industry.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes.

If so, for how long? Five Years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Alfred Mamo

Email Address Mamo@mckenzielake.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it.
The LSO has an obligation to the public to ensure that Lawyers who advertise competence in a particular area of law , in fact, have specialized knowledge in that area of the practice. The most effective way of accomplishing this objective is to continue the CS program, or some variation thereof that can accomplish two goals: the first is to ensure truth in advertising by lawyers and secondly by enabling clients to be given an opportunity to choose a specialist if they so desire.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Paul Mann

Email Address paul@mannhayward.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Mann Hayward Professional Corporation

What is the location of your workplace? If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes. Not enough control of who is designated. 10 Years of experience in the field of expertise should be the standard. The certification is used now by many Law Firms to advertise while they are not competent to do so. I act for many Law Firms as counsel. I am not going to upload a file as these are privileged. I limit my practice to medical malpractice for patients solely. I was one of the persons who set the initial standards for certification in medical malpractice cases at the request of Justice Richard Holland.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

yes and even those who are not certified. I am not certified but set up the guidelines for certification for medical malpractice lawyers. Why?.....i already know what i do.

If so, for how long? until they no longer practice actively in the area of certification

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Randy Marusyk

Email Address rmarusyk@mbm.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Absolutely keep the Program in IP. Training students and junior lawyers in IP take about 7 years before they have been exposed to all aspects of IP law. Having the public know they are dealing with a specialist who has met a level of expertise is important to protect the public from those that "dabble" in IP. The field of IP law is predominately four statues as well as dozens of treaties. A Ontario lawyer who has not quality as a specialist can easily misled or mis-advise their client on the law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The program should not be eliminated as explained above. If it is eliminated, it should be permitted to continue using the designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

If the program is ended, it will be to the detriment of the public who will not get expert advice and result in the rise of insurance claims as incomplete or wrong advice will be given by lawyers who are not designated experts.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Mastorakos

Email Address jmastorakos@owlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

In my experience, there is a wide range of ability of counsel with the CS designation. I therefore do not think it serves the purpose that was intended (a "higher level" of ability of counsel).

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Anyone who took the time and expense to qualify should retain their CS designation. It would be improper to strip them of this designation after they went through the process. [FYI, neither I nor anyone in my firm has a CS designation, so it does not impact us in any way if the designation is retained]

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Valarie Matthews

Email Address valarie@mccarthyco.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the program should be kept because for the majority of lawyers who practice in small or solo practices, it is very helpful to have an objective standard by which they can assure members of the public that they have a certain level of experience and knowledge. The cost is perhaps something that should be considered but I am in favor of keeping the program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

Do you have other comments regarding the Certified Specialist Program?

None.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Andrew Mawdryk

Email Address amawdryk@oneillassociates.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Northwest, including Kenora (Kenora), Thunder Bay (Thunder Bay), Rainy River (Fort Frances)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the program. The program provides for a proper designation to lawyers who are truly specialists in their fields. The LSO has strict rules as to what lawyers can claim to be, and this program offers an important title of specialist a means to be able to provide lawyers with an avenue to a specific designation in such a tightly controlled regulatory environment.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Individuals should be grandparented in. The elimination of the program is not ideal but it would be unfair for those that took the time to go through the program now to not even have the designation. Since some will be grandparented, it would be unfortunate for newer (or future) lawyers (like me) who look to gain experience and one day also obtain the designation, but that can't be avoided if the program is eliminated. Ultimately, I think the grandparented designation should be presented as such. In other words, lawyers must have some sort of disclaimer that says the designation is grandparented. I think this provides the public with the necessary context, especially 20 or 30 years down the line when there might be only several lawyers in the province with the designation. At that point, grandparented designations could be confusing.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I am completely for reforming the program if it is not working well. As a young lawyer I don't know much about the program, but in my experience with programming generally, when programming isn't functioning well, it's rarely because the core idea for the program is bad. It might be scheduling, content, variety, cost, efficiency, outreach, etc. but these things can be solved. I can't understand how the program can't, as a worst case, be reformed in a way that works for the LSO, the profession, and individual lawyers; for the benefit of the public.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Brennan Maynard

Email Address brennan.maynard@toronto.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. It is premised entirely on attending paid CPD courses, which in turn rewards firms with the resources to send lawyers to these courses.

The only purpose I can see in the designation is for lower LawPro premiums. Beyond that, it is just a promotional tool that can be paid for by firms.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No. If it has any value besides being promotional the value should continue absent the designation itself.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Marc McAree

Email Address mmcaree@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.

2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.

3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.

4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.

5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.

6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.

7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.

8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.

9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.

10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.

11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James McAskill

Email Address mcaskill@omh.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep as the program promotes specialization and expertise and rewards those who seek the designation through recognition of that designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the program were eliminated, certified specialists should be allowed to keep their designation.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Although the LSO did not likely see the numbers of individuals applying for certification as it might have hoped, penalizing those who received it, take pride in it and want to continue to use it would not be fair.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Patrick McCann
Email Address	pmccann@fasken.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes. The program identifies for the public those who have established a significant proficiency in the area of law for which they are certified. Prospective clients seeking legal services are usually looking for a lawyer capable of providing services in a specific area of law. Without the program there would be no way for them to effectively find a lawyer with expertise in the area and would have to rely on advice from friends or colleagues.

However, the program needs to be better managed to ensure those who are designated as specialists are properly qualified and maintain a high degree of proficiency in their field. Those requirements seem to have dropped off over the years since I was first designated.

There is still room for generalists, but that is best found in a law firm setting where different lawyers handle cases in cases based on abilities. There is realistically no way any lawyer can be fully competent in all areas of law. Sole practitioners will still be able to handle cases they feel comfortable with and should refer other cases to lawyers that specialise in the area of law in question - much like medical GPs.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Kim McCartney

Email Address kim.mccartney@aviva.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be preserved and made more rigorous. When I became a Certified Specialist in 1996 I had to appear in person before 3 certified specialists who grilled me with questions about various civil litigation issues and courses of action. I was questioned about the number of discoveries I had conducted at that time (thousands at that time) and the number of trials I had conducted as lead counsel. The original purpose of the program was to safeguard the public against bad lawyers who had been appointed as Queen's Counsel simply due to the passage of time. This is, and ought to be, the continuing purpose of the Law Society; to ensure that the public is not misled by false advertising and phony guarantees of quality. It's at the core of what we do.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Rylan McCloskey

Email Address rmccloskey@grrlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep.

The LSO restricts the ability of lawyers, by its rules, to otherwise express an expertise etc. It is not just to restrict one's ability to advertise or present oneself as having a specialization, and then not give one an opportunity and mechanism through which to do so. Further, third-party sources cannot be relied upon as being trustworthy, and it is not in the public interest to have lawyers advertise third-party expressions of expertise.

The LSO should keep the CSP and only allows lawyers to advertise a specialization when confirmed by the LSO.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

It is not just to have certain lawyers be able to express a specialization when other lawyers, who may be equally qualified or specialized, are unable to do so merely because the program is no longer in existence. CSP for all or for none.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jonathon McColl

Email Address jwmccoll@hotmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Northeast, including Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury), Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think it should be eliminated. Some of our certified specialists have not upheld the high level of skill to maintain that certification. If it is to be upheld, there should be some form of requirement that ensures these individuals maintain the higher level of competency that earned them the designation in the first place.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The only way I would allow a "grandfather" clause would be if the individual undertook a test to prove they were still worthy of designation.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gerrard McGeachy

Email Address gerrymcgeachy@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The specialist program should be kept. Much like other professions in which participants can acquire certification as a specialist, it is helpful because:

- it enables the public to identify a practitioner who has a demonstrated history of work in a field;
- it enables the practitioner to broadcast that they have dedicated a significant portion of their practice to a specialized area of the law;
- with the increase in complexity in the law, it is helpful to have the LSO maintain control over the specific term "Specialist" and will assist LSO in preventing the spread of its use and the resulting disputes that may arise;
- it is noteworthy that a Specialist is not necessarily and "Expert" and merely designates experience and activity in the field;
- with the increase in "marketing" and advertising of legal services, it is helpful to have a route for practitioners to acquire this mark of distinction in a way that is monitored and controlled by LSO.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not think that it should be grandparented if eliminated.

This would restrict the use of the term "Specialist" to a small group, precluding entry by others. This would be more significant over time as the number of practising grandparented "Specialists" shrinks.

Do you have other comments regarding the Certified Specialist Program?

I think that the criteria for entry should be revisited regularly and the level of specialization required should be enhanced.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John McIntyre

Email Address john@mcintyre-szabo.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep the Certified Specialist Program. As a young practitioner who is not yet at the stage of qualifying to be a health certified specialist, it is something that I strive for. I think there are certain prerequisites that need to be revisited and are unrealistic in the nature of changing practice, but overall, it is valuable for lawyers to be able to show specialization in an area.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If eliminated, there should be no grandparenting, as it then disadvantages younger lawyers who are getting to the level where they would have been a certified specialist.

Do you have other comments regarding the Certified Specialist Program?

The requirement for 100 days in court (excluding medical malpractice) for the health specialty is not legitimate. First, medical malpractice should be included as it is a major component of health law. Second, health law is much more than litigation and the restriction is even harder to hit now with limited opportunities to get into court.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Carl McKay

Email Address cmckay@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence. The designation assists the public to identify lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s).

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Krista McKenzie
Email Address	mckenzielaw@rogers.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

There are areas of law such as construction in which I practise that require someone with additional training and experience. Construction law is a highly specialized area and it does no favour to practitioners or clients to think that anyone can practise construction law-particularly complex matters. Clients need to have that reassurance and option to retain someone certified as a specialist. I have personal experience with a lawyer dabbling in construction who did not understand a construction trust and unfortunately I had to successfully sue him to recover the amount from Law Pro. This is a disservice to everyone including me who pays into Law Pro.

As a sole practitioner, almost all of my work has come from the list of certified specialists in construction. To divest of this program will have a huge impact my practice and myself financially. I have relied on the designation for over 7 years for the bulk of my income.

When you have a medical issue you get a referral to a specialist from your practitioner. It should be no different for lawyers. A client deserves to know that there are better options than having your family lawyer handle your construction trust claim. Trying to hold out all lawyers as being equal in their areas of knowledge and expertise is a disservice to the public, many of whom are not experienced in hiring the right lawyer for the issue.

Do you have other comments regarding the Certified Specialist Program?

I don't understand why there is a push to eliminate the program. If a lawyer chooses not to participate in the program that is their decision, why do they want to push their decision on those who choose to participate in the program?

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Krista McKenzie

Email Address mckenzielaw@rogers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Mckenzie Professional Corporation

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the specialized program. There are certain areas of law such as the area in which I practice, construction law, that requires expertise. I successfully sued a lawyer who dabbled in construction law and did not commence a breach of trust claim when it should have been commenced but he did not know about it. It is highly specialized and nuanced and clients should have a choice to have someone who has experience and they can rely on the designation.

Also I am a sole practitioner in a small town with limited amounts to spend on marketing and I get most of my work from the specialized list.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Alexander McPherson

Email Address Alexander.McPherson@durham.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should eliminate the Certified Specialist Program. It is not an effective replacement for King's/Senior Counsel designations in other common-law jurisdictions in part because it is not widely recognized, there has been limited uptake and it does not require Certified Specialists to prove any ongoing competence beyond that required of all licensees through the CPD requirement.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Robert Meagher

Email Address robert@meagherlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Robert Meagher, Barrister

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Must be kept. Provides the public with information about lawyers who have dedicated their practice to a discrete area of law and have thereby gained a level of expertise that is recognized by their peers and by the Law Society.

In no way does the acknowledgment by LSO denigrate other Counsel but it provides the PUBLIC with information and allows them to make an informed decision about their choice of Counsel to retain for their particular matter. And isn't that what "acting in the public interest" should include?

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Abs

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

How is acknowledging a level of expertise (earned, not conferred on) not in the public interest and in keeping with the core mission of LSO?

**MANEESHA MEHRA
LSO #523260**

September 6, 2023

SENT VIA ONLINE PORTAL SUBMISSIONS

Law Society of Ontario
Professional Development and Competence Committee
130 Queen Street West
Toronto, Ontario M5H 2N5

To whom it may concern,

Re: Certified Specialist Program

Thank you for inviting submissions from practitioners about the continuation of this program. I was called to the bar in Ontario in 2006, and am a Certified Specialist in Family Law. I have taken the time to prepare this letter because, as a racialized practitioner, I believe that the continuation of the Certified Specialist program in Ontario is imperative.

There are many reasons to continue this program, including but not limited to, encouraging young, up and coming practitioners to take on more complex cases, broaden their knowledge and strive for excellence in their respective fields of law. However, I intend to focus my letter on the experience and perspective of minority and/or racialized lawyers, and how this designation assists to provide opportunities that would not otherwise be within reach or even present themselves.

When I first started practicing family law in 2008, there were few, if any, senior practitioners who were women from my ethnic background. Although this may feel like a stereotype, (in the GTA, at that time) South Asian female family law lawyers primarily practiced in the Peel Region and were not engaged in the type of financially complex family law work in which I was interested. Not seeing 'myself' among the ranking senior mentors in this area of practice was disheartening, but it also encouraged me to "strive for excellence" so that I could effect change for the next generation of lawyers. To be clear, I do not want to diminish the valuable mentoring I received from female members of the bar over the years; however, even those women advised me that what I was doing was necessary to change the "face" of financially complex family law practice

and, in particular, to remove the stigma attached to South Asian family law lawyers as only toiling in the Region of Peel and primarily working with clients from their own minority communities.

Having now proudly achieved the designation of Certified Specialist, I spend as much time as possible mentoring young associates, many of whom are women of colour and who have expressed to me how much it means to them to see a South Asian woman among the listed Certified Specialists in family law. I had similar sentiments when South Asian women started being appointed to the Superior Court of Justice, and when Justice Jamal was appointed to the Supreme Court of Canada. In my lifetime, I never thought I would see women (and men) who share my ethnic background, history and experience in these positions of prestige and honour. It changed my outlook – for the better – and I think seeing me as a Certified Specialist is having the same effect on the young women (and men) of colour who are starting out in their legal careers. In short, representation matters. We are seeing this in every facet of life – media, corporate branding, sports, etc. We would be remiss if we ignored its value within the practice of law.

Outside of modeling for our younger associates, this designation has and continues to be material to the growth of my career, as well as my stature within and outside the legal community. Firstly, despite my expertise and seniority, as a South Asian woman, I am still often mistaken for a junior associate or even a clerk/assistant. My youthful appearance, coupled with my ethnicity, has often resulted in awkward (and sometimes even demeaning) interactions with unfamiliar colleagues and/or the general public seeking representation. Thus, having the designation of Certified Specialist provides those less familiar with me and/or our local bar with assurances that I am a senior, experienced and trustworthy family law lawyer.

Secondly, the general public has not wiped the stereotypes from their minds about South Asian female lawyers, nor has our bar (at large). And to that point, building a respected “reputation” is no longer about having numerous reported cases. In fact, in high-net worth family practice, there is a priority placed upon maintaining privacy and settling cases without having to litigate. As such, the reported decisions tend to be lower in number (and generally only from appellate courts). The general public thus requires a “measure” by which to gauge who is “senior” and/or an “expert”, as against who is more junior and less experienced. We certainly do not want to encourage them to rely solely upon online reviews on unsanctioned slam websites. Maintaining the Certified Specialist designation is an objective measurement that provides assurances about the quality and capability of counsel.

I hope that this letter has been informative and helpful to you, and ultimately succeeds in persuading you to maintain the Certified Specialist designation. I would be pleased to speak with any committee members about my experiences as a woman of colour practicing family law in Ontario and/or about how the Certified Specialist program has been integral to my growth in practice and for my personal/professional self-esteem.

Sincerely,

A handwritten signature in black ink that reads "M. Mehra". The signature is written in a cursive style with a large, stylized initial "M" and a smaller "Mehra" following it.

Maneesha Mehra

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Matt Miller

Email Address mmiller@dolden.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. It creates a "two tier" system. It rewards primarily white, wealthy lawyers who have the time and expertise to navigate the system. The general public does not know or care about it. It is a waste of money. You made the right decision getting rid of the "Q.C." designation 40 years ago and this would be a good next step.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes.

If so, for how long? Five Years

Do you have other comments regarding the Certified Specialist Program?

See above. It is exclusionary to younger lawyers, it is unfair, it allows wealthy white people to hoard specialty designations and it should be gone immediately.

J'ai lu et j'accepte la déclaration qui précède quant à l'utilisation qu'on peut faire de votre mémoire

Veillez saisir votre prénom et votre nom de famille Paul Mongenais

Courriel pmongenais@perrasmongenais.ca

Veillez faire un choix ci-dessous Je suis avocat(e)

Participez-vous au nom d'un organisme ou d'une association? Non

Principal domaine de pratique : - Droit de la famille/matrimonial

Où se trouve votre lieu de travail? Nord-Est, y compris Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury), Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)

Si vous participez en votre propre nom, où habitez-vous?

Le Barreau de l'Ontario devrait-il conserver le Programme d'agrément des spécialistes ou l'abolir? Pourquoi ou pourquoi pas?

Oui. Il est utile que le public et aussi la profession puissent vérifier qu'une avocate ou un avocat satisfait un critère plus élevé de compétence ou d'expertise. C'est d'autant plus vrai parce que les domaines de droit deviennent de plus en plus complexes. Le programme encourage à se spécialiser, justement, ce qui est une bonne chose. Les spécialistes ont ensuite une obligations accrue de maintenir un niveau élevé de compétence, de contribuer aux programmes de formation et de venir en aide aux collègues.

En fait, la vraie question à se poser est à savoir si le Barreau souhaite que certains avocats se spécialisent.

I read and approve the previous statement regarding Yes
the use that can be made of your memory bank

Please enter your first and last name Paul Mongenais

Email Address pmongenais@perrasmongenais.ca

Please make a selection below I am a lawyer

Do you participate on behalf of an organization
or association? No

Main Practice Area: - Family/matrimonial law

What is the location of your workplace? Northeast, including Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury),
Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)

If you participate on your own behalf, where do
you live?

Should the Ontario Law Society keep or cancel the Certified Specialist Program? Please explain. Yes, it is helpful for the public and also the profession to be able to determine if a lawyer meets higher criteria for qualification and expertise. This is all the more true since the areas of law are becoming increasingly complex. Members of the Program are actually encouraged to specialize, which is a good thing. The specialists have then a heightened duty to maintain a high level of expertise, to contribute to the training programs and to assist colleagues. In fact, the real question to be asked is whether the Law Society wants some lawyers to specialize.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Andrew Monkhouse

Email Address andrew@monkhouselaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Although it may well have been optimal to have fixed the old QC (now KC) program the Certified specialist program seems to have functioned as a replacement.

It is useful to have the LSO regulating a marker of experience in law. Although I am not a certified specialist I hope that some day I might become one. Having that option open to those who join the bar as something to aspire to is meaningful.

The main issue seems to be about the cost of the program, and the cost to the participants in the program could just be increased to fix this concern.

Other provinces seem able to give out Kings' Counsel designations without issue, and so do jurisdictions in other countries. Lawyers in Ontario should be capable of distributing a watered-down version of the program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Absolutely if the LSO eliminates the program they should keep the designation for those who already have it. There are still KC's, although not many left now from the prior designation and I have never heard of that designation causing an issue.

We are very lucky to practice in a legal system where the amount of letters after one's name has no relevance to your chances of winning or losing a case for your client.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

It would be best if the certified specialist program was kept in substantially the same format as it was prior to the voting for elimination, then backtracking on that vote. It has seemingly been working fine for many years.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Josie Morello

Email Address Josiecmorello@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
Eliminate.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?
No

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Leslie Morley

Email Address les@lesmorley.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It is a way to recognize expertise on a peer-review basis, thus allowing a more informed customer choice. In my experience (35 years) my clients say it is difficult to find objective criteria that allow for them to determine whether or not a lawyer is effective at what they do. Google rankings are good, but unless there are many it may not be a representative sample. Review of news articles and caselaw may not help with an assessment of those counsel who do their work quietly. Word of mouth does not work well if your lawyer can serve you well remotely from a substantial distance. Certification by the LSO provides a professional, objective standard to assist the potential client in an assessment of the professional reputation of counsel.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

Not applicable

Do you have other comments regarding the Certified Specialist Program?

No

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Morrissey

Email Address johnmorr@bell.net

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

**What is the location of your workplace?
If submitting on your own behalf, where do you reside?** Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes.

The CS is a peer reviewed designation. I understand that the program was designed to replace the QC designation abolished in about 1985 at the time of Ian Scott in the Peterson government.

The QC had become, by 1985, pretty much meaningless. It was known to be a political appointment in many cases. I believe that Mr. Justice Sydney Robins said, in the mid 1980s, that the QC was about as meaningful as a "Good House Keeping seal of approval".

A former partner of mine obtained a QC. I watched him work his way through the process which included letters to his MPP. I am pretty sure that donations were made to a political party also. He was a deserving candidate and the appointment was appropriate in his case. Yet, we saw QCs awarded to lawyers who never set foot in a courtroom.

I know that the Ford government has recently revived the QC appointment. So far, I am not aware of any selection criteria. I believe that all the lawyer MPPs in the Ford government received a QC. I do not know whether Mr. Ford's government consulted with the Law Society before implementing its new program.

The CS designation was awarded by committees of members of the Law Society. I sat on the intellectual property committee. We knew "who was who" in that community and could, with knowledge, assess a CS application and award the designation. In other words, a Law Society committee vetted applications.

I suggest that the Law Society investigate how QC are awarded in England, other Canadian provinces and Australia.

In Quebec, I gather that the QC has been abolished and replaced with a designation like "Ad.E. "Distinction Avocat Emerite".

See: <https://www.barreau.qc.ca/fr/ordre/hommage-reconnaissances/distinction-avocat-emerite/> for selection criteria etc.

Do you have other comments regarding the Certified Specialist Program?

Yes. Keep it. If you want to change the name from CS to QC, please include apolitical selection criteria.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Tami Moscoe

Email Address tdmoscoe@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. It adds no value for the public. Energies should be focused on raising standards to a higher level overall, not rubber stamping lawyers who meet traditional measures of success.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Tara Tamara Mosher-Kuczer

Email Address tamara@lighthouseimmigrationlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO does not permit lawyers who specialize in specific practice areas to call themselves experts or to otherwise hold themselves out to have expertise in a specific practice area. Other provinces have King's Counsel, Ontario does not. There is no mechanism in Ontario for lawyers to show to the public that they have been assessed by a 3rd party as an expert in their practice area.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I received the designation of Certified Specialist in Citizenship & Immigration Law in October 2021. The designation was an honour and something that I have strived to attain since beginning to practice in the area in 2014. As a young lawyer, I looked up to the Certified Specialists in my field and sought them out for mentorship and guidance.

I practice exclusively in the area of Citizenship & Immigration law. In order to competently represent my clients, I spend hours every week reading every news article, IRCC News Release, IRCC Program Delivery Update, IRCC Public Policy, as well as the regular updates to the regulations. I regularly attend CPD panels and conferences on immigration law, and often speak on CPD panels and at conferences on immigration law.

Immigration law is extremely complex and constantly changing. Practitioners who dabble in the area or who don't constantly update their knowledge are not competent to represent clients and their poor representation often has serious consequences for the clients they represent.

As an immigration lawyer, I also see the clients who have been poorly represented by Immigration Consultants who they believed to be lawyers and experts in immigration law. Immigration Consultants frequently advertise their expertise and their specialization in immigration law. They often advertise their services in a manner that suggests that they are actually lawyers and claim that they are specialists and experts in the field. Though they also have rules barring this type of advertising, these rules do not appear to be enforced by their regulatory body.

The Law Society of Ontario rules do not permit lawyers to advertise that they are a "specialist" in a particular area unless they have the designation of "Certified Specialist." I am a specialist and am considered by my peers to be a subject matter expert in the area. However, the Law Society of Ontario does not permit me to convey this on my website or in advertising to potential clients. The Law Society of Ontario also does not have any other designation to recognize seniority or expertise in an area, such as "King's Counsel."

The designation of Certified Specialist in Citizenship & Immigration Law is a recognition of my expertise in a specific area of the law. It differentiates me from generalist lawyers and Immigration Consultants. It lets potential clients know that I am considered an expert in this area and have devoted my practice to this area of law. It also lets younger lawyers know that I am a person to whom they can turn to for competent advice and guidance.

I would agree that the designation should require re-certification every few years to ensure the continued competence of Certified Specialists as confirmed by their peers. The annual fee paid to maintain the designation should cover the cost of re-certification every few years.

I would urge you to maintain the designation of Certified Specialist in Immigration & Citizenship Law.

Examples of Immigration Consultants holding themselves out to be specialists, experts and/or suggesting that they are lawyers:

<https://www.cvimmigration.com/about>

<https://canximmigration.com/>

<https://brightimmigration.com/>

<https://www.signaturevisas.com/>

<https://www.visasavenue.com/about-us/>

<https://moving2canada.com/immigration/book-an-immigration-consultant/perez-mckenzie-immigration/>

<https://moving2canada.com/immigration/book-an-immigration-consultant/doherty-fultz-immigration/>

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Kieran Mulroy

Email Address kfmulroy@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the program but to make for more meaningful and effective practise and delivery of justice. LSO should move for Gov of ON to establish specialized courts with qualified specialist judges; same for administrative bodies. Do more to broaden access to justice across society...now the justice system seems to cater mostly to \$. The fact that courts tend to be overly accommodative both in terms of the professionals that practise in them and judicial decision makers lessening the quality and efficiency in both access to and delivery of quality judicial results. Specializations, continuing education and reassessment should generate improvements across the board.

MEMORANDUM

DATE: May 24, 2023
TO: Law Society of Ontario
FROM: Andrew C. Murray, Lerner LLP
RE: Consultation regarding Certified Specialist Program

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I strongly believe that the Certified Specialist Program should be retained. I was rather surprised when it was unceremoniously disbanded, and must confess that, if consultation had been offered prior to that decision, I did not see it, and certainly did not provide any feedback to the Law Society prior to the original decision to do away with this program.

I am not surprised to see that about 2% of the lawyers gain this certification, as that makes sense to me. If we have 50% of the lawyers being certified as specialists, it rather begs the question at how specialized they are. It would sound more to me that they are not specialized at all, but simply have the normal competencies that one would expect of a regular lawyer.

I am a plaintiff personal injury lawyer, and so my comments reflect my experience within my own particular practice niche. It is well-known that there have been instances, at least historically, where plaintiff lawyers have exaggerated their qualifications, skill level, competencies, track record, etc., to their personal benefit, but to the detriment of the unknowing public. I view the Certified Specialist Program as being particularly well-suited in the plaintiff personal injury arena, as it does help to screen-in those individuals who truly have achieved a high level of competence, and it helps the public to rule out individuals who may not yet have reached that pinnacle in their career. I can say that it was a fairly onerous process to achieve my original certification specialty, and it always remained a focus of my practice each year to ensure that I was keeping those high-level competencies in place. Those are very good reasons, in my view, to maintain the program.

Do you have other comments regarding the Certified Specialist Program?

My own sense, although perhaps I am completely off base, is that the Law Society itself found this program to be too time-consuming to administer, relative to the money generated by the program, such that the Law Society was disinterested in continuing to offer it. I think that should be the lowest-level

issue for consideration because the Law Society is meant to assist in the protection of the public through its self-governing oversight. I believe that one should be very cautious in listening to those who recommend that the program be abolished, if such individual does not in fact possess an existing certified specialty designation. I find it a bit self-serving for someone who hasn't attained that level of certification to suggest or complain that it doesn't do a good job of representing the skillset of the lawyer. I frequently make use of the Certified Specialist designation when choosing to work with lawyers in other areas of practice, such as criminal law, or commercial law, or estates law, or workplace safety law, which are all areas of practice which overlap with aspects of my own client load from time to time. It has always been an invaluable resource for me, and I've always felt very confident in making a choice for a lawyer, knowing that they possess the CS designation. In my view, there are only good reasons to continue the program, and no reasons that merit its discontinuance, and I would hope that the Law Society receives similar commentary from others, allowing it to simply maintain the program in place, as it has done for the last couple of decades.

ACM/kh

[12581264.1](#)

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ryan Murray

Email Address Ryan@murraymediationservices.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe that the Law Society of Ontario should keep the Certified Specialist Program. It allows the public to see which lawyers have a particular knowledge and expertise in an area of law. It avoids having all lawyers marketing themselves as "specialists" in this or that area of the law. The system has worked well for many years and I see no need to replace or repeal it.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ramani Nadarajah

Email Address ramani@cela.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Canadian Environmental Law Association

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I strongly recommend the LSO keep the Certified Specialist Program for the following reasons:

- 1) To be qualified for the program, lawyers need to obtain expertise and experience in a specific area of the law. Consequently, the program ensures that lawyers are better able to understand a client's needs and the legal issues in a particular area of law.
- 2) It requires lawyers to keep taking continuing professional development courses in their area of specialization in order to retain their designation, thereby ensuring continued competency.
- 3) The program provides some assurance to the public that a lawyer has a level of knowledge, direct skills and expertise in a particular field of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Kavina Nagrani

Email Address kavina@nikalaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

the LSO should keep the Program - because the people that went through the process to be approved likely put in a lot of effort in the application and if they were adjudged properly they were seen as people that have specialized knowledge in a field of law that is over and above the average practitioner. It sends a message to lawyers and the public that there is a difference between a general practitioner and a specialist and it keep specialists accountable to maintaining certain expertise in an area of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the LSO eliminates the program then those with the designation should be able to maintain it. ...

If so, for how long? on condition that they meet certain criteria - such as a certain # of CPDs or publications in a year .

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Brendan Neil

Email Address Brendan@neillawson.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep.

The program is an extra way for the public to confirm that counsel have committed to ongoing learning and CPD. It also allows for counsel to be acknowledged for this commitment and experience.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the program is eliminated counsel should be able to continue to use the designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Many counsel have invested significant time and expense to ensure that they meet and continue to meet the requirements of the Certified Specialist program to simply eliminate the program would be unfair

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joseph Neuberger

Email Address joseph@nrlawyers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario MUST keep the Specialist program. The program ensures a higher level of continuing education and case work that protects the public. I feel it should be even more stringent to get a certification and maintain it. I have seen too many lawyers act in areas of law where they should not, and at least the certification grants the public some insight to the lawyer being retained as someone who has the skill and expertise in the area litigated. When I was the Toronto Lawyers Association President, I advocated for specialization to protect the public and deliver high quality legal services. This is but one important aspect to further not only access to justice but access to high quality legal services.

Do you have other comments regarding the Certified Specialist Program?

I strongly urge the LSO to please keep this program and to further think about enhancing the criteria to obtain such a certification and to maintain same. For those of us who have dedicated our careers to a particular area of law and continue to read, write and expand our knowledge and skill, this certification means something.

From: Derek Nicholson <nicholson@gluckstein.com>
Sent: Monday, September 18, 2023 2:42 PM
To: Policy Consultation <PolicyConsultation@lso.ca>
Subject: Certified Specialist Program

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

I believe the program should be maintained to assist the Public is selecting counsel who are qualified in the field. Too many counsel take on matters that are not in their area. Anything to assist the Public in making an informed decision as to appropriate counsel is in my opinion a good thing.

Derek Nicholson
613-277-7201 mobile

Derek Nicholson

E nicholson@gluckstein.com | **T** 613-703-9520

 Certified as a Specialist in Civil Litigation by the Law Society of Ontario



249 McLeod Street, Ottawa, Ontario, K2P 1A1
T 613.241.3400 | **F** 613.241.8555 | **Toll Free** 1.866.308.7722



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I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Tyler Nicholson

Email Address tynicholson@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

No. The Law Society should be a neutral arbiter, and should not be choosing persons whom it believes are more higher qualified than licensees for an endorsement or advertisement.

QC/KC and CS specialist designations entrench issues of systemic discrimination and are in contravention of the recent trend toward work/life balance by rewarding those who take on more cases than they can properly handle.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Josh Nisker

Email Address josh@beyond.law

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be eliminated. Like all awards or recognitions, it gives a false sense of competence and misleads the public. I know many individuals with the Certified Specialist designation to whom I would never refer a client.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No it should be abolished altogether.

If so, for how long? No it should be abolished.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Nixon

Email Address Bnixon@npplaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate...it has little meaning to the rest of the world

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Dermot P. Nolan

Email Address dpn@nolanlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Upload a File [Certified Specialist Program Consultation.pdf](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it!

It is a critical resource for the public and an indispensable tool for improving access to justice

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I strongly oppose eliminating the program. Any attempt to take away a designation that has been earned and awarded in good faith would be as odious as a law school trying to take away the degrees it granted to those who earned them. But grandfathering would create a two-tiered system (like the debacle that followed the abolition of Q.C.'s in the of the 80's).

Eliminating the Certified Specialist program is a lose - lose - lose -lose proposition: for the public; for the LSO; for those who have already earned the designation: and for those who would otherwise have been entitled to earn it in the future.

Do you have other comments regarding the Certified Specialist Program?

see attached comments

Certified Specialist Program Consultation

I have had the privilege of being designated as a Certified Specialist in Civil Litigation for over 30 years. I have been honoured to bear that designation as a recognition of my experience and competence in my area of expertise and as reassurance to my clients that it is an area in which I am qualified to help them. .

I cannot imagine why the LSO would even *consider* dispensing with the specialist designations that serve as signposts to members of the public in the often difficult exercise of finding a lawyer who is equipped to help them; to do would be entirely inconsistent with the Law Society's mandate to serve the public

Years ago, the Queen's Counsel designation was a time honoured mechanism for recognizing counsel of integrity and experience. It was discontinued in an attempt to take politics out of the appointment process. The Certified Specialist program was designed to replace the QC system of patronage with a merit-based designation that recognized the special expertise of lawyers who earned it. It achieved that objective and is a very useful resource for the public.

When I started practice in 1975, it was as a generalist. That was the norm; you were a lawyer – you did the work that came in the door. As the practice of law evolved (and became more complex) it became more difficult to maintain the necessary competence in multiple areas and specialization became the *de facto* reality. For the public, competent generalists became harder to find and clients were left to their own devices to figure out who was capable of handling their particular issues. The LSO's specialist program was a life saver for them in that regard and it continues to give them the ability to retain a qualified specialist with confidence.

I strongly urge convocation to enhance and expand the program and categorically reject any thought of eliminating it. It is a fundamental access to justice issue; to discontinue the program would be an entirely retrograde step that would undermine the admirable progress that has been made to date in that regard and the prospects for better accessibility in the future.

Thank you for your leadership.

Yours Faithfully,



Dermot P. Nolan C.S.

Nolan, Ciarlo LLP

Hamilton, Ontario

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James Norton

Email Address jnorton@zubco.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist Program designation symbolizes experience and specialization. Since QC was abolished, this has been one of the very few ways to convey this information to the public and other members of the profession. I know, as a fact, it has resulted in work in my areas of interest being referred to me, both by clients in the insurance industry and referrals from other members of the profession. I strongly urge that this Certification be maintained.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Stephen O'Donohue

Email Address stephen.odonohue@odonohue.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. It is an important marketing tool as it legitimizes a lawyer holding out himself or herself as having expertise in a particular area of the law. This provides a level of comfort to members of the public who do not have ready access to legal advisors who are able to make referrals. With the elimination of the QC/KC designations, the CS designation recognizes lawyers who have risen to a certain stature in the profession and who strive to maintain that stature. A visible reward for gaining expertise encourages lawyers to undertake the effort required to become certified, which produces greater expertise, which benefits the public and promotes the image of the profession in the eyes of the public.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The Law Society should NOT eliminate the program. However, if the program were to be eliminated, those lawyers who have gone to the time, effort and expense of becoming certified should be allowed to keep their designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

It is an excellent program and, amongst other things, offers young lawyers a guide as to what matters and studies to pursue in order to gain expertise in a specific area of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Will O'Hara

Email Address wohara@mbollp.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? n/a

Upload a File [20230918_Certified Specialist Consultation.pdf](#)

September 18, 2023

Law Society of Ontario

External Relations and Communications for the Policy Division

I am a Certified Specialist in the field of Civil Litigation, a designation I have been proud to hold since 2006. I am writing in support of maintaining the Certified Specialist Program for the following reasons:

- The C.S. designation awarded by the LSO provides the public with the most accurate and objective assessment of the qualifications and standards of a lawyer.¹
- The C.S. designation allows members of the public to identify and locate lawyers who hold a specialist designation in various areas of practice.
- The C.S. designation prevents lawyers who do not hold that designation from misleading the public by holding themselves out as ‘specialists’ without any objective assessment.
- The C.S. designation gives other lawyers a preliminary indication of the standard of competence of the holder of that designation.
- That application and renewal procedures help to maintain the individual standards of the individual lawyers, for their own benefit, and to maintain the overall standards of lawyers in Ontario, for the benefit of the public.

¹ In order to qualify for and maintain a C.S. designation, a lawyer in Ontario must go through a rigorous application procedure and, if successful, attest to maintaining the high standards set out by the LSO every year, declaring that they have practiced in their specialty area, maintained a comprehensive knowledge of substantive law and were not the subject of any sanctions by a court or governing body, or limitations on their practice, and did not have any serious or substantial number of claim against them.

Lawyers in some common law provinces hold King's Counsel designations, issued by the provincial government in power at any given time. This title was originally meant to indicate expertise in advocacy. But since it is often based on political considerations,² a KC is seen as being less objective and hence less reliable than the C.S. awarded by an independent Law Society. The two designations do not equate.

The public and the profession need to have some objective standard by which to assess the competence and standards of individual lawyers.

For these reasons, it is in the interests of the public and the profession to have Certified Specialists in Ontario. No doubt improvements can be made to the program to ensure that it presents the most accurate information available at all times, but I urge the Law Society to maintain the Certified Specialist Program in place.

Will O'Hara, C.S.

Senior Litigation Partner
Magyar, Bogle & O'Hara LLP
2842 Bloor Street West, Suite 101
Toronto, ON M8X 1B1
www.mbollp.com

Phone (Direct): (416) 300-7733

Email: wohara@mbollp.com

² See "*Patronage returns in Ontario*" by Stephen Grant, LSM, ASM, *Advocates' Journal*, Fall 2003, at page 44: The author refers to the KC designation as "this near-hollow honour". He opines: "the Ford government has recently awarded a spate of KCs, many to political cronies or operatives ... it appears that most on the list must have other unrecognizable attributes, save political affiliation."

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name ed olkovich

Email Address ed@mrwills.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
specialists are entitled to wear a specialist pin with the specialist logo.

If the program is cancelled this property/ marketing tool will have to be confiscated or returned to the Law Society.

Use of the designation must also allow for the continued use of all C.S. marketing tools (letterhead websites and business cards) and the specialist section on the LSO website

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name edward olkovich

Email Address ed@mrwills.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: mrwills.inc

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
it meets a public need/demand for specialists

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

yes grandfathering is acceptable for those who earned it

Will the LS police websites etc where people state they were formerly certified as specialists?

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

The specialist program allows lawyers to distinguish themselves and their achievements.

This is crucial to marketing law firms and their financial success

Focusing on the public's service needs should be part of the LS mission statement.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Dale Orlando

Email Address dorlando@mcleishorlando.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be kept as a criteria to assist members of the public in making a decision about the competency of a particular lawyer in a particular area of practice.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes, if the program is eliminated, those currently with the designation should be permitted to continue to use it.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Alanis Ortiz Espinoza

Email Address alanis.ortiz@hotmail.com

Please make a selection below I am a lawyer candidate with the LSO.

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think that the Law Society of Ontario should eliminate the Certified Specialist Program. I am not really clear on how it is helpful. I really believe that any lawyer working in their field for 7 years or more is a "specialist" in their field, and that they don't necessarily need the Law Society of Ontario to offer them a designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I think that the individuals with the designation should cease to have the designation the year following the decision that it ceases to exist.

If so, for how long? No, they should not.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Michael O'Shaughnessy

Email Address mike@courthouse.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate and replace with KC

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I believe it was instituted because the QC designation was done away with

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Matthew Kindree

Email Address mkindree@pallettvalo.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Pallett Valo LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program. Lawyers who have acquired the Certified Specialist designation have committed the time, expense and effort to become Certified Specialists. It provides a valuable method of distinguishing individuals with the requisite levels of experience from other lawyers.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

If the decision is made to eliminate the Certified Specialist Program, individuals with the designation should be grandfathered until retirement.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Barry Paquette

Email Address barry@ptlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should definitely keep the program. It is in the public interest. The law has become more complicated over the years and clients have a right to know whether the lawyer selected has the qualifications to take on their case. The program requires ongoing education in the specialist's field and annual vetting with the renewal of the specialist's designation.

I see no merit in discontinuing the program, i.e. no countervailing arguments for doing so.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gurpreet Patheja

Email Address gpatheja@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

They should keep the program. Helps with continued growth and excellence

Do you have other comments regarding the Certified Specialist Program?

I am not sure why this topic is up for debate. There are probably more relevant issues that members of the Bar need addressing , like better support and mentoring programs (which may be tied to the CSP) , better mental health supports. I believe if members of the Bar want to strive for greater growth and learning in their practice areas a program that recognizes that is great.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Richard Payne

Email Address rpayne@morrisonandpayne.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Morrison and Payne

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. Now that the QC designation has returned this would seem an opportune time to eliminate the CS designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, if it is eliminated it should be entirely eliminated.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name GORDON PETCH

Email Address GPETCH@MLAWC.COM

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Municipal Law Chambers

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Halton Region

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I do not see the merit in the program and suggest it be eliminated. Members of the Bar can be trusted to promote their areas of expertise that they are most qualified and comfortable practicing. Obtaining the "designation" does not mean the individual is the most qualified and a great lawyer in their specialty. In fact the designation can be misleading -similar to the older days of receiving a QC.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

The designation should be removed for all and not grandfathered.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Michael Peterson

Email Address michael.peterson@skycounsel.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who have attained high levels of competence and by identifying such lawyers of specialized expertise. This cuts both ways. In my case, I will likely hear from prospective clients with an environmental problem but am unlikely to be retained by someone who has a lease issue or a IP problem. The satisfaction of the requirement for continuing reinforcement of one's skills by CLE and study has to be confirmed annually by the Certified Specialist.

If so, for how long? Erratum: I do not prefer elimination

Do you have other comments regarding the Certified Specialist Program?

One alternative to Specialist designation appears to be used by the Personal Injury bar with crass print ads on the backs of buses and in other public places. Does the LSO really think this is an improvement over Specialist Designation?

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Bradley Phillips
Email Address bphillips@strikephillips.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Strike & Phillips LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the C.S. Program. It is a qualification for us as lawyers to strive to achieve. It provides something to work towards in our careers and an ability to get recognized by our peers and the public in achieving something. We have requirements for CPD program hours in order to maintain our licences but a C.S. program allows us to achieve something; to work towards something in order to better our knowledge base, our expertise in our chosen practice and to be able to be recognized for our efforts.

We live in a world where people love to be recognized for achievement, we award participation medals to everyone which is great but for those that want to achieve something and be recognized for it, this is the tool that we as lawyers have which is recognized by our professional body and not some 3rd party popularity vote such as Readers Choice, etc.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Absolutely they should be grandfathered. Taking something away from someone who has worked hard to achieve it is hardly fair.

P.S. Eliminating the program is a BAD idea...PERIOD.

If so, for how long? Don't get rid of the program

Do you have other comments regarding the Certified Specialist Program?

There is not a single justifiable reason to abolish this program other than a cost savings for the LSO. We pay fees for a reason, if the fees have to go up to manage this program properly or keep this program, that is money well spent.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Kip Phillips
Email Address	kphillips@willmsshier.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

- 1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
- 2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
- 3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
- 4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.
- 5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.
- 6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
- 7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
- 8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
- 9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.
- 10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
- 11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name David Piccolo

Email Address david.piccolo@taxchambers.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO must keep the CS program. Many areas of law, such as tax law (which is where I am a specialist), become increasingly complex over time. This is due to yearly changes to statutes along with new cases from the courts.

If part of the LSO's mandate is to ensure that lawyers meet a certain baseline level of competence, it must accept that competence in many areas of the law is not possible for any single lawyer. The LSO must ensure that lawyers avoid stretching themselves beyond their areas of core competence and to collaborate with colleagues to tackle these increasingly complex areas of law.

The CS program is a crucial component in fostering this collaboration as it is a clear and known indicator to other lawyers that those with a CS designation are able to help solve client problems that are beyond that individuals capability.

Limited uptake in the CS program is not a sign that the program isn't working. It is actually a sign that the system works - not every lawyer can meet the standards to be granted a CS designation and that is something that should be viewed positively.

If the concern is the LSO doesn't have the means to ensure that specialists maintain the higher standards of being designated a CS, it seems that the solution is to create such a system. Creating and administering such a system should be rather straight-forward as there are both objective and subjective factors that can be assessed to ensure that a CS maintains their standards.

Overall, the CS program ought to remain.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Benjamin Pinfeld

Email Address Benjpinfold@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. There are few ways, aside from 'reputation' for a lawyer to demonstrate exceptional skill in an area of law to the public. The Certified Specialist Program fulfils this need.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes. In that event this should be treated like King's Counsel.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James Plotkin

Email Address Jamesplotkin@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

**What is the location of your workplace?
If submitting on your own behalf, where do you reside?** East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I see no reason to discontinue it.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Harry Poch

Email Address harrypoch@rogers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Upload a File [LSO Enviro Certif Memo Sept 6 2023.pdf](#)

Specialist Certification Program Submission

As background to this submission, my understanding of the Specialist Certification programs extends to the period in the early 1990s before environmental law was accorded specialist status. During that pre-historic period, my colleague Roger Cotton and I negotiated with the benchers appointed to LSUC's Specialist Committee, the extensive terms and conditions of environmental law knowledge and experience as well as the ongoing education and experience requirements that were ultimately adopted as the initial basis for environmental law specialist certification by Convocation. Over the years those terms, conditions and requirements have changed; some while I was Chair of the Environmental Law Specialist Committee, and latterly as the program adopted more generic requirements. But one thing has remained constant: knowledge with experience and ongoing training does matter.

As a sole practitioner, almost all of my work is based on referrals from other lawyers (rural sole practitioners, in-house counsel, to Bay Street law firm managing partners) and from environmental consultants who themselves are certified as "Qualified Persons" under the Environmental Protection Act. When I question them as to "why did you contact me", inevitably the response is that *being certified as a specialist* is a major factor. And when an individual cold calls me (which is not often) it is always because I am a listed specialist.

As such, my experience is that the certification designation is a clear and objective metric in assisting those seeking specialized counsel. It clearly identifies to the public and other

professionals, those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field.

In conclusion, the Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence. Respectfully, it will be a disservice to the public and also the profession if the LSO eliminates the Certified Specialist Program. If it does, the public will be less able to make informed choices when retaining counsel.

So, my question to you and all of the Benchers is: why break something that works ?

A handwritten signature in black ink, appearing to read 'HP', with a stylized flourish extending from the bottom right.

Harry Poch

C.S. Environmental Law

LSO # 18936J

September 6, 2023

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Anna Polito

Email Address annaepolito@gmail.com

Please make a selection below NCA candidate

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I am in favor of keeping the Certified Specialist Program. In addition to numerous reasons for the benefit of the program, I do not believe that its elimination has any validity.

Specifically, in some areas of law like immigration, where there is already confusion amongst the general public with the difference between immigration lawyers and immigration consultants, the C.S. program offers a level of security and transparency. It recognizes the experience of lawyers and their capable abilities.

I am in the very early stages of my legal career, I am an aspiring lawyer who is nowhere near to ever adding C.S to my email signature, however, I know when I see C.S there is value in the experience, that comes with it. These are lawyers who have earned the C.S with time and dedication to a specific practice, it seems juvenile to remove this respected recognition.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not prefer to see the Law Society eliminate the program, however, if it does become eliminated, I believe individuals with the designation should be permitted to continue using the designation. They earned this designation, and to remove it would be unfair and uncalled for. I do not agree with taking away a designation that was rightfully earned over time. If the program is to be eliminated, then those lawyers with the designation should still be able to use it.

Do you have other comments regarding the Certified Specialist Program?

It is important to have lawyers who are certified specialists in order to ensure transparency. Trying to find a lawyer can be challenging, so knowing that C.S speaks to the level of experience a lawyer has is advantageous to the general public.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Susan Postill

Email Address sepostill@yahoo.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate.

I am a true specialist. But I never wanted to get certified as it would just add extra fees. My resume tells the story that I am a true specialist, even as a 60 second elevator speech.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Eliminate or else it would be misleading - setting up the grandfathered people as having a higher status than others where it may not be a fair representation to the public.

If so, for how long? Not at all.

Do you have other comments regarding the Certified Specialist Program?

There may be better ways of doing it ie how many decisions you have on canlii in your area, and NO extra fee for the designation.

From: Bram Potechin <bram@mpottawa.com>
Sent: Tuesday, September 12, 2023 1:48 PM
To: Policy Consultation <PolicyConsultation@lso.ca>
Subject: Certified Specialist Consultation

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

This email is in response to the Law Society's request for consultation on the decision by Convocation to end the Certified Specialist Program. I was certified as a specialist in real estate in 2014. I have maintained the designation each year since then.

The following are my comments in response to the four questions in the request for consultation:

1. The Law Society should keep the Certified Specialist Program. There are many situations when the public may need certain expertise, beyond what a reasonably competent lawyer may be able to provide. The program provides a way for the public to have a degree of assurance that a specialist will be able to meet their special needs.

2. Although I have indicated that the Law Society should keep the program, I have chosen to answer question, in case the Law Society decides to eliminate the program. In such event, I believe that there should not be grandparenting. To do so could leave the public with the impression that lawyers who do not hold the designation do not have the same skills as those who are grandparented.

3. In light of my answers to questions 1 and 2, it is not necessary for me to answer this question.

4. The following are additional comments, as requested:

a) The request for consultation notes that approximately only 2% of practicing lawyers have been designated as Certified Specialists and that the number is relatively low. I do not consider this to be unusual, or an indication that the program is ineffective. Since specialists are expected to have a greater knowledge and skills than the lawyer who meets ordinary competency requirements, it would be expected that there would be only a small proportion of specialists. Specialists are held to a higher standard. I don't believe that the low participation in the program is an appropriate reason to discontinue the program.

b) Convocation seems to believe that there are deficiencies in the program. If that is the case, then convocation should make an effort to address the deficiencies, rather than simply taking the simple decision to end the program. In an email sent last year, in protest of Convocation's decision, I analogized that if one has a valuable automobile that may be in need of repair, one does not simply trash the automobile without first attempting the repair. However, if it is a toaster of little value that is in need of repair, it might be thrown away without attempting a repair. I believe that the Law Society

should consider specialists akin to a valued automobile, as opposed to a toaster. Efforts should be made to address what convocation considers to be the problems with the program before ending it.

c) The Law Society's mandate is to protect the public. Surely by allowing the public to identify lawyers who may have certain expertise is a means of protecting the public. The public seems well informed of how to make complaints to the Law Society. If after retaining a specialist, a person feels that the lawyer did not provide services expected of an expert, a complaint could be made to the Law Society. The Law Society should have a means of withdrawing the designation from lawyers who have not represented clients as would be expected of an expert.

Bram S. Potechin, B.A., LL.B.
Partner
Merovitz Potechin LLP

Merovitz Potechin is a hybrid office and as such, not all staff are in the office daily. We will however, continue to provide you with the personal and responsive service for which we are known. We continue to encourage virtual meetings and electronic delivery of documents and packages instead of mail and couriers.



Direct Line 613.563.6688
Main Line 613.563.7544
Fax 613.563.4577
bram@mpottawa.com

300-1565 Carling Ave.
Ottawa, ON K1Z 8R1
www.merovitzpotechin.com

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I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name LEAH PRICE

Email Address lprice@peo.on.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep it. It is a mark of specialization, and the closest equivalent we have to the specialist designations in other professions, such as medicine.

Do you have other comments regarding the Certified Specialist Program?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name SANDEV PUREWAL

Email Address spurewal@lernalers.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

KEEP THE PROGRAM

- it is a legitimate program that vets qualified lawyers well and weeds out those with LSO or LawPro complaints/discipline against them
 - it helps the public find experienced lawyers with a specialty who are in good standing with the LSO
 - Lawyers with a CS have spent a lot of time and money to obtain and maintain the designation and some have built it into their marketing, business cards and websites
- +++

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I'd urge to keep the LSO CS program as we live in an era of hyper marketing and the CS is a meaningful credential to help the public find a qualified experienced lawyer in a specific legal field

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name PAUL A RABINOVITCH

Email Address prabinovitch@hgrgp.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: 761452275

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it. I have been a Certified Specialist for many years and it has been a significant benefit to my practice and I believe it can also be a significant benefit to other lawyers.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Archie Rabinowitz

Email Address arabinowitz@airdberlis.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Aird Berlis LLP

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CS Program =should be maintained. If lawyers hold themselves out as specialists should be able to deliver on their representations to the public. How better to do so , then annual certification by the LSO?

The program protects the public and keeps claims for negligence down when lawyers dabble.

Anyone looking at my profile would know that I know zero about real estate law for example and so the program helps ensure that unsuspecting clients have information in making a choice in hiring legal counsel.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

It would be a mistake to eliminate the program. There is no downside to keeping it alive.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sukhmani Ramdowar

Email Address Sonia.ramdowar@live.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should keep it because it encourages licensees to do excel in their chosen area of practice and gives recognition to those who have excelled. Experience and expertise should be rewarded. It also provides a sense of accomplishment to those who have the designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes!

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Bill Ramsay

Email Address wramsay@ramsaylaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Northeast, including Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury), Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep - it is a way to recognise lawyers who have met a certain standard and have expertise in an area of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Mitchell Rattner

Email Address m.rattner@estatelitigation.net

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certificate Specialist Program. This is one of the few ways a lawyer can distinguish themselves with an additional designation, to show expertise in a field. Best Lawyers, Lexpert ratings, and the like are significantly less merit driven. The CS certification is a helpful marketing tool, and a way that lawyers outside a given field and the public can more easily identify those who have particular knowledge/expertise/experience in a particular area of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not think the program should be eliminated, but if so, then the designation should be grandparented.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Geoffrey Read

Email Address gmreadlaw@hotmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it because it benefits the public by providing further assurance of competency and it benefits the profession by recognizing same - a win-win situation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

The programme should be maintained but, if it weren't, then already-accredited members should be permitted to continue to use the designation.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

The move to eliminate the programme is retrograde and contrary to the medical and other professions that endeavour to publicly recognize special expertise.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name William Reid

Email Address wvr@sympatico.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. It appears to be a money-making title, not relevant to the general public and not worth it to me.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Sure.

If so, for how long? Five Years

Do you have other comments regarding the Certified Specialist Program?

What does it really mean? That non-CSs are not competent (or not recognized by the LAO as competent)? I have been practising criminal law for 30 years, a member of the CLA all that time, regular participant in relevant CPD, etc. The CS means nothing to my clients. (I've never been asked about it.) They are more concerned about what my reputation. All my clients are word-of-mouth; I don't advertise.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Howard Reininger

Email Address hr@reiningerbarrister.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be eliminated at least for litigation. The manner in which the certification in litigation is being utilized is deceptive to the public.

You can't determine if the " specialist " is a personal injury lawyer or a commercial litigator.

In my opinion there is no longer a generalist litigator.

If any certification is to be maintained, it should be subdivided into which area of law you seek certification and a peer review of your cases should be the determining factor as to whether you should receive it.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

It should be eliminated for the reasons given (Supra) and it's use prohibited.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Reiterowski

Email Address john@jhlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think it should be kept but reworked so that it actually trained people to become better lawyers rather than bestow distinction on elite lawyers. Right now it's just those lucky enough and hard working enough to be able to meet the criteria - but you need to be both lucky and hardworking.

Some Great Lawyers never get a C.S.:

I would proudly tell you William O'Hara, Justin Fogarty Todd McCarthy and Frank Benedetto are absolutely brilliant teachers and lawyers. Having the opportunity to work directly for them has been the highlight of my career. I would add working for Rory Barnable and Winston Fogarty has also been privilege for the same reason even if they lack the C.S.

My point is that these are all fantastic lawyers who deserve the distinction, but are fantastic regardless of the C.S. distinction.

Character:

I have worked certified specialists (mentioned above) before, whom I respect and admire. I have had the misfortune of working for other certified specialists who were bad managers, arrogant, thought they knew everything (when they were often wrong), and who simply stole my work and pretended it was their own while denying my involvement on a file later.

My point is that nowhere in the process can you screen for character, and I honestly don't know how you could screen for it.

My point is that the C.S. says nothing about the character of the lawyer; it only tells you they checked all the boxes

The C.S. is not Quality Assurance:

The C.S., says nothing about the quality of lawyering on a particular file. I have a C.S. opponent on a file who writes asinine letters to me every time I send him an offer to settle or pleadings. He has delivered no AOD and keeps offering to settle a case for \$0 when he has no defence to a debt owed. If this is the standard of excellence the C.S. is supposed to mean, I think I'll pass.

In my experience the public doesn't care:

I would also wonder whether the public in general actually cares. Like Lexpert rankings, I know few members of the public who care about the C.S., most just want a good recommendation like you would for a barber or a mechanic.

The (lucky) Elite of the profession:

I have said to the LSO many times that EDI is not the answer to our profession's woes. The biggest plague in our profession is that haves v. the have nots. Well-connected but otherwise mediocre lawyers can go far if they're well-connected. The rest of us have to work even harder and are denied the opportunities to (1) be appointed to the Bench, (2) co-author books, and (3) make a living.

I said earlier it takes hard work and luck - this is what I mean. Perhaps if my uncle was a partner at a 7 Sisters Firm, I may have ended up at one. But alas I am the first lawyer in my family who came from Poland in the 1950s and worked blue collar jobs so their children could some day have white collar jobs.

To bring it back to my first point as well, I think the profession has that we have a bunch of people who work really hard and are worthy of the recognition of a C.S. but never get the chance to meet the criteria to be a certified specialist.

For example, one such criterion for being a certified specialist in civil litigation is to do two trials. Well, it's not up to us whether we do trials - it's our client's choice. In case now one else is reading the tea leaves, clients do NOT like paying a lot for lawyers anymore. And if you think it's bad now just wait for AI to really catch on and we'll go extinct.

But the program as it is now does not account that kind of lack of luck. Maybe it shouldn't, but that's the issue many less lucky lawyers have.

Making the Profession Great Again:

I signed up for the Coach and Advisor Network (CAN) not just because I needed help but because I like to give it. We have dozens of volunteers who are working hard to make sure the profession as a whole is better equipped to handle their files. I'm proud of my contributions, and I think the CAN is the framework that the C.S. program should follow.

It's not about recognizing someone who checked all the boxes, it's about making sure the new C.S. candidates are at least as good as the present ones: like black belts in karate or grandmasters in chess, you need to be as good as the best to get the title.

We're halfway there, the only thing the program lacks is helping someone get the C.S. when they don't have the mentors or connections available to them.

We have the ability as a profession, through CAN, the C.S. program, the CPD and through practice to make real elites - right now we're not making them, we're only recognizing those who can get their by their own means/connections.

Lastly - this statement is the most important one we must always abide by.

Commitment to Equity

The Certified Specialist Program encourages participation from all qualified applicants, without discriminating on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

It is precisely why EDI CANNOT factor into the C.S. program. We need to be judged on our character/abilities/merits, not any of these of immutable traits.

When it's luck-based whether you succeed, the program needs to change (or be scrapped):

On a personal note, as the C.S. stands right now, I don't care if I get a C.S. because it feels out of my control as to whether I can get one. It's not up to me that I do lots of trials or not. I certainly never shy away from one, but it's not my ultimate call whether one goes ahead. I have judges telling me at pre-trial they are refusing to schedule the trial in order to encourage settlement. I won't comment on the propriety of those actions, I mentioned it only to list yet another road block to earning my civil litigation C.S.

Right now, I see the C.S. as reserved for those who are lucky and hard working. I see myself as hard working and lucky, but not the right kind of lucky to get a C.S.

So, I'm sorry this was lengthy, but I want to reiterate, this profession has a great many resources: CAN, the LSO, various CPDs, Law Associations, etc. and we can all help each other. I already do that and I encourage others to do that. As I am fond of saying: "we're better together"

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the program must be shut down, then I would grandfather the title of C.S. like we did with the Q.C. I never want to take the title from someone. They earned it.

If so, for how long?

Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I think the tools to build a centralized certification for lawyer training programs to become certified specialists is already 95% of the way there, we just need to formalize it.

1. Have specific CPD count towards the certification. CPDs that count for hours are already vetted by the law society, this is but one more step.
2. The Coach and Advisor Network (of which I am a part) can have a specific section for people seeking the C.S. If you cannot find volunteers for the C.S. part through CAN, then I think my points about the C.S. being merely a reward for those lucky enough and hard working enough are made for me. Letting the Elite keep to themselves does not make us all better, it only makes the Elites richer.
3. I believe firmly that working together leads to better results. The profession pits too many of us against each other as opponents, even as associates competing for scarce partnership spots - it is something I am actively trying to change on a personal level, and have no idea how to do so on an institutional level. So, for now it's just my little personal crusade.
4. The C.S. program has a chance to modernize - keep the criteria, but make it so people can get the mentorship to get their C.S. if they really apply themselves. At present, a C.S. is just as much the product of luck as it is hard work, which needs to change.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Daniel Resnick

Email Address dresnick@kmlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept. The designation signals to colleagues and clients that the practitioner has objectively achieved particular expertise in the given area.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the LSO does away with the designation (which it shouldn't do) those who already have the designation should be permitted to keep it and continue to use it.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Thomas Richardson

Email Address tarichardson@sullivan-mahoney.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

In my opinion the Law Society of Ontario should keep the Certified Specialist Program.

I have now practiced for 51 years, 15 of them as a Certified Specialist in Municipal Law. AS a young lawyer, appearing in the courts, I passed up on applying for the designation of Queen's counsel as it was my opinion that the designation was given out for political reasons. A solicitor practicing real estate and never appearing in the courts could be designates as a Q.C. The Certified Specialist Program on the other hand required proof of proficiency and required that the lawyer so certified keep up his or her proficiency.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

If the Law Society determines to eliminate the program, present holders should be grandfathered.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sean Robichaud

Email Address sean@robichaudlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should not eliminate this long-established and worthwhile endeavour. If anything, greater enhancements ought to be made so that vulnerable members of the public have a greater awareness of the abilities and expertise of lawyers.

The CS program should be seen as the first of many steps to ensure that the public is aware of objective, measurable, and verifiable levels of expertise. As an analogy, Legal Aid Ontario requires that lawyers meet minimum standards before the lawyer are even permitted to take on certificates to ensure quality control and competence of those lawyers who represent clients on LAO. In medicine, that too requires minimal expertise before lawyers are permitted to accept patients for particular medical conditions. In Ontario law, clients are left to try and scrutinize or evaluate lawyers that is often based on nothing more than firm/lawyer marketing. Short of ex-post facto regulatory proceedings, there is nothing preventing lawyers in Ontario from taking on any sort of case they are insured for. In short, it is entirely driven by a lawyer's own motivations and responsibilities and not competence, let alone expertise.

I have long been a proponent of graduated licences that would ultimately have the CS status at the top. For example, a person who practices criminal law could apply for a C1 licence for certain offences, then C2, etc. This could be used in all areas of law that the CS program already uses. Therefore, a person who is facing homicide charges, as an example, knows that their lawyer (who may hold a C3 / CS licence) is qualified by the LSO to take on such cases with the experience to do so. Such a program is a long-term investment and would require grand-parenting the rule in but it is well worth that commitment for the public good.

The CS program also allows other lawyers to refer cases with confidence and if often used personally when I am trying to refer out cases to competent lawyers. If I do not know anyone who practices real estate in a jurisdiction, I immediately go to the CS directory to try and find one so that my referrals are sure to go to someone with expertise.

The CS program also serves as a valuable incentive to lawyers striving for advancement and excellence in their profession.

Respectfully,

Sean Robichaud, CS (Criminal Law)

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Stephanie Robinson

Email Address srobin3271@rogers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep - they are a valuable signal to the market that someone has achieved a level of expertise in a particular subject matter.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jeffrey Robles

Email Address jrobles@reillyandpartners.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the Certified Specialist Program. Certified Specialists provide value to the public which helps to improve the public's perception of the profession.

In my experience, prospective clients take comfort knowing that I have been designated by the Law Society as a Certified Specialist. They feel more confident and assured that I have the requisite experience and expertise to handle the matter for which they are seeking assistance.

This positive perception benefits the profession as a whole. It is vital to the legal profession that the public has trust and confidence in the services that we provide. Certified Specialists serve as examples to the public of lawyers who have a proven track record of professional excellence. They serve as examples of lawyers who the public can have trust and confidence in.

The elimination of the program would unfairly disregard the many years that Certified Specialists have worked to distinguish themselves as positive, trustworthy examples of the profession.

Do you have other comments regarding the Certified Specialist Program?

The Competence Task Force noted that there is a low percentage of lawyers participating in the program. However, the standards to become a Certified Specialist are not easy to accomplish. In light of this, it is not surprising that the percentage of participation is low.

The fact that more lawyers have not sought to become Certified Specialists does not mean that the program is not worth maintaining and should be eliminated. On the contrary, as explained above, it serves as proof of the value that Certified Specialists can provide to the public.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Allan Rock

Email Address allan.rock@uottawa.ca

Please make a selection below Former member of the LSO now retired.

Are you representing an organization or association through your participation? No

**What is the location of your workplace?
If submitting on your own behalf, where do you reside?** East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

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Comments on the Proposal to End the Law Society's Certification Program

Allan Rock

September 28, 2023

In the autumn of 1985, the government of Ontario announced its intention to stop awarding Queen's Counsel (QC) designations to Ontario lawyers. Although controversial in the profession, there was widespread recognition that the process leading to the awarding of QC's had become corrupted by patronage and partisan favoritism. As a Benchers at that time, I witnessed and took part in the debate in Convocation concerning the Law Society's response to the government's decision. Although my memory of the outcome is now weakened by the passage of time, my vague recollection is that we decided to "let it go", urging the government at least to permit those who had the QC designation to continue using it.

During Convocation's deliberations, much time was spent debating whether awarding the QC was an effective and truthful way of identifying for the public those members of our profession possessing special expertise. At the time, the Law Society's Rules of Professional Conduct prohibited almost all forms of advertising or public self-promotion. The general sentiment in Convocation was that the QC *was not* a reliable indication of professional achievement or distinction, principally because of its partisan and patronage dimensions.

A great deal of concern was expressed by Benchers about how the public could identify highly experienced or specialized lawyers when seeking legal advice or representation. If not the QC, then how?

It was in that context that Convocation decided to establish our own process for the identification of expertise. It would be a process anchored in merit. It would reflect real professional achievement. It would rely on evaluation by one's peers. It would

be objective and not partisan. It would not be a patronage reward but rather a professional distinction earned by years of focused effort. It would designate "specialists" and limit the use of that term only to those who satisfied the Law Society's criteria and thereby achieved the distinction.

I was named as Chair of the Committee established to investigate the creation of that process. I worked with the excellent Law Society staff in drawing up recommendations, proposing criteria and suggesting guidelines.

In 1986, Convocation considered and adopted that report, and the certification program was launched.

To get the program started, we asked volunteer lawyers from the various branches of practice (criminal, family, civil litigation, intellectual property, etc) to serve as subject experts, identifying other seasoned practitioners to assist as members of the initial committees. Those committees met and hammered out criteria for each of their areas of practice. They then solicited, received, and evaluated applications for designation as "Specialist". Once awarded, the names of the new specialists were published in the Ontario Reports, and certified specialists were permitted to advertise that fact on their letterhead, their cards and their announcements.

From where I stood, I regarded the specialist program as a success. The profession responded very positively. We attracted a high number of applications. Unlike the QC, the specialist designation carried weight as a marker of experience and special ability. We felt that while the QC was misleading and suggested expertise that was not necessarily present, the "specialist" moniker had the benefit of being truthful. Members of the public who needed guidance in selecting a lawyer for a particular task could rely on the certification process as objective and real.

I left Convocation and indeed the practice of law in 1993 to undertake other work. But my impression as I watched from afar during the years that followed was that the certification program continued to be a sought-after distinction. I do not know

the number of applicants these days, but it seems to me that even with today's more relaxed rules on advertising and promotion by members of the profession, there is still a need among members of the public seeking legal representation for some objective, consistent and honest banner of professional expertise and achievement.

As the Law Society now considers whether to continue or abolish the certification program, I wanted you to know the background that I have briefly described here. In my respectful view, it is in the public interest for us to have in place a mechanism allowing lawyers with hard-earned special knowledge and expertise to achieve recognition by their peers and tell the public of that fact. The "specialist" designation has no doubt assisted countless lay persons as they have searched for a lawyer to attend to a specific task.

I would therefore urge the law Society to continue the certification program. I note that the current government of Ontario is expressing the intention to return to the awarding of QC's (now, of course, KC's). I very much doubt that the decisions of the government whether to award the title will be based on an objective evaluation by peers of the merits of candidates. It will surely be a return to the old patronage system, whereby "friends of the government" will be rewarded with the coveted initials after their names. Once again—a designation that will be misleading and a process that will be corrupt. And reason still, as in 1985, for the professional licensing body to maintain and strengthen a program that tells members of the public which lawyers actually do possess special skills and abilities.

Thank you for considering my views.

Allan Rock

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Lonny Rosen

Email Address rosen@rosensunshine.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Upload a File [23-09-27 Submission Re Continuation of the Certified Specialist Program.pdf](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CSP should be maintained. The designation of licensees as CSLs in particular practice areas through an objective assessment with transparent criteria protects the public and aligns with the Law Society's mandate. Three reasons in support of this submission are set out below.

1. The CSP Objectively and Transparently Denotes Specialized Excellence

The Policies Governing the CSP require that all CSLs meet minimum requirements, including:

- Minimum Years of Practice and Recent Experience;
- Substantial Involvement in the Specialty Area;
- Professional Development;
- References; and
- Professional Standards.

Further, each practice area in which a licensee can be certified as a specialist has a set of criteria for achievement of the CS designation. These criteria, which are specific to each practice area include:

- Requirements for practice concentration to meet the substantial involvement in the practice area criteria (typically 30% but as much as 60% in some cases);
- Requirements for practice experience, including that applicants for certification must have demonstrated broad and varied experience and a mastery of substantive law, practices and procedures in the area, as set out in the Standards for Certification for each practice area;
- Professional development requirements, including at least 50 hours of self-study annually, which may be met through teaching, writing, academic study, involvement in the development or presentation of professional development programs in the specialty area or involvement in the development of policy related to the specialty area; and
- Applicants must submit 4 references from legal practitioners eligible to practise law in Ontario who have direct knowledge of the applicant's work in the specialty area in the 5 years of the applicant's recent experience and can attest to the applicant's competent performance of the tasks outlined in the requirements for practice experience.

Though publicly available on the LSO website, these are not easily accessible, as they are contained at the bottom of the page Certified Specialist Application Materials, located at <https://lso.ca/lawyers/about-your-licence/manage-your-licence/certified-specialists/application-materials>. This is unfortunate, as the public and most licensees may not appreciate what is required to be designated as a CSL, or the extent to which the requirements for designation ensure specialized excellence.

Nonetheless, the practice requirements for each specialty, developed with input from senior practitioners in each specialty area, ensure that all CSLs have developed mastery of the specialty area. Further, the publication of the requirements for CSL designation transparently communicates to the public and the profession that CSLs have met objective criteria for certification, ensuring that designation is reserved for applicants who have truly demonstrated specialized excellence.

2. The CSP encourages Licensees to Specialize and Meet High Standards

As noted above, the experience requirements for each specialty area set out a number of skills and experiences, specific to each specialty area, which licensees must attest to having demonstrated in order to attain the CSL designation. So long as the CSL designation is viewed by the public and the Bar as meaningful, some licensees will seek to attain that designation. To do so, not only must licensees concentrate their practice in the specialty area, but they must gain significant experience to demonstrate broad and varied experience and a mastery of complex matters within their practice area. The published criteria provide licensees with a road map for achieving specialization. So long as they concentrate their practice, gain the relevant experience, meet the other requirements and demonstrate sufficient competence and ethical conduct as attested to by four practitioners in the specialty area, licensees can expect to attain the CSL designation. Such specialization and achievement of high standards can only benefit the licensee, but their clients and the administration of justice will also benefit, through the establishment of a recognized expert subset of practitioners with deep expertise.

An added benefit to increased specialization is that clients seeking specialized advice or representation are more likely to find or be referred to counsel with the most applicable skill set. Clients seeking out a lawyer with experience and expertise in a particular area can begin with the LSO's Directory of Certified Specialists, making it more likely that they will find the specialized expertise they are seeking.

3. The CSP provides a reliable alternative to for profit awards and rankings

There has been a proliferation of awards, rankings and third party endorsements for lawyers in Ontario, and licensees have increasingly made reference to such awards in their marketing of services to the public. While some of these awards are widely viewed as reputable and reliable indicators of lawyers who are well regarded by their peers or the public, many are not, and reference to such awards or rankings is prohibited by Rule 4(e) of the Rules of Professional Conduct, on the basis that they are not bona fide or are likely to be misleading, confusing, or deceptive. But even the criteria for the most reputable awards and rankings, where publicly available, are limited to explanations of who can vote for the inclusion of lawyers on their lists, and how nominations are considered. Further, the entities that publish lawyer rankings and awards are for-profit and unregulated, with no public protection mandate or assurance against influence.

In contrast, the CSP provides the public with a transparent and objective means of identifying licensees with specialized expertise. In that regard, the CSP provides a safeguard that prevents public confusion from the very awards that Rule 4(e) prohibits. Further, the CSP provides licensees, including particularly those from equity-seeking groups (who may not be sufficiently well-known to be included in for-profit rankings), with an opportunity to market their services based on demonstrated specialized expertise, rather than popularity.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

My submission is that the program should not be eliminated but if it is, individuals should be grandparented.

If the CSP is to be eliminated, CSLs should be grandparented for five years, if the current annual attestation for CSLs will continue to be required, or for two years if the entire program will be terminated without a wind-down period.

Given that the CS designation must be maintained through the submission of annual returns, through which CSLs attest to having continued to meet the criteria for certification, it is appropriate to discontinue the designation and not to permit CSLs to use the "CS" designation for their entire careers. This is also necessary in fairness to practitioners in the practice area who will not be able to attain the CS designation.

However, some grandparenting time frame is appropriate since CSLs have, with the Law Society's encouragement (through the permitted use of stamps and seals and the like), used the designation in their marketing, stationery, etc. With the expectation that CSLs will continue to be required to meet the criteria for certification and to so attest through annual returns, five years is an appropriate grandparenting period. If the program is to be eliminated without a wind down period, and there will be no mechanism for requiring CSLs to maintain their certification through continued specialization and self-study, CSLs should only be permitted to use the CS designation for a further two-year period.

If so, for how long?

Five Years

Do you have other comments regarding the Certified Specialist Program?

With limited consultation, the Competence Task Force of the previous Bench recommended windup of the CSP, in part because: there has been a limited uptake in the CSP; there is no ongoing evaluative component as part of the CSP; and the CSP does not include a mechanism for ensuring ongoing elevated expertise in the subject area once a licensee has obtained a C.S. designation (other than the CPD requirement applicable to all licensees).

For the reasons identified by the Task Force (and because the standards for certification are not well known or easily accessible), the CSP currently suffers from a lack of confidence in the program. This may explain the "limited uptake" of the program (although this may be due to the appropriately stringent standards for achieving designation as a CSL). It is submitted that this is a program that enhances both lawyer competence and public protection, and that improvements should be attempted before the program is terminated. Two improvements can be made to the program that will both address these concerns and restore confidence in the CSP:

1. the reinstatement of Specialist Advisory Boards for each practice area, which would assess applications for certification and re-certification; and
2. the introduction of a recertification process whereby CSLs would be required to complete and submit a modified application form for review by the Board every five (5) years.

Proposals for Improvement to the CSP

1. The Reinstatement of Practice Area Specialist Advisory Boards will Enhance Trust in the CSP

When I first applied to be a CSL in 2006, the application review process was more robust than it is now. I recall that at that time, a Specialist Advisory Board ("SAB") was established for each specialty, under the auspices of the CSP. Each SAB was comprised of CSLs from the specialty area. SABs would both establish and review criteria for CS designation in that practice area and would vet CSL applications. At some point, SABs were disbanded in favour of one board overseeing the CSP. Unfortunately, that board did not have representation from all practice areas, and was therefore not as well placed to review applications.

The reinstatement of SABs for each specialty area would enhance confidence in the program in two significant ways: first, SABs can regularly review the Standards for Certification in their specialty area, to ensure that any CSL who meets such standards will be viewed by their peers as having the requisite specialized expertise befitting a CSL; and second, SABs can review applications for CSL designation where there is any question as to whether the applicant meets the Standards for Certification. While attainment of the designation should be automatic where a licensee meets the published Standards for Certification, applications can also be granted where, despite an applicant not meeting all requirements, their focused practice experience, course work or involvement in other activities warrants special consideration. SABs, consisting of senior members of the profession who have already attained CSL status, will be better placed than non-specialized LSO staff or committee members to assess such applications and would provide assurance that applicants who purport to be specialized experts have, in fact, demonstrated elevated expertise in the subject area.

2. The Introduction of a Recertification Process will ensure Currency of the CS Designation

The introduction of a recertification process would address the concerns raised regarding the lack of an evaluation mechanism and ensuring current specialized excellence for CSLs.

Presently, all CSLs are required to submit to the LSO CSP an annual return in which they certify, inter alia, that they have practised in the specialty area in Ontario and maintain comprehensive knowledge of the substantive law, practices and procedures in the specialty area. They are also required to certify that they have complied with the LSO's continuing professional development requirements and performed at least 50 hours of self-study in the specialty area. However, there is no requirement for CSLs to attest to having met all of the enumerated criteria set out in the Standards for Certification for each practice area required to demonstrate broad and varied experience and a mastery of substantive law, practices and procedures in the area during the previous year. Nor is there any process for ongoing assessment or review of a CSL's continued specialized excellence.

A recertification process, whereby CSLs would be required to complete an application for recertification on a regular basis (i.e. every five years) in order to maintain their CSL designation, could address the concerns raised and enhance confidence in the CSP. The recertification application could be a modified version of the CSL application, and could require evidence of continued specialized excellence, such as summaries of proceedings in the specialty area in which the CSL represented a party (as required in certain certification applications), or of opinions delivered, and an attestation that the CSL meets current knowledge and experience requirements (which may have been modified since the CSL was certified as a specialist). Particularly if SABs were reinstated and tasked with reviewing applications for certification and recertification, the public and the profession would be reassured that the CSL designation reflects current specialized excellence.

While these enhancements would no doubt increase the cost of the CSP, these costs, if reasonable, could reasonably be borne by CSLs, in recognition of the value of the designation.

Conclusion

The CSP protects the public and provides a mechanism for enhanced lawyer competence. With the amendments outlined above, concerns raised about the program can be addressed, and confidence in the CSP can be enhanced.

Thank you for the opportunity to provide submissions respecting the CSP. Please contact me if I can provide any assistance to the Task Force.

September 27, 2023

VIA EMAIL

Law Society of Ontario
Attn: Professional Development and Competence Committee
Osgoode Hall, 130 Queen Street West
Toronto, ON M5H 2N6

Dear Members of the Committee,

Re: Certified Specialist Program Consultation

I am writing to express my support for the continuation of the Certified Specialist Program (“CSP”), with certain modifications.

By way of background, I am certified as a Specialist in Health Law, having obtained that designation in 2006. I am a partner in a boutique health and regulatory law firm, Rosen Sunshine LLP, and practice in the areas of health and regulatory law. I am a senior member of this small and specialized bar, having practised exclusively in the area for almost all of my 25 years of practice. In addition to my legal practice, my views on this issue are formed in part from my involvement in legal organizations in a leadership capacity (I served as Chair of the Health Law sections of the Ontario Bar Association and Canadian Bar Association, as a Director of the Advocates’ Society, as well as on the governing Council of the Medical Legal Society of Toronto) and as an adjunct professor of health law at Osgoode Hall Law School.

Let me state at the outset that I appreciate Convocation undertaking this review and suspending the decision by the previous Bench to wind up the CSP pending its completion. That decision was made without sufficient consultation or reflection, as I and most of the other Certified Specialists (“CSLs”) I know heard about the review of the CSP only *after* the decision was made to cancel it.

In response to the consultation questions, my answers are as follows:



1. Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CSP should be maintained. The designation of licensees as CSLs in particular practice areas through an objective assessment with transparent criteria protects the public and aligns with the Law Society's mandate. Three reasons in support of this submission are set out below.

1. The CSP Objectively and Transparently Denotes Specialized Excellence

The Policies Governing the CSP require that all CSLs meet minimum requirements, including:

- Minimum Years of Practice and Recent Experience;
- Substantial Involvement in the Specialty Area;
- Professional Development;
- References; and
- Professional Standards.

Further, each practice area in which a licensee can be certified as a specialist has a set of criteria for achievement of the CS designation. These criteria, which are specific to each practice area include:

- Requirements for practice concentration to meet the substantial involvement in the practice area criteria (typically 30% but as much as 60% in some cases);
- Requirements for practice experience, including that applicants for certification must have demonstrated broad and varied experience and a mastery of substantive law, practices and procedures in the area, as set out in the Standards for Certification for each practice area;
- Professional development requirements, including at least 50 hours of self-study annually, which may be met through teaching, writing, academic study, involvement in the development or presentation of professional development programs in the specialty area or involvement in the development of policy related to the specialty area; and
- Applicants must submit 4 references from legal practitioners eligible to practise law in Ontario who have direct knowledge of the applicant's work in the specialty area in the 5 years of the applicant's recent experience and can attest to the applicant's competent performance of the tasks outlined in the requirements for practice experience.

Though publicly available on the LSO website, these are not easily accessible, as they are contained at the bottom of the page **Certified Specialist Application Materials**, located at <https://lso.ca/lawyers/about-your-licence/manage-your-licence/certified-specialists/application-materials>. This is unfortunate, as the public and most licensees may not appreciate what is required to be designated as a CSL, or the extent to which the requirements for designation ensure specialized excellence.

Nonetheless, the practice requirements for each specialty, developed with input from senior practitioners in each specialty area, ensure that all CSLs have developed mastery of the specialty area. Further, the publication of the requirements for CSL designation transparently communicates to the public and the



profession that CSLs have met objective criteria for certification, ensuring that designation is reserved for applicants who have truly demonstrated specialized excellence.

2. The CSP encourages Licensees to Specialize and Meet High Standards

As noted above, the experience requirements for each specialty area set out a number of skills and experiences, specific to each specialty area, which licensees must attest to having demonstrated in order to attain the CSL designation. So long as the CSL designation is viewed by the public and the Bar as meaningful, some licensees will seek to attain that designation. To do so, not only must licensees concentrate their practice in the specialty area, but they must gain significant experience to demonstrate broad and varied experience and a mastery of complex matters within their practice area. The published criteria provide licensees with a road map for achieving specialization. So long as they concentrate their practice, gain the relevant experience, meet the other requirements and demonstrate sufficient competence and ethical conduct as attested to by four practitioners in the specialty area, licensees can expect to attain the CSL designation. Such specialization and achievement of high standards can only benefit the licensee, but their clients and the administration of justice will also benefit, through the establishment of a recognized expert subset of practitioners with deep expertise.

An added benefit to increased specialization is that clients seeking specialized advice or representation are more likely to find or be referred to counsel with the most applicable skill set. Clients seeking out a lawyer with experience and expertise in a particular area can begin with the LSO's [Directory of Certified Specialists](#), making it more likely that they will find the specialized expertise they are seeking.

3. The CSP provides a reliable alternative to for profit awards and rankings

There has been a proliferation of awards, rankings and third party endorsements for lawyers in Ontario, and licensees have increasingly made reference to such awards in their marketing of services to the public. While some of these awards are widely viewed as reputable and reliable indicators of lawyers who are well regarded by their peers or the public, many are not, and reference to such awards or rankings is prohibited by Rule 4(e) of the [Rules of Professional Conduct](#), on the basis that they are not bona fide or are likely to be misleading, confusing, or deceptive. But even the criteria for the most reputable awards and rankings, where publicly available, are limited to explanations of who can vote for the inclusion of lawyers on their lists, and how nominations are considered. Further, the entities that publish lawyer rankings and awards are for-profit and unregulated, with no public protection mandate or assurance against influence.

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2. If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

My submission is that the program should not be eliminated but if it is, individuals should be grandparented.

3. If so, for how long?

a. Five years?

b. Until retirement of the individual specialist?

c. Other? Please provide details.

If the CSP is to be eliminated, CSLs should be grandparented for five years, if the current annual attestation for CSLs will continue to be required, or for two years if the entire program will be terminated without a wind-down period.

Given that the CS designation must be maintained through the submission of annual returns, through which CSLs attest to having continued to meet the criteria for certification, it is appropriate to discontinue the designation and not to permit CSLs to use the "CS" designation for their entire careers. This is also necessary in fairness to practitioners in the practice area who will not be able to attain the CS designation.

However, some grandparenting time frame is appropriate since CSLs have, with the Law Society's encouragement (through the permitted use of stamps and seals and the like), used the designation in their marketing, stationery, etc. With the expectation that CSLs will continue to be required to meet the criteria for certification and to so attest through annual returns, five years is an appropriate grandparenting period. If the program is to be eliminated without a wind down period, and there will be no mechanism for requiring CSLs to maintain their certification through continued specialization and self-study, CSLs should only be permitted to use the CS designation for a further two-year period.

4. Do you have other comments regarding the Certified Specialist Program?

With limited consultation, the Competence Task Force of the previous Bench [recommended](#) windup of the CSP, in part because: there has been a limited uptake in the CSP; there is no ongoing evaluative component as part of the CSP; and the CSP does not include a mechanism for ensuring ongoing elevated expertise in the subject area once a licensee has obtained a C.S. designation (other than the CPD requirement applicable to all licensees).

For the reasons identified by the Task Force (and because the standards for certification are not well known or easily accessible), the CSP currently suffers from a lack of confidence in the program. This may explain the "limited uptake" of the program (although this may be due to the appropriately stringent standards for achieving designation as a CSL). It is submitted that this is a program that enhances both lawyer competence and public protection, and that improvements should be attempted before the



program is terminated. Two improvements can be made to the program that will both address these concerns and restore confidence in the CSP:

1. the reinstatement of Specialist Advisory Boards for each practice area, which would assess applications for certification and re-certification; and
2. the introduction of a recertification process whereby CSLs would be required to complete and submit a modified application form for review by the Board every five (5) years.

Proposals for Improvement to the CSP

1. The Reinstatement of Practice Area Specialist Advisory Boards will Enhance Trust in the CSP

When I first applied to be a CSL in 2006, the application review process was more robust than it is now. I recall that at that time, a Specialist Advisory Board (“SAB”) was established for each specialty, under the auspices of the CSP. Each SAB was comprised of CSLs from the specialty area. SABs would both establish and review criteria for CS designation in that practice area and would vet CSL applications. At some point, SABs were disbanded in favour of one board overseeing the CSP. Unfortunately, that board did not have representation from all practice areas, and was therefore not as well placed to review applications.

The reinstatement of SABs for each specialty area would enhance confidence in the program in two significant ways: first, SABs can regularly review the Standards for Certification in their specialty area, to ensure that any CSL who meets such standards will be viewed by their peers as having the requisite specialized expertise befitting a CSL; and second, SABs can review applications for CSL designation where there is any question as to whether the applicant meets the Standards for Certification. While attainment of the designation should be automatic where a licensee meets the published Standards for Certification, applications can also be granted where, despite an applicant not meeting all requirements, their focused practice experience, course work or involvement in other activities warrants special consideration. SABs, consisting of senior members of the profession who have already attained CSL status, will be better placed than non-specialized LSO staff or committee members to assess such applications and would provide assurance that applicants who purport to be specialized experts have, in fact, demonstrated elevated expertise in the subject area.

2. The Introduction of a Recertification Process will ensure Currency of the CS Designation

The introduction of a recertification process would address the concerns raised regarding the lack of an evaluation mechanism and ensuring current specialized excellence for CSLs.

Presently, all CSLs are required to submit to the LSO CSP an annual return in which they certify, *inter alia*, that they have practised in the specialty area in Ontario and maintain comprehensive knowledge of the substantive law, practices and procedures in the specialty area. They are also required to certify that they have complied with the LSO's continuing professional development requirements and performed at least 50 hours of self-study in the specialty area. However, there is no requirement for CSLs to attest to having



met all of the enumerated criteria set out in the Standards for Certification for each practice area required to demonstrate broad and varied experience and a mastery of substantive law, practices and procedures in the area during the previous year. Nor is there any process for ongoing assessment or review of a CSL's continued specialized excellence.

A recertification process, whereby CSLs would be required to complete an application for recertification on a regular basis (i.e. every five years) in order to maintain their CSL designation, could address the concerns raised and enhance confidence in the CSP. The recertification application could be a modified version of the CSL application, and could require evidence of continued specialized excellence, such as summaries of proceedings in the specialty area in which the CSL represented a party (as required in certain certification applications), or of opinions delivered, and an attestation that the CSL meets current knowledge and experience requirements (which may have been modified since the CSL was certified as a specialist). Particularly if SABs were reinstated and tasked with reviewing applications for certification and recertification, the public and the profession would be reassured that the CSL designation reflects current specialized excellence.

While these enhancements would no doubt increase the cost of the CSP, these costs, if reasonable, could reasonably be borne by CSLs, in recognition of the value of the designation.

Conclusion

The CSP protects the public and provides a mechanism for enhanced lawyer competence. With the amendments outlined above, concerns raised about the program can be addressed, and confidence in the CSP can be enhanced.

Thank you for the opportunity to provide submissions respecting the CSP. Please contact me if I can provide any assistance to the Task Force.

Yours very truly,

ROSEN SUNSHINE LLP



Lonny Rosen, C.S.*

*Certified by The Law Society of Ontario as a Specialist in Health Law. Practicing as a professional corporation



I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name David Rosenblatt

Email Address david@rosenblatt.net

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the Certified Specialist Program adds tremendous value to both clients and lawyers. Clients are able to easily identify experts who have extensive experience and knowledge. This is very important with respect to immigration law where there are close to ten thousand immigration consultants that now practice immigration law. Being a Certified Specialist is also an honour and goal that lawyers can work towards, which can encourage lawyers to develop specialized knowledge and expertise.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name david rotfleisch

Email Address david@taxpage.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: rspc

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
Keep. It allows potential clients to identify lawyers with proven expertise in selected fields.

Do you have other comments regarding the Certified Specialist Program?
I'm of the strong opinion that it should be kept as is

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Fraser Rowand

Email Address frowand@rowandlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it.

Prospective clients can have difficulty identifying potential legal counsel that have significant expertise in an area. For smaller and unsophisticated clients, the principal source of information will be online searches, which are influenced by a number of non-objective factors, including the content of licensees' own website, their self-reported areas of expertise and experience, and paid Google ads.

While there are a number of "rankings" and "awards", and some of them are rigorous in their screening, we all know that at least half of them are completely meritless. However, the general public has no idea which are legitimate and which are not. The Certified Specialists Program carries the imprimatur of the Law Society of Ontario, which enables prospective clients to rely on it as a sign that a lawyer has the actual expertise and experience that they purport to have, and has not merely purchased a "World's Best Lawyer" award or plaque of some kind.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

Yes. Just as was done with the KC/QC designation.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Russell

Email Address john@wsiblwyer.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the Certified Specialist Program, primarily to assist the public in identifying and accessing lawyers who specialize in a given area of law. Particularly in a "niche" area of law, such as the one in which I practice (Workplace Safety and Insurance Law) where there is no broad based familiarity with the domain, and specialization is critical to helping the public identify practitioners with the requisite expertise.

We live in a time of increased specialization, across an increasing number of important domains, and the CSP has proven, in my area, for example, to be an important tool in assisting members of the public to focus their search for the requisite expertise on a recognized resource, rather than spend time - and money - on finding this out the hard way.

Do you have other comments regarding the Certified Specialist Program?

Retain the program, as it is clearly in the public interest.

And tweak it if there are legitimate, evidence-based concerns.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Elliot Patterson SACCUCCI

Email Address esaccucci@loonix.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it eliminated. Without an element of continuing assessment it does not meaningfully achieve its goal. To add continuing assessment then increases the bureaucracy associated with the program, and increases its cost. There are myriad existing measures of a lawyer's competence.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No. It should merely end.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Enzo Sallese

Email Address esallese@mindengross.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I am in favour of preserving the Certified Specialist Program. There is a broad spectrum of skills and experience across the bar for any given practice group. It is helpful for both the community at large and other members of the bar to rely on specialist accreditation by the LSO so that when there is a need for more sophisticated advice, there is a pool of recognized "experts" to consult. Although not absolutely determinative, the certified specialist designation has also been an important criterion for qualification as an expert for "expert" testimony.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I am also in favour of regular recertification for the maintenance of the designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Lorne Saltman

Email Address lsaltman@grllp.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO website explains the rationale for the Program as follows: "Established in 1986, the Certified Specialist Program (CSP) recognizes lawyers who have met established standards of experience and knowledge requirements in one or more designated areas of law and have maintained exemplary standards of professional practice." Res ipso loquitor"

I am very concerned about a decision to scrap this Program, as expertise in the legal profession as determined by our the regulatory body should be recognized. The Certified Specialist designation provides the public with an independent and highly credible verification about a lawyer's expertise and experience in a practice area (as you have to be in practice at least 10 years to obtain the designation). Removing the designation will also open the doors for lawyers to use other, much less credible and unverifiable designations, which will invariably create confusion in the minds of the public.

Do you have other comments regarding the Certified Specialist Program?

I was a member of the committee that set the rules for being designated as a specialist in tax law. The members of this committee were all competent, serious people who gave careful consideration to creating rules that would permit excellence to be recognized and that would protect the public at the same time.

In my view, it would be a mistake to demolish this committee's work, and it would go against the public interest to scrap the Program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Daniel Sandler

Email Address danieladamsandler@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be kept but updated/adjusted. There is certainly a benefit to the public to know that certain lawyers who they may decide to retain are specialists in their field.

The issue with the current program is that there is no requirement to continue to establish one's specialized knowledge. Similarly, the Law Society does not encourage lawyers who could qualify for the Program to apply for the designation.

The Law Society should do more to encourage applications into the Program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name pasquale santini

Email Address psantini@kellysantini.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it. This program has a level of assurances for the public to know that they are dealing with someone who is qualified to handle their matters and it instills public confidence in the individual lawyer as well as our profession.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

yes.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

i have always found the program useful as well as reassuring for the public to know they are dealing with someone who is vetted by the LSO to be proficient in their area of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Greg Sayer

Email Address greghsayer@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the program. I believe it can be helpful to the public in identifying experienced practitioners if they are searching for legal assistance. I think is is also a good means of providing a form of recognition to skilled, experienced lawyers.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Vito Scalisi

Email Address vito@scalisilaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the program. The program is a service to the public and in keeping with the LSO's mandate to protect the public. Lawyers with specialized knowledge and experience should be recognized so that clients can look to them, with confidence, in providing advice on complex areas of law. The program sets a high standard for certified specialists. Only those lawyers who demonstrate a high level of expertise are granted the privilege of "certified specialist". The public ought to be made aware of those lawyers that have demonstrated that high level of expertise in a specific area of law.

Do you have other comments regarding the Certified Specialist Program?

The program is important to the public. It gives clients a database of experienced lawyers to choose from, especially when facing complex issues in certain areas of law. The program should not be eliminated.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James Scarfone

Email Address scarfone@shlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Scarfone Hawkins

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Program should be continued for two reasons

1. The lawyers who qualified have invested for many years in the program with annual dues and it affects their reputation negativley if discontinued
2. The Program is part of the tool box to assess a lawyer and if properly administered is of benefit to the system of justice
3. The Baby Bath Water analogy applies. Unless there is an enhancement or improvement is should remain-rather than eliminate-improve

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

if eliminated any one who qualified should be grandfathered yes

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Promote it

Improve it

Do a 5 year requalification program

Set standards for what it means and tell the public.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Robert Schipper
Email Address	rgschipper_law@on.aibn.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the Certified Specialist Program. The program is of benefit to the public as it provides to those seeking a lawyer someone who has been determined by the Law Society through its comprehensive specialist vetting process, one who has special skill and expertise in a specific area of law. Not everyone seeking a lawyer wants a generalist. Not everyone's issues can be handled by generalists. The public has a right to know if someone has been determined to be a specialist in a particular area of law which then allows him/her/they to make an informed decision. There is a very small number of Certified Specialists in Ontario compared to the number of lawyers licensed to practice law. Holding these lawyers out as specialists in a particular area of law only enhances the public's ability to chose who they want to represent him/her/they. These lawyers have honed their skills over a number of years of practice. Why should those skills not be promoted to the public? In all cases these specialists have been practicing for many years and provide the skill and expertise that lawyers who are not so certified may not be able to provide yet the public would not be aware of this and hence may not be best served which would not only be a disservice to the public but also to the profession as a whole.

Do you have other comments regarding the Certified Specialist Program?

The Certification Specialist Program was instituted many years ago as the Law Society saw a need to provide to the public the ability to find lawyers which special skill and expertise. The program has worked well for almost 30 years. It would be useful to know what percentage of certified specialists have been disciplined by the Law Society or subject to findings of professional negligence. I suspect the number is quite small compared to the rest of the licensed members of the profession. Why take away this valuable service if it isn't broken? It gives lawyers something to attain as he/she/they advance in their chosen field of law. It has much to commend and as far as I can tell, little if anything to criticize.

From: Derek A. Schmuck <SchmuckD@simpsonwagle.com>
Sent: Wednesday, May 17, 2023 9:43 AM
To: Policy Consultation <PolicyConsultation@lso.ca>
Subject: Specialist Program

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

I would like the program to continue. I believe it provides helpful information to the public.

Also, many lawyers invested time and money to become, and stay, certified.

Derek A. Schmuck
Partner

SimpsonWagle LAW LLP
1 Hunter Street East, Suite 200,
Hamilton, ON, L8N 3W1
P.O. Box 990, Hamilton, Ontario L8N 3R1

Phone: 905-528-8411 ext 353
Direct line: 905-777-2394
Fax: 905-528-9008



E-mail: Schmuckd@simpsonwagle.com
Website: <http://www.simpsonwagle.com>

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I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joseph Schochet

Email Address jschochet@rogers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

eliminate the Certified Specialist Program - they do not have any significant specialized training or skills, instead, they mislead the public, and only those with extra money can buy this title.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

no, stop the fraud on the public and eliminate it entirely!

Do you have other comments regarding the Certified Specialist Program?

It panders to the richer lawyers who can afford to pay the fee for the title while deceiving the public that the lawyer has special skills or training

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Samuel Schwartz

Email Address Sam@strategylawgroup.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It is essential that the Law Society retains the CS Designation. The specialists add greatly to the reputation of the Bar and comfort to the public. The extra training to obtain the designation assures the public of the Law Society's ongoing commitment to excellence and protection of the public.

Do you have other comments regarding the Certified Specialist Program?

It would be a tragedy for those certified to lose what they have so had worked for. The integrity of the Law Society will come into question.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Christopher Scotchmer

Email Address kitscotchmer@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the LSO should consider not only keeping the program, but bolstering it as well. The medical profession has been well served by demarcation of specialists as having both education and experience in particular areas. I think it provides a useful means for the legal service buying public to know about the particular focus of lawyers. I would suggest increasing the specializations to better reflect the broad spectrum of practices out there already.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Scott seabrooke

Email Address sseabrooke@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. The LSO's focus should be on ensuring licensee conduct is proper and ethical. Awarding CS designations takes attention away from more core mandates of the LSO and creates an impression of endorsing one licensee's competence over another.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Until retirement or until the licensee is no longer in active practice. It makes little sense for a licensee who is not practicing law to maintain a designation of being a specialist in practicing a particular area of law.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Robin Seligman

Email Address robin@seligmanlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be kept. My area of law is Canadian Immigration. It is a very niche and specialized area and has significant impact on our clients lives. In some cases it actually can mean the difference between life and death, or long term separation from family, and other devastating consequences. So it is very important that parties know that they are not only working with a lawyer but one that has expertise in this area of law. It is not an area of law to dabble in. As well, there are thousands of "immigration consultants and ghost consultants" that prey on vulnerable parties. It is very important that the public is aware of how to identify credible and specialized lawyers. The CS designation is important and assists with public with identifying proper lawyers who specialize in this area of the law. Definitely keep the CS program. It is a service to the public.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I prefer that the program be kept. However, if it is eliminated, grandparenting should apply for the reasons mentioned above. It will continue to protect the public.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Thank you for your efforts and consideration.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name E Patrick Shea

Email Address patrick.shea@gowlingwlg.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CSP should be retained. It serves the public interest by identifying lawyers who have met an established (objective) standard in specific areas of law and, if managed properly, can encourage lawyers to increase their education and training--competence-- to become certified. The ever-increasing number of awards being offered by various organizations and publications to permit lawyers to promote themselves results in the real risk of public confusion between "popular" and "competent". It is easy for the members of the public to assume that an award based on what can be a popularity contest is an objective indication of "quality" or competence.

The fact that some respondents in 2021 believed that the CSP was a not a "true" marker for excellence likely means they were not familiar with what it takes to become and remain certified. There is certainly room for improvement in terms of how the CSP is explained to lawyers and the public, but that is a reason to take the opportunity to make the program better, not eliminate it. If the CSP is eliminated, there will not objective "marker" to indicate to the public that a lawyer has met any established standard--there will in fact be no established standard. There will also be no tool available to the LSO to encourage lawyers to develop their expertise in specific practice areas to develop and improve competence.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Robert Sheahan

Email Address robert.sheahan@gowlingwlg.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Certified Specialist Program facilitates access to justice by facilitating the reliable and easy identification by prospective clients of specialists in a specific area who are dedicated and experienced in that area. Advertising by lawyers frequently take a "shot gun" or opportunistic approach. There are few barriers to allowing a lawyer who has some but minimal experience in an area to advertise that they practice in this area. The Certified Specialist Program is an important and reliable way for clients to identify those who have invested the time to perfect their craft in a specific area and for those lawyers to be rightly recognized for those efforts.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes. Many Certified Specialists have invested significant time, resources and money to become Certified and maintain their certification. Moreover, the sudden removal of the designation could be detrimental to the reputation of the lawyer given that many members of the public will not know that the Program was eliminated by the LSO. Rather, all they will see or know is that a lawyer once was a Certified Specialist and is no longer. This may lead to the misunderstanding that the lawyer lost their designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Thank you for the opportunity for the profession to comment on this important issue.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Audrey Shecter

Email Address ashecter@beardwinter.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The CS Program should not be eliminated.

I have been a CS in Family Law since 2016. It has added enormously to my practice. Clients have told me that they specifically consulted and retained me because I am a specialist in family law.

My non-family law partners at Beard Winter also value the fact that I am a CS. On many occasions my non-family law partners will refer clients to me, linking us in an email and advising that I am a CS. They feel that this is an important and valuable point for clients.

The application for the CS designation was a rigorous one which took me over 1 month to prepare. I am aware that my application was carefully scrutinized based on a question which I was asked by LSO (then LSUC) when my application was being considered. It is definitely based on a high level of experience and knowledge.

I would be very unhappy if the CS designation is abolished. It is not elitist. It is open to all LSO members to apply. Those who believe that it is elitist have likely not taken the time or effort to apply or to go through the rigorous scrutiny. Further, now with the new KC designation (which is based on unknown criteria), the CS designation which is based on knowledge and experience, should definitely remain in place.

If LSO and Convocation are to unfortunately decide to eliminate the CS program, it should definitely be grandfathered. Anything otherwise would be punitive.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

See above

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jeffrey Shinehoft

Email Address jeffrey@jslawfirm.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. The designation provides the public with a service knowing the lawyers who have a designation based on knowledge, training and experience.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gregory Sidlofsky

Email Address gmsidlofsky@wagnersidlofsky.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be kept. It gives experienced lawyers who wish to enroll in the program the ability to hold themselves out to the public as having recognized experience in the specific field in question. It also gives the public objective confirmation of a lawyer's experience in a given area.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

The success of the program should not be measured by how many lawyers participate. That is up to individual lawyers. It is of value to the public who may wish to find a lawyer with particular expertise and it is of value to experienced lawyers who meet the criteria and make the effort to obtain the designation. There is no basis to remove the designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name John Simpson

Email Address jsimpson@shiftlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. It is especially important for solo and small firm practitioners like me to be able to demonstrate to clients (through some objective measure) that they have expertise in a particular area of the law. It can be challenging for small firm lawyers with subject area expertise (e.g. in intellectual property law) to get clients to trust that they have as much or more expertise in a particular area than "big firm" lawyers. Being able to show that our governing body recognizes our expertise is extremely helpful to us. It also helps clients to distinguish between lawyers who dabble in particular areas and those who actually specialize in them and so is of great benefit to the public as well.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Brianna Sims

Email Address bsims@osc.gov.on.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be eliminated because it is not well-understood by either lawyers or the general public, and does not represent a consistent level of competency or specialization.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Lawyers should be able to continue using the definition as long as it is clear that it is a historical designation (not a current statement by the LSO).

If so, for how long? Five Years

Do you have other comments regarding the Certified Specialist Program?

I think there is value in having competency markers as long as they are clear, meaningful, unbiased, and well-understood.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jason Singer

Email Address jsinger@singerkatz.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program.

1. LSO's mandate is to ensure a high level of competence of its lawyers. It is in the best position to evaluate who are specialists and who are not. I should not abdicate this to paid advertisers.
2. There are various questionable awards and rankings which the public will be solely relying on without this program.
3. The program encourages lawyers to be better lawyers, by meeting the rigorous criteria to apply and maintain the designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I would not prefer this, but if the program was eliminated, there should be a grandparenting of those who previously met the rigorous criteria. This would allow those members to demonstrate ongoing leadership in the legal community. Further, many lawyers took a tremendous amount of time, energy and money to apply, it would be unfair to not allow them to maintain that designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

The rationale for maintaining the ILI designation is the same reason this program should be maintained. Both are aimed to protect the public by identifying lawyers with enhanced competencies in an area of law. If the concern is the yearly recertification process, one option would be to require a more comprehensive questionnaire and a referral letter every 2-3 years.

If the LSO does not want to regulate a bar for its most well regarded members, one must question if it should be regulating any members. The gap will be filled by publications and surveys that are not regulated by the LSO.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Antony Singleton

Email Address antony@asingletonlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should eliminate the program. From my perspective as a workers' compensation lawyer, the program has no value. As I understand it, only a few people, and those that I know frankly do not provide a level of service or expertise that lifts them above other lawyers and paralegals in the area. Indeed, I would respectfully suggest that the designation is misleading to the public in that regard.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes, but only to make it more likely that the reform will go through.

If so, for how long? Five Years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sydney Smith

Email Address ssmith@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

- 1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
- 2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
- 3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
- 4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.
- 5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.
- 6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
- 7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
- 8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
- 9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.
- 10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
- 11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Iain Sneddon

Email Address sneddon@cohenhighley.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes. The public should know the experience and competency of a particular lawyer, and the area of law where the lawyer has such experience and competency, particularly so in light of increasing marketing of lawyers. When an individual seeks a doctor of medicine, for example, that individual is aware of the area of competence of that medical doctor. The public is referred (typically) to a doctor from their GP to a specialist in the area of designation. It would be odd and not in the best interests of the public if an individual saw a cardiologist when a brain surgeon was actually needed. Providing more information to the public about the lawyer is better than less information.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ronald Snyder

Email Address rsnyder@xphoriaspirits.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The C.S. program should be preserved. It is indisputable that a high threshold of criteria must initially be met to secure a C.S. designation. The theoretical and anticipated practical effect is to inform the public that the lawyer is well-versed/an expert in the applicable law in his or her area of practice. It is an opportunity for the lawyer to distinguish their heightened capabilities from the balance of those who claim, without any official Law Society confirmation, that they possess the necessary knowledge, skill and experience to practice in the relevant legal area. The essential reasoning of the report that recommended the program's abolishment is that there has been little or no oversight to verify the continued heightened competence of the designated C.S. lawyer. With respect, the same reasoning can be applied to the validity and value of the cpd program in its entirety. As an example, there is no oversight to ensure that a lawyer who registers for a CPD podcast, in fact, participates therein versus having merely set the podcast on mute, enabling the lawyer to focus on regular work activities, but subsequently claims the relevant cpd credit. The value of both the CPD and CS programs is founded solely on the integrity and honesty of the lawyers who claim the relevant CPD credits and/or who complete the necessary annual declarations for the CS renewal. There is a distinction without a difference to sustain one program (CPD) and not the other (CS) based on the reasoning set out in the impugned Report. As a CS specialist since 2010, it has become evident that my broad spectrum experience in my area of expertise well-surpasses many others who hold themselves out as practitioners in my field, but whose de facto scope of experience is demonstrated to be significantly limited. Such a demarcation in skillsets should continue to be recognized by the Law Society for the benefit of the consuming public. It should be manifestly evident why those, who are unable to achieve a CS designation, would seek to repudiate the CS program.

Do you have other comments regarding the Certified Specialist Program?

If a final decision is made to eliminate the CS program, it should also include the elimination of the CS designation for those practicing indigenous law. NO EXCEPTIONS. The carve out suggested in the Report is nothing short of an odious, if not political correct, approach to resolving the CS issue. All counsel currently in the program, regardless of their area of expertise, should be assessed on an equal, level playing field, without distinction.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jean-Michel Frechette

Email Address jmfrechette@frechettemediation.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Société professionnelle Fréchette

What is the location of your workplace? If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Original/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanea), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate the program. Let counsel affirm their own expertise and let the market do what it will.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes.

If so, for how long? 2 year phase out.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ryan Solcz

Email Address Ryan@solczlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the program should be eliminated. It creates inequalities in our profession. It makes certain individuals appear more qualified than others to practice a particular area. When I look at the criteria, I think many practitioners may meet the criteria but either do not have the time or ability to complete the forms. In particular as a younger sole practitioner, not only would I still not qualify to apply but I also probably wouldn't have time as I am too busy helping my clients. I think this is primarily a tool for big law firm lawyers to make themselves look better.

Secondly, I don't think members of the public actually understand what the designation means. Obviously this is only my opinion, but my experience has been that members of the public think most lawyers specialize in all areas of law (which we don't). If the primary objective of the Law Society is to protect members of the public, how is this program doing that? It seems to me that the program is an excellent advertising tool for lawyers with little benefit to members of the public who primarily choose a law firm based on cost or word of mouth, not a designation.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I think it is fair to grandparent individuals but there should be rules on how they advertise their certification. The purpose of the certification should be to benefit the members of the public, not to be used as an advertising tool to gain more work.

If so, for how long? Five Years

Do you have other comments regarding the Certified Specialist Program?

If the program continues, there should be requirements for advertising the specialization. For example I am not sure it is fair for one to put on their website "Only certified specialist in real estate law in Windsor-Essex County". The goal is to serve members of the public not compete between lawyers.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jeremy Solomon

Email Address jeremy@solomonlitigation.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. Since advertising is permitted and with the Provincial Government handing out KC designations to lawyers without any apparent protocol to assess merit "as a lawyer", the Certified Specialist Program is the only controlled and merit based mechanism for identifying lawyers who have and continue to meet minimum practice requirements and qualifications.

Do you have other comments regarding the Certified Specialist Program?

Regarding the last question, while I advocate for maintaining the CS Program, should the Law Society elect to eliminate it, lawyers who currently have the designation should be permitted to continue using it until retirement. It is a merit based designation and the qualifying lawyers have earned the right to be recognized in a manner that reflects their objectively measured experience and skill.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Amanda Spitzig

Email Address aspitzig@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? Toronto (GTA)
If submitting on your own behalf, where do you reside?

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.

2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.

3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.

4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.

5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.

6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.

7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.

8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.

9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.

10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.

11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Anand Srivastava

Email Address asrivastava@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)
If submitting on your own behalf, where do you reside?

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.

2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.

3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.

4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.

5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.

6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.

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9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.

10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.

11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jennifer Stebbing

Email Address jennifer@stebbingbutcher.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

You should keep it. The program provides a way for the public to know if their lawyer is a specialist in the area of law they are looking for. The program is demanding and the requirements to keep the designation are as well. The committee seems to be concerned that not a lot of lawyers apply. It should be this way. Not every lawyer is at the caliber to be a specialist or has a practice that leans to that. The requirements are difficult and not every lawyer wants or needs to put in that effort.

To eliminate it is to say to those who did the work that it is worthless. It was callous and disrespectful to do that.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not want it eliminated and if you do the least you could do is grandparent. Taking away a designation just because you don't want to administer it anymore is extremely unfair to those who put in the work to get the designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I found the original decision disrespectful from your committee and the benchers. I hope they now understand how meaningful the designation is and that it does serve a purpose.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Richard Stern

Email Address rnstern@bell.net

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep the CSP. I am a criminal defence lawyer. I have been since 1980. With the advent of the internet I realized that persons seeking counsel would go online and review web sites, even if a particular counsel had been recommended to them. I created a web site and applied for specialist status which was granted. The criteria used seemed to me to insure that specialists had the experience and skill to warrant that status. In my field, I believe that still is true. I added a link to the LSO's very informative video which regrettably has now been removed. I have the designation on my business cards as well. I am unaware of anyone being negatively affected by the CSP in my field, but I believe it assists the public as intended.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not wish to see the CSP eliminated, but if that is the decision of the LSO I hope the designation will be grandparented (as was done in Ontario when QCs were eliminated).

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

If the CSP is eliminated will the LSO ban everyone from representing themselves to the public as a specialist? I have practiced exclusively in my field for 43 years. Whether the LSO thinks so or not, I am a specialist. There are others like me. We should be allowed to inform the public accordingly. Having the LSO's stamp of approval is a good thing, both for the practitioner who has acquired the expertise, and for the public who look to the LSO for assistance in retaining counsel.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jacquelyn Stevens

Email Address jstevens@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.

2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.

3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.

4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.

5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.

6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.

7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.

8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.

9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.

10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.

11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Maria Stevens

Email Address maria.stevens@ontario.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should abandon this certified specialist program. 1. The public is supposed to be protected by the LSO's supervision of all lawyers and ensuring their competence in their areas of practice. By having a CS program, it creates confusion as to whether those who choose not to participate are good lawyers. If a lawyer has done what the LSO requires and is in good standing, that should suffice. 2. The LSO can tailor the annual report and CPD requirements to ensure each lawyer has the requisite competency in their areas of practice without this program. 3. The application and costs to lawyers to be certified is a barrier to those who cannot afford the time and money to participate year after year. 4. Relying on references is a popularity contest rather than a means to determine superior competency. 5. The revival of the KC designation adds to the potential for confusion by the public as to which lawyer to choose: someone with no designation, someone with KC, or someone with CS. 6. A member of the public who is dissatisfied with the services of a lawyer with the CS designation may be more reluctant to complain and bring issues to the attention of the LSO who has effectively endorsed the skills of the lawyer.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No. That would effectively mean those who paid for the CS designation in the past continue to get the benefit of their financial position whereas those who may be equally qualified continue to miss out on the LSO's endorsement of their competence.

Do you have other comments regarding the Certified Specialist Program?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joanne Stewart

Email Address jhstewart@lernalers.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it. It provides, or ought to provide, a level of assurance to the public in general and to a client in particular that a lawyer has ability and knowledge in the area(s) in which they are certified.

Do you have other comments regarding the Certified Specialist Program?

One of the LSO's jobs is to protect the public. This certification program ought to aid in that. In the early days, to become certified took work and effort. It meant something. Knowledge and ability had to be demonstrated. That was a good thing: it called on the lawyer applying for certification to make their case. Move ahead to today's world, at least in Toronto, there is a vast pool of lawyers for a client to choose from and many look the same: the websites, the testimonials, the blogs all go to the lawyer's ability but none of those has an overseer, so what is said/written can be exaggerated or lacking in foundation or both. The certification process is an over seer process and one on which the public, the client, ought to be able to rely as an added level of assurance. That assurance is worth having, and I think needed more so now, including with the role AI will play, than it was even 20 years ago.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jeff Strype

Email Address jstrype@strype.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should not only keep the CSP but substantially enhance the program. First it is the experience of practicing law that is the most important measure of competence. While ongoing legal update programs assist, most C.S. lawyers are already very knowledgeable of the intricacies of legal practice. The question that is never asked is how to get the client to a remedy efficiently. Knowing how to deal with other lawyers with civility and knowledge comes with the handling of files on a daily basis not through educational programs which are really just icing on the cake or a respite from daily practice. Young lawyers need to see that C.S. lawyers have a higher standing because the Courts depend on us to lead by example so that our Courts function more efficiently. Becoming a C.S. should be mandatory at the 10 year mark of practice. If your not accepted then remedial education should be required. Second any lawyer with aspirations of becoming a judge must be a C.S. before applying (and this should be incorporated in the C.S. protocol). Finally a C.S. should be accorded precedence before the Bar at all hearings so that young lawyers want to aspire to the rank. I would advocate that the QC gown be adopted to further signify rank and experience of the the C.S. such that the Courts will depend on the C.S. to better assist the Court in its deliberations. In the future only a C.S. should be able to handle an amicus brief and may be called upon by the Courts to handle pre-trials where the need arises.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Do not eliminate the program.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

The Law Society should be actively promoting the C.S. designation to the public. Complex cases should be handled by experienced lawyers. LSO should be encouraging the public to look for the designation in serious matters. Likewise LSO should support marketing endeavours that highlight this designation as a sign of excellence in the practice of law. Surely that would encourage membership in the program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Joseph Sullivan

Email Address jsullivan@sullivanmediations.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Upload a File [Letter to LSO re continuation of Certified Specialist Program Sept. 26 2023.docx](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes. Please see my submission attached to thsi form .

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes, just as QC's were entitled when that designation was no longer given out in the 1980's

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Please see my submission

CAMPORESE SULLIVAN DI GREGORIO

BARRISTERS AND SOLICITORS IN ASSOCIATION

ARTHUR R. CAMPORESE, LL.B.*
JOSEPH J. SULLIVAN, LL.B., C.S.*
RAY Di GREGORIO, B.A., LL.B.
ANTONIO MADDALENA, B.Comm (Hons.), LL.B.
KAREN MARIE CAMPORESE, B.A.C.S. LL.B.
STEVEN COONS B.Sc., LL.B.
DANIELLE N. LECOIRS, B.A. (Hons), J.D.

Commerce Place, Suite 1700
One King Street West
Hamilton, Ontario
L8P 1A4

905-296-0043
Cell: 289-244-8199
E-mail: jsullivan@sullivanmediations.com

September 26, 2023

The Law Society of Ontario
Policy Consultation
Osgoode Hall
130 Queen Street West
Toronto, ON M5H 2N6
PolicyConsultation@LSO.ca

Dear Sir/Madam:

Re: Continuation of Certified Specialist Program

I am pleased to provide you with my submission on the continuation of the Certified Specialist Program.

Introduction

I was called to the bar in 1984 and designated as a Specialist in Civil Litigation in 1992. I went through an interview process and had to fill in a detailed form. When the program began, applicants had to show that they had tried a certain number of cases and had to list them. I also had to demonstrate a working knowledge of civil litigation in areas other than my practice area. I felt the rigor of the review process appropriate because I was only called to the bar for eight years, but by that time I had tried successfully many Supreme Court (then Superior Court) of Ontario and County Court cases, and this was well known in the litigation community.

I am a Past President of the Hamilton Law Association [2004- 2005] and a Trustee for 8 years.

I am a Past President of the Hamilton Medical Legal Society and a Trustee.

I was elected Regional Bencher of The Law Society of Upper Canada and served from 2011 to 2015. Prior to being elected Bencher, I was invited to serve on the Specialist Review Board for the Certified Specialist Program. As a Bencher, I continued on this board.

Position Re: Certified Specialist Program

I strongly urge the continuation of the Certified Specialist Program.

This program was initially introduced in the early 1990s because the provincial government of Ontario discontinued the designation of Queen's Counsel for Ontario's outstanding lawyers. This apparently was done because of political patronage attachments to those designations at that time.

Politics and patronage did play a role in the Queen's Counsel designations, but, in my view, top tier counsel were recognized. Such recognition might have been delayed due to political reasons, but generally speaking, outstanding lawyers were still recognized even if they were members of the wrong political party.

In 1985, Queen's Counsel designations were no longer designated. **Importantly**, existing Queen's Counsel were allowed to continue to use their Queen's Counsel designations, and some still do to this date. The Law Society should take careful note of this continuation.

What should the LSO do now?

First, the Law Society of Ontario should consult with those familiar with the process. Be wary of those with strong opinions who are not familiar with the history of the process or are not designated Specialists themselves.

Second, The Law Society Act under sections 4.1 and 4.2 requires the Society to establish the standards of professional competence and to protect the public.

As with Ontario school boards, this does not merely deal with the bare minimum standards, but also must deal with standards for those who are at the exceptional or gifted at the higher end of the profession. The public deserves to know who are the finest in the profession. Incidentally, it would be my observation that approximately 15% of lawyers I have encountered over my 39 years of practice deserve the Specialist status.

Thirdly, and perhaps **most importantly**, note that the Ontario government has reintroduced the King's Counsel designation. There is a risk that these designations will be given out on a patronage or political basis, in whole or in part, by this or any other provincial government. If this is the case, then it will be crucially important for the Law Society to continue the merit based Certified Specialist program. The Society has a solemn and statutory duty to let the public know who the true Specialists are.

Fourthly, I recognize that we have always wanted more lawyers to apply for the Certified Specialist designation. Often, many highly qualified lawyers have not applied. The Law Society could approach the Attorney General and suggest that all existing Certified Specialists receive, if they desire, an automatic King's Counsel designation. In this way, the Law Society would be working with the Attorney General to show that we are trying to protect the public. There is no doubt that the King's Counsel designation will be prominent in the public's eye and therefore the Law Society should seriously look at working with the Ministry of the Attorney General so that the two programs can work together in some fashion.

The Attorney General could always reserve the right to make his or her own appointments to King's Counsel who are not Law Society Specialists. There is no need for the Attorney General to completely turn over the designation process of King's Counsel to the Law Society. For example, the Attorney General may wish to designate lawyers who have completed exceptional community service. In such cases, the Law Society may not recognize them as Certified Specialist to Law Society standards. All of this could be made plain to the public during the King's Counsel appointment process. Transparency can occur in these circumstances.

This fourth suggestion recognizes Ontario's historical connection with the common law origins of our very system of justice rooted in the United Kingdom. The Law Society should not shy away from this common law recognition as it makes us unique from the United States. As we know, the United States has largely adopted the British system of justice, but, of course, would not have the opportunity to formally recognize that connection through the designation of King's Counsel.

Closing Comment

As you can see, I have some fairly strong views on this matter. It is my opinion that not only the Certified Specialist community, but also the profession generally wishes to keep the Certified Specialist Program. Please retain it.

I am pleased to serve once again in any capacity the Society may desire if called upon.

Yours very truly,

Joseph J. Sullivan

JOSEPH J. SULLIVAN, C.S., Q.Arb.
*Certified by the Law Society of Upper Canada
as a Specialist in Civil Litigation*

JJS/zb
encl.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Georgia Swan

Email Address georgia.swan@td.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

**What is the location of your workplace?
If submitting on your own behalf, where do you reside?** Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Upload a File [Certified Specialist - Professional Development and Competence Committee Submission.pdf](#)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the Certified Specialist Program. Please see attached letter.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the designation is eliminated those that have the designation should be permitted to continue to use the designation. Not doing so would cause reputational and potentially financial harm to those individual lawyers. See attached letter for more insight.

If so, for how long? indefinitely

Do you have other comments regarding the Certified Specialist Program?

See attached letter for further insight.

Georgia Swan, C.S.*, LL.B., TEP
Certified Specialist – Estates and Trusts Law
Certified Specialist – Taxation Law
Vice President – Tax and Estate Planner
TD Wealth
33 Collier Street, 3rd Floor
Barrie, ON L4M 1G5
Tel: 416-553-3932

September 29, 2023

Professional Development and Competence Committee
Law Society of Ontario
Osgoode Hall
130 Queen Street West
Toronto, ON M5H 2N6

Re: Certified Specialist Program Consultation

I am writing in support of the continuation of the Certified Specialist Program. Before I outline my reasons for this support however I feel it necessary to provide some context. I was called to the Ontario Bar in 1994. In my almost 30 year career I have practiced in a number of settings. In partnership and then as a sole practitioner in a shared office arrangement, then as a member of a mid-sized firm in central Ontario and finally as a Tax and Estate Planner for TD Wealth. As can be seen above I also hold two certified specialist designations and I also sat on the advisory committee to the Law Society with respect to the creation of the criteria for the Taxation Law certified specialty designation.

My personal reasons for asking that the program be continued are simple and decidedly selfish. Having the designations that I do has become part of my branding as a professional. To now have to explain why I can no longer call myself a specialist in these areas would be damaging to my credibility with my clients and employer, not to mention that it would negate the hard work that I have put in my entire career to achieve a level of competence in my chosen areas of practice which allowed me to achieve those designations. I would therefore suffer reputational harm as well as potentially financial harm.

While these are important reasons to me and I think to any lawyer who has achieved the required competence in their areas of practice to receive these designations, my reasons for supporting the program have become even more abundantly clear in the 6 years that I have been with TD Wealth. As part of my position with TD Wealth, I review on behalf of TD clients hundreds of documents prepared by lawyers from all around Ontario per year. I review Wills, Powers of Attorney for Property and Personal Care, Domestic Contracts, Shareholders and Partnership Agreements, Trusts of all kinds as well as other agreements and legal documents. This has provided me a unique point of view that I do not believe that most lawyers get except in this context.

When I was in private practice I was blessed to be surrounded by lawyers who were passionate about this profession. I could never quantify the number of hours my colleagues and I would spend discussing every word that we might include in a Will for example, or every aspect of how we might approach a matter. I was also lucky to have two excellent mentors during my career in Rodney Hull and Tom Wilson who both taught me the importance of this profession as a calling and not just something to do to pay

the bills. Would I ever say that mistakes were never made? Of course not, however I do say that any mistakes were never intentional and were never the result of lazy or sloppy work. I, and those lawyers, whether colleagues in my firm or opposing counsel would always strive to do the best we could, to keep up with the latest changes to the law and make sure that our focus was always on what was best for our clients. Because I had that experience with almost everyone I worked with I lived in blissful ignorance about what was really going on in our profession.

Since coming to TD Wealth however I have been deeply disappointed in the overall quality of legal work that I review. I daily review documents which are incorrect in law, have obvious errors in fact or are based on precedents that are so out of date that legislation is referenced that was repealed long before the documents were drafted. Not to mention documents that are drafted without a view to the latest case law. The harm that I see being done to the public by this work is immeasurable. I am starting to run out of polite ways to tell clients that the work that they paid for does not meet their needs or is outright incorrect. Granted my job allows those errors to be corrected by others however it does not good to the general opinion of our profession by the public to know that they cannot trust any lawyer that they retain to do good work. I am often asked for a referral to a lawyer who can redo the work and I am almost embarrassed by the very few names that I have on that list and I cover a region from Orangeville, Alliston, Barrie, Owen Sound, Midland, Orillia, Sudbury, Thunder Bay and North Bay.

Based on these experiences I ask the Committee why, rather than eliminating the Certified Specialist Program are you not requiring all lawyers to aspire to the levels of competence that the program requires. Most professions require their members to pick a specialty or particular area of practice. In my opinion the years when lawyers could be generalists are long gone. The complexity of the law no longer allows generalists if the work done is to be of the caliber that clients deserve.

In the last few years I have watched the Law Society search for its identity and have watched most recently as it became complicit in a politically motivated designation that does nothing to assure the public of the competence of the lawyers who hold it although most of the public would think that it does. Why, if the Law Society is meant to regulate lawyers and require competence in the profession as well as protect the public would you then eliminate the one true indicator of excellence in a lawyer's chosen area of practice?

It is for these reasons that I submit the elimination of the Certified Specialist Program would be a sad day for our profession and for those that we serve. I ask you then to not only continue this program but to make it something that all of our members aspire to.

Yours truly,
Georgia Swan

Note – the opinions in this letter are entirely my own and do not represent the opinions of TD Wealth, The Toronto Dominion Bank or any of its subsidiaries.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jennifer Sweitzer

Email Address jsweitzer@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.

2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.

3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.

4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.

5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.

6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.

7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.

8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.

9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.

10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.

11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Robert Talach

Email Address Rtalach@becketinjurylawyers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should KEEP the program. The main reasons are twofold. Firstly it allows the public to know that the Specialist has a certain level of experience in that particular field to warrant the designation. This is more important than even with the proliferation of "fake" or questionable stamps of approval which are only marketing ploys. Secondly, it is a form of honour which aids in retaining and rewarding lawyers. Considering how many lawyers there are in Ontario there actually are few "at-a-boys". Such a method of recognition helps retain lawyers and aid to their feeling of professional satisfaction and resulting mental health.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, I think if designation is eliminated it should be erased completely across the board. It leaves an unfair and inconsistent message to the public otherwise.

Do you have other comments regarding the Certified Specialist Program?

I don't know what drove the elimination of the program but do the alleged benefits of that elimination exceed the advantages of retaining it? Ultimately the LSO's job is to ensure the delivery of compete and trustworthy legal services to the public. This program contributed to that by providing this stamp of approval on experienced and practice focused lawyers. It also in a small but important way likely also helped retain a few more lawyers longer. That fills the mandate of the LSO. The only benefit I see from elimination is fiscal. You can offset the fiscal cost easily by requiring specialists to pay an annual fee to retain the designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Shelly Tam

Email Address shelly.tam52@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it. It helps people find lawyers who have shown to be a specialist in a particular area of law. If anything, it may be beneficial to have stricter requirements in order for one to become and continue being a certified specialist so that clients can trust that their lawyer is highly competent in that area of law.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Lulu Tao

Email Address lulutao@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should continue to maintain the Certified Specialist program due to its numerous benefits and contributions to the legal profession. The program plays a vital role in recognizing lawyers who have demonstrated exceptional expertise and knowledge in specific areas of law. By offering specialized certifications, the Law Society enhances public confidence by ensuring that lawyers who hold these designations possess a high level of competence and skill in their respective fields. This program also helps individuals seeking legal services to make informed decisions by providing them with a reliable means to identify lawyers who have demonstrated a proven track record of excellence in specific areas. Moreover, the Certified Specialist program promotes professional development and encourages lawyers to continually enhance their knowledge and skills through ongoing education and practice in their chosen areas of specialization. By maintaining this program, the Law Society of Ontario upholds the standards of the legal profession and ensures the provision of high-quality legal services to the public.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name David Turner

Email Address dturner@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. At present it is a transparent money grab by the LSO for attorneys/firms that specialize in fields of law. Charging for specialization certification is egregiously pecuniary, and just plain over-reach.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Sure, and they should not be charged for same. Best however to just terminate the whole program.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I compare this to the two other jurisdictions I have been admitted to, Colorado and New York, where no such program exists. There ARE separate benches and organizations for, say, family or crimlaw specialists, but the regulatory bodies in those jurisdictions do not charge for some certification.... only here. Time to get rid of this. Referral services from the Bar, wherein firms or individuals report areas of practice, great. Charging for some certification process just feels like one more LSO charge...

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Timothy Thirukkumar

Email Address mr.timthiru@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the C.S. designation as it is an important designation that various lawyers work towards and provide a fulsome representation of experts in their field of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

They have worked for that designation and they should keep the designation until they retire.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jeff Tracey

Email Address jtracey@rowandlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The law society should keep the program. The program provides many benefits to both lawyers and the public. Since the program ensures that specialists have demonstrated particular expertise in a given field, the public and, more importantly clients and prospective clients, know that a lawyer has the experience necessary to handle a given matter.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I don't see why this question solicits a response from only those who think that the program should be eliminated. Those that think the program should remain can also have insight regarding how the program should be would down if the LSO elects to wind down the program.

If the program is eliminated, those that have the designation should be grandparented until retirement or until they are disciplined by the LSO. The individuals having the designation have demonstrated that they have a particular expertise and they should keep the designation until retirement.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gregory Tufman

Email Address gtufman@uniforlsp.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The certified specialist program should be kept. Members who have earned the designation previously ought not to lose it without cause. While it certainly would not be fair to strip members of their designation, it may also cause unforeseen damage to their practice and reputation. clients, prospective clients and non-members of the population may very well assume that the a member stripped of their designation had that done for some misconduct.

Not only is it important for current certified specialists to retain their designation, the program is also important to developing lawyers. The program not only rewards excellence in a specific area of law and allows members to aspire to earning the designation, but also provides simple guidance to prospective clients as to the level of experience of the member in whichever field they specialize. It is a program which has benefited past generations of lawyers. Developing and future members ought to be afforded the same opportunity to attain and benefit from this designation through their work, professionalism, development and reputation in the profession.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I would not prefer to see the program eliminated, however if the Law Society determines that it should be eliminated, members currently holding the designation should be able to retain it.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name MAREK TUFMAN

Email Address mzt@litigationcanada.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

This should be kept. It is a useful tool to measure seniority and focused experience

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Phillip B. Turcotte

Email Address phillipbt@proton.me

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

In my view, the Law Society of Ontario (LSO) should eliminate the Certified Specialist Program (CSP). It is difficult to see how the Certified Specialist Program protects or promotes the public interest.

As the regulator of the legal profession in Ontario, the LSO's core function is to ensure the people of Ontario are served by lawyers and paralegals who meet high standards of learning, competence and professional conduct. The obligation on its licensees to meet high standards of learning, competence, and professional conduct is universal. This is where the law society should focus its energies and resources.

It seems counterproductive for a regulator to both ensure that all its licensees meet high standards, while at the same time allowing some of its licensees to obtain a certification that they exceed those high standards.

All licensees are already required to be competent: to meet a standard of knowledge and obtain a level of experience required to adequately advise their clients. In addition, by maintaining their licenses, all licensees already demonstrate that they maintain exemplary standards of professional practice. Therefore, there is no need for a separate CSP to demonstrate these basic elements of professional competency and professional practice.

The LSO resources would be better spent, in my view, in ensuring the quality and agility of its regulatory processes writ large to the benefit of all its licensees, rather than spending resources on a CSP that has ever only benefited a small portion of the legal profession. LSO resources should also prioritize those programs or initiatives that would improve access to justice and encourage innovation in the provision of legal services. It is unclear from the CSP Consultation whether the CSP would in any way assist the LSO in meeting either of these important goals.

I also worry that a member of the public looking to hire a licensee might draw the wrong inferences from a C.S. designation. A member of the public may understand a C.S. designation as a signal from the LSO that a designated licensee is somehow "better" (more qualified or more professional) than a licensee without a C.S. designation. This would run contrary to promoting and protecting the public interest. It is not because a licensee does not have as much experience in one area of law that they are less qualified or less able to serve their client than a licensee with more experience in that area of law. I fear that to the public, a C.S. designation inherently suggests that lawyers with a certain number of years of experience are naturally, or inherently, more qualified or "worth more" than their more junior peers. It is difficult to see how leaving that impression with the public is in any way beneficial. I also worry that a C.S. designation may create an incentive for licensees to raise their fees (in part, to recoup the costs of maintaining the designation) and may make a client less likely to question what might be unreasonable legal fees because they perceive the C.S. licensee as "worth more" than a non-C.S. licensee. Such outcomes would undervalue and undermine the dedicated efforts the LSO puts in ensuring that all licensees meet a high standard of competency and professionalism.

In addition, I worry that the CSP program unfairly advantages lawyers who have the time and resources to participate in the program and pay its fees. Sole or small practitioners may not have the resources to pay for a C.S. designation. Likewise, practitioners who are in-house counsel or working in the public sector may not have their employer's support (financially or otherwise) to seek a C.S. designation, as it is not an essential requirement of their employment. Given this, there may well be communities of practitioners who are simply unable to seek a C.S. designation, despite having the requisite subject-matter expertise and excellent record of professionalism. This alone is sufficient, in my view, to prohibit the existence of a CSP. A regulator should not maintain a CSP unless all its licensees have equitable and barrier-free access to it.

Lastly, in my view, the Indigenous Legal Issues specialization should not be maintained, even if other designations are abandoned. As our profession moves forward in reconciliation, it has become clear that substantive knowledge of Indigenous issues and intercultural understanding, especially when it comes to serving Indigenous clients, should be part of the basic level of competency of any licensee, regardless of whether they practise in the area of Aboriginal Law. Maintaining the Indigenous Legal Issues specialization solely to "enhance the level of service to Indigenous People" and to "provid[e] a mechanism by which excellence in Indigenous legal matters is both identified and encouraged" (as the Consultation Report puts it) seems contrary to the progress made and lessons learned when it comes to responding to Calls to Action 27 and 28 and our evolving understanding of how the basic level of competency and skills of all licensees must be improved in order to make progress on reconciliation. Continuing the Indigenous Legal Issues specialization suggests that only those who practise Aboriginal Law and who can access the CSP need to make progress on reconciliation. This is far too narrow a scope and stands contrary to the LSOs commitments to moving reconciliation forward.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Given the concerns I identified in my previous answer regarding the potential for the C.S. designation to give the public the wrong impression, as well as the fact that there likely have been barriers to accessing the C.S. designation in the past, individuals with the designation should not be grandparented.

If so, for how long? There should be no grandparenting, but if there is to be some, it should be for the shortest time period possible, and no more than one year.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Diane Ulmqn

Email Address diane@integrislaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

As a real real lawyer myself I strive to one day be a certified specialist. It is important to acknowledge those in the profession that have dedicated the time and effort to become an expert in their area of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If it is eliminated the current CS should be grandparented.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Amit Ummat

Email Address amit@ummattaxlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should definitely maintain the CS program. I can delineate the importance of the CS program by way of example.

I am a certified specialist in taxation law. I am the only one (as far as I know) outside of Toronto. I get a number of calls on this basis alone. Taxation is an incredibly complex topic and there are a number of purported tax experts in the public realm who have very little actual knowledge and in fact, on occasion provide substandard advice.

What is the harm of keeping the program? I am incensed that the LSO would eliminate the CS program based on a single Bencher's proposal that the program be terminated.

I do not gain economically by being a specialist. I pride myself on working to assist people in their tax disputes and have spent 25 years learning and practicing tax. I do a bunch of pro bono work for low-income people who come to me because they have searched the LSO for specialists in their neighborhood. Why you would get rid of that is beyond me.

I am at a total loss to understand why the LSO would even consider this. Is the CS program causing harm to someone or something?

Do you have other comments regarding the Certified Specialist Program?

There are many issues that should be addressed by the LSO. The CS Program is not one.

We have lawyers drinking themselves to death. We have partners sexually harassing their associates. We have people leaving the profession in droves. We have young lawyers experiencing licensing troubles due to international education. There is a dearth of minorities represented in Ontario firms. The profession needs help. But the CS Program? I just don't understand why so much ink is being spilled over something so incredibly innocuous.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Gabriel van Loon

Email Address lawcanada@hotmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the LSO should continue the program. I am a CS and had to undertake a broad range of activities and accomplish a number of achievements in order to qualify. The designation is relevant and comparable to designations found in other professions where those in general practice can become "specialists" as a result of advanced training in a specific field of study/practice. It is helpful for prospective clients to consider the designation as one of many factors that may be weighed in selecting appropriate counsel for a particular matter. For the individual who holds a CS designation, it is a form of recognition of a certain level of accomplishment which helps enhance the self-perception of the attractiveness of a legal career. I am not sure why it needs to be eliminated. The infrastructure is in place. I pay a fee, fill out a form and renew my CS designation annually. I do not see the need to eliminate this opportunity for current holders or future applicants to the program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Absolutely. It would be incredibly frustrating and sad to have the designation taken away after all the work that was required to acquire it. As well, to anyone not familiar with the initiative, it would look like a demotion. Just as an example, my LinkedIn profile, which is accessed often by clients, colleagues and others, has my CS listed as an achievement. If I had to remove it, it would update people connected to me and look like I am being demoted or downgraded. That would be very prejudicial. It is hard to reverse a designation without it having a detrimental impact on the holder. It would have been far better to not have it in the first place.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Please don't eliminate it. Lawyers are competing against other professionals and quasi-professionals who can have dozens of designations. The world is only getting more competitive.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Melissa VanBerkum

Email Address vanberkum@cdglaw.net

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Upload a File [Submissions regarding Certified Specialist Program.pdf](#)

SUBMISSIONS REGARDING CERTIFIED SPECIALIST PROGRAM

I was designated by the Law Society of Ontario as a Specialist in Municipal Law – Local Government in 2010. I obtained that designation after completing the application form, providing the necessary recommendations of three peers, all of whom practiced in the area of municipal law, and paying the fee. I have filed the required annual forms and fees with the LSO every year thereafter. In addition, I exceed my Continuing Professional Development hours each year.

I have reviewed the *Professional Development and Competence Information Report: Certified Specialist Program Consultation*.¹ My responses to the concerns of the Task Force are below:

(i) Limited uptake in the program

1. The number of designated specialists is not, in and of itself, a reason to discontinue the program. This is particularly the case since the report does not indicate what is the ideal “uptake number” is to warrant the program’s continuance. It also provides no analysis to determine why more licensees do not apply for a designation. If those reasons are not related to the program itself, the uptake number is an irrelevant standard by which to judge it.

2. The number of applicants is likely due to areas of expertise and the difference between lawyers who are in private practice and must attract clients and those who act in-house. Where clients are not assured, the designation provides one tool to distinguish oneself on the basis of expertise.

(ii) Did not assure or improve licensee competence

3. This concern ignores the fact that all licensees are required to fulfill their CPD hours every year. The majority of professional lawyers should be assumed to ensure their competence in the areas in which they assert expertise.

4. I see no information in the report that demonstrates that there is a delta between the level of actual professional competence of Certified Specialists and their designations. The report refers only to respondents who “had not participated in the program” and did not think that the CSP is a “true marker for excellence in the profession or that it had significant utility”. With respect, respondents who do not have factual examples of professional incompetence of certified specialists or who do not have a designation are not the best judge of a designation’s efficacy or utility.

¹ Undated – PDF version dated May 2023

(iii) There is no on-going evaluative component as part of the program

5. This concern does not confirm on what basis the program should be evaluated.

6. Without proof to the contrary, the LSO should assume that Certified Specialists continue to merit their designations. I note that, other than disciplinary proceedings and annual report filings, the LSO does not evaluate the on-going competence of licensees.

7. The Certified Designation does not shield a licensee from negligence nor does it mean that those licensees without a designation are less competent or specialized. The market, to some extent, evaluates and awards competence.

(iv) There is no mechanism to ensure ongoing elevated expertise in the subject area

8. The annual Certification Annual Report has the Certified Specialist warrant several things, not the least of which is that she has practiced in her specialty area and has maintained comprehensive knowledge of the substantive law, practices and procedures in the specialty area. This is a mechanism to ensure competence.

9. The LSO should assume that those who sign these forms take their representations to their licensing body seriously, absent evidence to the contrary.

ADDITIONAL COMMENTS

Indigenous Legal Issues Specialization

10. The Task Force distinguished the Indigenous Legal Issues Specialization in that it certifies both substantive legal specialization and inter-cultural understanding. I understand that to mean that this designation would continue even if all other designations were eliminated.

11. I agree that the Indigenous Legal Issues Specialization should continue. I would not qualify for it. However, it seems to me that, if the LSO is going to discontinue all other Certified Specialist designations for the reasons above, it should ensure that these same heads of complaint cannot be made against the Indigenous Legal Issues Specialization. Otherwise, that designation may be considered “less than”, a harmful and unintended consequence.

Grandfathering

12. If the LSO discontinues the CSP then Certified Specialists should continue to be able to use their designations until they retire. This is the only fair approach, particularly since having to strip the title from websites, email signatures and the like may suggest to the public that the change is due to the licensee’s lack of specialized competence rather than a change of practice by the LSO.

Fees

13. I see no information in the reports regarding the correlation between the annual fees paid by Certified Specialists and the administrative costs of the LSO. I assume that the fees cover those costs.

14. The filing process is unnecessarily cumbersome. There should be the ability to file via the LSO portal. Furthermore, the current process provides one address for the annual form and a different one for the fees. Surely this can be simplified.

Thank you for the opportunity to make submissions.



Melissa VanBerkum, CS
LSO 33535M

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Carol VandenHoek

Email Address carol@cvhlaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep I believe it rewards well qualified lawyers by providing them with the option to obtain this designation. It may assist the public in identifying lawyers well qualified in specific specialties.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If it is eliminated yes there should be permission to continue for existing specialists.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Have a separate Employment Law specialist not just the general Labour. This does not reflect actual practice and focus for on employment law (non union).

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jason Vanular

Email Address Jasonv@vanulaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate it.

It creates an elitist mentality amongst members of the real estate bar with the same experience and qualifications as others. It is being misused by solicitors to generate marketing returns as being more specialized than others and thus being able to bill clients more.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No. It should be eliminated completely.

If so, for how long? Eliminate it completely

Do you have other comments regarding the Certified Specialist Program?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Joanna Vince
Email Address	jvince@willmsshier.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

1. The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
2. The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
3. Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
4. The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.
5. It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.
6. It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
7. Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
8. Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
9. The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.
10. Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
11. Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Alex Voudouris

Email Address avoudouris@pacelawfirm.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I strongly think the CSP should be maintained for a number of reasons including: 1) It informs the the public of a certain level of achievement in lawyers who have the designation, 2) It creates a level of achievement to be pursued by member of the Bar, that only serves to enhance their knowledge and accomplishments, which clearly benefits the public, 3) Out of numerous awards and designations I have, it is the only one with real merit and meaning, 4) It affords a sense of pride in one's achievements, which is good for the profession and correspondingly good for the public, 5) It creates another reason to fully and wholeheartedly comply with all obligations and duties of the profession, failing which the designation will be revoked, and 6) As demonstrated in all other professions and activities, it is appropriate to address human nature and recognize excellence.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

As mentioned above, I strongly think the program should continue, but if it is not, there is no reason to punish current holders of the designation by stripping them of it, something the public will surly not fully appreciate and therefore likely interpret it as the result of some wrongdoing of the current holder.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Thank you for re-opening this debate, and good luck.

From: Adam Wagman <adamwagman@hshlawyers.com>
Sent: Wednesday, June 21, 2023 11:19 AM
To: Policy Consultation <PolicyConsultation@lso.ca>
Subject: Certified Specialist consultation

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

“The Law Society has a duty to protect the public interest ...(and)... to facilitate access to justice for the people of Ontario”. I took this directly from the LSO website.

Keeping in mind those duties, how can the LSO even consider winding down the CS program? The public has a significant interest in being able to identify true experts in various legal areas. How can anyone suggest otherwise? Facilitating access to justice means helping members of the public find the right lawyers to help them with their legal issues. How can anyone suggest otherwise? The CS program is the only “objective” information that the LSO offers to the public about lawyers, confirming those who have met certain benchmarks of expertise. Eliminating this program is essentially an abdication of the duty to protect the public interest. And it adds to the barriers that currently exist in the public’s ability to access justice. We are just going to leave it to the public to read websites (that we know are full of misleading or outright false claims of expertise and success)? We are just going to leave it to private companies, many of whom provide awards to lawyers and law firms for a fee with no oversight, to be the indicators of expertise? Why would we do such a thing?

I believe that the answer is – because there are issues with the CS program. Talk about throwing out the baby with the bathwater. I encourage the LSO to fix whatever problems currently exist with the program. If there needs to be some sort of renewal process every certain number of years, then implement such a change. If the criteria are not tight enough, then tighten them. If the program costs more to administer than the revenue raised, then increase the fee (or figure out how to reduce those costs). But winding down the CS program, and leaving the public to fend for themselves in this wild west of advertising, websites, and fake awards, cannot possibly be the right answer, nor is it in keeping with the clear LSO mandate to do the opposite, and protect the public.

Thanks for your consideration.

Regards,

Adam Wagman (He/Him), Partner
Past President, Ontario Trial Lawyers Association
416-361-0988 (direct) | adamwagman@hshlawyers.com

 *Certified as a Specialist in Civil Litigation*
by The Law Society of Ontario



**Howie,
Sacks &
Henry**
Howie, Sacks & Henry LLP
20 Queen Street West, Suite 3500
Toronto, ON M5H 3R3
info@hshlawyers.com
Toll Free: [1-877-474-5997](tel:1-877-474-5997)

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I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Guy Wainwright
Email Address	gwainrt@ntl.sympatico.ca
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Northeast, including Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury), Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes. It provides some level of credible information to the public that a particular lawyer has an interest and the qualifications to deal with the issue which concerns them. It is not perfect, but it is helpful to the public. It encourages lawyers who want to practice competently to keep up to date and continually improve in order to be viewed by their colleagues as being competent in the area of specialization.

Do you have other comments regarding the Certified Specialist Program?

Renewal should not be automatic. There should be a detailed renewal application that can confirm the lawyer remains competent in the area of specialization.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name wendy walberg

Email Address wendy.walberg@toronto.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

No. It is important to maintain a system whereby lawyers can distinguish themselves by achieving a certification in an area of specialty. Like doctors, not all lawyers are experienced in all areas of practice. The certified specialist program assists the public by demonstrating competence, and it gives lawyers wishing to obtain a specialty an system whereby they can achieve this goal. If the LSO had received negative feedback about the program, in my view, the solution is to consider the feedback and modify the program to address any areas requiring improvement. The program might not be perfect, but there should be a program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes. Individuals who have achieved and maintained a designation should not lose it.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

The requirements for maintaining the designation could be more rigorous. For example, a certified specialist could be required to present a paper or teach in their area every year or complete more CPD hours in their area.

It is also possible that the requirements for obtaining the designation should be more rigorous. I have been a CS for many years, and I don't recall all that was involved. The designation should be meaningful. While testing is probably too cumbersome for the LSO to coordinate, a requirement for the applicants to demonstrate their contribution to the area of law and profession by speaking and/or writing could be added.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Corey Wall

Email Address corey@walllaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Wall Law Professional Corporation

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the program should be discontinued.

The program is largely a marketing mechanism and the LSO should be focused on ensuring base competence of lawyers and paralegals and should not be getting involved in market interference. especially in an already protected market like the provision of legal services.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I would prefer that the program be ended entirely as the market manipulation will remain if the designation is grandfathered.

Do you have other comments regarding the Certified Specialist Program?

I think that if the program continues it needs to be open to all lawyers and that the costs for lawyers obtaining same need to be waived (or come out of LSO general operating funds).

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Doug Wallace
Email Address	dwallace@wallacesmith.ca
Please make a selection below	I am a paralegal
Are you representing an organization or association through your participation?	No
If you indicated 'Yes', please tell us which organization or association you are representing:	Wallace Smith LLP
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should definitely keep the CS Program. The criteria for qualifying as a CS is comprehensive and labour intensive. It effectively vets lawyers with demonstrable experience and competence in specific fields. The certification is respected by other counsel, the Courts and the general public. In the age of American-style legal advertising, it represents perhaps the only verifiable way for the public to independently assess the competence of the lawyers they retain. If we lose that designation, the public will have no way to discern between specialists in their fields and lawyers who advertise by way of purchased "awards".

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not want to see the program eliminated, but if that decision is made, existing specialists should be permitted to continue to use the designation, as was the case when new Q.C. appointments were eliminated in the 1980s.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Lawrence Wallach

Email Address lfw@wallach.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the CSP should continue. I believe the designation is aspirational in motivating lawyers to excel in their chosen area of designation in order to achieve and then maintain specialist status. I also believe it is a valuable tool for identifying those lawyers when specialized expertise is required.

I like knowing that I can locate a lawyer outside my usual contacts and my usual court house, when a client has an issue in another legal or geographic area.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I believe it should grandparented for the above reasons.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

I worked hard to achieve and maintain my designation. I have used the ability to obtain a designation to encourage and motivate others to upgrade their abilities, as I will my associate, assuming the program is preserved.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jason Ward

Email Address jason@wardlegal.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. It acknowledges lawyers who excel in their field beyond others. It also identifies for the public that a lawyer has a particular expertise, whereas the public has no other means of discerning this information generally. It also recognizes those professionals who have worked exceptionally hard to develop and improve themselves, their profession and the legal industry generally. Even if such designation could arguably create a comparative advantage for those designates over other lawyers generally, it is appropriate and in the public interest, particularly when many in the public must choose legal counsel blindly, or at least with imperfect information. It is entirely fair and reasonable for those who have achieved extraordinary progress and development, as determined by an independent board, to identify themselves to the public as specialists. The public should know this, to be given better access to justice and information in their choice of representation.

If so, for how long? Designation should apply for life, subject to periodic review for standards and ongoing qualification.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Tannis Waugh

Email Address tannis@waughfirm.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Waugh & Co.

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should be maintained for the following reasons:

1. It levels the playing field for counsel who identify as women, racialized, LGBTQ+ and not on Bay St.; and
2. it directly addresses the LSO's mandate to protect the public.

Prospective clients are able to take some comfort in knowing that the CS they have retained has passed the rigorous review process (both substantively and regarding professional responsibility) to obtain the designation. For lawyers who are not on Bay St. or have experienced any systemic discrimination in practice, the CS designation allows for counsel to be judged on their competency as an individual and not the specific environment they work in or their personal characteristics.

The LSO mandate is to protect the public. One of the ways that is done is by signaling that CS counsel have reached the high standards of both substantive expertise in their respective area as well as the lack of a significant complaints process. This allows clients to choose substance over price which is not easy without a mandated designation that is based on actual skills and experience. The only other signaling options in the marketplace are for-profit organizations that provide awards for a fee, legal publications that create "best of" lists that are skewed because they generally only contain large firm lawyers and the KC designation which, as it currently stands, doesn't have an evaluation process.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

If the program is discontinued, it should be grandfathered. Obviously, I am biased in that view because I hold a CS designation but there are good reasons for this:

1. I never would have gone through the time-intensive process of applying if I knew this program was temporary and it's very unfair to counsel who have applied for and maintained their designation over the years to simply discontinue it.
2. It addresses the main raison d'etre of the LSO to protect the public by giving the public both a signal and a choice.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

No.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Adam Weisberg

Email Address adam@weisberg.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Weisberg Law PC

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Since there is no QC or KC program in Ontario - it is necessary. It's better in many ways due to it being based on a set of standards. Those standards could always be adjusted, however, scrapping the program is unjust to those that have been invested in it for several years paying regular fees.

This program also is useful for younger lawyers and lawyer from diverse backgrounds to demonstrate they have met certain criteria.

I've had the designation for 12 years. I would like a refund if there is a decision to scrap the program, and not grandfather, to pay for me having to redo my website, business cards, and letterhead.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Yes to grandparenting.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

We cannot completely remove ourselves from merit. This program should stay and if there are issues with it - the criteria and follow up can be adjusted.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Peter Wells

Email Address huntwell4266@yahoo.ca

Please make a selection below retired lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should keep it. No system is perfect, but at least it is a useful source of information for persons looking for a lawyer. It is probably even more important now that the Ontario government has revived the KC designation, which some think is some sort of seal of approval, when in fact some of the most recent recipients had very limited experience in the practice of law.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandfathered (permitted to continue using the designation)?

If the program is determined not to be fit for purpose, it should just be eliminated. Grandfathering a designation that has been determined not fit for purpose is misleading as suggesting quality that LSO has determined it does not have.

Do you have other comments regarding the Certified Specialist Program?

Navigating the legal system is tricky and scary for most members of the public. Leaving them to rely on word of mouth risks them ending up represented by their cousin Vinnie. For civil litigation and intellectual property, two areas in which I was a certified specialist when in practice, I regard the lawyers listed whom I recognize well. I think the current program is useful and should be kept.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Kenneth West

Email Address Ken.west@ryanlawyers.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the program. I am a Certified Specialist in civil litigation. I worked hard to receive the designation. I am told that the designation provides opportunities to immigrants and members of diverse groups that would not otherwise be available to them to further their careers. Only a few lawyers are eligible for a KC appointment but all may pursue designation as a certified specialist. The designation should not be seen as misleading to the public when the process for designation is merit based while the KC designation is now being brought back into Ontario and is very misunderstood by the public as a demonstration of one's legal abilities and status. If the LSO were to eliminate the program, current certified specialists should be permitted to continue using the designation or should be appointed as King's Counsel to streamline a single recognition for lawyers in Ontario.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

There are many jurisdictions that certify a specialization for lawyers. It is a step backwards to eliminate the program and an insult to the members who have worked hard to maintain their designation and at significant cost.

VIA EMAIL

September 15, 2023

**The Law Society of Ontario
130 Queen Street West
Toronto, ON M5H 2N5**

**Attention: Diana Miles, Chief Executive Officer and Jacqueline Horvat,
Treasurer**

Dear Mesdames Miles and Horvat:

**Re: Submission in Response to LSO's Decision to Terminate the LSO's
Certified Specialist Program**

I write in response of the Law Society of Ontario's (LSO) decision to terminate the LSO's Certified Specialist Program (save and except the Indigenous Legal Issues specialist certification).

As submitted by Marc McAree in his August 5, 2022 letter, for his well stated reasons, I also respectfully request that:

- 1 the LSO pass a resolution at the next meeting of Convocation revoking the LSO's previous decision and thereby reinstate the LSO's Certified Specialist Program in full, or
- 2 as a far less favourable and far less equitable alternative, the LSO retain the LSO's Certified Specialist Program in full for those specialists who are currently Certified Specialists (in like manner as the Queen's Counsel designation was preserved) until the lawyer ceases to practice law.

Beyond what Marc has noted, I wish to provide my personal perspective. I qualified as a CS in 2006. At that time, I was practising at Dickson MacGregor Appell LLP, a small firm where each lawyer ran their own practice and trust account. I then established my own firm. My firm only offers litigation experience in the estates, trusts and related areas. Our primary referral source is from estate solicitors or trust professionals. Big firms provide cross referrals internally. We do not have this opportunity. As such, going to the lengths of qualifying as a CS was onerous at the time but well worth it to be sanctioned as a specialist in a specialist field thus providing a level playing field in terms of client opportunity. It seems untenable that this certification evaluated individually on criteria established and met, would ever be discontinued - rather the designation ought not to be rescinded.

As a sole practitioner, almost all of my work is based on referrals from other lawyers- *being certified as a recognized specialist by the Law Society* is a major factor they have considered as well as the general public in trying to obtain a competent specialist. **That is a COMPLIMENT to the Law Society on its program.** And when an individual cold calls me (which is not often) it is always because I am a listed specialist.

So, my question to you and all of the Benchers is: why break something that works? Provides a public service? And was established on met meritorious criteria?

Respectfully,



Kimberly A. Whaley
WEL PARTNERS*

KAW: bm

Encl: CV

*WEL Professional Corporation

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name	Carla Whillier
Email Address	carlawhillier@gmail.com
Please make a selection below	I am a lawyer
Are you representing an organization or association through your participation?	No
What is the location of your workplace? If submitting on your own behalf, where do you reside?	Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should absolutely maintain the Certified Specialist Program. This program offers a non-political and objective way to ensure lawyers have met the expected standards of an area of law. This designation helps clients successfully choose a lawyer who best meets their needs. I pursued this designation as a way to confirm my commitment to excellence and believe the program has been successful at maintaining public confidence and interest.

I am extremely committed to providing innovative and valuable legal representation to my clients. As a mental health lawyer, I work with people who are vulnerable, managing multiple comorbidities, financially disenfranchised, facing complex criminal charges all while navigating a legal system that was not designed for them. I pride myself on the work I do and the people I work with. The designation has reassured my clients that the work I do meets the standard expected of a certified specialist. I am constantly attending continuing legal education and doing everything within my power to provide the best representation at a level expected of a certified specialist.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I believe the program should continue.

Do you have other comments regarding the Certified Specialist Program?

As a sole practitioner I do not have the luxury of a firm to nominate me for awards, market my services, connect me with other lawyers, a big name to draw in clients or pay for my continuing professional development. I have done all of these things on my own with the benefit of having been designated as a certified specialist. This designation helps my clients make an informed decision by working with a lawyer who has met the standards expected of a lawyer who has limited their practice to the area of health law. I expect the removal of this designation will have a huge impact on my reputation and future success.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Rufus Williams

Email Address r_williams_utm@hotmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Buffalo

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

No. Unnecessary. And every lawyer should be a "specialist" in the area that they practice. Some are better "specialists" than those that have obtained that designation by paying for it, among other things.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No

Do you have other comments regarding the Certified Specialist Program?

Seems like it should be eliminated

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Graham Williamson

Email Address gwilliamson@liuna183.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should maintain the Certified Specialist Program.

The CS program identifies lawyers who have met established standards of experience and knowledge in designated areas of law. This remains important and in the public interest. Given the Government of Ontario's decision to reintroduce the King's Counsel Title (which itself can be misleading) is of particular importance for the LSO to ensure that it has a competence based system upon which members of the public can rely, and also to encourage excellence amongst licensees who focus their practice.

If there are concerns about continuing competency of CS lawyers, or of whether the lawyer continues to meet the standards, those can be addressed short of extinguishing the whole program. Suggestions could imposing greater education requirements for CS lawyers - through the Certification Annual Report or include granting a CS designation for a 5 year period (with the ability to reapply)

The fact that only 2% of licensees have been granted a CS designation should not itself be viewed as a failure. It may instead reflect that only a small percentage of the practicing bar meets the standards applicable to that specialization. If the LSO would like to see a larger uptake that could be done by 1) promoting the program and encouraging lawyers to apply and 2) by reviewing the standards to ensure that they are not too onerous and thereby blocking certain applicants.

Do you have other comments regarding the Certified Specialist Program?

If the LSO maintains the CSP, consideration should be given to amending the Certified Specialist Board so that there is a board for each specialty, composed of lawyers who hold the designation. This would allow those Board's to review the current criteria for their practice area, and would ensure that those opining on new applicants would understand the practice and what is required.

Sent by Email to PolicyConsultation@LSO.ca

September 29, 2023

The Law Society of Ontario
130 Queen Street West
Toronto, ON M5H 2N5

**Re: Willms & Shier Environmental Lawyers LLP Submission
re: LSO's Certified Specialist Program Consultation**

In 2022, the Law Society of Ontario (LSO) terminated the LSO's Certified Specialist Program, save the Indigenous Legal Issues specialist certification. Thereafter and with considerable input from licencees and the Ontario Bar Association, the LSO decided to temporarily reinstate the Certified Specialist Program. We appreciate the opportunity to provide feedback in response to the LSO's consultation with licensees about the Certified Specialist Program.

For the reasons that follow, our firm strongly urges the LSO and its benchers to retain the Certified Specialist Program in full:

- 1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
- 2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
- 3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
- 4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.
- 5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be

able to say that they are accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.

- 6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be “decertified” by the Law Society. Certified Specialist lawyers will be left to explain what “decertification” means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, “decertification” will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
- 7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO’s decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
- 8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and “CS” logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
- 9 The LSO will need to retain the LSO’s infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go-forward basis with program infrastructure remaining in place.
- 10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
- 11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

For these reasons, we urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the LSO decide to retain the Certified Specialist Program in full.

Yours truly,

Willms & Shier Environmental Lawyers LLP



Marc McAree
Partner
*Certified as a Specialist in Environmental Law
by the Law Society of Ontario*



Julie Abouchar
Partner
*Certified as a Specialist in Indigenous Legal Issues and in
Environmental Law by the Law Society of Ontario*



John Georgakopoulos
Partner
*Certified as a Specialist in Environmental Law
by the Law Society of Ontario*



Charles Birchall
Partner
*Certified as a Specialist in Environmental Law
by the Law Society of Ontario*



Jacquelyn Stevens
Partner
*Certified as a Specialist in Environmental Law
by the Law Society of Ontario*



Richard Butler
Partner



Joanna Vince
Partner
*Certified as a Specialist in Environmental Law
by the Law Society of Ontario*



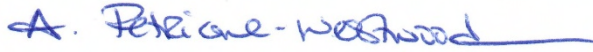
Matthew Gardner
Partner
*Certified as a Specialist in Environmental Law
by the Law Society of Ontario*



Carl McKay
Counsel



Anand Srivastava
Associate



Alessia Petricone-Westwood
Associate



Raeya Jackiw
Associate



Lauren Wortsman
Associate



Sydney Smith
Associate



Kaeleigh Philips
Associate



Jennifer Sweitzer
Associate



Amanda Spitzig
Associate

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Zachary Wilson

Email Address zwilson@zacharywilson.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society of Ontario should keep the Certified Specialist Program. There are several reasons for this. One is that the certified specialist designation provides members of the public with the ability to choose a lawyer who has been recognized by the LSO for undergoing a rigorous application process and achieving a high level of legal expertise. Another reason is that it provides lawyers who have demonstrated exceptional ability in the legal profession with public recognition from our governing body, and thus promotes excellence in the legal profession.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

As stated above, I would prefer that the Law Society keep the program, but if it decides to eliminate the program then individuals with the designation ought to continue using the designation.

If so, for how long? Until retirement of the individual speaclist

From: Zachary Wilson <zwilson@zacharywilson.com>
Sent: Wednesday, September 20, 2023 11:47 AM
To: Policy Consultation <PolicyConsultation@lso.ca>
Subject: Certified Specialist Program Comments

CAUTION: This email originated from outside the LSO. Exercise caution before clicking links, opening attachments, or responding.

Dear Sir or Madam,

I am a family lawyer in London, Ontario, with the designation of Certified Specialist. I would like to provide my comments in support of maintaining the Certified Specialist program.

Starting in the fall of 1993, I articulated at the firm of Rachlin & Wolfson in Toronto. Ted Rachlin was my articling principal. I was in awe of his professionalism and even today, whenever I encounter a difficult situation in my practice, my first thought is to ask myself how he would have handled it. He had the designation of Certified Specialist and I saw that as a badge of honor and a goal to strive towards for myself.

After I was called to bar, every year or two I would look at the Certified Specialist section of the Law Society's website and try to gather the courage to apply, but this was usually followed by self-doubt and being worried that my application would be denied. Nevertheless, I continued to work hard and this enabled me to take on more complex cases and hone my advocacy skills. My confidence slowly grew, and I finally decided to apply to become a Certified Specialist. When I received the designation, I felt an overwhelming sense of accomplishment and was grateful to the Certified Specialist board for having recognized my hard work and professionalism. By achieving and maintaining the designation of Certified Specialist, I believe that I have reached the height of my professional success. I will be very sad if this is taken away.

I see the Certified Specialist designation as far more than a tag line on my letterhead and promotional materials. It is something that I take very seriously as it sends the message that I am an expert in the field of family law, and that I am committed to maintaining more than a minimum standards of expertise and professionalism. In being recognized by the Law Society for having achieved this accomplishment, I feel a deep sense of responsibility and commitment to the values that the Certified Specialist designation promotes.

Moreover, I have found that having the designation of Certified Specialist provides value to my clients. I sense a confidence in my clients knowing that I have the level of expertise needed to move their matters forward in a professional way. There have been several times when I have been involved with a client who is having difficulty with their matter, perhaps out of a fear of being overwhelmed by the process or just the stress of a separation/divorce, and the judge or mediator sensing this then lets them know that they can trust me as I am a Certified Specialist in family law and therefore know what I am talking about. This usually results in the client becoming calmer and able to focus on getting their legal issues resolved in a productive way. Family law clients have enough to worry about besides their own lawyer, and the Certified Specialist designation can minimize the number of things the client feels the need to worry about.

When dealing with other lawyers, unrepresented individuals, judges and mediators, I have found that my Certified Specialist designation provides me with a quiet confidence which can then

defuse high conflict situations and instead focus on the legal issues to be addressed. I do not feel the need to prove that I am right and that the other person is wrong, but instead know that even if I do not have the solution, I do have the skills needed to move a case toward a resolution in a meaningful and cost-effective way. I suppose that even without the designation, I would still have the same experience, knowledge and skills as I would have without the designation; however, knowing that these skills have been recognized by my peers and governing body provide me with an added sense of accomplishment and confidence which I can then use to the benefit of those with whom I work every day.

Yours very truly,

Zachary Wilson
Barrister & Solicitor
430 – 495 Richmond Street
London, ON N6A 5A9

Tel. 519-433-2552

Certified by the Law Society of Ontario as a Specialist in Family Law

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Andrew Winton

Email Address awinton@lolg.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe the CS program should be eliminated. It creates confusion in the marketplace because some lawyers are supposedly the only ones allowed to call themselves "specialists", while you have other lawyers who are not certified specialists calling themselves "experts". I think the attempt to regulate the use of the word specialist has failed miserably and it is time to eliminate the program to avoid confusing lawyers and the public over the use of these terms.

I also think the program is elitist - it takes significant resources to achieve, and maintain, a CS designation. I think it is counterproductive for the Law Society to operate a specialist designation program while at the same time trying to make the profession more diverse and inclusive.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I do not think individuals with the designation should be grandfathered. I think the term should be eliminated. I think grandfathering would be the worse of both worlds - it perpetuates inequality and privilege while preventing new members of the bar from being able to obtain the designation.

I think the public and the profession as a whole benefit if the designation is completely eliminated. No half measures.

If so, for how long? Not at all or at most 1 year

Do you have other comments regarding the Certified Specialist Program?

I think the Law Society needs to admit that the program has not achieved its goals and it is time to end it. There is no shame in doing that. The biggest mistake would be to continue with the status quo or to eliminate the program while grandfathering current specialists.

The Certified Specialist program is a vestige of an elitist, closed, institution. It is abused by members of the profession who do not attain the designation but call themselves "experts". The Law Society has shown that it is unwilling or unable to prevent this abuse, so it should get out of the "talent-recognition" business altogether.

Overall I think it diminishes our privilege as a self-regulating profession for the regulator to operate a recognition program that purports to limit use of certain terms but allows synonymous words to be used without restriction.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Alex wolfe

Email Address awolfe@legatelaw.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

If you indicated 'Yes', please tell us which organization or association you are representing: Legate Injury Lawyers

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep. It is a good professional goal for lawyers to try and reach. Clients appreciate it. It could lift pressure from the court system by promoting settlement. If it is cancelled, another program should replace it.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

People should not lose stature they have worked hard to achieve.

If so, for how long? Until retirement of the individual speaclist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Lauren Wortsman

Email Address lwortsman@willmsshier.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

For the reasons that follow, the LSO should keep the Certified Specialist Program in full:

- 1 The Certified Specialist designation is a peer-vetted confirmation of competence and dedication to a specialty legal practice(s). The designation is granted to lawyers who are true specialists in their fields of law, make the effort to apply, and whose practices, reputations, and specializations are acknowledged by their peers.
- 2 The Certified Specialist Program sets objective standards for knowledge and experience as a prerequisite for application, and requires submission of a detailed application.
- 3 Annually, the Certified Specialist Program requires continual enhancement of specialists' qualifications within each lawyers' respective area(s) of specialty. Annual reports must be filed with the LSO by each lawyer confirming same.
- 4 The Certified Specialist Program is of special value in clearly identifying to the public those lawyers who demonstrate a recognized and high degree of experience and expertise in their respective field(s). The Certified Specialist Program contributes to the LSO's mandate of protecting the public by ensuring that the people of Ontario are served by lawyers who meet high standards of competence.
- 5 It will be a disservice to the public and also the profession if the LSO eliminates (most or all) of the Certified Specialist program. Clients or prospective clients are less able to make informed choices when retaining counsel given that not every lawyer can or should simply be able to say that he or she is accomplished in a specialty area when there are known and dedicated LSO certified specialists in several fields of law.
- 6 It will be unfair to the many Certified Specialists who have for years devoted their time to achieve and apply to be Certified Specialists to then be "decertified" by the Law Society. Certified Specialist lawyers will be left to explain what "decertification" means to existing clients and others in their network. Revocation of the Certified Specialist designation will leave clients and others wondering if those previously Certified Specialists violated a rule or offended a standard thereby resulting in the lawyers' loss of the designation. Furthermore, "decertification" will lead clients and members of the public to believe that any lawyer is equally competent to practice within these highly specialized areas, potentially leading to less than the most competent advice.
- 7 Revocation of the Certified Specialist Program equally affects lawyers who are working towards and intend to apply to become a Certified Specialist. The cancellation unfairly creates a "two-tier" system whereby uncertified lawyers otherwise working towards their certification, are presumed to be less competent, when in fact, those uncertified lawyers are caught squarely by the LSO's decision to cancel (most of) the Certified Specialist Program. This circumstance will unfairly prejudice younger lawyers who are attempting to build their reputations.
- 8 Many Certified Specialists, including those at our firm, have incorporated reference to the certification and "CS" logo into their personal and law firm marketing programs because they value promoting the designation for the benefit of the public. To have to delete same will impose additional and unnecessary expense on legal practices across the Province.
- 9 The LSO will need to retain the LSO's infrastructure for the Certified Specialist Program should the LSO decide as it did last year to retain the Indigenous Legal Issues Certified Specialist program. Hence, the LSO will run the Certified Specialist Program on a go forward basis with program infrastructure remaining in place.
- 10 Removing all but one Certified Specialist program does a disservice to the one remaining Indigenous Legal Issues Certified Specialist program. The Certified Specialist program as a whole and including various specialty practice areas fosters professionalism and credibility across many areas of practice. Absent this context, the significance of a single remaining Certified Specialist program for Indigenous Legal Issues is diminished.
- 11 Lawyers designated as Certified Specialists have paid and will continue to pay the cost to support the Certified Specialist Program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

For the reasons above, the LSO should keep the Certified Specialist Program.

Do you have other comments regarding the Certified Specialist Program?

I urge the LSO to consider the importance of the Certified Specialist Program and respectfully request that the Certified Specialist Program remain intact, in full. In addition, I reviewed and fully support the Ontario Bar Association's submission on this consultation (<https://www.oba.org/CMSPages/GetFile.aspx?guid=0ff7f8dc-2c6b-47ef-a21c-45a6b0e6c4cf>). Thank you for your time and attention to this very important topic.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Dagmara Wozniak

Email Address dagmara.wozniak@siskinds.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace? If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes, the Law Society of Ontario should keep the Certified Specialist Program. The program recognizes the professional accomplishments of lawyers in specific fields and, appropriately, sets them apart as specialists. This distinction becomes particularly helpful when in depth knowledge or specialization is required for a legal matter. In that regard, while the program won't capture all accomplished and experienced lawyers, it'll facilitate the search for one, whether the search is conducted by a member of the public or by another lawyer seeking to refer.

Do you have other comments regarding the Certified Specialist Program?

Certain specializations will become ever-increasingly difficult to obtain. For instance, a specialization in civil litigation requires a certain number of trials or proceedings, which seldomly take place. Given the lack of trial or hearing experience amongst junior and mid-level lawyers (and even some senior lawyers), it becomes even more important to set apart those lawyer who have the requisite skills and experiences.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Victor Yee

Email Address vyee@elia.org

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

No. Not all areas of the law are considered, or any sub-specialties or niche areas of practice.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, but if grandfathering is to be permitted then no more than 5 years.

If so, for how long? Five Years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Stuart Zacharias

Email Address szacharias@lerner.ca

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the Certified Specialist Program. The requirements to obtain this designation are rigorous, and successful recipients are appropriately recognized for their specialization. This is highly relevant to clients and potential clients in selecting counsel to represent them. Certified specialists are required to demonstrate ongoing maintenance of their specialized practice area in the annual report. If it were felt to be necessary, additional questions could be added to annual report to illustrate this.

Frankly it is hard to see what legitimate complaint there could be with lawyers of specialized experienced being identified as having it.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I don't feel the program should be eliminated, but if this decision were to be made (which would be seriously incorrect), then existing certified specialists should NOT lose their designation.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

It appropriately encourages and recognizes specialized experience and competency. This is good for the bar, and good for the public when searching for legal representation. In this era of a proliferation of "awards" and "recognitions", the LSO certified specialist program is a reliable and legitimate way for the public to identify practitioners with specialized practices.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Peter Zaduk

Email Address pzaduk@outlook.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

On balance I would like to see it continue , But I have reservations.

1. The cost \$400 plus each year is far more than the benefits. Not long ago the fee was only about \$50, then it increased markedly.
2. lawyers do not find it attractive partly because non-specialists are allowed r to advertise themselves in exaggerated terms implying that they are specialists or the equivalent. If some reign were put on this the specialist designation would be more attractive.
3. Another suggestion is that all Specialists be allowed to also designate themselves as K.C.s . This would attract more applicants.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

yes.

I have paid for mine since 1991 and have maintained the standards since then. That should be worth something.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?
see above

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Peter Zaduk

Email Address pzaduk@outlook.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

One additional argument to keep the CS designations:

The Ontario government has reverted to the discredited practice of awarding KCs largely through political patronage.

Although the public may regard KC as recognition of exceptional ability, they have little to do with merit and instead often mislead the public in this regard.

An enhanced CS program with greater qualification requirements is now more important in order to counter the mistaken impression people may have about KCs. Unlike KCs it can assure the public that a particular lawyer is in fact qualified in a particular field.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

yes

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Sean Zeitz

Email Address szeitz@lzwlaw.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

It should not. The program provides confidence in the public that the CS has not only procedural and substantive knowledge in their area of expertise, but so too has exemplary ethical standards. Given the quantum of licensed lawyers in the Province, the CS program helps lawyers 'stand out' and provides clients an opportunity to target their search for representation more effectively. I have in fact been contacted countless times by prospective clients having found my information from the Law Society's website. The requirement to complete the annual form and ongoing training/courses in the specialty area ensures that the designation does not become stale over time. It is also a testament to the Ontario bar when CS members get appointed to the bench.

Do you have other comments regarding the Certified Specialist Program?

I am humbled to hold a unique dual designation as a CS in both Civil Litigation and Bankruptcy and Insolvency Law. My Bankruptcy designation in particular is held in high regard as there is (to my knowledge) less than a handful of CS' in that area.

So long as the CS must complete the annual form and CPD etc, the program should remain. In the event the LSO is inclined to move away from it, the existing CS specialists should maintain their status until they retire. If the LSO were to revoke the CS' designations, that would send a message that the whole program was for not and meaningless.

I understand that some of my colleagues in the CS program have advocated that perhaps a KC designation may be conferred on the existing certified specialists if the CS program was to be terminated. It would appear in doing so that the LSO would not need to maintain the annual forms and monitor CS CPD etc. That may be seen as beneficial/less costly etc. I suppose that if the CS program was terminated, it would appear as reasonable alternative to confer the KC designation on the existing CS' which hopefully will be seen to be an equivalent to what the CS program was. I however acknowledge that I have no knowledge or particulars on how the QC/KC program operates such that perhaps this suggestion is simply not possible.

It is my wish that the LSO keep the program as is.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name JP Zeni

Email Address jpzeni@gmail.com

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate the program for the following reasons:

1 Huge waste of money 2 Outside the scope of LSO mandate 3 Does not provide any utility to public 4 Does not properly gauge or ensure 'special' competency either at the time the designation is awarded or at any point in the future.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Do NOT grandfather. It is not fair to lawyers who can no longer obtain the designation. It is misleading to the public to allow lawyers to continue to promote themselves using a designation that has been eliminated and has no ongoing competency requirements

Do you have other comments regarding the Certified Specialist Program?

Convocation studied this program and decided to eliminate it. This was the correct decision. Any reversal of this decision is a failure of policy making for the benefit of the few who want to continue to use the program for marketing purposes. They don't care about whether the program is ineffective or misleading but only their own self interest.

Certified Specialist Program Consultation: Paralegal Submissions

1. Abiniakine, Natalia
2. Anampiu, James
3. Azevedo, Antonio
4. Campbell, Janice
5. Campoli, Jaclyn
6. cummings, warren
7. Esparza, Michelle
8. Friel, Ashley
9. Gartner, Vanessa
10. Gouin, Andrew
11. Grove, Catharine
12. Harrod, Adam
13. Harvey, Nicholas
14. Hyland, Andrew
15. Jarvis, Kristen
16. Jomm, Paul
17. Leyenson, Olga
18. Li, Bonny
19. Lippa, Marian
20. Mayer, Maegan
21. Morris-Lewis, Vivian
22. Parsons, Bruce
23. Pearce, Heather
24. persaud, junior
25. Rodgers, Britney
26. Rosic, Huda
27. Walshe, Liam

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Natalia Abiniakine

Email Address aknatal@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

LSO should keep the certified specialist program. It's a good way to motivate licensees to pursue excellence in professional standards and substantively within their fields. It's a good opportunity to reward those who quality and exemplify the requirements needed for the designation. It's also a good way to indicate to members of the public that a licensee is an expert in their field.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

Do you have other comments regarding the Certified Specialist Program?

I think there is benefit in extending this designation to paralegal licensees, either with the same qualifications for certification or paralegal specific qualification requirements.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name James Anampiu

Email Address janampiu@outlook.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should keep the Certified Specialist Program. It a guide to the public if they want to search for a specialist in a certain area of practice.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

N/A

Do you have other comments regarding the Certified Specialist Program?

Currently, paralegals are excluded from this program. There is no rationale for this. Paralegals should be able to acquire the Certified designation in the areas they specialize in.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Antonio Azevedo

Email Address antonio@azevedonelson.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the program. It is extremely difficult for members of the public to identify able and competent counsel to retain. Ideally every lawyer that is called to the Bar would be competent and skillful. Unfortunately that is not the case. Having the designation of "certified specialist" is a marker and identifier for members of the general public and an aspirational symbol for lawyers who are not certified specialists. Of course the challenge is administrative: how does the LSO ensure that the designation of "specialist" actually means something? But just because setting the standard may be difficult doesn't mean it shouldn't be undertaken. There is value in the designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Janice Campbell

Email Address JaniceCampbellICC101@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate, not needed, as the license ensures competency to the regulatory standard, as required. Anything further may be considered "out of scope" and unnecessarily adding complexity to the regulator. Also, anything additional, like the CSP is costly to administer, manage and maintain for both the legal professionals and the LSO and might unintentionally encourage, promote, infer or lead to a 2-tier service level, either in fact or in perception - and we should avoid that for the profession and the public.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Y, they worked hard to earn the distinction and should reap the benefits earned, as available.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

N, it was an interesting experiment, whose time and function has passed - let's focus narrowly and provide deep impact to meet and exceed the expectations of the public by ensuring all licensed legal professions deliver to standard.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Jaclyn Campoli

Email Address jaclyncampoli@trentu.ca

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

If you are to keep the Certified Specialist Program, you must include Paralegal participation in the interest of treating LSO licensees equally.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I am for the designation being grandparented.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

I stress that If you are to keep the Certified Specialist Program, you must include Paralegal participation in the interest of treating LSO licensees equally. Paralegals must no longer be an afterthought within the law society.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name warren cummings

Email Address warren.cummings@rogers.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes but I would like to see it expanded to paralegals in such areas the ability to do judicial review within the area of practice such as WSIB or HRTO

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

no

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

no

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Michelle Esparza

Email Address michelle.esparza76@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should not only keep the certified specialist program but expand it to all legal professionals and add a certification not only for core competencies in the area of law, but add the component of certification of practice and procedure regardless of licence classification. This is for the protection and confidence if the public.

Do you have other comments regarding the Certified Specialist Program?

It needs to be expanded for the public good, and public awareness of the law as well as confidence that the person is "skilled and knowledgeable" both in the law as well as in practice and procedure. It can be done by way of placements, mentorships or in some instances certification. This is for the public's benefit and increases public awareness when a legal professional differs a potential client to a practitioner competent in another area of law. By way of example "you need a lawyer who practices in estate law."

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Ashley Friel

Email Address a.friel@afparalegals.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Northeast, including Cochrane (Timmins), Algoma (Sault Ste. Marie), Sudbury (Sudbury), Temiskaming (Haileybury), Nipissing (North Bay), Parry Sound (Parry Sound)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I believe that the Law Society of Ontario should keep the Certified Specialist Program. I believe that this program is helpful in maintaining the public's confidence in the legal profession and the standards that must be met by licensees.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

If the Law Society decides to eliminate the program, I believe that those individuals with the designation should be grandparented.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

It would be nice to see the Law Society expand the Certified Specialist Program to include Paralegals that that maintain exemplary standards of professional practice and can demonstrate that they have relevant experience and are knowledgeable in the areas of permitted scope of practice.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Vanessa Gartner

Email Address gartnerdraftingandresearch@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it because it allows clients to seek out legal representation who are knowledgeable in a certain area of law.

Do you have other comments regarding the Certified Specialist Program?

Allow paralegals to also become certified specialists. End the discrimination against paralegals in this area. A paralegal could equally become a Certified Specialist in specific tribunal practices. For example, I have already witnessed paralegal experts in the area of LTB, where I have also personally witnessed faulty and negligent LTB submissions from lawyers. So how is it that a lawyer may become a Certified Specialist, while a paralegal cannot be a Certified Specialist in an area of law, in which they may be better versed than a lawyer. It's discrimination.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Andrew Gouin

Email Address andrew@cambiumlegal.ca

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? Yes

If you indicated 'Yes', please tell us which organization or association you are representing: Cambium Legal Services

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The LSO should keep the program for the purpose of letting the public know that they are dealing with a person who has extensive knowledge within a prescribed area of law. This can help with choosing the best legal representation for the general public.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No.

Do you have other comments regarding the Certified Specialist Program?

The program should be available to all licensees and should require a dedicated amount of cpd hours to that area, over and above the regular amount of hours required for yearly cpd. It would also be wise to recognize that these specialists be able to, in the case of paralegals, follow through with appeals for their clients.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Catharine Grove

Email Address csouthworth@esginc.ca

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes, but it should be expanded to include paralegals. Having a certificate should confirm that a lawyer or a paralegal, has the competence to take on a case and that it is within their scope of practice. I think if it was used more widely, then potential clients can see they have reached out to the right practice. As an example, Especially with paralegals, not all paralegals have the experience/competence to take on all issues and prefer to work within a certain tribunal's law. As it stands, the office who only works within one area of law, cannot advertise that they specialize in that area, when they do.

Do you have other comments regarding the Certified Specialist Program?

When at college, in a two year paralegal program, not all areas of law are focused on. Touched on yes, but not focused on. At the end of the two years, it would be better if a paralegal who intends to specialize, has the education that focuses on that area of law. Perhaps licenses should be varied and available for the scope/specialty, or there be a "general" one, which is what it is now. The specialty education would focus on the specialty and "touch" on the other fields. In fact, having a specialty license for paralegals could eventually include fields that are not currently allowed. The paralegal could take the extra education required to get the license.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Adam Harrod

Email Address adamrharrod@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The Law Society should end the Certified Specialist Program unless they offer Paralegals a similar program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, the LSO should not allow individuals with the designation to be grandparented.

Do you have other comments regarding the Certified Specialist Program?

Allow paralegals to become Certified Specialists or end the Program

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Nicholas Harvey

Email Address nicholasmharvey@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? East, including Prescott/Russell (L'Orignal/Hawkesbury), Ottawa-Carleton (Ottawa), Renfrew (Pembroke), Stormont/Dundas/Glengarry (Cornwall), Lanark (Perth), Lennox & Addington (Napanee), Frontenac (Kingston), Leeds & Grenville (Brockville), Hastings (Belleville)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Yes I believe this program should be continued. There is such a plethora of lawyers, some advertising a general practice and others a boutique, that it can be helpful to potential clients to whittle down the options in the absence of any specific recommendation/referral.

Do you have other comments regarding the Certified Specialist Program?

It would be very useful to add paralegals to this specialist designation program. As with other legal professionals, there is a range of experience, competency, working styles, and other parameters for which it might be helpful to potential clients to see this post-nominal.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Andrew Hyland

Email Address andrew.hyland@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

The program should be kept and expanded to paralegals who meet the requirements, in recognition of their specific expertise.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Kristen Jarvis

Email Address Kristenjarvis@hotmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep the program

Do you have other comments regarding the Certified Specialist Program?

I think you should allow for the program to be modified to allow for paralegals to get certified in an area of practice.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Paul Jomm

Email Address pjomm@hotmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think it allows for the public to locate lawyers who are specialized in their area. It increases public confidence in licensees. It allows those lawyers to market themselves as capable in their specialization.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I would prefer the Iso to not get rid of the program but I would think that grandfathering is appropriate. The website would also need to include messaging that these specializations are no longer available so that newer practitioners aren't too negatively impacted.

If so, for how long? Until retirement of the individual speaclist

Do you have other comments regarding the Certified Specialist Program?

Consider expanding to Paralegals.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Olga Leyenson

Email Address Olga@gllp.ca

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

In my opinion, the Certified Specialist Program should be kept, and should be expanded to allow paralegals to apply for certification within their respective fields. The designation demonstrates excellence of the particular licensee, which further establishes confidence in the legal profession by the public and judiciary. Recognizing a licensee as a Specialist in a particular area of law provides an incentive for the licensee to improve and grow as a lawyer or as a paralegal. Distinguishing legal professionals of a higher caliber does not hinder access to justice, but enhances it.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

While I am against elimination of the program, if the Law Society makes such a decision, in my opinion the current designation holders should be permitted to continue using the designation. Such individuals have not only earned the designation through their legal career, but have already identified themselves as specialists and to remove the designation would signal a demotion of the licensee's knowledge and expertise.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Bonny Li

Email Address Bkli@kamanlaw.ca

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
Keep, as it provides members of the public to better identify competent licensees.

If so, for how long? Until retirement of the individual specialist

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Marian Lippa

Email Address Lippalegal@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

They should only keep it if they include paralegals who have specialized in their fields. Otherwise, it is discriminatory against other licencees and doesn't recognize specialists in the Paralegal field.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Maegan Mayer

Email Address info@mayer-paralegal.com

Please make a selection below I am a member of the public

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central East, including Muskoka (Bracebridge), Victoria & Haliburton (Lindsay), Simcoe (Barrie), Durham (Whitby), Peterborough (Peterborough), Northumberland (Cobourg)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep, however include Paralegals in the program. As a Master Computer Engineer for 25 years, it would be beneficial to the public if they had an option to source a more cost effective Paralegal for the jurisdiction of Small claims court or other tribunals.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

Whatever the specialist designation, there should be proof of current accreditation for the duration of the tenure.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Vivian Morris-Lewis

Email Address Vivianmorrislewis1@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I have worked in OCJ family for over 20 years and have met only 2 Certified Specialists. While I found them to be excellent lawyers, other non-certified lawyers were as good, as knowledgeable and as busy with clients. To the general public, it means nothing and offers no real benefit. In my opinion, discontinue the program.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

I believe lawyers who have paid additionally for the use of the title should be allowed to continue using the designation.

If so, for how long? Until retirement of the individual specialist

Do you have other comments regarding the Certified Specialist Program?

If this program could offer a real benefit to the general public, I would be in favour of continuing it. However, it does not guarantee a lawyer more knowledgeable in law, empathetic to the client, better at collaboration/litigation and in tune with directives and practices.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Bruce Parsons

Email Address paladinparalegal@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate it. LSO is the regulator of legal services. As such, if it "certifies" a licensee as a specialist, it will be in conflict on a complaint about that individual. Further, it sets up different classes of licensees within its framework that go beyond the scope of regulatory mandate. What may be a specialist designation in the eyes of the public may not be the same as the LSO. I am unwilling to fund research to continue this approach with our collective fees.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

Lawyers have dedicated resources seeking this approval and should be allowed to continue for a defined grandparent window. say 5 to 10 years,

If so, for how long? Five Years

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Heather Pearce

Email Address heather@pearceparalegal.ca

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Southwest, including Huron (Goderich), Perth (Stratford), Oxford (Woodstock), Middlesex (London), Lambton (Sarnia), Elgin (St. Thomas), Kent (Chatham), Essex (Windsor)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

In my opinion, the LSO should keep the Certified Specialist program if it is equally extended to paralegals and lawyers because it identifies licensees that can demonstrate their dedication and competence in specific practice areas.

Do you have other comments regarding the Certified Specialist Program?

Paralegals can be specialists in certain areas of the law practice and should have same opportunity as lawyers to earn a Certified Specialist designation.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name junior persaud

Email Address juniorpersaud@live.ca

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
yes as hard working professionals in the legal field with many hard work, dedication and expertise built.

Do you have other comments regarding the Certified Specialist Program?
this program should be kept.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Britney Rodgers

Email Address britney.rodgers@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?
If the LSO plans to keep the program, then it should be expanded to include Paralegals

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Huda Rosic

Email Address huda.rosic@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central South, including Waterloo (Kitchener), Burlington/Hamilton (Hamilton), Lincoln/Niagara North (St. Catharines), Welland (Welland), Brant (Brantford), Norfolk (Simcoe), Haldimand (Cayuga)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate. All specialists of law should be licensed by being either a paralegal or lawyer who have completed their respective programs and their respective licensing exams.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

They should be asked to take the licensing exam most appropriate for their knowledge to become either a paralegal or lawyer.

Do you have other comments regarding the Certified Specialist Program?

Eliminating the program will reduce confusion in terms of who is allowed to practice law and provide legal advice.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Liam Walshe

Email Address liamwalsheparalegal@gmail.com

Please make a selection below I am a paralegal

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Central West, including Bruce (Walkerton), Grey (Owen Sound), Dufferin (Orangeville), Wellington (Guelph), Peel (Brampton), Halton (Milton)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

I think the LSO should keep it. It identifies those who have significant expertise in certain areas of law.

Do you have other comments regarding the Certified Specialist Program?

I think Paralegals should also be included in the program.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Victor Yee

Email Address vyee@elia.org

Please make a selection below I am a lawyer

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

No. Not all areas of the law are considered, or any sub-specialties or niche areas of practice.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No, but if grandfathering is to be permitted then no more than 5 years.

If so, for how long? Five Years

Certified Specialist Program Consultation: Member of the Public Submissions

1. Bell, Lesley
2. Harper, Elise

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Lesley Bell

Email Address Lesleybellconsulting@outlook.com

Please make a selection below I am a member of the public

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Keep it. It has deep value when choosing a lawyer to represent. It gives comfort and assurance in the lawyer I choose.

I have read and acknowledge the above statement regarding how my submission may be used Yes

Please enter your first and last name Elise Harper

Email Address eharper@hshlawyers.com

Please make a selection below Legal Assistant

Are you representing an organization or association through your participation? No

What is the location of your workplace?
If submitting on your own behalf, where do you reside? Toronto (GTA)

Should the Law Society of Ontario keep, or eliminate the Certified Specialist Program? Why or why not?

Eliminate - it's essentially meaningless.

If you would prefer to see the Law Society eliminate the program, should individuals with the designation be grandparented (permitted to continue using the designation)?

No.

Do you have other comments regarding the Certified Specialist Program?

Something a little less subjective would be good as an alternative.