



## **INFORMATION ABOUT THE LAW SOCIETY OF ONTARIO**

### **The Role of the Law Society**

Established by the [Law Society Act](#) (“the Act”), the Law Society of Ontario regulates the practice of law and the provision of legal services in Ontario. According to the Act, a function of the Law Society is to ensure that:

- all persons who practise law in Ontario or provide legal services in Ontario meet standards of learning, professional competence and professional conduct that are appropriate for the legal services they provide; and
- the standards of learning, professional competence and professional conduct for the provision of a particular legal service in a particular area of law apply equally to persons who practise law in Ontario and persons who provide legal services in Ontario.

The Law Society is a corporation without share capital, overseen by a decision-making body (Convocation) which is composed of elected, appointed and *ex officio* benchers. The Chair of Convocation is the Treasurer. The operations of the Law Society are overseen by the Chief Executive Officer (CEO).

The Law Society is required to carry out its functions, duties and powers with regard to the following principles (from section 4.2 of the Act):

- The Society has a duty to maintain and advance the cause of justice and the rule of law.
- The Society has a duty to act so as to facilitate access to justice for the people of Ontario.
- The Society has a duty to protect the public interest.
- The Society has a duty to act in a timely, open and efficient manner.
- Standards of learning, professional competence and professional conduct for licensees and restrictions on who may provide particular legal services should be proportionate to the significance of the regulatory objectives sought to be realized.

### **Law Society Governance**

The benchers are the board of directors of the Law Society and govern the affairs of the Law Society. Benchers are responsible for ensuring that the Law Society’s mandate is fulfilled and that the Law Society carries out its legal obligations.

As directors, the benchers exercise a fiduciary obligation and owe a duty of loyalty to the Law Society, rather than to its licensees (members) who are “shareholders” of the corporation. Thus, in all matters relating to their position as directors of the Law Society, benchers are to act solely in the best interests of the Law Society, which include, among other things, the duty to protect the public interest.

Convocation, which is the meeting of benchers, is composed of 40 elected lawyer benchers, 5 elected paralegal benchers, 8 people appointed by the provincial government as lay benchers, the Treasurer and the Attorney General, all of whom are voting members of Convocation. Convocation also includes benchers by virtue of their office (*ex officio*) who include former Treasurers (who up to 2010 have a vote in Convocation), life benchers (those who have served 16 or more years as elected benchers) and former Attorneys-General. The Treasurer is elected annually by all benchers who have a vote.

Convocation is also responsible for ensuring an appropriate and effective adjudicative function for the Law Society through the Law Society Tribunal.

### **Convocation Process**

Convocation typically meets the last Thursday in the months of January, February, April, May, June, September and October. The last meeting of the calendar year is either in late November or early December.

Convocation is transparent in its governance process, and is live webcast for the public portion of the meeting. Law Society by-laws require that a transcript and minutes of the public portion of the meeting be available to the public. Convocation is held in the Lamont Learning Centre at Osgoode Hall, Toronto.

The Treasurer (President) is responsible for setting and managing the agenda for Convocation and chairs the meeting.

Convocation follows the rules of procedure for Convocation, set out in [By-Law 3](#), Part V, found on the Law Society's [website](#).

### **Committees and Task Forces**

The Law Society has established a number of committees to which benchers are appointed as chairs, vice-chairs or members. Some committees are established under the Act and some are constituted through the by-laws with prescribed mandates. Committees typically meet two weeks before Convocation.

Currently Convocation's committees are the:

- Access to Justice Committee
- Audit and Finance Committee

- Compensation Fund Committee
- Equity and Indigenous Affairs Committee
- Government and Public Affairs Committee
- Inter-Jurisdictional Mobility Committee
- Litigation Committee
- Paralegal Standing Committee
- Proceedings Authorization Committee
- Professional Development and Competence Committee
- Professional Regulation Committee
- Tribunal Committee

Other committees are established to support the work of Convocation, including the Priority Planning Committee, the Paralegal Awards Committee, the Law Society Awards/LL.D. Advisory Committee and the Compensation Committee.

Task forces are established by Convocation from time to time for specific policy projects and other time limited tasks.

Some committees will establish working groups for discrete, time-limited issues that will benefit from the focus of a smaller group of committee members.

### **Benchers' Responsibilities**

Benchers exercise their responsibilities as governors of the Law Society through stewardship, policy-making and adjudicative functions. In their stewardship role, benchers fulfill fiduciary obligations for the oversight of the Law Society. As policy-makers, benchers set standards, make rules and by-laws and adopt policies to meet the objects described in the Act.

If appointed as members of the [Law Society Tribunal](#), benchers exercise adjudicative functions pursuant to the Act, regulations under the Act, and in accordance with the Law Society's [Rules of Practice and Procedure](#), the Adjudicator Code of Conduct and other instruments governing the role of the adjudicator.

Benchers contribute to Law Society governance in numerous ways – as noted above, they are appointed by Convocation as chairs, vice-chairs and members of committees and task forces. They may also be appointed to various external boards and organizations that include representatives of the Law Society. Benchers also attend call to the bar ceremonies, paralegal licensing receptions and information sessions on specific policy initiatives.

Benchers should gain familiarity with Law Society structure, mandate and governance policies and relevant legislation and jurisprudence. They are expected to prepare for and regularly attend Convocation, meetings of committees and task forces of which they are members.

New benchers are assisted in their learning through an orientation program which immediately

follows the bench election. The program includes detailed information on such things as:

- the Law Society's governance and organizational structure
- The roles and responsibilities of benchers
- The roles and responsibilities of management
- The Law Society budget
- Convocation, committees and task forces
- The Law Society Tribunal
- The Law Society's commitment to equality, diversity and inclusion
- The Law Society's commitment to Indigenous cultural competence.

### Remuneration and Reimbursement

Benchers may claim remuneration for work they perform as benchers, subject to a period of 26 days of work each year for which benchers are not paid. Work is defined in [By-Law 3](#) and includes such things as attendance at Convocation, meetings of committees, task forces, working groups, calls to the bar, bencher information sessions and mandatory bencher education sessions. It also includes reasonable travel time in attending qualifying activities. For Tribunal work, remunerable activities include attendance at a hearing before the Hearing Division or Appeal Division or conducting a prehearing conference in a proceeding before the Hearing Division. The current rate for remuneration is \$585 per day and \$355 per half day.

Benchers are entitled to be reimbursed by the Law Society for reasonable expenses incurred during the performance of duties as a bencher.

### **Law Society Management**

The Law Society's CEO and senior management team manage the day-to-day operations of the Law Society and oversee its 600+ employees. The CEO supports the work of Convocation and its committees and ensures effective implementation of policy decisions. Her leadership ensures that the organization is fulfilling the functions and programs that mirror the policy objectives of the Law Society established by Convocation.